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June 1, 2018

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

Responses to Appeals of Case Nos. CPC-2015-4398-GPA-ZC-HD-ZAD-CU and ENV-2012-1962-EIR (CF 17-0872 and CF 17-0872-S1)

At its meeting of July 13, 2017, the City Planning Commission considered the redevelopment of the Baldwin Hills Crenshaw Plaza, which proposes the maintenance of the existing enclosed mall structure, cinema, and commercial building, and the new construction of 400 hotel rooms, 961 residential dwelling units, 331,838 square feet of additional retail/restaurant uses, 143,377 square feet of office and associated parking under Case No. CPC-2015-4398-GPA-ZC-HD-ZAD-CU. The City Planning Commission also considered a Development Agreement for a term of 20 years in exchange for the provision of community benefits with a combined value of \$4 million dollars under Case No. CPC-2016-3681-DA.

On August 3, 2017, the City Planning Commission approved the project, recommending approval of a Zone and Height District Change, and approving a Special Reduction of Off-Street Parking to allow a 10 percent parking reduction, pursuant to LAMC Section 12.24-Y, for commercial uses located within 1,500 feet of a transit facility, and a Zoning Administrator's Determination to allow shared parking for commercial uses. The determination for the DA, recommending approval, was also issued on August 3, 2017.

On August 18, 2017, one appeal was filed on the EIR, ENV-2012-1962-EIR, and seven appeals were filed on the entitlement case, CPC-2015-4398-GPA-ZC-HD-ZAD-CU. The appellants are as follows:

ENV-2012-1962-EIR:

- 1) Crenshaw Subway Coalition; Hyde Park Organizational Partnership for Empowerment (Damien Goodmon)

Date: 06/05/2018
Submitted in PLUM Committee
Council File No. 17-0872; 17-0872-S1
Item No. 8 & 9
~~Deputy:~~ Comm. from Planning

CPC-2015-4398-GPA-ZC-HD-ZAD-CU:

- 1) Los Angeles Tenants Union (Christina Sanchez Juarez)
- 2) Crenshaw Subway Coalition; Hype Park Organizational Partnership for Empowerment (Damien Goodmon)
- 3) Los Angeles Black Worker Center; Los Angeles Community Action Network (Gregory Akill, Jan Williams)
- 4) Jackie Ryan and Lauren Halsey
- 5) Expo Communities United (Clint Simmons, Kim Yergan, Robbye Davis)
- 6) Black Community Clergy & Labor Alliance; National Network-LA; Southern Christian Leadership Conference of Southern California.
- 7) Robert Farrell

The areas of concern raised by the aforementioned appellants are nearly identical in nature. The issues raised relate to issues of displacement and gentrification, reduced off-street parking, violations of the City's zoning and municipal codes, conformity with the City's General Plan and West Adams-Baldwin Hills-Leimert Parking Community Plan, and certification of the EIR.

For the Planning and Land Use Management (PLUM) Committee's consideration, the Department of City Planning has prepared the following response to address the appeal points raised by the appellants.

The Appellants are aggrieved by the CPC decision and Project approvals. This appeal is filed on the grounds that the CPC abused its discretion and erred. The Appellants adopt all arguments that have been included into the record thus far and will provide further documents and evidence to support the following justifications:

1) The Project's EIR fails to evaluate the direct displacement, indirect displacement and exclusionary displacement caused by this mega-development, which features 961 market-rate units in a low-income majority Black community with the median household income of \$36,564 for the 90008 zip code.

Response:

The appellant's claims that the EIR's failure to properly assess the project's environmental impacts to direct, indirect, and exclusionary displacement and gentrification on the community is not supported by substantial evidence. CEQA's Appendix G requires the Lead Agency to assess whether a project would result in the displacement of existing housing or substantial numbers of people "necessitating the construction of replacement elsewhere". The project site does not currently have any on-site housing or on-site residents. The project will replace surface parking areas and existing commercial uses with the development of 961 residential dwelling units, including 42 units as restricted affordable units serving households earning Workforce Housing incomes levels or lower. As such, the project increases the available housing supply in the community without resulting in the direct displacement of existing housing units or residents.

