

# **EXHIBIT B:**

## **City Charter, LAMC, and General Plan Findings**

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### **Boyle Heights Community Plan Update**

CF 23-0861; CPC-2016-2905-CPU-M1; ENV-2016-2906-EIR

Recommended by the City Planning Commission on January 11, 2024

April 2024

## FINDINGS

### Summary

The Proposed Plan as modified is consistent with the City Charter, LAMC and General Plan Findings as recommended by the City Planning Commission on April 20, 2023 and the modifications are consistent with and further support the Findings of Fact. Substantive updates to the recommended Findings of the CPC's previous action are shown as follows with ~~strike through~~ for deleted text and underlined for added text:

### Project Location

The Boyle Heights CPA is bordered by the Central City North CPA<sup>2</sup> to the west and the Northeast Los Angeles CPA to the north. Major east-west corridors include (from north to south) Marengo Street, Wabash Avenue, Cesar E Chavez Avenue, 1st Street, 4th Street, Whittier Boulevard, and Olympic Boulevard. Major north-south corridors include (from west to east) Mission Road, Soto Street, Lorena Street, and Indiana Street. Four freeways traverse the Boyle Heights CPA, with the San Bernardino Freeway (I-10 Freeway) and Hollywood Freeway (US 101) traversing through the northern portion of the Boyle Heights CPA and Interstate 5 (I-5) and the Pomona Freeway (SR-60) traversing through the southern portion of the CPA. All four freeways converge over much of the western portion of the Boyle Heights CPA to form the East Los Angeles Interchange.

The Boyle Heights CPA is located immediately east of Downtown Los Angeles and the Los Angeles River and rail corridor and encompasses an area of approximately 4,271 acres (approximately 6.67 square miles). The Boyle Heights CPA is roughly bounded by the San Bernardino Freeway (I-10 Freeway) and Marengo Street to the north, the Union Pacific and Santa Fe Railroad lines to the south, Indiana Street to the east, and the Los Angeles River to the west. The southern and eastern borders of the CPA align with the city limits of Los Angeles with the City of Vernon located to the south and the unincorporated community of East Los Angeles located to the east of the CPA, with a small area of the Southeast corner of the CPA aligning with the City of Commerce. Located to the north are the Los Angeles communities of Lincoln Heights, El Sereno, and Ramona Gardens, and located to the west are the industrial districts and public facilities of Downtown, which includes the Arts District. The location of the proposed modifications is an industrial district that is generally bounded by the 101 Freeway to the north, Mission Road, Utah St and Clarence St to the east, 7th Street to the South, and the Los Angeles River and Myers Street to the west.

## I. Finding Requirements for General Plan Amendments and Zoning Ordinances

### City Charter Findings

**Charter Section 555** – Charter Section 555 provides that the City Council may amend the General Plan in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has a significant social, economic, or physical identity. No legislative findings are required to amend the General Plan. The Proposed Project, as modified, proposes amendments to three elements of the General Plan: (1) adopting the Boyle Heights Community Plan, including a new policy document or Plan Text and amendments to the General Plan Land Use Map for the Boyle Heights CPA ~~(2) amendments to the Mobility Element 2035~~, and (3) amendments to the Framework Element. All the amendments to the City's General Plan are related to areas of the City within the Boyle Heights CPA boundaries, an area which has a significant social, economic, and physical identity as reflected in this report and the Attachments and the whole of the record on the Proposed Plan.

<sup>2</sup> Proposed to be combined with the Central City Community Plan and renamed the Downtown Community Plan.

**Charter Section 556 and 558** – Charter Section 556 and 558 require the City Planning Commission and the City Council to adopt the following findings when taking any action to (i) create or change a zone or zoning district created for the purpose of regulating the use of land, or (ii) zoning the permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances (collectively zoning ordinances):

- (1) The zoning ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.
- (2) The zoning ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice.

Based upon this, the above findings are required for all of the following ordinances which are part of the Proposed Plan: adoption of the New Zoning Code, the amendments to the City's Zoning Map for the zone changes, the adoption of the Boyle Heights CPIO District, and amendments to the River Improvement Overlay (RIO), Clean Up Green Up (CUGU) District, and the Adelante Eastside Redevelopment Plan (collectively, "Implementing Zoning Ordinances").

#### **LAMC Section 12.32 C Findings**

All the Implementing Zoning Ordinances must also comply with the procedures in LAMC Section 12.32 C, which provides procedures for zoning ordinances. Section 12.32 C incorporates the Charter findings in Section 556 and 558. It requires the CPC to adopt a finding that a proposed zoning ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice. The City Council is required to make the same finding before adopting the zoning ordinance, as well as a finding that the zoning ordinance is consistent with the General Plan.

#### **State General Plan Consistency Requirements**

In addition to the requirement for zoning ordinances to be consistent with the General Plan (vertical consistency), state law also requires that the General Plan must have internal consistency among its elements (horizontal consistency). The City of Los Angeles has the responsibility to maintain and implement the City's General Plan. Community Plans comprise the Land Use Element of the City's General Plan and are the final determination of land use categories, zoning, development requirements, and consistency findings. The updated Community Plan(s) and amended Mobility Plan and Framework Element must be consistent with the other elements and components of the General Plan. Those elements are Land Use, Circulation (Mobility), Housing, Conservation, Open Space, Noise, Safety, and Health Element. In addition to the eight mandated elements, the City's General Plan include a Framework Element, an Infrastructure Systems Element, a Public Facilities and Services Element, and an Air Quality Element. State law does not require the City to adopt consistency findings or any other findings to amend a Land Use element. The findings below for Section 556 and 558 and LAMC Section 12.32, also discuss internal consistency of the Proposed Plan, as modified, the amended Mobility Plan, and the amended Framework Element with each other and with the rest of the City's General Plan. This consistency discussion is provided for the City Planning Commissions consideration in approving and recommending the Proposed Plan, as modified, and its implementing zoning ordinances and its determination that the Proposed Plan is consistent with the City's General Plan.

## **II. Findings for the Implementing Zoning Ordinances Under Charter Section 556 and 558 and LAMC Section 12.32**

For all of the reasons provided below and based on the whole of the record of proceedings, the adoption of the amendments to the City's Zoning Map for the zone changes, the adoption of the

proposed Boyle Heights CPIO District, amendments to the River Improvement Overlay (RIO), Clean Up and Green Up (CUGU) District, and amendments to the Adelante Eastside Redevelopment Plan (collectively, “Implementing Zoning Ordinances”) are:

- (1) in substantial conformance with the purposes, intent, and provisions of the General Plan.
- (2) in conformity with public necessity, convenience, general welfare, and good zoning practice.

The findings for the amendments to the City’s Zoning Map for the zone changes and adoption of New Zones, and the findings for the adoption of the CPIO District are discussed together in one section. The findings for each of the other remaining ordinances mentioned above are discussed in individual sections.

#### **A. Findings for Adoption of the New Zones, Zone Changes, and the Adoption of the CPIO District**

Proposed Plan<sub>as</sub> used in this Section A refers to the Community Plan text and land use map amendments and Zoning Ordinances to amend the Zoning Map to implement the plan amendments, unless otherwise specified.

### **Charter and Code Findings**

#### **Framework Element**

The following “findings” are listed under categories similar to the categories found in the Framework Element, which although it does not mandate any particular policy or program be included in a Community Plan, is intended to guide Community Plan updates:

With respect to ***distribution of land use***, the General Plan Framework Element states the following:

*Objective 3.1: Accommodate a diversity of uses that support the needs of the City’s existing future residents, businesses, and visitors.*

*Policy 3.1.1: Identify areas on the Long-Range Land Use Diagram and in the Community Plans sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, educational, health, services, recreation, and similar uses), provide job opportunities, and support visitors and tourism.*

*Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.*

The Proposed Plan, as modified, provides for a variety of land uses to meet the diverse needs of the community, including housing that accommodates varying household sizes, and commercial and industrial businesses that contribute to the local and regional economy. The Southern California Association of Governments (SCAG) projects an increase in population, employment, and housing in Boyle Heights through the year 2040. The Proposed Plan includes a recommended pattern of land use that directs future growth to areas of Boyle Heights best served by existing transportation infrastructure and facilitates mixed-use development along corridors and near transportation nodes. Permitting new small businesses, known as *tienditas*, throughout

the residential neighborhoods further allows current and future residents of Boyle Heights to access household goods and grocery items within walking or biking distance of their homes, reducing reliance on vehicle travel. The Proposed Plan, as modified, directs new housing growth in blocks closest to fixed rail transit stations and in proximity to schools and jobs, which reduces the number and length of vehicle trips, thus reducing greenhouse gas emissions associated with local trip generation in accordance with recent legislation (Senate Bill 375).

