
BOYLE HEIGHTS COMMUNITY PLAN UPDATE ERRATA TO ENVIRONMENTAL IMPACT REPORT

Introduction

The City of Los Angeles (City) prepared an Environmental Impact Report (EIR) for the proposed Boyle Heights Community Plan Update (Proposed Plan), Case No. ENV-2016-2906-EIR. The EIR was prepared in accordance with CEQA (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 et seq.).

The 75-day circulation period for public review and comment on the EIR was from July 28, 2022 to October 11, 2022. The EIR evaluates the impacts associated with the proposed project, which includes the Proposed Plan.

In response to the December 5, 2023, City Council's Planning and Land Use Management Committee's (PLUM Committee) recommendation to select Alternative 3 with additional clarifications/modifications as the preferred alternative, known as the "Revised Project," the City has identified areas of revision to the EIR. Accordingly, this Errata identifies and documents all necessary revisions to the EIR to change the Proposed Plan to the Revised Project. This Errata has been prepared by the City to fulfill its responsibility as the lead agency pursuant to California Environmental Quality Act (CEQA).

STATUTORY BACKGROUND (CEQA REQUIREMENTS)

The City of Los Angeles is the CEQA lead agency responsible for the Project. State CEQA Guidelines §15088.5 (a) requires that a lead agency re-circulate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that: (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 significant environmental impacts of the project, but the project's proponents decline to adopt it, or (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 & Game Com.* (1989) 214 Cal.App.3d 1043). Recirculation is not required when new information is added to the EIR which merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR.

On December 5, 2023, the PLUM Committee recommended approval of the Proposed Plan with amendments, and on December 12, 2023, the City Council considered approval of the recommendations of the PLUM Committee, with additional amendments. A summary of the modifications recommended for approval include:

- The area adjacent to the Los Angeles River ('River-Adjacent') and existing railroad tracks within the CPA is currently designated for Light and Heavy Industrial uses and developed primarily with lower-scale warehouse uses. Since the publication of the Draft EIR the River-Adjacent area was expanded and is generally bound by the 101 Freeway to the north, Mission Road, Utah Street and Clarence Street to the east, 7th Street to the South, and the railroad tracks adjacent to the Los Angeles River and Myers Street to the west. The City Planning Commission (CPC) had initially recommended a Light Industrial land use designation for this area, in effort to continue to allow for employment focused land uses.
- During the outreach process, consensus was mixed on the future vision for this area. The Draft EIR included an "Alternative 3 - Land Use Mix Alternative" scenario where the land use designations would be changed to a combination of "Hybrid Industrial" and "Community Center", both of which would allow for residential uses. The City Council considered approval of the use of Hybrid Industrial designations for the River-Adjacent area (contrary to Light Industrial uses, as recommended by the CPC), with a number of accompanying policy, zoning, and CPIO changes, including:
 - Refinement of General Plan Land Use and zoning to allow for Hybrid Industrial/Industrial Mixed-use designations that allow for ongoing light industrial uses and new housing;
 - The establishment of an inclusionary housing obligation in Hybrid Industrial land uses;
 - An expanded set of public benefits for non-residential projects within the Community Benefits Program, including new development incentives for Legacy Small Business, and expanded Community Facilities and Services;
 - The Industrial Mixed-use 6 (IX6) Use District would be introduced to correspond to the Hybrid Industrial land use designation that allows for a broad range of light industrial, commercial, and residential activities. IX6 allows for housing uses both through the adaptive reuse of existing buildings and through new construction. New housing structures would be required to provide 0.5 Floor Area Ratio (FAR) toward either a Productive Space (i.e. light manufacturing, artisanal manufacturing, or office uses), or through the re-homing of a Legacy Small Business.
 - The LM3, LM4, LM6, and LM7 Form Districts would be introduced to correspond to the Hybrid Industrial land use designation and tailored to allow building scales that are compatible with potential future housing development. The creation of the new LM7 Form District includes "bulk plane" requirements that are intended to address how new buildings relate to the adjacent Sixth Street Viaduct and Sixth Street PARC Project. The 4 and 8 Density Districts would be introduced to correspond to the Hybrid Industrial land use designation. These districts allow for residential densities that are compatible with future housing development within the subject area, at one unit per 400 square feet of lot area, and 800 square feet per lot area, respectively.
- Inclusionary Housing
 - Council District 14 (CD 14) requested at the CPC hearing on April 20, 2023, that City Planning conduct an economic analysis to determine the extent to which affordable housing units could be required as part of any new housing