As to indirect or exclusionary displacement, the appellant has not provided evidence to support the assertions that the analysis undertaken, as required by CEQA is deficient. The subject of indirect or exclusionary displacement relates to economic and social conditions, where CEQA does not require the Lead Agency to evaluate a project's potential economic or social impacts, but rather those effects likely to result in physical change to the environment. (CEQA Guidelines

Section 15358(b); see also CEQA Sections 21002 and 21060.5.) If a project's economic or social effects should cause physical changes to the environment, those physical changes are considered secondary impacts that must be included in an EIR's impact analysis if those impacts are significant (CEQA Guidelines Section 15064(e)), and states that a Lead Agency can use a project's potential economic or social effects to determine if a project's physical changes to the environment would be significant. (CEQA Guidelines Section 15131(b).) In the instance of the redevelopment of the Baldwin Hills Crenshaw Plaza redevelopment project, the project will not have direct physical changes to displacement of existing housing or residents, and the provision of new housing on the project-site will not have secondary physical effects to the environment as it relates to the "replacement of housing elsewhere."

2) The Project Violates the City's Zoning and Municipal Codes.

The appellant asserts that the EIR is flawed, deficient, and lacking of sufficient evidence to support the City's recommendations and findings, rendering the entitlements void. This statement is erroneous and misleading. The EIR is required to assess the environmental effects resulting from the project. The requested entitlements in and of themselves do not necessarily cause impacts on the environment. The requested entitlements include a Zone and Height District change from C2-2D and [T][Q]C2-2D to [T][Q]C2-2D. The 'T' conditions relate to the required physical improvements in order to improve infrastructure in the areas adjoining the project. The 'Q' conditions are qualified conditions that, as defined in the LAMC, identify that a particular property "not be utilized for all the uses ordinarily permitted in a particular zone classification and/or that the development of the site shall conform to certain specified standards." The 'D' Limitation is defined in the LAMC as allowing "provisions may be made in an ordinance establishing or changing any Height District that a building or structure may be built to a specific maximum height or floor area ratio less than that ordinarily permitted in the particular Height District Classification; or that buildings may cover only a fixed percentage of the area of the lot; or that buildings be set back in addition to setbacks otherwise required by this Code."

As it relates to the redevelopment of the Baldwin Hills Crenshaw Plaza project, the 'T' conditions are specific to the required improvements to the project site and adjoining right-of-way, including street and sidewalk improvements, street lighting, and other improvements required of LADWP and the City's Bureau of Sanitation. The 'Q' conditions identify the specific development standards, including use, density, intensity of uses, parking, and other requirements necessary to develop the site consistent with the Exhibit A for the project, which specifies building locations, paseos, sidewalks, vehicular access, landscaping, etc. The 'D' limitation limits the allowable floor area to 3:1 across the project site, well below the 6:1 FAR for Regional Center Commercial as permitted in the General Plan Framework. This 'D' limitation replaces that which was established on March 7, 1990 under Ordinance No. 165,481, when the condition was to be administered by the Community Redevelopment Agency.

The EIR prepared for the project analyzed the impacts of the project's proposed uses and development consistent with the approved Exhibit A. To suggest that the EIR did not properly analyze the entitlements, rendering them void is disingenuous and unsupported by the facts. Moreover, Pages F1 through F-150 of the CPC Letter of Determination present the required findings for the project which include, but are not limited to, the required findings with regard to project's consistency with the city's Zoning and Municipal Codes. Specifically, page F-61 of the CPC Letter of Determination discusses the project's consistency with the Los Angeles Municipal Code (LAMC). As discussed therein, the proposed land uses are permitted by right in the Project Site's C2 zone, and the proposed setbacks are consistent with the requirements set forth in the LAMC. As stated on page F-12 of CPC's Letter of Determination, the recently updated West Adams-Baldwin Hills-Leimert Community Plan (Community Plan) designates the

project site as Regional Center and Transit Oriented Areas with Community Plan objectives focused on concentrating regionally significant mixed-use development with increased densities around transit station stops, thereby reducing vehicle trips. While Regional Centers in the Community Plan can achieve a 6:1 FAR, the project's proposed modified "D" Limitation will allow a FAR of only 3:1 across the project site, consistent with adjacent areas which allow a 3:1 FAR. The approval of the modified "D" Limitation would also be consistent with the Community Plan land use designation for the project site and is in substantial conformance with the purpose, intent and provisions of the General Plan as reflected in the adopted Community Plan.