With respect to **population and employment growth**, the General Plan Framework Element states the following:

*Objective 3.3: Accommodate projected population and employment growth within the City and each Community Plan Area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.*

The State of California requires that cities plan for changes in population, housing demand and employment. If growth is anticipated, each city must accommodate a share of the region's projected growth. These projections are developed by the Southern California Association of Governments (SCAG), the Metropolitan Planning Organization for the six-county region. SCAG is mandated by federal and state governments to prepare the Regional Transportation Plan (RTP), a long-range regional transportation plan that addresses regional growth, air quality and other issues, based on an analysis of past and future regional trends. The RTP informs SCAG's projection of growth for the region. State and federal regulations require that local plans be consistent with the Regional Air Quality Plan and the Regional Mobility Plan.

Consistent with the above objective contained in the Framework Element, the Proposed Plan, as modified, accommodates projected population and employment growth within the Boyle Heights Plan Area and includes policies and programs that are aimed at providing adequate infrastructure, services, and balance of land uses for the project population and employment growth. The Proposed Plan, as modified, is estimated to reasonably accommodate approximately 124,000 ~~415,000~~ residents and 36,000 ~~33,000~~ housing units by 2040, providing enough capacity to accommodate the SCAG 2040 forecasts of 93,000 residents and 27,000 ~~28,000~~ housing units for the Boyle Heights Plan Area. The Proposed Plan, as modified, accommodates 38,000 ~~39,000~~ jobs which meets the SCAG forecast of 35,000 ~~26,000~~ jobs. The Framework Element includes a 2010 population plan forecast of 122,090 for Boyle Heights. The Framework forecasts best estimates since the adoption of the Framework in 1996 and 2001, and as implementation proceeds, the "population forecasts may be revised based upon specific land use actions adopted through the Community Plan update process." The Framework Element expressly does not provide caps on development based on its population forecast. Consistent with the Framework strategy, the Proposed Plan accommodates projected growth that reflects forecasts from SCAG and the Community Plan update process.

In addition, the Proposed Plan, as modified, meets the requirements of the Sustainable Communities Strategy adopted by SCAG as part of the latest update to the Regional Transportation Plan (RTP) in accordance with Assembly Bill 32, the California Global Warming Solutions Act of 2006, and Senate Bill 375. These legislative acts require that California cities lay out a vision for regional growth that considers the relationship of land use to transportation in reducing vehicle trips to achieve greenhouse gas emission reduction targets. Since SCAG anticipates this level of growth in Boyle Heights, along with other transit-served communities in the City and adjacent to Downtown Los Angeles, the Proposed Plan's increases in development potential are growth-accommodating rather than growth-inducing, consistent with policies in the General Plan Framework. The Proposed Plan, as modified, accommodates population and employment growth primarily in areas served by transit and along major mixed-use transit corridors, consistent with the Framework Element's policies.

With respect to ***economic development***, the Framework Element states the following:

*Policy 7.2.3: Encourage new commercial development in proximity to rail and bus transit corridors and stations.*

*Policy 7.2.8: Retain the current manufacturing and industrial land use designations, consistent with other Framework Element policies, to provide adequate quantities of land for emerging industrial sectors.*

*Policy 7.2.9: Limit the redesignation of existing industrial land to other land uses except in cases where such redesignation serves to mitigate existing land use conflicts, and where it meets the criteria spelled out in Policy 3.14.6 of Chapter 3: Land Use.*

*Policy 7.2.11: Ensure that the City has sufficient quantities of land suitable to accommodate existing, new and relocating industrial firms, whose operations are appropriate to a specific location in Los Angeles.*

*Policy 7.3.2: Retain existing neighborhood commercial activities within walking distance of residential areas.*

*Policy 7.8.3 Encourage mixed-use development projects, which include revenue generating retail, to offset the fiscal costs associated with residential development.*

*Policy 7.9.2: Concentrate future residential development along mixed-use corridors, transit corridors and other development nodes identified in the General Plan Framework Element, to optimize the impact of City capital expenditures on infrastructure improvements.*

*Policy 7.10.2: Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities.*

Consistent with the above policies, the Proposed Plan, as modified, directs new housing, commercial, and mixed-use development towards transit served areas and corridors. The Plan supports sustainable development principles to promote economic development throughout Boyle Heights. The goals and policies of the Proposed Plan, as modified, seek to promote access to local jobs, and place housing and neighborhood serving commercial uses in close proximity through zoning to allow for *tienditas* on corner lots in residential neighborhoods, and by zoning for small business spaces along neighborhood focused corridors. Boyle Heights is currently home to several thriving commercial districts, such as Cesar E. Chavez Avenue, and the Proposed Plan, as modified, uses multiple zoning and policy approaches to maintain those districts for commercial and mixed-use development, including the preservation of Legacy Small Businesses.

The Proposed Plan supports a strong economic employment base by preserving viable existing industrial uses. The Proposed Plan delineates areas within the CPA reserved for industrial use in the Light Industrial and Industrial land use designations, as well as industrial mixed-use areas in certain Light Industrial land use designations to preserve the land for productive uses and generate jobs. While the Proposed Plan, as modified, would reduce the amount of land designated for heavy industrial uses to address long standing issues of environmental injustice, it would continue to allow lighter industrial uses such as warehousing, distribution, and light manufacturing uses as well as complementary commercial and residential uses in the Light Industrial and Hybrid Industrial land use designations, and as discussed below meets the criteria in Policy 3.14.6.

The Proposed Plan, as modified, is consistent with the Framework Element in that it concentrates future growth around transit stations and encourages the development of complete communities with a range of employment and housing opportunities supported by services and amenities. The Proposed Plan, as modified, directs new housing and jobs growth along major commercial transit corridors and close to transit, consistent with the Framework Element's policies.

With respect to **transit stations**, the General Plan Framework Element states the following:

*Goal 3K: Transit stations to function as a primary focal point of the City's development.*

*Objective 3.15: Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.*

*Policy 3.15.3: Increase the density generally within one quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations are funded in accordance with Policy 3.1.6.*

*P18: Amend the Zoning Ordinance to implement the policies and standards of the General Plan Framework Element. The revisions provide tools needed to which are described below and are representative of the actions that may be taken.*

*b. Establish incentives to stimulate the types of use desired (e.g., mixed-use, community facilities in centers, districts, and boulevards, and other) and development in appropriate selected targeted growth areas as defined in the community plans, such as density bonuses for mixed-use development, parking in proximity to transit stations and transit corridors, "by-right" entitlements with administrative review and approval for traffic or other necessary studies and mitigation, and other.*

The Proposed Plan, as modified, includes policies and implementation tools that concentrate the highest development potential near transit stations and promote a mix of uses that are accessible to transit. The Plan directs commercial and neighborhood serving uses towards walkable and accessible corridors. The Proposed Plan, as modified, primarily increases development potential around fixed-rail transit stations, primarily increasing floor area and density regulations in areas within ¼ mile of the L Line stations, such as the area surrounding the Soto Station. This growth is balanced by preserving existing surrounding lower-density multi-family residential areas of the community from redevelopment, using zoning tools and plan policies to reduce the development impact on residential neighborhoods. In addition, the Proposed Plan, as modified, includes development incentives through the Proposed CPIO District's Community Benefits Program subarea, such as density bonuses for mixed-income and 100 percent affordable housing developments, with a greater bonus available near transit stations, to achieve the goal of more affordable housing development within Boyle Heights.