development within the River-Adjacent area, were the City to allow housing uses. Based on the initial economic analysis, the following maximum set-aside percentages and Area Median Income levels for an inclusionary housing were recommended: 13 percent Acutely Low Income, 15 percent Extremely Low Income, 17 percent Very Low Income, and 22 percent Low Income. On December 5, 2023, this aforementioned recommendation was amended by CD 14 to change the mandatory inclusionary housing set-aside requirements for Low Income Households from 22 percent to 50 percent in the River-Adjacent area utilizing the Los Angeles Housing Department's Rent Income Schedule VI.

- Clarification to Density Districts in the General Plan Land Use Designation Map
 - The New Zoning Code establishes multiple new “zoning districts” that correspond to the Proposed Plan’s General Plan Land Use Designation Map. Under the New Zoning Code, the Proposed Plan enables a range of permitted densities (“Density Districts”) within a single land-use designation. The City Council requested that City Planning provide greater specificity to delineate specific parcels applicable to the respective Density Districts on the General Plan Land Use Designation Map.
- Legacy Small Business Incentives
 - Several strategies are being considered that would provide incentives to include Legacy Small Businesses (LSB) for incorporation in the BHCPU, as all Form Districts across the CPA are being modified so that any new building that incorporates a space to “re-home” a LSB may exempt the floor area for that business from its overall floor area calculation. The IX6 Use District previously mentioned would allow for the location of a LSB to count towards the 0.5 FAR Productive Space requirement that is required of new residential development projects in that zoning district. The Community Benefits Program is also being expanded to allow for non-residential projects to achieve bonus floor area and height by providing space for LSB within the IX6 Use District.
- Expansion of CPIO Historic Resources Subarea B
 - In order to protect historic resources in the CPA, several stakeholders requested that Subarea B be expanded to include numerous additional sites, primarily concentrated within the area bounded by Boyle Avenue, Cesar E. Chavez Avenue, Evergreen Avenue, and 4th Street.
- Additional Requests from CD 14 presented at the PLUM Committee on December 5, 2023 and considered for approval by the City Council on December 12, 2023
 - Amend the Boyle Heights Community Plan Implementation Ordinance (CPIO) to increase the requirement that 100% affordable housing developments provide a minimum of 30% of the total units with two-bedrooms or more (excluding projects for veterans, seniors, transition age youth and permanent supportive housing) to 60%;
 - Prepare an ordinance that would establish a Local Preference Program for Affordable Housing Units for Boyle Heights residents;
 - Prepare necessary ordinances to establish the same codified measures in tenant protections relative to Right-of-Return, RSO Unit Replacement and Tenant Anti-Harassment protection measures;
 - Require development projects that are within the adopted 6th Street Viaduct Underground Utility District (CF 17-0724) to provide the necessary onsite connections to receive underground power and telecommunications when performing work on or adjacent to their properties.

Overall, the City Council considered for approval the fundamental strategies of the Community Plan to address housing security and displacement, bolster the production of mixed-income and

affordable housing near transit and employment, especially around the River-Adjacent area of the CPA, and address long-standing environmental justice issues, all while protecting the cultural identity of the CPA.

In response to the City's desire to move forward with Alternative 3 as the preferred alternative and incorporate changes recommended by the PLUM Committee, the changes identified below have been made to the EIR and incorporated as part of the Revised Project. The Revised Project does not change or modify the analysis of environmental effects, the conclusion of the analysis, or the determinations contained in the Draft EIR. Additionally, none of the changes constitute significant new information that would require recirculation of the EIR, as described in State CEQA Guidelines §15088.5.