The request to reduce required parking by 10% due to its proximity to a transit facility is consistent with the LAMC. The entitlement request, under LAMC Section 12.24-Y, permits a ten percent reduction in the required off-street parking if the Director finds that a commercial or industrial building is located on a lot no more than 1,500 feet distant from the portal of a fixed rail station, or bus station, or other similar transit facility. It further states that a station may be used as the basis of a reduction if the Director finds that the station is currently in use, has a full funding contract for its location and portals or a resolution has been adopted by the LA County Transportation Commission detailing specific stations and portal locations. Metro's Crenshaw/LAX Line is currently under construction, scheduled to open in 2019, and the project includes an at-grade portal at the southwest corner of Crenshaw Boulevard and Martin Luther King, Jr. In order to grant the reduction, the Director must find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the lot, and that the reduction will not otherwise be materially detrimental to the public improvements.

The project will provide a total of 6,829 parking spaces, including 4,829 spaces for the commercial uses and 2,000 spaces for the residential land uses. The North Area will provide 1,059 commercial parking spaces and 1,726 residential parking spaces for a total of 2,785 spaces. The South Area will provide 3,770 commercial parking spaces and 274 residential parking spaces for a total of 4,044 spaces. The proposed parking supply of 2,000 residential spaces and 4,829 commercial spaces would meet the LAMC parking requirements for both residential and commercial uses in existing and new parking facilities.

A shared parking analysis prepared specifically for this request determined that peak commercial parking demand on a weekend in June of 4,476 spaces would be accommodated by the proposed 4,829 commercial parking spaces. Therefore, in a typical month, parking demand would be satisfied. The peak parking demand in the peak month of the year, December, is higher than the proposed supply. On a weekday in December, the peak parking demand is estimated to be 5,551 spaces, 722 spaces greater than the parking supply. On a Saturday in December, the peak parking demand is estimated to be 5,677 spaces, 848 spaces greater than the parking supply. To accommodate demand during the peak shopping season in December, an operational Parking Management Program (Mitigation Measure L-7), includes measures such as tandem and off-site parking for employees, valet parking for customers, and encouraging employees to rideshare or use transit during December.

The record demonstrates that sufficient study was undertaken to determine the extent of the reduced parking determination, and programmatic measures were considered, and adopted as mitigation in the EIR, to accommodate the excess demand in December, including tandem and off-site parking for employees, valet service for customers, and ridesharing programs. Insofar as the City has demonstrated sufficient analysis as to the reduced parking request and efforts to address adverse effects to surrounding properties, the appellant has not provided any evidence to the contrary that disputes the findings of the City's shared parking analysis or that the

mitigation measure imposed on the project to address impacts of the shared parking determination during peak periods are erroneous or insufficient.

3) *The Project does not conform with the Intent of the City's General Plan and the West Adams-Baldwin Hills-Leimert Community Plan.*

The project's land use compatibility findings with regard to the City's General Plan can be found in pages F-1 through F-7 of the CPC Letter of Determination. As stated therein, the project promotes a transit-oriented, mixed-use development within an existing infill location in the Crenshaw Area in South Los Angeles. The project is designed as a pedestrian-oriented, mixed-use center with an emphasis on creating a network of walkable landscaped corridors that link visitors, residents, and employees throughout the Project Site and to the adjacent community. A component of the project is the establishment of an on-site mobility hub. The mobility hub will provide secure bicycle storage, shuttle services, and vehicle-sharing programs—including conventional and electric bicycles, scooters, and cars—to support "first-mile and last-mile" travel for transit users. With an on-site portal to the Crenshaw/LAX Light Rail line scheduled to open in 2019, the mobility hub will create a central hub for transit in the community. Furthermore, the recently adopted Community Plan describes transit oriented development and its associated environmental and policy benefits, concluding: "Compact development near transit stops can increase transit ridership and decrease rates of vehicle miles traveled (VMT), thereby yielding a good return on transit system investments. TOD can also provide mobility choices, increase public safety, increase disposable household income by reducing transportation costs, reduce air pollution and energy consumption rates, help conserve resources and open space, assist in economic development, and contribute to the housing supply." (Pages F-3 through F-68)

4) *The project does not conform with the Requirements of CEQA.*

The appellant's statements that the project does not conform with CEQA due to the modification of the Q condition, the D Limitation, the reduced parking requirement, failure to review and certify the EIR by the CPC and City Council, no assessment of gentrification's life cycle impacts, the EIR's failure to address the issue of displacement, claims that the project description is vague and shifting, and deferral of mitigation for traffic and neighborhood intrusion, the EIR's Public Services related to life safety being flawed, failure to adopt superior alternatives, and that the development agreement is insulting, is not based on any substantive evidence.

