

The Final Environmental Impact Report (EIR) on the Downtown Community Plan and the New Zoning Code was released and made available for public review on September 27, 2022. A copy of the Final EIR is included here. For a full copy of the Final EIR, including the appendices, please visit the Department of City Planning's website at:  
<https://planning4la.org/development-services/eir>.

A physical copy of the FEIR is also available for review by appointment at the City of Los Angeles Department of City Planning at 200 N. Spring Street, Room 667, Los Angeles. Appointments must be made in advance by emailing [downtownplan@lacity.org](mailto:downtownplan@lacity.org) or calling (213) 978-1294.

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**September 27, 2022**

**NOTICE OF COMPLETION AND AVAILABILITY OF  
A FINAL ENVIRONMENTAL IMPACT REPORT**

**Downtown Community Plan Update  
City EIR No. ENV-2017-433-EIR  
Case No. CPC-432-CPU; CPC-201-1582-CA  
State Clearinghouse No. 2017021024**

**TO:** Affected Agencies, Organizations, and Other Interested Parties

**PROJECT NAME:** Downtown Community Plan Update/New Zoning Code for Downtown Community Plan

Notice is hereby given that the City of Los Angeles, as the Lead Agency, has completed the Final Environmental Impact Report (FEIR) for the Downtown Community Plan Update. The FEIR includes a response to comments from both agencies and stakeholders, modification and technical refinements to the Proposed Plan and New Zoning Code for Downtown Community Plan, including supplemental analysis, and changes and additions to the Draft EIR based on input received.

**PROJECT LOCATION:**

**Downtown Community Plan Area (Plan Area).** The Project Area for the Downtown Plan component of the Proposed Project is the Central City Community Plan Area and the Central City North Community Plan Area (jointly referred to in this report as the “Plan Areas,” “Downtown Plan Area,” or “Plan Area”). The Central City and Central City North Community Plan Areas are geographically contiguous, sharing a common boundary along Alameda Street. The Central City Community Plan Area encompasses approximately 2,161 acres and is generally bounded on the north by Sunset Boulevard/Cesar Chavez Avenue, on the south by the Santa Monica Freeway (Interstate 10), on the west by the Harbor Freeway (Interstate 110), and on the east by Alameda Street. Immediately to the east of Alameda Street is the Central City North Community Plan Area, which encompasses approximately 2,005 acres and is generally bounded on the north by Stadium Way, Lilac Terrace, and North Broadway, on the south by the City of Vernon, on the west by Alameda Street, and on the east by the Los Angeles River.



**New Zoning Code Project Area.** The Project includes implementation of the New Zoning Code regulations as amendments to Chapter 1A of the LAMC. The New Zoning Code project area is, therefore, citywide. However, the New Zoning Code will only be made applicable within the Downtown Plan Area with the adoption of the Downtown Plan. While the New Zoning Code regulations include components necessary to make the new zoning system work, which could ultimately be used citywide, such as definitions and development standards, the New Zoning Code provisions adopted with the Proposed Project will not be applied to areas outside of the Downtown Plan Area at this time and may only be applied or implemented elsewhere in the City of Los Angeles through the Community Plan update process or other future planning and zoning efforts.

**ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS:** Based on the analysis contained in the EIR, the Proposed Project would result in unavoidable significant environmental impacts with regard to: Air Quality (Exceedance of Criteria Pollutants—Construction and Operations, and Exposure of Sensitive Receptors to Toxic Air Contaminants – Operations); Cultural Resources (Historical Resources); Noise (Construction Noise and Vibration); Recreation (Park Deterioration); Transportation (Highway Off-Ramp Safety). Other issues addressed in the EIR include: Aesthetics; Biological Resources; Energy; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Population and Housing; Public Services; Tribal Cultural Resources; and Utilities and Services Systems. Impacts associated with these topics were determined to be no impact, less than significant, or less than significant with implementation of mitigation measures.

**DOCUMENT REVIEW:** A copy of the Final EIR and the appendices referenced in the Final EIR are available for review by appointment at the City of Los Angeles, Los Angeles Department of City Planning Records Management at 221 N. Figueroa Street, Room 1450, Los Angeles. Appointments must be made in advance by email at [planning.recordsmgmt@lacity.org](mailto:planning.recordsmgmt@lacity.org) or by phone at (213)847-3753. Copies of the Final EIR are also available for review at the following City of Los Angeles Public Library branches:

- **Richard J. Riordan Central Library**  
(630 West 5<sup>th</sup> Street, Los Angeles, CA 90071)
- **Chinatown Branch Library**  
(639 North Hill Street, Los Angeles, CA 90012)
- **Little Tokyo Branch Library**  
(203 South Los Angeles Street, Los Angeles, CA 90012)

For an electronic copy, the Final EIR can be downloaded or reviewed at the Department of City Planning website: <https://planning.lacity.org/development-services/eir>. Type Downtown Community Plan Update in the search box located at the top right of the webpage.

The Final EIR will be submitted to the decision-makers for requested certification and action on the Proposed Project at an upcoming hearing. The hearing date was not scheduled at the time of publication of this notice. Please note that the City is not required to respond to comments on the

Final EIR. If written comments on the Final EIR are received, they will be provided to the decision-makers for consideration.

Please direct any further inquiries regarding the Final EIR to:

Mail: City of Los Angeles, Department of City Planning  
Downtown Plan Unit  
200 North Spring Street, Room 667  
Los Angeles, California 90012

Email: [Downtownplan@lacity.org](mailto:Downtownplan@lacity.org)



## **Downtown Community Plan Update/ New Zoning Code for Downtown Community Plan**

Environmental Case: ENV-2017-433-EIR  
State Clearinghouse No.: 2017021024

### **Project Location:**

Downtown Community Plan Area (Plan Area). The Project Area for the Downtown Plan component of the Proposed Project is the Central City Community Plan Area and the Central City North Community Plan Area (jointly referred to in this report as the "Plan Areas," "Downtown Plan Area," or "Plan Area"). The Central City and Central City North Community Plan Areas are geographically contiguous, sharing a common boundary along Alameda Street. The Central City Community Plan Area encompasses approximately 2,161 acres and is generally bounded on the north by Sunset Boulevard/Cesar Chavez Avenue, on the south by the Santa Monica Freeway (Interstate 10), on the west by the Harbor Freeway (Interstate 110), and on the east by Alameda Street. Immediately to the east of Alameda Street is the Central City North Community Plan Area, which encompasses approximately 2,005 acres and is generally bounded on the north by Stadium Way, Lilac Terrace, and North Broadway, on the south by the City of Vernon, on the west by Alameda Street, and on the east by the Los Angeles River.

New Zoning Code Project Area. The Project includes implementation of the New Zoning Code regulations as amendments to Chapter 1A of the LAMC. The New Zoning Code project area is, therefore, citywide. However, the New Zoning Code will only be made applicable within the Downtown Plan Area with the adoption of the Downtown Plan. While the New Zoning Code regulations include components necessary to make the new zoning system work, which could ultimately be used citywide, such as definitions and development standards, the New Zoning Code provisions adopted with the Proposed Project will not be applied to areas outside of the Downtown Plan Area at this time and may only be applied or implemented elsewhere in the City of Los Angeles through the Community Plan update process or other future planning and zoning efforts.

### **Community Plan Area:**

Downtown Community Plan: Central City/Central City North  
New Zoning Code: Citywide

### **Council District:**

Downtown Community Plan: 1, 9, 14  
New Zoning Code: Citywide

LOS ANGELES  
DEPARTMENT OF CITY  
PLANNING

221 North Figueroa St., Suite 1350  
Los Angeles, CA 90012



# FINAL

## ENVIRONMENTAL IMPACT REPORT

### Project Description:

Updates to the Central City and Central City North Community Plans, adoption of the New Zoning Code, and the adoption of necessary revisions and any other amendments necessary to implement the above, including amendments to other General Plan elements (such as, Mobility and Framework), the Los Angeles Municipal Code, specific plans, and other ordinances to implement those updates.

### PREPARED FOR:

The City of Los Angeles  
Department of City Planning

### PREPARED BY:

Rincon Consultants, Inc.  
AECOM  
Fehr & Peers

September 2022

# **DOWNTOWN COMMUNITY PLAN UPDATE / NEW ZONING CODE FOR THE DOWNTOWN COMMUNITY PLAN**

## **FINAL ENVIRONMENTAL IMPACT REPORT**

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**State Clearinghouse No. 2017021024**

Prepared for

**THE CITY OF LOS ANGELES  
DEPARTMENT OF CITY PLANNING**  
200 North Spring Street, Room 667  
Los Angeles, CA 90012

Prepared by

Rincon Consultants, Inc.  
AECOM  
Fehr & Peers

September 2022

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### **FINAL EIR APPENDICES**

**In hard copies of the Final EIR the appendices are not printed out but are available at:**

**<https://planning.lacity.org/development-services/eir>.**

#### **FEIR Appendices**

Appendix A – General Plan Framework Amendments  
Appendix B – Mobility Plan 2035 Amendments  
Appendix C – Updated Downtown Community Plan  
Appendix D – Updated General Plan Land Use Map  
Appendix E – Updated Downtown Community Plan Zoning Map  
Appendix F – Rescission of the Downtown Design Guide and Bunker Hill Specific Plan Ordinance  
Appendix G – Updated Downtown Community Plan Implementation Overlay  
Appendix H – Pipeline Parking Alignment Ordinance  
Appendix I – Community Plan Consolidation Ordinance  
Appendix J – River Improvement Overlay (RIO) Amendments  
Appendix K – Greater Downtown Housing Incentive Ordinance Amendments  
Appendix L – Zoning Code Maps  
Appendix M – Plan Boundary Change Map  
Appendix N – Updated Downtown Community Benefits Trust Fund Ordinance  
Appendix O – Updated Downtown Community Benefits Fee Ordinance  
Appendix P – CPC Recommended Draft of New Zoning Code  
Appendix Q – Director of Planning’s Memo to the PLUM Committee  
Appendix R – Bracketed Public Comments Received for the Draft EIR  
Appendix S – Environmental Protection Measures Handbook



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## 7 INTRODUCTION

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This Final Environmental Impact Report (EIR) has been prepared by the Los Angeles Department of City Planning (DCP) for the “Proposed Project,” which includes the Downtown Community Plan Update (hereafter referred to as “Downtown Plan”) and the New Zoning Code for the Downtown Community Plan (hereafter referred to as “New Zoning Code”). This Final EIR 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 “CEQA Guidelines”).

### 7.1 CEQA REQUIREMENTS

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

1. The Draft EIR or a revision of the Draft EIR;
2. Comments and recommendations received on the Draft EIR, either verbatim or in summary;
3. A list of persons, organizations, and public agencies commenting on the Draft EIR;
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 CEQA Guidelines, the Final EIR includes the Draft EIR as well 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 7.3, below) and not the Draft EIR. The term “EIR” in this document refers to the Final EIR and the Draft EIR.

### 7.2 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. 2017021024). 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 February 6, 2017 to March 6, 2017. A public scoping meeting was held on February 16, 2017. The Draft EIR was circulated for a 120-day public review period August 6, 2020 to December 4, 2020.

### 7.3 CONTENTS AND ORGANIZATION OF THE FINAL EIR

The Final EIR (this document) summarizes the project information presented in the Draft EIR and contains responses to comments on environmental issues received from agencies, organizations, and individuals who

reviewed the Draft EIR. Chapters 1-6 of the EIR can be found in the Draft EIR. Chapters 1 through 6 of the Draft EIR, in addition to the following five chapters, together constitute the Final EIR as required by the CEQA Guidelines.

**Chapter 7 – Introduction.** This chapter summarizes the contents of the Final EIR and the environmental review process.

**Chapter 8 – Modifications and Technical Refinements to the Downtown Community Plan Update / New Zoning Code for Downtown Community Plan and Environmental Effects.** This chapter provides supplemental analysis related to modifications and technical refinements to the Proposed Project and new information and discusses whether the changes and new information could result in new or more severe significant impacts than those identified in the Draft EIR.

**Chapter 9 – Responses to Comments.** During the public review period for the Draft EIR, the City received 43 comment letters and 26 video comments. Of these, four letters pertain only to comments on the DEIR, 16 letters include comments pertaining to both the DEIR and the Proposed Project itself, and 23 letters and all of the video comments are directed exclusively at the Proposed Project 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 Draft EIR is provided.

**Chapter 10 – Revisions, Clarifications, and Corrections to the Draft EIR.** This chapter provides a list of changes that were made to the Draft EIR. These revisions are shown in strikeout and underline text in this chapter.

**Chapter 11 – Mitigation Monitoring Program (MMP).** This section of the Final EIR includes the MMP for the Proposed Project. The MMP is presented in tabular format and identifies mitigation measures for the Proposed Project, the implementation period for each measure, the monitoring period for each measure, and the enforcing agency. The MMP also provides a section for recordation of mitigation reporting.

The Final EIR also includes the following appendices:

**Appendix A – General Plan Framework Amendments**

**Appendix B – Mobility Plan 2035 Amendments**

**Appendix C – Updated Downtown Community Plan**

**Appendix D – Updated General Plan Land Use Map**

**Appendix E – Updated Downtown Community Plan Zoning Map**

**Appendix F – Rescission of the Downtown Design Guide and Bunker Hill Specific Plan Ordinance**

**Appendix G – Updated Downtown Community Plan Implementation Overlay**

**Appendix H – Pipeline Parking Alignment Ordinance**

**Appendix I** – Community Plan Consolidation Ordinance

**Appendix J** – River Improvement Overlay (RIO) Amendments

**Appendix K** – Greater Downtown Housing Incentive Ordinance Amendments

**Appendix L** – Zoning Code Maps

**Appendix M** – Plan Boundary Change Map

**Appendix N** – Updated Downtown Community Benefits Trust Fund Ordinance

**Appendix O** – Updated Downtown Community Benefits Fee Ordinance

**Appendix P** – CPC Recommended Draft of New Zoning Code

**Appendix Q** – Director of Planning's Memo to the PLUM Committee

**Appendix R** – Bracketed Public Comments Received for the Draft EIR

**Appendix S** – Environmental Protections Measures Handbook

## **8 MODIFICATIONS AND TECHNICAL REFINEMENTS TO THE DOWNTOWN COMMUNITY PLAN UPDATE / NEW ZONING CODE FOR DOWNTOWN COMMUNITY PLAN AND ENVIRONMENTAL EFFECTS**

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The Proposed Project consists of updates to the Central City and Central City North Community Plans (Downtown Plan) and the introduction of portions of the New Zoning Code. The Draft Environmental Impact Report (DEIR) for the Proposed Project was published in August 2020. Several community members and stakeholders provided comments requesting changes to the Proposed Project during the circulation period for the DEIR and through the Proposed Project's public hearing process. In addition, the City Planning Commission (CPC) recommended modifications and refinements to the Proposed Project.

In response to those requests and recommendations, the City Planning Department has prepared modifications and technical refinements to the Proposed Project that remain subject to final adoption by the City Council, along with the rest of the Proposed Project. The Proposed Project's Draft Plan Text (Policy document in Appendix C), Draft General Plan Land Use map (Appendix D), the Draft Zoning map (Appendix L), the Draft New Zoning Code (Appendix P), Community Plan Implementation Overlay (Appendix G), and the Downtown Community Benefits Program ordinances (Appendix N; Appendix O) have been updated in response to the feedback received since the release of the initial draft in August 2020. These modifications and refinements are described below.

As shown in this chapter, the modifications and refinements to the Proposed Project were analyzed in the Final EIR and do not result in "significant new information," as defined by Guidelines Section 15088.5, requiring recirculation of the Draft EIR. Specifically, none of the modifications and refinements result in a new significant impact or a substantial increase in the severity of an environmental impact analyzed in the Draft EIR.

## 8.1 MODIFICATIONS AND REFINEMENTS TO THE PROPOSED PROJECT

The Draft Downtown Community Plan and New Zoning Code received a number comments during the Draft EIR public comment period, including requests to add or augment policies and programs for a number of planning topics. In addition, the Planning Department solicited and received public comments and feedback from interdepartmental stakeholders on an ongoing basis over the years. These comments range from requests for modifications and refinements to the various components of the Downtown Community Plan including the Policy document; the draft General Plan Land Use map; the draft Zoning map; the draft New Zoning Code as it applies to Downtown (including but not limited to Form, Frontage, Use and Development Standard Districts); and the Community Plan Implementation Overlay (CPIO). Some of the general themes of the comments received on the Plan include calls for refinements to increase the affordable housing supply, minimize displacement of existing residents and businesses, expand access to open space, streamline the permit process for development projects, promote jobs, and enhance access to transit and active transportation infrastructure in the Downtown Community Plan Area.

In August 2020, a Preliminary Draft of the Downtown Plan and the New Zoning Code was published along with the associated Draft EIR. Stakeholders provided feedback on the Proposed Project resulting in some refinements. Following this, a Public Hearing Draft of the Downtown Plan and New Zoning Code was released in Fall 2020, and additional public input from stakeholders and members of the public was received on this draft. In June 2021, the Proposed Draft of the Downtown Plan and New Zoning Code, developed in response to additional feedback from the Downtown community was released as Staff Report Exhibits for the CPC meetings that were held on June 17 and September 23, 2021 (Planning case number: CPC-2017-432-CPU and CPC-2014-1582-CA).

The revised Draft of the Downtown Plan and New Zoning Code incorporating the CPC recommendations to the City Council is included as Appendix C and Appendix P to the Final EIR. The CPC Recommendation Draft of the Downtown Plan and New Zoning Code also includes additional amendments and ordinances necessary to implement the Proposed Project including amendments to other General Plan elements (such as, Mobility and Framework), specific plans, and other ordinances to implement those updates. These are also included as appendices to this FEIR.

The sections below outline updates made to each of the following components of the Proposed Project:

- Draft Downtown Community Plan Text (Policy Document);
- Draft Downtown General Plan Land Use Map;
- Draft Downtown Zoning map;
- Draft New Zoning Code as it applies to Downtown (including, but not limited to Form, Frontage, Development Standards, Use and Density Districts);
- Draft Downtown Community Plan Implementation Overlay (CPIO);
- Other Ordinances and Amendments.

## **PROPOSED DOWNTOWN COMMUNITY PLAN TEXT (POLICY DOCUMENT - UPDATED APPENDIX C)**

All of the modifications and refinements to the policy document are included in Appendix C. These include but are not limited to:

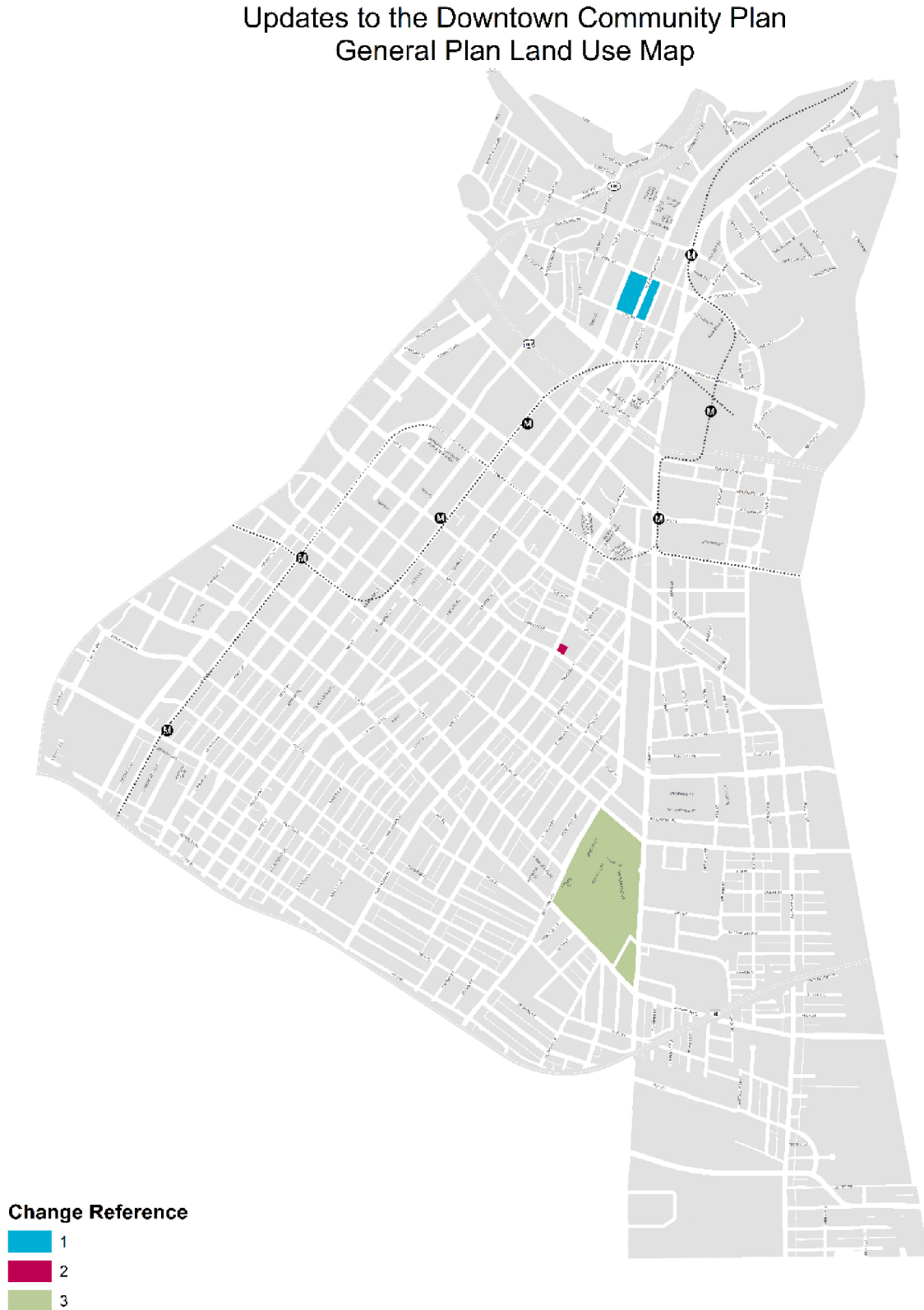
- Chapter 1: Updated text in the vision statement and community profile. Updates to the General Plan Land Use designation descriptions including; the addition of the term “Medium” to neighborhood residential to indicate scale; the addition of maximum floor area ratio thresholds for each description; the addition of the General Plan Land Use (GPLU) designation “Public Facilities- Freeways” to acknowledge public owned land dedicated to freeways within the Plan Area; areas in the Plan were redesignated and GPLU acreage and percentages adjusted based on added GPLU designation.
- Chapter 2: Updates to text in neighborhood context statements, added goals and policies related to people experiencing or at risk of experiencing homelessness; added policies and refinements to existing policies to support small and legacy businesses; added policies and programs to encourage affordable housing development for all income levels, enhance tenant protections, and minimize displacement.
- Chapter 3: Added policies to encourage equity in infrastructure project decision making, increase signal timing for pedestrian crossing, and encourage innovative urban freight practices. Added language to existing policies to include existing and proposed transit infrastructure projects in the Plan Area.
- Chapter 4: Added coordination language to encourage L.A. River adjacent projects to increase river connectivity and access.
- Chapter 5: Edits to the implementation section of Chapter 5 to provide more clarity and further the equity objectives of the Plan. Incorporated programs to support community informed local hire and equitable contracting programs to emphasize living wage; monitor the inventory of affordable housing; create a racial justice and equity analysis for the Plan’s programs and policies; develop a Skid Row bicycle infrastructure action plan; and develop a parks and open space assessment to determine and prioritize areas in greatest need of open spaces. Refined text for implementation programs concerning SurveyLA findings, first right of refusal, no net loss, Citywide inclusionary housing, and Best Practices design guide.
- Appendix A: Added the Mobility Plan 2035 (Appendix B) to the Relationship to other Agency Plans section. Updated the graphic on Framework Element. Added clarification language related to CRA/LA, A Designated Local Authority (DLA).

## **PROPOSED CHANGES TO THE DRAFT GENERAL PLAN LAND USE MAP (UPDATED APPENDIX D)**

Table 8-1 and Figure 8-1 below outline the updates to the preliminary draft General Plan Land Use Map.



**Figure 8-1 Downtown Community Plan General Plan Land Use Map Updates**



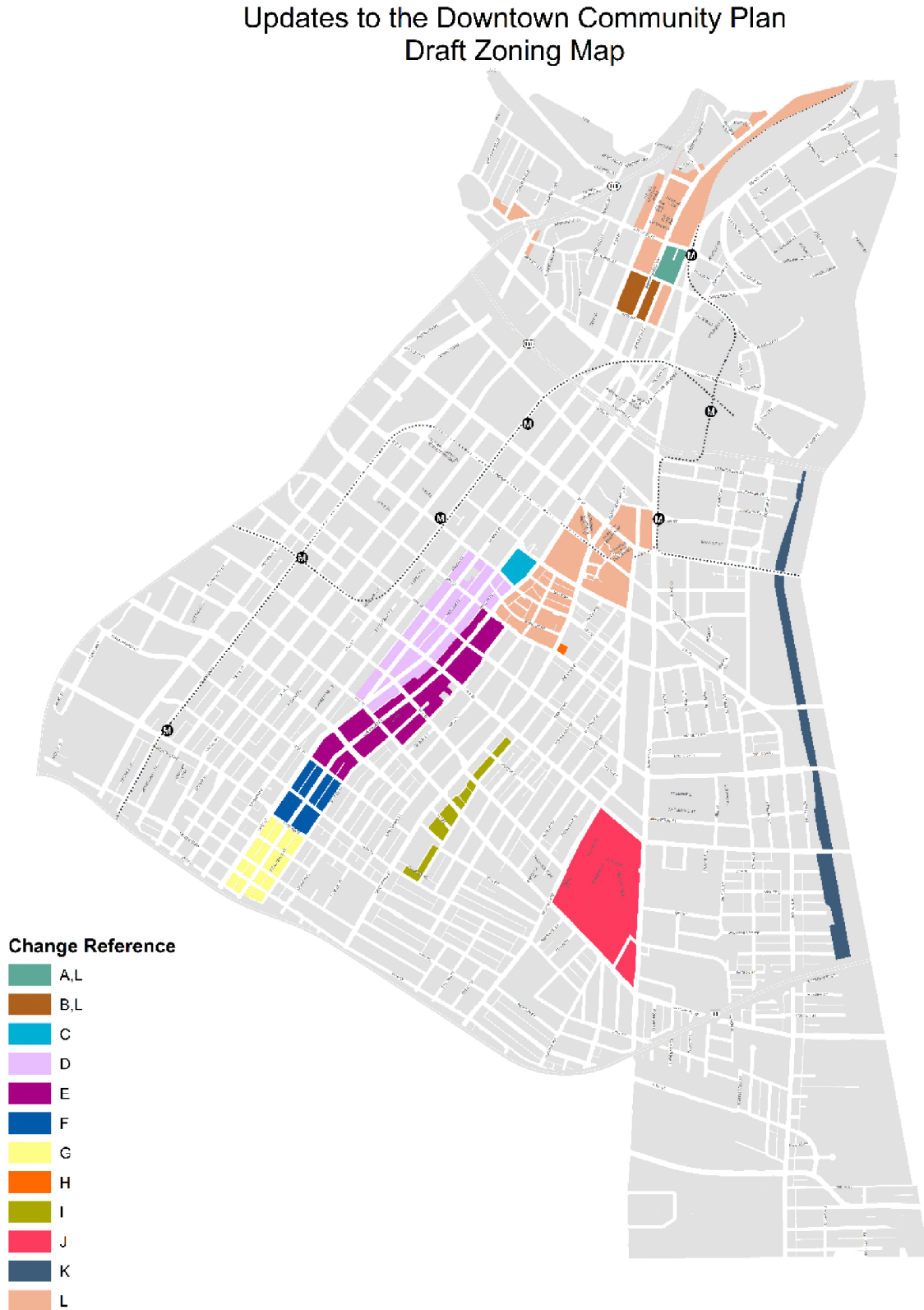
**Table 8-1 Downtown Community Plan General Plan Land Use Map Updates**

Map Reference	Summer 2020 Draft General Plan Land Use Designation	Updated General Plan Land Use Designation	Description
1	Village	Community Center	The General Plan Land Use Designation was changed from Village to Community Center to provide more opportunities for affordable housing and other community benefits.
2	Community Center	Markets	The General Plan Land Use Designation was changed from Community Center to Markets to update the split designation proposed in the November 2020 draft.
3	Markets	Hybrid Industrial	The General Plan Land Use Designation was changed from Markets to Hybrid Industrial to provide opportunities for affordable housing and other community benefits.

## PROPOSED CHANGES TO THE DRAFT ZONING MAP (UPDATED APPENDIX E)

Table 8-2 and Figure 8-2 below outline the updates to the Draft Zoning Map released in August 2020.

**Figure 8-2 Downtown Community Plan Zoning Map Updates**



**Table 8-2 Downtown Community Plan Zoning Map Updates**

Map Reference	Summer 2020 Draft Zone	Updated Zoning Map	Description
A	[PLM1-G1-5] [XN1-FA] [ - CPIO- ]	[ <b>MN1</b> -G1-5] [XN1-FA] [ - CPIO- ]	Form District was changed from PLM1 to MN1 to respond to surrounding building heights.
B	[MN1-MK1-5] [CX1-FA] [ CPIO ]	[ <b>DM2</b> -MK1-5] [CX1-FA] [ CPIO]	Form District was changed from MN1 to DM2 to provide more opportunities for affordable housing and other community benefits.
C	[HUB3-G1-5] [XG1-FA] [ - CPIO- ]	[ <b>HB1</b> -G1-5] [XG1-FA] [ - CPIO- ]	Form District was changed from HUB3 to HB1 to align by-right FAR to existing regulations and provide more opportunities for affordable housing and other community benefits.
D	[PLM3-CHC1-5] [XN1-FA] [ - CPIO- ]	[DM6-CHC1-5] [ <b>XC1</b> -FA] [ - CPIO- ]	Use District was changed from XN1 (Nomenclature change to CX1 in most recent code draft) to CX2 to allow for more flexibility of commercial tenant size.
E	Multiple	Multiple	Form district was changed from HUM1 to HM1 to align by-right FAR to existing regulations and provide more opportunities for affordable housing and other community benefits.
F	[HUB2-G1-5] [XC1-FA] [ - CPIO- ]	[ <b>HB1</b> -G1-5] [XC1-FA] [ - CPIO- ]	Form District was changed from HUB2 to HB1 to align by-right FAR to existing regulations and provide more opportunities for affordable housing and other community benefits.
G	[HUB1-G1-5] [XC1-FA] [ - CPIO- ]	[ <b>HB1</b> -G1-5] [XC1-FA] [ - CPIO- ]	Form District was changed from HUB1 to HB1 to align by-right FAR to existing regulations and provide more opportunities for affordable housing and other community benefits.
H	[MB4-SH1-5] [CX2-FA] [ CPIO ]	[MB4-SH1-5] [ <b>IX1</b> -FA] [ CPIO]	Use District was changed from CX2 to IX1 to update split zoning proposed in November 2020 draft.
I	[MB1-WH1-5] [IX2-FA]	[ <b>DM1-MK1</b> -5] [ <b>IX3</b> -FA]	Form district was changed from MB1 to DM1, Frontage district was changed from WH1 to MK1, and Use district was changed from IX2 to IX3 to provide opportunities for affordable housing and other community benefits.
J	[MB1-WH1-5] [IX2-FA]	[ <b>MB4-SH1</b> -5] [ <b>IX4</b> -FA] [ CPIO ]	Form District was changed from MB1 to MB4 to frontage district was changed from WH1 to SH1 and Use district was changed from IX2 to IX4 to provide opportunities for affordable housing and other community benefits near planned transit infrastructure.
K	Multiple	Multiple	Form District was changed to apply a consistent scale along the Los Angeles River.
L	Multiple	Multiple	Individual establishment size limit in the CX1 Use District was increased from 10,000 sf to 15,000 sf to allow flexibility for new tenants.

## PROPOSED CHANGES TO THE NEW ZONING CODE (UPDATED APPENDIX P)

The following section describes the general changes to the New Zoning Code that occurred between the release of the Draft EIR and the Final EIR. Many technical revisions, refinements, and clarifications have been incorporated into the updated draft since the Draft EIR was released alongside the preliminary draft of the New Zoning Code in August 2020, based on input received from interdepartmental stakeholders and the public, in addition to direction from City Planning Commission (CPC) in September of 2021. For further detail, see Appendix P for the latest draft of the New Zoning Code (the CPC Recommendation Draft of the New Zoning Code).

### Overall Code:

- Introductory provisions (Part A) for Articles 2-6 include additional explanation on interpreting graphics and navigating New Zoning Code sections.
- Project Activities changes - Since the preliminary draft of the New Zoning Code at the time of the Draft EIR, changes have been made to the names and breakdown of project activities categories to better align the project activities with the situations in which different standards should be triggered, and adjustments have been made to when the standards are triggered. The changes are reflected in the project activities tables found in the applicability sections of the opening provisions of Part A of Articles 2-7, with corresponding definitions in Sec. 14.1.15 (Project Activities). Below is a general summary of changes to the project activity categories:
  - Major Renovation and Minor Renovation project activity categories collapsed into a single general Renovation project activity.
  - Addition project activity and Relocation project activity removed and folded into New Construction project activity. Since only the portion of the lot or building that is being modified is required to meet standards, addition and relocation can also be covered by the concept of new construction.
  - Subdivision project activity renamed to Lot Modification.
  - New Major Demolition project activity added.
  - Facade Alteration project activity renamed to Facade Modification.
  - Change/Expansion of Use project activity renamed to Use Modification.
  - Temporary Use project activity added.
  - Ordinary Maintenance & Repair project activity renamed to Maintenance & Repair.

### Introductory Provisions (Article 1):

- Terminology Changes:
  - The Zoning Code Atlas, as described in the draft at the time of the DEIR is called Zoning Code Maps in the latest draft of the New Zoning Code.
- Structure changes:

- Content on Special Districts (Freeway and Submerged Lands) moved to Article 8 (Specific Plans, Supplemental, and Special Districts).
- General changes:
  - Orientation material added to introduce users to the structure and components of the New Zoning Code (Div. 1.3.).
  - Clarification added regarding the successional rights of entitlement applications approved prior to the adoption of the New Zoning Code (Sec. 1.4.4.).
  - Clarification added regarding the types of entitlements that are granted vested rights under the New Zoning Code (Sec. 1.4.5.).
  - Sections added for Special Lot Line Map (Sec. 1.5.8.) and Local Affordable Housing Incentive Program Map (Sec. 1.5.4.). Note that the Preliminary Draft of the New Zoning Code released with the Draft EIR included Special Lot Lines in Article 14, and the Local Affordable Housing Incentive Program in Article 9. The latest draft of the New Zoning Code allows for the Special Lot Lines and Local Affordable Housing Incentive Program Sets to be mapped for ease of implementation of the regulations.
  - Sections added for Emergency Homeless Shelters (Sec. 1.6.2. and Sec. 1.6.3.). Note that the Preliminary Draft of the New Zoning Code released with the Draft EIR included a section on Emergency Homeless Shelters within Article 5, which is now located within Article 1. Some modifications were also made to better carry over the Emergency Homeless Shelter provisions from Sections 12.80 and 12.81 of the current Zoning Code.
  - Section added for Temporary Residency in Residential Vehicle Pending Reconstruction of Disaster-Damaged Dwelling (Sec. 1.6.4.) to carry over the provisions of Sec. 12.22.A.17 of Chapter 1 of the current Zoning Code.
  - Section added for Temporary Regulatory Relief During a Local Emergency (Sec. 1.6.5.) to incorporate the provisions of Ordinance No. 187,096 (Council File 20-0380-S1), a recently adopted local ordinance amending the current Zoning Code.

Form (Article 2):

- Terminology changes:
  - Form District naming conventions updated for clarity and simplification. At the time of the DEIR, the naming conventions reflected the maximum FAR, maximum building width, and height. In the latest draft, whether a Form District regulates height is no longer factored into the naming convention.



- Structure changes:
  - Amenity Division (Div. 2C.3.) restructured for greater clarity, including tabular summaries of amenity space standards
  - Minor reorganization of standards between Form and Frontage Districts. For example, Form Districts now incorporate building setbacks for primary street, side street and special lot lines rather than referring to the Frontage District for these metrics.
  - At the time of the Draft EIR, there were 13 groupings of Form Districts and 23 individual Form Districts appropriate for the range of areas across the Downtown Plan. There are now 11 groups of Form Districts and 26 individual Form Districts included within the Proposed Project.
- Changes to Standards in Certain Form Districts (Part 2B):
  - A City Hall Height Restriction (per Sec. 2C.4.4.) was added to the Low-Rise Full 1 (LF1) and Mid-Rise Full 1 (MF1) Form Districts in order to maintain the prominence of the historic Los Angeles City Hall tower in the Downtown Civic Center area.
  - Adjustments in Form District standards including but not limited to modifications to upper story step-backs, minimum heights in stories, and base and bonus FARs in order to meet the policy intent of updates described in Table 8-1, *Downtown Community Plan General Plan Land Use Map Updates*. See Part 2B of Appendix P (CPC Recommendation Draft of the New Zoning Code) for the latest Form Districts.
- Modifications to Form Rules (Part 2C):
  - Various refinements to increase clarity in standards.
  - Inclusion of floor area averaging as a relief option to the floor area ratio standards within Sec. 2C.4.1 (Floor Area Ratio [FAR]) to carry over the provisions from Sec. 12.24.W.19 of the current Zoning Code, with supplemental findings and procedures for projects that include multiple parcels with different applied Form Districts.
  - The Height Transition rules of the Preliminary Draft of the New Zoning Code were renamed to District Boundary Height Transition and updated, with the primary modification being that the standards only apply when an abutting lot is zoned with a district of a certain height limit. Note that the District Boundary Height Transition is only utilized within the Low-Rise Narrow 1 (LN1) Form District (formerly called the Low-Limited-Narrow 1 (LLN1) Form District in the Preliminary Draft). See Sec. 2C.5.3. (District Boundary Height Transition) of Appendix P (CPC Recommendation Draft of the New Zoning Code).

Frontage (Article 3):

- Terminology changes:
  - The names of some standards have been modified from the draft at the time of the Draft EIR for greater clarity and precision. For example, the Preliminary Draft released at the time of the Draft EIR included a



“Dead wall width” maximum standard. In the latest draft, the terminology has been updated to, “Active wall spacing”.

- Structure changes:
  - Frontage fence & wall types section moved from Article 4 to Article 3 (Sec. 3C.3.2.).
  - Minor reorganization of standards between Form and Frontage Districts. For example, Form Districts now incorporate building setbacks for primary street, side street and special lot lines rather than referring to the Frontage District for these metrics. The Frontage District now has a build-to depth maximum, rather than the minimum and maximum build-to range from the Preliminary Draft of the New Zoning Code.
- General changes:
  - Overall frontage standards applicability clarified, refined, and reduced to only the first 12 stories per Sec. 3A. 2.2. (Frontage Applicability). In the Preliminary Draft of the New Zoning Code, released with the Draft EIR, frontage standards applied to all stories of applicable facades.
  - Intent statements for all Frontage Districts (Part 3.B.) were revised from the draft at the time of the Draft EIR for consistency and clarity.
  - Refinement of metrics within Frontage Districts (Part 3B) including, but not limited to adjustments in the Active Wall Spacing metrics of the Alley Shopfront Frontages.
  - Numerous updates and refinements to increase clarity in the Frontage Rules (Part 3C).
  - Various edits made to increase the flexibility of the Character Frontage Districts (Div. 3B.9.) and Character Frontage Rules (Part 3D). Changes include, but are not limited to: more limited applicability (applicable stories reduced), removal of roof design requirements for Character Frontage Districts used in the Downtown Community Plan area, reduction of some standards to apply to smaller portions of facades, the addition of an alternative compliance option for materials standards, and increased flexibility for balconies, roof design, and window design.

*Development Standards (Article 4):*

- Structural Changes:
  - Pedestrian Access (Div. 4C.1.): Pedestrian passageway requirements were folded into the Pedestrian Access Packages.
  - Fences & Walls (Div. 4C.7.):
    - Frontage Yard Fences & Walls were relocated to Article 3 (Frontage).
  - Screening (Div. 4C.8.):

- Standards for screening waste receptacles, roof-mounted equipment, ground-mounted equipment, and wall-mounted equipment were relocated to the Site Elements Division (Div. 4C.12.).
- Outdoor Lighting & Glare (Div. 4C.10.):
  - New standards for pedestrian-oriented lighting were added, which are required by certain amenity space types within Sec. 2C.3.3. (Amenity Design Standards) of Article 2 (Form), and by the Pedestrian Passageway standards within Sec. 4C.1.1.C.3.a. (Pedestrian Passageway) of Article 4 (Development Standards).
- Ridgeline Protection placeholder division removed (formerly Div. 4C.12.). This Division was a placeholder intended to eventually house the regulations from a separate ordinance, the Ridgeline Protection Ordinance (Council File 11-1441-S1). As the ordinance is not yet adopted, the placeholder was removed.
- Site Elements Division added (Div. 4C.12.):
  - The Division includes standards for Roof-Mounted Equipment, Ground-Mounted Equipment, Wall-Mounted Equipment, Wireless Telecommunication Facilities, Waste Receptacles, Recycling Areas, and Shopping Cart Containment.
- Development Review Division added (Div. 4C.14.):
  - Establishes 2 development review threshold packages, which include project review thresholds and major development project review thresholds.
  - Development Review Threshold Package 1 includes the project review threshold that reflects the site plan review threshold from Section 16.05 of the current Zoning Code. Development Review Threshold Package 2 includes a higher project review threshold for projects participating in the Community Benefits Program of Div. 9.3. Development Review Threshold Package 2 is designated for application within Development Standards District 5 (Div. 4B.5), proposed for application in the majority of the Downtown Plan Area. This increased project review threshold was described in the Draft EIR project description, and is now formalized in the latest draft of the New Zoning Code.
  - Major Development Project Review Thresholds were added into the New Zoning Code since the Draft EIR and carry forward the same thresholds from Section 12.24.U.14 of the current Zoning Code for major development projects but change the review process from a Conditional Use Permit to Project Review, appealable to the City Planning Commission.
- General Changes:
  - Numerous clarifications and refinements to the intent statements, standards and measurements across the Article, including but not limited to updates to the use groupings in the required automobile parking table (Sec. 4C.4.1.), updated methodology for the measurement of tree size (Sec. 4C.6.4.), incentivization for

provision of shade from trees (Sec. 4C.6.2.), refinements in the design standards for screening Ground-Mounted Equipment (Sec.4C.12.2.), and expanded applicability of Light Trespass standards (Sec.4C.10.1.).

Use (Article 5):

- Terminology changes:
  - Use District naming conventions were updated for clarity and simplification. At the time of the Draft EIR, the naming conventions were descriptive based on the general policy of a Use District. In the latest draft, policy terminology is not included in a Use District name and instead naming is based on how the district should be categorized based on the core set of uses permitted within the district and any mixing of uses.
- Structural Changes:
  - Part 5B. Use Districts was restructured into a tabular format that allows for each general use standard associated with each use to be detailed within use district tables. This enables code users to view all applicable use standards in-line with use permission levels within the Use District.
  - Part 5C. Use Rules was restructured to house the general use standards referenced within Part 5B, with each section devoted to a use standard and supported with an intent statement, rules of measurement, and any applicable exceptions or relief from the standard rules.
  - Part 5C. Use Rules was updated to include detailed use definitions in order to provide a clear description of each use in addition to any qualifying criteria to serve as a definitive source for determining and distinguishing different uses.
  - Part 5C. Use Rules was updated to include a new section for the city's comprehensive use ordinances, called Special Use Programs. This allows for use ordinances that include a comprehensive set of standards and procedures to be housed in a single location within the code, while being referenced within a Use District when a Special Use Program's provisions apply.
- General Changes
  - Limited updates to use permission levels and standards in accordance with Downtown Community Plan policy, including but not limited adding Conditional Use Permit requirements for Lodging uses and Wholesale Trade & Warehousing uses in certain districts, and revised review procedures for affordable housing development in Public Use Districts (Div. 5B.9.). Changes further described in Table 8-1, *Downtown Community Plan General Plan Land Use Map Updates*.

Density (Article 6):

- Terminology changes:
  - Dwelling Unit: now is a general term used to refer to Household Dwelling Units and Efficiency Dwelling Units.

- “Dwelling Unit” as used in the draft at the time of the Draft EIR is “Household Dwelling Unit” in the draft at the time of the Final EIR.
- “Guest Room” as used in the draft at the time of the Draft EIR is “Efficiency Dwelling Unit” in the draft at the time of the Final EIR.
- A new lot-area based Density District 25 was added to Sec. 6B.1.2. (Lot Area-Based Districts), allowing for 2500 square feet of lot area per household dwelling unit and 1250 square feet of lot area per efficiency dwelling unit. This change allows for an intermediate option between Density District 20 and Density District 30.
- Addition of relief option and supplemental findings and procedures (per Sec. 6C.1.2.F) required for a transfer of density request for projects that span multiple parcels with different applied Density Districts. This change clarifies the process of applying a single density district across multiple parcels and when and how such a transfer of density can be permitted and was added to carry over the provisions of 12.24.W.19 of the current Zoning Code.

Alternate Typologies (Article 7):

- General changes: refinements to the alternate typology standards, including additional use standards for the Civic Institution 1 Alternate Typology.

Specific Plans & Supplemental Districts (Article 8):

- Structure changes:
  - Special Districts, which were located in Article 1 in the draft at the time of the Draft EIR, are located in Article 8 in the latest draft of the New Zoning Code.
- Content changes:
  - The regulations for Conservation Districts have been added to the latest draft of the New Zoning Code. Note that the Preliminary Draft released at the time of the Draft EIR included a placeholder for the Conservation District Section, and the latest draft now includes the regulations in Sec. 8.2.7. Where applied, Conservation Districts are intended to maintain areas of the City that are listed in an historic resources survey as eligible to be designated historic resources, and to assure that individual surveyed historic resources retain sufficient integrity to help ensure their eligibility for future designation. No Conservation Districts are proposed for application within the Downtown Plan Area.

Public Benefits Systems (Article 9):

- Sec. 9.3.2 (Local Affordable Housing Incentive Program): Modifications to the Local Affordable Housing Incentive Program, including but not limited to:
  - Updates to the Local Incentive Program Sets (Sec. 9.3.2.B.1.a.) to carry over the existing affordability thresholds of the Transit Oriented Communities Program.