The changes to add Hybrid Industrial to approximately 101 acres in the River-Adjacent area would foreseeably decrease the development of housing dwelling units approximately by one percent (261 units), reduce population growth by approximately one percent (909 persons), as well as decrease employment growth by approximately one percent (476 jobs) compared to Alternative 3 analyzed in the EIR. Based on the §15088.5 CEQA requirements and definitions, the City determined that the Revised Project, as compared to Alternative 3 in this Errata, would not result in new significant unavoidable impacts and/or new mitigation measures and would result in the same impact conclusions as Alternative 3 analyzed in the EIR in all impact categories. Unavoidable significant impacts under this alternative would still occur under the Revised Project in the historical resources, air quality, construction noise and vibration, recreational facilities, and traffic safety related to highway off-ramps impact categories. Since the Revised Project would have similar to slightly less development to that of Alternative 3, it would result in similar impacts to public services and utilities, as impacts within these categories are largely driven by population, and the Revised Project would have a similar to slightly less number of housing units and population compared to the Alternative 3 that was analyzed. The Revised Project would not reduce any of the significant impacts of Alternative 3, and it would meet the project objectives and have similar environmental benefits related to greenhouse gases and energy use and sustainable development patterns as the Alternative 3 analyzed in the EIR. The Revised Project would allow new housing opportunities in the area of the CPA closest to Downtown Los Angeles, which is a major employment center and transit hub for the wider region. Due to the proximity to Downtown Los Angeles and new infrastructure investments in the River-Adjacent area, specifically the new 6th Street Viaduct Replacement Project and 6th Street PARC Project, if the Revised Project were to be adopted it is reasonably foreseeable that new housing development within the CPA would likely occur in the River-Adjacent area, which could lessen overall impacts to temporary construction (air quality and noise) in other areas of the CPA. Based on the ability to result in incrementally reduced environmental impacts and meet project objectives similar to that of Alternative 3 analyzed, the Revised Project is the Environmentally Superior Alternative.

The City has also determined that the additional policy changes requested by CD 14 and considered by the City Council would not substantially modify the conclusions of the previously circulated document. Introducing the inclusionary requirement in the River-Adjacent Hybrid Industrial land uses; Expanding the Community Benefits Program to allow for non-residential projects to achieve bonus floor area and height by providing space for Legacy Small Businesses within IX6 Use Districts; Expanding the Historic Resources Subarea B under the proposed CPIO; and any further refinements and clarifications to the General Plan Land Use, zoning and CPIO, would further achieve the strategies outlined in the Community Plan to further address displacement, environmental justice issues, increasing housing production near employment centers and transit nodes, while protecting the cultural identity of the CPA. These changes as well as future studies requested would not change the impact analysis.

CHANGES TO THE EIR

The following text changes are made to the EIR and incorporated as part of the EIR. The following changes are made to clarify the EIR based on the recommendations provided by the PLUM Committee. These changes further substantiate conclusions and/or clarify aspects of the previously circulated document. Recirculation of the EIR is not required as none of these changes reflect a determination of a new or more significant environmental impact than disclosed in the previously circulated EIR. Changes to the text are noted with underline and **bold** for added text and ~~strikethrough~~ for removed text.

The following text is changed to page 5.0-5 of the EIR:

**Table 5.0-1
Growth Projection Comparison per Alternative
in the
Boyle Heights CPA**

Scenario	Total Summary *			Percent Growth 2016-2040		
	Housing (du)	Population (person)	Employment (job)	Housing (du)	Population (person)	Employment (job)
2016 Existing/Baseline Conditions	22,000	86,000	26,000	-	-	-
SCAG 2016 RTP/SCS (2040)	27,000	93,000	35,000	23%	8%	35%
Boyle Heights Proposed Plan	33,000	115,000	39,000	43%	32%	50%
Alternative 1 – Low Transit Oriented Development Potential	30,000	105,000	38,000	30%	21%	46%
Alternative 2 – High Transit Oriented Development Potential	36,000	125,000	40,000	57%	44%	54%
Alternative 3/ <u>Revised Project</u> - Land Use Mix Alternative	<u>365,000</u>	<u>1243,000</u>	38,000	<u>576%</u>	<u>432%</u>	46%
Alternative 4 - No Project	28,000	98,000	32,000	22%	13%	23%