With respect to **historic resources**, the General Plan Framework Element states the following:

*Goal 3M: A City where significant historic and architectural districts are valued.*

*Objective 3.17: Maintain significant historic and architectural districts while allowing for the development of economically viable uses.*

The Proposed Plan, as modified, seeks to maintain and protect important cultural and historic resources while balancing the need for new housing and affordable housing. The Proposed Plan,

as modified, introduces policies and zoning tools that apply standards for contextual and sensitive infill development, primarily through the Character Residential 1 and Character Commercial 1 Frontage Districts. Additionally, the Proposed CPIO creates a new review process for identified eligible resources in certain parts of the Plan Area. New form and frontage districts would introduce development standards to limit the scale and mass of new development in historic districts such as “Brooklyn Avenue Neighborhood Corridor” and frontage standards that regulate elements of the building façade and entrance design for compatible development.

With respect to **industrial lands**, the General Plan Framework Element states the following:

*Goal 3J: Industrial growth that provides job opportunities for the City’s residents and maintains the City’s fiscal viability.*

*Objective 3.14: Provide land and supporting services for the retention of existing and attraction of new industries.*

*Policy 3.14.3: Promote the re-use of industrial corridors for small scale incubator industries.*

*Policy 3.14.6: Consider the potential re-designation of marginal industrial lands for alternative uses by amending the community plans based on the following criteria:*

*e. Where the conversion of industrial lands to an alternative use will not create a fragmented pattern of development and reduce the integrity and viability of existing industrial areas;*

*f. Where the conversion of industrial lands to an alternative use will not result in an adverse impact on adjacent residential neighborhoods, commercial districts, or other land uses;*

*g. Where it can be demonstrated that the reduction of industrial lands will not adversely impact the City’s ability to accommodate sufficient industrial uses to provide jobs for the City’s residents or incur adverse fiscal impacts; and/or*

The Proposed Plan, as modified, introduces land use designations and zoning districts that support job opportunities by establishing land use regulations that allow the City to prioritize and retain industrial land for jobs in the Light Industrial and Industrial areas of the Plan Area. The Industrial areas of the Plan allow for retention of existing industrial land and viable industrial uses, including warehousing and distribution facilities that are part of a regional distribution network. Zoning districts applied within certain the Industrial areas would prohibit residential uses and limit commercial uses to activities that are compatible with and support industrial uses. Proposed Light Industrial areas would allow limited housing uses through adaptive reuse of existing buildings but would not permit new ground up housing construction. Limited commercial uses may be introduced in Light Industrial areas that are compatible with and support industrial uses. The Proposed Plan contains Goals and Policies to facilitate local training for industrial and cluster industry jobs, including the following:

*LU Goal 13: Industrial land located adjacent to the Los Angeles River Rail areas provides a dynamic concentration of “career ladder” and local jobs and small businesses.*

*LU Goal 14: The local workforce is equipped with the education and training to contribute to and benefit from economic development in Boyle Heights.*

*LU 14.1: Encourage new industries locating in Boyle Heights to engage and partner with the local workforce when looking for skilled employees.*

In the Los Angeles River-adjacent area located on the western border of the CPA, certain segments of this area are proposed to have the Hybrid Industrial land use, which would allow for a mix of market rate and affordable housing in buildings that also have employment-focused spaces, such as, light manufacturing, office, and limited commercial uses. The Proposed Plan, as modified, includes policies that supports introducing opportunities for new housing in industrial land that is in proximity to regional jobs centers and infrastructure.

~~LU 12.1 Maintain existing industrial land for both traditional and~~ Allow for housing to co-locate near emerging clean industries that provide sources of employment for the local workforce as well as opportunities for small business creation and expansion

~~LU 12.3 Support the continued use and function of industrial districts for wholesale activities~~ Establish the potential for vertical integration of industry and wholesale activities with commercial and residential uses to ensure that businesses in Boyle Heights and throughout Los Angeles have direct access to goods from around the world.

~~LU 12.7 Discourage uses that detract from the productive function of industrial districts, such as~~ Encourage mixed-use development along the Los Angeles River, including residential in combination with commercial, light industrial, manufacturing, and creative uses, in-lieu of single-use residential development and large, free-standing retail establishments.

This also corresponds with Framework Element goal to distribute economic opportunity throughout the City and increasing access to employment centers.

Policy 7.10.2: Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities.

Within ¼ mile of the Pico/Aliso L Line station, the Plan proposes to convert approximately 10 acres of existing light industrial land to mixed-use zoning and land uses. This conversion will not create a fragmented pattern of land uses, as it is along a major east-west corridor and bordered on several sides by public facilities and housing. The L Line construction happened after the current General Plan Land Use Map was adopted, and while this will result in a loss of several acres of industrially zoned land, the conversion meets several other General Plan Framework objectives, such as promoting more housing and mixed-income housing in close proximity to fixed-rail transit.

With respect to **residential neighborhoods**, the General Plan Framework Element states the following:

*Goal 3C: Multifamily neighborhoods that enhance the quality of life for the City's existing and future residents.*

*Objective 3.7: Provide for the stability and enhancement of multifamily residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.*

The Proposed Plan, as modified, encourages and directs new housing development in areas closest to fixed-rail transit and bus lines, as well as near jobs. The proposed zoning addresses existing concerns of overcrowding and retention of existing RSO and affordable housing units by reducing the rear-yard setback requirement, allowing for infill development and additional housing

units to be built on properties with units subject to the RSO. In addition, reducing the FAR allowance in the residential neighborhoods of Boyle Heights so it is more consistent with the area's existing built character will reduce redevelopment pressure and potential, which could otherwise lead to a loss of the existing RSO stock. The proposed zoning also requires a 1:1 ratio of replacing demolished RSO units with Lower Income units in a new development, covenanted for a term of 99 years when a project uses the proposed Community Benefits Program or another incentive program such as Density Bonus. This ensures that in cases where RSO units may be lost, affordable units are included as part of the new development. The Proposed CPIO District's Community Benefits Program subarea introduces a requirement that mixed-income projects include 30 percent of units in a new development as 2 -bedroom units or greater and introduces a new income category for Acutely Low Restricted Affordable Units, for households making 0-15 percent of the Area Median Income (AMI). This introduces affordable housing that is affordable to households in Boyle Heights and requires new mixed-income developments utilizing the program to include units that can accommodate multi-generational and other larger household sizes.

With respect to **Regional Centers**, the Framework Element states the following:

*GOAL 3.F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.*

*Objective 3.10: Reinforce 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.*

A Regional Center is a hub of regional commerce and activity that serves a large area and contains a diversity of uses such as retail, commercial, government buildings, major entertainment and cultural facilities, and professional offices. The Framework Element identifies the intersection of Soto Street and Olympic Boulevard as the one Regional Center within the Boyle Heights CPA, which is the area that includes a former Sears distribution facility and department store (Sears site) and surrounding blocks. The Proposed Plan will amend the Framework Element to remove the Regional Center designation from the CPA and redesignate this area as a Community Center. The scale of development, including the range of Form Districts, and regional serving uses that are part of a Regional Center land use designation do not align with the scale and intensity of use and development in Boyle Heights, and therefore this intersection will be redesignated as Community Center.

With respect to **Community Centers**, the Framework Element states the following:

*Goal 3E: Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.*

*Objective 3.9: Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.*

A Community Center is a focal point for surrounding residential neighborhoods and includes a diversity of uses such as small offices and overnight accommodations, cultural and entertainment

facilities, schools, and libraries, in addition to neighborhood-oriented services. The Framework Element identifies Community Centers along Soto Street generally around Cesar Chavez Avenue and 1<sup>st</sup> Street, near White Memorial Hospital, and near the Indiana Street L Line station. The Framework Element identifies Community Centers as areas that are served by transit. The Proposed Plan, as modified, introduces land use designations and zoning districts the support a mix of commercial and housing, including provisions for affordable housing, to promote a diverse mix of uses that contribute to pedestrian-oriented, high activity areas.