- Updates to the Residential Density Incentives (Sec. 9.3.2.C.1.a.) to carry over the existing density incentives of the Transit Oriented Communities Program and to meet policy objectives.
- Inclusion of additional incentives (Sec. 9.3.2.D.) for projects with a minimum amount of on-site restricted affordable units.
- Addition of Section 9.3.5. (Transfer of Development Rights Programs) enabling Community Plan Implementation Overlays or Specific Plans to establish a Transfer of Development Rights program to facilitate the preservation of Historic Resources or to encourage the accumulation of land for use as public parks, while enabling development rights to be used on more appropriate sites.
- Sec. 9.4.5 (Downtown Adaptive Reuse Program): Modifications to the Downtown Adaptive Reuse Program, including but not limited to:
  - Expanded eligibility and modifications to approval processes of projects to allow adaptive reuse projects involving buildings that are at least 25 years old to be approved ministerially, and to allow adaptive reuse projects involving buildings that are at least 10 years old to be approved through a discretionary process.
  - Additional exemption in unified developments.
  - Additional exemptions from certain Form & Frontage standards.
- Sec. 9.4.6. (Citywide Adaptive Reuse Program): Modifications to the Citywide Adaptive Reuse Program, including but not limited to:
  - Expanded eligibility and modifications to approval processes of projects to allow adaptive reuse projects involving buildings that are at least 25 years old to be approved ministerially, and to allow adaptive reuse projects involving buildings that are at least 10 years old to be approved through a discretionary process.
  - Additional floor area exemption in unified developments.
  - Additional exemptions from certain Form & Frontage standards.
- Incorporation of new Section 9.4.7. (Public Nuisance Abatement Program) in order to incorporate the provisions of Ordinance No. 187,145 (Council File 17-0893).
- Various Sections. Extension of the covenant length of mixed-income housing units within the Density Bonus Program (Sec. 9.2.1.), Transit Oriented Communities Affordable Housing Incentive Program (Sec. 9.2.2.), Non-Permitted Dwelling Units Program (Sec.9.4.4.), and Citywide Adaptive Reuse Program (Sec. 9.4.6.) from 55 years to 99 years, with certain exemptions.
- Addition of Division 9.5. (Accessory Dwelling Unit Incentive Programs), folding in the provisions of the City's Accessory Dwelling Unit Ordinance (Ord. 186,481).



Streets & Parks (Article 10):

- Addition of Sec. 10.1.12 (Use of Future Streets and Alleys) to carry over the provisions of 12.21.E of the current Zoning Code.
- Update to Lots Affected by Street Widening standards (Sec. 10.1.8) to clarify which lot lines are used as the basis in calculations of zoning provisions.

Division of Land (Article 11):

- Addition of Div. 11.5 (Condominiums, Community Apartments, & Stock Cooperatives) to carry over the provisions of Article 2.9 of the current Zoning Code.
- Addition of Sec. 11.1.3.C.5 to clarify regulations for residential waste collectors on unpaved alleys in response to feedback from the Department of Public Works, Bureau of Sanitation.

Nonconformities (Article 12):

- Applicability Changes
  - The concept of “Area of Work,” as described in the draft at the time of the Draft EIR, has been removed from the nonconformities provisions, as it was no longer necessary given clarifications made to the definitions and categorizations of Project Activities. These changes are reflected in the project activities definitions in Sec. 14.1.15. (Project Activities) in the draft at the time of the Final EIR and include clarifications to the fact that a single project may involve multiple project activities and that project activities may not apply to the entire site of a project.
- Structure Changes:
  - Many refinements and clarifications have been made to Article 12 (Nonconformities) since the draft at the time of the Draft EIR. Many exceptions to zone district standards that were not related to existing non-conforming buildings or elements have been removed from Article 12 and located in the zone district articles (Articles 2-6) directly alongside the standards to which they are most relevant. In the draft at the time of the Final EIR, Article 12 only houses standards and exceptions that apply to special, existing situations that do not conform with the new zoning applied under the New Zoning Code and the local Community Plan Update process.
  - Rather than listing the non-confirming rules for every standard, Article 12 has been restructured in the draft at the time of the Final EIR to rely on a set of general nonconformity rules (Div. 12.1. General Provisions) that apply to all standards unless an explicit exception to the general rules is identified for a specific standard in Div. 12.2. through Div. 12.8.

- In the current draft, sections shown as “Reserved” indicate that for that standard or set of standards, no special rules or exceptions apply to nonconforming lots, buildings, elements, etc. beyond the general nonconformity rules established in Div. 12.1. (General Provisions).

Administration (Article 13):

- Through a separate effort, the Processes and Procedures ordinance was adopted by City Council in June, 2022 (Council File 12-0460-S4). Article 13 is established by the Processes & Procedures Ordinance and amended by the Proposed Project to establish the Alternative Compliance process. This process would allow the applicant to propose alternative methods of achieving the intent of a regulation, where expressly allowed by specific regulations in the Zoning Code.
- The amendment establishing the Alternative Compliance process was added to the Proposed Project after the release of the Draft EIR.

General Rules (Article 14):

- Terminology Changes:
  - As Div. 14.2. houses the Glossary for the New Zoning Code, the draft at the time of the Final EIR reflects many edits to defined terms and refinements to definitions to allow for consistent and precise use of terms throughout the New Zoning Code and for clarity of terms and concepts necessary for consistent enforcement of standards and programs.
- Applicability Changes:
  - The definitions of the different project activity types are located in Sec. 14.1.15 (Project Activities); therefore, the changes in project activity categories described in Overall Code changes above are reflected as edits to Sec.14.1.15. How these project activity changes apply to the application of various standards throughout the New Zoning Code is reflected in the project activities section of Part A of Articles 2-7 as well as in the Applicability subsection of each standard section in the draft of the New Zoning Code at the time of the Final EIR. Beyond edits to the project activities categories, important edits to this section include the elimination of the “area of work” concept and clarification that a single project may involve multiple project activities.
- Additional details and clarifications were added to various rules of measurement sections in the New Zoning Code draft at the time of the Final EIR to provide additional clarity for implementation of standards by the Department of Building and Safety (DBS), with most edits made in response to DBS review. Edits were made to sections including, but not limited to: Sec. 14.1.1. (Building Footprint), Sec. 14.1.4. (Enclosure), Sec. 14.1.6. (Facing), Sec. 14.1.9. (Grade Plane Elevation), Sec. 14.1.11. (Lot), and Sec. 14.1.16. (Yard Designation). Some specific edits that are particularly relevant to outcomes in the Downtown Community Plan Area are outlined below.



- Floor Area standards (Sec. 14.1.7.) were modified between the Draft EIR and Final EIR to exempt above grade parking from floor area calculations. In the Draft EIR, covered, above-grade automobile parking areas within Development Standards Districts 5 and 6 were counted toward floor area. The latest draft of the New Zoning Code exempts all automobile parking areas (with exceptions in the RL Use District), consistent with the standards from the current Zoning Code.
- In contrast to the explanation of the floor area rules in the Draft EIR project description, in the New Zoning Code draft at the time of the Final EIR, Sec. 14.1.7. (Floor Area) states that any area that is covered but unenclosed does not count toward a project's floor area. Note that the Draft EIR project description incorrectly stated that this allowance is limited to areas meeting the standards of Outdoor Amenity Spaces, but neither the Preliminary Draft released at the time of the Draft EIR nor the latest draft include such a limitation. Areas that are enclosed but uncovered also do not count toward floor area. Standards for the determination of whether a space is uncovered or unenclosed can be found in Sec. 14.1.2. (Covered Area (%)) and 14.1.4. (Enclosure).

## UPDATES TO COMMUNITY PLAN IMPLEMENTATION OVERLAY (CPIO) (UPDATED APPENDIX G)

A number of modifications were made to the Downtown Community Plan CPIO in response to feedback from community stakeholders of the Downtown Plan Area. The updated CPIO now requires an additional review process in neighborhoods that have a concentration of historically and architecturally significant buildings (Subarea D in the CPIO) in order to maintain the eligibility of individual historic resources and historic districts, and guide ongoing maintenance and rehabilitation of historic structures.

Under the Local Affordable Housing Incentive Program, the affordable housing requirements have been re-aligned. The updates now prescribe that the amount of restricted affordable units required to achieve bonus FARs for housing development projects be calculated based on the total number of units in the project rather than the number of units within the base FAR.

To ensure the continued feasibility of projects, the bonus FAR incentive for a Housing Development Project per *Downtown Plan CPIO, Section II.II.2, Local Affordable Housing Incentive Program Pursuant to LAMC Chapter 1A 9.3.2.* has been increased from 35% to 40%. A project can achieve a FAR incentive of up to 40% above the subject site's base Maximum FAR in exchange for the restricted affordable units per the new requirements. Additionally, the above-moderate option is no longer available to meet the on-site restricted affordable unit requirements to achieve bonus FARs.

The Civic Center height standards for Subarea C have been removed from the CPIO and located in applicable Form Districts to offer better clarity on the height regulations for the subarea. In addition, the CPIO includes a number of new appendices such as the updated Downtown Street Standards and Design Best Practice Documents. A list of all the major updates to the CPIO are identified below:

- Introduction of Historic Preservation development review procedures for the Arts District, Chinatown, Historic Core, and Little Tokyo in the new Subarea D.
- Introduction of the Transfer of Development Rights (TDR) program in Chinatown for the areas designated as Village and Community Center in the General Plan Land Use Map.
- Addition of ground story height relief for projects participating in the Community Benefits Program.
- Removal of prohibition on specified sign types, such as cabinet signs.
- Integration of digital sign limitations into Chapter 1A article 4, Pedestrian Package 2.
- Tailored requirements for the provision of moderate-income affordable housing units.
- Removal of Civic Center height standards in Subarea C, height standards now found in the applicable zoning Form Districts.
- Release of Appendix E with updated Downtown Street Standards.
- Clarification of the definition of a “project” under the CPIO.
- Community Benefits Program:
  - Increase of Bonus FAR incentive from 35% to 40% for a Housing Development Project in the *Downtown Plan CPIO, Section II.II.2, Local Affordable Housing Incentive Program Pursuant to LAMC Chapter 1A 9.3.2.*
  - Re-alignment of affordable housing requirements to calculate the required amount of units based on the total number of units in the project. Adjust the amount of affordable housing required in for a Housing Development Project per the *Downtown Plan CPIO, Section II. II. 4. Additional On-Site Restricted Affordable Units.*
  - Additional standards for Privately Owned Public Spaces and Community Facilities.
  - Additional menu of incentives added to the benefits program including relief from build to width, lot width, and lot coverage.
  - Revisions to the Community Benefits Program in the *Downtown Plan CPIO, Section II.VI. 6. Community Benefits Fund pursuant to LAMC Chapter 1A 9.3.4.C.9.* to facilitate investment in underserved communities.
- Requirements and procedures for Community Benefit Trust Fund.
- Prohibition of building demolition without building permit.
- Project Review Thresholds: Introduce an additional threshold of 500’ for projects that qualify for increased project review thresholds under the Community Benefits program. Relocate project review thresholds incentive from CPIO to New Zoning Code Article 4 Development Standards. Includes standards to maintain and enhance public access in Bunker Hill.
- Four new Design Best Practice Documents: Chinatown, Arts District, Public Realm, and Tall Buildings.

## NEW ORDINANCES AND AMENDMENTS

A number of ordinances have been introduced to facilitate the implementation of the Plan's policies and objectives, since the release of the draft Plan in August 2020. The Downtown Community Benefits Trust Fund Ordinance and the Downtown Community Benefits Fee Ordinance have been incorporated as part of the Community Benefits Program to offer funding support for public amenities, programs, and services that benefit disadvantaged communities. The Downtown Affordable Housing Trust Fund has also been included to fund the receipt and use of Affordable Housing in-lieu monies.

As described in *Chapter 3, Project Description* of the DEIR, a number of ordinances would be necessary for implementing the Proposed Project. These are generally administrative in nature intended to clarify entitlement processes for development projects or compliance with the General Plan elements. Amendments to existing ordinances that are relevant to the Proposed Project have also been included to avoid conflicts, inconsistencies, and redundancies with the goals and policies of the Downtown Plan and the provisions of the New Zoning Code. The following is a specific list of the proposed ordinances and plan amendments prepared to implement the Proposed Project:

- General Plan Framework Amendments (Appendix A):
  - Updates references to Chapter 1A, updates to language related to industrial policies, and specific plans, and updates to General Plan Land Use designations and related Chapter 1A references.
- Mobility Plan 2035 Amendments (Appendix B):
  - Amendments to reclassify selected streets and enhanced networks in the Plan Area.
- Downtown Community Benefits Trust Fund Ordinance (Appendix N):
  - Establishes the Downtown Community Benefit Trust Fund for the receipt of Downtown Community Benefit Fee monies, operating procedures, and criteria for disbursement to implement the community benefit program in the CPIO.
- Downtown Community Benefits Fee Ordinance (Appendix O):
  - Establishes standards, requirements, and approval procedures for the payment of fees towards the Downtown Community Benefit Trust Fund, and for allocating the Downtown Community Benefit Trust Fund monies to qualifying community benefits.
  - Downtown Affordable Housing Trust Fund establishing Ordinance Establishes a new in-lieu fee and trust funds to implement a new community plan benefit program.
- Rescission of the Downtown Design Guide and Bunker Hill Specific Plan Ordinance (Appendix F):
  - The Downtown Design Guide will be rescinded as part of the Proposed Plan. Standards within the existing Design Guide have been incorporated into the New Zoning Code provisions. Remaining guidelines regarding public realm improvements have been memorialized as best practices in the CPIO appendix. Additionally,

the Bunker Hill Specific Plan will be rescinded as part of the Proposed Plan. The purpose and provisions of the Bunker Hill Specific Plan will be implemented through the Proposed Draft of the Zoning Code.

- Pipeline Parking Alignment Ordinance (Appendix H):
  - Removes minimum parking requirements for Pipeline Projects in the Downtown Community Plan Area utilizing Chapter 1 of the LAMC.
- Community Plan Consolidation Ordinance (Appendix I):
  - Allows for the update of Community Plan Area name and number references. References to CPC-2017-432-CPU CPC-2014-1582-CA A-54 Central City and Central City North Community Plan Areas will be amended to say Downtown Community Plan Area and references to 35 Community Plan areas will be updated to say 34 Community Plan Areas.
- River Improvement Overlay (RIO) Amendments (Appendix J):
  - Amends the River Improvement Overlay maps to remove the Downtown Plan Area. Existing Los Angeles River Implementation Overlay (RIO) will be incorporated into Frontage Districts and General Development Standards of the New Zoning Code and be applied through the proposed zoning districts.
- Greater Downtown Housing Incentive Ordinance Amendments (Appendix K):
  - Reflects amendments by the Proposed Plan that will replace the GDHI with the Downtown Community Benefits Program.
- Zoning Code Maps (Appendix L):
  - Reflects amendments to the City's Zoning Map for the zone changes proposed through the New Zoning Code.
- Plan Boundary Change Map (Appendix M):
  - Consolidates the Central City and Central City North Plan Areas to reflect the Downtown Community Plan boundary.

## 8.2 ENVIRONMENTAL IMPACTS OF MODIFICATIONS AND TECHNICAL REFINEMENTS TO THE DOWNTOWN PLAN

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

- Terminology and structural changes to improve clarity.
- Clarifications and refinements to intent and context statements, standards and measurements, and their applicability.
- Minor changes to the General Plan designation and zoning maps and related development standards.
- Addition of policies and programs to:
  - Encourage affordable housing development for all income levels.
  - Enhance tenant protections.
  - Minimize displacement.
  - Encourage equity in infrastructure project decision making.
  - Encourage historic resource preservation.
  - Further improve the pedestrian orientation of new development.
  - Increase signal timing for pedestrian crossing.
  - Encourage innovative urban freight practices.
  - Include existing and proposed transit infrastructure projects in the Plan Area.
- Additional coordination language to encourage L.A. River adjacent projects to increase river connectivity and access.
- Provision of more clarity and regarding the Plan's equity objectives, such as incorporation of:
  - Programs to support local hire.
  - Equitable contracting programs to emphasize living wage.
  - Monitoring of the inventory of affordable housing.
  - Creation of a racial justice and equity analysis for the Plans programs and policies.
  - Development of a Skid Row bicycle infrastructure action plan.
  - Development of a parks and open space assessment to determine and prioritize areas in greatest need of open spaces.
  - Refined text for implementation programs concerning SurveyLA findings, first right of refusal, no net loss, Citywide inclusionary housing, and a Best Practices Design Guide.



- Changes to Standards in certain Form, Frontage and Use Districts, and Development Standards applicable to the Downtown Plan.
- Modifications to rules governing various articles of the New Zoning Code.

Many of the proposed modifications are administrative in nature while others such as programs related to support local hire are aimed at improving social conditions. Such administrative and social policy modifications described above would result in no physical changes with the potential to result in significant environmental impacts. Those modifications are not further analyzed herein.

The other modifications, such as modifications to allowable FAR or height, could have the potential to result in minor changes to the location and form of future development in the Downtown Plan Area, which could potentially have indirect impacts to the physical environment. Those modifications are analyzed herein and for the reasons described below are found to not result in new significant impacts or a substantial increase in the severity of an impact identified in the DEIR. Based on all of the analysis and evidence provided in this Chapter 8 and the whole of the record, the modifications are found not to constitute significant new information for purposes of CEQA Guidelines Section 15088.5.

The analysis in the DEIR considers the Reasonably Anticipated Development (RAD) during the life of the Plan which is based on the volume of development in terms of FAR, building size, and density. As a conservative approach, the Plan assumes a high utilization of the maximum development potential. Therefore, the City finds the minor changes to the FAR or height do not require changing the conservative growth assumptions used by the City or, that is, the RAD. As discussed in Appendix B, *Methodology*, of the DEIR, market factors also dictate the level of development that will occur in the Plan Area and experience shows that only a percentage of the properties will be redeveloped within the horizon year and that even the sites that do redevelop are not always developed to maximum levels allowed under the by-right zoning and various incentive systems available. The growth projection for the Downtown Plan Area that is used in the DEIR analysis assumes that while the current Downtown Plan Area population makes up about 18% of the citywide population, 32% of the citywide growth through 2040 is projected to occur in the Downtown Plan Area (see Population Projections by CPA Geography table in DEIR, Appendix B). This means that the DEIR analysis already “conservatively” assumes a high growth rate for the Downtown Plan Area despite the presence of a variety of constraints to development (e.g., physical constraints, environmental factors, historical resource preservation policies, land values).

Many of the proposed changes would reduce development capacity below what was assumed in the DEIR, and even those that would theoretically increase capacity would not alter the DEIR growth assumptions. For example, the Use District change described above from XN1 to XC1 to allow for more flexibility of commercial tenant size does not affect assumptions about the overall size of a building or number of employees, but merely increases the individual business size limitation at ground floors from 10,000 sf to 15,000 sf. Form District HUB3 was changed to HB1, which reduces both the Base and Bonus FAR to align by-right FAR to existing regulations, and a 5-story height was

introduced to Form Districts applied along the Los Angeles River. These changes would generally reduce development potential to below what was assumed in the DEIR, but to remain conservative, growth assumptions are not lowered in these areas.

Changes to Form Districts such as HUM1 to HM1, HUB2 to HB1 and HUB1 to HB1 intended to provide greater opportunities for affordable housing and other community benefits, increase the Base FAR without altering the Bonus FAR, and therefore, these updates would not affect the allowable maximum development capacity or assumptions used in the Draft EIR about how much FAR will generally be utilized in these areas. Similarly, changes to the Community Benefits Program FAR incentive for a Housing Development from a 35% to 40% do not affect the assumptions in the DEIR, since the FAR increase is still within the FARs analyzed in the RAD. Moreover, as described above, since the RAD analyzed in the DEIR assumes FARs closer to the allowable Bonus FARs rather than the Base FARs, this modest increase of 5% would not affect the assumptions and the overall RAD.

The proposed modifications related to FAR and height increases are localized to a discrete number of blocks, and would not affect the intensity of development within the Transportation Analysis Zones (TAZ) assumed in the DEIR analysis. For example, referenced above is a proposed Form District change from MN1 to DM2 in a two block area. This change would increase the maximum allowable FAR from 6 to 8.5 in order to provide increased opportunities for affordable housing and other community benefits. As mentioned above, the Reasonably Anticipated Development does not assume every property will redevelop or fully realize the maximum FAR, general assumptions are made across broad areas based on a number of factors including historical development patterns. The RAD analyzed growth at the TAZ level and the TAZ that encompasses this discrete area referenced above accounts for a substantial amount of new housing and employment. Therefore, a modest change of max FAR from 6:1 to 8.5:1 for a two block area would not require analyzing additional capacity because the DEIR analysis conservatively assumed a high level of growth, and this change would not foreseeably increase the amount of growth assumed for this area.

Similarly, the proposed modification from MB1 to DM1 increases the Bonus FAR from 3:1 to 8:1 and the associated Use District change from IX2 to IX3 allows the introduction of new residential construction for a discrete area in the Southeastern portion of the Plan Area – the eastern facing parcels on 4 blocks of Crocker Street between 7<sup>th</sup> and 12<sup>th</sup> Streets. The RAD does not assume full buildout of 8 FAR for every single parcel. Moreover, this change in Form District from MB1 to DM1 only represents 13% of the total TAZ area. The majority of the TAZ is largely retaining the zoning allowances of today (FAR at 3:1 and housing restricted to adaptive reuse live/work units).

Overall, changes in FAR since the DEIR was published would result in the following changes with regard to population, housing and employment:

SED	Population	Households	Employment
Increase	2920	1537	0
Decrease	-304	-160	-1251
Net Change	2,616	1,377	-1251
Total DTLA	251,952	133,273	304,861
% Of total	1%	1%	-0.4%

The transportation impact findings for the Proposed Project are based on **Vehicle Miles Traveled (VMT)**. VMT is a measurement of miles traveled (e.g., private automobiles, trucks, and buses) generated by all land uses (e.g., residential, retail, office) in the Project Area. For the impact 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 Community Plan Area. This VMT is generated by residents, employees, and visitors in Downtown and captures their travel within Downtown as well as travel between Downtown and their ultimate origin/destination.

To estimate the change in VMT with the land use changes made since the publication of the Draft EIR, the areas with the changes in housing and jobs were reviewed based on the Downtown Los Angeles Subarea Model. The Downtown Los Angeles Subarea Model contains 233 traffic analysis zones (TAZs) that represent land uses in the Plan Area based on socioeconomic data. The TAZs are spatial units that reflect how and where traffic enters and exits the street network and are divided along logical transportation boundaries like major streets and topography. Based on the updated zoning, there are three TAZs in the fashion district, two TAZs in the LA Produce site and one TAZ in the Chinatown area that would have additional housing units and population. The two TAZs in the LA Produce site also experience decreases in employment. There are also four TAZs in South Park and one TAZ in the historic core that have decreases in housing units, population, and employment.

As reported in the Draft EIR in Tables 4.15-10 and 4.15-11, the Total VMT per Service Population in the Plan Area is 15.9 under 2040 Proposed Plan conditions. This level of future VMT per Service Population in the Plan Area is 53% below baseline conditions in the SCAG region (as shown in Table 4.15-10) and 19% below baseline conditions in the Plan Area (as shown in Table 4.15-11).

Given that the changes in housing/population (approximately a 1% increase) and employment (approximately a 0.4% decrease) are relatively small compared to the overall future population, household and employment projections, the changes are not expected to exceed the City's VMT impact thresholds.

Based on the above, the proposed modifications would not change the amount of anticipated growth or its general distribution in the Plan Area and thus would not affect the impact analysis for any of the environmental impact categories that rely on RAD or the distribution of growth across the Plan Area. These include air quality [all topics except exposure of sensitive receptors to substantial pollutant concentrations], energy, greenhouse gas emissions, noise, population/housing/employment (growth), public services, recreation, transportation, and utilities/service systems. Impacts related to the geology and soils (all topics except paleontological resources) and hydrology and water quality are reduced to a less than significant level through compliance with applicable regulations and thus would not



be affected by minor changes to the nature or location of future Plan Area development. The environmental impact categories for which the proposed modifications would have the potential to change future conditions in specific locations and thus incrementally alter the DEIR analysis are the following: aesthetics, air quality (exposure of sensitive receptors to substantial pollutant concentrations), biological resources, cultural resources, geology and soils (paleontological resources), hazards and hazardous materials, land use and planning, population/housing/employment [displacement], and tribal cultural resources. The impact of proposed modifications as relevant to the specific environmental impact categories in the DEIR are discussed in detail below.

## *AESTHETICS*

The DEIR concludes that the Proposed Project would result in a less than significant impact related to aesthetics. The modifications and technical refinements to the Proposed Project that are relevant to aesthetics include: (1) additional policies to encourage the planting of shade trees and to preserve mature trees; (2) refinement of outdoor lighting and light trespass standards, addition of new pedestrian-oriented lighting standards, and expansion of the applicability of glare to prevent new sources of substantial light or glare within the Downtown Plan Area; (3) refinements to character frontages for the Historic Core and Arts Districts to allow for flexibility while still ensuring compatibility with existing structures; (4) updates to standards relating to screening and fencing to allow for more flexibility and to better align with the current Zoning Code; (5) removal of story height restrictions in the Historic Core District and changes in height and intensity (FAR) limits in other areas such as along the L.A. River; (6) Adjustments in Form District standards with modifications to Base and Bonus FARs; (7) Updates to City Hall Height Restriction and height regulations in the CPIO consolidated in the Form District.

None of the proposed modifications would affect scenic resources within a state scenic highway. The new policies standards that allow increased building height and/or FAR could incrementally alter views from and to certain portions of the Downtown Plan Area; however, building heights and overall intensity would remain consistent with the overall range of heights/intensities within the Downtown Plan Area and would not block the view of any identified scenic resource from an important public view location. Thus, the impact related to scenic vistas would remain less than significant. The new policies and standards relating to trees, building frontages and step-back, roof top equipment, screening/fencing, and ensuring that new development is compatible with historic buildings would further improve the visual character of the Plan Area by providing additional greenery and shade and ensuring the new development is compatible with the historic and desired character of the Plan Area. For example, Downtown Plan at the time of the DEIR included height limits throughout the Historic Core, but the current proposal would transition heights using upper story step backs as opposed to height limits. The removal of height restrictions would allow more flexibility in height, but where taller buildings exceed 12-stories in height, they are required to step back 30 feet from the street facing property line. This strategy allows for thoughtful infill development in proximity to transit resources while respecting the existing built patterns of the Historic Core and would not affect the historic designation that applies to the Historic Core. Similarly, all frontage rules such as build-to width and banding requirements are now applicable

only to the first 12 stories & would not apply to the entire building as previously proposed. The rules now focus on the street-level pedestrian experience and overall scale of a building, as opposed to a uniform application of rules to the full building facade. This allows for visual continuity along the street while accommodating contemporary interpretation of cherished existing architectural styles within the Arts District and Historic Core.

The height limitations in the Form Districts that apply to the Civic Center are more restrictive than what was analyzed in the DEIR, and migrate the regulations from the CPIO to the respective Form District for better clarity. The proposed change is intended to ensure buildings do not exceed heights that would block views to City Hall, and the changes would better preserve the prominence of City Hall and the visual character around the Civic Center.

Removal of the prohibition on sign types such as cabinet signs would not change the visual character of downtown since they are widely prevalent in the Plan Area. Revisions relating to lighting standards would further reduce light/glare impacts as compared to what is described in the DEIR, while the revisions relating to screening, and fencing, may incrementally change the visual character of the area, but such changes would remain consistent with the urban environment of the Downtown Plan Area. Impacts for all topic areas under Aesthetics would remain less than significant.

## ***AIR QUALITY***

The DEIR concludes that the Proposed Project would result in a less than significant impact related to consistency with air quality plans and odors. Impacts related to exposure of sensitive receptors to substantial pollutant concentrations during construction would require mitigation to reduce impacts to less than significant. Impacts related to violation of air quality standards during construction and operations, cumulative increase in pollutants during construction and operations, and exposure of sensitive receptors to pollutant concentrations during operation would be significant and unavoidable. As discussed above, the Proposed Project modifications would not affect the overall amount or distribution of growth and thus would not alter the DEIR analysis of impacts related to air quality standards, increased emissions, consistency with air quality plans, or odors. Thus, there is no need to re-run air quality modeling or otherwise recalculate air pollutant emissions.

However, the modifications and technical refinements to the Downtown Plan include the requirement of a Conditional Use Permit (CUP) for distribution centers in industrial mixed use zones, which is intended to allow the City to place conditions on such facilities to prevent them from adversely affecting nearby or adjacent sensitive land uses. These changes would reduce the effects of distribution center source emissions on sensitive land uses as compared to what is described in the DEIR. Mitigation included in the DEIR analysis would still apply and, in combination with the new CUP requirement, would reduce air quality impacts in the manner described in the DEIR. In addition, South Coast Air Quality Management District's (SCAQMD) Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, adopted in May 2021, will address impacts related to warehouse truck emissions. The FEIR has been revised to address this program. Please see Chapter 10, *Revisions, Clarifications and Corrections to the Draft EIR* of the FEIR.

Based on the above, the addition of a CUP requirement for distribution centers would not result in any new significant impact beyond that described in the DEIR. The significant and unavoidable air quality impact associated with distribution centers would remain, but would be incrementally less than described in the DEIR. Therefore, the modifications and refinements to the Proposed Project would not result in new significant impacts or an increase in the severity of those significant impacts identified in the EIR related to air quality.

### ***BIOLOGICAL RESOURCES***

The DEIR concludes that the Proposed Project would have a less than significant impact with mitigation with respect to special status species habitat (nesting birds), but would have no impact or a less than significant impact with respect to riparian habitats, wetlands, migratory wildlife, local plans/policies, and habitat conservation plans. With the exception of nesting birds, none of the Proposed Project modifications would affect any of these specific topics because such resources and plans/policies are not present in and do not apply to the Plan Area. With respect to nesting birds, none of the modifications would increase development potential in proximity to Elysian Park, which is the only area in or adjacent to the Downtown Plan Area that includes open lands with stands of mature trees with higher likelihood of containing active bird nests. New policies aimed at preserving mature trees and planting new trees would be expected to generally enhance habitat for nesting birds. As such, none of the Proposed Project modifications would result in any new or increased severity impact related to nesting birds or other biological resources.

### ***CULTURAL RESOURCES***

The DEIR concludes that the Proposed Project would result in a less than significant impact with mitigation to archaeological resources and a significant and unavoidable impact to historical resources. The Proposed Project modifications include some minor map and development standard changes, but such changes would not increase development potential or potential ground disturbance in areas of known archaeological resource sensitivity. Thus, none of the proposed modifications and technical refinements to the Proposed Project would affect the potential for future development to affect as yet undetected archaeological resources or human remains. The DEIR mitigation measures aimed at avoidance of archaeological resource impacts would continue to apply and would reduce such impacts to a less than significant level. With respect to historical resources, the proposed modifications include changes to height standards and step-backs in the Historic Core District as well as refinements to character frontages in the Arts and Historic Core Districts and these are described above. In addition, new development review procedures to address historic preservation has been added to the CPIO to promote preservation in the Historic Core, Arts District, and Chinatown. These refinements are primarily focused on the retention of eligible and designated historic resources, as compared to what is described in the DEIR and would not result in an increase in overall Plan Area development. Therefore, impacts resulting from the modifications and technical refinements to the Proposed Project would not alter the conclusions relating to cultural resources that are disclosed in the DEIR. The DEIR concludes that mitigation measures to reduce impacts to historical resources were infeasible and, therefore, that potentially significant impacts

to historical resources would be unavoidable. The modifications to height standards and step-backs, and refinement of character frontages would not alter this conclusion, and the addition of the new preservation tool in the CPIO to promote preservation in the Historic Core, Arts District, and Chinatown District would incrementally reduce the potential for significant impacts to historical resources as compared to what is described in the DEIR. Based on the above, the modifications and technical refinements to the Proposed Project would not result in new significant impacts or an increase in the severity of significant impacts identified in the EIR related to cultural resources.

## ***GEOLOGY AND SOILS***

The DEIR concludes that the Proposed Project would result in no impact or a less than significant impact with respect to earthquake faults, ground failure, soil erosion, geologic hazards, expansive soils, and septic tanks. The modifications and technical refinements to the Proposed Project would not affect the analysis of any of these issues since future development would not increase the potential for geologic hazards, soil erosion is fully addressed through implementation of applicable standards, and no septic tanks are present in the Plan Area. The DEIR concludes that the impact related to paleontological resources would be less than significant with mitigation. The Proposed Project modifications include some minor map changes, but such changes would not increase development potential or potential ground disturbance in areas of known paleontological resource sensitivity (such as along the eastern edge of the Downtown Plan Area [along the river] and in the northwestern portion of the Downtown Plan Area and the DEIR mitigation measures aimed at paleontological resource protection would continue to apply. Therefore, the modifications and technical refinements to the Proposed Project would not result in new or increased severity of significant impacts and the impact related to paleontological resources would remain less than significant with mitigation.

## ***HAZARDS AND HAZARDOUS MATERIALS***

The DEIR concludes that the Proposed Project would result in less than significant impact related to hazardous material transport/use/disposal, hazardous material upset, airport plans, private airstrips, emergency response plans, and wildland fire and less than significant impacts with mitigation related to hazardous material sites and hazards within ¼-mile of a school. None of the Proposed Project modifications would affect the DEIR analysis of airport plans, private airstrips, or wildland fires since no airports, air strips, or wildland fire hazard zones are present in the Plan Area. The Proposed Project modifications include some minor map changes, but such changes would not accommodate additional development involving the use or release of hazardous materials, nor would they alter or affect emergency response plans for the Plan Area. Moreover, the modifications would not increase development potential or potential ground disturbance in areas where known soil or groundwater contamination is present, and future Plan Area development would continue to be subject to DEIR mitigation measures aimed at addressing contamination and potential impacts to schools. Therefore, the modifications and technical refinements to the

Proposed Project would not result in new or increased severity of significant impacts and the impacts related to hazardous material sites and hazards within ¼-mile of a school would remain less than significant with mitigation.

### ***LAND USE AND PLANNING***

The DEIR concludes that the Proposed Project would result in less than significant impacts related both physically dividing an established community and consistency with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. The Proposed Project modifications include some minor changes to maps and development standards, but they do not include any new facilities such as roads, railroads, or other infrastructure that would divide a community. In addition, the proposed modifications would not create inconsistencies with applicable City or SCAG plans or policies. To the contrary, a primary aim of many of the proposed modifications is to further the Downtown Plan's and New Zoning Code's ability to implement regional and citywide goals and policies. The modifications specifically incorporate and update a number of existing City plans and policies, as discussed under "New Ordinances and Amendments." Consequently, the modifications and technical refinements to the Proposed Project would not result in new or increased severity of significant impacts and the impact related to land use and planning would remain less than significant.

### ***POPULATION, HOUSING, AND EMPLOYMENT***

The DEIR concludes that the Proposed Project would result in less than significant impacts with respect to both growth inducement and displacement of people and housing. As noted above, although the proposed modifications include minor changes to maps and development standards, these changes would not change the overall growth forecasts for the Downtown Plan Area. As such, there would be no change to the Proposed Project's potential to induce growth. The map and standard changes could result in minor changes to the specific locations where displacement might occur in the Downtown Plan Area; however, as discussed in the DEIR, any attempt to predict the precise amount and locations of displaced housing would be speculative. Regardless, as discussed in the DEIR, any displacement that does occur would be substantially less than the new housing that is projected to be built and existing and proposed policies would ensure that there would be no net loss of affordable housing. Based on these facts, the modifications and technical refinements to the Proposed Project would not result in new or increased severity of significant impacts and the impact related to displacement of people and housing would remain less than significant.

### ***TRIBAL CULTURAL RESOURCES***

The DEIR concludes that the Proposed Project would result in a less than significant impact with mitigation to tribal cultural resources. The Proposed Project modifications include some minor changes to maps and development standard, but such changes would not increase development potential or potential ground disturbance in areas of known tribal cultural resource sensitivity. Thus, none of the proposed modifications and technical refinements to the Proposed Project would affect the potential for future development to affect as yet unknown tribal cultural resources.

The DEIR mitigation measures aimed at avoidance of tribal cultural resource impacts would continue to apply and would continue to reduce such impacts to a less than significant level.

### ***PUBLIC SERVICES***

The DEIR determined that the Proposed Project would result in a less than significant impact related to public services. The modifications and technical refinements to the Proposed Plan include updating the community facility incentive to 55-years. This modification along with the others, as discussed above, based on the very conservative growth assumptions analyzed in the DEIR, is not anticipated to result in an increase in development or population than that analyzed in the DEIR and, therefore, would not increase utilization of public services or require additional fire, police, school, or library facilities beyond what is discussed in the DEIR. Therefore, the modifications and technical refinements to the Proposed Project would not result in new or increased severity of significant impacts related to public services.

### ***TRANSPORTATION AND TRAFFIC***

The DEIR determined that the Downtown Plan would result in a less than significant impact related to transportation and traffic with the exception of ramp queuing safety, for which the Downtown Plan would result in a significant and unavoidable impact. The modifications and technical refinements to the Proposed Project include updated parking provisions to exempt above grade parking from FAR calculations and to maintain design standards. These changes, along with the other modifications discussed above, would not result in an increase in development or population analyzed in the DEIR based on the conservative assumptions used in the DEIR and thus would not alter Plan-generated traffic, vehicle miles traveled (VMT), or traffic safety impacts. Removing parking from FAR calculations would not alter overall parking requirements and consequently would not result in any changes to traffic patterns or impacts to street parking. Though not changed by the revisions related to parking in the Proposed Project, impacts to ramp queuing safety would remain significant and unavoidable. Therefore, the modifications and technical refinements to the Proposed Project would not result in new or increased severity of significant impacts related to transportation and traffic.

### ***UTILITIES AND SERVICE SYSTEMS***

The DEIR determined that the Proposed Project would result in a less than significant impact related to utilities and service systems. The modifications and technical refinements to the Proposed Project include updating the community facility incentive to 55 years. In addition, revisions include acknowledgement of the fact that the Los Angeles Department of Water and Power has released the 2020 Urban Water Management Plan (UWMP), which includes water supply projections for the years 2025, 2030, 2035, 2040, and 2045. As mentioned in Response 3-13 in Chapter 3, *Response to Comments*, of the FEIR, the 2020 UWMP indicates that LADWP will continue to have sufficient water supplies available to meet projected demands under normal water year conditions, singly dry year (drought)

conditions, and multiple dry year (extended drought) conditions through the year 2045. Therefore, LADWP would continue to have sufficient supplies to meet the water demand associated with the Proposed Project. Neither the 55-year community facility incentive nor the 2020 UWMP, nor the other modifications discussed above, would result in an increase in development or population analyzed in the DEIR based on the conservative assumptions used in the DEIR; therefore, these Plan revisions would not increase demand for electricity, natural gas, or water, nor would they increase the generation of wastewater or solid waste. Impacts would be the same as what was analyzed in the DEIR and would be less than significant. Therefore, the modifications and technical refinements to the Proposed Project would not result in new significant impacts or an increase in severity of significant impacts related to utilities and service systems.

### **POTENTIAL UPDATES TO BE CONSIDERED BY THE PLUM COMMITTEE**

Post the approval of the Downtown Community Plan and New Zoning Code by the City Planning Commission on September 23rd, 2021, the Plan received several comments and recommendations from various neighborhood groups, council offices, boards, and commissions. In response to these comments, the staff has outlined optional amendments to the Downtown Community Plan and the New Zoning Code for the City Council Planning and Land Use Management (PLUM) Committee consideration.

The comments along with the amendments are described in Appendix Q, Report to PLUM Committee. The PLUM Committee will consider these amendments during its deliberations on the Plan, and may adopt, further modify, or reject these amendments. If adopted, the modifications constitute technical amendments that do not affect the analysis or the impact conclusions in this EIR. As discussed under each topic below, the recommended modifications would not alter the assumptions in the Reasonably Anticipated Development or require recalibration of the Transportation Demand Model or any other recalculation of environmental impacts.

The amendments to be considered by the PLUM Committee are summarized and discussed below:

#### **Fashion District**

1. Clarify allowance for garment and apparel manufacturing uses throughout the Fashion District (IX3).
2. Clarify definitions for Light Industrial uses and establish “Manufacturing, Light: Garment & Accessory” as a defined use and replace “Textile and Apparel” with “Textile” to differentiate between assembly of materials to produce finished clothing, footwear, and accessories from large-scale mechanized production of raw fibers and fabrics used to create materials. Incorporate minimum distance requirements between residential uses and Manufacturing, Light: Textile, to ensure minimum separation between these two uses.
3. Allow limited jewelry manufacturing in certain Commercial Mixed Use Districts (CX3 & CX4) only when accessory to retail use (limits manufacturing to a maximum of 25% of floor area).
4. Establish a new CPIO subarea and offer development incentives to promote light manufacturing uses.

5. Amend zoning for properties generally bounded by 7th Street to the north, Main Street and Broadway to the west, Highway I-10 to the south, and Santee Street and Maple Avenue to the east from Use District CX2 to CX3 to allow for light manufacturing uses.
6. Limit office uses in existing buildings as an accessory to manufacturing uses.
7. Reduce the required amount of productive space in IX3 from 1:1 FAR to 0.5:1 FAR.
8. Prioritize preservation of existing industrial uses while allowing housing and lodging in new construction.

**Environmental Impacts:**

Modifications one through six above are clarifying amendments intended to allow garment manufacturing more broadly in the Fashion District neighborhood and encourage new manufacturing uses. Similarly, Modification #7 to reduce the productive space requirement is intended to allow more flexibility in use. These changes do not alter the maximum allowable FAR and would not affect the growth assumptions in the DEIR regarding Reasonably Anticipated Development. As such, they would not change any of the impact conclusions in the DEIR, and do not require any further analysis.

The modification (#8) to limit conversion of existing industrial uses to other uses is intended to retain existing jobs and industries in the Plan Area. Areas designated as Market in the General Plan Land Use were envisioned to support predominately job producing uses. This modification further reinforces the intention to retain industrial uses while allowing for a limited introduction of housing within the area.

This modification to the Downtown Plan does not have the potential to affect any of the environmental analysis contained in the DEIR. The modification would encourage the continued use of existing manufacturing and sustain employment in the area. The limitations on conversion to housing and lodging would only apply to existing manufacturing uses, while new housing and lodging would continue to be allowed. This would foreseeably have the effect of limiting conversion of existing industrial uses to housing, lodging, and office uses; thus, it would reduce the potential for physical environmental changes and displacement of jobs. In addition, the modification would not increase the overall development potential or location of development in the Plan Area; thus, it would not increase the potential for ground disturbance or the amount of Plan Area traffic or VMT. As such, there would be no increase in impacts analyzed in the Draft EIR, including those related to disturbance cultural resources, hazard, VMT, air quality, energy, greenhouse gas emissions, and noise.

**Housing Stability**

1. Clarify that when a project subject to the Rent Stabilized Ordinance (RSO) is demolished, the proposed project is required to incorporate a one-for-one RSO affordable replacement unit at the same income level as existing residents if verified (including moderate), or as low-income units if incomes of existing residents cannot be verified.



**Environmental Impacts:**

The above modification is an administrative/procedural change regarding replacing demolished housing units with lower income restricted units. It does not alter the assumptions in the DEIR regarding Reasonably Anticipated Development. As such, it would not foreseeably change any of the impact conclusions in the DEIR and therefore does not require any further analysis.

**Inclusionary Housing**

1. Modify the CPC recommended Base/Bonus program to serve as a graduated inclusionary system that incorporates a mandatory inclusionary requirement into the Base/Bonus FAR system.

**Environmental Impacts:**

This is an administrative and procedural change prioritizing more on-site affordable housing vs an in-lieu payment. Economic analysis has shown that in the short term, this change in addition to increased land and construction costs, could limit development than what was projected at the time of the DEIR. However, the Proposed Project is a long-range plan, and it is expected that over the life of the plan market conditions will adjust and the utilization of bonus FAR can still be accessed by projects. The analysis in the DEIR is conservative since it assumes more growth than what could be realized, if market conditions don't adjust. The modification would still function within the Base/Bonus structure that was assumed in the growth projections used in the DEIR, as discussed above, and would not alter maximum FARs analyzed in the DEIR. As such, Reasonably Anticipated Development and the Transportation Demand Model analyzed in the DEIR would remain valid. The modification would not change any of the impact conclusions in the DEIR, and therefore, does not require any further analysis.

**Skid Row Alcohol Controls**

1. Amendment to the alcohol provisions in the areas surrounding Skid Row, requiring projects to seek a Conditional Use Permit (CUP) to provide alcohol service in restaurants.

**Environmental Impacts:**

The above modification is a procedural change to require discretionary review and findings for alcohol serving uses around Skid Row. It does not alter the assumptions in the DEIR regarding Reasonably Anticipated Development or require recalibration of the Transportation Demand Model. It does not change any of the impact conclusions in the DEIR and therefore does not require any further analysis.

**Community Benefit Fee**

1. Allow for the introduction of new eligible categories to qualify for receiving funding as and when needed. This flexibility would allow for adding new categories to respond to changing community needs in the Plan Area.

**Environmental Impacts:**

The above modification is a clarifying amendment related to a funding mechanism without identifying any particular improvements to be funded. It does not alter the assumptions in the DEIR regarding Reasonably Anticipated Development or require recalibration of the Transportation Demand Model. It does not change any of the impact conclusions in the DEIR and therefore does not require any further analysis.

**Civic Center**

1. Allow for a transfer floor area between publicly owned sites within and in proximity to the Civic Center.

**Environmental Impacts:**

This modification is intended to facilitate flexible zoning and allow for transfer floor area between public properties, create streamlined opportunities to build affordable housing at appropriate densities close to civic resources and preserve historic resources.

This change will facilitate transfer of floor area between sites on nearby blocks that fall within the same TAZs. Therefore, this modification would not change the total population, housing or employment projections used in the Draft EIR, nor alter traffic patterns assumed in the DEIR. The modification would not change any of the impact conclusions in the DEIR, and therefore, does not require any further analysis. Similar to the analysis above for the CPC modifications, it would not alter the assumptions about the ground disturbing activities, nor the analysis of those impacts that are reduced by existing regulatory compliance measures (such as geology, hazards, water quality) or mitigation for cultural resources, nesting bird, paleo resources, tribal cultural resources, and hazardous materials. Based on the above, these modifications are not expected to result in new significant impacts or substantially more severe impacts to those identified in the Draft EIR.

**Arts District Height Minimum**

1. Require a minimum height of 10 stories for residential projects in the Arts District neighborhood generally bounded by Alameda Street to the west, Bay Street and Violet Street to the south, Mesquit Street to the east and E. 4th Place to the north.

**Environmental Impacts:**

The 10-story height minimum ensures development sites are maximized in the central Arts District. No changes to FAR are recommended. The RAD assumed a high utilization of bonus FAR and this height minimum would not alter assumptions regarding how much density or FAR a project can achieve, or the assumptions related to potential ground disturbing activities, public service or utility demands, or any other impact assumption. With regard to Aesthetics, the DEIR analysis was based on unlimited height allowed in this part of the Arts District, and the introduction of minimum height requirement would not change any of the analysis related to shade therein. In addition, Frontage regulations developed as part of the New Zoning Code to ensure compatibility with the

neighborhood character would continue to apply. Therefore, this modification does not change any of the impact conclusions in the DEIR.