Notes: du = dwelling unit; SCAG = Southern California Association of Governments; RTP/SCS = Regional Transportation Plan/Sustainable Communities Strategy

* Numbers are rounded to the nearest thousand

Sources: SCAG 2016-2040 RTP/SCS; Los Angeles Department of City Planning, 2021

The following text is changed to page 5.0-42 to 5.0-43 of the EIR:

5.5.3 Alternative 3/Revised Project – Land Use Mix Alternative

Alternative Description

The “Land Use Mix” Alternative was included based on public input on the Proposed Plan to consider mixed-use development along the western portion of the CPA near the Los Angeles River. Generally, this alternative would make the same recommendations as the Proposed Plan but would change the land use designations near the Los Angeles River-

adjacent 'riverside areas' to Light Industrial, Hybrid Industrial (**IX6**), and Community Center. This alternative would permit mixed-use development in an area that the Proposed Plan designates and zones for industrial uses. From **US 101 to the north, Mission Road, Utah Street, Clarence Street and US 101 to the east, 7th Street to the South, and the railroad tracks adjacent to the Los Angeles River and Myers Street to the west** 3rd Street to 6th Street and Mission Road to Clarence Street, the proposed land use designation would change to Hybrid Industrial, and this area would be zoned with a 1.5:1 Base FAR and **2.5:1, 3.0:1 and 4.0:1 Bonus FARs**, with a densities of **1/400, 1/800 and limited by Floor Area**. New residential construction would be permitted in this area, but a minimum of ~~4.0:1~~ **0.5:1** FAR would be required for jobs-producing uses **and/or Legacy Small Businesses**. Between 6th Street and 7th Street, Mission Road to Highway 101, the land-use designation would be changed to Community Center, and the zoning would allow a 1.0:1 Base FAR with a 4.0:1 Bonus, and 1/400 density. These blocks would be zoned with a traditional mixed-use zone that permits residential and commercial uses but does not permit industrial uses. **Figure 5.0-1** shows the changes under the Land Use Mix Alternative compared to the Proposed Plan. Alternative 3/**Revised Project** was included to inform decision makers and foster public participation on an alternative that could result in higher community benefits by allowing greater residential and commercial development in the Boyle Heights CPA.

Alternative 3/Revised Project would include policy, zoning, and Community Plan Implementation Overlay (CPIO) District changes, including:

