

March 6, 2018

## Advocates for the Environment

A non-profit public-interest law firm  
and environmental advocacy organization



Planning and Land Use Management Committee  
City of Los Angeles  
200 N. Spring Street  
City Hall—Room 360  
Los Angeles, CA 90012

Via U.S. Mail and email to [clerk.plumcommittee@lacity.org](mailto:clerk.plumcommittee@lacity.org)

Date: 3-6-18  
Submitted in PLUM Committee  
Council File No: 17-1422  
Item No.: 5  
Deputy: public

Re: PLUM Committee March 6, 2018 Meeting, Item No. 5, Council File #17-1422,  
Permanent Supportive Housing Ordinance, Case No. CPC-2017-3136-CA, ENV-  
2017-3137-MND

Dear PLUM Committee:

I write on behalf of Advocates for the Environment as well as this firm's client, Coalición para Proteger Lincoln Heights, a Lincoln Heights citizens group. We are concerned about the fact that the City is proposing to build six separate Permanent Supportive Housing (PSH) facilities in Lincoln Heights. While we generally support the City's efforts to accommodate the local homeless population, putting such a large number of PSH facilities in a single neighborhood unduly burdens that neighborhood. And it raises environmental-justice concerns. Even though some of the proposed PSH facilities are located in Venice, most of them, and many of the completed PSH projects, are located in relatively poor areas and areas populated primarily by people of color. Many of them are located in areas designated by the California Environmental Protection Agency as "disadvantaged communities" under SB 535. There are no PSH properties proposed, and no previously approved PSH projects, on the West Side of Los Angeles or in relatively affluent areas of the San Fernando Valley such as Sherman Oaks and Encino.

My clients are very concerned about the PSH Project's potential impacts on parking in Lincoln Heights. The sites the City chose for PSH facilities in that neighborhood are primarily City-owned parking lots that the City acquired based on an understanding with local businesses that the parking lots would continue to provide parking for businesses in the area. The PSH Ordinance allows PSH facilities to be built with no parking or minimal parking when they are to be occupied by disadvantaged or chronically homeless individuals. That would reduce the already scarce supply of parking in Lincoln Heights.

The PSH ordinance is inconsistent with the City's General Plan—the Framework Element and the Community Plans—in many ways. It allows the construction of PSH facilities in areas with land-use designations inconsistent with those facilities and with the relaxed standards contained in the PSH Ordinance. The proposed new Los Angeles Municipal Code (LAMC) § 14.00 A(13) declares that “the grant of any bonuses, incentives, or concessions under this subdivision shall not be considered an increase in density or other change which requires any corresponding zone change, general plan amendment, specific plan exception or discretionary action,” but the City cannot legally override its General Plan in this manner. Before the PSH Ordinance can be adopted by the City, the General Plan must be amended to be consistent with the ordinance, or the ordinance will be void when adopted. (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 541.)

The Mitigated Negative Declaration (MND) for the PSH Ordinance glosses over several potentially significant impacts. The Ordinance would potentially exempt hundreds of PSH projects over the coming years from CEQA analysis, but the MND fails to take into account the myriad different circumstances that may attend the various projects. From this perspective, the PSH Ordinance may be one of the most significant Projects the City has been asked to approve, in terms of its environmental impacts. The MND analysis assumes that 200 PSH units will be built each year for 10 years, and that another 1,000 PSH units/year may be built, based on Measure HHH funding. (Page II-5.) But the MND fails to include cumulative-impacts analysis showing the effects of these 12,000 PSH units that could be built over the next 10 years.

The MND analysis of the following effects fails to show that those effects will be mitigated into insignificance by the mitigation measures required by the MND:

- Aesthetics: nighttime glare from project lights. The MND just dismisses this as an issue, but adding hundreds of buildings, each with indoor and outside lighting, will add significantly to the area's light pollution. See [https://en.wikipedia.org/wiki/Light\\_pollution](https://en.wikipedia.org/wiki/Light_pollution)
- Air Quality: The MND's analysis (on page IV-6) says that each PSH project will likely be under the City's threshold, but the project enables the construction of thousands of such projects. The Project's cumulative air-quality impacts have not been adequately analyzed, given the potential for construction of 12,000 PSH units city-wide, and a great deal of other construction occurring in the City.
- Greenhouse Gases: The MND's analysis shows that the Project's GHG emissions may be on the order of 12,474 metric tons per year. (Page IV-32.) This is a large enough number to represent a significant impact, and the MND contains no analysis showing this amount would not be significant. It also indulges in improper CEQA piecemealing when it points out that most PSH projects would individually be exempt under SB 375. (Page IV-35.) The MND is required to analyze the entire Project, and not break it up into individual pieces, then find their individual environmental effects insignificant.

Many of the MND's discussions of environmental impacts, e.g. of native-American cultural resources, assume that applicable regulations will mitigate the impacts to a level that is insignificant, but the MND in many cases fails to provide evidence or analysis supporting these assumptions.

We request that, before approving the PSH Ordinance, the City Council:

- Re-evaluate the distribution of proposed PSH facilities to distribute them more fairly and evenly over the City, consistent with principles of environmental justice;
- Amend the General Plan to be consistent with the proposed ordinance;
- Find a way to replace the parking in Lincoln Heights that would be lost as a result of replacement of City parking lots with homeless facilities; and
- Prepare an Environmental Impact Report for the PSH Ordinance.

Sincerely,



Dean Wallraff, Attorney at Law  
Executive Director, Advocates for the Environment