### **Los Angeles River**

1. Reduce the minimum Los Angeles River setback from 20' to 10' to allow for more flexibility in open space along the Los Angeles River.

#### **Environmental Impacts:**

The above modification is a clarifying amendment that does not alter the assumptions in the DEIR regarding Reasonably Anticipated Development or require recalibration of the Transportation Demand Model or recalculation of other impacts. The reduced setback from the Los Angeles River would not affect biological resources or hydrology/flooding impacts since the portion of the river that is adjacent to the Plan Area lacks native biological resources and all development would comply with applicable City requirements related to surface runoff and flood control, as described in DEIR Section, 4.9, *Hydrology and Water Quality*. This modification does not change any of the impact conclusions in the DEIR and therefore does not require any further analysis.

### **Parking and Transit Hubs**

1. Amendments to update Floor Area rules of measurement to specify that above-grade parking is counted towards FAR in Development Standards District 5 while allowing active ground floor area to be discounted when within a quarter mile of a rail station, and clarify that floor area exemptions for detached garages are intended for House Form Districts rather than RG use districts.

#### **Environmental Impacts:**

The above modification is intended to discourage parking infrastructure close to transit hubs, promote transit use and support active land uses in proximity to transit.

The analysis in the DEIR considered above-grade parking to count towards a project's total FAR (for a majority of the Plan Area). With the above modification, above-grade parking will count towards a project's total FAR only if located within a quarter mile of a rail station. While this would differ from how a project's FAR is measured for most projects as compared to the regulations in the DEIR, it would not change the maximum allowable Bonus FAR beyond what was assumed in the DEIR. Individual projects farther than quarter mile of a train station will have more flexibility to provide parking based on individual needs of a project or not provide any parking, however, this would not change the overall intensity of development that was assumed in the DEIR. The proposed modification would not alter the assumptions in the DEIR regarding Reasonably Anticipated Development or require recalibration of the Transportation Demand Model or recalculation of other impacts, nor would it increase the overall amount or potential location of Plan Area ground disturbance. Therefore, the

modification to the Plan would not result in any new significant impacts or substantially more severe significant impacts than those identified in the DEIR.

### **Historic Protections**

1. Extending the Transfer of Development Rights program to Little Tokyo.
2. Amend the CPIO to require demolition findings for contributing historic resources in the California Register historic districts and Historic-Cultural Monuments within Subarea D.
3. Expand Subarea D in the CPIO to include all of the eligible Seventh Street Commercial Historic District.

#### **Environmental Impacts:**

The above modifications are clarifying amendments and are more restrictive and protective of historical resources than what was analyzed in the DEIR. These changes would not foreseeably result in greater development than the RAD analyzed in the DEIR. As such, the modification will not result in new significant impacts or substantially more severe significant impacts than those in the DEIR.

### **Form Districts in Chinatown and Little Tokyo**

1. Increase the base FAR from 2:1 to 3:1 for Form District MN1 and DM2:
2. Remove height limitations in the MN1 Form District applied within Chinatown on parcels generally bounded by Bernard St. and College St. to the north, Broadway and Spring St. to the east, Alpine St. and College St. to the South, and Hill St. and Yale St. to the west.

#### **Environmental Impacts:**

The above modifications are intended to remove constraints to development in areas close to transit. These changes would apply only to a very small percent of the Plan Area and would not foreseeably result in greater development than the RAD analyzed in the DEIR. As such, the modification will not result in new significant impacts or substantially more severe significant impacts than those in the DEIR.

## 9 RESPONSES TO COMMENTS ON THE DRAFT EIR

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This section includes comments received during the circulation of the Draft Environmental Impact Report prepared for the Downtown Community Plan Update (“Downtown Plan”)/New Zoning Code for Downtown Community Plan (“New Zoning Code”) (hereafter referred to as “Proposed Project”).

The comment letters, included in Appendix R, were submitted to the City of Los Angeles by public agencies 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 (DEIR) 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 Chapter 10, Corrections and Additions document.

The DEIR was circulated for a 120-day public review period that began on August 6, 2020 and ended on December 4, 2020. The City of Los Angeles received 43 comment letters during the DEIR public review period and 26 video comments. Of these, four letters pertain only to comments on the DEIR, 16 letters include comments pertaining to both the DEIR and the Proposed Project itself, and 49 letters and all of the video comments are directed exclusively at the Proposed Project rather than the DEIR.

As discussed further in Master Response 1 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 (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.

All the comment letters and responses follow. The comment letters are numbered sequentially, beginning with the letters that pertain exclusively to the DEIR (letters 1 through 4), followed by the letters that pertain partially to the DEIR (letters 5 through 20), and then the letters that do not pertain to the DEIR (letters 21 through 69). For the letters that pertain wholly 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 Project 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.

This document generally includes relevant excerpts from the comments, but some footnotes or tables or transference of the comment to this document may have resulted in loss of some text. Nevertheless, the City’s response is intended to respond to all relevant comments related to significant environmental effects raised in the comments and the full comment letters can be found in Appendix R.

Letter No. and Commenter	
1	Miya Edmonson, IGR/CEQA Branch Chief, Caltrans
2	Ali Poosti, Division Manager, Wastewater Engineering Services Division, LA Sanitation and Environment
3	Casey Maddren, President, United Neighborhoods for Los Angeles
4	Faizah Malik, Senior Staff Attorney, Community Development Project, Central City United
5	Adrian Scott Fine, Director of Advocacy, Los Angeles Conservancy
6	Derek Galey, Latham & Watkins LLP
7	John Given, Law Office of John P. Given
8	Beth P. Gordie, Latham & Watkins LLP
9	Simon Ha, AIA, Chairman of the Board of Directors, Skid Row Housing Trust
10,11	Karin Liljegren, FAIA, Principal and Founder, Omgivning Architecture and Interiors
12	Mark Chatoff, President, California Flower Mall, Inc.
13	Jessica Lall/Michael Shilstone, Director of Economic Development, Central City Association of Los Angeles
14	Rena Masten Leddy, Executive Director, LA Fashion District
15	Patricia Berman and Ryan Afari, DLANC President and DLANC Planning & Land Use Committee Chair, Downtown Los Angeles Neighborhood Council
16	Daniel Gehman
17	Allan M. Harris and Cheryl Younger
18	Susan Hunter
19	Phyllis Ling
20	Laurie Sale
21	Alex Marks, AICP, Environmental Specialist, The Metropolitan Water District of Southern California
22	Dan Langford, Executive Secretary-Treasurer/CEO, Southwest Regional Council of Carpenters
23	Doug Smith, Supervising Senior Staff Attorney, Community Development Project, Central City United
24	Ellen Riotto, Executive Director, South Park Business Improvement District
25	Estela Lopez, Executive Director, Central City East Association
26	Beth P. Gordie, Latham & Watkins LLP
27	Klaus Biesenbach and Maria Seferian, Director and Board of Trustees Chair, Museum of Contemporary Art
28	Iciar Rivera, Chinatown Sustainability Dialogue Group
29	Katherine McNenny, Co-founder, Director of Outreach & Education, Industrial District Green
30	Laura Velkei, Urban and Civic Leaders
31	Mia Lehrer, FASLA, President, MLA Green, Inc.
32	Michael Woo, Former Member, Los Angeles City Planning Commission, on behalf of Chinatown Stakeholders
33	Mike Clark and Virginia Wexman, Chair and Vice Chair, Sierra Club Angeles Chapter Transportation Committee
34	Scott Yamabe, CEO, SoCal Flower Market
35	Tom Williams, Sierra Club
36	Francis Y. Park, Park & Velayos LLP
37	Kimberly Burns
38	Yukio and Lilian Kawatani
39	Jason Lee
40	Judy Lee

Letter No. and Commenter	
41,42	Hayk Makhmuryan
43	John Whitaker
44	Dorothy Fue Wong
45	Christopher Mack
46	Diane Prozeller
47	Diego Gomez
48	Henriëtte Brouwers
49	Ollie Linden
50	Iron G. Donato
51	Lee Maupin
52	Leyla Martinez
53	Lorraine Morland
54	Matt Miyahara
55	Maya Waterman
56	Henry Apodaca
57	Ray Lewis
58	Sara Daleiden
59	Andy Bales
60	Vijay Gupta
61	The Toilet Lady
62	Stephanie Bell
63	Soma Snakeoil
64	John Malpede
65	Clarence Powel
66	Clancy Cornell
67	Daniel Park
68	Zach Rutland
69	Madhi Manji

## 9.1 MASTER RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

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A number of the comments raise common issues relating to historical resources and the “Increased Development Potential Alternative” (Alternative 3), 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.

### ***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 (CEQA Guidelines Sections 15088 and 15204).

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., socio-economic issues that do not result in 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 Project nor is it a vehicle for making changes to the Project 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 Project 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 Project are made a part of the administrative record and forwarded to the decision-makers for their consideration in taking action on the Project, but they require no further response.

### ***2. Historic Resources***

#### **Summary of Master Response**

The Proposed Project 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



Downtown Community Plan Implementation Overlay (CPIO) District (Appendix G). 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 significant and unavoidable impact to historical resources is a conservative impact conclusion and based on the potential for redevelopment in the Downtown Plan Area to impact historical buildings over the 20-year plan horizon, despite the Downtown Plan's expansion of protections for historic resources, and is not because loss or damage is anticipated to any specific resource, or because the Downtown Plan reduces or modifies any existing protections.

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 (CEQA Guidelines Section 15204(c)).

### **Summary of Comments**

A number of comments were received related to historical resources, generally expressing concern that the Downtown Plan does not address historical resources identified in the DEIR. Commenters are particularly concerned that impacts to historic resources were determined to be significant and unavoidable and no mitigation measures were identified. The commenters express that the Proposed Project would not be able to safeguard preservation of historical buildings from future development. Overall, comments specified concerns over new infill being inconsistent with historic building patterns, or resulting in the loss of identified historical resources. Some commenters asked for policy and regulatory mechanisms that would bolster historic preservation through mandatory design guidelines, additional incentives for historic projects, and align zoning regulations to ensure compatible infill. Additionally, commenters expressed a desire for the plan to more explicitly document SurveyLA resources to identify potential conflicts between proposed zoning and the preservation of these resources. In areas such as the Historic Core, community feedback on height and scale has been varied. Some have suggested that height limits should be applied across the district to safeguard existing historic structures from demolition, while others have advocated for contextual infill tools that allow for taller buildings. Specific strategies identified by commenters include height limitations within the Historic Core and transitional height requirements to ensure inter-connectivity between new development and existing historic resources.

### **Introduction**

Consistent with CEQA Guidelines Section 15064.5, the DEIR thoroughly analyzes if the Proposed Project would have a significant impact to cultural resources and if the Project would 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 Project on historical resources is adequate and complies with the requirements of CEQA. The DEIR concludes on pages 4.4-37 to 4.4-43, that despite the incorporation of changes in the Downtown Plan that would assist in the further protection of both designation and eligible historic resources, it is possible that demolition and/or significant alteration to some of the historical resources within the Plan Area would occur during the lifetime of the Downtown Plan. Although there are no historical resources that are called for removal or alteration under the Downtown Plan, development that would occur over the life of the Downtown Plan has the potential to occur on, or adjacent to, historical resources. The Proposed Project recognizes that there are a number of unique neighborhoods within the Downtown Plan Area and seeks to maintain sensitivity to important cultural and architectural assets, while simultaneously supporting the Proposed Project's broader goals to accommodate future housing, employment, and economic development. To further protect both designated and eligible historical resources, the Proposed Project incorporates policies (EIR pages 4.4-41), implementation programs, and zoning regulations that require contextual development in historic districts through massing, facade, and building material regulations. This Master Response provides supplemental information, 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 impact a historical resource that cannot be mitigated, an EIR, as well as an adopted 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 historical resources as discretionary planning approvals are expected within the CPA and throughout the city. As discussed on page 4.4-34 of the DEIR, any project proposals affecting HCMs are reviewed 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 are designated historical resources. Any project that involves a substantial alteration to a designated historical resource must comply with CEQA. If a project identified by the Cultural Heritage Commission (CHC) or the OHR could impact a designated historical resource, then such a project must be evaluated to determine the applicable environmental review process.

As discussed on page 4.4-36 of the DEIR, if it is determined that loss or damage to a historical resource could occur from a permit being issued on a building or structure that been officially designated or been determined by state or federal action to be eligible for designation, on the National Register, on the California Register, or has

been included by the City as an HCM, the City would be required to conduct a CEQA analysis to determine if the impact is significant, and the Department of Building and Safety may not issue a permit without first preparing a CEQA clearance, analyzing impact to the historical resources, and if there will be a significant and unavoidable impact on a finding that specific economic, social or other considerations make infeasible the preservation of the building or structure (Los Angeles Municipal Code [LAMC] Section 91.106.4.5). Additionally, if impacts are determined to be significant, feasible mitigation measures and alternatives are to be identified and implemented as appropriate to reduce the significant impact. If there is no feasible mitigation measure or alternative to avoid the significant impact, the City will be required to adopt a statement of overriding consideration under CEQA Guidelines Section 15093. Significant impacts to individual historical resources are not evaluated by, or environmentally cleared by, the Proposed Project's EIR.

In addition to the CEQA review process, the OHR and the CHC review 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 demolition.

The Downtown Plan does not introduce any features that would preclude implementation of these 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 4.4-39 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 pages 4.4-28 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 approvals 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. Such projects are not evaluated by, nor environmentally cleared, by the EIR for the Proposed Project.

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. Although these buildings may be potentially significant, for by-right and ministerial projects, the City currently only reviews permits for buildings 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 4.4-34 of the DEIR. In most instances, a state or federal action to determine the eligibility of a resource results in a state designation. Eligible resources that are not subject to Section 91.106.4.5 of the LAMC are not currently protected by City ordinance. 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. Concurrently in February 2020, the City Council also expanded the definition of initiation of the HCM designation to include the introduction of a Motion by a Member of the Council.

#### *Downtown Community Plan Implementation Overlay (CPIO)*

CPIO Subarea D (Appendix G) identifies neighborhoods that have a uniquely high concentration of designated and eligible historic districts, as well as individual designated and eligible historic resources including the Arts District, Historic Core, Little Tokyo, and Chinatown communities. The Downtown Plan's CPIO includes procedural requirements 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 where any work proposed would not 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.

In addition, CPIO Subarea D of the Downtown Plan offers further protections aimed at the retention of structures that are listed on the National Register. 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. Lastly, the Downtown Plan’s CPIO introduces demolition delay across the entire Plan Area. Requiring a building permit to be approved for any replacement project before demolition occurs allows the City to avoid preemptive demolition of potentially eligible historic resources, regardless of whether they are located in Subarea D. Collectively, these 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’s 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 one another while contributing to its own identity and sense of place. The Downtown Plan includes proposed zoning regulations for historic buildings and use patterns that reinforce the cultural legacies of the Downtown neighborhoods. For example, the areas designated as Traditional Core have a time-honored urban development pattern and a collection of historically-significant buildings that often include residential, office and neighborhood-serving uses, as well as dining and entertainment uses that attract visitors and tourists. Areas designated as Villages are characterized by walkable and fine-grained block patterns that serve as historic and cultural regional niche market destinations, with adaptive reuse of historic buildings and infill development that is responsive to the historic and cultural legacy of the area. In addition, Hybrid Industrial areas preserve productive activity and prioritize employment uses but may also accommodate live/work uses or limited residential uses.

The Proposed Project 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.

Several commenters stressed the need for context-sensitive growth in areas such as the Historic Core and provided varied opinions on height and scale. Some have suggested that height limits should be applied across the district to safeguard existing historic structures from demolition, while others have advocated for flexibility in regulations for new development. Within the proposed zoning regulations that reinforce historic preservation, Zoning Form Districts (Appendix P) applied in the Historic Core support the predominant characteristics of strong street walls, building widths of approximately 200 feet, and a datum line of 12 stories. While earlier versions of the Proposed Project recommended height limits throughout the Historic Core, the current proposal would allow for unlimited height, but would require that any building height above the 12<sup>th</sup> floor be set back 30 feet from the street-facing property line. This strategy allows for thoughtful infill development while respecting the existing built patterns of the Historic Core.

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. For example, Zoning Frontage Districts proposed in the Fashion District along Santee Alley require wider entry features, such as market stalls, to support the movement of goods in and out of the buildings and a wide range of modifications for pedestrian amenity spaces. Zoning Frontage Districts proposed in Chinatown require high build-to widths, high levels of transparency, frequent entrance spacing, and ground floor elevation at or near sidewalk grade, consistent with a prevailing building pattern organized around pedestrian activation and smaller scale commercial and retail spaces. The Downtown Plan includes two Character Frontage Districts for the Historic Core and the Arts District, which both include designated and/or eligible historic districts, as well as a high concentration of individual designated or eligible historic resources. These 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 historic and celebrated architectural legacy of these two neighborhoods. However, in order to allow for architectural innovation and accommodate unique building types, such as civic, cultural, and other similar institutional buildings, the Downtown Plan allows for Alternate Typologies. Alternate Typologies provide greater flexibility with regard to particular Form and Frontage standards and allow a ministerial process to pursue alternative design options for institutional buildings.

Commenters have expressed that the City should mandate compliance with the Historic Cultural Neighborhoods Best Practices included as part of the CPIO. Many proposed zones include objective development standards that implement the guidance outlined in the Best Practice documents. For example, the Downtown Plan includes an array of zoning standards such as horizontal and vertical banding; differentiation of the facade into base, middle and top; entrances with focal features, frequent entrances, etc. to ensure new buildings continue to reinforce the character defining features of the historic core. While the Downtown Plan introduces a number of topical Design Best Practice documents, the more subjective design standards, such as the Broadway Community Design Overlay that is currently in effect, will continue to shape future development within the Historic Core neighborhood that is compatible with existing structures. Consistent with Senate Bill 330, these Best Practice documents would serve in an advisory capacity, as California cities are precluded from adopting non-objective design guidelines. However, Frontage District zoning requirements are objective development standards, and thus comply with Senate Bill 330.

#### *Downtown Adaptive Reuse Program*

As stated on page 4.4-39 of the DEIR, in addition to establishing new zoning tools, the Proposed Project expands and updates existing zoning tools, such as the Adaptive Reuse Programs, to create more opportunities to reuse and protect existing buildings that are of historic and cultural value to the surrounding community. The

Downtown Adaptive Reuse Program introduces new incentives to promote the use of existing buildings by removing dwelling unit size requirements and the limitation that only allowed conversion to dwelling units, and allows for the conversion to any viable use permitted by the underlying zoning. The program also replaces the 1974 qualifying criteria with a rolling date of 25 years to allow for buildings constructed post-1974 to also utilize this program and offers FAR exemptions for interstitial floors and mezzanines. The Downtown Plan aims to expand this tool to the entire Downtown Plan Area, creating more opportunities to reuse and protect existing buildings that are of historic and cultural value to the community.

#### *Transfer of Development Rights (TDR) Program*

Under the TDR Program, projects located in the Arts District and Chinatown neighborhoods designated as a Los Angeles Historic-Cultural Monument, sites listed in or formally determined eligible at the local, state or federal level, or sites identified as a contributor to a historic district or individual resource by SurveyLA, are eligible to donate unused Floor Area to a proposed project. The Arts District, generally to the east of Alameda Street, is identified as the Downtown Los Angeles Industrial Historic District per SurveyLA. Thus, the Arts District is home to a high concentration of Turn-of-the-Century industrial and commercial buildings and railroad infrastructure which tend to be larger, more adaptable structures that can easily benefit from rehabilitation. However, they also tend to be built at a FAR that is lower than the FAR that is being proposed for this area. Similarly in Chinatown, a majority of historic resources are concentrated in the northern part of Chinatown, in the area generally bounded by Bernard Street to the north, Broadway to the east, College Street to the south, and Yale Street to the west. This two-block area includes many Historic Cultural Monuments, such as the Chinatown Central Plaza and the SurveyLA identified Individual Resources and Historic District Contributors. As discussed on pages 4.4-39-4.4-40 of the DEIR, the TDR program can play an important role in these neighborhoods by promoting reinvestment in existing buildings while also supporting growth within the surrounding area. Projects utilizing the TDR program are required to complete a preservation plan in consultation with the Office of Historic Resources to ensure maintenance of the historic resource and execute a covenant and agreement acknowledging the transfer of Floor Area.

#### *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 DEIR concludes that impacts to historical resources would be significant and unavoidable because over the lifetime of the Downtown Plan, it is possible that one or more designated resource may be lost by redevelopment occurring under the Proposed Project. The CHO and the CPIO do 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 DEIR is that future development will result in significant and unavoidable impacts to historical resources under the Proposed Project. This disclosure, however, would not allow a developer to avoid



an environmental analysis of potential impacts to 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., CEQA Guidelines Section 15183[b][1]). Demolition of a historical resource in a proposed subsequent project would be an impact particular to a project site and specific project. As stated previously, the DEIR 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 (see pages 4.4-38 to 4.4-39 of the DEIR).

With respect to identification of additional mitigation measures appropriate to include in the EIR, page 4.4-43 of the DEIR 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 DEIR 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 Downtown Plan, including the CPIO, Zoning Form and Frontage Districts, and existing regulatory requirements (i.e., CEQA, Cultural Heritage Ordinance, etc.)

Some commenters suggestions to require mandatory design guidelines do not identify a feasible mitigation measure. SB 330, the Housing Crisis Act, codified at Gov. Code 66300, prohibits cities from adopting non-objective design standards. Qualitative design guidelines are, however, incorporated as best practices in the CPIO (Appendix G) 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 in the historic core; and incentives for preservation of historic buildings in the form of TDR and adaptive reuse are proposed as part of the Plan.

As previously stated, it is possible that one or more designated resource could be lost by redevelopment occurring under the Downtown Plan. For informational purposes, it may be 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 DEIR, 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 Project 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 DEIR:

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 Downtown 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 Downtown Plan.

As noted on page 4.4-36 of the DEIR, development that would occur over the lifetime of the Downtown 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 Downtown Plan provides additional protections for historical resources, particularly eligible historic resources. In addition, even without the Downtown Plan, pressure exists to redevelop parcels, especially adjacent to transit systems, including the eight fixed rail stations (five existing and three under construction) within the Downtown Plan Area. As discussed on page 4.4-38 of the DEIR, the Downtown Plan does not introduce any features that would preclude implementation of or alter existing regulations that designated resources are subject to, including CHO regulations. As discussed above and on pages 4.4-38 through 4.4-39 of the DEIR, all proposed changes to HCM-designated historical resources would be required to comply with mandatory review procedures. In neighborhoods with an abundance of eligible and designated historic resources, the Downtown Plan's CPIO includes procedural requirements applied to select areas of the Historic Core, Arts District, Chinatown, and Little Tokyo communities 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., CHO and LAMC Section 91.106.4.5) will continue to protect historical resources. The Downtown 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 CEQA Guidelines Section 15093. In summary, the Downtown 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 Downtown Plan.

### 3. *“Increased Development Potential Alternative” (Alternative 3)*

#### Summary of Master Response

- The Proposed Project captures broader goals of most stakeholders to allow for the highest levels of growth in areas around transit, while moderating growth in other areas to facilitate compatible development that safeguards industrial land and unique neighborhood identities in Downtown. The Proposed Project provides capacity for growth that exceeds SCAGs projections for Downtown for the year 2040.
- Alternative 3 could negatively impact industrial activity and reduce the Proposed Project’s objective to reserve portions of the Downtown Plan Area for job-generating industrial uses.
- Alternative 3 would not avoid or substantially lessen significant environmental effects of the project. Significant and unavoidable environmental impacts under Alternative 3 would occur to a greater degree than that of the Proposed Project.
- Commenters provide no substantial evidence supporting the need for a revised Plan approach utilizing Alternative 3 or revised conclusions from those in the DEIR. Therefore, there is no basis for additional analysis and no further response is required (CEQA Guidelines Section 15204(c)).

#### Summary of Comments

A number of stakeholder comments relate to increasing development potential within the Downtown Plan Area, and in general suggest that Alternative 3 would allow for the greatest development capacity and flexibility, better position Downtown to absorb a significant share of the City’s projected growth, and attract higher private and public investment. Commenters suggest that Alternative 3 is a more desirable alternative for housing production, suggesting Alternative 3 would best feasibly attain most of the basic project objectives. CEQA requires an EIR to describe a range of reasonable alternatives to 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. CEQA Guidelines Section 15126.6(a). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. The comments on the DEIR do not relate to significant environmental issues or the adequacy of analysis.

The DEIR for the Proposed Project includes an “Increased Development Potential” Alternative (Alternative 3) that would permit greater development capacity in the Markets, Production, and Community Center designations of the Downtown Plan Area in exchange for providing public benefits. Under the Downtown Plan, the Markets and Production areas include limitations on future residential uses. The Community Center areas allow residential uses at a moderated FAR compared to other areas within the Downtown Plan, such as Transit Core. Although Alternative 3 would allow for more development capacity around transit, it would also increase capacity elsewhere in the Plan Area, and growth would likely be spread out.

Alternative 3 would differ from the Proposed Project in the following ways:

- A portion of the area zoned as Restricted Light Industrial (MR1) under the Proposed Project would be designated as Industrial-Mixed Use 2 (IX2) under Alternative 3. The maximum allowable Bonus FAR would also increase from 3:1 to 10:1. Under Alternative 3, the zoning designation of IX2, which allows housing through the conversion of existing buildings to Joint Living and Work Quarters, would be applied to areas that are proposed as MR1 which, under the Proposed Project, do not allow housing.
- The Market Areas zoned IX2 and IX3 in the Proposed Project would be retained under Alternative 3; however, the Bonus FAR in these areas would increase from 3:1 to 10:1 and from 8:1 and 10:1 to 13:1.
- The Community Center designation on the edges of Chinatown would increase the Bonus FAR from 8:1 and 8.5:1 to 10:1.
- All the Base FARs would generally remain unchanged under Alternative 3.

The area designated Production under the proposed General Plan land use map, with corresponding MR1 zoning in the Proposed Project, generally within the southeastern portion of the Plan Area, nearest to Alameda Street, and Interstate I-10 (Santa Monica Freeway), does not allow residential uses and is intended to preserve land for light industrial uses. Under Alternative 3, the area zoned MR1 would be changed to IX2. The IX2 zoning would continue to allow certain light industrial uses as well as housing through the conversion of existing buildings to Joint Living and Work Quarters.

As concluded in the DEIR, Alternative 3 would not reduce any of the significant impacts of the Proposed Project identified in the DEIR and, the significant impacts would, in fact, occur to a greater degree than under the Proposed Project. (DEIR at page 5-53). Alternative 3 would not meet the standards for a reasonable range of an alternative under CEQA Guidelines Section 15126.6, as it would not avoid or substantially lessen any of the significant effects of the project. Alternatives 1, 2, and 4 do provide a reasonable range of alternatives as they would all reduce one or more significant impact of the Proposed Project and would attain most of the project objectives. See DEIR at pages 5-6 to 5-6, 5-21 to 5-23, 5-53 to 5-54, 5-67, Table 5-22. Alternative 3 was included to inform decision-makers and foster public participation by giving information about an alternative that could give greater community benefits and the potential regional environmental benefits of increasing development in the CPA. DEIR at pages 5-37 to 5-38. Note, the DEIR found that Alternative 3 may have incremental reductions to GHG emissions by concentrating more future growth (than the Downtown Plan does) in an area well served by transit and where housing, jobs, and services are in close proximity to one another. (DEIR at page 5-44.) But Alternative 3 does not reduce any of the significant effects of the Proposed Project. Therefore, it is not the superior alternative to the Proposed Project.

## 9.2 SUMMARY OF COMMENTS AND RESPONSES

### LETTER NO. 1

Miya Edmonson, IGR/CEQA Branch Chief, Caltrans

#### **Response 1-1**

The commenter requests locations in the Downtown Plan Area where transit improvements can be made. The City's Mobility Plan 2035, included as one of the Elements of the General Plan, is the document that primarily describes planned transportation improvements and contains several street designations, including Pedestrian Walkway and Shared Street, for each of the City's arterial streets as well as standard roadway dimensions for each designation. Chapter 6, *Action Plan*, includes several maps indicating where Transit Enhanced Networks, Neighborhood Enhanced Networks, Bicycle Enhanced Networks, Bicycle Lane Networks, and Pedestrian Enhanced Districts are envisioned within the city.

Based on review of the Mobility Plan's designations, the Proposed Project includes General Plan Amendments to update a number of enhanced street networks that prioritize bicycle, transit, and vehicle movement. Appendix B, Mobility Plan 2035 Amendments, which was considered by the Planning Commission on June 17, 2021, includes maps of the Plan Area that indicate where these updates would occur. Additionally, Metro is currently working on the Link US project, which proposes the integration of new run-through tracks on an elevated rail yard to improve operational flexibility and expand capacity at Los Angeles Union Station, located within the Plan Area. Link US envisions a new concourse for shorter wait times and improved transfer experiences, as well as preparing Union Station for future high-speed rail service.

Los Angeles Department of Transportation (LADOT) is also implementing the Vision Zero Program and is currently working on the Downtown Los Angeles Mobility Investment Plan (DTLA MIP). The Vision Zero Program aims to eliminate all traffic deaths within the City by the year 2025 through street and sidewalk safety improvements that are prioritized in areas of the City with the greatest need. The North Broadway, Temple Street, 6<sup>th</sup> Street, Venice Boulevard (Arlington to Figueroa), Broadway, and Central Avenue Safety Improvement Projects under Vision Zero border the Plan Area. The DTLA MIP will build upon the Downtown Plan and will serve as a roadmap to support the travel needs of residents, workers, and visitors by identifying transportation projects and programs that equitably address the community's existing and future mobility needs, prioritizing where and how to invest in transportation infrastructure and services to support a safe and reliable travel experience for all, and recommending a strategy to fund the priority project list.

#### **Response 1-2**

The commenter requests inclusion of a list of barrier locations and infrastructure solutions in the Downtown Plan. As discussed under Impact 4.15-3 in Section 4.15, *Transportation*, of the DEIR, the potential safety

impacts related to off ramp queuing as growth occurs pursuant to the Downtown Plan is significant and unavoidable. The location of barriers cannot be determined at this time as the Downtown Plan is programmatic in nature and does not include specific development projects or details about the location of individual developments. However, barrier locations will be addressed on a case-by-case basis as traffic levels within the Plan Area increase. In addition, as discussed above under Response 1-1, LADOT is implementing the Vision Zero Program and the Downtown Mobility Improvement Plan which aims to increase safety and access for people walking, rolling, and taking transit.

### **Response 1-3**

The commenter states support for implementation of pedestrian safety measures.

The support is noted. The Downtown 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 Downtown.

### **Response 1-4**

The commenter recommends removing the requirements for car parking.

The Proposed Project removes minimum parking requirements within the Downtown Plan Area and requires design standards to ensure any above grade parking structures can be adapted to active residential or non-residential uses in the future. In addition, the Department is working on a separate citywide ordinance (Council File 15-0719-S19) to implement a Transportation Demand Management (TDM) program, which, when it becomes effective, will apply throughout the city, including the Downtown Plan Area.

## LETTER NO. 2

Ali Poosti, Division Manager, Wastewater Engineering Services Division, LA Sanitation and Environment

August 27, 2020

### **Response 2-1**

The commenter states that there is insufficient detail in the project description to conduct a thorough capacity analysis because descriptions for individual proposed developments are needed to assess sewage generation and requests future notification, should more information become available.

The comment is noted. The EIR appropriately provides a programmatic analysis of the Proposed Project. No individual developments are proposed under the Downtown Plan. As individual developments are proposed, developers are required to contact LASAN to ensure sewer availability.

The purpose of the wastewater-related analysis in the DEIR is to identify the potential environmental impacts associated with implementing needed improvements to wastewater infrastructure. The potential temporary impacts associated with any needed wastewater conveyance upgrades are discussed under Impacts 4.17-1 and 4.17-2 in Section 4.17, *Utilities and Service Systems*, of the DEIR. As discussed therein, expansion of wastewater treatment capacity would not be needed to accommodate projected increases in wastewater generation. Upgrades to the wastewater conveyance system in portions of the Downtown Plan Area may be needed, but such upgrades would be expected to occur within existing utility easements and would not result in new areas of disturbance. All upgrades 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. The Wastewater Engineering Services Division will be consulted as appropriate when new developments are proposed and wastewater conveyance system upgrades will or may be needed.



## LETTER NO. 3

Casey Maddren, President, United Neighborhoods for Los Angeles

December 4, 2020

### **Response 3-1**

The commenter provides a brief background of United Neighborhoods for Los Angeles as a community organization and summarizes its concerns. This background is noted. Responses 3-2 to 3-15 below address specific comments on the DEIR.

### **Response 3-2**

The commenter states concerns regarding the combined environmental review of the Downtown Plan and the New Zoning Code.

As discussed in Chapter 3, *Project Description*, of the DEIR, at this time the City only intends to adopt that portion of Chapter 1A of the New Zoning Code that would allow the City to utilize and implement the New Zoning Code (Appendix P) in the Downtown Plan Area. This component of the Proposed Project would require adopting or amending regulations within the new Chapter 1A which includes at minimum: (i) the new zone districts to be used in the Downtown Plan Area, including substantive requirements for those zone districts, and (ii) adopting all of the background portions of the New Zoning Code that do not already exist that would allow the new zoning to be implemented, which may include definitions, processes, development standard rules, rules for non-conforming uses, and zoning incentive programs, among others. Because the components of the New Zoning Code are required to implement the policies and land uses included in the Downtown Plan, the two components are inextricably linked and are appropriately evaluated together. The New Zoning Code components are primarily administrative items that, as discussed throughout Chapter 4 of the DEIR, would themselves have no environmental impact. As noted throughout the DEIR, the potential effects of the New Zoning Code components considered in the DEIR would be considered as part of the environmental review of future community plans as they are updated.

The DEIR impact analyses in Chapter 4 were specifically formatted to provide separate analyses of the impacts of the Downtown Plan and the New Zoning Code. This was intended to provide clarity regarding the specific impacts of each project component. As noted in Chapter 4 and above, the significant environmental impacts of the combined Project components are exclusively limited to the Downtown Plan Area as the New Zoning Code components would not themselves result in any significant physical changes anywhere in the City. Additionally, the DEIR public comment period was also extended to 120 days, far exceeding the 45-day comment period required by CEQA.

The commenter notes that the Processes and Procedures ordinance is intended to apply outside of the Downtown Plan Area, and that therefore the New Zoning Code should have been analyzed separately from the Downtown Plan. While the Processes and Procedures ordinance (CPC 2016-3182-CA) is intended to apply across the City, it is not part of the Proposed Project. Through a separate effort, the Processes and Procedures ordinance is anticipated before City Council for an adoption vote in the Fall of 2022 (Council File 12-0460-S4), and was found to be exempt from CEQA pursuant to PRC Section 15061 (b) (3) and CEQA Guidelines, Section 15308 (Class 8). Per Environmental Case No. ENV-2016-3183-CE, “the Processes and Procedures Ordinance modifies administrative procedures for the processing of entitlement requests and appeals and has no effect on the physical environment.” The Processes and Procedures Ordinance establishes Chapter 1A (the New Zoning Code) and centralizes administrative procedures for both the current Zoning Code, Chapter 1 (General Provisions and Zoning) of the LAMC and the New Zoning Code (Chapter 1A) of the LAMC within Article 13 (Administration) of the New Zoning Code. This also supports that the Processes and Procedures Ordinance has independent utility from the rest of the New Zoning Code and the Downtown Plan. If the New Zoning Code does not get adopted and/or the Downtown Plan does not get adopted, the Processes and Procedures Ordinance still has efficacy as establishing new procedures for the current Zoning Code in Chapter 1 of the LAMC and the City would pursue adoption of the Processes and Procedures Ordinance even without the Downtown Plan and the New Zoning Code. As such, the City finds it appropriate that the Processes and Procedures Ordinance be analyzed and adopted separately from the Project analyzed in this EIR.

Finally, it should be noted that the public outreach for the New Zoning Code has been conducted across the City starting in the summer of 2013, and over the course of eight years, has involved listening sessions across the city, in-person and virtual public forums, two advisory committees, a dedicated website, email and social media, in addition to outreach conducted alongside the Proposed Project. Over the course of preparing the New Zoning Code, City Planning participated in over 200 outreach events on the New Zoning Code, together reaching an audience of over 6,500 people across the City.

### **Response 3-3**

The commenter suggests that the layout change between the Notice of Preparation (NOP) and DEIR is misleading and could be a CEQA violation.

The changes to which the commenter refers are organizational, non-substantive changes to the structure of zoning regulations proposed in the DEIR project description that primarily reflect the greater level of detail included in the DEIR versus the NOP.

For example, the fundamental aspects of what was referred to as “Context” in the NOP are captured in the Development Standards Districts introduced in the DEIR project description. The NOP states that the, “Context module is comprised of regulations meant to enhance the existing or establish new development patterns of an area where applied.” The project description outlines how Development Standards Districts regulate such aspects

of zoning as pedestrian and motor vehicle access, automobile parking quantities, parking design treatments, and other standards that enhance or establish development patterns where applied. Further, on page 3-48, the DEIR project description notes that the NOP referred to Development Standard Districts as “Context”, creating a link for the public to understand the continuity between the two terms.

Additionally, the DEIR project description introduces Density Districts as a component of the new zoning system (Appendix P). The NOP described similar regulations to those contained in the Density Districts in the description of Use Districts which stated that the, “Use District module establishes which uses and activities are allowed on a site.” By introducing Density Districts in addition to Use Districts, the DEIR project description restructures and provides more detail on how the New Zoning Code will regulate uses and activities on a lot. Density Districts regulate one distinct aspect of how a property may be used by placing limitations on the number of dwelling units permitted on a lot. This is an organizational, non-substantive change.

On page 3-27, the DEIR Project Description notes that the Downtown Plan includes amendments to the General Plan Framework Element (Appendix A) to introduce new land use designations of the Downtown Plans as well as other minor amendments to the General Plan Framework Element to reflect the evolving goals of the City since it was first adopted in 1996. On page 2-35, the Project Description states that, as part of the Downtown Plan, certain streets in the CPA will be redesignated in the Transportation Element (Mobility Plan 2035). These specific changes are considered in the DEIR impact analysis.

Further, the additional detail in the DEIR project description reflects the different purposes of these two documents. The purpose of the NOP is to inform agencies and the public that a DEIR is being prepared and to solicit input on the scope of the EIR. The purpose of the DEIR is to provide detailed analysis of the potentially significant environmental impacts of the Proposed Project to ensure that City decision makers and the public understand the potential environmental implications of adopting the Project.

Providing additional detail about the Proposed Project as is done in the DEIR is not unusual, nor is it unusual that the format and layout of the Project Description changes to some degree between the NOP and DEIR. The commenter has provided no evidence that anything meaningful was excluded from the NOP or that the public was deprived of the opportunity to provide input on the DEIR scope. The City held a scoping meeting on February 16, 2017 and received 36 responses to the NOP during the review and response period of February 6 to March 6 2017, including responses from state and regional agencies, various public interest groups, and individuals. Additionally, see Response 3-2 above for an overview of the public outreach conducted on the New Zoning Code, which provided opportunities for the public to ask questions and get clarity as needed. The comment does not raise any new significant environmental issues or address the adequacy of the analysis included in the DEIR.

**Response 3-4**

The commenter states a concern about the Downtown CPIO being published as a separate document and that the DEIR does not address the impacts of it. The commenter states this may be a violation of CEQA's information disclosure requirements.

It is not clear why the commenter is concerned about the CPIO standards "only" being published in the DEIR. As noted in Response 3-3 above, the DEIR project description includes additional details beyond those provided in the NOP project description. This is not unusual and reflects the different purposes of the two documents. The standards are included in Appendix F of the DEIR and were considered as part of the environmental analysis contained throughout Chapter 4 of the DEIR.

The update to the Downtown Community Plan and all the associated components, including the Policy document (Appendix C), the New Zoning Code (Appendix P) applicable to the Downtown Plan and CPIO (Appendix G) were published along with the DEIR. All these materials were available for public review both online at the Department's website and as hard copies at public libraries within the Community Plan Area. Therefore, the commenter's claim that the CPIO was not published and disseminated to the public is inaccurate. As described in Chapter 3, Project Description, Section 3.6, Project Components of the DEIR, the proposed CPIO is an important component of the Downtown Community Plan and was included in the analysis of the DEIR. The analysis contained in the DEIR is comprehensive and includes all the major components of the Downtown Community Plan, including the CPIO. Therefore, the commenter's claim that the DEIR fails to assess the impacts of the Plan and constitutes a violation of CEQA's information disclosure requirements is unwarranted. The comment is noted and will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

**Response 3-5**

The commenter states opposition to Administrative Clearances and questions the legality of them being non-discretionary and non-appealable.

The Downtown Plan proposes to streamline requirements and processes that contribute to a long entitlement process, add substantial costs to development, and generally serve as a barrier to investment Downtown. Primary Objective 1 listed in the DEIR Project Description aims to accommodate employment, housing, and population growth projections forecasted through the planning horizon year of 2040 to ensure that Downtown Plan Area continues to grow in a sustainable, equitable, healthy, and inclusive manner, consistent to implement policies of the City of Los Angeles General Plan Framework Element, by focusing new job-generating uses and residential development around transit stations. The Plan identifies a clear set of requirements within the New Zoning Code, CPIO, and other supporting ordinances, to enable projects to avail of ministerial processes, when appropriate, rather than rely on less transparent case-by-case discretionary review. Rigorous mitigation measures have been outlined in the Environmental Protection Measures (EPM) in Appendix S and CPIO Mitigation Monitoring

program to ensure projects are addressing environmental impacts when not subject to discretionary review. For example, many standards and design requirements related to parking and density limits have been simplified and folded into the zoning regulations or removed. Similarly, the CPIO ministerial approval will rely on a predetermined set of requirements that were developed alongside community partners during the robust engagement period of the Plan. These requirements clarify at the outset what can be built and how, and thereby, improve predictability for community members and minimize the need for discretionary review. These standards generally cover design, location, access, signage and amenities required to be provided. Only projects that comply with these standards and requirements and have no other entitlements are eligible for an Administrative Clearance. Those projects seeking to deviate from these standards would be required to seek relief as specified in the applicable standard, and would be subject to discretionary review. The Administrative Clearance proposed in the CPIO is designed to reduce the time and cost of developments within the Plan Area, while ensuring that projects meet the desired criteria.

Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. The comments express an opinion or general statement related to the Proposed Project and do not relate to the adequacy of the analysis included in the DEIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

### **Response 3-6**

The commenter notes discrepancies between the CPIO mentioning Environmental Standards in Appendix A and the note of "Environmental Standards Forthcoming" in Appendix A.

Mitigation measures applicable to the projects in the Downtown Plan Area are described and analyzed in the DEIR. The mitigation measures will be implemented and enforced through a combination of the EPMs and the CPIO. EPMs are envisioned as a set of standards to streamline the implementation and enforcement of mitigation measures identified in the EIRs for the City, including those in the Downtown Plan EIR. The CPIO and EPM include standards and administrative provisions for the implementation and enforcement of the mitigation measures already identified in the DEIR and, therefore, will not affect the analysis contained in the DEIR. Chapter 3, Project Description of the DEIR, at pages 3-3 and 3-50, explains that the EPMs will be used to implement the Mitigation Measures in the EIR. The proposed mitigation measures are identified in the DEIR and, therefore, the commenter was able to comment on the proposed mitigation measures and the future EPMs. There is no requirement that the implementation mechanism for mitigation measures be released alongside the DEIR. Appendix A (Mitigation Measures /Environmental Protection Measures) of the CPIO is now developed and shared with the public as part of this FEIR.

**Response 3-7**

The commenter requests identification of where population figures cited in Table 3-3 and employment figures cited in Table 3-4 can be found in the RTP/SCS referenced in the DEIR.

Although the 2016-2040 SCAG RTP/SCS does not include specific population projections for the Downtown Plan Area, DCP staff developed the growth projections for the Downtown Plan Area based on the regional and citywide growth projections contained in the RTP/SCS. SCAG growth forecasts can be viewed on the SCAG website ([https://scag.ca.gov/sites/main/files/file-attachments/2016\\_2040rtpscs\\_finalgrowthforecastbyjurisdiction.pdf?1605576071](https://scag.ca.gov/sites/main/files/file-attachments/2016_2040rtpscs_finalgrowthforecastbyjurisdiction.pdf?1605576071)). The methodology used to estimate the 2017 and 2040 populations considered in the DEIR analysis is described in detail in Appendix B, Methodology. The interpolated data is part of the Proposed Project records and is available in the Project Case File CPC-2017-432-CPU; CPC-2014-1582-CA; ENV-2017-433-EIR. The RTP/SCS includes baseline estimates of population for 2016 and projections for the year 2040, based on Transportation Analysis Zones (TAZs). A TAZ is a spatial unit that includes socioeconomic data such as population, households, and employees of a particular region. The 2017 population numbers listed in Table 3-3 and 3-4 of Chapter 3, *Project Description*, were summed by DCP staff for the Downtown Plan Area and interpolated from this data set. Therefore, although SCAG's 2016-2040 RTP/SCS does not publish population numbers for 2017, the 2017 population was pulled from SCAG's estimates.

**Response 3-8**

The commenter asks the City to present the calculations that yielded the 62 percent reduction in per capita emissions value due to implementing the Downtown Plan.

The California Emissions Estimator Model (CalEEMod) was used to determine GHG emissions under three different scenarios: the existing land use in 2017, existing land use in 2040 (i.e., without implementing the Proposed Project), and predicted land use in 2040 with implementation of the Project. The commenter can review the inputs and results of the different CalEEMod iterations in Appendix I. For a detailed analysis on how CalEEMod calculates emissions, please refer to Appendix A of the User Guide for CalEEMod at [caleemod.com](http://caleemod.com).

The calculations used to get the 62 percent reduction in per capita emissions value are as follows:

$$\left[ 1 - \left( \frac{11.3 \text{ MT } CO_2e \text{ per capita in 2040 with project}}{29.9 \text{ MT } CO_2e \text{ per capita in 2017 under existing conditions}} \right) \right] * 100 \cong 62\% \text{ reduction}$$

Consistent with the State CEQA Guidelines, the GHG emissions impact conclusion in the DEIR is based on comparing future emissions under the Downtown Plan to emission in the existing/baseline year. Compared to the Existing Conditions, the Downtown Plan would result in a reduction in annual GHG emissions within the Plan Area. (DEIR at 4.7-30 to 4.7-31.) By guiding development near transit corridors and encouraging mixed land uses, the Downtown Plan creates an efficient strategy for reasonably foreseeable development in the region,

consistent with AB 32, SB 32 and the 2016-2040 RTP/SCS. The comment's assertion that the reduction of GHG emissions is absurd does not inform the conclusion related to the potential significance of impacts. Therefore, the comment does not provide substantial evidence demonstrating that new or revised analysis of environmental impacts related to GHG emissions is warranted.