As mentioned previously, the imposition of new 'Q' conditions and the 'D' limitation, and the reduction were considered properly and were approved with the required findings. The certification of the EIR occurred with the approval of Vesting Tentative Tract Map No. 73675, which was heard on December 21, 2016. The Letter of Determination for the tract, issued on January 18, 2017, where the Deputy Advisory certified EIR and Errata, and adopted the Environmental Findings, Statement of Overriding Considerations, and the Mitigation Monitoring Program prepared for the EIR. The Advisory Agency's approval of the tract was not appealed and, as such, the certification and adoption of the EIR was complete. Upon its consideration of the EIR with respect to CPC's actions on Case Nos. CPC-2015-4398-GPA-ZC-HD-ZAD-CU and CPC-2016-3681-DA, the CPC only had to find that, based its independent judgment, after consideration of the whole of the administrative record, the project was assessed in the Baldwin Hills Crenshaw Plaza Master Plan EIR No. ENV-2012-1962-EIR and Errata, SCH No. 2008101017, certified on January 18, 2017; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR or addendum was required for approval of the project. The decision-maker's adoption of the proposed project is based on its consideration of the whole of the administrative record, including comments on the record, conformity with the applicable plans and policies governing the project site, including the recently adopted West Adams-

Baldwin Hills-Leimert Park Community Plan, the General Plan Framework, and other adopted codes and policies, and full knowledge and awareness of the environmental impacts related to the development of the proposed project. While Alternative 4 may have been analyzed, nothing in CEQA obligates the City to select an Alternative. CEQA permits Lead Agencies the discretion to consider the totality of the project, including all alternatives, provided that the project or alternative selected meets most of the project objectives and the CEQA analysis was prepared in accordance with the CEQA statutes and guidelines.

Assertions by the appellants that the project description is vague and shifting is unsupported by evidence. The Notice of Availability, the public hearing notice, the agenda for both the Advisory Agency's Subdivision hearing, and the City Planning Commission's Agenda for the project clearly describe the development as involving the retention of the enclosed mall structure, the new construction of 961 residential units, 400 hotel rooms, 331,838 square feet of additional retail/restaurant uses, 143,377 square feet of office, and associated parking. The appellant then claims that the EIR for the project proposals deferral of several matters, but does not specify how it does so or how it alters the maximum allowable development as contemplated in the project's noticing or approvals.

The CPC's recommendation of approval of the Development Agreement was not an appealable action, therefore the appellant's statements related to the Development Agreement in its appeal will not be considered.

5) The Project's Environmental Impact Report and related reports fail to properly evaluate the significant environmental and human impacts of this massive gentrification project on the historic Black Crenshaw community, which will worsen the Black homelessness crisis, Black worker crisis, and Black education crisis, and lead to increased police interactions with Black people that has proven deadly.

The comment states that the EIR is flawed as it did not evaluate potential displacement and gentrification which will then create interrelated social problems within Crenshaw's Black community, including labor, education, homelessness, and police interactions. As previously mentioned, CEQA does not include an independent requirement for a lead agency to evaluate a project's potential economic or social impacts, and that such impacts only need to be evaluated if those effects result from a physical change to the environment by the project. In addition, CEQA does not require a lead agency to evaluate a project's impacts that are speculative and not reasonably foreseeable. While the comment raises important economic and social concerns, the comment is not able to demonstrate that concerns related to gentrification, education, labor and homelessness arise from the project's environmental impacts. The project proposes the maintenance of the existing enclosed mall structure, cinema, and commercial building, and the replacement of surface parking areas and commercial uses to permit the new construction of 400 hotel rooms, 961 residential dwelling units, 331,838 square feet of additional retail/restaurant uses, 143,377 square feet of office and associated parking. CEQA properly analyzed the environmental impacts related to the project, identifying significant and unavoidable impacts related to Air Quality (construction, operation, concurrent construction and operation, and cumulative conditions), Noise (construction), and Traffic (operation and cumulative conditions). Because no existing housing or residents currently exist on the site, displacement of substantial numbers of housing units or residents was not an impact under CEQA.

Notwithstanding the critical issues raised about the socio-economic impacts related to development and infrastructure investment, such as the Crenshaw/LAX line, in the area, the

PLUM Committee
CF 17-0872 and CF 17-0872-S1
Page 6

Department of City Planning prepared the EIR in accordance with the required guidelines and statutes of CEQA, disclosing the environmental impacts associated with the project, and made the necessary findings of conformity and consistency with the applicable adopted plans, policies, and codes governing the project. As such, the Department of City Planning respectfully requests that the PLUM Committee deny the appeals.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Luciralia Ibarra
Senior City Planner

VPB:LW:CJR:LI:CTL