With respect to **Mixed-Use Boulevards**, the Framework Element states the following:

*GOAL 3I: A network of boulevards that balance community needs and economic objectives with transportation functions and complement adjacent residential neighborhoods.*

*Objective 3.13: Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrate commercial, housing, and/or public service uses.*

Similar to Community Centers, Mixed-Use Boulevards are intended to accommodate greater densities and scales while promoting pedestrian-oriented developments that serve the surrounding community. The Framework Element identifies Mixed-Use Boulevards along portions of Cesar E. Chavez Boulevard, generally between State Street and Chicago Street, and between Matthews Street and Mott Street; along portions of 1<sup>st</sup> Street between Cummings Street and Chicago Street; Soto Street between Terrace Heights Avenue and 7<sup>th</sup> Street; and Whittier Boulevard between Boyle Avenue and Euclid Avenue and between Lorena Street and Indiana Street. Consistent with the above-referenced goals and objectives, the Proposed Plan designates these areas as Community Center, which supports a mix of commercial and housing, including provisions for affordable housing, to promote a diverse mix of uses that contribute to pedestrian-oriented, high activity areas.

## **Other General Plan Elements**

The Proposed Plan, as modified, is in substantial conformance with the purpose, intent, and provisions of the General Plan in that they help to implement policies in a number of other General Plan Elements in addition to the Framework Element discussed above, including the Conservation Element, the Housing Element, the Circulation Element (Mobility Plan 2035), and the Plan for a Healthy Los Angeles.

### **Conservation Element**

With respect to cultural and historic resources, the Conservation Element states the following:

*Conservation Element Objective (Chapter II, Section 5): protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.*

*Conservation Element Policy (Chapter II, Section 5): continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.*

The Proposed Plan seeks to tailor citywide preservation policies established through the General Plan, by creating goals, policies, and programs to further promote neighborhood conservation and historic preservation. In conformance with the Conservation Element, the proposed zoning districts and CPIO include standards for preservation of historic cultural neighborhoods and historic resources. CPIO Subarea B requires additional planning review for certain areas of the CPA that contain clusters of eligible resources identified through the City's Survey LA as well as the Adelante Eastside Redevelopment Plan Survey. The Proposed Plan introduces development standards for compatible infill development through Character Frontages applied to areas surveyed in the City's Survey LA and the "Brooklyn Avenue Neighborhood Corridor" (HCM #590) portion of Cesar E. Chavez Avenue.

### **Housing Element (2021-2029)**

With respect to housing, the Housing Element states the following:

*Policy 1.1.1: Collect, report, and analyze existing housing needs (such as overcrowding, cost burden and vacancy rates) and use this information to project and plan for housing needs at a local and citywide level balancing other factors such as job and transit access.*

*Policy 1.1.9: Develop and integrate anti-displacement strategies that further Citywide Housing Priorities into land use and planning strategies.*

*Policy 1.2.6: Create new citywide and local land use incentives and programs that maximize the net gain of affordable housing and produce housing that meets Citywide Housing Priorities. Explore varied affordability ratios, the feasibility of inclusionary zoning requirements, and a greater mix of incomes based on market areas.*

*Policy 1.2.10: Prioritize the development of Affordable Housing on public land.*

*Policy 2.1.1: Incentivize and/or require the preservation and replacement of affordable housing, so demolitions and conversions do not result in the net loss of the City's stock of accessible, safe, healthy and affordable housing.*

*Policy 3.1.5: Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.*

*Policy 3.1.7: Promote complete neighborhoods by planning for housing that includes open space, and other amenities.*

*Policy 3.2.2: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

*Policy 3.2.9: Consider accommodating new residential uses, including live/work and mixed-use, in less-productive industrial, office, and commercial areas when the site can accommodate housing in keeping with citywide industrial land, jobs-housing, and jobs preservation properties, and when sites have been appropriately tested and remediated, if necessary.*

*Policy 4.3.2: Ensure that all neighborhoods have a range of housing typologies to provide housing options for residents to remain in the same community, when and if their needs change.*

*Policy 4.3.3: Examine land use practices that perpetuate racial exclusion and inequities including but not limited to: single-family / low density zoning, minimum lot size requirements, location of noxious uses, and subjective design review standards. Introduce context specific reforms that further Citywide Housing Priorities.*

The Proposed Plan, as modified, is in substantial conformance with the policies and objectives of the Housing Element of the General Plan. The Proposed Plan addresses housing needs through a multi-pronged approach, encouraging and directing new housing development in areas closest to fixed-rail transit and bus lines, as well as near jobs. The proposed zoning addresses existing concerns of overcrowding and retention of existing RSO and affordable housing units by reducing the rear-yard setback requirement, allowing for infill development and additional housing units to be built on properties with units subject to the RSO. In addition, right-sizing the FAR allowance in the residential neighborhoods of Boyle Heights reduces redevelopment pressure and potential, which could otherwise lead to a loss of the existing RSO stock. The proposed zoning also requires a 1:1 ratio of replacing demolished RSO units with Lower Income units in a new development, covenanted for a term of 99 years. This ensures that in cases where RSO units may be lost, affordable units are included as part of the new development. The Proposed Plan and zoning increase the development potential of a pocket of single-family zoning adjacent to a regional serving jobs center, conforming with Housing Element policies to direct new housing close to jobs, and by addressing exclusionary zoning practices.

The Proposed Plan, as modified, prioritizes housing and neighborhoods that promote wellness, longevity, and sustainability, by requiring Lot Amenity Space and Residential Amenity Space as part of projects with residential uses, through zoning requirements for landscaping, and through policies encouraging street trees and improvements to the public realm. The Proposed CPIO includes Subarea D, which facilitates Transfer of Development Rights (TDR) for certain publicly owned properties within the CPA, allowing for more housing to be built on public lands. Finally, the Proposed Plan Community Benefits Program introduces a requirement that projects include 30 percent of units in a new development as 2-bedroom units or greater and introduces a new income category for Acutely Low Restricted Affordable Units, for households making 0-15 percent of the Area Median Income (AMI). This introduces affordable housing that is affordable to households in Boyle Heights and requires new mixed-income developments utilizing the program to include units that can accommodate multi-generational and other larger household sizes. Furthermore, new residential uses would, in the river adjacent industrial district, would be subject to an inclusionary housing obligation of 13% Acutely Low Income (a new income category within the CPA that better accommodates existing income levels), 15% Extremely Low Income, 17% Very Low Income, and

## **Safety Element**

With respect to community health and wellbeing, the Safety Element states the following:

*Policy 1.2.1 Environmental Justice: In keeping with the Plan for a Healthy LA, build a fair, just and prosperous city where everyone experiences the benefits of a sustainable future by correcting the long running disproportionate impact of environmental burdens faced by low-income families and communities of color.*

*Policy 1.2.5 Housing and Development: In keeping with the Housing Element, create housing opportunities that enhance affordability, equity, livability, sustainability and resilience.*

*Policy 1.2.8 Industrial Emissions and Air Quality Monitoring: In keeping with the Air Quality Element, ensure that every Angeleno can breathe clean, healthy air by addressing air*

*pollution from all sources, with a particular emphasis on prioritizing the health and wellbeing of overburdened families and delivering environmental justice.*

*Policy 1.2.10 Food Systems: In keeping with the Plan for a Healthy LA, ensure access to healthy, sustainable food in a changing climate, especially in communities already facing food access disparities.*

The Proposed Plan, as modified, is consistent with the Safety Element. The Proposed Plan, as modified, addresses long-standing issues of environmental injustice in Boyle Heights by addressing zoning incompatibility, limiting where new auto-related uses such as auto repair and gas stations can open to properties away from residential uses, improving housing affordability, and encouraging greater access to fresh and healthy foods.