### **Response 3-9**

The commenter states that there has been a reduction in transit ridership on Metro service between 1988 and 2018 along with a reduction of 30% in annual unlinked trips between 2013 to 2018. The commenter also states that the city offers no data to support the reduction in VMT due to active transportation.

Regarding transit usage, Metro has recently stated that their goal is increase transit ridership back to pre-pandemic levels by July 2023. Metro is currently in the process of restoring bus lines and investing in rail service, including opening 10 miles of new rail service in 2022. For the City of Los Angeles transit, while the DASH service has been declining over the past decade, LADOT continues to review the DASH routes and service levels in order to be responsive to and meet estimated demand.

The vehicle miles traveled (VMT) analysis presented in the environmental impact report (EIR) is a complex topic and involves many different factors in the modeling process including assumptions about the future year socioeconomic data, transportation networks, and zoning changes. In absolute terms, there is an increase in both vehicle trips and vehicle miles traveled between 2017 and 2040. However, the goal of the city and the state's requirement to analyze impacts using VMT is to make travel more efficient on a per service population (residents and employees) basis. The City's transportation guidance requires that the DTLA Plan's VMT per service population is 15% below the baseline for the SCAG region along with not exceeding the baseline VMT per service population for the DTLA plan area. Both of these targets are met and documented in the environmental impact report showing that the Plan does not result in a significant VMT impact.

The reasons why the plan achieves a more efficient VMT per service population is due to several factors, namely:

- Improving the jobs to housing balance in DTLA thus shortening the distance people travel from their homes to work.
- Implementing the Mobility 2035 plan including upgrades to the active transportation system on both the transit and bike enhanced networks (TEN/BEN).
- Modifying the Mobility Plan 2035 to include additional active transportation elements such as protected bike lanes and dedicated bus lanes on roadways not originally included.

As discussed on page 4.15-5 of Section 4.15, the Downtown Subarea Travel Demand Forecasting Model estimates that under existing (2017) baseline conditions, approximately 28 percent of all trips within the Downtown Plan Area are made by transit, walking, or biking. These estimates were derived from data within the

citywide Travel Demand Forecasting Model, which includes the most recently available transit routes and schedule information from the largest transit providers in Los Angeles County (per the 2016-2040 RTP/SCS). As discussed above, the transportation modeling conducted for the DEIR does not give any specific VMT reduction credit for any of the policies and programs included in the Downtown Plan. Nevertheless, the Downtown Plan includes various policies and programs intended to promote active travel modes such as walking and biking that will likely result in VMT reductions. The Downtown Plan proposes no minimum required parking throughout the Plan Area. Additionally, the Downtown Plan's land use strategy centers on concentrating growth near transit and encouraging a variety of uses within biking, rolling, or walking distance of each other – reducing the reliance on automobiles. The Downtown Plan's Community Benefits Program also includes opportunities to construct and fund mobility and transportation infrastructure projects that will support the Plan's VMT reduction goals. Projects participating in the Community Benefits Program may propose infrastructure, such as Metro Rail station portals, as a community benefit to receive bonus development rights in the Community Benefits Program. Additionally, in the third level of the program, projects may contribute to the Community Benefits Fund. Transportation infrastructure, mobility improvements, and streetscape improvement projects are all eligible recipients of funding, which will be allocated to projects in Downtown and the immediate surrounding area by a committee.

Regarding the commenter's statement that the city has not followed through on collecting data regarding bicycling and walking, this is incorrect. In 2019, the city (LADOT) conducted its first comprehensive count of people biking and walking on Los Angeles streets. The report was published in April 2021 and is located at <https://ladot.lacity.org/sites/default/files/documents/ladot2019walkandbikecount.pdf>. The count data and supporting information is available for download at <https://ladot.lacity.org/>.

The commenter's concerns about perceived failures to reduce VMT through past efforts are noted, but the DEIR analysis does not attempt to take any credit for past efforts to reduce VMT, nor does it give credit for proposed future efforts to reduce VMT. The purpose of adding development near transit is to enhance transit use. Despite the drop in transit ridership, it is expected that improved transit services better access to transit through enhanced pedestrian networks, and proximity to a variety of uses and activities would likely increase transit use to some degree over time as compared to current levels. Moreover, even if transit use does not change, other factors (such as creation of pedestrian-oriented neighborhoods and increased working from home) are expected to reduce per capita VMT in the Downtown Plan Area. Nevertheless, although the SCAG transportation model used to analyze VMT impacts may change assumptions about region-wide transit use over time, no quantitative project-specific credit for increased transit use was assumed in the DEIR transportation modeling (i.e., no changes to the SCAG model were made to account for potential future increases in transit use resulting from implementation of the Downtown Plan).

The Downtown Plan also calls for the development of a transportation capital improvements plan to accelerate implementation of the remaining network. In addition, the city has several initiatives related to increasing active transportation use and reducing the dependence on cars, particularly in high density areas like DTLA, such as the



Transportation Demand Management (TDM) program update that is currently underway, the Great Streets Challenge Grant as a continuous source for community empowerment to envision better local mobility, and the DTLA Mobility Investment Plan. The Los Angeles Department of Transportation (LADOT) has begun work on the DTLA Mobility Investment Plan (DTLA MIP). The DTLA MIP will serve as a roadmap to support the future travel needs of residents, employees, and visitors of DTLA. LADOT will undertake an inclusive, community-centered process to develop the DTLA MIP. The DTLA MIP will be informed by local knowledge to guide development of the Plan. The project team, in collaboration with the DTLA community, will analyze transportation needs and barriers, create a capital project list, and seek ways to fund and implement the project list to accommodate Downtown's mobility needs. Additionally, at a citywide level, City Planning is currently engaged in a separate effort to update the TDM Ordinance, and will incorporate the most recently adopted version of the TDM Ordinance into the New Zoning Code. TDM regulations, which aim to reduce the number of vehicle trips generated by development projects and promote alternatives to single-occupant vehicles. As noted above, the VMT analysis does not include any specific VMT reductions from these planned improvements; therefore, it is likely "conservative" in so far as some improvements may reduce per capita VMT compared to what is forecast in the DEIR transportation analysis.

The City finds it has complied with CEQA to make a good faith effort to analyze VMT impacts in reliance on the best available data and methodologies available at the time. The commenter has not demonstrated that better data and methodology are available to analyze VMT impacts from the Proposed Project.

### **Response 3-10**

Contrary to the commenter's statements, the GHG analysis in the DEIR considers the application of the New Zoning Code in the Downtown Plan Area and the growth forecasts upon which the analysis is based consider components of the New Zoning Code as they are being proposed to implement the Downtown Plan. (See DEIR at pages 4.7-31 to 4.7-46, including GHG calculations from implementation of NZC in Downtown Plan in table 4.7-4.) Beginning on page 3-43, the DEIR Project Description discusses how adoption of portions of the New Zoning Code (Appendix G) is needed to implement the Downtown Plan. This portion of the Project Description describes the specific new "base zoning" districts and the additional New Zoning Code regulations that are required to implement the new zoning proposed for the Downtown Plan Area. The DEIR language quoted by the commenter is referring to and analyzing the use of the New Zoning Code outside of the Downtown Plan Area. To the extent the commenter is asking for GHG analysis of the use of the New Zoning Code in the Downtown Plan Area in a way that is not proposed for the Downtown Plan, that is not the City's project. Similarly, application of the New Zoning Code outside of the Downtown Plan Area is not part of this Project, and as discussed in the quoted language would involve speculation based on the modularity of the New Zoning Code and the need for a comprehensive community plan update or other involved planning process to rezone using the New Zoning Code, a legislative planning process that generally takes years and extensive public outreach.

### **Response 3-11**

The commenter states that a citation for the City’s environmental data is incorrect and alleges that the City is misleading the public about local water resources and the impact of further development in the area.

The short citation references the full US Climate Data citation found in the references section of the Hydrology report (US Climate Data. 2017. “Climate Los Angeles – California,” found at <http://www.usclimatedata.com/climate/los-angeles/california/united-states/usca1339>. This source was accessed in January 2022. The link provided takes the user to climate data for the City of Los Angeles. U.S. Climate Data’s monthly averages span 1981-2010, while their historical data spans from 2008-2019. The difference in values can be attributed to the different amount of time data has been gathered. In addition, U.S. Climate data has a weather station, situated near Grand Central Market, located at (34.0522, -118.244).

It is acknowledged that different sources include somewhat different values with respect to precipitation. Therefore, although the sources referenced in the DEIR are considered reasonable, the discussion mentioned by the commenter on page 4.9-1 of Section 4.9, *Hydrology and Water Quality*, has been revised as follows to cite the 2020 UWMP, an adopted City of Los Angeles document:

*Los Angeles has a mild climate with an annual average monthly maximum temperature of 75 degrees Fahrenheit based on the period of 1995-2020, temperature of 63.8 degrees Fahrenheit with an average high temperature of approximately 71.7 degrees Fahrenheit and an average low temperature of approximately 55.9 degrees Fahrenheit. Average annual precipitation of the region averages approximately 13.77 +8.67 inches, with over 92 percent of this total amount typically occurring during the period of November through April (all from City of Los Angeles, 2020 UWMP). ~~Precipitation occurs during the months of October through April, averaging approximately 2.6 inches per month (US Climate Data 2017).~~*

The 2020 UWMP is also added to the list of references at the end of Section 4.9.

These revisions do not affect the DEIR analysis or conclusions. It is important to note that, regardless of precipitation totals, as the commenter notes, the Downtown Plan Area is already primarily covered with impervious surfaces such as pavement and rooftops. Therefore, as noted in Section 4.9, *Hydrology and Water Quality*, of the DEIR, future development in the Downtown Plan Area would not substantially alter Downtown Plan Area drainage patterns. Consequently, reasonably expected growth from the Downtown Plan would not alter the drainage pattern of the Downtown Plan Area to an extent that would result in substantial erosion, siltation, or flooding on- or off-site. Given current conditions in the Downtown Plan Area, replacement of older development with new development that meets current stormwater runoff standards would actually be expected to incrementally reduce overall runoff and impacts to the local stormwater system relative to current conditions regardless of future precipitation levels.

**Response 3-12**

The commenter suggests that the City should recirculate the Public Services section of the DEIR and acknowledge the high per capita crime rates in the Central Division, acknowledge current law enforcement challenges, assess potential adverse impacts to area residents that may result after the adoption of the Downtown Plan, and propose reasonable mitigation measures to reduce impacts to public safety.

Crime statistics for the Downtown Plan Area are provided in Section 4.13, *Public Services*, of the DEIR, in Table 4.13-6. How such crime rates compare to the City as a whole is not relevant to the analysis of impacts related to police protection, which as required by CEQA focuses on the potential for adverse physical impacts associated with provision of new or physically altered facilities, the construction of which could cause significant environmental impacts. With respect to potential impacts to human beings, it is true that crime rates have increased throughout the City and in many other cities since the onset of the pandemic in 2020. However, such increases are not unique to the Downtown Plan Area and the commenter has provided no evidence to support the contention that implementation of the Downtown Plan would directly or indirectly result in increased crime rates or otherwise result in significant impacts to public safety. To the contrary, it is anticipated that redevelopment and the addition of new uses in the Downtown Plan Area would be more likely to reduce the crime rate by increasing people's presence in the form of visitors, residents, and employees and thereby activating the area. In addition, the California Constitution requires cities to provide adequate funding for police services. As such, contrary to what the commenter suggests, it is not anticipated that the LAPD will lack funding to provide police service and the DEIR did not receive any comments from LAPD regarding lack of resources to provide adequate service to the Plan Area.

As discussed under Impact 4.13-2, the LAPD expects that replacement and expansion of existing facilities, or construction of new facilities, would be required to maintain adequate police service in the Downtown Plan Area through 2040. Although the exact types and locations of future new facilities are not known at this time, it is anticipated that new facilities would be community facilities that could be developed without new significant environmental impacts beyond those described throughout the DEIR. Discussion of how crime data in the Downtown Plan Area compare to those for the City as a whole would not alter this conclusion, because the provision of police protection service would not result in any significant environmental impact, inclusion of mitigation measures for impacts related to police protection is not necessary. Nevertheless, in response to this comment, the following has been added to the second paragraph under "Downtown Plan Area Setting" on page 4.13-16 of the DEIR:

*Rates of both violent and property crimes are substantially higher in the Central Area than in the City as a whole and also somewhat higher in the Newton Area, though both violent and property crime rates in the Northeast Area are lower than citywide rates.*

Recirculation of a DEIR is not required unless “significant new information” is added. Per Section 15088.5 of the CEQA Guidelines, significant new information requiring recirculation includes a disclosure that: (1) a new significant environmental impact not identified in the DEIR would occur; (2) a substantial increase in the severity of an environmental impact relative to what is disclosed in the DEIR is identified; (3) a new feasible alternative that would clearly lessen environmental impacts is identified but the proponent declines to adopt it; or (4) the DEIR is so fundamentally inadequate and conclusory that meaningful public review and comment were precluded. The discussion of high crime rates requested the commenter does involve significant new information or trigger the need for recirculation based on these criteria. Therefore, recirculation of the DEIR is not warranted.

### **Response 3-13**

The commenter suggests that the DEIR’s water resource projections are not supported by substantial evidence and that it seems unlikely the City will be able to support the water demand in the Downtown Plan Area once the Downtown Plan and New Zoning Code are adopted. The commenter specifically suggests that current drought conditions and groundwater contamination have not been considered, that water resources upon which the City relies are in decline, that reducing water use and water recycling need to be considered, and that the data contained in the 2015 UWMP that is referenced in the DEIR is out of date.

With respect to drought, it is true that the 2020-21 rain season produced little precipitation throughout much of California, including Los Angeles, and that long-term forecasts suggest climate change may result in drought conditions that affect California water supplies. The 2021-22 rain season produced more, but still below average, precipitation. However, it should be noted that Los Angeles experienced above average rainfall totals in three of the five years after adoption of the LADWP’s 2015 UWMP (see the table below). In addition, agencies responsible for delivering water to Los Angeles, including LADWP and the Metropolitan Water District of Southern California (MWD) are incorporating long-term climate forecasts into their water supply planning by investing in various approaches to reduce reliance on imported water. LADWP approaches are discussed in Section 4.17, *Utilities and Service Systems*, of the DEIR and below. MWD’s Annual Achievement Report ([https://www.mwdh2o.com/media/20101/annual\\_achievement\\_report.pdf](https://www.mwdh2o.com/media/20101/annual_achievement_report.pdf), accessed January 2022) notes that despite almost 30 percent population growth in the southern California region since 1990, the total demand for water over this same period has dropped by almost 20 percent. That same report notes that MWD invested more than \$43 million in conservation, recycling and groundwater recovery programs in fiscal year 2019/20, bringing its total cumulative investment to \$1.5 billion since 1990. Such programs are considered in the water supply planning for the region and will continue to be augmented as conditions change and new technologies become available. Finally, it is important to note that although climate change is creating uncertainties regarding future water supplies, these uncertainties are not unique or specific to the Downtown Plan Area. The underlying purpose of the Downtown Plan is to accommodate the City’s growth forecast, growth which will occur in Los Angeles regardless of whether the Downtown Plan is adopted and implemented. Consequently, rather than increasing

regional water demand, by focusing growth in the Downtown Plan Area rather than elsewhere in the City, the Downtown Plan would merely concentrate a higher proportion of citywide demand that will occur with or without the Downtown Plan in the Downtown Plan Area. By focusing new housing growth on relatively high density housing that generally has lower per unit water demand than lower density housing, accommodating a higher proportion of regional growth in the Downtown Plan Area would actually be expected to reduce future citywide water demand compared to a scenario where housing demand is accommodated in lower density, more water intensive development types.

Los Angeles Annual Rainfall Totals 2016-2021		
Season (July 1 – June 30)	Total Inches of Rainfall	Inches Above/Below Overall Season Average
2020-2021	5.82	-8.85
2019-2020	14.86	+0.13
2018-2019	18.82	+4.09
2017-2018	4.79	-9.94
2016-2017	19.00	+4.27
Source: LA Almanac ( <a href="http://www.laalmanac.com/weather/we13.php">www.laalmanac.com/weather/we13.php</a> ), accessed January 2022.		

Local groundwater contamination issues are specifically noted on page 4.17-15 of Section 4.17 of the DEIR, where it is stated that “[i]n response to contamination issues and declining groundwater levels, the LADWP is working to clean up the San Fernando Basin’s groundwater and is making investments to recharge local groundwater basins through stormwater recharge projects, while collaborating on the rehabilitation of aging stormwater capture and spreading facilities, with the long-range goal of increasing the contribution of groundwater to overall City water supplies.” Contamination issues are considered in the 2015 water supply forecasts and thus are considered in the DEIR water supply analysis.

Water use reduction and water recycling are also specifically discussed in Section 4.17. Water use reduction is discussed under “Water Conservation” on page 4.17-17 of Section 4.17, where it is noted that the City reduced its water usage by 31 percent during FY2014/2015 compared to FY 2006/2007 (LADWP 2016a) through such water conservation measures as water metering, water rationing, public awareness and incentives, industrial process water use efficiency, and other policies, programs, and ordinances. The discussion also notes that state legislation, which postdates several City water conservation ordinances, has strengthened the City’s commitment to water conservation and provides added assurance that the City will continue its leadership role in managing demand for water in the near and distant future. On page 4.17-15, under “Recycled Water,” the DEIR notes that LADWP uses recycled water produced by four wastewater treatment plants, that recycled water provides approximately two percent to the City’s water supply, and that the City’s goal is to increase the use of recycled water to 75,400 acre-feet per year by 2040. Both water use reduction methods and water recycling are considered in the 2015 UWMP and thus in the DEIR water supply analysis.

As the commenter notes, the DEIR water supply analysis relies largely on information from the LADWP’s 2015 UWMP. The 2020 UWMP (<https://www.ladwp.com/cs/groups/ladwp/documents/pdf/mdaw/nzyy/~edisp/opladwpccb762836.pdf>, accessed June 2022) was adopted on May 25, 2021 and indicates that LADWP will continue to have sufficient water supplies available to meet projected demands under normal water year conditions, singly dry year (drought) conditions, and multiple dry year (extended drought) conditions through the year 2045. The MWD’s 2020 Urban Water Management Plan similarly forecasts that MWD has supply capabilities sufficient to meet expected demands from 2025 through 2045 under a single dry-year condition and a period of drought lasting five consecutive water years (<https://www.mwdh2o.com/media/21641/2020-urban-water-management-plan-june-2021.pdf>, accessed June 2022). Finally, the LADWP addresses its plans for addressing water supply needs in its response to the DEIR for the City’s Housing Element (see [https://planning.lacity.org/eir/HEU\\_2021-2029\\_SEU/Feir/files/3-Responses%20to%20Comments.pdf](https://planning.lacity.org/eir/HEU_2021-2029_SEU/Feir/files/3-Responses%20to%20Comments.pdf)).

### **Response 3-14**

The commenter suggests that the DEIR offers no current data on rates of waste diversion to recycling and claims that the City is not in compliance with AB 939.

As noted on page 4.17-29 of Section 4.17, *Utilities and Service Systems*, of the DEIR, “[a]s of 2012, the City achieved a diversion rate of 76.4 percent (LADPW 2013b).” This is the most current available estimate of solid waste diversion available. It is true that, as the commenter notes, a 2019 settlement agreement with the seven RecyclA service providers reduces the recycling target for those providers from 45 percent to 35 percent diversion by 2023. However, that agreement only applies to only one component of the City’s overall recycling program, which includes a range of other components that are unaffected. These are described in detail in the City’s Solid Waste Integrated Resources Plan (SWIRP), also known as the City’s Zero Waste Plan ([https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-zwswirp?\\_adf.ctrl-state=amzcci6cr\\_5&\\_afriLoop=2525277285907612#!](https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-zwswirp?_adf.ctrl-state=amzcci6cr_5&_afriLoop=2525277285907612#!), accessed January 2022), which lays out a long-term plan through 2030 for the City’s solid waste programs, policies and environmental infrastructure, and further described in the LADWP’s Zero Waste Progress Report:

[https://planning.lacity.org/eir/8150Sunset/References/4.K.3.%20Solid%20Waste/SW.04\\_Zero%20Waste%20Progress%20Report\\_March%202013.pdf](https://planning.lacity.org/eir/8150Sunset/References/4.K.3.%20Solid%20Waste/SW.04_Zero%20Waste%20Progress%20Report_March%202013.pdf), accessed January 2022). Moreover, the recycling programs constitute only one component of the City’s overall solid waste diversion program, which as required by AB 939 and described in the same documents, also includes programs aimed at solid waste reduction (reducing the generation of solid waste at the source) and solid waste reuse. Consequently, the reduction in the recycling target cited by the commenter would have only an incremental impact on the City’s overall solid waste diversion rate. This reduction is accounted for in the solid waste generation estimates contained in the DEIR, which assume a diversion rate of 72 percent (the 2010 rate) rather than the 76.4 percent diversion rate that the

City had achieved by 2012. It is also important to note that the City maintains stated goals of a 90 percent diversion rate by 2025 and a 97 percent diversion rate by 2030. Based on these targets and the 2040 horizon year for the Downtown Plan, the 72 percent diversion rate used in the DEIR analysis is actually “conservative” as it does not assume that adopted targets are achieved.

Based on the above, the solid waste diversion rate assumed in the DEIR are considered reasonable. Because the commenter has not provided a factual basis for using a different rate, no change to the DEIR analysis is warranted.

### **Response 3-15**

The commenter again suggests that the DEIR fails to adequately assess the impacts of the Downtown Plan and the New Zoning Code with respect to solid waste, suggesting that solid waste diversion rates are lower than those required by AB 939 and that emissions of air pollutants and GHGs associated with solid waste have been underestimated.

Please see Response 3-14 above. The solid waste diversion rates used in the DEIR are considered reasonable and conservative, and the commenter has provided no factual basis for use of a different rate. It should also be noted that the model used to calculate air pollutant and GHG emissions consider emissions associated with solid waste generation. For this reason and because the solid waste diversion estimates used in the DEIR are reasonable, the emissions estimates in Sections 4.2, *Air Quality*, and 4.7, *Greenhouse Gas Emissions*, of the DEIR are also considered reasonable and no change is warranted.

## LETTER NO. 4

Faizah Malik, Senior Staff Attorney, Community Development Project, Central City United

### **Response 4-1**

The commenter provides a brief overview of the letter's contents.

This comment is noted. Please see Responses 4-2 through 4-26 below. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**.

### **Response 4-2**

The commenter suggests that the City should provide the DEIR in Japanese, Spanish, Korean, simplified and traditional Chinese, and Vietnamese, and that future meetings and public hearings should include professional interpreters in Japanese, Spanish, Korean, Cantonese, Chiu Chow, and Vietnamese for equitable access to all residents of Chinatown, Little Tokyo, and Skid Row.

This suggestion is noted, but does not pertain to the contents or adequacy of the DEIR. 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 120 days, far exceeding the 45-day DEIR review period required by CEQA. Several planning documents, e-blasts, and informational materials were translated into languages spoken within the Plan area including, Japanese, Spanish, Cantonese, and Vietnamese. Additionally, the City offers translation upon request and Japanese, Spanish, Cantonese, and Vietnamese translators were available for public outreach events.

### **Response 4-3**

The commenter states that the release of a newly drafted plan near the end of the public comment period resulted in lack of clarity, and that the release of the DEIR before the completed draft was improper. It is true that the Downtown Plan continues to evolve.

Minor changes have been made to the Plan since the August 2020 version, which can be found in the Technical Modifications/Corrections to the Staff Recommendation Report ([https://planning.lacity.org/odocument/59d7e9bf-7ead-4a33-a9e9-94ed906db362/Technical\\_Memo\\_\(September\).pdf](https://planning.lacity.org/odocument/59d7e9bf-7ead-4a33-a9e9-94ed906db362/Technical_Memo_(September).pdf), accessed January 2022).

Additional minor changes are expected to occur throughout the Plan review process. This is entirely normal as projects go through the review process, particularly projects involving City plans for which staff solicit substantial public input. With respect to CEQA, the issue to be determined as to whether a portion or all of the DEIR needs to be recirculated is whether such modifications constitute significant new information as defined in CEQA Guidelines Section 15085.5, or more specifically, whether a new significant environmental effects will occur or there will be a substantial increase in the severity of an impact. As discussed in Chapter 8, Modifications and Technical Changes, none of



the changes to the Plan made since the August 2020 release of the DEIR alter the growth assumptions included in the DEIR or result in new significant impacts or more severe significant impacts beyond those discussed in the DEIR or involve or require new or modified mitigation measures. The commenter's general statement does not identify any specific changes that have occurred to the Plan since the August 2020 version that would result in new significant environmental impacts or a substantially more severe impact. Additionally, the modifications and technical changes do not undermine the ability of the public to understand or comment on the Proposed Project as again, they do not result in any significant or substantial change to the growth assumptions or anticipated development patterns.

#### **Response 4-4**

The commenter suggests that the DEIR must analyze the emissions resulting from the direct and indirect impacts of the Downtown Plan on displacement of low-income residents, and must provide mitigation measures.

The growth forecasts used in the DEIR consider the effects of any displacement that may occur as a result of implementation of the Downtown Plan insofar as they represent the projected net increase in housing units, population, and jobs expected through 2040. The DEIR for the Downtown Plan analyzes the total net increase in emissions of air pollutants and GHGs in Sections 4.2, *Air Quality*, and 4.7, *Greenhouse Gas Emissions*, respectively, consider the vehicle miles traveled (VMT) changes described in Section 4.15, *Transportation and Traffic*. As noted in Section 4.15, VMT forecasts utilize the City of Los Angeles Travel Demand Forecasting (TDF) Model and a Downtown Subarea Travel Demand Forecasting (TDF) Model for the analysis of the 2017 baseline year and the future 2040 scenario, as well as the use of the SCAG TDF Model for the analysis of the 2016 SCAG RTP/SCS to represent the region. These models all consider the synergistic effects of growth, including in a general sense the effects of redeveloping properties over time. While Section 4.12, *Population and Housing*, of the DEIR (Impact 4.12-2) 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 Downtown Plan would result in an overall increase in housing, including affordable housing, available in the Downtown Plan Area, and that therefore 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 Downtown 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 Section 4.2, future daily regional emissions associated with implementation of the Downtown 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, Section 4.7 discusses how implementation of the Downtown Plan would result in a 62 percent 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 studies<sup>1</sup> 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 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 Downtown Plan.

With respect to mitigation, the analysis of regional air quality impacts concludes that the Downtown Plan's impact would be significant and that mitigation beyond the Downtown Plan's focus on mixed use and transit-oriented development and adherence to the City's green building standards on all new development is not available. For GHGs, significant impacts have not been identified; therefore, mitigation is not required.

Please also see Response 4-23 below for the rationale, assumptions, and analysis regarding displacement of residents and businesses under the Downtown Plan, and its potential environment impacts.

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 Downtown Plan

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<sup>1</sup> Pollack et al. 2010. Dukakis Center for Urban and Regional Policy at Northeastern University. "Maintaining Diversity In America's Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change." available at: <https://repository.library.northeastern.edu/files/neu:330193/fulltext.pdf> (accessed January 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-Oriented-Development.pdf> (accessed January 2022); TransForm. Green TRIP Connect. available at: <https://connect.greentrip.org/> (accessed January 2022).

Area, the Downtown Plan includes a number of measures to minimize displacement of existing residents and businesses.

When a unit subject to Rent Stabilized Ordinance (RSO) is demolished, the Downtown Plan requires a one-for-one RSO affordable replacement unit at the same income level as existing residents if verified, or as Low income units if incomes of existing residents cannot be verified. Similarly, projects using the Downtown 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. In addition, the Downtown Plan extends the covenant length of mixed-income affordable housing units from 55 years to 99 years, with an exemption for mixed-income housing projects that receive public subsidy as part of overall project financing or are subject to other covenant requirements. This requirement nearly doubles the amount of time a unit is required to remain affordable reducing the potential for displacement of residents.

The proposed “Community Benefits Program” would establish a funding mechanism to help preserve the existing affordable housing supply and local businesses within Downtown. Among other things the program will extend financial assistance to Community-Based Organizations (CBOs) and other neighborhood groups to buy out or extend expiring affordability covenants that would minimize displacement of low-income households that live in the Downtown Plan Area. The program would also provide funding for small local businesses to help sustain existing businesses in the Plan Area.

Additionally, all new development in the Downtown Plan Area will remain subject to the Affordable Housing Linkage Fee program. This program disincentivizes the loss of affordable units by requiring an additional fee if existing housing units are lost.

A number of City regulations that are currently in place to minimize displacement of residents will continue under the Downtown Plan:

- Within Downtown, the City Center and Central Industrial Redevelopment Project Areas currently have development guidelines and controls to preserve existing residential hotels that typically serve low-income households. Pursuant to these guidelines, when a residential hotel within the City Center and Central Industrial Project Areas is proposed for conversion or demolition, projects are required to replace these units one for one, to ensure there is no net loss of the residential hotel units.
- The citywide Residential Hotel Unit Conversion and Demolition Ordinance (RHO) offers protections for preservation of existing residential hotels and tenant rights and prohibits conversion or demolition of dwelling units in a residential hotel without approval from LAHD.
- The citywide Rent Stabilization Ordinance (RSO) is intended to safeguard tenants from excessive rent increases. The RSO regulates replacement of demolished units, allowable rent increases, registration of rental units, legal reasons for eviction, and the causes for eviction requiring relocation assistance payment to

tenants. Properties that contain two or more units, have a Certificate of Occupancy prior to October 1, 1978, and replacement units under LAMC Section 151.28 are subject to this ordinance.

A number of Downtown Plan policies, programs, and zoning strategies have been proposed specifically to address issues related to displacement. Policies include:

LU 2.7 Promote preservation and maintenance of existing housing stock at the foundation of the community's affordable housing supply.

LU 3.2 Facilitate the preservation of existing residential units, and avoid displacement of current Downtown residents.

LU 3.8 Foster effective collaboration and coordination between public agencies and community organizations to identify displacement concerns and efficiently respond with resources and strategies.

LU 3.9 Facilitate the renewal of existing affordable housing covenants and promote opportunities for acquisition of units with expiring covenants by affordable housing developers, community-based organizations, or community land trusts to preserve affordability.

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 Downtown Plan seeks to preserve the affordability of existing housing stock and minimize displacement. Projects using Density Bonus Law, or the Downtown 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. 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 Downtown Plan Area.

With respect to health risks, City staff is unaware of any specific health issues associated with displacement. Any attempt to predict what, if any, health risks might occur as a result of displacement would be speculative. The specific studies cited by the commenter do not directly relate to health risks or the Downtown Plan Area. The 2010 study from the Dukakis Center for Urban and Regional Policy and the 2015 Alliance for Community Transit – Los Angeles study both provide guidance on how to achieve and maintain diversity and equity in transit rich

neighborhoods. Thus, both address social issues rather than environmental issues. 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 Downtown 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 Downtown Plan.

#### **Response 4-5**

The commenter suggests that there is not substantial evidence to support the conclusion that the Downtown Plan is consistent with the South Coast Air Quality Management District’s Air Quality Management Plan (AQMP) and suggests that the DEIR must include mitigation measures to achieve consistency with the AQMP.

As discussed in Section 4.2, *Air Quality*, of the DEIR, under Impact 4.2-1, the Downtown Plan would not induce significant population and employment growth. Rather, it would serve to accommodate predicted growth in appropriate locations near existing transportation infrastructure, as encouraged in the Regional Transportation Plan/Sustainable Communities Plan (RTP/SCS), upon which the forecasted increase in emissions considered in the AQMP is based. Because the Downtown Plan would not increase development in the Downtown Plan Area in a way that would be inconsistent with citywide growth forecasts, it would not exceed the assumptions in the AQMP and thus would not conflict with the AQMP.

Contrary to what the commenter appears to suggest, the AQMP anticipates and accounts for regional growth and growth in VMT based on growth in population, jobs, and housing forecasts by individual cities in the region. As such, growth in overall VMT as would occur as a result of population and job growth does not in itself represent an inconsistency with the AQMP. As reflected in Table 4.2-9 in Section 4.2, a higher percentage of population growth anticipated by the AQMP would occur in the Downtown Plan Area, resulting in an approximate 53 percent increase in daily service population VMT compared to existing conditions. Under the No Project scenario, a reduction in daily service population VMT would still occur in the Plan Area. However, because less overall growth would occur in the Plan Area, more growth would be distributed to other areas of the region with less access to transit and where travel distances to jobs are greater. This would potentially result in greater overall regional air pollutant emissions compared to the Proposed Project. In addition, as discussed in Section 4.15, *Transportation and Traffic*, of the DEIR (Impact 4.15-2), the fact that the Downtown Plan would provide jobs and housing in close proximity to each other and in an area that is well served by public transit means that the per service population VMT in the Downtown Plan Area would actually be about 19 percent lower than current per service population emissions in 2040 and about 53 percent lower than current regionwide per service population emissions. Thus, accommodating forecast growth in the Downtown Plan Area rather than elsewhere in the region is expected to reduce overall regional VMT relative to what would otherwise be anticipated and compared to what is anticipated in the AQMP.

Based on the above facts and consistent with the DEIR, the Downtown Plan is consistent with the AQMP and mitigation is not required. It should also be noted that the SCAQMD has not provided any comments on the DEIR suggesting that the DEIR analysis is flawed or that the Downtown Plan would conflict with the AQMP.

With respect to engine improvements, the commenter is correct that such improvements would occur with or without the Proposed Project. However, the DEIR complies with the general requirements of CEQA to compare existing baseline conditions to future project conditions. Additionally, the DEIR discloses the effects of the current community plans to those of the Downtown Plan (see Alternative 1 in Section 5 of the DEIR). Additionally, the Commenter has not identified any available models that use a methodology for estimating emissions without these improvements, much less factoring in income and displacement. In addition, the DEIR identifies the Proposed Project's impact associated with air pollutant emissions as significant and unavoidable since emissions (including transportation emissions) associated with implementation of the Downtown Plan would exceed SCAQMD thresholds.

#### **Response 4-6**

The commenter suggests that there is not substantial evidence to support the claim that the Downtown Plan is consistent with local GHG emissions reduction policies, suggesting again that the analysis does not fully account for increases in VMT as it did not consider VMT and other impacts from direct and indirect displacement.

As described in the DEIR, *Impact 4.12-2* (pg 4.12-19), the Proposed Project does not directly entail construction of individual development or infrastructure projects, and therefore, would not result in any direct impacts related to displacement. The Downtown Plan would accommodate new development and redevelopment projects that would likely result in some displacement of existing residents. As discussed in detail in Responses 4-4 and 4-5 above, the DEIR analysis (including the analysis of GHG emissions in Section 4.7, *Greenhouse Gas Emissions*) considers changes in VMT resulting from development and redevelopment in the Plan Area. As noted above and in Section 4.7, although overall GHG emissions are forecast to increase in the Downtown Plan Area due to population and job growth, per capita emissions are forecast to decline due in part to the reduction in per service population VMT that would result from placing new development in an area where jobs and housing are in close proximity to each other and where access to public transit is good. Moreover, as noted in Section 4.7, the Downtown Plan would be consistent with state, regional, and local policies aimed at GHG emissions reduction. No evidence suggesting otherwise has been provided; therefore, revisions to the analysis and inclusion of mitigation measures as suggested by the commenter are not warranted.

#### **Response 4-7**

The commenter suggests that the DEIR should consider the environmental justice impacts of Downtown Plan and include mitigation for any associated impacts, suggesting that the air quality and GHG section of the DEIR should

be revised to incorporate consideration of disproportionate impacts to communities already affected by, or that are particularly vulnerable to, environmental impacts.

While environmental justice is a new consideration for General Plans, it is not a specific environmental consideration under CEQA. However, to the extent certain communities would be affected by environmental impacts (such as air pollutant emissions), such impacts are relevant under CEQA. As the commenter acknowledges, the DEIR identifies significant and unavoidable impacts related to air quality, cultural resources, noise, and highway off-ramp safety. Although cultural resource, recreation, and highway off-ramp safety impacts would not disproportionately affect specific communities, air quality, recreation, and noise impacts may. Consequently, in response to this comment, following clarifications have been made in the FEIR:

The following has been added at the end of the last paragraph under “Construction” on page 4.2-32 of Section 4.2, *Air Quality*:

*Because the Downtown Plan Area includes disadvantaged communities that in some cases may already be subject to various environmental hazards, construction-related air pollutant emissions could disproportionately affect such communities depending on the location and magnitude of construction activity.*

The following has been added as the next to last sentence of the last paragraph under “Distribution Centers” on page 4.2-33 of Section 4.2, *Air Quality*:

*Given the proximity of disadvantaged communities that in some cases may already be subject to various environmental hazards to areas designated as Production, Markets and Hybrid Industrial, such communities could be disproportionately affected by new distribution centers depending on their specific location and level of truck activity.*

The following has been added at the end of the last paragraph under “Temporary Noise Impacts” on page 4.11-22 of Section 4.1, *Noise*:

*Because the Downtown Plan Area includes disadvantaged communities that in some cases may already be subject to various environmental hazards, construction-related noise could disproportionately affect such communities depending on the location and magnitude of construction activity.*

The following has been added at the end of the last paragraph under “Construction Vibration” on page 4.11-26 of Section 4.1, *Noise*:

*Because the Downtown Plan Area includes disadvantaged communities that in some cases may already be subject to various environmental hazards, construction-related vibration could disproportionately affect such communities depending on the location and magnitude of construction activity.*

The following has been added at the end of the last paragraph under “Downtown Plan Impact” on page 4.14-9 of Section 4.14, *Recreation*:

*Because the Downtown Plan Area includes disadvantaged communities that may already lack park facilities that meet City targets, the addition of more people to the Plan Area could disproportionately affect parks in such communities depending on the magnitude of residential development constructed.*

These revisions to the DEIR text clarify that disadvantaged communities may be disproportionately affected by certain impacts of the Downtown Plan, but do not change the DEIR findings or conclusions and the commenter has not identified any new or additional mitigation measures that could further reduce the significant impacts and their potential to disproportionately affect disadvantaged communities.

The Downtown Plan also includes the following policies to minimize the environmental and public health impacts on disadvantaged communities within the Plan Area:

LU 16.1 Plan for sustainable land use patterns that leverage transit and open space resources and access to housing and jobs to improve the overall quality of the environment.

LU 16.2 Promote public health and environmental sustainability outcomes consistent with the City’s Plan for Healthy Los Angeles and the Sustainable City pLAn.

LU 16.3 Create a network of well-maintained public and private green infrastructure by incentivizing the use of trees, eco roofs, vertical gardens, stormwater facilities, and landscaped amenity areas.

LU 16.4 Facilitate access to affordable, healthy, and fresh food for all Downtown residents and support community serving small businesses that sell affordable, fresh, and culturally relevant foods.

LU 16.5 Encourage the use of native flora that maximizes the capture of pollutants near freeways and industrial facilities.

LU 16.6 Encourage sustainable building design and construction standards that can increase building energy and water efficiency.

The Plan for a Healthy Los Angeles serves as the Environmental Justice element of the City and includes environmental justice goals, policies and implementation programs. It aligns with the intent of SB 1000 and includes policies and maps required for compliance with Environmental Justice legislation, including: identifying and prioritizing disadvantaged communities, and addressing air and water quality, public facilities, food access, safe and sanitary homes, physical activity, unique or compounded health risks including climate vulnerability, and integrating civic engagement. The Plan for a Healthy Los Angeles was updated in November 2021 with a few amendments to clarify existing environmental justice policies. The Health Atlas for the City of Los Angeles, which provides a data-driven snapshot of health issues and outcomes for various communities in Los Angeles was also updated with the most recent data as part of this effort.



### **Response 4-8**

The commenter suggests that the DEIR fails to assess Downtown Plan's potential to physically divide the Skid Row community.

As discussed under "Methodology" on page 4.10-18 of Section 4.10, *Land Use and Planning*, of the DEIR, "[a] community can be physically divided by the construction of a new road, freeway, or railway that effectively isolates a portion of the community from the remainder of the community, or when major land use and zoning changes results in radically different land use patterns that can physically divide a neighborhood by creating a new street pattern that impedes access from one area to another" (emphasis added). As this indicates, the issue under CEQA related to dividing an established community involves the physical division of a community by a physical barrier such as a road, rail line, or wall, not merely a change in land use pattern that involves no physical barrier. The concern raised by the commenter relates to a socioeconomic concern associated with the potential displacement of existing residents, not the creation of a barrier that would physically divide a community and, as discussed under Impact 4.10-1 of on page 4.10-24 of Section 4.10, the Downtown Plan would not involve any new roads or other features that would physically divided a community in the Downtown Plan Area.

The issue about which the commenter is concerned relates to potential displacement of residents through redevelopment of Downtown Plan Area properties and resulting land use changes. This issue is addressed in Section 4.12, *Population and Housing*, under Impact 4.12-2. As discussed therein, while Downtown Plan development may result in the displacement of some existing housing, including affordable housing, the City has a number of programs in place to minimize and/or address such displacement while the Downtown Plan would result in a net increase in housing. Thus, any displacement that may occur would not necessitate the construction of replacement housing beyond that already forecast under the Downtown Plan and environmental impacts associated with displacement would be less than significant.

For a more detailed discussion on the rationale and the analysis related to displacement of existing residents contained in the DEIR, please see Response 4-23 below.

The commenter recommends including a requirement for on-site affordable housing to mitigate indirect displacement from new, predominantly market-rate housing wherever zone changes on parcels near this area permit multi-family residential use where previously prohibited.

Similar to the recommendation by the commenter, the Downtown Plan requires housing projects with market-rate units exceeding allowable Base FARs set aside a percentage of the total units as affordable housing units. These requirements would apply to the entire Plan Area, including the areas surrounding Skid Row, and would function similar to those requirements placed on a project when they seek zone changes under the current adopted Plan. Please see Article 9 of the New Zoning Code for specific details regarding the percentage of affordable housing requirements based on household income categories. Moreover, in the Skid Row area bounded by 5th Street to the north, San Pedro Street to the west, 7<sup>th</sup> Street to the South and Central Avenue to the east, the

Downtown Plan introduces housing where it is not permitted today. However, it would only allow for restricted affordable housing units to safeguard a portion of the Downtown Plan Area for affordable housing and minimize displacement of existing vulnerable populations.

A number of City regulations that are currently in place to minimize displacement of residents will continue under the Downtown Plan. Within Downtown, the City Center and Central Industrial Redevelopment Project Areas currently have development guidelines and controls to preserve existing residential hotels that typically serve low-income households. Pursuant to these guidelines, when a residential hotel within the City Center and Central Industrial Project Areas is proposed for conversion or demolition, projects are required to replace these units one for one, to ensure there is no net loss of the residential hotel units. These replacement units are required to be within the Downtown Community Plan Area. Similarly, the citywide RHO offers protections for preservation of existing residential hotels and tenant rights and prohibits conversion or demolition of dwelling units in a residential hotel without approval from LAHD.

The Affordable Housing Linkage Fee, adopted in 2017, established a citywide inclusionary housing program that requires new development to provide on-site affordable housing units or pay an in-lieu fee to a citywide affordable housing trust fund. The fee applies to both residential and non-residential development. Since the implementation of the fee, 97% of the multi-unit residential projects have provided affordable units on site, showing that linkage fee has been highly effective in the creation of affordable units.

Senate Bill 8, a statewide legislation, extends the term and clarifies aspects of the Housing Crisis Act of 2019 (SB 330) which bolsters affordable housing stock by adding protections for lower-income occupants of protected units such as right to remain, right-of-first-refusal for a comparable unit in the new housing development affordable to the household at an affordable rent or an affordable housing cost, and relocation assistance. For no-net-loss of housing development projects, SB 8 also clarifies that developers cannot demolish multiple units and replace them with a single family home. Through SB 8, the definition of a “housing development project” is clarified to include projects that involve no discretionary approval, projects that involve both discretionary and ministerial approvals, and projects that include construction of a single dwelling unit. State and city regulations are important steps in minimizing displacement and addressing affordable housing needs.

Finally, as there is no significant impact in the DEIR identified related to land use impacts and the commenters have not supported with substantial evidence that the Proposed Project will result in a significant impact related to a land use impact, no mitigation measures are required.

#### **Response 4-9**

The commenter suggests that the DEIR omits key analysis related to the Downtown Plan’s consistency with policies found in the City’s General Plan Housing Element and requests that the FEIR evaluate the Plan’s consistency with all policies in these elements.

Consistent with Appendix G of the CEQA Guidelines, Threshold 4.10-2 in Section 4.10, *Land Use and Planning*, states that a project would have significant impact to land use if it would “[c]ause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect[.]” (emphasis added). The Housing Element programs, objectives, and policies, as well as the State Density Bonus provisions, noted by the commenter are aimed at achieving socioeconomic goals, not mitigating an environmental effect. For example, Program 58 calls for the City to create a public database of population, employment, income, and housing data, Program 73 calls for Community Plan updates to establish mixes of housing types and levels of affordability in transit areas, and Program 101 directs the City to, with each major community planning effort, establish a goal for the development of affordable housing units based on the current Regional Housing Needs Assessment (RHNA) allocation for the City and Housing Element objectives and policies. The purpose of these programs is clearly to achieve the City’s goals related to the provision of housing, particularly affordable housing. The commenter has not demonstrated or even explained how any of the plans, policies or regulations they cite to are relevant to the impact threshold and “conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect and how any alleged conflict will result in a significant environmental impact from the Proposed Project.

Moreover, the commenter has not shown the Proposed Project is in conflict with the goals and objective. Program 58 as discussed by the commenter does not mandate that such a database be included in community plan update. As for Program 73, as discussed throughout the Downtown Plan and the DEIR, the Downtown Plan includes policies and implements zoning strategies to accommodate a substantial increase in housing at varying levels of affordability in an area with good access to public transit.

Post the publication of the DEIR for the Proposed Project, the City adopted the 2021-2029 housing Element. The Housing Element (i.e., The Plan to House LA) embodies the City’s housing goals and policies and identifies the more detailed strategies the City will implement to achieve them. One of the primary goals of the Housing Element is to encourage a range of housing opportunities for all income groups and identifies Downtown Plan as a significant part of its rezoning program to provide housing, including affordable housing to meet the RHNA allocations for the city.

The Downtown Plan accommodates housing opportunities for a range of income levels, including mixed-income and affordable housing. The Downtown Plan would increase development potential in targeted areas, allowing the Plan Area to accommodate additional housing units pursuant to SCAG’s RHNA allocation and growth projections, thereby implementing the goals of the Housing Element. Therefore, the Downtown Plan would be consistent with the City’s 2021-2029 Housing Element.

The 2021 update to the City’s Safety Element maintains the approach of including high level goals and objectives that consider multiple types of hazards but incorporates goals, policies, objectives, and feasible implementation

measures that place a greater emphasis on wildfires, flooding, and climate change as required by recent State legislation. Because the City addresses climate change adaptation and resilience in other policy documents, such as Resilient Los Angeles, and LA's Green New Deal (Sustainability pLAn), the 2021 update incorporated relevant policies from these other plans into the Safety Element, centralizing information in the City's General Plan and providing a framework for updates to other implementing documents, allocation of resources, and actions required of City staff and collaborating agencies. The update also replaced repetitive descriptions and exhibits in the Safety Element with references to the Local Hazard Mitigation Plan, which was last updated in 2018. Finally, the updated Safety Element incorporates programs from the 1996 Safety Element, the 2018 Local Hazard Mitigation Plan, the 2020 Floodplain Management Plan, Resilient Los Angeles, LA's Green New Deal and other related plans into a revised Chapter 4, Implementation.

Reasonably foreseeable development under the Downtown Plan would not increase the potential for wildfire or flooding, nor would it expose development to such hazards given that no portion of the Downtown Plan Area is in a wildfire hazard zone and no Downtown Plan Area development would be within the 100-year flood zone associated with the adjacent Los Angeles River. As discussed in Section 4.7, *Greenhouse Gas Emissions*, of the DEIR, the Downtown Plan would not conflict with City policies or programs related to climate change, which form the basis for the associated updates to the 2021 Safety Element. For these reasons, the Downtown Plan would not conflict with the 2021 Safety Element update.

In addition to the above, the commenter suggests that the Downtown Plan may undermine the City's Density Bonus and other existing housing incentive programs and provides a table listing additional Housing Element policies that they believe must be addressed in the FEIR. Again, the commenter has not demonstrated that these policies and programs were adopted to avoid or mitigate environmental effects or that an environmental effect would occur from such conflict. Moreover, there is no such conflict. The proposed Community Benefits Program requires that projects calculate the required number of restricted affordable units on the total number of units in the project, rather on the base number of units, which is how the number of required units is calculated under the Density Bonus Program. Thus, projects participating in the proposed program would actually provide more restricted affordable units than under the Density Bonus Program.

The commenter suggests that specific features of the proposed Community Benefits Program may undermine the State's existing Density Bonus Program. The Program features identified as the reasons for this potential conflict, discussed in detail below, are not reflective of the updates made to the Plan. Additionally, the existing Density Bonus Program would continue to be available as a separate and parallel program to the proposed Community Benefits Program.

As directed by the City Planning Commission at its meeting on September 23, 2021, Above-moderate income housing units (150 percent AMI) do not qualify as a community benefit and do not meet the requirements for receiving development (FAR or height) incentives under the updated Community Benefits Program. The "Set G"

affordability standards, which includes an option to provide 40 percent Moderate-income (120 percent AMI) units in exchange for development incentives is limited to for-sale units in Level 1 of the Community Benefits Program, which is compliant with State's Density Bonus Program. Only after satisfying Level 1 with housing for incomes below moderate can a project provide units for moderate-income up to a maximum of 2.5 percent of the total units in a project. In comparison, projects can provide up to a maximum of 7 percent of Deeply-low income units in Level 1 and a maximum of 1.5 percent in Level 2 to receive the same level of development incentives. Additionally, only up to a maximum incentive of 2 FAR is permitted in exchange for moderate-income units, and any additional FAR can only be obtained by providing units for Deeply-low, Extremely-low, Very-low or Low-income households. These regulations would cap the number of Moderate-income units to a very small percentage of the overall affordable housing units in a project. Please see Appendix P, Article 9 of the New Zoning Code and the Downtown Plan CPIO for the most updated information regarding the Community Benefits Program.

While the Community Benefit Program in the Downtown Plan allows affordable housing obligations to be satisfied with off-site units or in-lieu fees, the off-site units and fee requirements are the same as that in Measure JJJ, which is calibrated to incentivize on-site construction of affordable units as opposed to paying the fee. Moreover, the fund generated from the in-lieu fee is earmarked for developing affordable housing within the Downtown Plan Area, and therefore, would not lead to exclusionary development in Downtown. Please see Appendix N the Downtown Plan Affordable Housing Trust Fund regarding allocation of funds generated through the in-lieu fee.

Consistent with Measure JJJ and the Housing Element, the Downtown Plan includes the following implementation program to monitor inventory of existing affordable housing units within the Plan Area:

P19: Inventory of Affordable Housing: Monitor the inventory of units that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of Lower or Very Low-Income; subject to the Rent Stabilization Ordinance; and/or occupied by Lower Income or Very Low-Income households.

It should be noted that the City prepared a Measure JJJ Assessment in the City Planning Commission Staff Recommendation Report (<https://planning.lacity.org/plans-policies/community-plan-update/downtown-los-angeles-community-plan-update/cpc-staff-recommendation-report-and-exhibits>, accessed January 2022) on June 17, 2021. The assessment found that the Downtown Plan would not reduce the capacity for creation and preservation of affordable housing, reduce access to local jobs, or undermine California Government Code Section 65915 or any other affordable housing program.

Based on the above, although the programs noted by the commenter relate to socioeconomic considerations and not environmental effects, the Downtown Plan is consistent with the goals and objectives of these programs.

Finally, the commenter provides recommendations for revising the Draft Communities Benefit Program and suggests that these revisions must be considered in the FEIR. Again, the purpose of this EIR to assess and identify the Proposed Project's significant environmental effects, including those that would result from inconsistencies with plan and policies and regulations adopted for the purpose of mitigating an environmental effect. Because the Communities Benefit Program is aimed at addressing socioeconomic rather than environmental concerns, and so too the policies, programs and regulations for which the commenter alleges the Communities Benefit Program conflicts are aimed at socioeconomic rather than environmental concerns, and the commenter has not provided substantial evidence or demonstrated a conflict, or in any other way provided substantial evidence or even explained with any specificity how a significant environmental effect can occur from the Proposed Project related to a land use conflict, no further response or analysis is required.

#### **Response 4-10**

The commenter suggests that the DEIR omits key analysis related to the Downtown Plan's consistency with policies found in the City's General Plan Health and Wellness Element and requests that the FEIR evaluate the plan's consistency with all policies in the element.

Appendix A and Appendix D provided by the commenter are acknowledged but are not relevant to the adequacy of the EIR. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**.

As discussed in Response 4-9 above, this EIR analyzes potential inconsistencies with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. Again, the commenter cites various programs and policies that are aimed at achieving socioeconomic goals rather than mitigating an environmental effect. For example, Objective 1.7 calls for the creation of local employment and economic opportunities for low-income residents and local small businesses; expanding and preserving existing housing opportunities available to low-income residents; preserving cultural and social resources; and creating and implementing tools to evaluate and mitigate the potential displacement caused by large-scale investment and development. In addition, Program P86 calls on the City to mitigate displacement, leverage government resources (including land) to preserve the social, cultural and economic diversity of the City. Although the Downtown Plan must be consistent with applicable City policies, this objective and program are aimed at achieving social and economic goals, not mitigating an environmental effect, and therefore are not within CEQA's purview or relevant to this EIR. Potential environmental impacts associated with displacement of housing and people are discussed in Section 4.12, *Population and Housing*, and in Response 4-8 above. The commenter has not supported with substantial evidence or explained with any specificity how there is an alleged conflict with the Proposed Project and any of the policies or objectives cited and that the policies or objectives were adopted to avoid or mitigated environmental effects or that the Proposed Project otherwise will cause any significant environmental impact as a result of any alleged conflict with the cited objectives and goals. The commenter is recommending changes to the Proposed Project. No change to the analysis in the EIR is warranted.

Nevertheless, it should be noted that the Downtown Plan includes several of the commenter's recommendations to ensure the Plan is consistent with Objectives 1.7 and 2.1 of the Health and Wellness Element as described below:

The Downtown Plan replaces the existing TFAR program with a new Community Benefits Program. The Downtown Plan Community Benefits Program provides a path for development projects to exceed the base development potential, up to the maximum allowable development potential, in exchange for providing community benefits. The Community Benefits Program prioritizes affordable housing, followed by parks and open space, preservation of historic structures, and community facilities.

Projects that have satisfied the minimum onsite benefits of Level 1 and Level 2 may achieve maximum floor area paying a fee towards the Community Benefits Fund. To access maximum FAR in Level 3 of the program, projects must pay into the Community Benefits Fund. Distribution of the fund is governed by an oversight committee composed of representatives from City Departments, offices of elected officials, and members of the community.

Programs that may qualify for receiving the funds include:

1. Programs to support affordable housing such as funding for Community Land Trusts or funds to extend expiring affordable housing covenants,
2. Mobility and street improvements,
3. Parks and open space,
4. Programs for small legacy and community-serving businesses,
5. Design and procurement of sidewalk vending carts,
6. Resiliency centers, and facilities and services for people who are experiencing homelessness.

The Downtown Plan incorporates a majority of the recommendations identified by the commenter and is broadly consistent with the goals and objectives of the Health and Wellness Element. Please also see Response 4-4 for several regulations from the Downtown aimed at minimizing displacement of residents in the Plan Area.

The November 2021 targeted amendments to the Health Element (i.e., the Plan for a Healthy Los Angeles) included minor updates intended to clarify that the Plan for a Healthy Los Angeles and the Health Atlas for the City of Los Angeles are the primary location of environmental justice goals, policies, and implementation programs in the General Plan and meet the requirements of the State law. Edits also update references to other City plans and documents. The Health Atlas component of the health Element, which provides a data-driven snapshot of health issues and outcomes for various communities in Los Angeles was also updated with the most recent data as part of this effort. As such, the Downtown Plan would continue to remain consistent with these clarifying amendments to the Health Element.

**Response 4-11**

The commenter suggests that the DEIR fails to evaluate the Downtown Plan's consistency with all relevant policies and regulations adopted for the purposes of avoiding environmental impacts, such as the Framework Element and Measure JJJ/TOC, and asks that the FEIR analyze the Downtown Plan's consistency with all relevant objectives and policies, as well as provisions of Measure JJJ. Relevant policies of the Framework Element are discussed in Table 4.10-3 of Section 4.10, Land Use and Planning, of the DEIR. The policies listed by the commenter do not pertain to the protection of the environment. For example, Policy 4.1.7 relates to establishing incentives for the development of housing units appropriate for families with children and larger families, and Policy 7.9.1 relates to promoting the provision of affordable housing through means which require minimal subsidy levels and are less detrimental to the City's fiscal structure. It should also be noted that a number of policies listed by the commenter relate to appropriate density, expanding affordable housing, and placing housing near regional centers, which the Downtown Plan already addresses.

As the commenter notes, Measure JJJ requires findings that new Community Plans will not: (1) reduce the capacity for creation and preservation of affordable housing and access to local jobs; or (2) undermine California Government Code Section 65915 or any other affordable housing incentive program[.] In addition, new Community Plans must now include: "[...] a program to create and monitor an inventory of units within the Community Plan Area that are: subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of Lower or Very Low-Income; subject to the City Rent Stabilization Ordinance; and/or occupied by Lower-Income or Very Low Income households." Measure JJJ also required DCP to create Guidelines to implement a Transit Oriented Communities (TOC) Affordable Housing Incentive Program. As discussed in Responses 4-9 and 4-10 above, as required by CEQA, this EIR analyzes potential inconsistencies with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. Measure JJJ is aimed at achieving social and economic goals related to affordable housing and jobs, not mitigating environmental effects. To the extent that Measure JJJ does include policy objectives of promoting "healthy, safe, walkable, and sustainable spaces at all economic levels" and promoting sustainable neighborhoods with mixed-income housing are intended, in part, to reduce regional VMT and associated GHG emissions. Such impacts are discussed in detail in Sections 4.7, *Greenhouse Gas Emissions*, and 4.15, *Transportation and Traffic*, of the DEIR. Impacts related to both VMT and GHG have been identified as less than significant under CEQA. In addition, the Downtown Plan is specifically intended to achieve the objectives of creating safe, walkable spaces and promoting sustainable, mixed-use neighborhoods with mixed-income housing, as described throughout the Downtown Plan and in the list of Project objectives beginning on page 3-24 of Section 3, *Project Description*, of the DEIR and listed below:

**Primary Objective 1:** Accommodate employment, housing, and population growth projections forecasted through the planning horizon year of 2040 to ensure that Downtown Plan Area continues to grow in a sustainable, equitable, healthy, and inclusive manner, consistent to implement policies of the City of Los



Angeles General Plan Framework Element, by focusing new job-generating uses and residential development around transit stations;

**Primary Objective 2:** Provide for economic diversification and reinforce Downtown Plan Area as a primary center of employment for the City and the Southern California region;

**Primary Objective 3:** Build upon Downtown's role as a regional transportation center by allowing for intensive development throughout the Downtown Plan Area, and concentrating development opportunity immediately surrounding the transit stations with an appropriate range of building sizes and mix of uses;

**Primary Objective 4:** Promote a mode-shift from private automobile usage and foster a transit, bicycle, and pedestrian supportive environment;

**Project Objective 5:** Reduce vehicle miles traveled to meet the goals of the Senate Bill 375, Senate Bill 743, and California Assembly Bill 32 to reduce carbon emissions;

**Primary Objective 6:** Support a growing residential population by expanding the areas where housing is permitted and allowing for a full range of housing options;

**Primary Objective 7:** Celebrate and reinforce the character of each of the neighborhoods in the Downtown Plan Area;

**Primary Objective 8:** Provide a set of implementation tools that are responsive to the range of physical and functional needs across the Downtown Plan Area, and enable the creation of similar tools across the City.

Based on these objectives and the fact that the Downtown Plan would not result in significant environmental effects related to VMT or GHGs, the Downtown Plan would be consistent with the Measure JJJ objectives that are aimed, in part, at avoiding or mitigating an environmental effect.

Moreover, many of the commenter's recommendations such as ensuring value capture with increased FAR, aligning affordability requirements with JJJ minimums, removing incentives for above-moderate income, replacing TFAR and the inclusion of a Community Benefits Fund that provides financial assistance to preserve and promote affordable housing, as well as community serving small businesses are now part of the Downtown Plan. Please also see Response to 4-9 above regarding the Plan's consistency with Measure JJJ.

### **Response 4-12**

The commenter suggests that the DEIR does not evaluate the Downtown Plan's consistency with the City's Assessment of Fair Housing and asks that this be remedied in the FEIR.

Appendix D provided by the commenter is acknowledged but is not relevant to the adequacy of the DEIR. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**.

As discussed in Responses 4-9, 4-10, and 4-11 above, as required by CEQA, this EIR analyzes potential inconsistencies with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. The AFH is clearly aimed at achieving socioeconomic goals related to housing rather than mitigating an environmental effect. For example, Goal 1 calls for increasing the stock of affordable housing throughout the city, Goal 2 calls for preservation of the existing stock of affordable rental housing and rent stabilized housing, and Goal 3 calls for prevention of displacement of low- and moderate-income residents. Such socioeconomic goals are not within CEQA's purview or relevant to this EIR except to the degree that they may have significant environmental effects and the potential effects of providing housing in the Downtown Plan Area are discussed throughout the DEIR while the potential effects related to potential displacement of housing are discussed in Section 4.12, *Population and Housing*, and in Response 4-8 above. The commenter does not provide substantial evidence or explain how there is a conflict with a plan policy, program, or regulation intended to avoid an environmental effect or how any alleged conflict would actually result in a significant environmental effect caused by the Proposed Project.

It should be noted that the Downtown Plan, if adopted, is expected to both substantially increase the capacity for housing in the Downtown Plan Area and support affordable housing through incentives and zoning regulations. As noted in Table 4.12-7 of Section 4.12, *Population, Housing, and Employment*, the Downtown Plan would accommodate approximately 74,000 additional housing units beyond what could be accommodated by the current Central City and Central City North community plans. Moreover, as discussed in response 4-4, the Downtown Plan also includes several measures to address displacement and ensure that new growth creates new affordable housing opportunities.

### **Response 4-13**

The commenter suggests the DEIR does not evaluate the Downtown Plan's consistency with the City's Industrial Land Use Policy (ILUP) and asks that this and an analysis of consistency with various community benefits be included in the FEIR.

As discussed in responses 4-9, 4-10, 4-11, and 4-12 above, as required by CEQA, this EIR analyzes potential inconsistencies with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. Additionally, the ILUP is not an adopted land use plan. It was never adopted by the City Council. Moreover, it was a study aimed at providing guidance regarding industrial land use rather than mitigating an environmental effect. As such, the City is not required to assess whether the Proposed Project is in conflict with the ILUP and no further response is required.

Moreover, the specific items from the ILUP mentioned by the commenter ("identify through the Community Plan update process the capital and infrastructure needs and the actions necessary to assure the long-term viability of these areas for jobs and industry" and "incorporate in the Community Plan updates measures or Community Benefits [defined in the ILUP Directive to include on-site affordable housing] to address the loss of employment

lands and the need to provide amenities in areas that have not previously been planned for nonindustrial use”) are aimed at the Downtown Plan itself, not this EIR, and have in fact been considered in the preparation of the Downtown Plan. It should be noted that the DEIR considers potential environmental impacts associated with Downtown Plan Area industrial facilities. In 4.10, *Land Use*, the DEIR concludes that the Proposed Project may be in conflict with policies in the Framework Element to preserve industrial uses, but those policies were not adopted to avoid or mitigate environmental effects. (DEIR at 4.10-29 and Table 4.10-3). Additionally, Impact 4.2-3 in Section 4.2, *Air Quality*, considers the potential health impacts of new distribution centers near sensitive land uses, concluding that such impacts are potentially significant and unavoidable.

As a policy matter, the Downtown Plan introduces the Production designation, which creates a sanctuary for heavy and light industrial uses, in areas with viable industry clusters to safeguard land for these uses and support the City’s industrial ecosystem. Zoning districts applied within the Production areas would prohibit residential uses and limit commercial uses to activities that are compatible with and support industrial uses.

The Downtown Plan proposes to re-designate some of the industrial land as Hybrid Industrial and Markets, which are designed to account for the evolution of land uses and employment activities over time and aimed at sustaining Downtown as a regional job center in the future.

Hybrid Industrial and Markets designations would allow for a greater variety of industrial, and employment uses such as office, heavy commercial, and light industrial, and limited residential uses would be permitted only when a minimum area is reserved for productive uses. The higher development potential permitted under the Downtown Plan will enable higher intensity of employment uses within these areas, while accommodating limited residential uses in proximity to job-generating uses.

The changes in designations, zoning, and associated increase in allowable floor area would allow a greater range of uses and higher development potential within the Hybrid Industrial and Markets area. These changes would allow the intensification of land uses in an urbanized area of the city and promote a greater mix of uses. The proposed designations will continue to allow for light industrial and manufacturing uses, in addition to nonindustrial uses, namely limited residential as long as minimum area is set aside for productive uses. Given that residential uses cannot be built without allocating a minimum amount of space for job-producing uses, the commenter’s assertion that the Plan will result in an overall net loss of industrial zoned land is not true. The above zoning requirements ensure that the Plan is generally consistent with the overall objectives of the City’s industrial land use policy.

#### **Response 4-14**

The commenter suggests that the DEIR does not adequately evaluate the Downtown Plan’s consistency with City Redevelopment Plans and requests revision of the Downtown Plan to require all projects to replace rent stabilized dwelling units or low-income households that may be destroyed by the adoption of the plan.

As discussed in Responses 4-9, 4-10, 4-11, 4-12, and 4-13 above, as required by CEQA, this EIR analyzes potential inconsistencies with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. Potential environmental effects associated with the specific concerns mentioned by the commenter about the need for replacement housing for lost units are discussed in Section 4.12, *Population and Housing*, and in Response 4-8 above. In addition, Section 4.8, *Land Use and Planning*, does analyze consistency with redevelopment plans, beginning on page 4.1-51, and concludes that the Downtown Plan would be generally consistent with applicable plans. Finally, as noted in Response 4-12 above, the Downtown Plan substantially increase the capacity for housing stock in the Downtown Plan Area and would accommodate approximately 74,000 additional housing units beyond what could be accommodated by the current Central City and Central City North community plans. A number of City regulations aimed at reducing displacement that are currently in effect are described in Response 4-8 above. These regulations in addition to new state measures described further below will apply to the Downtown Plan.

The commenter recommends that the Downtown Plan should require all projects to replace any rent stabilized dwelling units or units affordable to or occupied by lower-income households that are destroyed by the project, in order to be consistent with the CRA plans in the Plan Area.

Per the recommendation of the City Planning Commission at its meeting on September 23, 2021, when a unit subject to RSO is demolished, the Plan requires a one-for-one RSO affordable replacement unit at the same income level as existing residents if verified, or as Low-income units if incomes of existing residents cannot be verified.

In addition, Senate Bill 8, adopted in 2021, extends the term of the Housing Crisis Act of 2019 (SB 330) and bolsters affordable housing stock by adding protections for lower-income occupants. These protections require that when residential units are being demolished, lower income tenants are offered relocation assistance and right-of-first-refusal for a comparable unit in the new housing development affordable to the household. SB 8 also strengthens the no net loss provisions in SB330. No net loss prohibits residential demolition unless the replacement project contains an equal or greater number of units. Through SB 8, the definition of a “housing development project” is clarified to include projects that involve both discretionary and ministerial approvals, and projects that include construction of a single dwelling unit.

Furthermore, projects using Density Bonus Law or the Downtown Community Benefits affordable housing incentives would be required to replace the existing affordable units on a development site in compliance with AB 2222. 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 Downtown Plan Area.

**Response 4-15**

The commenter suggests that the Downtown Plan needs to ensure proactive enforcement of the Wiggins Settlement and that consistency of the Downtown Plan with the settlement should be evaluated in the FEIR.

The Wiggins Settlement relates to Single Room Occupancy (SRO) residential hotels and ensuring that any SRO proposed for conversion or demolition is replaced on a one-for-one basis. Although this settlement is not directly addressed in the DEIR, Section 4.12, *Population and Housing*, addresses potentially housing displacement generally, under Impact 4.12-2. As noted therein, the Downtown Plan would establish policies and zoning regulations that are expected to substantially increase the capacity for housing stock in the Downtown Plan Area and also includes policies to support the provision of affordable housing. Overall, the Downtown Plan is expected to increase the supply of affordable housing in the City. It would not conflict with any policies or agreements related to replacement of any displaced or converted housing, including SRO residential hotels.

The City Center and Central Industrial Redevelopment Project Areas currently have development guidelines and controls (Wiggins Settlement) to preserve existing residential hotels that typically serve low-income households. Pursuant to these guidelines, when a residential hotel within the City Center and Central Industrial Project Areas is proposed for conversion or demolition, projects are required to replace these units one-for-one, to ensure there is no net loss of the residential hotel units. These requirements will continue under the Downtown Plan, and therefore, the Plan would be consistent with the Development Guidelines and Controls for City Center and Central Industrial Redevelopment Project Areas.

Furthermore, the Downtown Plan introduces a number of incentives, funding mechanisms, and streamlining measures to rehabilitate historic structures. Many of the sites identified in the Wiggins settlement would qualify for these adaptive reuse incentives. These streamlining incentives would enhance the feasibility of projects required to comply with Wiggins replacement requirements.

**Response 4-16**

The commenter requests that the City evaluate questions regarding racial equity in the Downtown Plan Area and how the Downtown Plan may affect residents. The commenter asks that this analysis be both a standalone document for public review and comment, but also included in the FEIR.

Racial equity is a socioeconomic issue, not an environmental issue. Per Section 15131 of the CEQA Guidelines, economic and social effects “shall not be treated as significant effects on the environment” except to the degree that they cause physical changes to the environment. The commenter has not alleged any physical effects related to racial equity issues and none are foreseen. Thus, the addition of a racial equity analysis is not warranted under CEQA and has not been included in the FEIR. It should be noted that potential environmental effects related to potential displacement of housing are analyzed in Section 4.12, *Population and Housing*, of the DEIR.

The Plan has continually considered racial justice & equity throughout its development as evidenced through the careful application of zoning, the development of the Community Benefits Program and the Community Benefit Fund. However, the city recognizes that racial justice & equity is ongoing work, and has therefore made a commitment to monitoring through the following implementation program to address racial disparities within the Downtown Plan Area:

- P28: Racial Justice and Equity Analysis: Explore the creation of a Racial Justice and Equity Analysis, that outlines recommend transformative or restorative strategies, such as targeted plan and code amendments, if harm is identified.

It is important to reiterate the fact that CEQA's purpose is only to address a project's environmental impacts does not mean that the social and economic considerations raised by the commenter are not important or will not be considered through other venues. This EIR is only one tool that City decisionmakers will use as they consider adoption of the Downtown Plan and a tool whose purpose is narrowly focused on identifying and when feasible mitigating significant environmental effects.

#### **Response 4-17**

As the commenter notes, CEQA Guidelines 15125(a)(1) states that “a lead agency may define existing conditions by referencing historic conditions, *or conditions expected when the project becomes operational.*” While there is no current known date for when the COVID-19 pandemic will end, it is reasonable to assume it would not last through the Downtown Plan horizon year of 2040. In addition, the CEQA Guidelines specify that the baseline for analysis in EIRs is the date of release of the NOP, which was in 2017 for this EIR. While it is acknowledged that conditions throughout the state have changed on at least a temporary basis since the release of the NOP due to the current pandemic, use of this stable date is intended to avoid the need to continually restart an EIR every time a change in conditions beyond the control of the project proponent occurs. Because the pandemic represents a temporary condition that is expected to be over long before the 2040 Downtown Plan horizon year, the 2017 baseline used in the DEIR represents a more accurate picture of more typical “pre-project” conditions and thus provides a more realistic assessment of the Downtown Plan's impact than would considering a baseline under the current shutdown conditions under the pandemic. The commenters do not explain or demonstrate why the City's baseline lacks substantial evidence or what baseline the City should use. The conditions during the pandemic have changed significantly as well, considering the level of activity in early 2020 to late 2021 or summer 2022 conditions, are all very different. Additionally, the commenter does not explain or provide substantial evidence demonstrating that the analysis in the DEIR is unsupported or requires new or additional analysis.

With that said, the City acknowledged, the COVID-19 pandemic has highlighted the systemic inequitable conditions and long-standing issues such as lack of affordable housing, overcrowding, lack of open spaces and community-supportive facilities. The housing crisis pre-dated the COVID-19 pandemic, but the need for housing

and affordable housing in particular, has become even more critical. Thus, the Downtown Plan's goal of accommodating growth and encouraging housing development are acutely relevant. The Downtown Plan seeks to foster continued investment in Downtown, 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.

In addition, the strategies of the Downtown Plan, including flexibility of zoning regulations related to uses, increased opportunities for publicly accessible open space, lot amenity space requirements that allow businesses to extend services outdoors, and the affordable housing strategies, speak to the issues and needs that the COVID-19 pandemic has highlighted.

### **Response 4-18**

The commenter suggests that the DEIR is incomplete with regard to baseline population data because it does not account for the population of incarcerated individuals at the Metropolitan Detention Center for neighborhoods in Downtown Los Angeles

The purpose of developing population forecasts and considering the effects of population growth is to analyze the effects of the Downtown Plan. Changes in the prison population would not occur as a result of the Downtown Plan. Nevertheless, the last paragraph under "Population" on page 4.12-2 of Section 4.12, *Population and Housing*, has been revised to read as follows:

*The Downtown Plan Area contains two jails, the Men's Central Jail and Twin Towers Correctional Facility (a.k.a. Twin Towers Jail or Los Angeles County Jail), and a federal prison, the Metropolitan Detention Center. In 2015, the Men's Central Jail had an average daily inmate population of 4,195, while the Twin Towers Jail had an average daily inmate population of 3,662, for a combined total average daily inmate population of approximately 8,000 (Los Angeles Sheriff's Department [LASD] 2016). The Metropolitan Detention Center currently houses 526 inmates (<https://www.bop.gov/locations/institutions/los/>, accessed February 2021).*

This addition does not affect the DEIR findings or conclusions or involve any new or increased severity significant environmental effects beyond those already identified in the DEIR.

The Index of Neighborhood Change and Index of Displacement Pressure mentioned by the commenter are not relevant to the DEIR analysis of potential displacement insofar as the Downtown Plan does not specifically call for the displacement of any Downtown Plan Area housing and any analysis of potential displacement of any specific building or any specific neighborhood would be speculative. As the commenter has acknowledged, Impact 4.12-2 in Section 4.12 considers the environmental impacts associated with potential displacement of Downtown Plan Area housing. Methodologies referenced in the indices include indicators used to highlight displacement risk, but 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.

#### **Response 4-19**

The commenter suggests that the DEIR is incomplete with regard to baseline housing data, suggesting that additional data is needed to conduct analysis of impacts related to potential housing displacement. The commenter also suggests that the FEIR should consider whether the Downtown Plan would reduce the capacity for creation and preservation of affordable housing and access to local jobs, per Measure JJJ.

Measure JJJ is discussed in Response 4-11 above. As discussed therein and acknowledged by the commenter, this measure is not relevant to CEQA and is not a policy adopted for the purpose of mitigating an environmental effect. Consequently, although Measure JJJ is relevant to the Downtown Plan itself, its consideration in this EIR is not warranted.

It should be noted that the City prepared a Measure JJJ Assessment in the City Planning Commission Staff Recommendation Report (<https://planning.lacity.org/plans-policies/community-plan-update/downtown-los-angeles-community-plan-update/cpc-staff-recommendation-report-and-exhibits>, accessed January 2022) on June 17, 2021. The assessment found that the Downtown Plan would not reduce the capacity for creation and preservation of affordable housing, reduce access to local jobs, or undermine California Government Code Section 65915 or any other affordable housing program.

The commenter requests various data points for consideration in the analysis of housing displacement potential including the vacancy rate; the age of the housing stock; units used for short-term rentals; housing tenure; housing affordability; housing size; overcrowding; rent burden; and household size. It is not clear how the commenter believes this socioeconomic data would further inform the analysis of environmental effects associated with potential housing displacement under Impact 4.12-2 in Section 4.12, *Population and Housing*. The analysis notes that although displacement of housing is not proposed, “displacement of some residences is a reasonably foreseeable result of development that could occur under the Downtown Plan” (see page 4.12-20). However, it would be speculative to attempt to identify which of the 34,000 existing units within the Plan Area and people or how many of the existing units and people might be displaced. Implementation of the Downtown Plan is projected to substantially increase the overall housing stock in the Downtown Plan Area. In addition, the City has adopted a number of policies, including new policies in the Downtown Plan itself, that are specifically aimed at providing affordable housing in association with new housing development and reducing homelessness. Additionally, as discussed in response 4-8 several local and state laws require on-site unit replacement for affordable or rent stabilized units. Therefore, it has been concluded that the Downtown Plan would not necessitate the construction of replacement housing elsewhere. The data requested by the commenter would neither add any clarity regarding which housing, if any, would be displaced nor change the fact that implementation of the Downtown Plan is forecast to result in a net increase of 99,000 units. Because of this overall increase in housing, construction of



replacement housing would not be needed as a result of the Downtown Plan regardless of current vacancy rates, housing tenure, overcrowding or any of the other factors raised by the commenter. As noted previously, the commenter is requesting socioeconomic data and analysis, whereas the DEIR analysis related to displacement is focused on the potential environmental effects of potential replacement housing rather than the socioeconomic effects of displacement.

For a more detailed discussion on the rationale and the analysis related to displacement of existing residents contained in the DEIR, please see Response 4-23 below.

Please also see Response 4-9 above regarding the Downtown Plan's consistency with Measure JJJ as well as Appendix B, *Methodology*, of the DEIR.

#### **Response 4-20**

The commenter suggests that the DEIR contains incomplete baseline employment data for the Downtown Area and again suggests that Measure JJJ requires a jobs assessment.

As noted in Responses 4-11 and 4-19 above, Measure JJJ is not relevant to CEQA or this EIR. Similarly, unlike population, jobs are not a specific issue of concern under CEQA and are relevant only to the extent that job creation or displacement may result in physical environmental effects. The environmental effects of new jobs forecast to be added under the Downtown Plan are considered throughout the DEIR. Displacing jobs would have significant physical effects only to the extent that such displacement would result in replacement jobs elsewhere, thus creating impacts related to new construction or longer commutes that result, for example, in increased air pollutant or GHG emissions.

The Downtown Plan does not specifically call for the displacement of any businesses or jobs, but displacement of some jobs is a reasonably foreseeable result of implementation of the Downtown Plan. Nevertheless, it is not known which jobs might be displaced, whether they would be replaced elsewhere, and if so, whether replacement would require new construction or increase commute distances. As such, similar to potential housing displacement, such analysis would be speculative. In addition, because the Downtown Plan is expected to result in a net increase of 86,000 jobs by 2040 (see Table 4.12-8 in Section 4.12, *Population and Housing*, of the DEIR, page 4.12-17), in a general sense it is not anticipated to create the need for new employment opportunities elsewhere. It should be noted that the City prepared a Measure JJJ Assessment in the City Planning Commission Staff Recommendation Report (<https://planning.lacity.org/plans-policies/community-plan-update/downtown-los-angeles-community-plan-update/cpc-staff-recommendation-report-and-exhibits>, accessed January 2022) on June 17, 2021. The assessment found that the Downtown Plan would not reduce the capacity for creation and preservation of affordable housing, reduce access to local jobs, or undermine California Government Code Section 65915 or any other affordable housing program.

**Response 4-21**

The commenter suggests that the DEIR Population, Housing, and Employment regulatory framework is incomplete, noting that it does not mention the Housing Accountability Act, the General Plan Framework and Housing Elements, HUD Consolidated Plan and Comprehensive Housing Affordability Strategy (CHAS) policies, adopted Redevelopment Plans, the Rent Stabilization Ordinance, and the RTP/SCS.

As an initial matter, the commenter has not explained or demonstrated how analysis of the mentioned plans and regulations is necessary to ensure the City has analyzed the potential significant impacts to the environment from the Proposed Project or such analysis is necessary for the decisionmakers and public to intelligently take account of the environmental consequences of the Proposed Project.

As discussed in Responses 4-9 through 4-14 above, as required by CEQA, this EIR analyzes potential inconsistencies with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. The plans, policies, and regulations listed by the commenter all relate to issues such as housing and economic development, not mitigation of environmental effects. As such, they are not within CEQA's purview or relevant to this EIR, which focuses on the Proposed Project's environmental effects. Per Section 15131 of the CEQA Guidelines, economic or social effects of a project "shall not be treated as significant effects on the environment." Specific regulations and policies raised by the commenter are addressed below.

As the commenter notes, the Housing Accountability Act (Government Code Section 65589.5) prohibits local agencies from disapproving or conditioning approval of affordable housing or emergency shelters unless the local agency makes specified written findings. Specifically, local governments must prioritize infill development in urban areas and ensures that housing for very low, low-, or moderate-income households will not be disapproved without written, evidence-based findings. As noted above, this act concerns a social policy, namely housing, not mitigation of an environmental effect. Moreover, the proposed Downtown Plan is not an affordable housing project or an emergency shelter, so this act is not relevant to its approval. Finally, it is worth noting that, as stated throughout the DEIR and in above responses, the Downtown Plan is specifically aimed at accommodating infill development, especially infill housing, in Downtown Los Angeles and includes a range of policies aimed specifically at enhancing the Downtown Plan Area's stock of housing available to very-low-, low-, and moderate-income households.

Sections 4.10, *Land Use and Planning*, and 4.12, *Population, Housing, and Employment*, of the DEIR address a range of City Framework and Housing Element objectives and policies that are aimed at mitigating environmental effects and concludes that the Downtown Plan would be generally consistent with applicable environmental policies from both elements. However, the policies listed by the commenter do not relate to mitigation of environmental effects. For example, Objective 3.10 and associated policies call for the City to "[r]einforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are

developed to enhance urban lifestyles” is clearly about social and economic issues such as housing, jobs, and lifestyles, not mitigation of environmental impacts. As such, they clearly are not relevant to this EIR. Other General Plan policies cited by the commenter similarly relate to social and economic considerations, not environmental impacts.

Consistency with the various redevelopment plans is discussed in Section 4.10 of the DEIR (beginning on page 4.10-51) and consistency with relevant RTP/SCS policies can also be found in Section 4.10 (see Table 4.10-4 beginning on page 4.10-47). Indirect impacts of Land Use related to public infrastructure and services and the Plan’s consistency with the relevant objectives in the General Plan are discussed in Section 4.13 of the DEIR. However, items such as the HUD Consolidated Plan, the Comprehensive Housing Affordability Strategy (CHAS), and the Rent Stabilization Ordinance are not addressed and are not relevant to this EIR because they clearly relate to housing, not mitigation of environmental effects.

Finally, with respect the concern about the failure to address Goal 4, Ending and Preventing Homelessness, and associated policies, it must again be stated that this goal and its associated policies relate to the social goal of ending homelessness, not mitigating environmental effects; therefore, these items are not relevant to this EIR.

It is important to reiterate the fact that CEQA’s purpose is only to address a project’s environmental impacts does not mean that the social and economic considerations raised by the commenter are not important or will not be considered through other venues. This EIR is only one tool that City decisionmakers will use as they consider adoption of the Downtown Plan and a tool whose purpose is narrowly focused on identifying and when possible mitigating significant environmental effects.

#### **Response 4-22**

The commenter notes that the DEIR mislabels the Growth Inducement Threshold on page 4.12-13 as “**Threshold 4.12.2**” and requests that it be changed to “**Threshold 4.12.1**”.

In response to this comment, the beginning of the first paragraph under “Growth Inducement” on page 4.12-13 of Section 4.12, *Population, Housing, and Employment*, has been corrected to read as follows:

*For Threshold 4.12-1, the following criteria related to growth inducement are considered relevant to the Proposed Project:*

#### **Response 4-23**

The commenter suggests that the DEIR fails to conduct an adequate impact analysis regarding displacement in Section 4.12, *Housing, Population, and Employment*, and requests that the FEIR present additional analysis using what the commenter believes are relevant data to support the conclusion that the Downtown Plan would not significantly displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The commenter specifically notes that the DEIR engages in no numerical calculations or analysis and only references the Downtown Plan Area's "capacity" for an additional 99,000 units, stating that it is impossible to conclude displacement will not be significant without the presentation and analysis of additional data relevant to this conclusion. First, it is important to note that the 99,000 unit increase forecast through 2040 is not the "capacity" of the Downtown Plan Area to accommodate housing. It is merely a forecast of growth through that horizon year based on such factors as historic trends, forecast regional growth, and proposed land uses. The total number of additional housing units potentially accommodated based on the proposed land use plan is actually much higher, but it is not anticipated that the "maximum buildout" of the Downtown Plan Area would occur by 2040 if ever. Nevertheless, the net increase of 99,000 units anticipated by 2040 (see Table 4.12-8, on page 4.12-17 of Section 4.12 of the DEIR) far exceeds the 34,000 existing units in the Downtown Plan Area. Even in a worst-case scenario where every existing unit were dislocated (a scenario that assuredly not occur) and only 99,000 new units were built (rather than the forecast net increase of 99,000 units), the total number of Downtown Plan Area housing units would still grow by 65,000. As noted in Section 4.12 of the DEIR, it would be speculative to provide a specific number of expected displaced residents; however, based on these numbers it can definitively be stated that there would be an overall increase in Downtown Plan Area housing and thus no need to construct new housing elsewhere in strictly numeric terms. Please note that page 4.12-20 of the DEIR includes an incorrect reference to Table 4.12-5 that should be Table 4.12-8. This has been corrected in the FEIR.

The commenter next suggests that the City has chosen to speculate rather than engage in quantitative analysis, suggesting that it is the responsibility of the City is to engage with all known data and make reasonable projections about population and housing displacement, pointing to a number of tools and data points that they argue are relevant to the analysis of displacement impacts. The Urban Displacement Project's mapping tool tracks changes over time for various demographic, economic, and housing factors to identify and geographically display Census tracts throughout Los Angeles County that have gentrified or are at risk of gentrifying. Zillow's homelessness research aims to uncover the size and root causes of the nation's homelessness challenge. The research found that communities in which residents spend more than 32 percent of their income on rent could expect a more rapid increase in homelessness. Neither of these sources cited by the commenter provide a methodology that would enable a determination of which of the 34,000 existing units in the Plan Area and people or how many of the existing units and people would be displaced in the Downtown Plan Area under the Proposed Project. Rather, the sources highlight certain factors, including rents rising faster than the regional average and access to nearby transit, and thresholds that indicate which communities could potentially experience displacement or homelessness. In contrast to what the commenter suggests, the City is not required in preparing the EIR to "engage with all known data." The responsibility of the lead agency in preparation of the EIR is to make a good faith effort to analyze the potential environmental impacts of the Downtown Plan. The sources cited by the commenter do not appear to be relevant to the Downtown Plan or relevant to analyzing the environmental impacts of the Proposed Project. The commenter has not provided substantial evidence to support any indirect impact resulting

from displacement or shown that there is data or methodology to forecast displacement, including where any such displaced individuals would go and whether it would in fact result in significant impact to the environment. It is important to note that Section 15145 of the CEQA Guidelines directs lead agencies to note their conclusion about the speculative nature of an impact and terminate the discussion when they conclude that a particular impact is too speculative for evaluation. The City could potentially have gathered additional data for such items as household income, rents, and homelessness as suggested by the commenter and the EIR preparers considered various options for additional data as they prepared the analysis. However, it was concluded that even with such data, the City would not be able to reasonably forecast the actual numbers and locations of potentially displaced residences. This exercise would have involved merely gathering data for the sake of having data rather than providing anything that would meaningfully inform the decisionmakers and the public about how much displacement might occur and specifically which of the existing 34,000 units within the Plan Area and/or residents might be displaced. Moreover, the EIR preparers considered the purpose of the dislocation analysis, which is to determine whether or not dislocation of people of housing might necessitate the construction of replacement housing elsewhere. Given that it had already been determined as described above that implementation of the Downtown Plan was forecast to result in a net increase of 99,000 units (and a bare minimum of 65,000 units if every existing unit in the Downtown Plan area is removed), it was clear based on the data already obtained that construction of additional housing beyond that forecast in the Downtown Plan Area itself would not be necessary and the potential environmental impact associated with dislocation would be less than significant. At this point, it was determined that obtaining additional data and engaging in additional speculation based on this data would not provide meaningful new information about the Downtown Plan's environmental effects.

The commenter next suggests that the City is “talking out of both sides of its mouth” stating that there is no data presented to back up any of the assertions about the lack of significant displacement impacts and asking how it is speculative to estimate the amount of displacement but then conclude that any displacement impacts will be met by new housing in the Draft Plan. These comments are addressed above. The analysis of displacement impacts reaches its conclusion based on a clear set of facts, namely that the Downtown Plan would accommodate far more housing than it could possibly displace because the forecast housing growth is greater than the existing number of units in the Downtown Plan Area. This is not “talking out of both sides of its mouth” but instead merely an acknowledgment that a conclusion of the significance of the environmental effects associated with the potential need for construction of replacement housing can be logical and reasonably reached with available data and that obtaining and analyzing additional data would not provide meaningful new information with the potential to change the DEIR conclusions. It is understood that the commenter is very concerned about any potential displacement. The City is as well, as evidenced by the broad array of Downtown Plan policies aimed at preventing residential displacement. However, the purpose of the EIR analysis is to determine the potential for environmental impacts, not to perform a socioeconomic study as requested by the commenter.

Finally, the commenter suggests that the DEIR fails to address indirect environmental effects associated with the loss of affordable housing or displacement based on the need for people to drive farther distances or the need for additional housing construction elsewhere. As noted previously, the DEIR analysis concludes that construction of replacement housing elsewhere would not be needed since the Downtown Plan would result in a net increase in housing in the Downtown Plan Area. Although it is true that some individuals may ultimately be dislocated and have farther to drive to their places of employment, it is equally (if not more) likely that many individuals will, as a result of the addition of housing in the Downtown Plan Area, be able to live closer to their places of employment and reducing regional vehicles miles traveled (VMT) and associated air pollutant and GHG emissions. In fact, as discussed under Impact 4.15-2 on page 4.15-42 of Section 4.15, *Transportation and Traffic*, of the DEIR, service population VMT in the Downtown Plan Area would be 53 percent lower than the current regional service population VMT and 19 percent lower than the current service population VMT in the Downtown Plan Area. There is no evidence to suggest that the Downtown Plan would result in significant indirect effects related to VMT or any other issue and none has been provided by the commenter. Thus, neither revisions to the DEIR text nor additional analysis are warranted.

#### **Response 4-24**

The commenter suggests that the DEIR Population, Housing, and Employment cumulative impacts analysis is incomplete and inadequate because the section does not address how and where the City will allocate the rest of citywide growth. Therefore, the commenter requests that the FEIR include the citywide distribution of projected growth by community plan area.

As noted by the commenter, many community plans have either not yet been updated, or are not yet in the update process. As mentioned under Cumulative Impacts of Section 4.12, *Population, Housing, and Employment*, because “[t]he New Zoning Code would not currently be implemented outside of the Downtown Plan Area... any indirect impacts related to population growth from the future use of the New Zoning Code outside the Downtown Plan Area would be speculative,” and therefore inconsistent with the CEQA Guidelines.

As described in the DEIR, Section 4.12 and Table 4.12-6, cumulative analysis of population, housing and employment is based on citywide growth and development based on total Citywide growth projections from the SCAG RTP/SCS. The distribution of this total growth among the Community Plan areas is not necessary to adequately analyze cumulative impacts.

As discussed in Section 4.0 of the DEIR (page 4.0-5) and in DEIR Appendix B, the DEIR cumulative impact analysis considers SCAG’s citywide growth forecasts RTP/SCS. As noted in Section 4.17, *Utilities and Service Systems*, of the DEIR (page 4.17-7), impacts to utilities are analyzed assuming growth and demands placed on utilities and service systems based on SCAG citywide projections. As noted in Section 4.13, *Public Services*, of the DEIR (page 4.13-14), the analysis of cumulative impacts related to public services also considers SCAG citywide growth projections. For transportation, the City uses the Transportation Demand Model, the best

available methodology and data at the time, the City has to model cumulative impacts. The TDF is updated based on SCAG forecasts. Air and GHG impacts are already cumulative models for the air basin and earth's climate. The City finds it has used the best data and models available to analyze cumulative impacts from the project and planning areas outside of the DT Plan Area is not part of this project.

Finally, the commenter has not shown with substantial evidence or explained with any specificity how the cumulative analysis is lacking in substantial evidence without providing full citywide distribution by community plan area for 2040 or that the Proposed Project would contribute to a significant cumulative impact.

#### **Response 4-25**

The commenter suggests that additional information about the current condition of Downtown Area parks is needed in order to provide an accurate baseline against which Proposed Project impacts can be measured. While it is agreed that additional information about current park use and conditions would allow further “fine tuning” of the DEIR analysis of potential impacts related to the deterioration of existing parks, such fine tuning is not necessary to make a determination of whether or not the Downtown Plan may result in the deterioration of existing parks or the construction of new parks. As discussed in Section 4.14, *Recreation*, the lack of available space of parks is expected to limit the potential for new park construction and, in part because of this, the potential for physical deterioration of existing parks due to overuse is identified as significant and unavoidable. Additional information about the condition of individual parks would not be expected to change this conclusion. Nevertheless, in response to this comment, the following has been added as the third paragraph under “Downtown Plan Area Existing and Planned Parks” on page 4.14-2 of Section 4.14, *Recreation*, of the DEIR:

*The Los Angeles Countywide Comprehensive Parks & Recreation Needs Assessment prepared by Los Angeles County in 2016([https://lacountyparkneeds.org/wp-content/uploads/2016/06/ParksNeedsAssessmentSummary\\_English.pdf](https://lacountyparkneeds.org/wp-content/uploads/2016/06/ParksNeedsAssessmentSummary_English.pdf)) identifies the Downtown Plan Area and surrounding neighborhoods as having “very high” park needs. This suggests that, as noted above, the Downtown Plan Area has a current shortage of parks and that, as a result, existing parks experience high levels of use.*

In addition, the last paragraph under “Downtown Plan Impact” on page 4.14-8 of Section 4.14 has been revised to read as follows:

*Existing regulations and Downtown Plan policies would provide funding for the provision of new recreational facilities and some Downtown Plan policies would also support the maintenance of existing facilities. However, as discussed in the Setting, existing and planned parks serving the Downtown Plan Area currently fail to meet the City’s four acres per 1,000 residents goal for neighborhood and community parks and already experience high levels of use; 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 more than threefold increase in population accommodated by the Downtown Plan combined with the constraints on new park development in Downtown Los Angeles (discussed under Impacts 4.14-2 and 4.14-3 below) and high levels of use of existing Downtown Plan Area parks would be expected to substantially increase demands upon existing recreational facilities. All of the parks listed in **Table 4.14-1** could be adversely affected by the increase in population for the Downtown Plan Area, which may cause and accelerate deterioration of those existing parks. Impacts related to the deterioration of existing parks would be **potentially significant**.*

These clarifications do not affect the DEIR findings or conclusions or involve any new or increased severity significant environmental effects beyond those already identified in the DEIR.

As discussed in Response 4-17 above, the COVID-19 pandemic is a temporary situation that is not expected to continue to be an issue by the 2040 horizon year for the Downtown Plan. In addition, the appropriate baseline for consideration in EIRs is the condition in place at the time of the NOP. As such, updating the baseline for parks to account for the current pandemic would be inappropriate and would not provide meaningful additional information about the Proposed Project's impacts.

With respect to mitigation, the EIR preparers considered whether feasible measures for the impact related to physical deterioration of parks beyond existing and proposed policies may be available, but were unable to identify any. Of course, the City remains open to additional ideas about how to address potential park deficiencies, but the commenter has not provided any suggestions for mitigation.

While the Parks Dedication and Fee Update ordinance stipulate fees that are impactful on a citywide level, the Downtown Plan does not designate land or facilities for parks that the City or other governmental agencies do not own. The commenter asks why the City cannot allocate Quimby funds to fix deteriorating park facilities within Downtown. However, the fee can be only used for acquiring new parkland or fund capital improvements at existing parks. Moreover, determination on how funds are allocated is based on the location of projects that pay the fee. The funds are distributed for new parks or capital improvements of existing parks within two (for neighborhood parks), five (for community parks) or ten (for regional parks) mile radius of development projects that contribute towards the fee<sup>2</sup>. Therefore, as suggested by the commenter, no specific commitments that the funds be allocated to downtown parks can be made. Nevertheless, based on the above, it can be assumed that the fee will contribute to improving park resources in proximity to where development occurs. In addition, to address an expanding need for open space, parks, and recreation facilities, the Downtown Plan offers development incentives for projects that provide publicly accessible open space, or community facilities, or that pay into a Community Benefits Fund, which serves to fund such spaces. The incentives proposed under the Proposed Project have been calibrated with the benefit of expert economic analysis, to ensure feasibility of use.

<sup>2</sup> Meghan Luera, Department of Recreation and Parks, Phone Communication, July 28, 2022



As described above, while well-designed and well-maintained open space is critical to a vibrant and sustainable city, creating new open space to meet the recreational needs of Downtown's growing community continues to be a challenge due to the limited amount of land available for open space in Downtown's dense urban center. Moreover, Community Plans provide the vision for the Plan Area which are implemented through land use regulations that are enforced by the City, but do not directly allocate space and development of open space. Regardless, requiring new parks as mitigation would be undesirable in light of the high demand for housing, high land costs and the scarcity of undeveloped land in the Downtown Plan Area. Furthermore, there is no dedicated funding source for adding new parks in the Plan Area. Therefore, the Plan includes feasible policies and programs to generate publicly accessible open space through incentives, as further described below.

The Downtown Plan seeks to encourage the provision of open space goals by incentivizing the incorporation of publicly accessible open spaces (POPs) on private land. Acknowledging the land and cost constraints associated with the development of large-scale public open space, the Downtown Plan introduces an incentive system to create publicly accessible open space as part of new private developments. This is intended to encourage a network of publicly accessible open spaces in a variety of forms, sizes and amenities throughout the Plan Area that can expand incrementally as new growth occurs. To ensure these open spaces are welcoming to the public and actively utilized, requirements related to design and management and other key qualities for successful public open space are incorporated into the Plan, such as its relationship to the street, seating, and shade regulations. The Plan also introduces a Community Benefit Fund that could be allocated for maintenance, or rehabilitation of existing parks or towards acquisition of land for new parks.

The current adopted zoning, only requires residential projects to provide open space onsite. However, under the Downtown Plan, all projects – including residential and non-residential projects – are required to provide outdoor on-site open space. Although private, ensuring both residential and commercial projects contribute to open space will help reduce the demand on public parks overall. In addition, Development Standards of Article 4 of the New Zoning Code reinforce pedestrian orientation near open space through access standards depending on the size of the lot, lot width, and if a lot either abuts a public right-of-way or is zoned with an Open Space Use District on at least two opposing lot lines. By locating greater development potential and design aspects that build inclusiveness and liveliness like pedestrian-oriented design in activated paseos that connect to open space, these standards ensure open space is conveniently accessible, highly integrated into surrounding development, and continue to promote walkability.

More broadly, implementation of some Downtown Plan policies may also require coordination and joint actions with numerous local, regional, state, and federal agencies. Coordination among City departments and external agencies is critical to the successful implementation of many Community Plan policies, such as parks, plazas, and streetscape improvements. Within City Planning, future department efforts for open space will include the update to the Open Space Element of the General Plan which includes goals, objectives, policies, and programs related to open space and conservation in the City of Los Angeles.

As identified below, a number of policies in the Downtown Plan support the provision of Open Space within the Downtown Plan Area:

**LU 1.3:** Establish an incentive zoning system that delivers public benefits such as affordable housing, public open space, historic preservation, and community facilities to Downtown communities.

**LU 4.3:** Promote shared on-site amenities, including usable open space in new development projects.

**LU 22.6:** Encourage new developments to contribute to the pedestrian and open space network with publicly accessible plazas and paseos. Design these spaces with appropriate shade and landscaping.

**LU 25.2:** Encourage usable outdoor open space that is accessible to the public as part of new development.

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**LU 42.5:** Support an improved public realm, including a range of open space types that can offer opportunities for culturally relevant and multi-generational recreation, rest, and social interaction.

Chapter 4 of the Draft Plan for the Downtown Plan examines in further detail how the Downtown Plan supports public realm and open space, as detailed below:

- **PO Goal 1:** A well maintained, accessible, and highly utilized open space system and public realm network that serves the growing population of Downtown residents, workers, and visitors.
- **PO 1.2:** Prioritize the development of public open space in underserved communities to improve access to open space.
- **PO 1.3:** Support the creation of different open space typologies, such as parklets, dog parks, and other facilities, to serve a variety of users and needs.
- **PO 1.4:** Encourage the development of active and welcoming publicly accessible private spaces through zoning incentives to increase access to open space.
- **PO 1.5:** Ensure that publicly accessible private open spaces are connected to and clearly accessible from the street with signage that indicates public access and hours of operation.
- **PO 1.6:** Improve access to existing public spaces through enhanced wayfinding, lighting, and mobility network connections.
- **PO 2.4:** Support the utilization of remnant spaces such as odd angle intersections and dead-end streets as public open space.

These goals and policies of the Downtown Plan clearly demonstrate support for coordination across other city agencies to facilitate the creation of new open spaces within **Downtown**.

**Response 4-26**

The commenter questions whether or not the DEIR adequately analyzes ancillary impacts, such as increased GHG emissions, of parks and recreational facilities that may need to be constructed for the Downtown Plan.

As mentioned in Response 4-25 the Plan includes several strategies to encourage a range of park typologies. Catalytic parks referenced in the policy document refer to aspirational parks and the ongoing rehabilitation of existing parks such as Pershing Square. The Plan introduces new requirements for non-residential projects to provide onsite outdoor space as well as an Open Space incentive to facilitate neighborhood park space throughout the Downtown area. Additionally, the Plan introduces a Community Benefit Fund that could be allocated for park land acquisition, maintenance, or rehabilitation.

As to the impacts from any new park facilities, the DEIR addresses how the impacts would be anticipated to be similar to those associated with other types of infill development that is analyzed in the EIR. As stated in Section 4.14, *Recreation*, construction of new of new [sic] or expanded neighborhood or pocket park facilities to serve the Downtown Plan Area would occur in the 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 development are discussed throughout the DEIR. It is not foreseeable that impacts from the construction of new or expanded parks in the Downtown Plan Area would have greater or different impacts than those identified in this EIR for construction or operations.... 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.” (DEIR at 4.14-11 to 12.)

However, as noted in the DEIR, available space for new parks in and adjacent to the Downtown Plan Area is limited so the DEIR concludes that new park demand associated with Downtown Plan Area population growth is unlikely to be met through the development of new parks. Consequently, impacts related to the construction of new parks are identified as less than significant under Impact 4.14-2 in Section 4.14 while the impact related potential physical deterioration of existing parks under Impact 4.14-1 in Section 4.14 has been identified as significant and unavoidable.

## LETTER NO. 5

Adrian Scott Fine, Director of Advocacy, Los Angeles Conservancy

### **Response 5-1**

The comment is recommending changes to the Downtown Plan and has not raised issues with the DEIR. However, to the extent the comment raises questions about the accuracy of the project analyzed in the DEIR related to Cultural Resources, the following response is provided.

The commenter suggests that SurveyLA data, findings, and analyses should be incorporated into the Downtown Plan and asks to review the plan prior to introduction at the City Planning Commission.

The data, findings, and analysis of SurveyLA are incorporated into the Downtown Plan's specific land use and zoning recommendations that require contextual development in historic districts through massing, facade, and building material regulations. The Proposed Project 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 **Master Response No. 2 – Historic Resources** for 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 DEIR. 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 Downtown Plan incorporates regulations that will assist in further protecting both eligible and designated historic resources identified under Survey LA. (See DEIR at 4.4-39 to 42.) The Downtown Plan introduces a new process that requires historical resource review of projects involving a majority of eligible historic resources identified in SurveyLA, including 124 resources that are individually eligible. See Appendix F, *Chapter V, Historic Resources Subarea D*, of the Downtown Plan CPIO for details regarding this program. In addition, the Downtown Plan includes several incentive-based programs such as the Adaptive Reuse Program and the Transfer of Development Programs to guide the ongoing maintenance and rehabilitation of eligible historic resources and historic districts identified by SurveyLA. See Article 9, Section 9.4.5, *Downtown Adaptive Reuse Program*, and Section 9.3.5, *Transfer Of Development Rights Programs of the new Zoning Code*, for detailed information on these proposed programs. Nevertheless, the DEIR conservatively concludes that the Proposed Project 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 DEIR for additional detail.

**Response 5-2**

The comment is recommending changes to the Downtown Plan and has not raised issues with the DEIR. However, to the extent the comment raises questions about the accuracy of the project analyzed in the DEIR related to Cultural Resources, the following response is provided.

The commenter suggests that a distinction should be made between historic and non-historic adaptive reuse projects, along with the offering of additional incentives to offset costs and challenges associated with historic buildings.

Several of the commenter's recommendations, including allowing eligible adaptive reuse buildings to add additional floor area within the existing building envelope, and a rolling date of 25 years or older to qualify for the Adaptive Reuse Program, are now part of the Downtown Plan. In addition, the City has an existing Regulatory Framework for the protection of historical resources that will continue under the Downtown Plan. Nevertheless, the DEIR concludes that the Proposed Project would result in a significant and unavoidable impact related to historical resources. See the discussion under Impact 4.4-1 in Section 4.4, *Cultural Resources*, of the DEIR, for additional detail. See Article 9, Section 9.4.5, *Downtown Adaptive Reuse Program (Appendix P)*, for the most up to date information on this program.

**Response 5-3**

The comment is recommending changes to the Downtown Plan and has not raised issues with the DEIR. However, to the extent the comment raises questions about the accuracy of the project analyzed in the DEIR related to Cultural Resources, the following response is provided.

The commenter requests that the City retain the summer 2020 proposal to apply consistent maximum building heights within the Historic Core, expand the Historic Core, and include language acknowledging the preservation and rehabilitation of existing historic resources.

As suggested by the commenter, the Broadway Community Design Overlay (CDO) is being incorporated into the Downtown Plan. Many of the relevant regulations in the document are incorporated into the New Zoning Code. For example, similar to the standards in the Broadway CDO, new infill buildings in the historic core that exceed 12 stories in height, will be required to step-back 30 feet from the front property line to ensure compatibility with the general datum line currently present in the area, and ensuring that the prevailing streetwall of 10 to 12 story buildings that defines the Broadway Theater and Commercial National Register District, Spring Street National Register District, and adjacent Hills Street eligible historic district remains visually prominent. The Downtown Plan also includes a mandatory discretionary process wherever demolition or other work is proposed that would compromise the eligibility status of Contributing features within any of the aforementioned designated or eligible historic districts. In addition, the Downtown Plan includes an array of zoning standards such as horizontal and

vertical banding; differentiation of the facade into base, middle and top; entrances with focal features, frequent entrances, etc., to ensure new buildings continue to reinforce the character defining features of the historic core.

The allocation of developmental potential throughout the Plan Area as expressed in FAR and height are reflective of a thoughtful growth strategy to meet the overarching objectives of the Plan, primarily to accommodate substantial growth in Downtown; concentrate housing and jobs near transit and in areas that already have high intensity of development; promote compatible development that reinforces neighborhood identity through height limits, where appropriate, and Form and Frontage zoning standards tailored to neighborhood characteristics. Nevertheless, the DEIR concludes that the Proposed Project would result in a significant and unavoidable impact related to historical resources. Please see the discussion under Impact 4.4-1 in Section 4.4, *Cultural Resources*, of the DEIR, for additional detail.

## LETTER NO. 6

Derek Galey, Latham & Watkins LLP

### **Response 6-1**

The commenter suggests that the DEIR should incorporate the 670 Mesquit Project into the environmental assessment of either the Downtown Plan itself, as part of the cumulative impacts, or as part of Alternative 3. The commenter also suggests that 670 Mesquit project was not considered in the cumulative analysis for the Proposed Project.

As described in the DEIR, the Proposed Project does not directly entail construction of individual development, and therefore, any individual development project, including 670 Mesquit are not part of the Proposed Project. However, 670 Mesquit would be part of cumulative projects as the application was already accepted by the city and vesting rights have been obtained. Cumulative analysis for projects at the scale of a community plan typically do not rely on a project list for cumulative impact analysis but instead consider the overall growth projections. See page 4.04 of DEIR Section 4.0, *Environmental Analysis*.

The commenter does not offer any evidence to show that specifically not calling out a project as part of the cumulative analysis for the Proposed Project or Alternative 3 would make a difference to any of the cumulative impact conclusions. Therefore, the commenter's suggestion to update the Proposed Project to include the 670 Mesquit project as part of the cumulative project list does not raise any issues related to environmental impacts. The DEIR is a Program EIR that analyzes the potential environmental effects of all growth in the Downtown Plan Area through 2040, including specific projects such as the 670 Mesquit Project. The growth forecasts considered in the DEIR include 99,000 new housing units in the Downtown Plan area as well as 176,000 new residents and 86,000 new jobs. These forecasts fully account for the 670 Mesquit Project, which includes 308 residences, 944,000 square feet of office space, 136,000 of retail space, and 236 hotel rooms. Please see Section 4.12, *Population, Housing, and Employment*, of the DEIR on pages 5-37 to 5-52.

### **Response 6-2**

The commenter again suggests that the FEIR should incorporate the 670 Mesquite project in its review. Please see Response 6-1 above. The 670 Mesquite project has been accounted for in the growth forecasts considered in the DEIR. In addition, please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

## LETTER NO. 7

John Given, Law Office of John P. Given

### **Response 7-1**

The commenter suggests that the DEIR misleads the public in suggesting there will be future environmental review on all development, including development made ministerial by the Proposed Project. The commenter notes that future development may be exempt from future environmental review if developers build in appropriate zones and, therefore, development would not undergo environmental review.

It is true that future development in the Downtown Plan Area may not be subject to additional environmental review under CEQA if the subsequent approval is ministerial. Ministerial approvals are exempt from CEQA. PRC Section 21080(b)(1). The statement quoted on page 3-3, is accurate. The Proposed Project will not directly result in development. The Proposed Project does not include any development proposals. The commenter has not identified any statement in the DEIR that indicates future ministerial projects will be subject to CEQA review.

The DEIR analyzes to the extent reasonably possible, the impacts that will result from reasonably anticipated development from the Proposed Project, including future ministerial projects. The comment does not identify any specific analysis in the DEIR that lacks substantial evidence. No further response is necessary.

Notwithstanding the above, it should be noted that all projects allowed by the Proposed Project, including ministerial projects, would be subject to the zoning standards and environmental protection measures established under the Project. These regulatory features set forth specific regulations that mitigate environmental impacts identified by this EIR as development occurs.

### **Response 7-2**

The commenter suggests that the DEIR does not adequately address the impacts that displaced industrial development may have on the environment and requests that these be analyzed in the FEIR. The commenter states that the FEIR will be incomplete and inadequate if this is not done.

It is possible that the owners of some established industrial uses may choose to relocate to other areas of the Los Angeles region, either as a result of economic and market trends that are occurring separate and apart from the Project, or as a result of changing conditions in the Downtown Plan Area. However, as discussed under Impact 4.10-2 starting on page 4.10-29 of the Land Use and Planning section of the DEIR, although some zones would prohibit the reconstruction of certain heavy industrial uses, the Downtown Plan retains General Plan designations that continue to accommodate, and in some instances prioritize, existing industrial land uses and no provision of the Downtown Plan requires the relocation of industrial facilities. Moreover, even if the owners of industrial facilities elect to relocate, neither the destination of such facilities nor the nature of any replacement facilities can be predicted with any degree of certainty. Thus, any analysis of impacts associated with any relocated facilities



would be speculative. Per Section 15145 of the CEQA Guidelines, lead agencies are not to engage in speculation in CEQA documents. The comment does not present substantial evidence to support the claim that industrial uses will be displaced, and that said displacement will cause industries to move to other parts of the city and region. Industrial operators relocate their facilities for a variety of reasons. Certain industries have relocated to other portions of the Southern California region, such as food distributors relocating to the Inland Empire. This type of trend is a result of market forces rather than specific regulatory restrictions applied in the Project Area.

The Downtown Plan includes a number of strategies to reinforce the industrial and jobs production emphasis in the eastern portions of the Plan Area. To maintain this existing opportunity for existing and future industrial uses, the Plan retains permissions for heavy industrial activities in areas where transit access is limited, street designations facilitate goods movement, allow for the movement of large equipment and distribution, and manmade features such as freeways create distance from the heavy industrial activities and nearby residential, or other sensitive uses. Industrial mixed-use zones are applied in areas that are transitioning from rail-oriented conventional industrial districts to mixed-use areas that facilitate a range of employment-focused land uses and emerging industries including light manufacturing, distribution, production, artisanal manufacturing, and garment manufacturing among others. These areas also allow for complementary commercial uses such as office, retail, and services, which are needed to support the broader range of employment focused uses described above.

The Downtown Plan introduces the Production designation, which creates a sanctuary for heavy and light industrial uses, in areas with viable industry clusters to safeguard land for these uses and support the City's industrial ecosystem. Zoning districts applied within the Production areas (I1 and I2 Use Districts) would prohibit residential uses and limit commercial uses to activities that are compatible with and support industrial uses. Areas generally buffered by freeways will be zoned to allow heavy industrial uses (I2 Use District) to minimize potential health risks of these uses on other neighborhoods, where a number of people live and work, whereas other areas within the Production designation will allow for a broader range of industrial-focused land uses (I1 Use District). To promote the development of employment-focused districts, , including emerging lighter industrial employment sectors, the Plan proposes Hybrid Industrial and Markets designations. The zoning allowed within these designations (IX1, IX2, IX3, and IX4 Use Districts) would allow for a flexible mix of uses to support a variety of employment opportunities including light industrial, commercial, live/work, and limited residential uses – consistent with the policies to provide land for the retention and attraction of new industries but prohibit heavy industrial uses that pose health risks. Allowing for the introduction of commercial and limited residential uses in these areas would support the development of new industry clusters, while retaining existing industrial and commercial employment uses. Moreover, the Hybrid Industrial and markets designation only allows residential uses when a minimum portion of the building is reserved for light manufacturing, artisanal manufacturing, and/or office uses. Zoning districts applied in Hybrid Industrial and Markets areas would sustain viable industrial uses and encourage new employment uses that are supported by a more mixed-use environment.

These zoning districts would accommodate an evolving economy and attract a variety of employment opportunities.

### **Response 7-3**

The commenter suggests that the FEIR should analyze the environmental impacts of shade and shadows in the Arts District and on the Los Angeles River.

Shade and shadows are not specified as potentially significant environmental effects in Appendix G of the CEQA Guidelines. Nevertheless, the DEIR considers shade/shadows under Impact 4.1-3 in Section 4.1, *Aesthetics*. While increased shadows are noted throughout that impact discussion, shadows associated with new development would not conflict with City design policies and would not result in significant effects under CEQA. The discussion of the Hybrid Industrial area on page 4.1-69 acknowledges that [t]he average building heights and associated shadows would increase in this area due to the higher permitted FAR. The discussion does not specify that taller buildings in this portion of the Downtown Plan Area could cast shadows onto portions of the Arts District or on the Los Angeles River so the third paragraph under Hybrid Industrial on page 4.1-69 has been revised to read as follows:

*The average building heights and associated shadows would increase in this area due to the higher permitted FAR. Shadows from taller buildings could be cast onto portions of the Arts District or onto adjacent portions of the channelized Los Angeles River. Along the River, maximum base story heights would range from five to 15 stories, and maximum bonus story heights would range from five to 18 stories. This would result in a more intense urban visual character that some may perceive as an adverse change from existing conditions. However, it is anticipated that the general visual character of areas with these designations would generally be improved by reasonably anticipated development from the Downtown Plan due to the addition of active pedestrian amenities and resources, and the addition of points of visual interest with creative, flexible building structures in industrial areas.*

This clarification does not change the DEIR findings or conclusions relative to shade and shadows as the fact that shadows could be cast onto areas and facilities does not represent a conflict with any adopted design policy. It should also be noted that the portion of the Los Angeles River that is adjacent to the Downtown Plan Area is channelized and lacks native biological habitats that could be adversely affected by increased shading. Additionally, existing railway tracks separates the river from most portions of the Plan Area boundary on the east further reducing shade impacts to the river from future buildings. Furthermore, the Los Angeles River Master Plan does not indicate that this segment of the Los Angeles River has been envisioned for re-naturalization, nor does it suggest that building intensity of any particular scale would be contrary to the fundamental goals of the Master Plan. As described in the DEIR, shade and shadows can provide beneficial impacts such as respite from the sun, reduce heat and related impacts, and enhance public spaces. The commenter does not offer substantial

evidence that there will be an impact to the public from additional shade or shadows and no further response is required.

#### **Response 7-4**

The commenter suggests that the DEIR fails to adequately analyze the impact of the Downtown Plan and New Zoning Code on historical resources, noting that much of the Arts District is considered an “Eligible-but-not-Designated Resource” and that the Arts District contains many designated Historic Cultural Monuments.

Under Threshold 4.4-1 in Section 4.4, *Cultural Resources*, the DEIR concludes that impacts to historical resources would be significant and unavoidable. The DEIR provides that “[w]ithin the Plan Area, there are 130 state- and/or federally-designated historical resources, including three historic districts, and 138 designated HCMs.” Moreover, as noted by the commenter, the DEIR identifies the “eligible but not designated resources” in the area from SurveyLA. See Figure 4.4-1f on 4.4-22. The Downtown Plan does not call for the removal or alteration of historical resources, development on or adjacent to sites containing historical resources that occurs through the duration of the Downtown Plan’s implementation may cause either direct or indirect effects. Direct effects include “demolition or alteration of a historical resource’s physical characteristics that convey its historical significance,” while indirect effects include “creating a visually incompatible structure to a historical structure[.]” Despite these impacts, “[t]he provisions in the Cultural Heritage Ordinance [would] reduce impacts to historic properties in the City[.]” Furthermore, “[i]n addition to the citywide Cultural Heritage Ordinance the Downtown Plan includes a number of policies and zoning strategies intended to encourage the protection, rehabilitation, and reuse of existing historical resources in the Downtown Plan Area[.]”

The Downtown Plan’s CPIO (Appendix G) outlines procedural requirements for Eligible Historic Resources within Subarea D, that generally encompasses the Arts District neighborhood, including the Downtown Los Angeles Industrial Historic District and those identified as a contributor to a historic district or individual resource by SurveyLA. These requirements 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 where any work proposed would not 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. Please see **Master Response No. 2 – Historic Resources**.

The commenter is correct that the DEIR does not explicitly call out the Downtown Los Angeles Historic District by name under the analysis of Proposed Project impacts; nevertheless, as the commenter acknowledges, Figure 4.4-1f of the DEIR (page 4.4-21 of Section 4.4, *Cultural Resources*) identifies this potential district, as well as eight others, and the analysis acknowledges the potential significant impacts to historical resources, including historic districts that could occur over the plan horizon.

**Response 7-5**

The commenter states that a lack of visual evidence of existing photos and simulations of future conditions for the Arts District Area and the River to show how shadows and massing will impact the area, decisionmakers and the public are deprived and suggest the DEIR impact conclusions are not supported. Additionally, the commenter suggests the DEIR statement that future development would likely benefit the visual character is not supported with evidence and is speculation.

Pages 4.1-61 through 4.1-67 of the DEIR include a series of figures that depict conceptually what future development could look like in the context of existing development within the Plan Area. It is true, these do not contain visual simulations specific to the Hybrid Industrial area. Based on the size and scale of the Plan Area, it was not found feasible to simulate all changes to the Plan Area from the Proposed Project. However, it was also found to not be necessary, as the simulations included in the DEIR demonstrate what the visual effects from changes to massing occur. Additionally, pages 4.1-69 and 4.1-70 in Section 4.1, *Aesthetics*, of the DEIR include specific discussion of the Hybrid Industrial area. Under “Hybrid Industrial” on page 4.1-69, the DEIR states “it is anticipated that the general visual character of areas with these designations would generally be improved by reasonably anticipated development from the Downtown Plan due to the addition of active pedestrian amenities and resources, and the addition of points of visual interest with creative, flexible building structures in industrial areas.” Furthermore, page 4.1-70 states that “[n]ew development would be designed with contextual form and frontage regulations, to be compatible with existing visual character.”

Shade and shadow effects are also described in the DEIR (see Response 7-3). The DEIR provides at page 4.1-70:

*The taller buildings could potentially increase shade effects along public spaces, such as public rights-of-way (i.e., sidewalks and roadways) or parks. These shade effects are characteristics that are commonly found in an urban environment. The increased shade effects also can be considered beneficial, particularly during warmer seasons and sunny days, by providing cooling and cover from high heat days. Additionally, shade effects could make an urban environment more pedestrian friendly. Thus, the potential increase in shade and shadows are not expected to substantially degrade the existing visual character or quality of the CPA.*

The commenter has not provided substantial evidence supporting a finding that a significant impact will occur from degradation of the visual character. The commenter has not explained why simulations are necessary for the City to satisfy its obligations under CEQA to make a good faith effort to disclose the environmental effects of the Proposed Project.

Moreover, the Proposed Project includes many standards to protect and enhance the visual character of the Plan Area, including the Arts District area and along the Los Angeles River. Through the use of objective and mandatory zoning standards, proposed zoning Form and Frontage Districts facilitate contextual building placement, massing, and facade design-whether facing a street, alley, river, or located in a historic setting. Forms

Districts that are applied along the river have standards calibrated specifically to ensure the larger parcels are broken down into smaller “human scale” blocks to encourage east/west pedestrian circulation and view corridors towards the River. The MM1 form district stipulates a 160-foot maximum building width with a 15-foot minimum building break, and the MB2 form district stipulates a 280-foot maximum building width with a 25-foot minimum building break. The MM1 and MB2 form districts require a 20-foot setback along river-oriented property in order to ensure river yards are in proportion with the scale of development anticipated along Downtown’s river-fronting lots. All river fronting lots in Downtown are separated by rail infrastructure 200-feet or more in width, significantly reducing the direct impact of taller buildings potentially looming over the river channel. Additionally, the Plan’s zoning strategy applies a five-story height limit for the rail properties directly abutting the river and generally a 15-story height limit for the properties between the rail lines and Santa Fe Avenue.

Another zoning tool is the application of the Daylight Factory/River (CDR1) frontage district along the Plan’s river-fronting properties. The CDR1 frontage includes standards that ensure buildings are oriented toward the river by providing river-fronting entrances, a minimum amount of facade transparency, facade articulation, parking setbacks, and a requirement that 75 percent of the surface of a property’s rear setback area along the River is landscaped with plants and trees included in the RIO’s list of native and Watershed Wise vegetation. This strategy is intended to result in a Downtown riverfront made up of engaging building frontages with appropriately landscaped outdoor spaces that help soften and green the existing hardscaped industrial character of the Downtown riverside. These zoning tools seek to reinforce the character of the neighborhood and ensure visual access to the Los Angeles River.

Remaining portions of the Arts District are proposed to be zoned with the Daylight Factory (CDF1) frontage district, which, similar to CDR1 described above, requires minimum building transparency requirements, fenestration depth and placement requirements, exterior material requirements, and floor-to-ceiling minimum height requirements, collectively intended to ensure that infill construction is complementary to the prevailing pattern of so-called daylight factories within the Arts District.

Thus, contrary to what the commenter suggests, the DEIR and proposed zoning tools provide information in support of and the rationale behind the conclusion that Downtown Plan Area development would generally improve visual conditions in the Downtown Plan Area and in the Hybrid Industrial area specifically.

#### **Response 7-6**

The commenter suggests that the City should consider whether some of all of the best practices laid out in Appendices B-E of the Draft Community Plan Implementation Overlay (CPIO) in Appendix G should be mandatory requirements. Please see Response 7-3, 7-4, and 7-5 which offer detailed description of the many mandatory requirements set forth by the Project to address the preservation and rehabilitation of historic resources within the Arts District, as well as the zoning standards that address context-oriented building design for future development projects. The Historic Cultural Neighborhoods Best Practices, Appendix C of the CPIO is an

advisory set of qualitative design guidance that is intended to complement the many and varied objective and mandatory development standards described in 7-3, 7-4, and 7-5. With respect to impacts to historical resources, the Proposed Project does not introduce any features that would preclude implementation of, or alter existing policies or procedures related to historical resources. In addition, the Proposed Project incorporates standards that will assist in protecting eligible historical resources, in addition to the existing Regulatory Framework in place for the protection of designated historical resources. Consistent with Senate Bill 330, these Best Practice documents would serve in an advisory capacity, as California cities are precluded from adopting non-objective design guidelines. However, zoning Frontage District requirements are objective development standards, and thus comply with Senate Bill 330. Additionally, please see **Master Response 2 – Historic Resources**.

### **Response 7-7**

The commenter suggests that the DEIR's Cultural Resources analysis is incomplete and inadequate due to the discrepancy between what is considered mandatory development requirements between the Community Plan Implementation Overlay (CPIO) in Appendix G and the DEIR. The commenter's suggestion that the requirements discussed DEIR are voluntary is incorrect. As described in the DEIR, new future developments in Hybrid Industrial designated areas are subject to many varied objective design standards regarding articulation, entrances, entry-features and transparencies as well as allowable materials that would reinforce the historic industrial character of this area. These are part of the Form and Frontage District requirements under the New Zoning Code & therefore mandatory. The CPIO includes a set of design best practices that are separate and apart from the above zoning regulations. These design best practices are more subjective in nature and are not mandatory per Senate Bill 330, which prohibits cities from requiring new non-objective design standards. They serve as advisory "best practices" (CPIO Appendix C) that are intended to complement, on a voluntary basis, the numerous mandatory development standards described within 7-5.

In addition, as discussed in Response 7-3 and 7-6, the CPIO sets forth mandatory procedures to address the preservation of identified eligible historic resources (e.g., resources identified in SurveyLA as potentially eligible as an HCM). The commentator has noted only the advisory best practices of CPIO Appendix C, without noting the other requirements described or referenced herein Please see Response 7-3, 7-4, 7-5, and 7-6 and refer to **Master Response 2 – Historic Resources for a discussion of the façade zoning regulations**.

### **Response 7-8**

The commenter suggests that the City should require the non-mandatory best practices identified in Appendix C for the Arts District area to be imposed as a mitigation measure, even if those mitigation measures will not lower the impact to below significant. As discussed in **Master Response 2 – Historic Resources**, the Plan introduces a range of regulations to protect historical resources, including requiring a building permit to be approved for any replacement project before demolition occurs to avoid preemptive demolition of potentially eligible historic resources; procedural requirements 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 where any work proposed would compromise its eligibility; and providing written pre-demolition notice to abutting property owners and occupants, the applicable City Council Office, and the Certified Neighborhood Council Office representing the site prior to the issuance of a permit for the demolition of a building over 45 years old, and posting a public notice of application for demolition on a placard at the site at least 60 days prior to the date of issuance. In addition, the Downtown Plan includes mandatory Zoning Frontage Districts for the Historic Core and Arts District that include more detailed development standards addressing building materials and architectural features, the arrangement and depth of fenestration, and floor-to-ceiling heights, and are intended to guide new development in a manner that is compatible with the historic and celebrated architectural legacy of these two neighborhoods. The Downtown Plan also incentivizes preservation and continued use of existing buildings through the Adaptive Reuse incentives and Transfer of Development Rights (TDR) programs.

Senate Bill 330 prohibits cities from adopting new non-objective design guidelines. Many of the objective design standards that were part of the Downtown Design Guide, and the community design overlays have been incorporated into the New Zoning Code provisions (Appendix P), such as Form District, Frontage, or Development Standards. These are objective development standards, and thus comply with Senate Bill 330. Non-objective standards, that cannot be mandatory requirements due to SB 330 have been memorialized as best practices in the CPIO appendix (Appendix G). The Best Practices documents offer ideas on how new developments can respond, respect, and contribute to the distinct historic cultural neighborhoods of Downtown and complement the regulations in the zoning code. The proposed best practices are non-objective in nature, relating to the way proposed new development would respond to existing context in a non-quantifiable and situational manner, and thus cannot be incorporated as objective regulatory standards.

As described above, additional mitigation measures beyond the programs, zoning tools and incentives described above to reduce potential impacts to historic resources are not as they place additional burdens and barriers on urgently needed housing. Furthermore, the application of Appendix C as a mandatory mitigating obligation would fail to address the concerns stated about preservation of historic resources, or appropriate infill building design to the degree of specificity already set forth by the zoning form and frontage districts as described in 7-3, 7-4, 7-5, and 7-6. Additional regulations suggested by the commenter to control the number of buildings permitted to take advantage of development bonuses within a certain distance of one another or within a particular area would burden new development, including urgently needed housing and would contradict the primary objectives of the Plan to accommodate growth close to transit and civic resources, and as such are found to be infeasible.

Based on the above, the impact is identified as significant and unavoidable. Additionally, please see Responses 7-3, 7-4, 7-5, and 7-6 above.

### **Response 7-9**

The commenter suggests that the Land Use analysis in the DEIR is incomplete, suggesting that the Downtown Plan is inconsistent with the City's industrial policy, as expressed in the General Plan Framework and other policy documents.

The commenter is correct that, as detailed throughout the comment, the City has relatively limited industrial land and policy objectives expressed in the General Plan Framework and other City planning documents is to generally preserve industry, and that industrial properties throughout the City are in many cases used for other purposes, such as commercial activity and housing. It is also true that, as noted by the commenter, the Downtown Plan would reduce the overall acreage in the Downtown Plan Area dedicated to industrial land uses. As noted by the commenter and illustrated in Tables 4.10-1 and 4.10-2 in Section 4.10, *Land Use and Planning*, of the DEIR, the overall acreage of land designated for industrial activity is proposed to drop from 1,520 acres to 1,372 acres. This represents about a 10 percent reduction in industrially-designated land in the Downtown Plan Area. In addition, some land currently designated "Heavy Industrial" is proposed to be redesignated "Hybrid Industrial" and "Markets". However, contrary to what the commenter suggests, these designation changes would not eliminate allowances for industrial activity, but rather are merely aimed at accommodating the evolving nature of industrial activities. Moreover, the higher development potential with higher FARs allowed under these designations as compared to the current "Heavy Industrial" and other designations would offset the reduction in overall industrially-designated land. As noted on page 4.10-21 of Section 4.10,

*The Downtown Plan proposes to re-designate some of the industrial land as Hybrid Industrial and Markets, which are designed to account for the evolution of land uses and employment activities over time. The proposed designations will continue to allow for light industrial and manufacturing uses, in addition to non-industrial uses, namely limited residential as long a minimum area is set aside for productive uses. Hybrid Industrial and Markets designations would allow for a greater variety of industrial, and employment uses such as office, heavy commercial, and light industrial, and limited residential uses would be permitted only when a minimum area is reserved for productive uses. The higher development potential permitted under the Downtown Plan will enable higher intensity of employment uses within these areas, while accommodating limited residential uses in proximity to job-generating uses.*

In addition, the contention that allowing non-industrial uses in some industrial land use categories would necessarily result in the loss of industrial activity is inaccurate. Residential and commercial uses are currently allowed in industrial areas. For example, live/work housing is permitted in existing buildings, and offices, commercial services, retails, and restaurant uses are permitted in the current M2 and M3 industrial zones. The Hybrid Industrial designation only allows residential uses when a minimum of 1.5:1 FAR is reserved for specified light manufacturing, artisanal manufacturing, and/or office uses, and where residential uses are designed to specific live/work obligations that require the provision of additional productive space, commercial building



occupancy standards, and minimum average unit sizes among others. In addition, unlike the current M3 zoning, the proposed Production designation (I1 and I2) would not allow any residential uses and would limit retail and restaurant uses. Allowing non-industrial uses does not require land owners to convert industrial lands to other uses, it merely provides this option in case an individual owner determines that industrial activity is no longer viable. In other words, it merely allows individual property owners wider latitude in determining what use is most appropriate for their land based on market conditions. If demand for industrial land remains high, it is anticipated that industrial activity will remain viable and most, if not all owners of industrial lands in the Downtown Plan Area will continue to use their properties for industrial activity. Per the 2007 industrial study cited by the commenter (Los Angeles Department of City Planning and Community Redevelopment Agency, Los Angeles' Industrial Land: Sustaining a Dynamic City Economy, Dec. 2007), the City identified industrial areas within Downtown, and specifically portions of the Arts District, as appropriate, for conversion to additional mixed-uses, and discussed how more nuanced allowances for emerging employment sectors, and uses that can better support such uses, are necessary to ensure a long term employment focus in the Arts District while more conventional and historic industries such as food processing, cold storage, and distribution have begun to locate elsewhere within the Southern California region. Examining both market and economic trends, as well as existing land uses, the 2007 study recommended that some portions of the Arts District transition to allow conventional commercial and residential uses, while others transition to allow limited residential uses while maintaining an industrial employment focus, and others retain a solely industrial employment focus. Given that this study was conducted 15 years ago, there have continued to be shifts in both market trends, as well as on-the-ground land uses, that have informed the more contemporary mix of land uses proposed by the Project. In addition, as part of the Downtown Plan, City staff performed analysis that resulted in the Plan policy recommendations, which included trends and employment distribution, among others.

Finally, as for the contention that loss of industrial land represents a significant impact that the DEIR fails to address, as discussed above, the Downtown Plan would not result in an overall reduction in industrial capacity. Moreover, although individual property owners may choose to close or relocate industrial facilities over time, such closures and relocations would not be a result of the Downtown Plan, but rather of market conditions.

The commenter is correct about the Plan's partial inconsistency with a few of the policies in the Framework Element. As acknowledged in the DEIR, allowing new residential uses would potentially be in conflict with Framework Element Policy 3.14.4 which encourages the City to "limit the introduction of new commercial and other nonindustrial uses in existing commercial manufacturing zone to uses which support the primary industrial function of the location in which they are located." Additionally, it may be in conflict with the language in the Framework Element that calls to "preserve industrial lands for the retention and expansion of existing and attraction of new industrial uses that provide job opportunities for the City's residents."

However, these policies were not adopted to avoid or mitigate a significant environmental impact. Moreover, as described in the DEIR,

*“a conflict between a project and an applicable plan is not necessarily a significant environmental impact under CEQA unless the inconsistency would result in an adverse physical change to the environment. Generally, Community Plan updates reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. A proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies (Governor’s Office of Planning and Research 2017). Generally, given that land use plans reflect a range of competing interests, a project should be compatible with a plan’s overall goals and objectives, but need not be in perfect conformity with every plan policy.”*

The commenter’s suggestion that the Plan’s proposed zoning for Hybrid Industrial and Markets are not supported by appropriate studies as required by the Framework Element when industrial land is proposed for conversion to other uses is not accurate. As part of the Community Plan update process, the city did an evaluation of existing conditions, current land use trends, and conducted extensive public outreach to arrive at the proposed zoning designated as Hybrid Industrial, Markets and Production, and these are described further below.

Stakeholder comments during the early phases of the Proposed Project generally touch on the need to maintain Downtown as the regional job center. Some public comments have also emphasized the need to position Downtown as a place for new and evolving industries to ensure Downtown continues to provide and expand employment opportunities. With regard to industrial land, a few commenters have argued that numerous development projects that have sought, and/or received General Plan Amendment and Zone Change entitlements from industrial to commercial designations and zones that allow for a wide variety of commercial and residential uses, is reflective of the evolving nature of these neighborhoods, and the diminishing demand for industrial land. However, others have emphasized that opening up land zoned for industrial uses to other alternate uses would result in the loss of valuable industrial land and that preserving land for uses that generate industrial-oriented employment opportunities is essential to maintaining Downtown’s jobs advantage and addressing job access, in particular in both skilled and unskilled labor sectors, for those living within close proximity.

Given Downtown’s central location and the magnitude of transit investments, it is important to maintain Downtown’s role as a job center for the City and the region and to sustain a diversified economy. The Proposed Project supports a balanced approach to achieve the objectives expressed in the comments received, while staying consistent with the intent of the General Plan Framework Element goals and policies.

The Framework Element establishes City policy to preserve industrial lands for the retention and expansion of the City’s industrial job base. Today’s “industrial” jobs are not solely traditional 20th Century manufacturing and warehousing jobs, but also include jobs in “cleantech” and “green” companies, research and development businesses, food production, and more. The Proposed Project employs a set of land use tools to achieve the following: ensure availability of land for traditional industries (Production General Plan Designation, and I1 and I2 zones); create opportunities for innovative and evolving new industries; and allow for transitioning industrial

areas for the introduction of housing and services, while ensuring continued focus on jobs (Markets and Hybrid Industrial General Plan Designation, and IX1, IX2, IX3, and IX4 zones).

As documented in the Zoning Code Evaluation Report, Los Angeles is losing industrial land to residential conversions, art studios, retail, and other alternative uses—a trend that threatens the City’s substantial industrial sector. Numerous reports and adopted plans have identified strategies and priorities for accommodating these new uses while preserving employment-generating activities—policies that inform the Proposed Project’s approach to the industrial portions of the Downtown Plan Area. The New Zoning Code provides a variety of tools to support these policies. Industrial Use Districts provide a more restrictive mix of uses that excludes dwellings, most retail, and other activities that could displace manufacturing businesses. Industrial-Mixed Use Districts, proposed under the New Zoning Code are focused on innovation and allow for a more expansive mix of live/work, retail, and other uses alongside light manufacturing and research-and-development—more closely resembling the character of the Arts District and other transitional areas.

In the transitioning industrial areas such as the Arts District and the Fashion District, where there is currently a lack of transit infrastructure and amenities such as parks or commercial services, the Proposed Project introduces a new zoning typology to ensure that these areas continue to provide for jobs while also allowing for the introduction of housing and services, as anticipated transit infrastructure improvements become available. Current zoning allows for a maximum of 3:1 FAR in industrial zones in the Fashion District and 1.5:1 FAR in the Arts District. In order to maintain this existing opportunity for industrial uses, the Proposed Project requires that any residential development set aside a minimum of 1.5 FAR of productive uses in the Arts District, and 1 FAR of productive uses in the western portions of the Fashion District. The Proposed Project also prohibits new residential construction in the eastern portions of the Fashion District, allowing residential uses only as part of the adaptive reuse of existing structures. Furthermore, in the Arts District, residential uses can only be provided in the form of live/work units, to ensure a minimum area within each unit is dedicated as workspace. Such live/work uses would be required to meet specific size, configuration, and employment occupational standards that do not apply to standard residential uses. Lastly, the Proposed Project establishes substantial floor area incentives for development that provides a minimum proportion of employment-related floor area (such as office space, or production area), in addition to the base requirements described above. The Proposed Project also increases the development potential in comparison to the currently adopted zoning to facilitate increased job opportunities and the coexistence of residential uses in targeted areas. The proposed zoning in the Arts District, allows for a higher FAR of 6:1 compared to the currently adopted zoning of 1.5:1 FAR. The Proposed Project also sets a minimum baseline requirement of 1.5:1 FAR for productive uses and the only types of residential uses allowed are live/work units or conversion of existing structures to Joint Live Work Quarters. Similarly, in the Fashion District west of San Pedro Street, the Proposed Project proposes an increase in FAR from the currently adopted zoning of 3:1 to 8:1, sets a minimum baseline requirement of 1:1 FAR for productive uses and allows all types of residential uses. In the Fashion District east of San Pedro Street, the Proposed Project allows for up to

3:1 FAR, and residential uses are only permitted through adaptive reuse of existing structures. The Proposed Project envisions a continuation of industrial uses in the southeast portion of the Downtown Plan Area, where heavy industry has existed and continues to be a necessary function.

Overall, the Proposed Project seeks to increase employment opportunities for City residents, allow for jobs and housing to co-exist, reduce the need for City residents to commute to remote work locations, and help maintain the City's fiscal health. The redesignation of Industrial to Hybrid Industrial and Markets would allow for a greater variety of industrial and employment-generating uses such as office, heavy commercial, and light industrial; limited residential uses would be permitted only when a minimum area is reserved for productive uses. In addition, the higher development potential permitted under the Proposed Project will enable higher intensity of employment uses within these areas, while accommodating limited residential uses in proximity to job-generating uses.

Accordingly, these planning efforts, which informed the Downtown Plan's proposal related to industrial land, reflect "appropriate study" as intended in the Framework Element.

The commenter has suggested that the project should be adapted to "ensure projects requesting development bonuses maintain at least 1.5 FAR for productive uses, exclusive of square footage maintained as private work space within live/work dwelling units." It should be noted that this is already a feature of the Project, and that all projects within the IX4 Use District are required to provide a minimum of 1.5:1 FAR for specified productive uses. In addition, the amendments to the Framework Element further clarify the intent and ensure consistency with the Downtown Plan.

In summary, contrary to what the commenter suggests, the Downtown Plan would continue to accommodate industrial activity and, compared to current community plans, better recognize the evolving nature of industry. Protection of Hybrid Industrial areas from conversion to residential or retail uses is an objective of the Downtown Plan. In addition, FAR for the Arts District has increased from 1.5 to 6:1. Consequently, while some industrial acreage is lost, the increase in FAR would allow for more floor area which could offset the loss and offer a net gain in industrial floor area. The commenter has not demonstrated with that relocation of industrial activity would occur in the Plan Area or offered a methodology to predict the same. There is no evidence to suggest that the Downtown Plan would create the loss of industrial activity that would create the need for construction of new industrial facilities elsewhere and, therefore, there would be no significant environmental impact related to industrial land under CEQA.

### **Response 7-10**

The commenter suggests that the DEIR is inadequate and incomplete because it does not address Article 13 of the New Zoning Code (Appendix P). As mentioned on page 3-54 of the Project Description, the update of Article 13 (Administration) is being undertaken through a separate effort. This effort, known as the Processes and

Procedures Ordinance (CPC 2016-3182-CA), is anticipated before City Council for an adoption vote in the Fall of 2022 ([Council File 12-0460-S4](#)), and was found to be exempt from CEQA pursuant to PRC Section 15061 (b) (3) and CEQA Guidelines, Section 15308 (Class 8). Per Environmental Case No. ENV-2016-3183-CE, “the Processes and Procedures Ordinance modifies administrative procedures for the processing of entitlement requests and appeals and has no effect on the physical environment.” The Processes and Procedures Ordinance establishes Chapter 1A (the New Zoning Code) and centralizes administrative procedures for both the current Zoning Code, Chapter 1 (General Provisions and Zoning) of the LAMC and the New Zoning Code (Chapter 1A) of the LAMC within Article 13 (Administration) of the New Zoning Code.

As described in the Project Description of the DEIR, the increased Project Review (same as the current Site Plan Review in Chapter 1 of the LAMC) thresholds were considered and analyzed in the DEIR. Since it is too speculative to identify which projects would participate in the Community Benefits program at this time, the DEIR as a conservative analysis assumed all projects on a property zoned with Development Standards District 5 with a bonus floor area ratio would access the increased project review threshold. Otherwise, the DEIR analyzes reasonably anticipated development from the Proposed Project. The City does not find that that reasonably anticipated development would be different if the Process and Procedures Ordinance, which generally provides the administrative process for approving development, was included in the Proposed Project.

#### **Response 7-11**

The commenter states that neither the proposed zoning code nor the DEIR explain or analyze how the subsequent use of approved community facilities will be assured to be no more impactful than the approved use such that it will not later cause a potentially significant environmental impact. The City has an incentive program that awards a project additional FAR if one or more community facilities or an alternate facility listed in Section 9.3.4, *Community Facilities*, in Article 9, *Public Benefits System*, is provided. The City requires a covenant from the project proponent stating that they will lease the space to the community facility for a minimum of 55 years. After 55 years, the only allowed uses for the space are those that are allowed by the Zoning Code and potential uses are therefore accounted for in the DEIR analysis. In addition, if the space is vacated prior to the required 55-year minimum occupancy, the developer is required to locate another qualifying tenant to avoid being charged a fee. Subsequent to the release of the DEIR and the current draft of the Downtown Plan, the covenant length was revised from 10 years to 55 years.

#### **Response 7-12**

The commenter suggests that the City should incorporate long-range planning to protect the Los Angeles River as a scenic resource and disagrees with the DEIR that development would not directly or indirectly affect the river.

The commenter's opinion regarding the need to better plan for the future of the Los Angeles River is noted. However, as required by CEQA, the DEIR analyzes the impacts of the Proposed Project compared to current conditions. As discussed in Section 4.3, *Biological Resources*, and elsewhere in the DEIR, although the Los Angeles River is identified as a "wetland", the portion of the Los Angeles River in and adjacent to the Downtown Plan Area is channelized and lacks native biological habitat. In addition, no component of the Downtown Plan would involve any direct disturbance of the river.

The City established the River Improvement Overlay (RIO) along the entire river corridor running through City boundaries. The RIO provides additional development standards aimed at generating more open spaces, habitat appropriate landscaping, and improved design of fencing along the Los Angeles River. The Downtown Plan proposes to remove the RIO (Appendix J) in its current form as a zoning overlay and embed most of its development standards through regulations of the new zoning system. The Downtown Plan also takes the opportunity to build upon the RIO standards by applying more tailored design and building orientation standards that build upon what the RIO standards currently regulate, particularly through Form and Frontage District standards.

The New Zoning Code (Appendix P) proposes Mid-Rise Medium 1 (MM1) and Mid-Rise Broad 2 (MB2) to be applied along the river and have standards calibrated specifically to ensure the larger parcels are broken down into smaller "human scale" blocks to encourage east/west pedestrian circulation and view corridors towards the river. The MM1 form district stipulates a 160-foot maximum building width with a 15-foot minimum building break, and the MB2 form district stipulates a 280-foot maximum building width with a 25-foot minimum building break. Both form districts require setbacks along river-oriented property lines (generally those property lines that align with the edge of the river corridor), consistent with the strategy applied by the RIO. As for height limits, due to the river fronting lots in Downtown that are separated by rail infrastructure 200-feet or more in width, the direct impact of taller buildings potentially looming over the river channel is significantly reduced, therefore, the Plan's zoning strategy applies a five-story height limit for the rail properties directly abutting the river and generally a 15-story height limit for the properties between the rail lines and Santa Fe Avenue.

Another key component of the Downtown Plan's river strategy is the application of the Daylight Factory/River (CDR1) frontage district along the Plan's river fronting properties. The CDR1 frontage includes standards that ensure buildings are oriented toward the river by providing river-fronting entrances, a minimum amount of facade transparency, facade articulation, parking setbacks, and a requirement that 75 percent of the surface of a property's rear setback area along the river is landscaped with plants and trees included in the RIO's list of native and Watershed Wise vegetation. Applicable development regulations and measures to protect sensitive biological resources in the existing RIO have been incorporated into Frontage Districts and development standard rules of the New Zoning Code. This strategy is intended to facilitate a Downtown riverfront comprised of engaging building frontages and accessible outdoor spaces.

Broadly, the Proposed Project puts forward numerous zoning strategies that support a contextual place along the L.A. River.

Based on the current condition of the Los Angeles River, there is no evidence of the potential for Downtown Plan Area development to result in significant biological resource impacts and compliance with proposed standards would ensure that Downtown Plan Area development would not conflict with future efforts to revitalize the river. Also, please see Response 7-3, 7-4, and 7-5 above.

**Response 7-13**

The commenter again suggests that the DEIR is incomplete and inadequate for the reasons previously noted. Please see Responses 7-1 through 7-12 above.

## LETTER NO. 8

Beth P. Gordie, Latham & Watkins LLP

### **Response 8-1**

The commenter asks that the Los Angeles aerial rapid transit gondola project (“LA ART”) be acknowledged in the Downtown Plan and the FEIR.

The attachment of the NOP for the LA ART project provided by the commenter is acknowledged but is not relevant to the adequacy of the EIR. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. The request to include acknowledgement of LA ART in the Downtown Plan has been forwarded to the City for consideration. The comments do not relate to significant environmental issues or the adequacy of the analysis included in the DEIR. Please see Response 8-3 below for specific additions of LA ART to be included in the FEIR.

### **Response 8-2**

The commenter provides a brief overview of the LA ART project and its consistency with the Downtown Plan goals regarding transit and improving connectivity, sustainable transportation options, land use that supports transit access, reduction in greenhouse gas emissions, improving air quality, and finally mobility and connectivity. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis in the DEIR.

### **Response 8-3**

The commenter states that the FEIR should include the LA ART project as a future transportation improvement in a manner similar to how the DEIR discusses the California High Speed Rail.

The following passage on page 3-9 of Chapter 3, *Project Description*, has been amended to read as follows:

*The Central City Community Plan was last updated in 2003 and the Central City North Community Plan was last updated in 2000. Since then, substantial changes have occurred, most notably, completion of the Los Angeles County Metropolitan Transportation Authority (Metro) Gold and Expo Lines, and implementation of the Metro Bike share system; approval and construction of large-scale commercial and residential developments; development of future plans and infrastructural improvements that need to be accommodated, such as the Los Angeles Streetcar, Metro Regional Connector, Aerial Rapid Transit Gondola, and High Speed Rail<sup>2</sup>; and new growth forecasts through the year 2040, released by SCAG. The proposed update to the Downtown Plan responds to these new conditions and aims to maximize associated benefits from these large scale infrastructure improvements.*

The following passage on page 3-13 of Chapter 3, *Project Description*, has been amended to read as follows:



*Los Angeles Union Station is in the northeastern portion of the Downtown Plan Area, bounded by Alameda Street, Cesar Chavez Avenue, Vignes Street, and the U.S. 101. East of Union Station is the Los Angeles River and to the west is the City's historic Olvera Street and El Pueblo de Los Angeles State Historic Park, as well as the Civic Center. Union Station is the City's principal transportation hub, home to local, regional, and national transit providers, and the planned site for the Los Angeles Aerial Rapid Transit Gondola and California High Speed Rail (HSR) Los Angeles station.*

The following passage on page 4.10-3 of Section 4.10, *Land Use and Planning*, has been amended to read as follows:

***Civic Center, El Pueblo, and Union Station.*** ... *Union Station is the City's principal transportation hub, home to local, regional, and national transit providers, and the planned sites for the Los Angeles Aerial Rapid Transit Gondola and California High Speed Rail (HSR) Los Angeles station.*

Text amendments to include LA ART does not identify or raise any new significant environmental issues or address the adequacy of the analysis included in the DEIR.

## LETTER NO. 9

Simon Ha, AIA, Chairman of the Board of Directors, Skid Row Housing Trust

November 11, 2020

### **Response 9-1**

The commenter requests that the City more fully evaluate the environmental, social, and economic impacts of restrictive zoning on housing in the FEIR. As noted on page 4.12-14 of Section 4.12, Population, Housing, and Employment, the “[l]oss 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.<sup>3</sup>” Additionally, “[t]he CEQA Guidelines require a lead agency to consider the reasonably foreseeable indirect environmental consequences of a project’s economic or social impacts. To require an analysis of the indirect physical impacts, the social and economic impacts must be supported by substantial evidence. An EIR would be required to analyze reasonably foreseeable, not speculative impacts, resulting from social and economic impacts.<sup>4</sup>” What the commenter is suggesting is speculative.

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<sup>3</sup> *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).

<sup>4</sup> CEB, Practice under the California Environmental Quality Act, Section 6.36; Public Resources Code Section 21065; *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1020 (rejecting an argument that an initial study was required to analyze speculative physical impacts resulting from competition with retail tenant).

## LETTER NO. 10

Karin Liljegren, FAIA, Principal and Founder, Omgivning Architecture and Interiors

### **Response 10-1**

The commenter recommends that Los Angeles City Planning distinguish between historical and non-historical adaptive reuses by using additional incentives for historical projects. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR. Please see **Master Response No. 2 – Historic Resources** for discussion of the DEIR analysis of impacts to historical resources. The commenter’s statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

### **Response 10-2**

The commenter states that the historical core FAR requirements do not align with the existing context and recommends a base FAR of 12:1 to promote a more consistent street frontage. Please see **Master Response No. 2 – Historic Resources**. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR. The commenter’s statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

### **Response 10-3**

The commenter states that the Downtown Plan should include height and massing restrictions to new development and advocates for more flexibility regarding articulation and fenestration standards, and an increased base FAR to prevent proportionally awkward buildings. Please see **Master Response No. 2 – Historic Resources**. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR. The commenter’s statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

## LETTER NO. 11

Karin Liljegren, FAIA, Principal and Founder, Omgivning Architecture and Interiors

December 4, 2020

### **Response 11-1**

The commenter provides a brief historical overview, the progress of Downtown Los Angeles, and the theme of their following comments. The attachment detailing the commenter's questions and corresponding responses from DCP staff is acknowledged but is not relevant to the adequacy of the EIR. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

### **Response 11-2**

The commenter recommends that Los Angeles City Planning distinguish between historical and non-historical adaptive reuses project by using additional incentives for historic projects. Please see **Master Response No. 1 – General Comments** and **Master Response No. 2 – Historic Resources**. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

### **Response 11-3**

The commenter states that the historical core FAR requirements do not align with the existing context and recommends a base FAR of 12:1 to promote a more consistent street frontage. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues** and **Master Response No. 2 – Historic Resources**. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

### **Response 11-4**

The commenter states that the Downtown Plan should include height and massing restrictions to new development and advocates for an increased base FAR to prevent proportionally awkward buildings. Please see **Master Response No. 1 – General Comments** and **Master Response No. 2 – Historic Resources**. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do

not relate to the adequacy of the analysis included in the DEIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

## LETTER NO. 12

Mark Chatoff, President, California Flower Mall, Inc

### **Response 12-1**

The commenter states support for Alternative 3 in the DEIR. The support is noted. The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis in the DEIR. Please see **Master Response No. 3 – “Increased Development Potential Alternative” (Alternative 3)**.

## LETTER NO. 13

Jessica Lall/Michael Shilstone, Director of Economic Development, Central City Association of Los Angeles

### **Response 13-1**

The commenter states support for the adoption of DEIR Alternative 3. Please see Master Response No. 3 – “Increased Development Potential Alternative” (Alternative 3).

### **Response 13-2**

The commenter states support for Alternative 3 to best prepare for the increased housing needs of the Downtown area. The support is noted and will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project. Please see **Master Response No. 3 – “Increased Development Potential Alternative” (Alternative 3)**. The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis in the DEIR.

### **Response 13-3**

The commenter states general support for the Downtown Plan and Alternative 3 of the DEIR. The support is noted and will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project. Please see **Master Response No. 3 – “Increased Development Potential Alternative” (Alternative 3)**. The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis in the DEIR.

### **Response 13-4**

The commenter asks the City to provide administrative processes that are CEQA-exempt for deviations and relief mechanisms. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis in the DEIR.

The commenter suggests that the DEIR is insufficient to comment on because it does not address Article 13 of the New Zoning Code (Appendix P). As mentioned on page 3-54 of the Project Description, the update of Article 13 (Administration) is being undertaken through a separate effort. This effort, known as the Processes and Procedures Ordinance (CPC 2016-3182-CA), is anticipated before City Council for an adoption vote in the Fall of 2022 ([Council File 12-0460-S4](#)), and was determined to be exempt from CEQA pursuant to PRC Section 15061 (b) (3) and CEQA Guidelines, Section 15308 (Class 8). Per Environmental Case No. ENV-2016-3183-CE, “the Processes and Procedures Ordinance modifies administrative procedures for the processing of entitlement requests and appeals and has no effect on the physical environment.” The Processes and Procedures Ordinance establishes Chapter 1A (the New Zoning Code) and centralizes administrative procedures for both the current

Zoning Code, Chapter 1 (General Provisions and Zoning) of the LAMC and the New Zoning Code (Chapter 1A) of the LAMC within Article 13 (Administration) of the New Zoning Code.

The City does not find that the analysis or impact conclusions in the DEIR would be different if the Process and Procedures Ordinance, which generally provides the administrative process for approving development, was included in the Proposed Project. The commenter has not provided substantial evidence supporting a significant impact will occur if the Process and Procedures Ordinance was included as part of Proposed Project, and no further response is required.



## LETTER NO. 14

Rena Masten Leddy, Executive Director, LA Fashion District

### **Response 14-1**

The commenter states support for Alternative 3 within the DEIR to address the ongoing housing crisis and SCAG/RHNA mandates.

The support is noted and will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project. Please see **Master Response No. 3 – “Increased Development Potential Alternative” (Alternative 3)**. The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis in the DEIR.

## LETTER NO. 15

Patricia Berman and Ryan Afari, DLANC President and DLANC Planning & Land Use Committee Chair, Downtown Los Angeles Neighborhood Council

### **Response 15-1**

The comment provides an introduction and mentions a previously submitted letter. Responses 15-2 through 15-4 address the commenter's specific concerns on the Proposed Project and the environmental analysis in the DEIR.

The comment is noted. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. No further response is required because the comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the DEIR.

### **Response 15-2**

The commenter states conditional support for the adoption and implementation of the Downtown Plan based on comments included in their comment letter.

The conditional comment is noted. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. No further response is required because the comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the DEIR.

### **Response 15-3**

The commenter states support for DEIR Alternative 3.

The support is noted and will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project. Please see **Master Response No. 3 – “Increased Development Potential Alternative” (Alternative 3)**. The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis in the DEIR.

### **Response 15-4**

The commenter advocates for the addition of more open space and parks to accommodate anticipated growth.

As the comment noted, Threshold 4.14-1 in Section 4.14, *Recreation*, of the DEIR states that reasonably anticipated development from the Downtown Plan would increase the use of existing park and recreational facilities in and adjacent to the Downtown Plan Area, resulting in significant and unavoidable Project impacts. The anticipated substantial population growth that would result from implementation of the Downtown Plan by 2040 could accelerate the deterioration of existing parks in and around the Downtown Plan Area. As shown in Figure 4.14-1, all existing recreational facilities in and near the Downtown Plan Area are within the service radius of proposed land uses that support residential development. Thus, Downtown Plan development and associated

population growth and park use would contribute to the deterioration of the existing and planned recreational facilities listed in Table 4.14-1. Under the Downtown Plan, the citywide Parks Dedication and Fee Update per Ordinance 184505 will remain and continue to provide a funding stream for the for the purpose of acquiring new parkland or to fund capital improvements at existing parks and recreational facilities, as they now exist.

While the Parks Dedication and Fee Update ordinance stipulate fees that are impactful on a citywide level, its benefits would most commonly be applied to funding capital improvements at existing parks and recreational facilities due to the infeasibility of acquiring an abundance of new parkland considering the scarcity of undeveloped land in the Downtown Plan Area and increasing need for housing development. Furthermore, the Downtown Plan does not designate land or facilities for parks that the City or other governmental agencies do not own. Such a proposal is infeasible and undesirable as it would reduce available land for urgently needed housing and desirable job generating uses and potentially would require the City to purchase such lands and be an undesirable use of City funds that are needed for other public purposes or to purchase park space in other areas suffering park deficits. The City finds that the current planning process to determine which property should be purchased and dedicated to park uses under the DRP administration is the appropriate process to determine how to use limited park funds. To address an expanding need for open space, parks, and recreation facilities, the Downtown Plan offers development incentives for projects that provide publicly accessible open space, or community facilities, or that pay into a Community Benefits Fund, which serves to fund such spaces. The incentives proposed under the Proposed Project have been calibrated with the benefit of expert economic analysis, to ensure feasibility of use.

## LETTER NO. 16

Daniel Gehman

### **Response 16-1**

The commenter states support for Alternative 3 of the DEIR.

The support is noted and will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project. Please see **Master Response No. 3 – “Increased Development Potential Alternative” (Alternative 3)**. The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis in the DEIR.

## LETTER NO. 17

Allan M. Harris and Cheryl Younger

### **Response 17-1**

The commenter states that the City should create a City Hall Historic District comprised of three buildings. The City recently completed SurveyLA, which identified four eligible Historic Districts within the Downtown Plan area. SurveyLA uses a professionally established methodology to describe historical contexts and the backdrop in which an individual or district would be considered eligible for listing at the local, State, or Federal level. SurveyLA did not identify that the aforementioned resources collectively comprise an eligible historic district, though each of the references sites are currently designated as individual resources. The totality of SurveyLA's findings have been considered, both in terms of the policy recommendations of the Downtown Plan, as well as the relevant impact analysis under the Cultural Resources Section of DEIR. Furthermore, procedural requirements outlined in the CPIO to ensure eligibility of Eligible Historic Resources would include individual resources or contributors to a historic district identified through any future historical resource survey, completed subsequent to the effective date of the CPIO, as long as it is 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 Office of Historic Resources. Moreover, as discussed in the DEIR, in Impact 4.4-1 discussion, there are other protections for HCMs, including the need for independent CEQA review for even ministerial permits that propose to alter or demolish an HCM. (DEIR at 4.4-35 to 36.) Please refer to **Master Response No. 2- Historic Resources**.

### **Response 17-2**

The commenter states that the City should consider what the optimal population and density for Downtown should be to avoid the deterioration of quality of life. Please see **Master Response No. 1 – General Comments and Non-CEQA Issues**. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR and the commenter has not explained how the proposed analysis relates to the adequacy of the DEIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

### **Response 17-3**

The commenter states support for height restrictions to preserve community character and appropriate air quality. As discussed in Section 4.1, *Aesthetics*, the proposed form districts and associated development guidelines would aim to minimize the effects of land use and zone changes on the existing character of neighborhoods and districts in the Downtown Plan Area and would also be intended to enhance overall visual character and quality.

Air quality impacts are discussed in Section 4.2, *Air Quality*, and climate change impacts are discussed in Section 4.7, *Greenhouse Gas Emissions*. As discussed in Section 4.2, the Proposed Project would have less than significant impacts relating to air quality plans and odors. The Downtown Plan component of the Project would have significant and unavoidable project and cumulative impacts relating to a cumulatively considerable net increase of criteria pollutants, including releasing emissions that exceed quantitative thresholds for ozone precursors (NO<sub>x</sub> and VOC) and related to the exposure of sensitive receptors to substantial TAC emissions from truck trips associated with operation of distribution centers. It can be reasonably assumed that taller buildings would incrementally reduce average temperatures within the Plan Area due to increased shadows, which may incrementally reduce the production of ozone in the Plan Area. With respect to air quality and air flow, the approved SCAQMD methodology does not specifically address air flow as it relates to taller buildings within highly urbanized areas. In addition, although it is true that the presence of taller buildings could alter air flow patterns within the Plan Area, such changes would not create air pollutant concentrations that exceed federal and state standards or increase overall emissions within the Plan Area. As discussed under Impact 4.2-3, the primary pollutant of concern with respect to air flow in congested urban areas is CO generated by high traffic volumes and engine idling at roadway intersections. The analysis of potential CO impacts concludes that no Plan Area intersection would experience CO concentrations exceeding state or federal standards even with increased traffic associated with future Plan Area development. Based on these facts, no significant impacts related to changes of temperature or air flow in the Downtown Plan Area are anticipated.

#### **Response 17-4**

The commenter states support for height restrictions among buildings near City Hall to preserve the City's skyline and its viewshed. The Downtown Plan and the DEIR analysis are mindful of the implication of increasing development potential near Los Angeles City Hall. The new zoning code contains a "City Hall Height Restriction" for Form Districts applied in and around the Civic Center. This tool is intended to maintain the prominence of the historic Los Angeles City Hall by ensuring that the height of the tower remains significantly taller than any other building surrounding City Hall. Instituting the height restriction maintains the view corridor for City Hall throughout the Plan Area.

#### **Response 17-5**

The commenter provides an exhibit that supports their request that the Higgins Building along with the additional buildings listed be designated Traditional Core, instead of Transit Core, in the Downtown Plan. Please refer to **Master Response No. 2 - Historic Resources** and Response 17-8 below.

#### **Response 17-6**

The commenter provides an exhibit that supports the request to create a City Hall Historic District in Response 17-1. The commenter also requests the zoning designation for the buildings included in the proposed district

change to the Traditional Core designation. The City recently completed SurveyLA, which identified four eligible Historic Districts within the Downtown Plan area. SurveyLA uses a professionally established methodology to describe historical contexts and the backdrop in which an individual or district would be considered eligible for listing at the local, State, or Federal level. SurveyLA did not identify that the aforementioned resources collectively comprise an eligible historic district, though each of the reference's sites are currently designated as individual resources and maintain that historic resource designation independent of the zoning designation applied by the Plan. The totality of SurveyLA's findings have been considered, both in terms of the policy recommendations of the Downtown Plan, as well as the relevant impact analysis under the Cultural Resources Section of DEIR. Please refer to **Master Response No. 2 - Historic Resources**.

## LETTER NO. 18

Susan Hunter

### **Response 18-1**

The commenter states that census data should be used to confirm community population and population decline in Downtown. In regards to the commenter's statement about the population decline, the comment is unclear as to the source of the data that states population decline is occurring in Downtown and is compounded by COVID-19. Using SCAG's 2016 long-range RTP/SCS as the source, which is updated every four years, the City of Los Angeles as a whole is projected to grow by 17 percent in population during this time (4,609,000/3,950,000), which over the course of 23 years, is approximately 0.7 percent growth per year. Table 3-4 in Chapter 3, *Project Description*, shows the population growth forecast of the Plan Area from the baseline year of 2017 to 2040. The City's methodology for determining the reasonably expected growth in population, housing and employment is further discussed in **Appendix B: Methodology Population, Housing and Employment**. Furthermore, the 2020 census reported 81,752 number of people within the Plan Area which is an increase of 7.5 percent since 2017, demonstrating a population growth in the Plan Area. This increase only demonstrates that there was growth in the plan area between 2017 and 2020. The DEIR analysis assumes growth between the base year and the horizon year, and does consider incremental growth year by year. As such, the number of people in 2020 census report is not inconsistent with the growth projections made in the DEIR and as such is not significant new information under CEQA Guidelines Section 15088.5, and would not trigger new significant impacts than what was analyzed in the DEIR. No further response is required because the comments express an opinion or general statement related to the Proposed Project, and do not relate to the adequacy of the analysis included in the DEIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project.

### **Response 18-2**

The commenter states that the community's housing needs are much less since 2015 and that the City has incorrectly tabulated housing built as they have not taken into account current housing development. The commenter also suggests that the Plan doesn't include suitable alternatives in the event population declines.

**Table 4.12-6 in Section 4.12 Population, Housing and Employment** summarizes population, housing, and jobs estimates for the Downtown Plan Area under existing (2017) and 2040 conditions with and without the Downtown Plan. The housing count shown for existing (2017) baseline conditions accounts for housing built between the years of 2015 and 2017, but does not account for housing built since 2017. The Downtown Plan 2040 estimates are based on the reasonably anticipated development for the area, rather than the maximum allowable build-out, which would not be realistic and is not supported. The analysis in the DEIR takes a conservative approach as it analyzes reasonably anticipated housing built from the years 2017 to 2040 (approximately 23 years)



rather than reasonably anticipated housing built from the present to 2040 (approximately 18 years). The commenter does not provide substantial evidence suggesting that the 2017 estimate or the DEIR analysis and conclusions are inaccurate.

The DEIR analyzes two alternative- the Reduced Development Alternative (Alternative 1) and the no project Alternative (Alternative 4). These alternatives present reduced development potential in comparison to the Proposed Project. However, as described in Chapter 5 of the DEIR, these alternatives do not meet the primary objectives to the same degree as does the Proposed Project.

### **Response 18-3**

The commenter states the Downtown Plan allows for corruption of elected officials, bars low-income families and people of color and not based on realistic projections of growth. Please see Response 18-1 which includes reference to **Appendix B: Methodology Population, Housing and Employment** in the DEIR.

The comment does not provide substantial evidence suggesting the need for new analysis in the EIR or that the DEIR impact conclusions are inaccurate. Please also see **Master Response No. 1 – General Comments and Non-CEQA Issues**.

## LETTER NO. 19

Phyllis Ling

### **Response 19-1**

The commenter suggests that more mitigation to potentially damaged Zanja Madre should be developed by consulting with a historical society and requiring archeological monitoring.

Mitigation Measures 4.4-2(a), 4.4-2(b), and 4.4-2(c) in Section 4.4, *Cultural Resources*, of the DEIR provides specific noticing, investigative, and remedial requirements for ministerial and discretionary projects throughout the Downtown Plan Area to ensure that any potential impacts to archaeological resources associated with future Downtown Plan Area developments is identified and, as necessary, avoided. In addition, Mitigation 4.4-2(d), which applies to any project within 500 feet of the currently mapped known segment so of the Zanja Madre, includes specific requirements for any potential disturbance of the Zanja Madre System, including the development of documentation meeting standards and guidelines established the Historic American Engineering Record (HAER) prior to any alteration or demolition activity and the development of specific treatments based on potential California Register or eligibility criteria or as a unique archaeological resource. The areas subject this mitigation are mapped in the Environmental Protection Measures Handbook.

Assessment, documentation, and treatment of resources will be undertaken by a qualified archaeologist and will be conducted as appropriate in coordination with interested and knowledgeable individuals, including non-profit historic groups.

Please reference the **Environmental Protection Measures Handbook, Section III. Cultural Resources Standards (CR1A-2) – Archaeological Resources** for applicability threshold and standards in the protection of the Zanja Madre System. Pursuant to regulations here, projects are required to incorporate this mitigation measure as part of the Plan Check submittal and notify contractor of the requirement to comply

As noted in the DEIR, proposed mitigation measures would reduce impacts to a less than significant level. Based on this determination, additional mitigation for the Zanja Madre System is not necessary.

## LETTER NO. 20

Laurie Sale

### **Response 20-1**

The commenter states support for DEIR Alternative 3.

Please see Master Response No. 1 – General Comments and Non-CEQA Issues and Master Response No. 3 – “Increased Development Potential Alternative” (Alternative 3). The support is noted and will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Project. No further response is required because the comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the DEIR.

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## 10 REVISIONS, CLARIFICATIONS AND CORRECTIONS TO THE DRAFT EIR

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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, as defined by CEQA Guidelines Section 15088.5, because none would result in new significant impacts or a substantial increase in the severity of any impact already identified in the DEIR. New information is not significant unless the DEIR changes in a way that deprives the public of a meaningful opportunity. 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 Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

Corrections or information has been added to the DEIR pursuant to 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 ~~striketrough~~ unless otherwise described. Where mitigation measures are replaced in their entirety with a new measure that mirrors a City Environmental Protection Measure (EPM), only the underlined replacement measure is provided herein; the measure from the DEIR that has been replaced is not shown in ~~striketrough~~ text. 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 measure 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 significant impacts from those identified in the DEIR impact analysis or conclusions.

## SECTION 1.0, INTRODUCTION

Page 1-5 – Revise the first sentence of the second paragraph under “Environmental Review Process” to read as follows:

Pursuant to CEQA Guidelines Section 15082, the City filed a Notice of Preparation (NOP) with the State Clearinghouse in the Office of Planning and Research (State Clearinghouse No. ~~2016041093~~ 2017021024) as an indication that an EIR would be prepared.

## SECTION 3.0, PROJECT DESCRIPTION

Page 3-13 – Revise the third paragraph under “Civic Center, El Pueblo, and Union Station” to read as follows:

Los Angeles Union Station is in the northeastern portion of the Downtown Plan Area, bounded by Alameda Street, Cesar Chavez Avenue, Vignes Street, and the U.S. 101. East of Union Station is the Los Angeles River and to the west is the City’s historic Olvera Street and El Pueblo de Los Angeles State Historic Park, as well as the Civic Center. Union Station is the City’s principal transportation hub, home to local, regional, and national transit providers, and the planned site for the Los Angeles Aerial Rapid Transit Gondola and California High Speed Rail (HSR) Los Angeles station.

## SECTION 4.1, AESTHETICS

Page 4.1-69 – Revise the second paragraph under “Hybrid Industrial” to read as follows:

Future development in Hybrid Industrial designated areas would be subject to zoning requirements regarding articulation, entrances, entry-features and transparencies as well as allowable materials that would reinforce the historic industrial character of this area. ~~The zoning would require new development to be constructed of Type I, II, or IV (concrete, steel, or heavy timber) construction types, to sustain existing development patterns and support integration with the existing built form.~~ Additionally, there are Downtown-wide incentives for adaptive reuse of historic structures to support maintenance of local character.

Page 4.1-69 – Revise the third paragraph under “Hybrid Industrial” to read as follows:

The average building heights and associated shadows would increase in this area due to the higher permitted FAR. Shadows from taller buildings could be cast onto portions of the Arts District or onto adjacent portions of the channelized Los Angeles River. Along the River, maximum base story heights would range from five to 15 stories, and maximum bonus story heights would range from five to 18 stories. This would result in a more intense urban visual character that some may perceive as an adverse change from existing conditions. However, shadows would remain consistent with those of the existing urban environment of the Downtown Plan Area and it is anticipated that the general visual character of areas with these designations would ~~generally be improved by~~ the reasonably anticipate d

development from the Downtown Plan would result ~~in due to~~ the addition of active pedestrian amenities and resources, and ~~the addition of~~ points of visual interest with creative, flexible building structures in industrial areas, which together are anticipated to improve the overall visual character of this area.

## SECTION 4.2, AIR QUALITY

Page 4.2-13 – Add the following text as the last bullet point under “South Coast Air Quality Management District”:

Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program – This program aims to reduce NOx and diesel emissions associated with heavy truck trips generated by warehouses, help meet federal standards, and improve public health, especially in communities located near warehouses. WAIRE is a menu-based point system in which warehouse operators are required complete actions off the WAIRE Menu, implement an approved Custom WAIRE Plan, or pay a mitigation fee every year based on the number of trucks trips made to and from the warehouse.

Page 4.2-32 – Add the following at the end of the last paragraph under “Construction”:

Because the Downtown Plan Area includes disadvantaged communities that in some cases may already be subject to various environmental hazards, construction-related air pollutant emissions could disproportionately affect such communities depending on the location and magnitude of construction activity.

Pages 4.2-32 and 4.2-33 – Revise the paragraph under “Distribution Centers” to read as follows:

### **Distribution Centers**

The operation of distribution centers with large truck fleets could also generate TACs from diesel emissions (diesel particulates) that could impact sensitive receptors. Because there are existing historical residential uses (pre-1950) in some parts of the Downtown Plan area, including areas designated as Production, Markets and Hybrid Industrial, which allow for industrial uses, new distribution facilities could potentially be located adjacent to or near sensitive uses. Based on various health studies, air quality modeling, and monitoring studies, the CARB recommends avoiding the siting of new sensitive land uses (e.g., residences, schools, medical facilities) within 1,000 feet of a distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU operations exceed 300 hours per week (CARB 2005) in order to avoid substantial health risks from diesel particulates. The CARB also recommends avoiding locating residences and other new sensitive land uses near distribution center entry and exit points. Based on these recommendations, the location of a new distribution center that accommodates more than 100 trucks or 40 TRUs per day and is located within 1,000 feet of an existing

residence or other sensitive land use could result in significant health risks. Health risks, particularly to children whose lungs are still developing and the elderly who may have other serious health problems, may include (1) aggravated asthma; (2) chronic bronchitis; (3) increased respiratory and cardiovascular hospitalizations; (4) decreased lung function in children; (5) lung cancer; and (6) premature deaths for people with heart or lung disease (see the Air Quality and Health Effects white paper in DEIR, Appendix I). The actual level of risk would depend on a variety of factors that can only be determined once the specifics of a project (e.g., the type, location, and size of the facility and the number of truck trips) are known. In many cases, the preparation of a detailed health risk assessment (HRA) for a specific project may reveal that significant cancer risks would not occur or identify ways in which elevated cancer and other health risks can be avoided. However, absent project-level details, preparation of a meaningful HRA is not possible and it cannot be determined with certainty that significant health risks would not result from a distribution center. Given the proximity of disadvantaged communities that in some cases may already be subject to various environmental hazards to areas designated as Production, Markets and Hybrid Industrial, such communities could be disproportionately affected by new distribution centers depending on their specific location and level of truck activity. Therefore, Although larger existing and new distribution centers in the Plan Area would be subject to the requirements of the SCAQMD's WAIRE Program (which aims to reduce NOx and diesel emissions from warehouse-generated truck trips), TAC-related impacts associated new distribution facilities in the Downtown Plan Area with the potential to accommodate more than 100 trucks or 40 TRUs would be *potentially significant*.

Pages 4.2-27 to 4.2-28 and ES-12 to ES-14 – Replace Mitigation Measure 4.2-2 with the following, which generally includes the same requirements as the measure contained in the DEIR and modified to mirror the language in EPMs AQ 1-1 through 1-8. The applicability of the replacement measure is broader than that of the measure contained in the DEIR as the specific requirements in many cases apply to both discretionary and ministerial projects whereas the measure in the DEIR applied only to discretionary projects. Consistent with applicable EPMs, the revised measure does not include a reference to the use of solar powered electrical equipment as feasible, as is mentioned in the measure included in the DEIR. Removal of the reference to solar power would not preclude the use of solar power for future construction activities and removal of the reference to solar power would not alter the findings or analysis of construction-related air quality emissions as no calculations performed in conjunction with preparation of the DEIR assumed use of solar powered equipment. The impact related to air pollutant emissions during construction of individual Downtown Plan Area developments would remain significant and unavoidable, as reported in the DEIR. Also, note that the revised measure would not necessitate the implementation of certain measures if a project-specific air quality study demonstrates that the project's construction-related air pollutant emissions would not exceed applicable SCAQMD significance thresholds. This update would not increase the significance of air quality impacts relative



to what is described in the DEIR because future project applicants can only forgo implementation of applicable requirements if emissions are shown to be below applicable SCAQMD thresholds and thus less than significant.

#### ***4.2-2 Construction Emissions Reduction***

The City shall require Plan Area construction-related activity to comply with the following and require the developers to notify any contractors, and include in any agreements with contractors and subcontractors, the following, or equivalent, best management practices in construction specifications:

**Dust Control Compliance with SCAQMD Rule 403.** For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, 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.

**Equipment Maintenance.** For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, 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 in Subsection I.D.6 of the Environmental Protection Measures Handbook. All construction equipment shall achieve emissions reductions that are no less than what could be achieved by a Tier 3 diesel emissions control strategy for a similarly sized engine as defined by California Air Resources Board regulations.

**Vehicle Idling Limit and Notification Signs.** For any project whose construction activities involve the use of construction vehicles and require a permit from LADBS, 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.

**Non-Diesel Fueled Electrical Power.** For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, electricity from power poles rather than temporary gasoline or diesel-powered generators shall be used To the Extent Available and Feasible.

**Emissions Standards for Off-Road Construction Equipment Greater than 50 Horsepower.** For 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, all off-road diesel-powered construction equipment equal to or greater than 50 horsepower shall meet the U.S. Environmental Protection Agency's (USEPA) 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 in Subsection I.D.6 of the Environmental Protection Measures Handbook. 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.

**Use of Low Polluting Fuels.** For 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, construction equipment less than 50 horsepower shall use low polluting fuels (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline). 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.

**Emission Standards for On-Road Haul Trucks.** For 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, 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 of the Environmental Protection Measures Handbook. 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.

**Routes for On-Road Haul Trucks.** For any project whose construction activities involve the use of construction vehicles and require a permit from LADBS, 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.

## SECTION 4.3, BIOLOGICAL RESOURCES

Page 4.3-18 and ES-15 to ES-16 – Replace Mitigation Measure 4.3-1(a) with the following, which includes the same requirements as the measure contained in the DEIR and mirrors the language in EPM BR 3-1, Restriction of Ground Disturbance Activity, and associated best management practices, add 4.3-1(c) related to projects near Elysian Park:

### **4.3-1(a) Biological Resources Reconnaissance Survey and Reporting**

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 at least five years after certificate of occupancy.

### **4.3-1(b) Notification**

All project applicants 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, including inadvertently during grading or construction activities. Such best practices shall include giving an adequate construction and grading buffer to avoid the active nest during construction, such as the following:

### **Best Practices for Biological Resources**

The following best practices are recognized by biologists to ensure Active Nests are not damaged or disturbed during construction or ground disturbance activities, which is a violation of the Federal Migratory Bird Treaty Act and the State Fish and Game Code. Adherence to these best practices is recommended as applicable and feasible.

**Pre-Construction Survey.** For any Project requiring a grading permit or removal of a tree or vegetation during the bird nesting season (February 1 to August 31), a pre-construction nesting bird survey of all suitable habitat shall be conducted no more than 10 days prior to the initiation of demolition or tree or vegetation removal to determine if nesting birds are present. The pre-construction nesting bird survey shall be conducted on foot within the Project site boundaries by a Qualified Biologist.

**Buffer for Active Nests.** If any active bird nest is found during a pre-construction nesting bird survey, a Qualified Biologist shall recommend an 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.

#### **4.3-1(c) Elysian Park**

All discretionary projects in the Downtown Plan Area that are within 200 feet of Elysian Park are required to do a preconstruction nesting bird survey of all suitable habitat within a 100-foot buffer around the construction site no more than ten days prior to the initiation of ground disturbance and vegetation removal for any grading or construction activity initiated during the bird nesting season (February 1 -August 31) and to comply with the best practices identified in BIO MM 4.3-1(b).

## **SECTION 4.4, CULTURAL RESOURCES**

Pages 4.4-44 to 4.4-45 and ES-18 – Replace Mitigation Measure 4.4-2(b) with the following, which generally includes the same requirements as the measure contained in the DEIR but is modified to mirror the language in EPM CR 1-1, Inadvertent Discovery (Archaeological Resources):

#### **4.4-2(b) Archaeological Assessment**

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.

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).

Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows:

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.

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 at least five years after certificate of occupancy. 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 Museum of Los Angeles County, with which the Applicant or Owner must comply.

At page 4.4-45 and page ES-18, amend mitigation measure 4.4-2(c) to read as follows:

**4.4-2(c) Notification of Intent to Excavate Language**

For all projects not subject to mitigation measure 4.4-2(a) or 4.4-2(b) 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:

- 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 archaeological or historical

interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”

- 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:
  - 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.
  - 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 archaeological 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:

- 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.
- o 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 County or another appropriate curatorial facility for educational purposes.
- o 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.

Pages 4.4-45 to 4.4-46 and ES-20 to ES-21 – Replace Mitigation Measure 4.4-2(d) with the following, which generally includes the same requirements as the measure contained in the DEIR but is modified to mirror the language in EPM CR 2-1, Zanja Madre HAER Documentation.

#### **4.4-2(d) Zanja Madre HAER Documentation**

Any project that requires a permit for grading or excavation and that is located within one mile of the currently known and mapped segments of the Zanja Madre system shall comply with the following:

Projects within 500 feet of the currently mapped known segments of the Zanja system (see Appendix S) have increased likelihood of encountering segments of the Zanja system during construction. The Zanja system includes the Zanja Madre and its outbranching secondary segments. 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.

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) 523 forms documenting the find.

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.

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:

Treatment Under Criterion 1: Treatment shall include interpretation of the Zanja system for the public. The interpretive materials may include, but not be 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's Professional Qualifications 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 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 the Zanja system 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.

Page 4.4-48 – Revise the “Historical Resources” cumulative impacts statement as follows to clarify the impact statement for the New Zoning Code:

### **Historical Resources**

Cumulative development throughout Los Angeles could involve demolition or alteration of historical resources. The nature and magnitude of such impacts would depend on the nature and location of individual future developments so it would be speculative to try to predict the specific level of cumulative impact that may occur as the City continues to develop. ~~Nevertheless, it is conservatively projected that Downtown Plan Area development could result in the alteration or loss of some historical resources, with potentially significant cumulative impacts.~~

As discussed under Impact 4.4-1, the Downtown Plan could similarly involve the loss of historical resources throughout the Downtown Plan Area. Although the Downtown Plan includes a number of policies aimed at the preservation of historical resources, the loss of such resources remains a possibility. Based on this information, the Downtown Plan could foreseeably have cumulatively considerable contributions to a significant cumulative impact to historical resources. The New Zoning Code would only apply to the Downtown Plan Area at this time. Therefore, although the New Zoning Code would not contribute to the Downtown Plan impact, it would be speculative to predict what impact, if any, the New Zoning Code may have in other areas of the City. ~~Based on this information, the Downtown Plan could foreseeably have cumulatively considerable contributions to a significant cumulative impact to historical resources.~~ As discussed above, the New Zoning Code would not repeal, amend, and conflict with existing regulations intended to avoid impacts to historical resources, such as the City’s 35 existing HPOZs. The New Zoning Code also retains and expands standards for adaptive reuse projects to facilitate and encourage the conversion and retention of existing or historically significant buildings to preserve the City’s architectural and cultural past while reducing vacant space and energy that goes into new construction. The New Zoning Code includes Frontage standards that ~~would~~ could be applied to ensure that new development is compatible with the

existing neighborhood character. Additionally, the New Zoning Code enables the application of Conservation Districts, intended to maintain areas of the City that are listed in an historical resources survey as eligible to be designated historic resources, and to assure that individual surveyed historic resources retain sufficient integrity to help ensure their eligibility for future designation. These standards would be tailored specific to the area and incorporated into the zone module to ensure application.

The potential for impacts to historical resources from individual developments is site-specific and depends on the location and nature of each individual development proposal. All future development projects would continue to be subject to existing federal, state, and local requirements and discretionary projects may be subject to project-specific mitigation requirements as outlined herein. It is anticipated that cumulative impacts to historical resources can be avoided through implementation of regulatory compliance measures (existing rules for HCM, HPOZ) and project design features (CPIO, and implementation of Proposed Project policies) on a project-by-project basis, but alteration or demolition of historical resources remains a possibility throughout the Downtown Plan Area and Citywide.

Based on the above, the incremental effect of the Downtown Plan on historical resources would be cumulatively considerable and cumulative impacts to historical resources in the Downtown Plan Area would be *significant and unavoidable*.

The Proposed Project does not intend to implement the new Zoning Code outside of the Downtown Plan Area and therefore, any indirect impacts from the future use of the New Zoning Code outside the Downtown Plan Area would be speculative. Due to the modularity of the New Zoning Code, it is not known where or to what extent future development may impact historical resources. The New Zoning Code will strengthen existing protection of historical resources by continuing to provide and expanding upon incentives and preservation tools, such as through adaptive reuse of historic structures and the introduction of Conservation Districts. Based on this, the cumulative impacts of the New Zoning Code on historical resources would be less than significant.

## SECTION 4.6, GEOLOGY AND SOILS

Pages 4.6-38 and ES-24 – Replace Mitigation Measure 4.6-6(b) with the following, which expands upon the requirements in the measure contained in the DEIR and is modified to mirror the language in EPM CR 3-1, Inadvertent Discovery (Paleontological Resources):

### **4.6-6(b) Treatment of Paleontological Resources**

For any project that requires a permit for grading or excavation, 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 of the Environmental Protection Measures Handbook. 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.

On page 4.6-38 and page ES-25, amend Mitigation Measure 4.6-6(c) to read as follows:

#### **4.6-6(c) Notification of Intent to Excavate Language**

For all projects not subject to 4.6-6(a) 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:

- 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 the express permission of the public agency having jurisdiction over the lands.”
- 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 but are not limited to the following steps:~~
  - ~~Prior to excavation and grading activities a qualified paleontologist prepares a resource assessment using records from the Natural History Museum of Los Angeles County.~~
  - ~~If in the assessment, the soil is identified as potentially containing paleontological resources, a qualified paleontologist monitors excavation and grading activities in soils that have not been previously disturbed, to identify, record, and evaluate the significance of any paleontological finds during construction.~~
  - ~~If paleontological resources are uncovered (in either a previously disturbed or undisturbed area), all work ceases in the area of the find until a qualified paleontologist has evaluated the find in accordance with federal, state, and local guidelines.~~
  - ~~If fossils are discovered, a qualified paleontologist shall recover them. 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 would 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. Handline and disposition of fossils is done at the direction and guidance of a qualified paleontologist.~~
  - ~~Personnel of the project would not collect or move any paleontological materials or associated materials.~~
  - ~~If cleared by the qualified paleontologist, construction activity would continue unimpeded on other portions of the project site.~~
  - ~~Construction activities in the area where resources were found would commence once the identified resources are properly assessed and processed by a qualified paleontologist and if construction activities were cleared by the qualified paleontologist.~~
- The following best practices are recognized by paleontologists and environmental consultants to ensure paleontological resources are not damaged during construction or Ground Disturbance Activities:

A paleontological resources records search shall be requested from and conducted by the Natural History Museum of Los Angeles County to determine whether any paleontological resources have been previously identified on or near the Project site. The results of this records search shall be used as an indicator of the paleontological sensitivity of the Project site.

A Qualified Paleontologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to determine the potential for paleontological resources to be present on the Project site.

If the Qualified Paleontologist determines there is a high potential that paleontological resources may be located on the Project site and it is possible that such resources will be impacted by the Project, the Qualified Paleontologist or his/her designated representative such as a Paleontological Monitor shall observe all Ground Disturbance Activities within those areas identified as having an undetermined or high potential in order to identify any resources and avoid potential impacts to such resources. In the event of a possible paleontological discovery, the Qualified Paleontologist or Paleontological Monitor shall have the authority to temporarily halt earthwork activities within an appropriate radius of the find, as determined by the Qualified Paleontologist, necessary to protect the resource or other potential resources on or near the Project site. Temporary flagging shall be installed around the find in order to avoid any disturbance from construction equipment.

Prior to the start of construction, the Qualified Paleontologist or his/her designee 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.

If paleontological resources are uncovered (in either a previously disturbed or undisturbed area), all work should cease in the area of the find until a Qualified Paleontologist has evaluated the find in accordance with federal, state, and local guidelines, including the Society of Vertebrate Paleontology's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP, 2010).

If fossils are discovered, a Qualified Paleontologist shall recover them. 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 has the authority to temporarily direct, divert or halt construction activity to ensure the fossil(s) can be removed in a safe and timely manner. Handling and disposition of fossils is done at the direction and guidance of a Qualified Paleontologist.

Personnel of the Project should not collect or move any paleontological materials or associated materials.

If cleared by the Qualified Paleontologist, construction activity may continue unimpeded on other portions of the Project site.

Construction activities in the area where resources were found may commence once the identified resources are properly assessed and processed by a Qualified Paleontologist, and the Qualified Paleontologist clears the site for construction activity.

## **SECTION 4.8, HAZARDS AND HAZARDOUS MATERIALS**

Pages 4.8-51 and ES-28 to ES-29 – Amend Mitigation Measure 4.8-4(a) and 4.8-4(b) to read as follows, which expand on the requirements of the measure included in the DEIR and are modified to mirror the language in EPMs HM 1-1 and HM 1-2. In addition, delete mitigation measure 4.8-4(c), since 4.8-4(a) and 4.8-4(b) are now expanded to apply for all projects requiring grading, excavation, or building permit from LADBS:

**4.8-4(a) Unanticipated Hazards**

For any project that requires a grading, excavation, or building permit from LADBS, in the event that 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.

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 for at least five years after certificate of occupancy is issued.

**4.8-4(b) Environmental Site Assessment(s)**

The site assessment requirements that follow apply to any project that requires a grading, excavation, or building permit from LADBS and which is:

- Located on or within 500 feet of a Hazardous Materials site listed in any of the following databases:
  - 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 Generator or Large Quantity Generator (refer to the USEPA Envirofacts database at <https://enviro.epa.gov/index.html>); or
- 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.

Or:

- 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.

And:

- 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.

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.

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 for at least 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 standards for the proposed use, which shall be maintained for at least five years after certificate of occupancy.

## SECTION 4.9, HYDROLOGY AND WATER QUALITY

Page 4.9-1 – Revise the first two sentences of the first paragraph under “Environmental Setting: to read as follows:



Los Angeles has a mild climate with an annual average monthly maximum temperature of 75 degrees Fahrenheit based on the period of 1995-2020. ~~temperature of 63.8 degrees Fahrenheit with an average high temperature of approximately 71.7 degrees Fahrenheit and an average low temperature of approximately 55.9 degrees Fahrenheit.~~ Average annual precipitation of the region averages approximately 13.77 ~~48.67~~ inches, with over 92 percent of this total amount typically occurring during the period of November through April (all from City of Los Angeles, 2020 UWMP). ~~Precipitation occurs during the months of October through April, averaging approximately 2.6 inches per month (US Climate Data 2017).~~

Page 4.9-35 – Add the following to the list of References:

Los Angeles, City of, 2020 Urban Water Management Plan. Adopted May 25, 2021.

## **SECTION 4.10, LAND USE AND PLANNING**

Page 4.10-47 – Immediately following Table 4.10-3, add the following:

Post the publication of the DEIR for the Proposed Project, the City adopted the 2011-2029 housing Element. The Housing Element (i.e., The Plan to House LA) embodies the City’s housing goals and policies and identifies the more detailed strategies the City will implement to achieve them. One of the primary goals of the Housing Element is to encourage a range of housing opportunities for all income groups and identifies Downtown Plan as a significant part of its rezoning program to provide housing, including affordable housing to meet the RHNA allocations for the city.

The Proposed Downtown Plan accommodates housing opportunities for a range of income levels, including mixed-income and affordable housing. The Downtown Plan would increase development potential in targeted areas, allowing the Plan Area to accommodate additional housing units pursuant to SCAG’s RHNA allocation and growth projections, thereby implementing the goals of the Housing Element. Therefore, the Proposed Downtown Plan would be consistent with the City’s 2021-2029 Housing Element.

In addition to the above, the City updated its Safety Element to incorporate new State legislative requirements in 2021. The 2021 update maintains the approach of including high level goals and objectives that consider multiple types of hazards but incorporates goals, policies, objectives, and feasible implementation measures that place a greater emphasis on wildfires, flooding, and climate change. Because the City addresses climate change adaptation and resilience in other policy documents, such as Resilient Los Angeles, and LA's Green New Deal (Sustainability pLAn), the 2021 update incorporated relevant policies from these other plans into the Safety Element, centralizing information in the City’s General Plan and providing a framework for updates to other implementing documents, allocation of resources, and actions required of City staff and collaborating agencies.. The update also replaced repetitive descriptions and exhibits in the Safety Element with references to the Local Hazard Mitigation Plan, which was last updated in 2018. Finally, the updated

Safety Element incorporates programs from the 1996 Safety Element, the 2018 Local Hazard Mitigation Plan, the 2020 Floodplain Management Plan, Resilient Los Angeles, LA’s Green New Deal and other related plans into a revised Chapter 4, Implementation.

Reasonably foreseeable development under the Downtown Plan would not increase the potential for wildfire or flooding, nor would it expose development to such hazards given that no portion of the Downtown Plan Area is in a wildfire hazard zone and no Downtown Plan Area development would be within the 100-year flood zone associated with the adjacent Los Angeles River. As discussed in Section 4.7, *Greenhouse Gas Emissions*, of the DEIR, the Downtown Plan would not conflict with City policies or programs related to climate change, which form the basis for the associated updates to the 2021 Safety Element. For these reasons, the Downtown Plan would not conflict with the 2021 Safety Element update.

The November 2021 targeted amendments to the Health Element (i.e the Plan for a Healthy Los Angeles) included minor updates intended to clarify that the Plan for a Healthy Los Angeles and the Health Atlas for the City of Los Angeles are the primary location of environmental justice goals, policies, and implementation programs in the General Plan and meet the requirements of the State law. Edits also update references to other City plans and documents. The Health Atlas component of the health Element, which provides a data-driven snapshot of health issues and outcomes for various communities in Los Angeles was also updated with the most recent data as part of this effort. As such, the Plan would continue to remain consistent with these clarifying amendments to the Health Element.

Page 4.10-3 – Revise the last sentence of the paragraph under “Civic Center, El Pueblo, and Union Station” to read as follows:

Union Station is the City’s principal transportation hub, home to local, regional, and national transit providers, and the planned sites for the Los Angeles Aerial Rapid Transit Gondola and California High Speed Rail (HSR) Los Angeles station.

## **SECTION 4.11, NOISE**

Page 4.11-23 – Add the following at the end of the last paragraph under “Temporary Noise Impacts”:

Because the Downtown Plan Area includes disadvantaged communities that in some cases may already be subject to various environmental hazards, construction-related noise could disproportionately affect such communities depending on the location and magnitude of construction activity.

Pages 4.11-24 to 4.11-25 and ES-33 to ES-34 – Replace and re-number Mitigation Measure 4.11-1 with the following, which generally includes the same requirements as the measure included in the DEIR and is modified

to mirror the language in EPM NV 1-6, which has been drafted to create an enforceable standard based upon MM 4.11-1:

**4.11-1(a) Project-Specific Noise Study**

The noise study requirement that follows applies to 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:

1. Two or more subterranean levels;
2. 20,000 cubic yards or more of excavated material
3. Simultaneous use of five or more pieces of construction equipment; or
4. Construction duration (excluding architectural coatings) of 18 months or more.
5. Construction activities involving impact pile driving or the use of 300 horsepower equipment.

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 LAMC. 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 for at least five years after certificate of occupancy is issued.

Pages 4.11-25 and ES-34 – Add mitigation measures 4.11-1(b) through 4.11-1(f) as follows to reflect EPMs NV 1-1 through NV 1-5, which are drafted to create enforceable standards based on mitigation measures in DEIR:

**4.11-1(b) Noise Shielding and Muffling**

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.

**4.11-1(c) Use of Driven Pile Systems**

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.

**4.11-1(d) Enclosure or Screening of Outdoor Mechanical Equipment**

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.

**4.11-1(e) Location of Construction Staging Areas**

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.

**4.11-1(f) Temporary Walls**

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 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 <sup>1</sup>~~shall~~ 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. <sup>1</sup>~~shall~~ 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

<sup>1</sup> At a Sound Transmission Class (STC) rating of 25, soft speech can be heard and understood.

be located between construction activities and Noise-Sensitive Uses due to site boundaries, topography, intervening roads and uses, and/or operational constraints.

Page 4.11-26 – Add the following at the end of the last paragraph under “Construction Vibration”:

Because the Downtown Plan Area includes disadvantaged communities that in some cases may already be subject to various environmental hazards, construction-related vibration could disproportionately affect such communities depending on the location and magnitude of construction activity.

Pages 4.11-27 to 4.11-28 and ES-34 to ES-36 – Replace Mitigation Measure 4.11-2(a) with the following, which generally includes the same requirements as the measure included in the DEIR and is modified to mirror the language in EPM NV 2-1. The applicability of the revised measure is the same as that of the measure contained in the DEIR except that the replacement measure does not apply to residential developments with under 2,000 square feet of floor area. However, construction of such developments would not involve the use of multiple pieces of heavy equipment or such techniques as pile driving and thus would not create significant vibration impacts. Therefore, this change to the measure’s applicability would not alter the DEIR conclusions or result in an increase in the severity of the significant and unavoidable vibration impact identified in the DEIR.

#### **4.11-2(a) Vibration Control Plan**

This measure applies to 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 (see reference vibration levels in Appendix S of the Environmental Protection Measures Handbook); (2) require a permit from LADBS; and (3) which occur:

1. 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 Historical Resources Survey; or
2. Within 15 feet of non-engineered timber and masonry buildings.

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 Historical Resources Survey.

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:

1. 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.).
2. A shoring design to protect the identified structures from potential damage;
3. Use of drilled piles or a sonic vibratory pile driver rather than impact pile driving, when the use of vibrating equipment is unavoidable;
4. Use of rubber-tired equipment rather than metal-tracked equipment; and
5. Avoiding the use of vibrating equipment when allowed by best engineering practice.

Pages 4.11-28 and ES-36 – Add the following mitigation measure, which mirrors the language in EPM NV 2-2.

**4.11-2 (c) Repair of Damage**

This measure applies to 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 (see reference vibration levels in Appendix S); (2) require a permit from LADBS; and (3) which occur:

1. 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 Historical Resources Survey; or
2. Within 15 feet of non-engineered timber and masonry buildings.

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 Historical Resources Survey.

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.

In the event of vibration damage to any building that is designated or determined to be a historical resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historical Resources Survey, a letter describing the damage to the impacted 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.

## SECTION 4.12, POPULATION AND HOUSING

Page 4.12-2 - Revise the last paragraph under "Population" to read as follows:

The Downtown Plan Area contains two jails, the Men's Central Jail and Twin Towers Correctional Facility (a.k.a. Twin Towers Jail or Los Angeles County Jail), and a federal prison, the Metropolitan Detention Center. In 2015, the Men's Central Jail had an average daily inmate population of 4,195, while the Twin Towers Jail had an average daily inmate population of 3,662, for a combined total average daily inmate population of approximately 8,000 (Los Angeles Sheriff's Department [LASD] 2016). The Metropolitan Detention Center currently houses 526 inmates (<https://www.bop.gov/locations/institutions/los/>, accessed February 2021).

Page 4.12-13 – Revise the beginning of the first paragraph under "Growth Inducement" to read as follows:

For Threshold 4.12-1, the following criteria related to growth inducement are considered relevant to the Proposed Project:

Page 4.12-20 – Revise the fifth sentence of the last paragraph to read as follows:

As shown in Table ~~4.12-5~~ **4.12-8**, the Downtown Plan Area is expected to accommodate an increase in the number of available housing units in the Downtown Plan Area from approximately 34,000 units to 133,000 units, an increase of 99,000 units.



## SECTION 4.13, PUBLIC SERVICES

Page 4.13-16 – Add the following at the end of the second paragraph under “Downtown Plan Area Setting”:

Rates of both violent and property crimes are substantially higher in the Central Area than in the City as a whole and also somewhat higher in the Newton Area, though both violent and property crime rates in the Northeast Area are lower than citywide rates.

## SECTION 4.14, RECREATION

Page 4.14-2 – Add the following as the third paragraph under “Downtown Plan Area Existing and Planned Parks”:

The Los Angeles Countywide Comprehensive Parks & Recreation Needs Assessment prepared by Los Angeles County in 2016 ([https://lacountyparkneeds.org/wp-content/uploads/2016/06/ParksNeedsAssessmentSummary\\_English.pdf](https://lacountyparkneeds.org/wp-content/uploads/2016/06/ParksNeedsAssessmentSummary_English.pdf)) identifies the Downtown Plan Area and surrounding neighborhoods as having “very high” park needs. This suggests that, as noted above, the Downtown Plan Area has a current shortage of parks and that, as a result, existing parks experience high levels of use. Page 4.14-8 – Revise the third sentence of the second paragraph under “Downtown Plan Impact” to read as follows:

Payment of impact fees and the anticipated implementation of capital improvements at existing park enhancement or maintenance of facilities with funds provided by these fees would help offset the deterioration of existing recreation facilities.

Page 4.14-9 – Revise the last paragraph under “Downtown Plan Impact” to read as follows:

Existing regulations and Downtown Plan policies would provide funding for the provision of new recreational facilities and some Downtown Plan policies would also support the maintenance of existing facilities. However, as discussed in the Setting, existing and planned parks serving the Downtown Plan Area currently fail to meet the City’s four acres per 1,000 residents goal for neighborhood and community parks and already experience high levels of use; 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 more than threefold increase in population accommodated by the Downtown Plan combined with the constraints on new park development in Downtown Los Angeles (discussed under Impacts 4.14-2 and 4.14-3 below) and high levels of use of existing Downtown Plan Area parks would be expected to substantially increase demands upon existing recreational facilities. All of the parks listed in **Table 4.14-1** could be adversely affected by the increase in population for the Downtown Plan Area, which may cause and accelerate deterioration of those existing parks. Impacts related to the deterioration of existing parks would be *potentially significant*.

Page 4.14-9 – Add the following at the end of the last paragraph under “Downtown Plan Impact”:

Because the Downtown Plan Area includes disadvantaged communities that may already lack park facilities that meet City targets, the addition of more people to the Plan Area could disproportionately affect parks in such communities depending on the magnitude of residential development constructed.

Page 4.14-13 – Revise the “Substantial Deterioration of Existing Parks” cumulative impacts statement to clarify the impact of the New Zoning Code.

#### **Substantial Deterioration of Existing Parks**

Future citywide development is expected to increase the City’s residential population from just over 4 million persons in 2017 (DOF 2017) to more than 4.6 million persons in 2040 (SCAG 2016), 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 4.14-1, the Downtown Plan would result in a potentially significant impact related to the deterioration of existing parks serving the Downtown Plan Area 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 New Zoning Code, on the other hand, would not accommodate any specific development and would only be applied when a community plan is updated or through other discretionary review processes. Regardless, no provision of the New Zoning Code would be expected to increase demand for recreational facilities. Thus, this component of the Proposed Project would not contribute to this significant cumulative impact.

The Downtown Plan would make a substantial contribution to cumulative park impacts; thus, its cumulative impact is *significant and unavoidable*.

Projecting the location and type of future growth as a result of the application of the New Zoning Code outside of the Downtown Plan Area and any impacts (adverse or beneficial) would be speculative at this time; as such the cumulative park impacts of the New Zoning Code would be *less than significant*.

## **SECTION 4.15, TRANSPORTATION AND TRAFFIC**

Page 4.15-55 – Revise the “Hazards Due to a Geometric Design Feature or Incompatible Uses” cumulative impacts statement to clarify the impact of the New Zoning Code.

The Downtown Plan does not include any elements that would promote sharp curves, dangerous intersections, or incompatible uses that could present safety hazards, and promotes policies and programs to

encourage safety of users across all modes. Although the Downtown Plan describes a reasonably expected future and cannot constitute a commitment to any project-specific development, individual projects would be expected to align with the safety principles of the Downtown Plan as well. However, queuing-related safety issues could potentially arise as additional development occurs in the Downtown Plan Area and elsewhere in the region and, although it is anticipated that the City and Caltrans would address any such issues as they arise, it cannot be determined with certainty that queuing-related safety issues would not occur. Thus, cumulative impacts related to freeway off ramp queuing are considered significant and unavoidable and the Downtown Plan may make a cumulatively considerable contribution to freeway safety impacts.

The New Zoning Code would only apply to the Downtown Plan Area at this time and would apply to the remainder of the City only at such time as applicable community plan updates or amendments are adopted. Regardless, no provision of the New Zoning Code would result in hazards due a geometric design feature or incompatible use. For these reasons, cumulative impacts related to transportation safety as a result of design features or incompatible uses would not be significant and the New Zoning Code would not have a substantial contribution to any cumulative impact related to transportation safety.

Cumulative impacts related to queuing-related safety issues for the Downtown Plan are *significant and unavoidable* and for the New Zoning Code are *less than significant*. All other cumulative impacts related to transportation hazards for the Downtown Plan and New Zoning Code are *less than significant*.

## SECTION 4.16, TRIBAL CULTURAL RESOURCES

Pages 4.16-5 to 4.16-6 and ES-40 to ES-41 – Revise Mitigation Measure 4.16-1(a) as follows and update Mitigation Measure 4.16-1(b) to mirror the language in EPM CR 4-1, Inadvertent Discovery (TCRs), which again are drafted to create enforceable standards based on mitigation measures in DEIR:

### **4.16-1(a) Native American Consultation and Monitoring for Discretionary Projects**

For all discretionary projects where excavation could extend below previously disturbed levels, notification shall be provided to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have submitted a written request to the Department of City Planning to be notified of proposed projects in that area. If the potential for tribal resources exists, excavation in previously undisturbed soils shall be monitored by a qualified tribal monitor, if available or a Qualified Archeological Monitor. ~~If tribal resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until an appropriate Tribal Representative has evaluated the find. Construction personnel shall not collect or move any tribal resources. Construction activity may continue unimpeded on other portions of the project site. Any tribal resources shall be treated with appropriate dignity and protected and preserved as appropriate.~~

**4.16-1(b) Inadvertent Discovery**

For any project that requires 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.

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.

Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows:

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.

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 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 and maintained for at least five years after the certificate of occupancy is issued. 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.

On page 4.16-6 and page ES-41, renumber Mitigation Measure 4.16-1(b) as 4.16-1(c) and amend the measure to read:

**4.16-1(c) Notices for Non-Discretionary Projects.**

For all projects not subject to 4.16-1(a) that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgment of receipt of the notice from applicants:

Several federal and state laws regulate the treatment of tribal resources and make it a criminal violation to destroy those resources. These 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, 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.

~~Best practices to ensure that tribal cultural resources are not damaged include but are not limited to the following steps:~~

~~A qualified tribal monitor or archaeologist qualified to identify tribal resources would monitor excavation and grading activities in soils that have not been previously disturbed, to identify, record, and evaluate the significance of any archaeological finds during construction.~~

~~If tribal resources are uncovered (in either a previously disturbed or undisturbed area), all work ceases in the area of the find until an appropriate Tribal Representative has evaluated the find or, if no Tribal Representative is identified, the qualified archaeologist has evaluated the find in accordance with federal, state, and local guidelines.~~

~~The found deposits shall be treated with appropriate dignity and protected and preserved as appropriate with the agreement of the Tribal Representative and in accordance with federal, state, and local guidelines.~~

~~An agreement will be reached with the Tribal Representative to mitigate or avoid any significant impacts to identified tribal cultural resources.~~

~~The location of the find of tribal cultural resources and the type and nature of the find will not be published beyond providing it to public agencies with jurisdiction or responsibilities related to the resources, the qualified archaeologist, and tribal representatives.~~

~~Absent an agreement with the Tribal Representative, as provided in Public Resources code Section 21083.2, archaeological resources should be preserved in place or left in an undisturbed state. When preserving in place or leaving in an undisturbed state is not possible, excavation should not occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource and this determination is document by a qualified archaeologist.~~

~~Personnel of the project shall not collect or move any archaeological or tribal resources or associated materials, or publish the location of tribal cultural resources.~~

~~Construction activity may continue unimpeded on other portions of the project site if cleared by the Tribal Representative or qualified archaeologist.~~

~~Construction activities in the area where resources were found may commence once the identified resources are properly assessed and processed by a Tribal Representative or, if not Tribal Representative is identified, a qualified archaeologist.~~

The following best practices are recognized by tribal monitors and environmental consultants to ensure that tribal cultural resources are not damaged during grading, excavation, or other Ground Disturbance Activities:

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.

The 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 cultural resources are uncovered, all work should cease in the appropriate radius determined by the Qualified Tribal Monitor or Archaeological Monitor.

Any find should 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 resource find and the type and nature of the find should not be published beyond providing the information to public agencies with jurisdiction or responsibilities related to the resources and any affected tribal representatives.

Personnel of the Project should not collect or move any tribal cultural resources or associated materials or publish the location of tribal cultural resources.

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).

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.

Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources shall occur as follows:

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.

## SECTION 5, ALTERNATIVES

Table 5-22, page 5-67 – Correct the line for Greenhouse Gas Emissions as shown below to be consistent with the analyses of Alternatives 1-4 contained in Chapter 5, pages 5-12 to 5-13, 5-28 to 5-29, 5-44, and 5-57 to 5-58. Alternatives 1, 2, and 4 are inferior to the Proposed Project with respect to Greenhouse Gas Emissions while Alternative 3 is superior.

<u>TABLE 5-22 IMPACT COMPARISON OF ALTERNATIVES</u>				
<u>Issue</u>	<u>Alternative 1: Reduced Development Capacity</u>	<u>Alternative 2: Housing Redistribution</u>	<u>Alternative 3: Increased Development Potential</u>	<u>Alternative 4: No Project</u>
<u>Greenhouse Gas Emissions</u>	=	=	±	=
<u>+ Superior to the proposed project (reduced level of impact) - Inferior to the proposed project (increased level of impact) = Similar level of impact to the proposed project Significant and unavoidable impacts are bolded and red. Note that for Alternative 4, impacts would not technically be “significant” under CEQA since that alternative involves continued implementation of the existing Central City and Central City North community plans, impacts are identified as “significant and unavoidable” if the physical effect associated with the alternative would be equivalent to a “significant impact” if the alternative involved a new discretionary action.</u>				



## 11 MITIGATION MONITORING PROGRAM

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Public Resources Code (PRC) Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097 require adoption of a Mitigation Monitoring Program (MMP) for all projects for which an Environmental Impact Report (EIR) has been prepared. Specifically, PRC Section 21081.6 states:

“...the agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment...[and that the program] ...shall be designed to ensure compliance during project implementation.”

CEQA Guidelines Section 15097 provides guidelines for implementing monitoring and reporting programs. Specific monitoring requirements to be enforced during project implementation must be defined prior to final approval of a project by the decision-maker. Although the Lead Agency (the City of Los Angeles) may delegate monitoring responsibilities to other agencies or entities, the Lead Agency “...remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.”

The MMP (Appendix S) describes the procedures for the implementation of the mitigation measures adopted for the Proposed Project. The MMP for the Proposed Project will be in place through the planning horizon of the Downtown 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 [DBS]) are 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 professional(s), with any necessary training and qualifications, to be responsible for preparing, reviewing, or certifying any required report, study, analysis, or certification, or 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 11-1 and is categorized by environmental topic and corresponding number, with identification of:

The Implementing Party– this is in most cases, the applicant for individual projects who will be required to implement most of the measures subject to City review and approval.

The Enforcement Agency and Monitoring Agency – this is the agency or agencies that will monitor each measure and ensure that it is implemented in accordance with this MMP.

Monitoring Phase/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 adoption of environmental protection measures/standards either through the New Zoning Code EPM Handbook process or through the Downtown Community Plan Implementation Overlay District (CPIO in Appendix G). 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 CEQA Guidelines Sections 15162, 15163, 15164, or 15168, or tiered clearance to the Downtown Community Plan Update/New Zoning Code for Downtown Community Plan EIR, pursuant to the procedures in 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 the mitigation measures implemented through the 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 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. 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 may determine substantial conformance with mitigation measures in the MMP in their reasonable discretion. If the Enforcement Agency cannot find substantial conformance, a mitigation measure may be modified or deleted if the Enforcement Agency, 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 11-1 Mitigation Monitoring Program**

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<b>Air Quality</b>			
<b>4.2-2 Construction Emissions Reduction</b>			
<p>The City shall require Plan Area construction-related activity to comply with the following and require the developers to notify any contractors, and include in any agreements with contractors and subcontractors, the following, or equivalent, best management practices in construction specifications:</p> <p><b>Dust Control Compliance with SCAQMD Rule 403.</b> For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, 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><b>Equipment Maintenance.</b> For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, 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 in Subsection I.D.6 of the Environmental Protection Measures Handbook. All construction equipment shall achieve emissions reductions that are no less than what could be achieved by a Tier 3 diesel emissions control strategy for a similarly sized engine as defined by California Air Resources Board regulations.</p> <p><b>Vehicle Idling Limit and Notification Signs.</b> For any project whose construction activities involve the use of construction vehicles and require a permit from LADBS, 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><b>Non-Diesel Fueled Electrical Power.</b> For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, electricity from power poles rather than temporary gasoline or diesel-powered generators shall be used To the Extent Available and Feasible.</p> <p><b>Emissions Standards for Off-Road Construction Equipment Greater than 50 Horsepower.</b> For any project whose construction activities involve the use of construction</p>	Applicant for individual project	DCP, DBS	<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>

<sup>1</sup> The Monitoring Phase/Monitoring Actions are applicable to projects that are subject to the measures as described within each measure.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<p>equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day, all off-road diesel-powered construction equipment equal to or greater than 50 horsepower shall meet the U.S. Environmental Protection Agency's (USEPA) 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 in Subsection I.D.6 of the Environmental Protection Measures Handbook. 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><b>Use of Low Polluting Fuels.</b> For 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, construction equipment less than 50 horsepower shall use low polluting fuels (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline). 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><b>Emission Standards for On-Road Haul Trucks.</b> For 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, 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 of the Environmental Protection Measures Handbook. 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><b>Routes for On-Road Haul Trucks.</b> For any project whose construction activities involve the use of construction vehicles and require a permit from LADBS, 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>			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<b>4.2-3 Distribution Facility Health Risk Assessment</b>			
Applicants for distribution centers in the Downtown Plan Area within 1,000 feet of sensitive land uses that require discretionary permits and would accommodate more than 100 truck trips or 40 transport refrigeration units (TRUs) per day shall prepare health risk assessments (HRAs) per 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 ways to reduce risks. Methods may include, but are not limited to, limiting the number of trucks/TRUs, locating distribution center entry and exit points as far as possible from sensitive land uses, and routing truck traffic away from sensitive land uses.	Applicant for individual project	DCP	Prior to project approval: review HRA
<b>Biological Resources</b>			
<b>4.3-1(a) Biological Resources Reconnaissance Survey and Reporting</b>			
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 at least five years after certificate of occupancy.	Applicant for individual project	DBS	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.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<b>4.3-1(b) Notification</b>			
<p>All project applicants 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, including inadvertently during grading or construction activities. Such best practices shall include giving an adequate construction and grading buffer to avoid the active nest during construction, such as the following:</p> <p><b>Best Practices for Biological Resources</b></p> <p>The following best practices are recognized by biologists to ensure Active Nests are not damaged or disturbed during construction or ground disturbance activities, which is a violation of the Federal Migratory Bird Treaty Act and the State Fish and Game Code. Adherence to these best practices is recommended as applicable and feasible.</p> <p><b>Pre-Construction Survey.</b> For any Project requiring demolition of a structure or removal of a tree or vegetation during the bird nesting season (February 1 to August 31), a pre-construction nesting bird survey of all suitable habitat shall be conducted no more than 10 days prior to the initiation of demolition or tree or vegetation removal to determine if nesting birds are present. The pre-construction nesting bird survey shall be conducted on foot within the Project site boundaries by a Qualified Biologist.</p> <p><b>Buffer for Active Nests.</b> If any active bird nest is found during a pre-construction nesting bird survey, a Qualified Biologist shall recommend an 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.</p>	DBS	DBS	Prior to issuance of grading permit: review plans for acknowledgement of the requirement to comply with MBTA and CFGC to not destroy active bird nests and best practices to avoid impacts to active nests
<p><b>4.3-1(c) Elysian Park</b></p> <p>All discretionary projects in the Downtown Plan Area that are within 200 feet of Elysian Park are required to do a preconstruction nesting bird survey of all suitable habitat within a 100-foot buffer around the construction site no more than ten days prior to the initiation of ground disturbance and vegetation removal for any grading or construction activity initiated during</p>	Applicant for individual project.	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans; subject to inspection by DBS; enforcement available through LAMC at City discretion.



Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
the bird nesting season (February 1-August 31) and to comply with the best practices identified in BIO MM 4.3-1(b).			
<b>Cultural Resources</b>			
<b>4.4-2(a) Archaeological Resources Evaluation and Avoidance/Recovery</b>			
For discretionary projects that are excavating previously undisturbed land or below previously excavated depths, all reasonable methods shall be used to determine the potential that archaeological or tribal cultural resources are present on the project site, including thorough searches of databases and records, surveys, and/or consultation with local tribe(s) with ancestral ties to the project area. If there is a medium to high potential that resources are located on the project site and it is possible that resources will be impacted, a Qualified Archaeologist shall monitor and direct all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources.	Applicant for individual project.	DCP	Prior to discretionary project approval: verify that the applicant has conducted appropriate searches of databases and records, surveys, and/or consultation with local tribe(s) with ancestral ties to the project area and, as needed, identified methods to avoid impacts to significant archaeological resources.
<b>4.4-2(b) Archaeological Assessment</b>			
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.  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 archaeological 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:	Applicant for individual project	DBS	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.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<p>The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</p> <p>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> <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 at least five years after certificate of occupancy. 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 Museum of Los Angeles County, with which the Applicant or Owner must comply.</p>			
<b>4.4-2(c) Notification of Intent to Excavate Language</b>			
<p>For all projects not subject to mitigation measure 4.4-2(a) or 4.4-2(b) 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: 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."</p> <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"> <li>○ 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.</li> <li>○ A Qualified Archaeologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to</li> </ul>	DBS	DCP, DBS	Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.

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<p>determine the potential for archaeological resources to be present on the Project site.</p> <ul style="list-style-type: none"> <li>○ 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.</li> <li>○ 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.</li> <li>○ 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).</li> <li>○ Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows:</li> </ul> <p>The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</p> <p>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> <p>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</p>			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<p>Museum of Los Angeles County or another appropriate curatorial facility for educational purposes.</p> <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.</p>			
<b>4.4-2(d) Zanja Madre HAER Documentation</b>			
<p>Any projects that require a permit for grading or excavation and that is located within one mile of the currently known and mapped segments of the Zanja Madre system (as shown in Appendix S to FEIR) shall comply with the following:</p> <p>Projects within 500 feet of the currently mapped known segments of the Zanja system (see Appendix S) have increased likelihood of encountering segments of the Zanja system during construction. The Zanja system includes the Zanja Madre and its outbranching secondary segments. 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) 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</p>	Applicant for individual project	DBS DCP, Office of Historic Resources (OHR)	<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.</p> <p>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.</p> <p>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.</p> <p>Verify that appropriate treatments determined by the archaeologist for the find are implemented.</p>

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<p>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>Treatment Under Criterion 1: Treatment shall include interpretation of the Zanja system for the public. The interpretive materials may include, but not be 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's Professional Qualifications 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 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.</p> <p>Treatment Under Criterion 2: No additional work; archival research about important persons directly associated with the construction and use of the Zanja system would be addressed as part of HAER documentation.</p> <p>Treatment Under Criterion 3: No additional work; HAER documentation is sufficient.</p> <p>Treatment Under Criterion 4: No additional work; archaeological data recovery and HAER documentation are sufficient.</p> <p>Treatment as a unique archaeological resource, as defined by PRC Section 21083.2(g): Same as Criterion 1 treatment.</p>			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<b>Geology and Soils</b>			
<b>4.6-6(a) Paleontological Resources</b>			
<p>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> <p><b>Paleontological Worker Environmental Awareness Program (WEAP).</b> Prior to the start of construction, the Qualified Paleontologist or 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.</p> <p><b>Fossil Salvage.</b> 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.</p> <p><b>Paleontological Resource Construction Monitoring.</b> 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>	Applicant for individual project	DCP, DBS	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.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<b>4.6-6(b) Treatment of Paleontological Resources</b>			
For any project that requires a permit for grading or excavation, 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 for at least five years after certificate of occupancy. 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.	Applicant for individual project	DBS	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.
<b>4.6-6(c) Notification of Intent to Excavate Language</b>			
For all projects not subject to 4.6-6(a) 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: 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 the express permission of the public agency having jurisdiction over the lands."	DBS	DBS	Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<p>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.”</p> <p>The following best practices are recognized by paleontologists and environmental consultants to ensure paleontological resources are not damaged during construction or Ground Disturbance Activities:</p> <p>A paleontological resources records search shall be requested from and conducted by the Natural History Museum of Los Angeles County to determine whether any paleontological resources have been previously identified on or near the Project site. The results of this records search shall be used as an indicator of the paleontological sensitivity of the Project site.</p> <p>A Qualified Paleontologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to determine the potential for paleontological resources to be present on the Project site.</p> <p>If the Qualified Paleontologist determines there is a high potential that paleontological resources may be located on the Project site and it is possible that such resources will be impacted by the Project, the Qualified Paleontologist or his/her designated representative such as a Paleontological Monitor shall observe all Ground Disturbance Activities within those areas identified as having an undetermined or high potential in order to identify any resources and avoid potential impacts to such resources. In the event of a possible paleontological discovery, the Qualified Paleontologist or Paleontological Monitor shall have the authority to temporarily halt earthwork activities within an appropriate radius of the find, as determined by the Qualified Paleontologist, necessary to protect the resource or other potential resources on or near the Project site. Temporary flagging shall be installed around the find in order to avoid any disturbance from construction equipment.</p> <p>Prior to the start of construction, the Qualified Paleontologist or his/her designee 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.</p> <p>If paleontological resources are uncovered (in either a previously disturbed or undisturbed area), all work should cease in the area of the find until a Qualified Paleontologist has evaluated the find in accordance with federal, state, and local guidelines, including the</p>			



Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<p>Society of Vertebrate Paleontology's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP, 2010).</p> <p>If fossils are discovered, a Qualified Paleontologist shall recover them. 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 has the authority to temporarily direct, divert or halt construction activity to ensure the fossil(s) can be removed in a safe and timely manner. Handling and disposition of fossils is done at the direction and guidance of a Qualified Paleontologist.</p> <p>Personnel of the Project should not collect or move any paleontological materials or associated materials.</p> <p>If cleared by the Qualified Paleontologist, construction activity may continue unimpeded on other portions of the Project site.</p> <p>Construction activities in the area where resources were found may commence once the identified resources are properly assessed and processed by a Qualified Paleontologist, and the Qualified Paleontologist clears the site for construction activity.</p>			
<b>Hazards and Hazardous Materials</b>			
<b>4.8-4(a) Unanticipated Hazards</b>			
<p>For any project that requires a grading, excavation, or building permit from LADBS, in the event that 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 for at least five years after certificate of occupancy is issued.</p>	Applicant for individual project	<p>DBS</p> <p>Other enforcement agencies as applicable: SWRQCB, DTSC, LACoFD, LAFD</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.</p> <p>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</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
			of any needed agency sign off on remediation plan.
<b>4.8-4(b) Environmental Site Assessment(s)</b>			
<p>The site assessment requirements that follow apply to any project that requires a grading, excavation, or building permit from LADBS and which is:</p> <p>Located on or within 500 feet of a Hazardous Materials site listed in any of the following databases:</p> <ul style="list-style-type: none"> <li>State Water Resources Control Board GeoTracker (refer to <a href="https://geotracker.waterboards.ca.gov">https://geotracker.waterboards.ca.gov</a>);</li> <li>DTSC EnviroStor (refer to <a href="https://www.envirostor.dtsc.ca.gov/public">https://www.envirostor.dtsc.ca.gov/public</a>);</li> <li>DTSC Hazardous Waste Tracking System (refer to <a href="https://hwts.dtsc.ca.gov">https://hwts.dtsc.ca.gov</a>);</li> <li>LAFD Certified Unified Program Agency (refer to the active, inactive, and historical inventory lists at <a href="https://www.lafd.org/fire-prevention/cupa/public-records">https://www.lafd.org/fire-prevention/cupa/public-records</a>);</li> <li>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 <a href="https://fire.lacounty.gov/public-records-requests">https://fire.lacounty.gov/public-records-requests</a>);</li> <li>SCAQMD Facility Information Detail (refer to <a href="https://xappprod.aqmd.gov/find">https://xappprod.aqmd.gov/find</a>); or</li> </ul> <p>Located on or within 500 feet of a Hazardous Materials site designated as a Resource Conservation and Recovery Act (RCRA) Small Quantity Generator or Large Quantity Generator (refer to the USEPA Envirofacts database at <a href="https://enviro.epa.gov/index.html">https://enviro.epa.gov/index.html</a>); or</p> <p>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 <a href="https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx">https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx</a>); or</p> <p>Located on land currently or previously designated with an industrial use class or industrial zoning, in whole or in part; or</p> <p>Located on land currently or previously used for a gas station or dry cleaning facility.</p> <p>Or:</p> <p>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>	Applicant for individual project	<p>DBS, Los Angeles Fire Department (LAFD)</p> <p>Other enforcement agencies as applicable: SWRQCB, DTSC, LACoFD</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>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.</p> <p>If the Phase I ESA identifies a REC and/or if recommended in the Phase I ESA, review and approve a Phase II ESA.</p> <p>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>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<p>And:</p> <p>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> <p>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 for at least five years after 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 standards for the proposed use, which shall be maintained for at least five years after certificate of occupancy.</p>			<p>If oversight or approval from a regulatory agency is not required, review and approve the written verification of compliance with and completion of the remediation plan.</p>
<b>Noise</b>			
<b>4.11-1(a) Project-Specific Noise Study</b>			
<p>The noise study requirement that follows applies to 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> <p>Two or more subterranean levels;</p> <p>20,000 cubic yards or more of excavated material;</p>	<p>Applicant for individual projects</p>	<p>DBS</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</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<p>Simultaneous use of five or more pieces of construction equipment; or Construction duration (excluding architectural coatings) of 18 months or more. Construction activities involving impact pile driving or the use of 300 horsepower equipment.</p> <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 LAMC. 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 <u>for at least five years after certificate of occupancy is issued</u>.</p>			<p>least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>
<b>4.11-1(b) Noise Shielding and Muffling</b>			
<p>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>	Applicant of individual project	DBS	<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>
<b>4.11-1(c) Use of Driven Pile Systems</b>			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
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.	Applicant of individual project	DBS	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.
<b>4.11-1(d) Enclosure or Screening of Outdoor Mechanical Equipment</b>			
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 foot) and break the line of sight between the equipment and any off-site Noise-Sensitive Uses.	Applicant of individual project	DBS	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.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<b>4.11-1(e) Location of Construction Staging Areas</b>			
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.	Applicant of individual project	DBS	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.
<b>4.11-1(f) Temporary Walls</b>			
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 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), 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.	Applicant of individual project	DBS	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.
<b>4.11-2(a) Vibration Control Plan</b>			
This measure applies to 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 (see reference vibration levels in Appendix S - Environmental Protection Measures Handbook); (2) require a permit from LADBS; and (3) which occur:	Applicant of individual project	DBS	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

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<p>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</p> <p>Within 15 feet of non-engineered timber and masonry buildings.</p> <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>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> <p>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.).</p> <p>A shoring design to protect the identified structures from potential damage;</p> <p>Use of drilled piles or a sonic vibratory pile driver rather than impact pile driving, when the use of vibrating equipment is unavoidable;</p> <p>Use of rubber-tired equipment rather than metal-tracked equipment; and</p> <p>Avoiding the use of vibrating equipment when allowed by best engineering practice.</p>			<p>least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>
<b>4.11-2(b) Best Management Practices for Vibration</b>			
<p>For projects that are not required to comply with Mitigation Measure 4.11-2(a), the City shall notify developers of the following best management practices to reduce damage to vibration-sensitive uses:</p> <p>Impact pile drivers shall be avoided to eliminate excessive vibration levels. Drilled piles or the use of a sonic vibratory pile driver are alternatives that shall be utilized where geological conditions permit their use.</p> <p>Construction activities shall involve rubber-tired equipment rather than metal-tracked equipment.</p>	DBS	DBS	<p>Prior to construction: verify that developers have been notified of best management practices to reduce damage to vibration-sensitive uses.</p>

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The construction contractor shall manage construction phasing (scheduling demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period), use low-impact construction technologies, and shall avoid the use of vibrating equipment when allowed by best engineering practices.			
<b>4.11-2(c) Repair of Damage</b>			
<p>This measure applies to 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 (see reference vibration levels in Appendix S); (2) require a permit from LADBS; and (3) which occur:</p> <p>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</p> <p>Within 15 feet of non-engineered timber and masonry buildings.</p> <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>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 historical 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 impacted 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</p>	Applicant of individual project	DCP, DBS	<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>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>



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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.			
<b>Tribal Cultural Resources</b>			
<b>4.16-1(a) Native American Consultation and Monitoring for Discretionary Projects</b>			
For all discretionary projects where excavation could extend below previously disturbed levels, notification shall be provided to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have submitted a written request to the Department of City Planning to be notified of proposed projects in that area. If the potential for tribal resources exists, excavation in previously undisturbed soils shall be monitored by a qualified tribal monitor.	DCP, Applicant for individual project	DCP, OHR; DBS, California Native American tribes	Prior to project approval: verify that required notification to California Native American tribes has been conducted; as needed, impose condition monitoring by Tribal monitor if needed; DBS to ensure requirement on plans; subject to enforcement under LAMC at City discretion.
<p>4.16-1(b) Inadvertent Discovery</p> <p>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>	Applicant for individual project	DBS, DCP/OHR	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.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<p>Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows:</p> <p>The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</p> <p>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> <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 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 and maintained for at least five years after the certificate of occupancy is issued. 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>			
<b>4.16-1(c) Notices for Non-Discretionary Projects</b>			
<p>For all projects not subject to 4.16-1(a) that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgment of receipt of the notice from applicants:</p> <p>Several federal and state laws regulate the treatment of tribal resources and make it a criminal violation to destroy those resources. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>○ 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.”</li> </ul> <p>Public Resources Code Section 5097.5 (a) states, in part, that:</p>	DBS	DBS	Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions <sup>1</sup>
<ul style="list-style-type: none"> <li>○ 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.</li> </ul> <p>The following best practices are recognized by tribal monitors and environmental consultants to ensure that tribal cultural resources are not damaged during grading, excavation, or other Ground Disturbance Activities:</p> <ul style="list-style-type: none"> <li>○ 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.</li> <li>○ 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.</li> <li>○ The 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.</li> <li>○ If tribal cultural resources are uncovered, all work should cease in the appropriate radius determined by the Qualified Tribal Monitor or Archaeological Monitor.</li> </ul>			

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<ul style="list-style-type: none"> <li>○ Any find should 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.</li> <li>○ The location of the tribal cultural resource find and the type and nature of the find should not be published beyond providing the information to public agencies with jurisdiction or responsibilities related to the resources and any affected tribal representatives.</li> <li>○ Personnel of the Project should not collect or move any tribal cultural resources or associated materials or publish the location of tribal cultural resources.</li> <li>○ 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).</li> <li>○ 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.</li> <li>○ 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.</li> <li>○ Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources shall occur as follows: 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.</li> <li>○ 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.</li> </ul>			

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<ul style="list-style-type: none"> <li>○ 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.</li> </ul>			