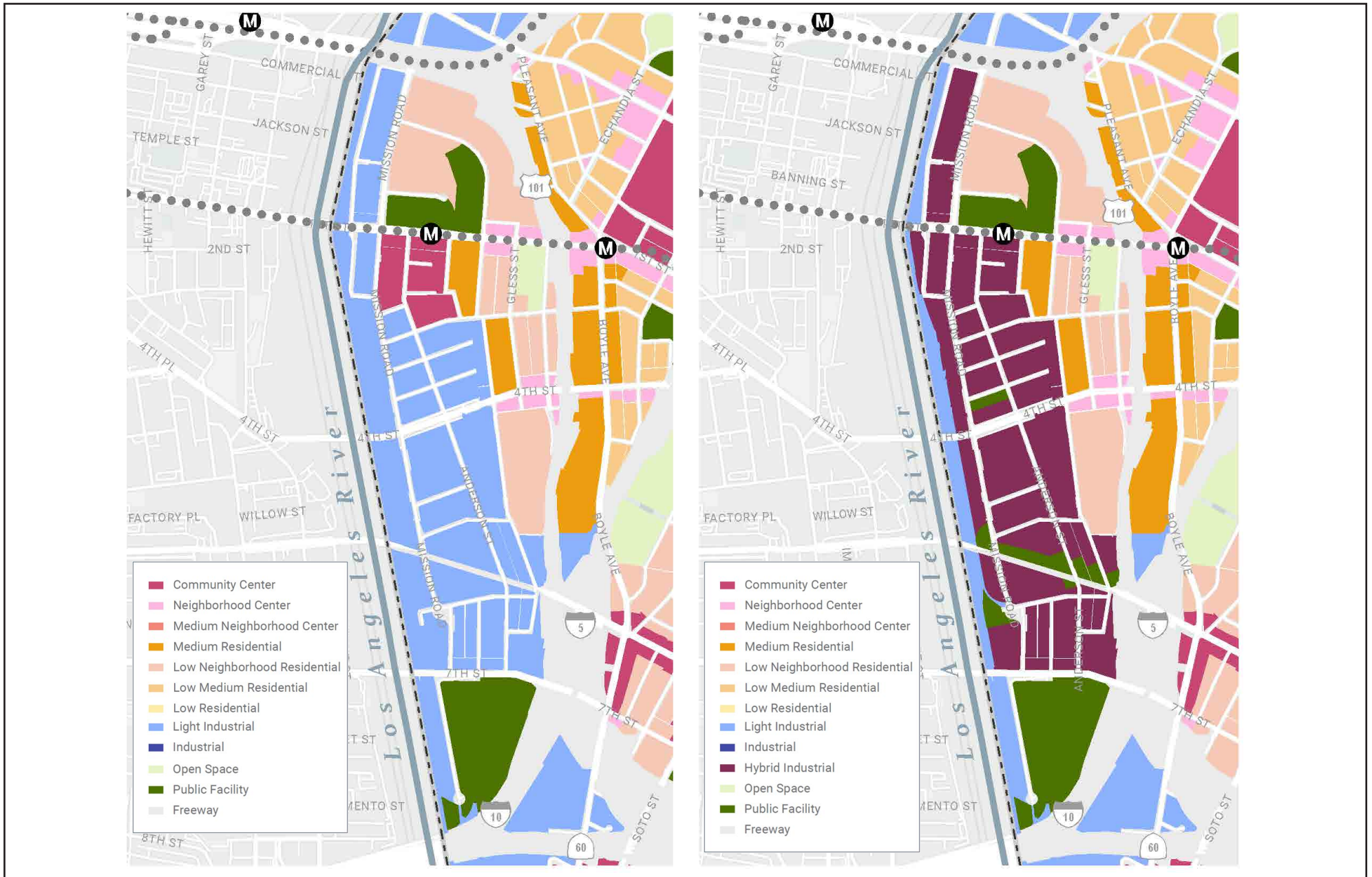
- **Refinement of General Plan Land Use and zoning to allow for Hybrid Industrial/Industrial Mixed-use designations that allow for ongoing light industrial uses and new housing;**
- **The establishment of an inclusionary housing obligation in Hybrid industrial land uses;**
- **An expanded set of public benefits for non-residential projects within the Community Benefits Program, including new development incentives for Legacy Small Business, and expanded Social Services;**
- **The Industrial Mixed-use 6 (IX6) Use District would be introduced to correspond to the Hybrid Industrial land use designation that allows for a broad range of light industrial, commercial, and residential activities. IX6 allows for housing uses both through the adaptive reuse of existing buildings and through new construction. New housing structures would be required to provide 0.5 Floor Area Ratio (FAR) toward either a Productive Space (i.e. light manufacturing, artisanal manufacturing, or office uses), or through the re-homing of a Legacy Small Business.**
- **The LM3, LM4, LM6, and LM7 Form Districts would be introduced to correspond to the Hybrid Industrial land use designation and tailored to allow building scales that are compatible with potential future housing development. The creation of the new LM7 Form District includes “bulk plane” requirements that are intended to address how new buildings relate to the adjacent Sixth Street Viaduct and Sixth Street PARC Project.**
- **The 4 and 8 Density Districts would be introduced to correspond to the Hybrid Industrial land use designation. These districts allow for residential densities that are compatible with future housing development within the subject area, at**