### **Circulation Element (Mobility Plan 2035)**

The City's Circulation Element (Mobility Plan 2035) contains a number of important policies related to the Proposed Plan, including:

*Policy 1.2 Complete Streets: Implement a balanced transportation system on all streets, tunnels and bridges using complete streets principles to ensure the safety and mobility of all users.*

*Policy 2.3 Pedestrian Infrastructure: Recognize walking as a component of every trip, and ensure high quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.*

*Policy 2.14 Street Design: Designate a street's functional classification based upon its current dimensions, land use context, and role.*

*Policy 3.1 Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement – as integral components of the City's transportation system.*

*Policy 3.3 Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

*Policy 4.13 Parking and Land Use Management: Balance on-street and off-street parking supply with other transportation and land use objectives.*

*Policy 5.2 Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.*

The Proposed Plan, as modified, which includes proposed amendments to the Mobility Plan's street designations and networks, are consistent with the Mobility Plan. The Proposed Plan improves mobility and access by directing future employment and housing near transit stations and frequent bus transit and promoting the development of mixed-use neighborhoods, thereby helping to reduce vehicle trip generation and improve air quality. In the area adjacent to the Los Angeles River, the Proposed Plan introduces the Hybrid Industrial land use, which allows limited housing and commercial uses within one of the CPA's employment centers, increasing access between housing, employment and amenities, reducing the need for vehicle trips, and thus, VMT. The Proposed Plan includes policies and implementation programs that would reduce VMT and increase the mode share of transit, walking, and bicycling in Boyle Heights. The Proposed Plan includes policies and implementation programs that support increased investment in bicycle,

pedestrian, and transit infrastructure to improve accessibility and connectivity throughout Boyle Heights, including infrastructure to improve connections to existing transit stations. The Proposed Plan would amend the classification of several collector streets to modified collector streets to reflect existing conditions and support a more pedestrian friendly environment by maintaining existing narrower roadways.

The Proposed Plan would amend the Mobility Plan's enhanced networks to identify priority corridors for transit and bicycles that support the Mobility Plan's vision of a system of complete streets. The Proposed modifications to the Mobility Plan's enhanced networks refine application of the Transit Enhanced Network and Bicycle Enhanced Network to reflect existing and planned land uses, infrastructure projects, and transit service, and prioritizes Bicycle or Transit Enhanced Networks on corridors where both cannot be implemented within the existing right of way. The Proposed Plan supports land uses that promote a pedestrian-oriented environment and utilize the public right-of-way for pedestrian-oriented uses as well as projects that expand the public realm. The Proposed Plan introduces new zoning tools that require pedestrian friendly building design, reduces or eliminates minimum parking requirements in different areas of the Plan Area, and incentivizes inclusion of publicly accessible open spaces within new development.

### **Health Element (Plan for a Healthy Los Angeles)**

With respect to livable neighborhoods, the Health Element (Plan for a Healthy Los Angeles) states the following:

Policy 1.5 Plan for Health: Improve Angelenos' health and well-being by incorporating a health perspective into land use, design, policy, and zoning decisions through existing tools, practices, and programs.

Policy 1.6 Poverty and Health: Reduce the debilitating impact that poverty has on individual, familial, and community health and well-being by: promoting cross-cutting efforts and partnerships to increase access to income; safe, healthy, and stable affordable housing options; and attainable opportunities for social mobility.

Policy 2.1 Access to Goods and Services: Enhance opportunities for improved health and well-being for all Angelenos by increasing the availability of and access to affordable goods and services that promote health and healthy environments, with a priority on low-income neighborhoods.

Policy 2.7 Access to Health Services: Encourage the equitable distribution of health service providers: including federally qualified health centers, hospitals, pharmacies, urgent care, and mental health services, to ensure that every Angeleno has access to preventive care and medical treatment.

Policy 4.4 Equitable Access to Healthy Food Outlets: Pursue funding, public, private, and nonprofit partnerships, and develop financial, land use and similar incentives and programs to encourage the equitable availability of healthy, affordable food outlets within close proximity of all residences.

Policy 5.1 Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.

Policy 5.2 Reduce negative health impacts for people who live and work in close proximity to industrial uses and freeways through health promoting land uses and design solutions.

Policy 5.4 Protect communities' health and well-being from exposure to noxious activities (for example, oil and gas extraction) that emit odors, noise, toxic, hazardous, or contaminant substances, materials, vapors, and others.

The Proposed Plan includes policies such as:

*Land Use Policy 5.3: Support the establishment of corner stores that provide fresh groceries and basic household goods within comfortable walking and rolling distance for all users of the surrounding neighborhood.*

*Land Use Policy 5.4: Ensure that small businesses located within residential neighborhoods are providing a positive service to the community by enhancing the health and well-being of residents and operating as good neighbors.*

*Land Use Policy 5.7: Improve resident's access to basic needs and amenities, such as food, household goods, open space, and health and wellness facilities.*

*Land Use Policy 8.5: Discourage the introduction of new uses on corridors that detract from a healthy and active pedestrian street life, particularly vehicle repair and servicing, businesses featuring drive-throughs, fueling stations, and storage facilities.*

*Land Use Policy 23.1: Ensure that industrial land uses are safe for human health and the environment through proper containment of pollutants and mitigation of potential health risks.*

*Land Use Policy 23.2: Promote the phasing out or relocation of facilities used for the handling of potentially hazardous chemicals or toxic substances near residential uses and schools, and discourage any further expansion of existing facilities.*

*Land Use Policy 23.5: Discourage potentially disruptive or hazardous industrial uses along streets that serve as boundaries between industrial areas and residential neighborhoods.*

*Land Use Policy 23.6: Ensure that all new or rehabilitated industrial facilities permitted near a residential use incorporate the appropriate screening, landscaping, and enclosure provisions necessary for preventing exposure to activities that generate odor, noise, dust, smoke, gas, fumes, cinder, or refuse matter.*

*Land Use Policy 25.1: Promote the siting and design of commercial development in a manner that encourages users to access and engage with each building as a pedestrian, while deprioritizing accommodations for single occupancy vehicles.*

*Land Use Policy 25.3: Expand opportunities for small, locally serving businesses to properly locate within neighborhoods in order to place the daily needs of residents within comfortable walking distance of their homes and schools.*

*Land Use Policy 27.1: Encourage neighborhood corner shops and grocery stores to maintain a well-stocked selection of fresh produce and nutritious foods, and stock and display nutritious products in a visible location.*

*Land Use Policy 27.4: Expand opportunities for farmers' markets in public plazas, surface parking lots, and through temporary street closures in order to provide neighborhoods with access to fresh and nutritious foods on a regular basis.*

*Land Use Policy 27.5: Pursue opportunities to provide permanent community gardens, in collaboration with community residents and community-based organizations, by considering sites on vacant or underutilized land, surface parking lots, parkways, and alleyways.*

*Land Use Policy 27.6: Encourage new developments to provide community gardens.*

*Land Use Policy 27.7: Promote the use of front yards, parkways and open space for urban agriculture.*

*Land Use Policy 27.8: Support sidewalk vendors that provide fresh food in convenient locations for residents, employees, and students.*

The Proposed Plan's policies and zoning address longstanding impacts of environmental injustice in Boyle Heights. A community bisected by four freeways and bordered by industrial land, Boyle Heights residents experience higher rates of health effects related to emissions and noxious uses, such as asthma. In addition, Boyle Heights is greatly impacted by high heat days, with the lack of tree canopy and open space contributing to a great heat island effect. The Proposed Plan, as modified, accommodates and directs future growth near transit to promote a better jobs-housing balance as well as support walkability and transit ridership to reduce greenhouse gas emissions and improve overall air quality. The Proposed Plan also introduces the Hybrid Industrial land use, which allows for limited housing and commercial uses within the CPA's employment center along the Los Angeles River, increasing accessibility and improving air quality by reducing VMT. The Plan includes policies that address improved air quality and reductions to the urban heat island effect by planting, preserving, and protecting trees for optimum canopy cover. The Proposed Plan incorporates existing regulations from the Clean Up Green Up Ordinance to reduce the impact of heavy industrial uses on nearby residents and schools and implements new planting requirements for industrial uses and properties within 1000 feet of freeways. New land use designations and zoning districts promote the development of complete communities, where residents and workers have access to healthy, fresh food and health services. The Proposed Plan introduces new residential zoning districts that allow for *tienditas* to open on corner lots in residential neighborhoods, allowing more opportunities for access to affordable household goods, grocery items, and fresh foods. The Plan contains policies encouraging these businesses to include fresh produce and prepared food items. In addition, the Plan supports street vending as a means for fresh produce and prepared food items to be more widely accessible across the community.

Further, the Proposed Plan includes land use and mobility strategies that encourage a transportation system that provides safe, accessible, and convenient mobility options for users of all ages and abilities and promotes the development of public spaces that provide opportunities for rest and recreation. Recognizing the impact of access to housing on community and individual health, the Proposed Plan introduces tailored incentives that facilitate the production of mixed income and 100 Percent Affordable Housing and requirements to maintain rent stabilized units and existing affordable housing stock.

In summary, the Proposed Plan is in substantial conformance with purpose, intent, and provisions of the General Plan in that they would implement significant goals and policies relating to the concentration of growth in areas near transit stations and along transit corridors. The Proposed Plan supports a sustainable land use pattern consistent with the objectives of the General Plan and would expand opportunities for employment and housing. The Proposed Plan is in conformity with public necessity, convenience, general welfare and good zoning practice for all of the reasons previously described. The Proposed Plan includes goals and policies that promote sustainability, health, and wellness goals by planning for population growth around sustainable transportation infrastructure; encouraging accessible open spaces as part of new developments; encouraging affordable housing under a community benefits program; preserving industrial areas for jobs while

implementing regulations to reduce negative effects on residents; and supporting strategies to minimize residential and commercial displacement.

### **Conformity with Public Necessity, General Welfare and Good Zoning Practice**

The Proposed Plan, as modified, is in conformity with public necessity, convenience, general welfare and good zoning practice in implementing such the policies of the Proposed Plan in that they include development restrictions such as height limitations in low-scale neighborhoods and historic districts; restrictions on incompatible uses; and focusing development potential in strategic areas around transit accessible infrastructure, including rail stations and bus-served corridors and employment centers. The CPIO District implements the policies of the Proposed Plan by establishing a permanent affordable housing incentive system, a clear review procedure for many eligible historical resources, and creating additional soil testing process to reduce possible hazardous impacts on community health.

#### **B. Findings for Amendments to the River Implementation Overlay (RIO) Amendment**

The Proposed Plan will amend the River Improvement Overlay (RIO) maps to remove the Boyle Heights Community Plan Area. The RIO is a special use district that requires new development projects to achieve requirements and guidelines along the Los Angeles River. Applicable development regulations and measures to protect sensitive biological resources in the existing Los Angeles River Implementation Overlay (RIO) are incorporated into the proposed Frontage Districts and General Development Standards and will be applied through the proposed zoning districts. Additional standards outlined in the RIO Ordinance are incorporated into the proposed zoning districts to avoid redundancy.

#### **Charter and Code Findings**

With respect to the conservation of habitat, the Conservation Element of the General Plan states:

*Objective: preserve, protect, restore, and enhance natural plant and wildlife diversity, habitats, corridors, and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern.*

The River Implementation Overlay Amendment is in substantial conformance with the purpose, intent, and provisions of the General Plan because it continues to support the General Plan's objective of protecting the Los Angeles River habitat. The Proposed Plan incorporates existing RIO provisions from a Supplemental Use District, into the Zoning Districts. Thus, the RIO provisions, which aim to preserve and restore the riparian habitat, remain in effect, continuing existing policy.

The River Implementation Overlay Amendment is in conformity with public necessity, convenience, general welfare, and good zoning practice because it incorporates existing conservation measures intended to support the City's riparian habitat into the regulatory system of the new zones.

#### **C. Findings for Amendments to the Clean Up Green Up (CUGU) Overlay**

The Proposed Plan will amend the Clean Up Green Up (CUGU) Overlay maps to remove the Boyle Heights CPA. The CUGU Overlay, which was adopted in 2016, established standards and regulations for heavy, noxious uses close to sensitive or residential uses. This ordinance was adopted as an overlay for the communities of Boyle Heights, Wilmington, and Pacoima/Sun Valley. As part of the Proposed Project, the regulations from CUGU will be incorporated into the new zoning being applied to the Boyle Heights CPA instead of its current status as a Supplemental

Use District “pilot program.” The Proposed Plan embeds CUGU’s regulations into the proposed Development Standards and Use Districts, including use limitations for noxious uses. In addition to the Plan’s permanent zoning regulations, it also proposes new policies to address compatibility between industrial and residential neighborhoods as noted below:

LU 23.4: Promote efforts that ensure businesses in Boyle Heights have access to the City’s Clean-Up Green-Up implementation programs, such as financial incentives and technical support programs.

LU GOAL 24 (LU Policies 24.1 through 24.5): Goals that address improved site planning, building design, and landscape buffering along freeways and arterial roads with high traffic help reduce negative health impacts of vulnerable residents.

### **Charter and Code Findings**

With respect to creating healthier communities in Los Angeles, the Health, Wellness, and Equity Element of the General Plan (Health Element) states:

*Objective: Reduce the disparity in communities that are impacted by a high Pollution Exposure Score (exposure to six exposures indicators, including ozone, and PM2.5 concentrations, diesel, PM concentrations, pesticide use, toxic releases from facilities, and traffic density) so that every zip code has a score less than 1.7.*

Policy 5.1 Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.

Policy 5.2 Reduce negative health impacts for people who live and work in close proximity to industrial uses and freeways through health promoting land uses and design solutions.

Policy 5.4 Protect communities’ health and well-being from exposure to noxious activities (for example, oil and gas extraction) that emit odors, noise, toxic, hazardous, or contaminant substances, materials, vapors, and others.

The Clean Up Green Up Amendment, as described more in full above, is in substantial conformance with the purpose, intent, and provisions of the General Plan. By incorporating CUGU regulations into the Proposed Plan’s zoning, the Amendment continues to support the General Plan’s objective of reducing health disparities and exposure to pollutants. The Proposed Plan incorporates existing CUGU provisions that aim to improve residents’ health, continuing existing policy. Additionally, a part of the Health Element’s implementation program was to evaluate the Clean Up Green Up pilot program to assess how it can be replicated in other parts of the city and/or develop standards and policies to incorporate into the zoning code and Community Plans, respectively, which is consistent with the Amendment.

The Clean Up Green Amendment is in conformity with public necessity, convenience, general welfare, and good zoning practice because it incorporates existing public health measures intended to address health disparities and address residents’ overall health and safety through site planning that address setback, landscaping, and distancing requirement standards, and buffer zones between new residential and industries with emitting sources.

### **D. Findings for Amendments to Adelante Eastside Redevelopment Plan**

The Proposed Plan includes an ordinance to amend the Adelante Eastside Redevelopment Plan to remove the area that is within the Boyle Heights CPA. The Adelante Eastside Redevelopment

Project Area includes commercial and industrial uses in portions of Boyle Heights Community Plan, and the Northeast Los Angeles Community Plan. The main intent of the Adelante Eastside Redevelopment Plan is to preserve industrial and commercial uses to promote a stable industrial base to provide jobs for the community and enhance the existing commercial areas.

Section 1100 of the Adelante Eastside Redevelopment Plan states that if an applicable Community Plan is amended to change the land uses permitted within the Project Area, the land uses specified for the Project Area in the applicable Community plan shall supersede the land use designations in the Redevelopment Plan. The Boyle Heights Community Plan, with its implementing zoning ordinances, includes contemporary land use and zoning strategies to address economic development and a broad range of employment opportunities, promote the rehabilitation and preservation of historic structures, facilitate a built environment founded in strong urban design principles, provide for various housing needs, and promote the provision of public and social services. The Boyle Heights Community Plan, with its implementing ordinances, provides a complete vision and regulatory scheme for the land uses in the Project Area. The provisions of the Redevelopment Plan intended to regulate, control, or shape the use and development of land in the Redevelopment Plan area, including without limitation, Sections 400 through 410, 500 through 522, and 700 as well as related implementing plans are in conflict with the Boyle Heights Community Plan and its implementing ordinances because they, (1) prohibit what is allowed under the Boyle Heights Community Plan and its implementing ordinances; or (2) allow what is prohibited under the Boyle Heights Community Plan or its implementing zoning ordinances; or (3) add undesirable additional regulations, processes, costs, and burdens on the City, property owners, and developers that impede or prevent beneficial and urgently needed housing and other desirable uses in the Redevelopment Plan area. As such, any provision in the Redevelopment Plan that purports to regulate, control, or shape the development of land in the Project Area, is in conflict with, and does not conform to, the allowed land uses in the Boyle Heights Community Plan.

Section 500 of the Redevelopment Plan includes policies for land uses permitted in the Project Area. These include policies for commercial, residential, and industrial uses; commercial uses within residential and industrial areas; residential uses within commercial areas; and open space and other public uses. The Proposed Plan, as modified, seeks to preserve industrial land for jobs, while also improving the compatibility between industrial land and residential neighborhoods, and encouraging mixed-use residential development in areas adjacent to the Los Angeles River. The Proposed Plan also includes policies to preserve existing housing stock while providing opportunities for infill, directing future housing growth to transit served areas, and provides tools to create more affordable housing. Therefore, the Proposed Plan would be consistent with the Adelante Eastside Redevelopment Plan in its broad goals and policies related to land use. While the Redevelopment Plan does not include regulations or numerical caps for floor area ratio, height, or residential density, it does include design standards for new signs and billboards, and for new wireless telecommunication facilities. The Proposed Plan does not include specific design standards for signs, billboards, or wireless telecommunication facilities because it would defer to the regulations in Article 4 (Development Standards) in the New Zoning Code. The Proposed Plan does not support carrying forward the Redevelopment Plan's design standards because they would already be regulated by the zoning code. This may result in the Proposed Plan conflicting with the Redevelopment Plan since the Proposed Plan would not be incorporating the Redevelopment Plan's design standards and the standards included in the zoning code may be different from those in the Redevelopment Plan. However, under the terms of the Redevelopment Plan, the City's plans are intended to control any conflict between the two, and as such, as a legal matter, there cannot be a conflict between the CRA plan and the Proposed Plan in relation to land use plans as noted in Section 1100 of the Adelante Eastside Redevelopment Plan.

Amending the Adelante Eastside Redevelopment Plan is consistent with the General Plan based on all of the findings herein, because it allows the Proposed Plan to control development in the

CPA. Additionally, it is consistent with Objective 7.4 of the Framework Element (*Improve the provision of governmental services, expedite the administrative processing of development applications, and minimize public and private development application costs.*) as it reduces burdens on development by streamlining the project review process.

The proposed ordinance to amend the Redevelopment Plan is also in conformity with public necessity, convenience, general welfare, and good zoning practice because while the Adelante Eastside Redevelopment Plan does not include regulations or numerical caps for floor area ratio, height, or residential density, it does include design standards for new signs and billboards, and for new wireless telecommunication facilities. The Proposed Plan does not include specific design standards for signs, billboards, or wireless telecommunication facilities because it would defer to set regulations in Article 4 (Development Standards) in the New Zoning Code. The Proposed Plan does support carrying forward the Redevelopment Plan's design standards because they would already be regulated by the zoning code. Currently, projects within the CPA, which usually include affordable housing units, require a separate review process for compliance with the Redevelopment Plan. The proposed amending ordinance would allow a more streamlined review process for projects, particularly for projects that direct future housing, including affordable housing units, to transit served areas.

### **E. Other Findings**

#### **LAMC 13.14 C.5**

In addition to the findings in 12.32 C, the adoption of a CPIO District also requires a finding that the supplemental development regulations of the CPIO District are consistent with, and necessary to implement the programs, policies, or urban design guidelines of the Community Plan for that area.

The supplemental development regulations of the proposed Boyle Heights CPIO District are consistent with and necessary to implement the programs, policies, and goals of the Proposed Plan. The CPIO regulations set forth affordable housing incentives to encourage mixed-income affordable housing and 100 percent affordable housing projects; soil sampling requirements to ensure that soil contaminants are identified and mitigated prior to ground disturbance; a transfer of floor area process for public lands to support the development of community serving uses and affordable housing on publicly owned land; and historic review procedures to protect historic resources. These development regulations are consistent with the following goals and policies of the proposed Boyle Heights Community Plan:

#### Affordable Housing Land Use Policies

*LU 1.1: Support residential infill developments that increase the supply of affordable housing on-site that is for rent or for sale.*

*LU 1.5: Utilize public land and funding for the development of supportive housing projects and affordable housing for extremely-low, very-low, and low-income households.*

*LU 3.1: Promote the development of residential units with three or more bedrooms to support larger households and multigenerational living.*

*LU 3.2: Encourage multi-unit housing developments to provide a diverse range of unit types and unit sizes including those suitable for larger households, single room occupants, independent seniors, and affordable fee simple ownership.*

*LU 3.7: Develop strategies to assist community land trusts and affordable housing developers with property acquisitions.*

*LU 4.1: Permit greater development scale and density around transit if a project provides high quality housing that is affordable and accessible to the surrounding community.*

*LU 4.2: Ensure that a significant portion of new housing around transit is affordable to low-income households in order to accommodate the City's core transit riders.*

*LU 6.1: Promote developments around transit stations that add value to the community by providing a mix of multi-unit housing, neighborhood-serving commercial uses, and community amenities.*

*LU 25.2: Concentrate new housing around transit where residents can benefit from greater access to commercial uses, jobs, and schools without the need for an automobile.*

### Historic Resources Land Use Policies

*LU 18.1: Prioritize the preservation and restoration of historic resources identified through the Los Angeles Historic Resources Survey (SurveyLA).*

*LU 18.2: Protect individually significant historic resources and districts in Boyle Heights from demolition or adverse alteration.*

*LU 18.3: Provide design standards that guide infill development in areas with an identified historic character to ensure that new buildings reinforce the historic scale and key architectural features of the area.*

*LU 18.4: Food organizations to advance preservation efforts in the community and document oral histories through educational and informational programs.*

*LU 18.5: Promote the restoration and reuse of vacant and/ or deteriorating historic buildings for new uses that benefit the community and reinforce the site's historic and cultural legacy.*

*LU 18.6: Promote the preservation of remaining examples of bungalow courtyard and garden apartment architecture.*

The CPIO implements the programs, policies, and goals of the Proposed Plan. The CPIO regulations set forth affordable housing incentives to encourage mixed-income and affordable housing, historic review procedures to protect historic resources, and soil testing requirements to ensure safe ground disturbance practices in areas where soil contaminants may exist.

### **State Law Restrictions on Zoning Actions under Housing Crisis Act SB 330**

On October 9, 2019, Governor Newsom signed into law SB 330, the Housing Crisis Act of 2019. The act amends existing state laws and creates new regulations around the production, preservation and planning of housing. The bill has been in effect since January 1, 2020, and sunsets on January 1, 2025. SB 8 extends key provisions of SB 330 until January 1, 2030. The goal of SB 330 is to create certainty in the development of housing projects, speeding up the review of these projects. The bill requires that the historic status or designation of any site be determined at the time an application for a discretionary action is deemed complete. Non-objective design review standards established after January 1, 2020, cannot be imposed or enforced. SB 330 also prevents zoning actions that reduce the capacity of housing. Plans that result in a net downzoning or otherwise reduce housing and population (except for specified reasons involving health and safety, affordable housing and voter initiatives) are prohibited. Moratoriums on housing development, or limits on approval, permits, or housing units cannot not

be imposed by local jurisdictions. This does not apply to zoning efforts that reduce intensity for certain parcels as long as density is increased on other parcels and therefore results in no net loss in zoned housing capacity or intensity. The Proposed Plan allows for the net increase of 144,000 housing units and therefore the Plan complies with this requirement.

Increasing housing, and particularly affordable housing, is a primary objective of the Boyle Heights Community Plan Update. The CPA is currently zoned primarily for mixed-use and multi-unit housing development along corridors and throughout residential neighborhoods, and the Proposed Plan identifies additional areas where more housing growth is appropriate and reduces barriers to housing development through several zoning strategies.

In Boyle Heights today multifamily zoning typically allows for a 3:1 Floor Area Ratio, with a permitted density that does not practically allow developers to maximize floor area. For example, on a typical lot the zoning would permit 4 units to be built, with up to 18,000 square feet of floor area, yielding units that are up to 6,000 square feet each. Existing height and yard requirements would preclude most lots from maximizing this floor area. The Proposed Plan reduces the Floor Area Ratio down from 3:1, while maintaining the allowable residential density (number of units) that can be built in the lower density residential neighborhoods. This approach is taken to reduce turnover, demolition, and loss of existing naturally occurring affordable housing units, in a community that is primarily renters and vulnerable to a changing housing market and displacement pressures. While the Proposed Plan reduces FAR regulations and maintains existing height limits in these zones, the Proposed Plan counters this by reducing the rear and side yard setback requirements, increasing the areas of the lot on which housing can be developed, and more easily permitting the addition or conversion of rear yard structures to housing units.

Further reductions to housing development potential could potentially occur along Cesar E. Chavez Avenue, currently zoned for mixed-use development with a permitted density of 1 unit per 400 square feet of lot area and unlimited height. This corridor is designated under the current Community Plan as a Regional Center and Commercial Center but is designated as a Historic Cultural Monument (HCM). In order to achieve its historic preservation objectives, the Proposed Plan proposes a new height limit of 2 stories, with an option to bonus to 4 stories with the provision of affordable housing and reduces the residential density to 1 unit per 800 square feet of lot area. The Proposed Plan also introduces a 2-story height limit along lower-scaled mixed-use neighborhood corridors, such as Wabash Avenue, Lorena Street, and 1<sup>st</sup> and 4<sup>th</sup> Streets, east of Evergreen Avenue. These streets are currently zoned a combination of R2-1, RD1.5-1, C2-1, and [Q]C2-1, with a [Q] condition that limits future development to the provisions of the RD1.5 zone. The R2-1 zone currently has a height limit of 33 feet; RD1.5-1 has a limit of 45 feet; and C2-1 does not have a height limit. The Proposed Plan introduces a 2 story-height limit with a Maximum Bonus Height of 4 stories for projects that provide affordable housing. These blocks will be zoned for a residential density of 1 unit per 800 square feet of lot area, increasing the number of units that can be built compared to the existing R2, RD1.5, and [Q]C2 zoning.

Any reduction in housing development potential in these areas resulting from the reduction in FAR or new height limits is offset by increases to housing development potential across other areas of the Community Plan.

Five primary areas are proposed to increase housing development potential:

1. Existing single-family residential zones bounded generally by Marengo Street, Pomeroy Street, Lord Street, and State Street are proposed to become low-density residential, permitting 2 units per lot instead of the existing zoning that permits 1 unit per lot.
2. Existing industrially zoned parcels by the Metro L Line Pico/Aliso Station, bounded by 1st Street, 3rd Street, Utah Street, and Mission Road are proposed as mixed-use zoning,

whereas today's industrial zoning does not permit ground up housing development on these parcels. The proposed zoning would permit 1 unit per 400 square feet of lot area, with a Base Maximum FAR Regulation of 1.5:1 and a Bonus Maximum FAR of 4:1 with provision of affordable housing.

3. Blocks surrounding Soto Station, generally bounded by Cesar E. Chavez Ave, 4th Street, St. Louis Street, and Mott Street, have increased housing development potential from the proposed residential density allowing 1 unit per 600 square feet of lot area. Current residential density in these blocks ranges from 2 units per lot, 1 unit per 2000 square feet of lot area, to 1 unit per 800 square feet of lot area.
4. Blocks surrounding the Indiana Station bounded by Lorena Street, 1st Street, 4th Street, and Indiana Street are currently zoned to allow only 2 units per lot. Blocks between Indiana Street and Velasco Street will be increased to allow 1 unit per 400 square feet of lot area and will be able to achieve a Maximum Bonus FAR of 4:1 through provision of affordable housing, and between Velasco Street and Lorena Street the residential density will be increased to allow 1 unit per 800 square feet of lot area.
5. An Industrial Mixed-use District adjacent to the Los Angeles River that is generally bounded by the 101 Freeway to the north, Mission Road, Utah St and Clarence St to the east, 7th Street to the South, and the Los Angeles River and Myers Street to the west, if approved, could result in higher community benefits with an additional 3,000 housing units to be added to the Plan area.

In addition to increases to development potential through individual zoning districts, built into the Proposed Plan are a number of new regulations that help streamline the approval process and facilitate a simpler and faster implementation for housing projects. These new regulations pertain to parking and open space. With respect to parking, the Plan removes all minimum parking requirements for projects within ½ mile of transit, which is consistent with the recently passed Assembly Bill (AB) 2097, and further, the Plan reduces parking from today's requirements in the remaining areas of the Plan Area where AB 2097 does not currently apply. This offers greater flexibility in providing the number of housing units that could range in size. Reduction in parking requirements also allows developers more building area to provide housing units; where height limits restrict how many floors a building can be, if a ground floor or second floor is utilized to provide required parking spaces, under the Proposed Plan, those floors could instead be used for residential units. In addition, open space requirements, which are based on the total number of units in a building under current zoning regulations, have tended to limit the total number of units that a project can yield. Under the Proposed Plan open space requirements have been restructured to be based as a percentage of lot area rather than on a per unit basis, which offers flexibility for housing projects to achieve desired unit types and sizes and increase the number of units that can be built on a lot as compared to current regulations.

Overall, zoning regulations such as height, density, and floor area ratio, as well as open space, minimum setback, minimum frontage and maximum lot coverage limitations, which shape the built form and determine the intensity of any use, including housing, are thoughtfully formulated to cumulatively increase the Plan Area's housing development capacity. As a result, the Boyle Heights Community Plan increases the capacity for up to 144,000 new housing units by the year 2040, compared to existing regulations which can only accommodate 6,000 more housing units over existing conditions within the same timeframe.

The Plan also introduces a Community Benefits Program to incentivize the production of affordable housing in exchange for higher development potential. The program offers additional density, height, and FAR and does not necessitate a discretionary process, providing additional opportunity for increased housing development. The Community Benefits Program expands where larger FAR and density increases are available, compared to today's Transit Oriented Communities (TOC) program. Many areas of Boyle Heights today are within TOC Tier 1 or Tier

2, which would permit up to a 50% or 60% increase in residential density, respectively. The Proposed Plan's Community Benefits Program would permit any property zoned with a "6" or "8" Density District up to a 70% increase in residential density and any property zoned with a "4" Density District up to an 80% increase in residential density, regardless of proximity to transit. The Community Benefits Program applies these density increases through the zoning on each parcel, whereas today's TOC program allows the density increases to change over time if and when bus and transit schedules change frequency.

Plans that result in a net downzoning or otherwise reduce housing and population (except for specified reasons involving health and safety, affordable housing and voter initiatives) are prohibited under SB 330. However, this does not apply to zoning efforts that reduce intensity for certain parcels as long as increased capacity on other parcels results in no net loss in zoned housing capacity or intensity. As described above, the Zoning Actions allow for the net increase of 144,000 housing units compared to 6,000 that could be built under current regulations, and therefore the Plan complies with this requirement.

## Summary of CEQA Findings

### CEQA Findings

The Proposed Plan, as modified (and analyzed in the DEIR as Alternative 3), is designed to provide guidance and regulations regarding the future development of the Boyle Heights Community Plan Area over an approximately 20-year period and its adoption would not constitute a commitment to any specific project or development. Therefore, the EIR considered issues at a broader Community Plan-level. Any future discretionary projects would need to be approved individually in compliance with CEQA. The Draft EIR found that the environmental impacts of most of the issue areas were either less than significant without mitigation measures or less than significant with mitigation. Based on the analysis contained in the Draft EIR, the Proposed Plan, as modified (Alternative 3 in the DEIR), 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 – Temporary Noise and Groundborne Vibration, Recreation and Transportation.

### Recommended Plan

The Proposed Project, as modified by the City Council, was analyzed in the Draft EIR as Alternative 3. As discussed in the Draft EIR, Alternative 3 would have more potential impacts that are associated with construction impacts and population as the Alternative would foreseeably result in more development and greater increase in population. These impacts would foreseeably occur if such development and growth occurred elsewhere. The Alternative would however reduce impacts associated with VMT, greenhouse gases, and energy, and as such was determined to be the environmentally superior alternative.

### Final EIR

Section 15088 of the CEQA Guidelines requires the lead agency, Department of City Planning, to evaluate comments on environmental issues received from public agencies and interested parties who review the Draft EIR and provide written responses. The lead agency received written comments on the Draft EIR from public agencies, groups and individuals. Responses to all comments received during the comment period will be included in the Final EIR. Pursuant to Section 15025(c) of the CEQA Guidelines, the City Planning Commission as a recommending body on the Proposed Project, as modified, is required to consider the Draft EIR and make a recommendation to the City Council. The Final EIR and associated CEQA Findings and Statement of Overriding Consideration will be provided to, and considered by, the City Council prior to adoption of the Proposed Plan and certification of the EIR.