- one unit per 400 square feet of lot area, and 800 square feet per lot area, respectively.
- A 50 percent mandatory inclusionary housing set-aside requirements for Low Income Households in IX6 Use Districts.
 - The Community Benefits Program is being expanded to allow for non-residential projects to achieve bonus floor area by providing space for Legacy Small Businesses within the IX6 Use District.
 - CPIO Historic Resources would include the area bounded by Boyle Avenue, Cesar E. Chavez Avenue, Evergreen Street, and 4th Street

As shown in **Table 5.0-1**, under Alternative 3/**Revised Project** the Boyle Heights CPA is projected to have a population of 124**3**,000 residents, with 36**5**,000 housing units, and 38,000 jobs in 2040. SCAG projects a population of 93,000 residents in 2040 along with 27,000 housing units and 35,000 jobs in the Boyle Heights CPA. Therefore, Alternative 3 would exceed SCAG's population, housing units, and job growth forecasts in the CPA. Alternative 3/**Revised Project** would result in **32**,000 more housing units (**96**%), **98**,000 more persons (**87**%), and 1,000 fewer jobs (-3%) by 2040 as compared to the Proposed Plan.

Alternative 3/**Revised Project** was included based on comments during scoping and its ability to consider potential regional environmental benefits and because it would meet all of the main project objectives, although some to a lesser or greater degree than the Proposed Plan. It would meet the Primary Objective to provide a diverse range of housing typologies and income levels to a greater degree than the Proposed Plan, due to the increased potential for residential and mixed-use development near the Los Angeles River. For the same reasons, Alternative 3/**Revised Project** would meet the Secondary Objective to support jobs-producing uses by maintaining industrially planned lands for employment generating to a lesser degree than the Proposed Plan.

Figure 5.0-1 shows proposed changes to General Plan Land Use Designations in Alternative 3/**Revised Project** (right) compared to Proposed Plan (left). Changes include Hybrid Industrial land use between **US 101 to the north, Mission Road, Utah Street, Clarence Street and US 101 to the east, 7th Street to the South, and the railroad tracks adjacent to the Los Angeles River and Myers Street to the west** ~~3rd and 6th streets and Community Center land use between 6th and 7th streets.~~



SOURCE: City of Los Angeles, 2024

FIGURE 5.0-1

Alternative 3/ Revised Project – Land Use Mix Alternative

The following text is changed to page 5.0-56 of the EIR:

Recreation

Alternative 3 would accommodate more development and associated growth than the Proposed Plan. As with the Proposed Plan, any new development would increase the use of existing park and recreational facilities throughout the City, including in, around, and adjacent to the Boyle Heights CPA. The City of Los Angeles Public Recreation Plan states that in order to meet long-range local recreational standards, the City should maintain a minimum of two acres of neighborhood facilities and two acres of community recreational facilities for every 1,000 persons, or a combination of neighborhood and community facilities adding up to four acres. Under Alternative 3, the Boyle Heights CPA population is projected to increase to approximately 124~~3~~,000 residents by 2040, thereby decreasing the ratio of parks to residents to approximately 0.4 acres per 1,000 residents. Therefore, impacts to park and recreation facilities would be incrementally greater under Alternative 3 as compared to the Proposed Plan.

CONCLUSION

The changes to Alternative 3 represent an expansion of Hybrid Industrial land uses and are not enough to change any of the conclusions presented within the EIR, nor do these revisions constitute a substantial change that would require recirculation of the previously published EIR before certification due to new or increased impacts as they do not substantially change Alternative 3. There are only minor decreases in population, housing and employment projections that were included in the EIR. Alternative 3 remains the environmentally superior alternative.

As such, none of this new information added to the EIR substantially modifies the analysis or conclusions of the document, but instead merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR.