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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/Correspondence related to Case Nos. CPC-2015-4398-GPA-ZC-HD-ZAD-CU and ENV-2012-1962-EIR (CF 17-0872 and CF 17-0872-S1)**

In order to address the issues raised by the appellants on the Environmental Impact Report (EIR) prepared for the Baldwin Hills Crenshaw Plaza Master Plan Project, the Department of City Planning requested the City's environmental consultant prepare a detailed response to the environmental issues raised in the appeals. Responses were also prepared for correspondence received at the City Planning Commission meeting. The attached documents include a more detailed analysis of the EIR's adequacy as it relates to the project and the appeals and correspondences.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

Luciralia Ibarra  
Senior City Planner

VPB:LW:CJR:LI:CTL

Enclosures:

ENV Responses to Appeals  
ENV Responses to Letters from CPC

**Department of City Planning  
Environmental Analysis Section  
Responses to Planning Commission Appeals**

**BALDWIN HILLS CRENSHAW PLAZA MASTER PLAN PROJECT**

**Case Number: ENV-2012-1962-EIR  
State Clearinghouse Number: 2008101017**

**February 2018**

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## 1.0 INTRODUCTION

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The City's Planning Commission (CPC) held a public hearing to consider the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project) and its environmental review on July 13, 2017. The CPC issued a decision on August 3, 2017, approving the Proposed Project's entitlements and concluding the Final EIR as certified by the Advisory Agency as a decisionmaking body for the City adequately reviewed the Proposed Project's potential environmental impacts and no Subsequent EIR or Addendum was required pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162 or 15164.

Several administrative appeals were filed challenging the CPC's approval of the Proposed Project's entitlements and environmental review. Although not required by CEQA, for the sake of full disclosure, the City has prepared detailed responses to every CEQA issue raised in all seven of the administrative appeals of the CPC's approval. The City has provided these detailed responses to ensure all CEQA concerns raised in the administrative appeals have been addressed.

The appeals and the responses to each of the seven appeals is provided in the following section. Copies of the appeals as submitted to the Department of City Planning are provided in Appendix A.

## **APPEAL NO. A1**

Crenshaw Subway Coalition; Hyde Park Organizational Partnership for Empowerment; & Damien Goodmon  
3818 Crenshaw Boulevard, Suite 314  
Los Angeles, CA 90008

### **Comment No. A1-1:**

Crenshaw Subway Coalition, Hyde Park Organizational Partnership for Empowerment, and Damien Goodmon (the "Appellants") are jointly appealing the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan.

### **Response to Comment No. A1-1:**

The comment identifies the individuals that filed a "Justification of Appeal to City Council" (Appeal) with regard to the July 13, 2017 decision of the City Planning Commission (CPC) and the August 3, 2017 Determination Letter for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). These individuals hereafter are collectively referred to as the "Appellants." The content of the Appeal is addressed in the responses provided below.

### **Comment No. A1-2:**

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.

### **Response to Comment No. A1-2:**

The comment states the Appellants' position that they have been "aggrieved by the CPC decision and Project approvals" and that the "CPC abused its discretion and erred." The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific CEQA or environmental issue concerning the adequacy of the Proposed Project's Draft EIR, Revised Draft EIR, Final EIR, or Errata to the Final EIR (collectively referred to hereafter as the EIR) that would affect the City Council's ability to conduct an independent review and certification of the Proposed Project's EIR. Further, this comment provides no indication as to the manner or nature of the referenced abuse of discretion.

### **Comment No. A1-3:**

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:

### **Response to Comment No. A1-3:**

The comment indicates that the Appellants have adopted all arguments that have been included into the City's administrative record to date and will provide further documents and evidence to support the

justifications that are identified in the comments that follow. As of this date, no further documents or evidence as referenced in the comment has been provided. The comment is noted for review and consideration by the decision-makers.

**Comment No. A1-4:**

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.

Several significant impacts were improperly assessed or not evaluated in the Project's EIR related to direct displacement, indirect displacement, exclusionary displacement and gentrification of the historically Black Crenshaw community that will be caused by this mega-development. This impact will definitely harm residents, particularly renters and seniors on fixed incomes.. [sic]

**Response to Comment No. A1-4:**

The comment states that the EIR is flawed as it did not evaluate potential displacement impacts. The comment is noted for the record for review and consideration by the decision-makers.

The subject of displacement relates to economic and social conditions. With regard to the EIR, CEQA does not include an independent requirement for a lead agency to evaluate a project's potential economic or social impacts. CEQA requires a lead agency to evaluate such impacts only if those effects will result in a physical change to the environment. (CEQA Guidelines Section 15358(b); see also CEQA Sections 21002 and 21060.5.) A project's economic or social effects that do not cause any physical impacts on the environment will not be considered significant effects on the environment. (CEQA Guidelines Section 15131(a).) If a project's economic or social effects will 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).) CEQA further 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).)

Additionally, CEQA does not require a lead agency to evaluate a project's impacts that are speculative. (CEQA Guidelines Sections 15064(d)(3), 15145; see also *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1185-86; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060-61.) A lead agency must consider an indirect physical change "only if that change is a reasonably foreseeable impact which may be caused by the project." (CEQA Guidelines Section 15064(d)(3).) A change that is "speculative or unlikely to occur is not reasonably foreseeable." (CEQA Guidelines Section 15064(d)(3).) While a lead agency must "use its best efforts to evaluate environmental effects . . . foreseeing the unforeseeable is not required, nor is predicting the unpredictable or quantifying the unquantifiable." (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco, supra*, 227 Cal.App.4th at pp. 1060-61.) Based on economic and practical considerations, courts recognize that "premature attempts to evaluate effects that are uncertain to occur or whose severity cannot reliably be measured is a needlessly wasteful drain of the public fisc." (*Id.* at p. 1061.)

While the comment raises important economic and social concerns, it is well-settled that a project's purely economic and social impacts need not be considered as an environmental impact under CEQA. (See *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 566 [holding a project's impacts to the community character were "psychological and social—not environmental"]; see also *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019-20; *City of Pasadena v. State of Cal.* (1993) 14 Cal.App.4th 810, 830 [disapproved of on other grounds in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559] [holding opponents of new location of a parole office provided evidence to "establish a possibility of a social impact," but did not "establish the requisite physical change" to require analysis under CEQA].) With respect to a project's potential economic and social concerns, whether to approve such a project "is a political and policy decision entrusted to the [public agency's] elected officials," and "[i]t is not an environmental issue for courts under CEQA." (*Preserve Poway, supra*, Cal.App.4th at p. 566.) "If the Legislature wanted to define 'environment' to include such psychological, social, or economic impacts on community character, it could have so provided." (*Preserve Poway, supra*, 245 Cal.App.4th at p. 581.)

Cases in which courts have found a lead agency must evaluate a project's potential economic impacts included evidence that a project could lead to business closures and the related physical impacts that would ensue from closed or abandoned buildings. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1207-12; *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1082.) Unlike the circumstances in those cases, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts nor does it state that the Proposed Project's economic impacts could lead to the physical impacts associated with closed or abandoned buildings.

After a thorough review of the referenced potential economic and social impacts described in this comment, the City finds that it cannot predict or quantify how those physical impacts may affect the environment and, therefore, such claimed impacts are too speculative for further evaluation. (CEQA Guideline 15145.)

Further, the City of Los Angeles previously analyzed the subjects of gentrification and displacement in connection with area development plans in South Los Angeles. As recently as 2016, the City received comments from members of the public raising concerns and questions regarding the potential for displacement of residents, threats of gentrification, and loss of affordable housing in connection with City updates to the South Los Angeles Community Plan, Southeast Los Angeles Community Plan, and the West Adams-Baldwin Hills-Leimert Community Plan<sup>1</sup>, which includes the Project Site. In response to those comments, the City concluded that plans to install new market-rate units in the area would not

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<sup>1</sup> The South Los Angeles Community Plan and Southeast Los Angeles Community Plan EIR is available for review at: [https://planning.lacity.org/eir/SouthAndSoutheastLA/SouthSoutheastLA\\_CoverPg.html](https://planning.lacity.org/eir/SouthAndSoutheastLA/SouthSoutheastLA_CoverPg.html).

The West Adams-Baldwin Hills-Leimert Community Plan EIR is available for review at: <https://planning.lacity.org/eir/westadams/westAdamsCoverPg.html>.

result in gentrification, the direct displacement of existing residents, or the net loss of affordable housing.

In fact, the West Adams–Baldwin Hills–Leimert Community Plan describes the plan area as: “a place where the enduring racial, ethnic and cultural inclusivity of South LA exists within a setting of economic prosperity. This is particularly true with regard to the African-American experience whereby many neighborhoods throughout the Community Plan area have given rise to numerous figures prominent in the City’s social and political history. The Baldwin Hills neighborhoods stretching from Leimert Park to Culver City, for instance, are collectively identified as one of the largest geographically contiguous middle and upper-income African-American areas in the United States.” (Page 1-1)

The Community Plan also articulates a vision for revitalization of older, established commercial corridors, such as the Crenshaw corridor, which concludes that future development will create jobs and strengthen economic self-sufficiency within the plan area. To that end, the plan states: “This approach to community development not only protects heritage, but also is a viable alternative to sprawl and generates local jobs, supports independent businesses, increases civic participation, and bolsters the community’s sense of place. As part of the regenerative process toward producing complete neighborhoods, the creation of diverse employment opportunities in all sectors is encouraged so that jobs will be distributed more equitably and made more accessible to nearby families, thereby strengthening local economic self-sufficiency and overall sustainability.” (Page 3-7)

The Community Plan also includes several housing policies that support the construction of new housing units in connection with its goal to create “A community that supports cohesive neighborhoods and lifecycle housing to promote health, well-being and safety” (Goal LU10) including:

**LU10-4 Individual Choice.** Promote greater individual choice in type, quality, price and location of housing. (P 155)

**LU10-6 Increase Homeownership.** Provide for development of townhouse and other similar condominium type housing units to increase homeownership options. (P108, P292)

**LU10-10 Moderate Income Homeownership.** Allow for the creation of townhouse and condominium development through new construction, conversion or adaptive reuse in order to meet the demands of moderate income residents thereby increasing access to affordable and moderate income homeownership opportunities. (P107)

A variety of other housing-related goals are reflected in the Proposed Project, which incorporates very-low income and workforce units as well as a mix of for sale and for rent units, including:

**LU9-1 Affordability.** Prioritize housing that is affordable to a broad cross-section of income levels and that provides the ability to live near work and achieve homeownership. (P119, P158, P290)

LU9-2 **Mixed-income Neighborhoods.** Strive to eliminate residential segregation and concentrations of poverty by promoting affordable housing that is integrated into mixed-income neighborhoods. (P158, P108, P292)

LU13-6 **Moderate-Income Housing.** Encourage the production of moderate-income housing in order to allow current residents, the children of current residents, and seniors an opportunity to continue living in the Community Plan area.

**Comment No. A1-5:**

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

**Response to Comment No. A1-5:**

The comment indicates that the Proposed Project violates the City's Zoning and Municipal Codes. The comment is noted for review and consideration by the decision-makers.

Pages F1 through F150 of the CPC Letter of Determination present the required findings for the Proposed Project which include, but are not limited to, the required findings with regard to Proposed Project consistency with the city's Zoning and Municipal Codes. Specifically, page F-61 of the CPC Letter of Determination discusses the Proposed 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.

The existing "D" Development Limitation that applies to the Project Site has an allowable FAR of 3:1 for each building or structure, but provides the total floor area of the entire Project Site shall not exceed a FAR of 1.5:1, as stated on page F-61 of the CPC Letter of Determination.

As stated on page F-12 of the CPC 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 for areas with these designations that are 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 Proposed Project's proposed modified "D" Limitation will allow a FAR of 3:1 across the Project Site and would make the allowable FAR 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.

Further, under the Redevelopment Plan for the Crenshaw Redevelopment Project adopted in 1984 and amended in 1991 (the "Redevelopment Plan"), the Project Site has an allowable FAR of 3:1, which allows 5,519,653 square feet of building area. As such, the Proposed Project exceeds the allowable FAR under the existing LAMC "D" Development Limitation by approximately 313,130 square feet, or by 11 percent, but is 2,446,697 square feet less than the total floor area permitted under the Redevelopment Plan. As such, the zone change to amend the "D" Development Limitation on all parcels within the Proposed

Project area will make it consistent with the floor area permitted for the Project Site by the Redevelopment Plan.

In addition, the Proposed Project includes the amount of open space required on-site pursuant to LAMC Section 12.21(G); provides parking in accordance with LAMC and Advisory Agency Parking Policy requirements subject to the granting of the Project Applicant's request to reduce parking as appropriate for transit-proximate uses; and proposed signage would also comply with the City's sign regulations. In addition, the Project Applicant is requesting to amend the existing "Q" condition that applies to the Project Site and requires parking for commercial and office uses within a 1.2 acre area at the northwest corner of the 43 acre Project Site to be provided at a rate of 3 spaces per 1,000 square feet. The requested amendment would instead require parking in that area to be provided at a rate of 2 spaces per 1,000 square feet, consistent with the parking requirements applicable to the majority of the Project Site (approximately 41 acres).

Additional discussion regarding Proposed Project consistency with the City's General Plan and Community Plan is provided below in Response to Comment No. A1-6. Pursuant to Section 12.32(C)(7) of the Municipal Code, and based on the CPC Letter of Determination, the Proposed Project has been determined to be consistent with public necessity, convenience, general welfare, and good zoning practice. Section IV.H, Land Use and Planning of the Draft EIR provides further consistency analysis of the Proposed Project with the LAMC with respect to permitted uses; setback requirements; height district and density requirements; open space requirements; parking requirements; and sign regulations and policies (see pages IV.H-45 through IV.H-47 of the Draft EIR). Given that the Proposed Project is consistent with the LAMC, the Proposed Project land use and planning impacts would remain less than significant, as identified in the EIR.

**Comment No. A1-6:**

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

**Response to Comment No. A1-6:**

The comment indicates that the Proposed Project does not conform with the intent of the City's General Plan and the Community Plan but fails to provide any substantial evidence to support the claim. The comment is noted for review and consideration by the decision-makers.

The Proposed Project's EIR determined that the Proposed Project would result in less than significant land use and planning impacts, based in part on the Proposed Project's consistency with the City's General Plan and Community Plan (see pages IV.H-32 through IV.H-42 of the Draft EIR). As stated therein, the City's General Plan Framework Element identifies Regional Centers as focal points of regional commerce, identity, and activity and offering a "diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services." The Framework Element goes on to state that Regional Centers provide "a significant number of jobs and many non-work destinations that generate and attract a high number of vehicular trips. Consequently, each center shall function as a hub

of regional bus or rail transit both day and night.” The Project Site is designated as a Regional Center and Transit Oriented Area in the prior and the recently updated Community Plan, consistent with the Framework Element for Regional Centers.

The Proposed Project’s land use compatibility findings with regard to the City’s General Plan start on page F-1 of the CPC Letter of Determination. As stated on pages F-1 through F-7, the Proposed Project promotes a transit-oriented, mixed-use development within an existing infill location in the Crenshaw Area in South Los Angeles. The Proposed 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 Proposed 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.

The 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.” (Page 3-68)

The Proposed Project is consistent with the applicable policies identified within the Community Plan. Given that the Proposed Project is consistent with the relevant Commercial, Transit-Oriented, and Regional Center policies of the Community Plan, the Proposed Project supports and is consistent with the General Plan Framework Land Use Chapter. As a result, land use and planning impacts would remain less than significant, as identified in Section IV.H of the Draft EIR.

The Proposed Project is consistent with the following Community Plan goals and policies:

- Goal LU48: A Regional Center that effectively generates a high quality retail environment whereby a mix of brand name establishments are located within close proximity to new and existing housing and recreational opportunities.
- Policy LU48-1 High-Quality Mixed-Use Development. Contribute to revitalization efforts within the Community Plan Area by providing an exemplary model of “smart-growth” consisting of high quality mixed-use retail, office, hotel, and residential development.
- Policy LU48-2 Adequate Density. Provide construction densities that adequately respond to market requirements in order to fully realize the development potential of underutilized areas of the Regional Center.
- Policy LU48-3 Economic Stability for Stakeholders. Enable economic viability for the Regional Center stakeholders while serving to enhance the economic stability of the City through significant increase in property and sales tax revenues, including

	transient occupancy tax revenues, through the provision of a high-quality, mixed-use environment.
Policy LU48-4	Variety of Homeownership Opportunities. Encourage a variety of housing ownership opportunities in mixed-use projects that incorporate retail, entertainment, office and hotel uses, thus creating a better balance of housing and employment opportunities.
Policy LU48-5	High Quality Residential. Where residential opportunities are considered within the Regional Center, provide a range of high-quality multi-family homeownership, and a high-quality leasing product at a range of prices.
Goal LU49:	A Regional Center that effectively addresses certain uses identified as detrimental to the health and welfare of the community due to nuisance, over-concentration or reliance on a standardized development typology often dominated by excessive automobile orientation.
Policy LU49-1	Efficient Use of Land. To eliminate and prevent the spread of blight and deterioration, create more pedestrian-friendly environments, and reduce car dependency within regional center commercial areas through a more efficient use of land that provides mixed-income housing ownership opportunities, clustered together with retail, hotel, office, and restaurant uses, as well as public open space near public transit.
Goal LU50:	A Regional Center that attracts uses which strengthen and diversify the economic base by expanding market opportunities for both traditional existing businesses and emerging new businesses.
Policy LU50-1	Phased Development Plans. Encourage the phasing of development plans in order to allow for the concurrent operation of existing retail operations while new structures and infrastructure are being constructed in a manner that minimizes disruptions to existing businesses.
Policy LU50-2	Land Use Equivalency Programs. Encourage implementation of land use equivalency programs that provide flexibility to exchange certain land uses of equal or lesser environmental impacts within the overall development envelope in order to accommodate market demands.
Policy LU50-3	Complement Adjacent Neighborhood Character. Provide opportunities for viable commercial, retail, entertainment, and office space in a manner that is complementary to the existing character of the adjoining commercial and residential neighborhoods.
Policy LU50-4	Identify Appropriate Revitalization/Redevelopment Areas. Identify additional appropriate revitalization/redevelopment areas and encourage uses that would enhance the economic vitality of the regional center.
Goal LU51:	A community where economic revitalization within the Regional Center is created by promoting enhanced pedestrian orientation.
Policy LU51-1	Structured Off-street Parking. Recommend that new developments within the Regional Center locate required parking within structures, interior to the property or below ground.
Policy LU51-2	Minimize Parking Footprint. Develop sites in a manner that minimizes the footprints of parking areas and buildings to allow more surface area to be improved with open space amenities, pedestrian circulation areas, and landscaping.
Goal LU52:	A community where mixed-use projects within the Regional Center that are well served or in close proximity to transit stations are promoted.

Policy LU52-1	Transit Served Business Districts. Support business districts outside of city centers that are well served by mass transit facilities.
Policy LU52-2	Prioritize Development within the Regional Center. Prioritize new development that follows equitable principles within the Regional Center.
Policy LU52-3	Prioritize Regional Center Mixed-Use Projects Adjacent to Pedestrian-Oriented Areas. Identify pedestrian-oriented community Regional Center commercial areas as preferred locations for mixed-use projects.
Policy LU52-4	Prioritize New Infill Development Close to Transit. Prioritize new infill development that is in close proximity to mass transit centers, stations and portals.
Policy LU52-5	Commercial Uses Along Ground Floor Frontages. Encourage the location of commercial uses along the first floor street frontage of buildings, including mixed-use projects and parking structures located within the Regional Center.
Policy LU52-6	Address Parking Demands. Allow for the provision of a sufficient amount of parking to accommodate project demands for a competitive and viable market place while not undermining transit goals and transit use by providing too much parking.
Policy LU52-7	Shared Parking. Allow for the provision of an efficient parking supply that includes shared parking between commercial uses.
Goal LU53:	A community that enhances the appearance and safety within the Regional Center.
Policy LU53-1	Landscaping. Enhance the visual appearance and appeal of the regional center commercial areas by providing perimeter and interior landscaping.
Policy LU53-2	Safe Multi-sector Commercial Environment. Create a safe, secure and defensible regional shopping area environment by integrating office, hotel and residential land uses.
Policy LU53-3	Improve Appearance of Existing Properties. Improve the appearance and landscaping of existing commercial properties.
Policy LU53-4	Preserve Significant Architectural Resources. Preserve community character, scale and significant architectural resources such as the original Crenshaw Shopping Center; its' anchor buildings, finial and bridgeway over Martin Luther King Jr. Boulevard.
Policy LU53-5	Safe Parking Areas. Improve safety and aesthetics of parking areas throughout the Regional Center.
Goal LU54:	A Regional Center that maintains and increases the commercial employment base for community residents by providing access to economic opportunity whenever possible.
Policy LU54-2	Generate Construction Jobs. Generate construction trade jobs and additional employment opportunities within the Regional Center commercial projects.
Policy LU55-1	Enhanced Pedestrian and Bicycle Connectivity. Promote walking and bicycle use through enhanced pedestrian connections and bicycle routes within mixed-use environments that integrate housing with employment opportunities.
Policy LU55-2	Urban Village Environment. Develop an urban village by providing a mix of land uses that generate opportunities for walking to destinations that are accessible to transit.
Goal LU57:	A Regional Center where public and community services are provided that contribute to and improve the health and welfare of the local community.

Policy LU57-1	Accommodate Patron Parking. Continue to provide free parking for patrons and employees of the Baldwin Hills-Crenshaw Plaza.
Policy LU57-2	African American Art Museum. Provide an African American Art Museum in one central space or in kiosks located throughout the BHCP retail mall component.
Policy LU57-3	Community Rooms. Provide community rooms for local groups to use as a general use meeting place.
Policy LU57-4	Support Charitable Organizations. Contribute to public awareness of the arts by providing subsidized lease agreements for not-for-profit charitable organizations such as the Debbie Allen Dance Academy.
Policy LU57-6	Free Cultural Events. Continue to provide free live cultural events for the public such as the Baldwin Hills-Crenshaw Plaza Live concert series.
Goal LU58:	A Regional Center where an ecologically sustainable future is prompted by encouraging adherence to accepted principles of “green” development.
Policy LU58-1	Community Gardens. Encourage architects and developers to envision and design projects that utilize open space common areas within residential and mixed-use developments for community gardens.
Policy LU58-2	Energy Efficient Building Designs and Retrofits. Encourage the retrofit of inefficient buildings and building operating systems with new architectural designs and energy efficient building systems and utility infrastructure that promote energy conservation.

Additional discussion of Proposed Project consistency with the Community Plan goals and policies listed above is provided in **Appendix B** of this document. The additional discussion provided in **Appendix B** supports the less than significant impact determination identified in Section IV.H of the Draft EIR with regard to the Proposed Project’s General Plan Framework Element consistency.

Furthermore, the Mobility Plan 2035 provides the policy foundation for achieving a transportation system that balances the needs of all road users. The Plan incorporates “complete streets” principles and lays the policy foundation for how future generations of Angelenos interact with their streets. The Plan includes five goals that are equal in weight and define the City’s high-level mobility priorities. The five goals include: (1) Safety First which focuses on topics related to crashes, speed, protection, security, safety, education, and enforcement; (2) World Class Infrastructure which focus on topics related to the Complete Streets Network, Great Streets, Bridges, and Street Design Manual; (3) Access for All Angelenos which focuses on topics related to affordability, accessibility, land use, operations, reliability, transportation demand management, and community connections; (4) Informed Choices which focuses on topics related to real-time information, open source data, transparency, monitoring, reporting, emergency response, departmental and agency cooperation and database management; and (5) Clean Environments and Healthy Communities which focuses on topics related to the environment, health, benefits of active transportation, clean air, clean fuels and fleets and open street events. As described above, the Proposed Project promotes a transit oriented, mixed use development within an existing infill location in the Crenshaw area. The Proposed Project is consistent with the applicable policies that support the goals and objectives of Mobility Plan 2035 (see **Appendix C** of this document) as follows:

- The Proposed Project is consistent with the City's policy to design, plan, and operate streets to serve multiple purposes by providing upgrades and enhancements to the existing internal circulation within the Project Site, which is located within an urban area with a mature street network serving vehicles, public transit, bicycles, and pedestrians.
- The Proposed Project will provide all employees, residents, and visitors/customers convenient access to transit services.
- The Proposed Project will provide enhancements to ensure a high-quality pedestrian environment.
- The Proposed Project will contribute to the City's policy to provide safe, convenient, and comfortable bicycle facilities with up to 855 secured bicycle parking spaces.
- The Proposed Project is designed to provide accessibility and accommodate the needs of people with disabilities as required by the ADA and the City.
- The Proposed Project will promote equitable land use decisions that result in fewer vehicle trips by providing upgrades and enhancements to the site within an urbanized area surrounded by a mix of neighborhood serving commercial uses and residential uses.
- The Proposed Project is consistent with the City's policy to provide for safe passage of all modes of travel during construction by preparing and implementing a construction management plan that would identify the location of any temporary lane and sidewalk closures and provide for measures to maintain both directions of travel or alternative routes.

The additional discussion of policies set forth in the 2035 Mobility Plan provided in **Appendix C** supports the less than significant impact determination identified in Section IV.H of the Draft EIR with regard to the Proposed Project's General Plan Framework Element consistency.

**Comment No. A1-7:**

4) The Project does not Conform with the Requirements of CEQA.

**Response to Comment No. A1-7:**

The comment states the Proposed Project does not conform with the requirements of CEQA. The comment is noted for review and consideration by the decision-makers.

As stated on page F-23 of the CPC Letter of Determination, the City is the "Lead Agency" for the project evaluated in the EIR, and has determined that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City also found that it has independently reviewed and analyzed the EIR for the Proposed Project, that the Draft EIR and the Revised Draft EIR which were circulated for public review reflected its independent judgment and that the Final EIR also reflects the independent judgment of the City.

The City found that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Proposed Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding both the Draft EIR and Revised Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods. In addition, although not required by CEQA, the City has prepared detailed responses to every CEQA issue raised in this and all other administrative appeals of the CPC Letter of Determination. (See CEQA Sections 21091(d)(2)(A), 21092.5; CEQA Guidelines Section 15088(a); *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 924, fn. 10.) The City has provided these detailed responses to ensure all CEQA concerns raised in the administrative appeals have been addressed.

Specific information provided later in the Appeal identifies what the Appellant believes to be deficiencies in the EIR. Each such issue is addressed in detail in the responses provided below. Based on these analyses all points raised in this appeal with regard to EIR deficiencies have been refuted. Further it is noted that none of the points raised in this Appeal presents or is supported by substantial evidence.

**Comment No. A1-8:**

The project's EIR is seriously flawed, deficient, lacks sufficient evidence to support the recommendations and findings, which make all the entitlement request void.

**Response to Comment No. A1-8:**

This comment notes that the “project’s EIR is seriously flawed, deficient, lacks sufficient evidence to support the recommendations and findings.” The comment is noted for review and consideration by the decision-makers.

The comment provides a generalized statement regarding the adequacy of the EIR. As stated in Response to Comment No. A1-7 above, specific information provided later in the Appeal identifies what the Appellant believes to be deficiencies in the EIR. Each of these issues is addressed in detail in the responses provided below. Based on these analyses, all points raised in this appeal with regard to EIR deficiencies have been refuted, and none is supported by substantial evidence.

**Comment No. A1-9:**

These include several matters we mention below, but we reserve the right to add objections.

**Response to Comment No. A1-9:**

The comment indicates that “several matters” are mentioned below and that the Appellant may add additional points.

Every issue set forth in this appeal has been addressed in the responses provided above and below this comment. As of this date, no further documents or evidence as referenced in the comment has been provided. The comment is noted for review and consideration by the decision-makers.

**Comment No. A1-10:**The CPC's Modification of the Q conditions was Improper

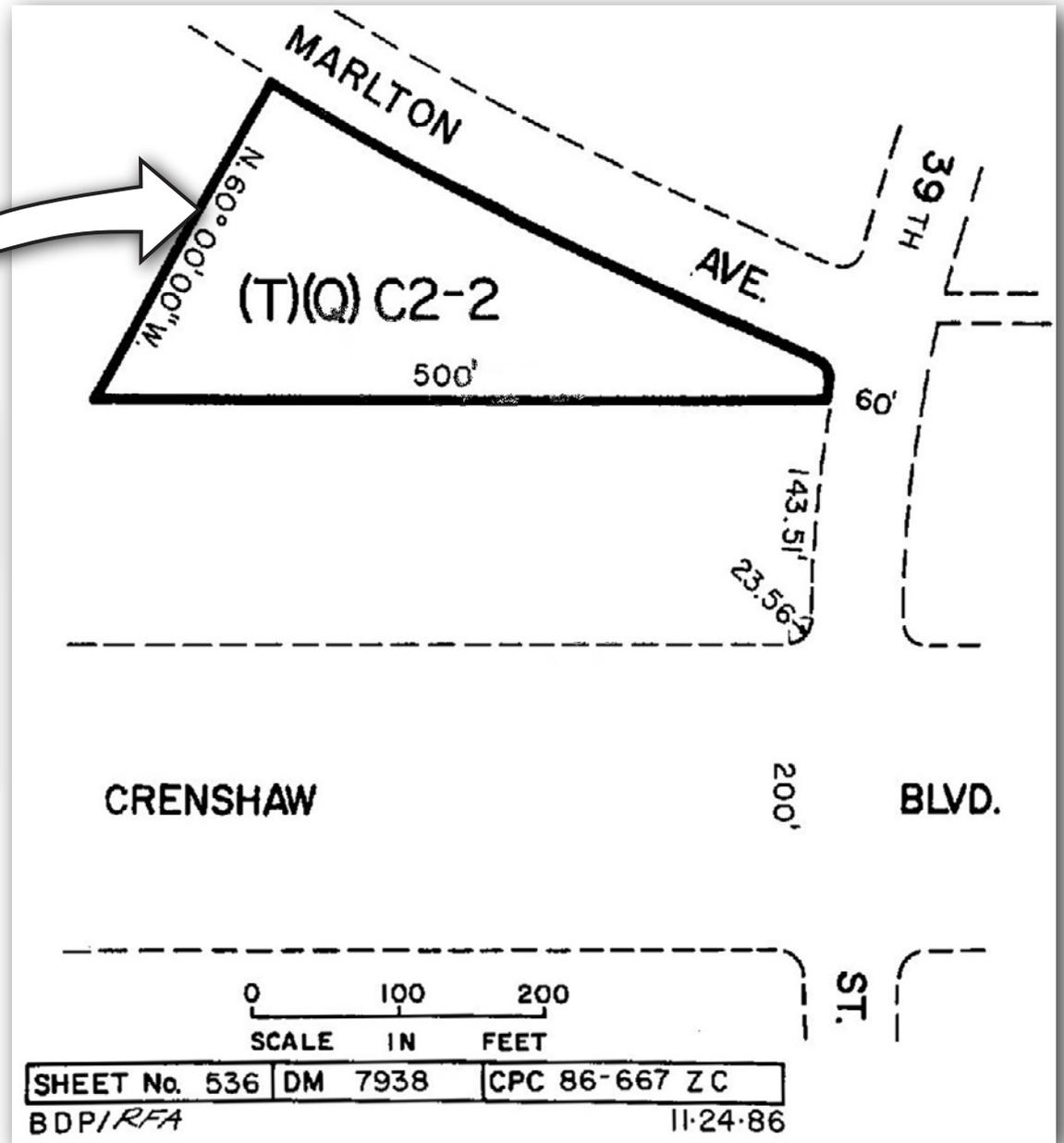
The City fails to properly analyze the request to provide reduced parking by modification of the Q condition. The municipal code provides that the purpose of a Q condition is to impose limitations necessary to "Protect the best interests of and assure a development more compatible with the surrounding property or neighborhood; Secure an appropriate development in harmony with the objectives of the General Plan; Prevent or mitigate potential adverse environmental effects of the zone change." The findings justifying the modification of the Q condition to permit far less parking than the code requires. Instead of determining how the (Q) condition benefits the community, the Findings discuss how the Project benefits the community. The construction of the Project does not depend on the Q condition. No where is it stated in the Findings does it connect a need to provide less parking with the ability of the project to benefit the community. Furthermore, given the shortfall of parking during peak demand days, the Q condition does not appear to serve the purpose of protecting the best interest of the community and ensuring compatible development.

**Response to Comment No. A1-10:**

The comment claims that the City failed to properly analyze the request to reduce parking requirements via modification of the Q condition. The comment is noted for review and consideration by the decision-makers.

In contrast to that characterization, the CPC Letter of Determination provides a detailed justification of the decision to modify the Q condition to allow parking requirements for commercial and office uses on a portion of the Project Site to be 2 spaces per 1,000 square feet rather than 3 spaces per 1,000 square feet.

The portion of the Project Site in question is approximately 50,000 square feet – 1.2 acres – out of approximately 43 acres for Project Site as a whole (less than 3% of the overall Project Site), as shown in Figure A1-1. By modifying the Q condition, the entire Project Site is now subject to the same set of parking requirements, and therefore the zoning regulations are consistent and simpler within the Project Site. Even if commercial or office uses were constructed within the area previously affected by the Q condition, the increased parking requirement would only be applied to the small amount of commercial or office space within that area. Based on the Project Site plan (stamped "Exhibit A" and dated March 2017, and attached to the Proposed Project's case file), that area would have a portion of an office building and a portion of a residential building with ground-floor retail. A conservative (high) estimate of the commercial square footage within this area is 25,000 square feet of office space and 10,000 square feet of retail space, for a total of 35,000 square feet. Without the Q condition modification, this area would require 35 additional parking spaces. The Proposed Project proposes to provide 4,829 commercial parking spaces compared to a Los Angeles Municipal Code requirement of 4,615 spaces. Therefore, even if the additional 35 spaces were required, for a total of 4,650 required, the Proposed Project would still provide a surplus of parking relative to city parking standards as set forth in the Los Angeles Municipal Code.



SOURCE: Gibson Transportation Consulting - October 2017

FIGURE A1-1

As stated in the Findings beginning on page F-12 of the CPC Letter of Determination, the Q condition regarding commercial parking on the Project Site was established in 1987 via Ordinance No. 162,020 to effectuate a zone change from P-2 to C2-2 as part of what the ordinance refers to as the Project Site Redevelopment. While Ordinance No. 162,020 provides no justification for the Q condition, the current General Plan, as well as the West Adams–Baldwin Hills–Leimert Community Plan, updated in 2016, contain policies to limit off-street parking, particularly in transit-oriented locations such as the Project Site:

Policy LU15-2: Parking Reductions Near Transit Stations. Strive to reduce parking requirements for developments that locate near major bus centers and mass transit stations and that provide pedestrian, bicycle, and exceptional ADA facilities.

Policy LU52-6: Address Parking Demands. Allow for the provision of a sufficient amount of parking to accommodate project demands for a competitive and viable market place while not undermining transit goals and transit use by providing too much parking.

Policy LU52-7: Shared Parking. Allow for the provision of an efficient parking supply that includes shared parking between commercial uses.

In addition, the Crenshaw/LAX light rail line will be open prior to completion of the Proposed Project and will provide major rail transit at the Project Site. The Proposed Project is ideally located and designed to take full advantage of this major enhancement to the public transit system in the vicinity. In addition, Mitigation Measure L-2 requires the Proposed Project to allocate space for and fund a mobility hub on the Project Site. A mobility hub would help to integrate the Project Site with nearby transit options and would reduce parking demand accordingly.

Finally, the comment incorrectly describes the required findings. Consistent with LAMC section 12.32, the zone change and height district findings provide that the recommended actions are deemed consistent with public necessity, convenience, general welfare and good zoning practice. As noted in the CPC Letter of Determination dated August 3, 2017, page F-12:

The project includes a Zone Change to the zone and is limited to a small triangular portion, located at the northwest corner of the site. The existing "Q" Condition established by Ordinance No. 162,020 requires parking for commercial and office uses a rate of three parking spaces per 1,000 square feet. The entire site is located within the Los Angeles State Enterprise Zone, which requires parking to be provided at a rate of two parking spaces per 1,000 square feet. Approval of the Zone Change will allow the entire project site to provide parking at a rate of two parking spaces per 1,000 square feet for the commercial and office uses, consistent with the Los Angeles State Enterprise Zone parking requirements. It retains the existing zoning pattern on the project site, does not grant additional development rights that are not otherwise applicable to adjoining properties, and is only necessary to bring the parking requirements into conformance with the current provisions of the LAMC.

The site is well served by Metro Local and Rapid bus lines, DASH routes, and the Metro Expo Line rail station on Crenshaw Boulevard and Exposition Boulevard. The Metro Crenshaw/LAX Line is also scheduled to open in 2019 with an expected ridership of 16,000, and the project will have an on-site portal to the Metro Martin Luther King Jr. station. This transit convenient location will facilitate increased usage of existing transit lines, and will further contribute to the similar parking requirements in the vicinity. Therefore, the Zone Change will be in conformity with public necessity, convenience, general welfare and good zoning.

In addition, the CPC Letter of Determination dated August 3, 2017, provides additional findings pursuant to LAMC Section 12.32(G)(2) that the proposed Q conditions for the Proposed Project (1) protect the best interests of and assure a development more compatible with the surrounding property or neighborhood, (2) secure an appropriate development in harmony with the objectives of the General Plan, and (3) prevent or mitigate potential adverse environmental effects of the zone change.

**Comment No. A1-11:**

The CPC's Modification of (D) limitation on FAR was Improper

The D limitation's purpose is to LIMIT floor area, not to increase it. The Applicants requested modification allows floor area averaging across the site, permitting the construction of larger structures in portions of the site. The municipal code does not include floor area averaging as a permissible component of a D limitation. Furthermore, the findings in support of the modified D limitation improperly evaluate the benefits of constructing the Project instead of considering the way in which the D limitation will assure a development compatible with the surrounding neighborhood.

**Response to Comment No. A1-11:**

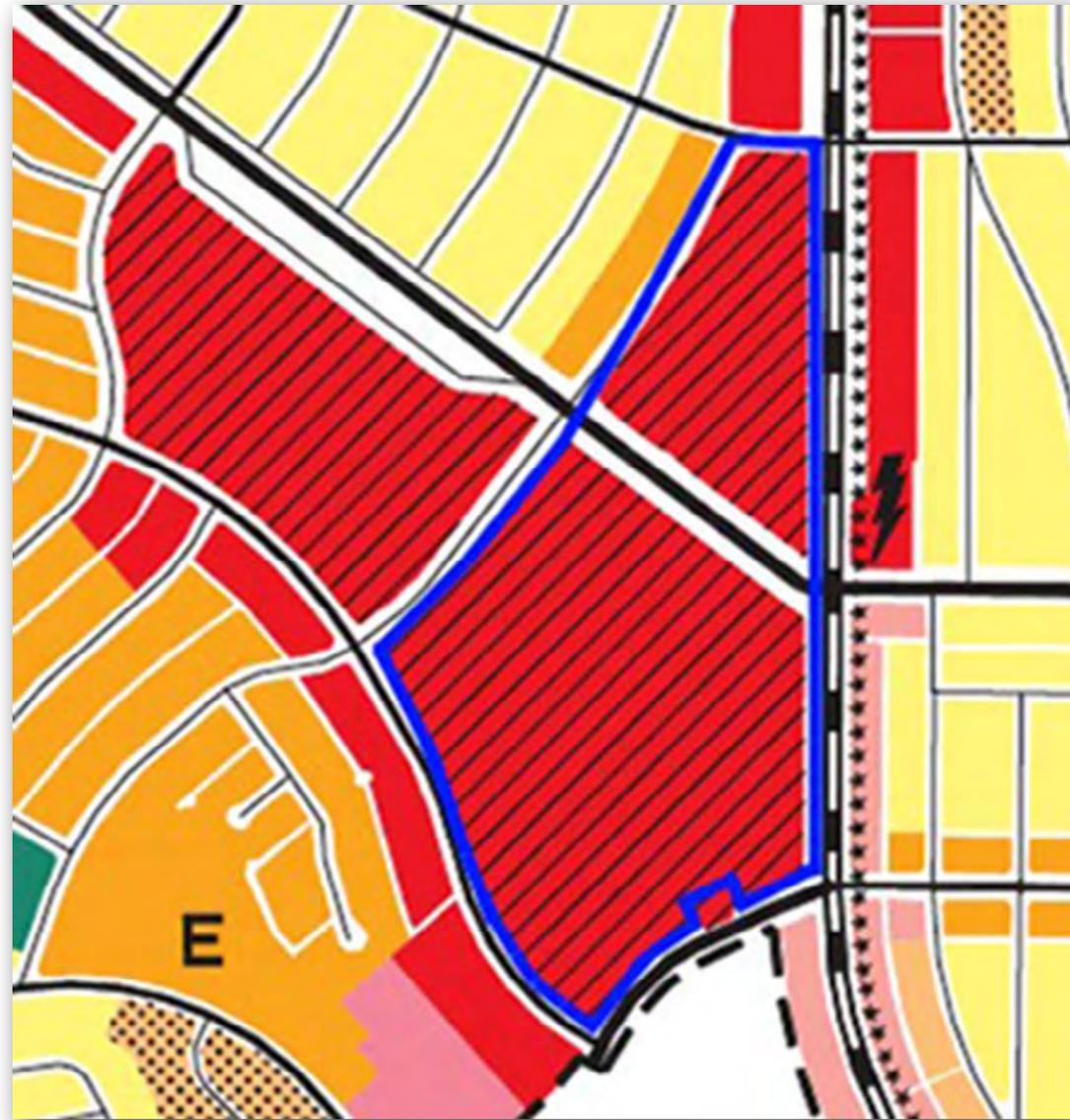
The comment addresses the Proposed Project's requested zone change to amend the Project Site's existing "D" Development Limitation Special Zoning Classification ("D" Limitation), which restricts the floor area permitted to occur on the Project Site. The comment also discusses the provisions of the LAMC with regard to a "D" Limitation, and the findings in support of the Applicant's requested modification of the "D" Limitation.

LAMC Section 12.32(G) specifies the provisions relative to all "Special Zoning Classifications," which include "D" Limitations. Specifically, Section 12.32(G)(4)(a) states that the purpose of a "D" Limitation is to establish "a specific maximum height or floor area ratio less than that ordinarily permitted in the particular Height District classification" on a project site. Further, Section 12.32(G)(4)(b) identifies the specific findings the City Council must adopt in establishing a "D" Limitation. These findings have been prepared for the Proposed Project and are set forth on pages F-13 and F-14 of the CPC Letter of Determination. As stated therein, the following findings are made with regard to the Proposed Project's "D" Limitation pursuant to the requirements of LAMC Section 12.32(G)(4)(b): (a) "The Project will protect the best interests of and assure a development more compatible with the surrounding property or neighborhood"; (b) "The project will secure an appropriate development in harmony with the

objectives of the General Plan”; and (c) “The project will prevent or mitigate potential adverse environmental effects of the zone change.”

As stated on pages F-12 and F-13 of the CPC Letter of Determination, the existing “D” Limitation that applies to the Project Site was established in the late 1980’s and early 1990’s, prior to the consideration and construction of Metro’s Crenshaw/LAX light rail line. The prior General Plan contained a footnote limiting development to a 1.5:1 FAR. The recently updated West Adams-Baldwin Hills-Leimert Community Plan deleted that footnote and removed the 1.5:1 FAR limitation (see Figure A1-2). The recently updated Community Plan designates the Project Site as Regional Center and Transit Oriented Areas. Community Plan objectives for areas with these designations are 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 Proposed Project’s proposed “D” Limitation will allow a FAR of 3:1 across the Project Site and would make the allowable FAR consistent with adjacent areas which allow a 3:1 FAR. As such, the proposed modification to the Project Site’s “D” Limitation does serve to limit development floor area, contrary to the comment.

Prior Community Plan



2010

**COMMERCIAL<sup>1</sup>**

	NEIGHBORHOOD	C1,C1.5,C2,C4, RAS3,RAS4
	GENERAL	C1.5,C2,C4, RAS3,RAS4
	COMMUNITY	CR,C2,C4, RAS3,RAS4
	REGIONAL	CR,C1.5,C2,C4,R3, R4,R5,RAS3,RAS4

**FOOTNOTES**

1. Height District No. 1.

Current Community Plan



2017

**COMMERCIAL**

	NEIGHBORHOOD	C1,C1.5,C2,C4, R3,RAS4
	COMMUNITY	CR,C1.5,C2,C4, R3,R4,RAS3,RAS4
	REGIONAL CENTER	CR,C1.5,C2,C4,R3, R4,R5,RAS3,RAS4

**Administrative Notes**

1. Boxed symbol denotes the general location of a potential facility.  
The symbol does not designate any specific property for acquisition.

SOURCE: City of Los Angeles, Department of City Planning

FIGURE A1-2

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. As stated on page F-13 of the CPC Letter of Determination, “The Zone Change [D limitation] makes the project consistent with the public necessity, convenience, general welfare and good zoning practices.”

In addition, the finding with regard to neighborhood compatibility, included in the CPC Letter of Determination, clearly states, as required by LAMC Section 12.32(G)(4)(b)(1), that the “D” Limitation will “ensure that the project is constructed as approved herein and subject to the mitigation measures and project design features identified in the EIR.” It is through these provisions that the Proposed Project will satisfy the requirements of LAMC Section 12.32(G)(4)(b)(1), which are to “protect the best interests of and assure a development more compatible with the surrounding property or neighborhood.”

With regard to floor area averaging, the comment is incorrect in stating that the “municipal code does not include floor area averaging as a permissible component of a D limitation.” As stated above, LAMC Section 12.32(G)(4) sets forth all provisions with regard to a D Limitation. Nowhere in this section of the LAMC is it stated or even implied that floor area averaging is not a permissible component of a D Limitation. Further, the Applicant’s request with regard to floor area averaging was made as a request for a Conditional Use Permit subject to LAMC Section 12.24((W)(19), and not as part of the Applicant’s requested D Limitation. Regardless, the CPC, at its meeting of July 13, 2017, dismissed without prejudice the requested Conditional Use to allow floor area averaging with regard to the Proposed Project.

**Comment No. A1-12:**

Zoning Administrator's Adjustment to Reduce Parking 10% and Conditional Use Permit for Shared Parking is Flawed

The record is devoid of any evidence that shared parking will adequately meet peak parking demand. In fact, in the two months of the year during peak parking demand, the findings show a shortfall of over 800 spaces. The program/mitigation measures proposed to address this significant impact are vague and poorly developed. There is a complet [sic] absence of any concrete performance standards and no specific plans to provide adequate parking. Therefore, it is improper to find that reducing parking beyond even the 2/1000 square foot commercial parking will not be materially detrimental to the public welfare or injurious to surrounding properties or improvements.

**Response to Comment No. A1-12:**

The comment states that the Proposed Project would not meet its parking demand during two months of the year and that the identified parking mitigation measures are not sufficiently developed, and concludes therefore that it was improper to reduce parking. The comment is noted for review and consideration by the decision-makers.

The Proposed Project’s parking was fully analyzed in Chapter 8 of the Transportation Study and Section IV.L.3.c.7 beginning on page IV.L-75 of the EIR. The parking requirement, set forth through the Los Angeles Municipal Code, is 6,583 spaces, including 1,968 for the residential uses and 4,615 spaces for

the commercial uses. The Proposed Project would provide 2,000 spaces for residential uses and 4,829 spaces for commercial uses, which is 32 spaces more than the residential requirement and 214 more than the commercial requirement. Despite approval of the reduction of the parking requirement and shared parking, the Proposed Project proposes to provide more parking than the Los Angeles Municipal Code requires even without any reductions.

#### Parking Demand

As noted above, the Proposed Project would provide 2,000 spaces for residential uses and 4,829 spaces for commercial uses, which is 32 spaces more than the residential requirement and 214 more than the commercial requirement. In addition to assessing Los Angeles Municipal Code-required parking, the Transportation Study undertook a demand analysis given the nature of the existing and continued shopping center use of the Project Site.

The peak commercial parking demand in a typical month, based on a shared parking analysis, is 4,367 spaces on a weekday and 4,476 spaces on a weekend. The peak commercial parking demand in the peak month (December, during the holiday shopping season) would be 5,551 spaces on a weekday and 5,677 spaces on a weekend. The Proposed Project would provide a total of 4,829 commercial parking spaces, which is sufficient to satisfy the demand during 11 months of the year. During December, however, there would be a shortfall of up to 848 commercial spaces based upon the demand analysis. Mitigation Measure L-7 would adequately address the parking deficiency during the month of December with a menu of parking management measures described below.

#### Special Permission for the Reduction of Off-Street Parking

The Special Permission for the Reduction of Off-Street Parking permits a reduction of the required parking for commercial uses on the Project Site by 10% from the level required by the Los Angeles Municipal Code. Page F14 of the CPC Letter of Determination cites the Proposed Project's proximity to transit and residential neighborhoods that may patronize the site, its provision of bicycle parking spaces, and mitigation measures that support additional non-auto modes of mobility in its findings in favor of the reduction. Therefore, it concludes, "the Project will enhance the built environment in the surrounding neighborhood by providing a mixed-use development that will provide jobs, retail, and parking to the community, city, and region." Further, on Page F17, it notes Policy LU15-2 of the Community Plan, which strives "to reduce parking requirements for developments that locate near major bus centers and mass transit stations."

As shown in Table IV.L-11 of the EIR and confirmed in the CPC Letter of Determination, the 10% reduction was only applied to a subset of the commercial uses projected. In total it reduced the commercial parking requirement by 100 spaces from 4,715 to 4,615 (an overall reduction of only about 2% of the total commercial parking requirement). Further, the Proposed Project proposes to provide 4,829 commercial spaces, which is 214 spaces more than the Code requirement and 114 spaces more than the requirement without application of the 10% reduction. While it is not anticipated at this time that the Proposed Project upon completion would make use of the 10% reduction, the Special Permission for the Reduction of Off-Street Parking will allow for a degree of flexibility in the parking

supply as the Proposed Project is developed over time. Therefore, the approval of Special Permission for the Reduction of Off-Street Parking will have no material effect on the availability of off-street parking at the Project Site, and will not be detrimental to the public welfare or injurious to surrounding properties or improvements.

#### Purpose of Shared Parking

Regarding the use of shared parking, Page F15 of the CPC Letter of Determination states “since activity patterns for specific land uses vary throughout the day and year, parking spaces can potentially be utilized by more than one land use ... Sharing of on-site parking spaces allows minimizes [sic] the need for parking facilities and provides for an alternate use of the land which better serves the housing, employment, and open space needs of the community. This in turn, allows for the current site design and layout, and reduces the required height, bulk/massing, visual impact, and consumption of materials and resources that would otherwise be needed to construct additional parking levels of parking [sic]. Therefore, the allowance for shared parking would enhance the built environment, while supporting the overall project and its benefits to the community, city, and region.” Further, on Page F19, it notes Policy LU52-7 of the Community Plan, which recommends allowance “for the provision of an efficient parking supply that includes shared parking between commercial uses.”

Chapter 8 of the Transportation Study and Section IV.L.3.c.7 of the EIR also included a full parking demand analysis. The parking demand was projected using the shared parking process as detailed in Shared Parking, 2nd Edition (*Urban Land Institute* (ULI) and *International Council of Shopping Centers* (ICSC), 2005). Shared parking is defined as parking space that can be used to serve two or more individual land uses without conflict or encroachment as a result of variations in the peak accumulation of parked vehicles as the result of different activity patterns of adjacent or nearby land uses as well as relationships among land use activities that result in people’s attraction to two or more land uses during a single auto trip. As a practical example, while retail use has a peak parking demand in the early afternoon, hotel parking demand peaks overnight and is lowest in the early afternoon. The highest parking demand of the two uses combined is equal to the peak demand of the retail added to the low demand for hotel at the time of the retail peak. Shared parking recognizes and accounts for this variation and allows parking demand to be met with a lower supply than simply summing together the individual peak parking demands of each land use.

The Proposed Project proposes to provide more parking spaces than required by the Los Angeles Municipal Code as previously discussed. Therefore, the approval of shared parking has no material effect on the availability of off-street parking at the Project Site, and will not result in adverse parking or traffic effects in the surrounding neighborhood. The Proposed Project’s application for approval of shared parking is not for the purpose of reducing parking requirements below what is required by the Los Angeles Municipal Code, as would often be the case with such a request. Rather, the purpose of shared parking in this case is because the Project Site is made up of various legal parcels, which typically would be required to individually provide parking sufficient for the development on that parcel. The shared parking approval allows for the collection of parcels making up the Project Site to be treated as a single parcel for the purposes of locating commercial parking, consistent with the Community Plan goals and

policies to provide shared parking and minimize parking footprint (LU 52-7 and LU 5-2). This allows for design flexibility and integration of the various uses within the Project Site consistent with the goals and policies set forth in the Community Plan.

#### Parking Management Program

Under Mitigation Measure L-7, the Proposed Project would implement an operational parking program during the holiday season to reduce parking demand through:

- Promoting ridesharing and transit, especially among project employees;
- Increasing parking supply using attendant or valet parking; and
- Moving employee parking off-site.

The focus on employee parking demand is important because as shown in Table IV.L-12 of the EIR, almost 1,500 vehicles on a weekday and 1,200 vehicles on a Saturday during the peak times belong to employees. With the parking management program in place, the parking supply and operational parking program will ensure that the Proposed Project's commercial parking demand does not result in adverse parking or traffic effects on nearby residential streets even during the peak holiday season.

Holiday-season parking operations programs such as this are common at shopping malls and major retail establishments in Southern California (Westfield Santa Anita, Glendale Galleria, Westfield Topanga, for example). By using underutilized office parking or school or park/open space parking lots that are available during holiday times, a project may avoid construction of parking spaces that would sit empty most for the vast majority of the year. A surface parking lot with 848 spaces would require approximately 6.5 acres of land – more than 15% of the 43-acre Project Site – which would sit empty eleven months of the year. This would have major environmental effects of its own, such as a heat-island effect. And this would be inconsistent with the adopted Community Plan which contains policies to limit off-street parking, particularly in transit-oriented locations such as the Project Site (see Response to Comment No. A1-10 for a listing of applicable Community plan policies) as well as those provided below:

LU51-2            Minimize Parking Footprint. Develop sites in a manner that minimizes the footprints of parking areas and buildings to allow more surface area to be improved with open space amenities, pedestrian circulation areas, and landscaping.

LU52-6            Address Parking Demands. Allow for the provision of a sufficient amount of parking to accommodate project demands for a competitive and viable market place while not undermining transit goals and transit use by providing too much parking.

Under Mitigation Measure L-7, the Applicant will commit to implementing valet parking with stacked parking on a portion of the commercial parking at the Project Site. At a minimum, stacked parking operated by a valet can accommodate one additional vehicle for each five striped parking spaces (a 20% increase in efficiency). If only the roof levels of the two contemplated parking garages were used by valets to stack park and aisle park vehicles, the capacity of these two areas would increase by

approximately 200 vehicles in total. This would leave a shortfall of 522 weekday spaces and 648 weekend spaces between Thanksgiving and Christmas (based on the highest potential holiday-season shortfall of 722 on a weekday and 848 on a weekend identified on Page IV.L-78 of the EIR) to be filled by off-site spaces or to be eliminated by increased transit usage by employees and shoppers.

A subsidized transit pass during the holidays could attract 10% of the employees of on site businesses to use transit, further reducing the peak demand by 150 on weekdays and 120 on weekends, bringing the size of the off-site parking program down to 372 on weekdays and 528 on weekends.

Off-site parking within a reasonable shuttle ride of the Project Site exists in the Study Area. Some examples of potentially available parking for lease would be:

<u>Site</u>	<u>Number of Spaces</u>	<u>Weekday</u>	<u>Weekend</u>	<u>Distance</u>
Stocker/Santa Rosalia Office	325		X	0.2 mi
West Los Angeles Cathedral	250	X		0.9 mi
Exposition Place Industrial	120		X	0.8 mi
Dorsey High School	125		X	1.0 mi
Rancho Cahuenga Rec Center	400	X		1.2 mi
Audubon Middle School	360		X	0.5 mi
Crenshaw High School	200		X	1.0 mi
West Los Angeles College	>1,000		X	3.0 mi
Kenneth Hahn Recreation Center	300	X		1.5 mi
Fox Hills Office Complex	>1,000		X	3.5 mi
<b>TOTAL</b>	<b>4,080</b>	<b>950</b>	<b>&gt;2,806</b>	

The above locations represent a sample of the large parking concentrations in the vicinity of the Proposed Project that have the potential for use as off-site parking during the peak holiday period. Mitigation Measure L-7 is sufficient to mitigate the estimated parking shortfall during the peak holiday season.

Based upon the above, substantial evidence of plans and improvements exists to support the COC conclusion that Special Permission for Reduced Parking will not be detrimental to the public welfare or injurious to surrounding properties or improvements.

**Comment No. A1-13:**

Failure to Review and Certify the EIR by the City Planning Commission and City Council

The Deputy Advisory Agency's notice for the EIR clearly stated: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." Yet,, now the City is claiming that the DAA's decision to certify the EIR for the VTT means that the EIR is permanently certified. This is an attempt to prevent the public from raising CEQA issues before the CPC and City Council.

This is direct conflict with CEQA's requirement that the City Council independently review the EIR prior to approving the Project, which, in this case, contains entitlements that only the City Council can approve.

The Court of Appeals have ruled:

"CEQA does not permit the City Council to delegate to the planning commission any aspect of FEIR certification, since the commission is not a decision-making body, and 'environmental review is not supposed to be separated from project approval.' Consistent with CEQA's fundamental principle requiring interpretation of its provisions so as to 'afford the fullest possible protection of the environment within the reasonable scope of the statutory language[,] it does not permit a 'bifurcation [which] would allow for a decisionmaking body to be bound by a finding made by a non-elected non-decisionmaking body that the final EIR is completed in compliance with CEQA, [as that] would skirt the purpose of CEQA by segregating environmental review of the EIR from the project approval....' Further, '[t]his could also produce a situation in which the City Council could be bound by a finding that it finds flawed - that the final EIR is complete and in compliance with CEQA.'"

*-Ca Clean Energy Committee v. City of San Jose*

**Response to Comment No. A1-13:**

The comment states that the City City Council must independently review the Proposed Project's EIR. The comment is noted for review and consideration by the decision-makers.

Contrary to the comment, the CPC complied with CEQA's requirements when it independently reviewed the Proposed Project's Final EIR and Errata (collectively, "Final EIR") and adopted CEQA findings for the Proposed Project. Before the CPC considered the Proposed Project, the City's Advisory Agency first held a hearing to consider the Proposed Project and review the Proposed Project's Final EIR on December 21, 2016. The Advisory Agency issued a decision on January 18, 2017, approving the Proposed Project's Tentative Tract Map and certifying the Proposed Project's Final EIR as a decisionmaking body for the City. The Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090, certifying that (i) a Final EIR for the Proposed Project had been completed in compliance with CEQA; (ii) the Final EIR was presented to the Advisory Agency as a decisionmaking body of the lead agency; and (iii) the Final EIR reflects the independent judgment and analysis of the lead agency. The Advisory Agency also adopted environmental findings, a statement of overriding considerations, and a mitigation monitoring

program for the Proposed Project. Pursuant to CEQA Section 21151(c), the LAMC provides a process for parties to appeal CEQA determinations to the City's elected decisionmaking body. The LAMC also provides procedures for aggrieved parties to appeal the Advisory Agency's approval of the Tract Map. (LAMC Section 17.06.) No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR.

The CPC held a public hearing to consider the Proposed Project and its environmental review on July 13, 2017. The CPC issued a decision on August 3, 2017, approving the Proposed Project's entitlements and relying on the Final EIR certified by the Advisory Agency as a decisionmaking body for the City. The CPC was not required to recertify the Proposed Project's Final EIR under CEQA Guidelines Section 15090 for the CPC's subsequent approval of the Proposed Project's entitlements. The CPC independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC, expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. No changes to the Proposed Project were made after the Advisory Agency certified the Final EIR, nor was there new information or a change in circumstances that would require revisions to the previously certified Final EIR.

Administrative appeals were filed challenging the CPC's approval of the Proposed Project's entitlements and environmental review. Although not required by CEQA, the City has prepared detailed responses to every CEQA issue raised in the administrative appeals of the CPC's approval. (See CEQA Sections 21091(d)(2)(A), 21092.5; CEQA Guidelines Section 15088(a); *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 924, fn. 10.) The City has provided these detailed responses to ensure all CEQA concerns raised in the administrative appeals have been addressed.

**Comment No. A1-14:**

Gentrification's Life-Cycle Impacts Not Assessed

EIR fails to identify the life-cycle environmental impacts of gentrification that would be triggered by this largely market rate residential Project. These impacts include, but are not limited to, the direct, indirect and exclusionary displacement of local residents, particularly renters, due to rising rents; increased travel time and associated air quality and traffic impacts from area workers who have been displaced; increased travel time and associated air quality and traffic impacts for area workers who cannot now afford housing in the vicinity of the project, and increased demand for residential development in lower cost, outer areas of the city which may still be undeveloped.

**Response to Comment No. A1-14:**

The comment states that the EIR is flawed as it did not evaluate the environmental impacts of residential displacement. The comment is noted for review and consideration by the decision-makers.

As stated in Response to Comment No. A1-4, CEQA does not include an independent requirement for a lead agency to evaluate a project's potential economic or social impacts such as housing affordability and market conditions, and that such impacts only need to be evaluated if those effects result in a

physical change to the environment. In addition, CEQA does not require a lead agency to evaluate a project's impacts that are speculative, and impacts that are not reasonably foreseeable are considered speculative. While the comment raises important economic and social concerns, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts. Instead, the few physical impacts that the comment alleges will result from the Proposed Project's potential economic and social impacts are speculative, as the City cannot predict or quantify if or how those physical impacts may affect the environment. Based on the speculative nature or absence of any potential physical impacts that may result from the Proposed Project's potential economic and social impacts, no further analysis of the Proposed Project's potential economic and social impacts is required under CEQA. Additionally, further analysis of the potential economic and social impacts of recent Community Plan updates does not support the conclusion that displacement will occur in the community surrounding the Proposed Project and underscores that the potential physical impacts from gentrification as alleged by the comment (e.g., air quality and traffic) are at most speculative. Refer to Response to Comment No. A1-4 for additional information regarding gentrification and displacement issues raised in this comment.

**Comment No. A1-15:**

Population and Housing Section is Flawed

The EIR only evaluates the issue of population growth in the project area. It fails to address the issue of the displacement caused by the Project's direct effect on the local housing market and the need to construct alternative housing elsewhere. Increased homelessness/houselessness, which disproportionately [sic] is felt by the Black community, have significant environmental impacts including, but not limited to: human waste and sanitation issues, and direct reduction in quality of life for residents of such tent cities and nearby residents.

**Response to Comment No. A1-15:**

The comment states that the EIR is flawed as it did not evaluate the affects of displacement on the housing market as well as the environmental and related impacts associated with "homelessness/houselessness." The comment is noted for review and consideration by the decision-makers.

The EIR addressed issues regarding displacement by indicating that the Proposed Project would add housing to the Crenshaw community and would not result in the demolition or removal of any existing housing units (see Section IV.J, Population, Housing, and Employment, and Appendix A, Initial Study, of the Draft EIR). The comment also raises CEQA-related issues that are substantially the same as those raised in Response to Comment Nos. A1-4 and A1-14. As concluded in Response to Comment Nos. A1-4 and A1-14, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts and the few physical impacts that the comment alleges will result from the Proposed Project's potential economic and social impacts are speculative. As such, no further analysis of the Proposed Project's potential economic and social impacts under CEQA is required at this time. Refer

to Response to Comment Nos. A1-4 and A1-14 for additional information regarding the issues raised in this comment.

**Comment No. A1-16:**

The Project's Description is Vague and Shifting

The Project Description and the entitlements purport to construct a specific Project consisting of specific residential, retail, hotel, and office uses with specific square footage, specific locations within the Project, and specific building heights. Yet the Project's EIR proposes the deferral of several matters including.

**Response to Comment No. A1-16:**

The comment is an introduction to the comments that follow. The comment is noted for review and consideration by the decision-makers. Based on Response to Comment Nos. A1-17 through A1-20, the Proposed Project's EIR does not include the deferral of any of the issues raised in these comments. Further, as stated on page F-23 of the CPC Letter of Determination, the City is the "Lead Agency" for the project evaluated in the EIR, and has determined that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. Refer to Response to Comment Nos. A1-17 through A1-20 for individual responses to the issues referenced in this comment.

**Comment No. A1-17:**

Deferral of Mitigation for Traffic/Neighborhood Intrusion

The Project's EIR identifies six neighborhoods that "might" be "susceptible" to neighborhood intrusion impacts, yet states that it cannot determine with further specificity whether any such impacts would occur and in which neighborhoods they would occur. Accordingly, the EIR does not propose any mitigation measures, even though the EIR admits, "there is a range of traffic calming measure that can be implemented that have been shown to reduce neighborhood intrusion traffic to a point of insignificance."

The EIR fails to concretely identify neighborhood intrusion impacts, fails to establish thresholds for when such an impact would be found in the future, and fails to establish thresholds for when such an impact would be deemed to have been mitigated. The \$300,000 in funding is clearly insufficient to mitigate impacts because the extent of such impacts is entirely unknown. The analysis is wholly speculative and unsupported.

**Response to Comment No. A1-17:**

The comment summarizes the results of the neighborhood intrusion impact analysis conducted for the Proposed Project, implying (though not specifically stating) that the lack of certainty regarding the impact and mitigation is improper, and claims that the analysis is speculative and unsupported. The comment is noted for review and consideration by the decision-makers.

The EIR's analysis of neighborhood intrusion impacts and the identification of the impacts and mitigation, are consistent with City policies and procedures. The thresholds for identification of a significant neighborhood intrusion impact are clearly described beginning on Page IV.L-47 of the Draft EIR, along with the conditions that must be met to potentially result in a significant impact. These thresholds also apply to determine whether an impact is mitigated. The Proposed Project met those thresholds in six neighborhoods within the Study Area, as described on page IV.L-71 of the Draft EIR.

However, to be conservative, as stated on page 198 of the Transportation Study and page IV.L-103 of the Draft EIR, "Due to the uncertainties surrounding the potential significantly impacted areas, including the uncertainty over whether any such impact will even occur, in an abundance of caution, for purposes of this analysis, the potential neighborhood intrusion impact is considered significant, and a Neighborhood Traffic Management Plan process by which the intrusion impact can be identified and mitigated if in the future any of the identified potentially impacted communities determines that it wants the measures to be implemented has been incorporated into the mitigation for neighborhood intrusion impacts." LADOT's Transportation Assessment for the Transportation Study states that "[t]he full extent of the potential for cut-through traffic will not be known until the proposed project is operational. Therefore, [LADOT] recommends that the applicant survey and monitor the residential street segments before and after project occupancy to assess the level of impact, if any, resulting from project-related traffic. If the impact is substantiated, then the applicant should be required to work with the affected stakeholders...The applicant shall also be responsible in implementing any measures approved by [LADOT] *and supported by stakeholders.*" (page 6; emphasis added).

As the EIR and LADOT describe, cut-through traffic cannot be forecasted with the degree of certainty of other types of traffic impacts, and therefore, the definitive determination of significance cannot be made prior to operation of the Proposed Project. Further, the mitigation measures that may be implemented to mitigate neighborhood intrusion impacts have a direct effect on the residents in the neighborhoods they are designed to protect, and in some cases those measures are deemed undesirable by neighbors. The City will not implement neighborhood protection measures on neighborhood streets without the approval of a majority of residents, and therefore these mitigation measures cannot be guaranteed to be implemented until the Neighborhood Traffic Management Plan (NTMP) is developed and approved by the residents. Therefore, the City's characterization of significant neighborhood intrusion impacts and their mitigation is wholly appropriate.

Further, as detailed in the CPC Letter of Determination, because Mitigation Measure L-9, which funds and coordinates implementation of the City's Neighborhood Traffic Management Plan process for the mitigation of neighborhood intrusion impacts, provides the option for neighborhoods to opt out of implementing this mitigation measure, the Proposed Project was determined to result in significant and unavoidable impacts with regard to neighborhood intrusion. The City's Advisory Agency, as a decisionmaking body for the City, adopted a Statement of Overriding Considerations for that and other significant and unavoidable impacts, in which it found that the Proposed Project benefits outweigh and override those impacts.

Finally, the sum of \$300,000 has been deemed sufficient and reasonable for mitigation of speculative significant impacts. By way of comparison, the following Neighborhood Traffic Management Plans have been approved for other recent City of Los Angeles projects:

<u>Project</u>	<u>AM/PM Peak Hour Traffic</u>	<u># Neighborhoods</u>	<u>Dollar Amt</u>
NBCUniversal Master Plan	2,241/2,197	4	\$300,000
5901 Sunset	411/461	1	\$ 80,000

LADOT reviews each project individually and sets the amount needed for the NTMP mitigation based on the number of neighborhoods potentially affected by each project and the size of those neighborhoods. In the case of the Proposed Project, LADOT felt that the \$300,000 allocated to NTMP was sufficient to address the potential for cut-through traffic through the use of speed humps and other non-restrictive measures that are aimed at solving the potential problems and not merely transferring potential problems to adjacent local streets.

In addition to the \$300,000 NTMP allocation, the Proposed Project Development Agreement as recommended by the CPC commits the Proposed Project to funding traffic calming investigations and improvements in the Crenshaw Manor neighborhood.

**Comment No. A1-18:**

Deferral of Mitigation for Parking

Both the EIR and the Project's Findings state that the project does not provide sufficient parking for peak parking demand on either weekdays or weekends at the time of year that parking demand is greatest (December). The shortfall is significant (over 1,000 spaces in the EIR, reduced to over 800 in the Findings). However, the mitigation measure addressing this issue is vague and undefined, leaving no guarantee that the proposed list of options to shift employee parking to unspecified locations, encourage transit and rideshare, and offer valet parking will adequately cover such a significant parking shortfall in a limited area. A direct result of the failure of such mitigation would be increased neighborhood intrusion, worsened air quality due to cruising, circling, and idling vehicles, and increased noise impacts.

**Response to Comment No. A1-18:**

The comment is noted for review and consideration by the decision-makers. Response to Comment No. A1-12 provides a detailed summary of the likely features of Mitigation Measure L-7, which requires development of a parking management program to eliminate the anticipated parking shortfall during the peak holiday season. As it describes, the Project Applicant will implement valet parking with stacked parking on a portion of the Project Site; transit pass subsidies may be employed to reduce employee parking demand. Additionally, a series of nearby off-site parking locations were identified that could make up the remainder of the shortfall through relocating employee parking. With this mandatory

mitigation measure in place, the potential secondary impacts that are described in the comment would not occur.

**Comment No. A1-19:**

The EIR Provides an Insufficiently Specific Mitigation Related to Transit

The EIR proposes that the Applicant provide an additional Metro bus to eliminate impact to transit, but Metro can deploy this bus wherever it finds useful in a 20-square mile study area, so there is no guarantee that will be used to offset the Project's increased demand on already stressed, overcapacity transit system, which service is frequently being cut.

**Response to Comment No. A1-19:**

The comment claims that there is no guarantee that the Metro bus provided by the Proposed Project would be used to offset the Proposed Project's demands on the transit system because Metro has the option to deploy the bus wherever most needed within the Transportation Study's analysis area (the "Study Area"). The comment is noted for review and consideration by the decision-makers. However, the very purpose of Metro's option to locate the bus where needed is to ensure, at the time that the bus is provided, that it can be deployed to the route that is most in need of additional capacity. The Metro Crenshaw / LAX light rail line will be open prior to Proposed Project completion, and travels along on the same route as Metro Bus 210 through much of the Study Area. Therefore, it is possible that additional bus transit capacity will not be needed on Metro Bus 210 at the time the Proposed Project provides the bus because of the additional corridor capacity that will be provided by the rail line. The flexibility built into Mitigation Measure L-1 forces the Project applicant to provide the bus as mitigation even if it is not needed on the currently-designated route. Metro will review ridership and capacity at that time and make the determination regarding the most appropriate route within the Study Area to augment service with the new bus.

**Comment No. A1-20:**

EIR Defers Complete Analysis of Impacts to Public Services including Sewer

The City's sanitation department could not say with certainty whether the existing sewer system could adequately accommodate the flow of wastewater from either the North or the South portion of the project, deferring to a later date the determination of the Project's impacts on wastewater, and specifically whether new sewer facilities would be required, and what the impact of such construction would be.

**Response to Comment No. A1-20:**

The comment addresses the provision of public services to the Proposed Project. The comment is noted for review and consideration by the decision-makers. While the heading statement for this comment references "Public Services including Sewer," the balance of the comment provided below this heading statement only addresses the sewer system that serves the Project Site. As no information regarding public services, other than the sewer system, has been provided, no further response with regard to this

portion of the comment can be provided or is required. Further, the analyses of all public services, including the sewer system, as set forth in Sections IV.K, Public Services, and IV.M., Utilities and Services, of the Draft EIR were prepared in accordance with all CEQA requirements and do not represent a deferral of analysis as defined under CEQA. Additional information with regard to the specific comments regarding the sewer system are provided below.

The analysis provided in Section IV.M.1, Wastewater, of the Draft EIR, was prepared using standard methodologies included in City of Los Angeles EIRs and reflects the provisions and requirements of the LAMC. Page IV.M.1-9 of the Draft EIR sets forth Regulatory Compliance Measure M.1 1 which states the following: “The Project shall be subject to the approval of a sewer permit and payment of a Sewerage Facilities Charge pursuant to Los Angeles Municipal Code Sections 64.11 and 64.12.”

Pages IV.M.1-10 and IV.M.1-11 of the Draft EIR also provide an analysis of potential impacts of the Proposed Project based on current operating conditions within the sewer lines serving the Project Site. Pages IV.M.1-11 through IV.M.1-14 analyze the Proposed Project’s cumulative impacts with regard to the availability of adequate sewer capacity to serve the Proposed Project. These analyses conclude that impacts would be less than significant on both a Proposed Project and cumulative basis.

In addition, Section 64.15(i) of the LAMC requires “that the City perform a Sewer Capacity Availability Review (SCAR) when any person **seeks a permit to connect** one or more properties to the City’s sewer collection system, or proposes additional discharge through their existing public sewer connection, or wishes to obtain a SCAR in anticipation of a future sewer connection and that future connection or that proposed or future development is anticipated to generate 10,000 gallons or more of sewage per day. A SCAR is an analysis of the existing sewer collection system to determine if there is adequate capacity existing in the sewer collection system to safely convey the newly generated sewage to the appropriate sewage treatment plant.” [Emphasis added]

Further, based on the provisions of LAMC Section 64.15(i), the appropriate time to determine if sufficient sewer capacity exists is at the time that a sewer permit is applied for since conditions may have changed that affect the capacity of the sewer line beyond what could have been known at the time the EIR analysis was prepared. Thus, should the City’s SCAR process determine that improvements to the sewer system that serve the Project Site are required, the Applicant, pursuant to LAMC Section 62.105, is required to obtain a “B” Permit or “S” permit from the City before connecting to the City’s sewer system<sup>2</sup>. Thus, prior to the development of a new building, the capacity of the sewer lines serving the building will be examined and upgraded as deemed necessary by the City of Los Angeles Bureau of Engineering pursuant to the requirements set forth in LAMC Section 64.15(i). In addition, new and/or upgraded sanitary sewers will be designed to conform to the standards of the City’s Bureau of Engineering. Further, the Applicant, pursuant to the requirements set forth in LAMC Section 62.105, will construct additional on-site sanitary sewer system improvements required to support the additional

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2 The type of permit (“B” permit or “S” permit) relates to the type of connection and/or improvement needed to connect to the City’s existing sewer system.

development and provide the funding as required by the City of Los Angeles Bureau of Engineering to improve the sanitary sewers located within City right-of-way, as required.

Construction impacts associated with potential upgrades to the sanitary sewer system (street, traffic detouring and control, and impacts to other utilities) would be limited to trenching for the sanitary sewer lines and would be temporary in nature. Therefore, consistent with the conclusions set forth in the EIR, the construction of sanitary sewer lines would not have any significant impacts for the Project Site or adjoining properties.

**Comment No. A1-21:**

Traffic Study is Flawed

Traffic study fails to include major nearby projects, including the massive Cumulus skyscraper project at the intersection of Jefferson and La Cienega. Accordingly, the traffic study does not adequately evaluate impacts of new project because the baseline and cumulative impacts analysis is based on an improper baseline.

**Response to Comment No. A1-21:**

The comment claims that the Transportation Study is flawed because it did not account for some recently approved developments in the Proposed Project vicinity. However, pursuant to CEQA Guidelines Section 15125(a), the analytical baseline for an EIR is based on the date that a project's Notice of Preparation (NOP) is filed. The Proposed Project's NOP was filed October, 2008. Traffic counts were conducted in 2008 and 2009, around the time of filing of the NOP. However, as the development of the Project progressed, the Existing Conditions analysis in the EIR was pushed forward to year 2011. Likewise although the future conditions analysis is required to be based on projects that are known at the time the NOP is filed, in the case of the Transportation Study, the list of related projects was updated through March, 2012, to include any projects proposed up to that point, in excess of what is required by CEQA.

The Draft EIR was first circulated in December 2014. The Cumulus project cited in the comment is located more than 2 miles away from the Project Site, near the edge of the Study Area. That project was not publicly announced until March 2015, well after completion of the Transportation Study and the initial circulation of the Draft EIR. The Proposed Project's Draft EIR was later recirculated, but without any substantive change to the transportation and circulation sections (the changes to those sections were limited to proposed parking supply and the amount of shopping center demolition anticipated during construction).

The Transportation Study includes traffic forecasts from many related projects proposed prior to March 2012 that have since been abandoned or terminated. In addition to traffic from related projects, the traffic analysis assumed 0.5% per year traffic growth to account for traffic growth from projects not yet proposed, projects too small to account for as a related project, or projects outside the Study Area. The Transportation Study accounted for 4.6% ambient growth over nine years from 2011 to 2020, which sufficiently accounts for traffic in the Study Area from the Cumulus project noted in the comment.

In total, considering related projects and ambient traffic growth, the traffic growth from the existing conditions to year 2020 future analysis conditions (not including Proposed Project traffic) was 10.4% during the morning peak hour, 12.3% during the afternoon peak hour, and 13.4% during the Saturday midday peak hour. By way of comparison, the 2010 Congestion Management Program for Los Angeles County forecasted total traffic growth between year 2010 and year 2020 at 1.4% for the West/Central Los Angeles area that includes the Project Site. Therefore, the traffic growth assumed in the Transportation Study was approximately 7-10 times higher than that forecast by Los Angeles County. As such, the traffic analysis as set forth in the Transportation Study represented a conservative forecast of future traffic conditions upon which to identify potentially significant Proposed Project impacts.

The conservative nature of that analysis has been confirmed by conditions observed in the field, as the traffic growth assumed in the Transportation Study between year 2011 and year 2020 has not occurred. The baseline data was reviewed periodically during development of the EIR and was always found to provide the most conservative baseline condition upon which to develop future traffic conditions and measure traffic impacts. Traffic counts from 2012 and 2014 at various locations analyzed in the Transportation Study were compared to the baseline data, and in each case the baseline was found to be the highest volume.

The Existing Conditions traffic volumes (which represent year 2011 conditions, based on traffic counts from years 2008 and 2009) were compared to year 2012 traffic counts available at 15 of the 55 study locations. During the weekday morning peak hour, traffic volumes were lower at 13 locations, equal at one location, and higher at one location compared to the traffic counts collected for use in the Transportation Study. During the weekday afternoon peak hour, traffic volumes were lower at 12 locations and higher at three locations than the Transportation Study counts. On average, the volumes were 9% lower during the morning peak hour (nearly a full level of service (LOS) difference) and 5% lower during the afternoon peak hour (one half of a LOS). A supplemental analysis was conducted of potential traffic impacts using these year 2012 counts in place of the Existing Conditions traffic volumes at these 15 locations. The EIR identified significant impacts at four of those locations under Existing with Project with Mitigation Conditions and six of them under Future with Project with Mitigation Conditions. Using the year 2012 counts as the new existing baseline condition, one of the intersections (Intersection #17, Crenshaw Boulevard & Jefferson Boulevard) would no longer be impacted under Existing with Project with Mitigation Conditions and one intersection (Intersection #1, Crenshaw Boulevard & 39th Street) would no longer be impacted under Future with Project with Mitigation Conditions. No new significant impacts would be created using the 2012 traffic volumes.

The 2012 traffic volumes were reviewed by LADOT staff and they agreed that the Transportation Study should continue to use the older, higher traffic counts because they resulted in a more conservative analysis (i.e., more likely to result in significant traffic impacts).<sup>3</sup>

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<sup>3</sup> Letter from Gibson Transportation Consulting, Inc. to T. Carranza of Los Angeles Department of Transportation titled "Traffic Volume Comparison for the Baldwin Hills Crenshaw Plaza Traffic Study" and dated November 26, 2013.

A second validation was conducted based on year 2014 traffic counts available at ten locations. Compared with the Existing Conditions traffic volumes from the EIR, the 2014 traffic counts showed lower volumes at seven of the ten locations during both the morning and afternoon peak hours. As with the 2012 counts, the impact analysis was tested using the 2014 traffic counts in place of Existing Conditions for the 10 intersections. The EIR identified significant impacts at one of those locations under Existing with Project with Mitigation Conditions and two of them under Future with Project with Mitigation Conditions. Using the year 2014 counts as the new existing baseline condition, the same locations would continue to be significantly impacted. No new significant impacts would be created using the 2014 traffic volumes. Also, Intersection #40 (La Brea Avenue & Adams Boulevard) would no longer be impacted prior to mitigation under either year 2011 or 2020 conditions, though this location was fully mitigated in the EIR.

The baseline data has consistently been demonstrated to provide the most conservative baseline for the Transportation Study analysis. The vast majority of newer traffic counts that have been conducted have shown lower volumes than the counts used in the Transportation Study and EIR, and even at those locations where higher volumes were counted, no new impacts would occur. Overall, the newer volumes result in lesser impacts than identified in the EIR. Therefore, it can reasonably be concluded that the year 2020 forecast conditions in the Transportation Study remain a conservative projection of traffic volumes, and that the Proposed Project's significant traffic impacts were adequately analyzed and disclosed.

In addition to the above, we note that since publication of the Proposed Project Draft EIR, LADOT has changed its policy from the previous assumption of 0.5-1.0% annual background traffic growth to one that utilizes the Los Angeles County Congestion Management Plan (CMP) growth rate. As cited above, this rate is 7-10 times less than was used in the Transportation Study for the Proposed Project. As this change to the City-wide ambient traffic growth standard indicates, the Proposed Project traffic analysis is conservative and all Proposed Project impacts have been adequately analyzed.

**Comment No. A1-22:**

Greenhouse Gas Emissions Analysis is Flawed and Fails to Comply with Supreme Court's Ruling

The Project's greenhouse gas emissions analysis is deficient and fails to comply with Supreme Court precedent regarding the analysis of greenhouse gas impacts. The EIR claims that an 18% reduction from "business as usual" emission constitutes an insignificant impact, but there is no substantial evidence supporting that conclusion. The 18% threshold is far lower than that discussed by the Supreme Court in the Newhall decision, which utilized a 30% reduction from BAU as a threshold to meet AB 32's goals of greenhouse gas reductions for a new development project. The EIR also includes in the supposed "reductions" from business as usual trip reductions from transit and internal capture which are already features of the project due to its location adjacent to transit. The BAU calculation for the project appears to be overstated and unsupported by substantial evidence.

**Response to Comment No. A1-22:**

The comment indicates that the greenhouse gas (GHG) emission analysis is flawed and lower than that recently considered by the California Supreme Court's Ruling in 2015 with respect to GHG.

Section 15064.4 of the CEQA Guidelines provides guidance to lead agencies in their analysis of a project's potential impacts related to GHG emissions. The section states that lead agencies "should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." CEQA Guidelines Section 15064.4 does not establish a threshold of significance for lead agencies to follow. Instead, the section recommends that lead agencies consider several factors when assessing the significance of a project's GHG emissions, including (i) the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting; (ii) whether the project emissions exceed a threshold of significance that the lead agency determines should apply to the project; and (iii) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

Section 15064.4 also states that lead agencies have discretion to rely on a model or methodology to quantify estimated GHG emissions from a project or to rely on a qualitative analysis or performance based standards. CEQA Guidelines Section 15064(h)(3) further states that a project's incremental contribution to GHG emissions may not be cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area of the project. CEQA Guidelines Section 15064(h)(3), therefore, allows a lead agency to conclude a project will have less than significant cumulative GHG impacts if a project complies with the adopted programs and/or other regulatory schemes to reduce GHG emissions.

The CEQA Guidelines encourage lead agencies to establish significance thresholds to evaluate projects' potential impacts on the environment. (CEQA Guidelines Section 15064.7.) While GHG emissions can be quantified, the California Air Resources Board (CARB), the South Coast Air Quality Management District (SCAQMD), and the City have not yet adopted project-level significance thresholds for GHG emissions that would be applicable to the Proposed Project.

The California Supreme Court reviewed lead agencies' methodology to review GHG emissions under CEQA's requirements in the case *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204 (also known as "*CBD v. CDFW*" or the "Newhall Ranch Case"). In that case, the California Supreme Court presented three independent pathways for a lead agency to review a project's potential GHG emissions, each of which could be followed to show a project would not have significant GHG impacts. First, a lead agency may compare the project's projected GHG emissions to a business-as usual scenario if the lead agency can determine what level of reduction from the business as usual scenario is required for a particular project at the proposed project location to help achieve the statewide goals under the California Global Warming Solutions Act of 2006 (AB 32). (*CBD v. CDFW*, at p. 229.) Second, a lead agency may assess consistency with AB 32's goals in whole or in part by evaluating a project's compliance with regulatory programs designed to reduce GHG emissions from particular activities. (*CBD*

v. *CDFW*, at p. 229.) To the extent a project's design features comply with or exceed the regulations outlined in the *Climate Change Scoping Plan* and adopted by CARB or other state agencies, a lead agency could appropriately rely on their use as showing compliance with performance based standards adopted to fulfill a statewide plan for the reduction or mitigation of GHG emissions pursuant to CEQA Guidelines Section 15064.4. (*CBD v. CDFW*, at p. 229.) Third, a lead agency may rely on existing numerical thresholds of significance for GHG emissions, although use of such thresholds is not required. (*CBD v. CDFW*, at p. 330.)

Consistent with CEQA Guidelines Section 15064.4's recommendation, the Proposed Project's EIR quantified the Proposed Project's potential direct and indirect GHG emissions related to construction, transportation, building operations, the use of water, treatment of solid waste streams, and emissions associated with equipment from landscape maintenance activities. (See Draft EIR, pages IV.C-25 to IV.C-27.) In the absence of an adopted numeric threshold of significance, the Draft EIR evaluated the Proposed Project's consistency with California's goals to reduce GHG emissions under AB 32 by 2020. Specifically, the Draft EIR considered the Proposed Project's potential GHG emissions as compared to the Proposed Project's emissions as if the Proposed Project were to be built under a business-as-usual (BAU) scenario.

The BAU scenario captures the amount of emissions that would occur in 2020 if no further actions were taken to reduce GHG emissions to meet the goals of AB 32. In 2011, CARB updated the projected 2020 BAU emissions inventory based on current economic forecasts and emission reduction measures already in place. The updated 2020 BAU emission inventory shows that a 16-percent reduction below the estimated BAU levels is required to return to 1990 levels by 2020 under the goals of AB 32. As shown in the Draft EIR (Table IV.C-5), the Proposed Project would result in a decrease in GHG emissions that represents an approximate 18 percent reduction from the BAU scenario. The Proposed Project will implement project design features and will be subject to all applicable state, regional, and local regulatory requirements that would reduce the Proposed Project's GHG emission and would represent improvements as compared to the BAU scenario. These reductions in GHG emissions reflect the measures set forth in the applicable GHG reduction plans and policies, and those reductions reflect how the Proposed Project will contribute to the State's GHG reduction goals.

Consistent with the approach to analyze the Proposed Project's GHG impacts as provided in CEQA Guidelines Section 15064.4(b) and *CBD v. CDFW*, the Proposed Project will also comply with regulatory programs designed to reduce GHG emissions from particular activities. As summarized in **Appendix D**, the Proposed Project is consistent with the applicable policies in state, regional, and local regulatory programs.

At the statewide level, the Proposed Project is consistent with the applicable policies in the CARB Climate Change Scoping Plan, including policies related to incorporating energy efficient standards in the Proposed Project's construction, reducing GHG emissions in the electricity sector, helping to achieve a renewable portfolio standards program, promoting a transition to less-polluting fuels, helping to achieve a 50 percent statewide recycling goal, and implementing water efficient management practices and incentives.

At the regional level, the Proposed Project will be consistent with the applicable policies in the Southern California Association of Governments' (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. Pursuant to the passage of SB 375 in 2008, SCAG was required to prepare a Sustainable Communities Strategy (SCS) to be incorporated into the Regional Transportation Plan. The purpose of SB 375 is to implement the state's GHG emissions reduction goals by integrating land use planning with the goal of reducing car and light-duty truck travel. Specifically, the SCS is required to demonstrate how the region will meet its GHG reduction targets, as adopted by CARB.

The SCAG region in 2012 included approximately 18.3 million people, 5.9 million households, and 7.4 million jobs. By 2040, the integrated growth forecast projects that these figures will increase by 3.8 million people, with nearly 1.5 million more households and 2.4 million more jobs. The 2016-2040 RTP/SCS is the region's approved transportation and sustainability investment strategy for protecting and enhancing the regions' quality of life and economic prosperity through this period. The 2016-2040 RTP/SCS implementation is expected to result in regional benefits to mobility, economy, health and sustainability, and compliance with the relevant policies in the SCAG RTP/SCS will help achieve the statewide goals under SB 75. For the SCAG region, CARB has set GHG reduction targets at 8 percent below 2005 per capita emissions levels by 2020, and 13 percent below 2005 per capital emissions levels by 2035. The 2016-2040 RTP/SCS is expected to meet or exceed those targets, with reductions in per capita emissions below 2005 levels by approximately 8 percent by 2020, 18 percent by 2035, and 21 percent by 2040. By meeting and exceeding the SB 375 targets for 2020 and 2035, as well as achieving an approximately 21 percent decrease in per capital GHG emissions by 2040 (an additional 3 percent reduction in the five years between 2035 [18 percent] and 2040 [21 percent]), the 2016-2040 RTP/SCS is expected to fulfill and exceed its portion of SB 375 compliance with respect to meeting the state's GHG emission reduction goals.

The Proposed Project will be consistent with the applicable policies in the 2016-2040 RTP/SCS, including (i) land use strategies to accommodate existing growth and promote mixed-use development in transit-oriented development areas; (ii) transportation network actions and strategies to enhance mobility, air quality, and encourage development in high quality transit areas (HQTAs); (iii) transportation demand management actions and strategies to encourage active transportation communities and increase the efficiency of the existing transportation system; (iv) clean vehicle technology actions and strategies to support land uses that will accelerate the conversion to electric or other near zero-emission technologies.

At the local level, the Proposed Project will be consistent with the applicable policies in the City of Los Angeles Green LA Action Plan (Green LA Action Plan), which outlines goals and actions the City has established to reduce the generation and emission of GHGs from both public and private activities. The Proposed Project will be consistent with the Green LA Action Plan's policies to (i) promote the use of renewable energy; (ii) reduce water consumption; (iii) promote transit-oriented development and promote walking and biking to work and within neighborhoods; (iv) reduce waste; (v) promote open space and more green space; and (vi) reduce the heat island effect.

The Proposed Project will also be consistent with the applicable policies in the City of Los Angeles Sustainable City pLAN (pLAN), which provides a roadmap for the City to create a city that is environmentally healthy, economically prosperous, and equitable in opportunity over the next 20 years. The Proposed Project will be consistent with the strategies included in the pLAN, including strategies related to (i) the efficient use of water and energy; (ii) reducing GHG emissions and diverting waste; (iii) promoting housing near transit opportunities and open space; and (iv) promoting healthy neighborhoods.

The Proposed Project will also comply with the Los Angeles Green Building Code, which imposes mandatory measures for nonresidential and high-rise residential buildings to reduce GHG emissions. Those measures include providing short-term and long-term bicycle parking, providing designated parking for fuel-efficient vehicles, providing wiring for electric vehicles, implementing energy conservation appliances, and promoting the use of renewable energy.

In sum, as summarized above and further described in **Appendix D**, the Proposed Project would be consistent with and will help achieve the applicable GHG-reduction strategies in statewide, regional, and local plans and regulations adopted for the purpose of reducing GHG emissions. For those reasons, the Proposed Project, consistent with the findings set forth in the CPC Letter of Determination and the conclusion set forth in the EIR, will have a less than significant impact related to GHG emissions.

**Comment No. A1-23:**

The EIR's Public Services Related to Fire Life Safety is Flawed

The EIR misleadingly claims that the LAFD stated its response time was adequate. The LAFD letter says that Station 94 is located sufficiently close to the project to provide a timely response to the site. In 2016, according to Fire Stat LA, EMS response time for Station 94 was 5 minutes 16 seconds on average. LAFD's stated response time metric is within 5 minutes, 90% of the time, not on average. "Operational Response Time" for EMS at Station 94 was 6 minutes 26 seconds in 2016. Without assessing the need for new fire service in the area, the claim in the EIR that a project of this size, or cumulative development would not require the development of additional fire stations lacks any support.

**Response to Comment No. A1-23:**

This comment addresses the provision of fire protection services to the Project Site and notes that according to Fire Stat LA, in 2016, emergency medical service (EMS) response times for the fire stations closest to the Project Site was over 5 minutes. The comment also states that the EIR's conclusion regarding impacts with regard to the need for additional fire stations lacks support. The comment is noted for review and consideration by the decision-makers.

Section IV.K.1, Public Services – Fire Protection, of the Draft EIR, sets forth the significance threshold for assessing impacts with regard to fire protection, which includes the provision of fire fighting as well as EMS services. As stated therein, the Proposed Project would “have a significant impact on fire protection if it requires the addition of a new fire station or the expansion, consolidation, or relocation of an

existing facility to maintain service.” Thus, the determination of the significance of an impact is based in terms of the physical facilities required to maintain service.

The City’s Fire Code establishes standards that specify the maximum response distances between specific sites and the nearest fire station, based on land use and fire flow requirements. It is compliance with these standards that the assessment of the adequacy of available fire facilities is based, and not the types of response time statistics cited in the comment. Specifically, LAMC Section 57.507.3.3 states that the maximum response distance between residential land uses and a fire station that houses an engine company is 1.5 miles and the maximum response distance between residential land uses and a fire station that houses a truck company is 2 miles (both the engine and truck company requirements apply). For high-density commercial land uses, the maximum response distance to a fire station that houses an engine company is 0.75 mile and the maximum response distance to a fire station that houses a truck company is 1 mile. The Project Site is within 0.7 mile of Fire Station No. 94, which houses a Light Force (Truck and Engine Company) and a Fire Engine; therefore, the Project Site is within the LAMC maximum response distance for residential and commercial land uses. Nonetheless, in accordance with Regulatory Compliance Measure K.1-1, all applicable structures would be equipped with automatic sprinkler systems, which would result in a reduced demand for fire protection services at the Project Site. On these bases, the EIR determined that the existing fire protection facilities are adequate to provide firefighting services to the Project Site and additional firefighting facilities are not required. In addition, as stated on page IV.K.1-17 of the Draft EIR, the City’s Fire Department “has indicated that the Proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.” As such, the Draft EIR provides substantial evidence to support the conclusion that Proposed Project development does **not** require additional fire protection facilities in order to meet the Proposed Project’s demand for fire protection services.

**Comment No. A1-24:**

Failure to Adopt Superior Alternatives Including Alternative 4

The City has failed to adopt any of the environmentally superior alternatives, including Alternative 4, which would eliminate the CO impacts during Project operations.

**Response to Comment No. A1-24:**

The comment addresses the City’s adoption of one of the “environmentally superior alternatives” to the Proposed Project. The comment is noted for review and consideration by the decision-makers.

The Draft EIR analyzed five alternatives with respect to their potential environmental impacts and achievement of Proposed Project objectives. As stated in the CPC Letter of Determination, each of the alternatives considered was deemed infeasible and less desirable than the Proposed Project as the alternatives would be “inferior to the Proposed Project with respect to achieving all Project objectives and would furthermore not reduce any significant impacts to a level of insignificance” (see pages F-130 through F-142). The City’s findings were based on substantial evidence in accordance with all CEQA requirements, as discussed further below.

The air quality analysis for all alternatives, including Alternative 4, addresses air quality emissions associated with the following: (1) regional criteria pollutant emissions during construction; (2) localized criteria pollutant emissions during construction; (3) air toxics during construction; (4) odors during construction; (5) regional criteria pollutant emissions during operations; (6) localized criteria pollutant emissions during operations; (7) air toxics during operations; and (8) odors during operations. In addition, within the regional criteria pollutant analyses, CO is but one of the five criteria pollutants analyzed. Thus, to place the impact identified in the comment into context, the referenced CO impact relates to only one of the five criteria pollutants analyzed within only one of the eight analyses that comprise the analysis of Alternative 4's air quality impacts. Further, while the Draft EIR concluded the Proposed Project's regional CO emissions during Proposed Project operations would be reduced to less than significant levels under Alternative 4, the EIR also concluded that "regional [operational] emissions under Alternative 4 would remain significant for VOC and NO<sub>x</sub>, as is the case with the Proposed Project." As such, Alternative 4, as is the case with the Proposed Project, would result in significant air quality impacts with regard to criteria pollutant emissions during the operational phase of development. Thus, Alternative 4 did not reduce regional operations emissions to a less than significant level. In addition, with respect to other air quality emissions, the City found that the Proposed Project would not result in significant health effects from air toxics during either construction or operations and that "Proposed Project impacts related to localized operational air quality emissions and air toxics would be less than significant" (see page F-46).

Among other things, with respect to Alternative 4, the City found:

- "Alternative 4 would reduce the Proposed Project's impacts across some environmental issues; but would not reduce the Proposed Project's significant and unavoidable impacts to construction and operational air quality, construction noise, and operational traffic to a less than significant level. Thus, Alternative 4 would result in significant impacts for the same issues and the Proposed Project. In addition, Alternative 4 would have greater impacts with regard to land use plans, employment related population growth, and housing."
- "...new environmental impacts projected to occur from development would be generally similar to those projected to occur under the Proposed Project, although some would be reduced."
- [Alternative 4] "would be inferior to the Proposed Project with respect to achieving all Project objectives and would furthermore not reduce any significant impacts to a level of insignificance, this Alternative is infeasible and is less desirable than the Proposed Project. Pursuant to Public Resources Code Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including considerations identified in Section XII of these Findings (Statement of Overriding Considerations), make [Alternative 4] infeasible..."

In addition to these specific findings, Alternative 4 would achieve most of the Proposed Project objectives to a substantially lesser extent than what would occur under the Proposed Project.

After adopting feasible mitigation measures and rejecting the alternatives, the City recognized all significant, unavoidable impacts, balanced the benefits of the Proposed Project against its significant and unavoidable impacts, and found that the benefits outweigh and override the significant unavoidable impacts for the reasons stated in an extensive Statement of Overriding Considerations. As stated in CEQA Guidelines Section 15093 (a): “CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

Further, by way of background, before the CPC considered the Proposed Project, the City’s Advisory Agency first held a hearing to consider the Proposed Project and review the Final EIR on December 21, 2016. The Advisory Agency issued a decision on January 18, 2017, approving the Project’s Tentative Tract Map and certifying the Final EIR as a decisionmaking body for the City. The Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090, certifying that: (i) a Final EIR for the Proposed Project had been completed in compliance with CEQA; (ii) the Final EIR was presented to the Advisory Agency as a decisionmaking body of the lead agency; and (iii) the Final EIR reflects the independent judgment and analysis of the lead agency. The Advisory Agency also adopted environmental findings, a statement of overriding considerations, and a mitigation monitoring program for the Proposed Project. Pursuant to CEQA Section 21151(c), the LAMC provides a process for parties to appeal CEQA determinations to the City’s elected decisionmaking body. The LAMC also provides procedures for aggrieved parties to appeal the Advisory Agency’s approval of the Tract Map. (LAMC Section 17.06.) No administrative appeals were filed challenging the Advisory Agency’s approval of the Vesting Tentative Tract Map or the Advisory Agency’s certification of the Final EIR.

The CPC held a public hearing to consider the Proposed Project and its environmental review on July 13, 2017. The CPC issued a decision on August 3, 2017, approving the Proposed Project’s entitlements and relying on the Final EIR certified by the Advisory Agency as a decisionmaking body for the City. The CPC was not required to recertify the Project’s Final EIR under CEQA Guidelines Section 15090 for the CPC’s subsequent approval of the Proposed Project’s entitlements. The CPC independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project’s potential environmental impacts. The CPC, expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. No changes to the Proposed Project were made after the Advisory Agency certified the Final EIR, nor was there new information or a change in circumstances that would require revisions to the previously certified Final EIR.

**Comment No. A1-25:**

The Development Agreement is Insulting

The Development Agreement for this, the largest proposed project currently being considered by the City is insulting. While we know that the Development Agreement is not appealable to the City Council, the proposed agreement is an embarrassment. Classifying a 5% setaside for 150% AMI (96,450/year for a family of four) in a zip code where the median household income for the zip code is \$36,564 is laughable. A 10% local hire "goal" in the middle of an African American neighborhood, which has historically been locked out and discriminated against in/by the Building Trades is indicative of a developer who has little concern for even providing access to the economic development for the local community and African Americans. We will raise these issues when the matter is brought before the City Council.

**Response to Comment No. A1-25:**

The comment addresses the Proposed Project's Development Agreement and expresses concerns regarding the community benefits that are set forth in the Development Agreement as well as indicating that the Appellant will raise their concerns before the City Council. The comment is noted for review and consideration by the decision-makers.

The comment, while addressing the Development Agreement in general terms, also specifically addresses the workforce housing and local hire components of the Development Agreement. The Development Agreement as recommended by the CPC and set forth in the Letter of Determination for Case No. 2016-3681-DA includes an affordable housing program that consists of the following two components: (1) workforce housing - 5% of all rental and for-sale housing units will be set aside for families earning 150 percent of the median income, and (2) very low income housing - 5% of all rental and for-sale housing units will be set aside for families earning 50 percent of the median income. Under these two programs a total of 10% of the housing supply would be set aside as subsidized housing.

With regard to the local hiring component of the Development Agreement as recommended by the CPC, the Proposed Project would establish a local hiring goal of 25% local residents, minority-owned, women-owned, and disadvantaged business enterprises for construction jobs. In addition, the Proposed Project would also establish a local hiring goal of 25% local residents, minority-owned, women-owned, and disadvantaged business enterprises for jobs generated during Proposed Project operations.

The proposed Development Agreement, in addition to the components explicitly identified in the comment, also includes the following community benefits as set forth with specificity in section 2.3.1 thereof: (1) hotel labor agreement, (2) youth workforce development program at Los Angeles Trade Technical College, (3) on-site job training center, (4) on-site community room available to area organizations located within a one-mile radius of the Project Site, (5) financial contribution to the Council District 8 Public Benefits Trust Fund to promote commercial corridor and economic revitalization, (6) funding to prepare and implement a Historic Structure Report with regard to the Sanchez Adobe (located at 3725 Don Felipe Drive), (7) financial contribution to the Council District 8 Tree Trimming Fund, (8) community improvement and beautification program within Council District 10,

(9) expedited bikeway improvement program, and (10) expedited development of a neighborhood traffic management plan.

**Comment No. A1-26:**



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## CRENSHAW MALL REDEVELOPMENT PLAN: "URBAN CLEANSING" BY ANOTHER NAME

*Statement of Opposition to the Crenshaw Mall Redevelopment Master Plan (as Currently Proposed) 12 July 2011*

Gentrification is the greatest threat to the stability of the Crenshaw community. The biggest gentrification project we face is the proposed renovation of the Crenshaw Mall. If this project is built as currently proposed it would rise up a gentrification tsunami that will push out Crenshaw's tenants, low-income residents and vulnerable homeowners. Accordingly, Crenshaw Subway Coalition opposes the Crenshaw Mall redevelopment project as currently proposed...and if you care about the community you should too.

FACT: At 2.1 million square feet of new construction, the Crenshaw Mall redevelopment is the largest proposed development project currently being considered by the City of Los Angeles.

FACT: The majority of the proposed new construction is NOT to renovate the mall, rather 1.2 million square feet of the new construction is to add nearly 1,000 market-rate apartments and condos priced at a level that existing community members cannot afford.

FACT: The developers can renovate the mall and add the proposed outdoor shopping plaza at Stocker/Crenshaw without violating the zoning code. The mall's requested violations to the zoning code are solely sought to add 961 market-rate housing units and erect a 135-foot tower, NOT to add or renovate the retail space.

### WE MUST MAKE IT PLAIN: BLACK L.A. IS UNDER ATTACK

The gravity of what is at stake demands that we be unequivocally clear: to stand in support of the proposed Crenshaw Mall redevelopment in its current form is to stand in support of the end of Los Angeles' Black Crenshaw community.

We must call the proposed development what it is: a part of a deliberate "urban cleansing" effort concocted by elitist

leaders in the public and private sectors who seek to push out long-time Crenshaw residents to places like Victorville, Moreno Valley, Lancaster or on to the streets, and replace us with the more affluent (the "gentry").

We must acknowledge that the proposed Crenshaw Mall redevelopment project is an attack on the security of Black families, homes and small businesses, the preservation and cultivation of Black art and culture, the sanctity of Black space, the strength of Black institutions, and the potential of Black political power.

This is a seminal moment in the history of Black Los Angeles.

community benefits agreement, which has a completely inadequate 10% local hire goal.<sup>3</sup> But this is much more than just a bad deal and unlawful giveaway to a developer for yet another construction project that Black people won't be working on, and will overburden our infrastructure.

When compared to the Fox Hills Mall renovation, what is extraordinarily different in the proposed Crenshaw Mall plan is the requested addition of 961 market-rate apartments and condos that will be priced well above the level affordable to the vast majority of existing Crenshaw community residents.



### THIS IS NOT A MALL RENOVATION LIKE FOX HILLS MALL

Do not be confused by what has been requested by the Chicago-based developers.

If the out-of-town developers were ONLY requesting a renovation of the Crenshaw Mall, similar to that which was recently completed at the Fox Hills Mall, the issues would not be as intense. We would still take exception to their downright insulting

### "MARKET-RATE" MEANS "NOT FOR US"

Market-rate housing is priced at whatever the L.A. real estate market determines, which is undeniably unaffordable to the vast majority of local residents.

FACT: According to the City of Los Angeles' own documentation, in 2015 to afford a new market-rate housing unit, a household must make \$104,360 per year.<sup>4</sup> Today, it is surely higher as housing prices have gone up.

Crenshaw Subway Coalition is a California 501(c)3 nonprofit, led by a collaboration of South L.A. neighborhood associations, business owners & community leaders

That is TWICE the median household income in Leimert Park, and FOUR TIMES the median household income in Baldwin Village. And those in census tracts directly adjacent to the new market-rate housing who are at the greatest risk of indirect displacement have the lowest incomes within those neighborhoods. (Leimert Park Census Tract 2343: \$36,010 & Baldwin Village Census Tract 2361: \$19,932.) In the zip codes that surround the mall (90008, 90016, 90043 and 90018), the median household income ranges between \$33,864 and \$38,330. Even Baldwin Hills Estates ("The Dons"), which is a part of the so-called "Black Beverly Hills," \$104,360/year is almost TWICE the median household income (Baldwin Hills Estates Census Tract 2364: \$57,115).

Is it any wonder why at meetings in upper middle-class Baldwin Hills Estates, when we ask a room of 150 homeowners how many can afford to buy their homes today, only a handful of hands are raised?

Most long-time residents who pay a mortgage have a note that is lower than the rent of a typical 2-bedroom "low-income" "affordable" housing unit.

This is the reality. And we must recognize how the speculative real estate market threatens the stability and ethnic makeup of our community and city.

A failure to maintain the affordability of the Crenshaw community, which made apartment renting and homeownership possible for the vast majority of long-term residents, will drastically change Crenshaw's ethnic makeup. It will change the character of our long-standing institutions and churches. It will weaken our potential political power at every level. It will push out those who can least afford disruption to their home and to commute to far-flung places, like Palmdale, and away from their families and communal safety nets that are critical to living as Black people in America. It will increase homelessness.

**FLOODING AN AREA WITH SOMANY MARKET-RATE UNITS LEADS TO INDIRECT DISPLACEMENT/ GENTRIFICATION**

To build a massive market-rate housing project in a neighborhood that cannot afford it is a clear message that the new development is not for existing residents - it is to displace long-time residents. It leads to what is called indirect displacement: a type of displacement that occurs when residents and businesses are gradually priced out/harassed out of the area and must involuntarily leave.

A displacement study for another gentrification mega-project, The Reef, in Historic South Central, with 1,440 market-rate housing units, was estimated to lead to a moderate to very high risk of financial strain or displacement for over 43,756 people who lived within a 2-mile radius of the project.

To deny that a similar outcome will occur in the Crenshaw community, if the mall redevelopment project is approved as proposed, is to deny that the sun rises in the East. It is to deny the data and on-the-ground experience of formerly low-income and working class communities in Oakland, San Francisco and Brooklyn. It is to deny the "urban cleansing" that took place in Hollywood, where in the name of "progress" then-Councilmember Eric Garcetti facilitated the erection of a flurry of out-of-scale luxury towers with market-rate housing, which unleashed an "economic tsunami" that in 10 years displaced 12,000 Latino residents along with small businesses in Hollywood and East Hollywood alone.

**WE RECOGNIZE THE HISTORY OF INSTITUTIONAL RACISM THAT MAKES THE BLACK COMMUNITY PARTICULARLY VULNERABLE TO GENTRIFICATION**

Today, we live in the city with the unfortunate distinction of having the nation's worst housing affordability crisis and the nation's worst homelessness/houselessness crisis. It is a moral stain that should shame our elected officials and corporate leaders.

L.A.'s houselessness crisis hits the Black community particularly hard, as 47% of the people on the street are Black, despite amounting to only 9% of the overall population.

The roots of the crises are many. It is not because African-Americans have failed to "pull themselves up by their own bootstraps," which, by the way, isn't physically possible. (That's the point.) Any honest examination shows it is a product of policies deliberately implemented by the public and private sectors to suppress Black wealth creation and exploit Black labor that goes back to the days of Reconstruction.

Not only were reparations never paid, but during Reconstruction, while the federal government was literally giving away stolen land to White settlers through the Homestead Acts, the KKK was harassing Black farmers off their fertile lands and Black Wall Streets were being bombed.



Simultaneously, unlike immigrant populations, Black small businesses owners were being locked out of doing business with the larger economy in policy and/or practice, a trend that continues today.

To pass the New Deal, President Roosevelt adopted provisions from racist Southern legislators to prevent Blacks from participating in many programs<sup>24</sup> and did not extend benefits to jobs disproportionately held by Blacks.<sup>25</sup>

Redlining<sup>26</sup> and racially restrictive covenants<sup>21</sup> on property limited the ability of Blacks to own land and where we could purchase resulted in bad loans.

To create Eisenhower's interstate highway system that facilitated the creation of white suburbs and white flight<sup>2,8</sup> the bulldozers were often purposefully run through Black communities.<sup>29</sup>

After embarking on a policy of "urban renewal"<sup>30</sup> that was aptly labeled "Negro removal" by James Baldwin,<sup>31</sup> the federal government ripped Johnson's Great Society programs to shreds and shifted investment to build a law-and-order mass incarceration state that targets, criminalizes and incarcerates Blacks<sup>32</sup> in an effort<sup>33</sup> that expands prison labor<sup>34</sup> and renders masses of Black citizens permanently unemployable.<sup>35</sup>

And after predatory lending by banks (and the totally inadequate<sup>36</sup> response to it by the government)<sup>37</sup> led to a foreclosure crisis that resulted in the greatest loss of Black wealth in modern history,<sup>38</sup> the biggest private equity firms in the world<sup>39</sup> and real estate flippers<sup>40</sup> swooped in like vultures to our formerly defined ghettos, to cash in on a "New Urbanism" movement.

This is the history. To deny its role in the modern-day Black wealth, Black housing affordability, Black homelessness, and all associated crises, is to deny the existence of institutional racism in America.

**WE RECOGNIZE THE NEW TARGET ON OUR COMMUNITY**

The wrecking ball of cultural erasure and cranes of displacement<sup>41</sup> are making their way South of the 10 freeway. Though none

as big as the Crenshaw Mall project, we are tracking six other market-rate housing projects just within a one-mile radius of Crenshaw-MLK.

Former mom-and-pop owned apartment complexes are being bought by LLCs<sup>42</sup> with invisible investors.<sup>43</sup> Two of the world's largest private equity firms<sup>44</sup> are buying single-family homes.<sup>45</sup> Banks continue to engage in predatory lending,<sup>46</sup> and are denying loans<sup>47</sup> for home purchases and refinancing to Blacks with the same credit score and income that they are approving for Whites.<sup>4a</sup>

Anyone with open eyes who seeks to know history will find the target on our community undeniably clear.

**THIS WILL BE AN EPIC BATTLE & THEY WILL TEST OUR COMMUNITY'S BOND**

We have no illusion about how difficult this fight will be. This "ain't our first rodeo," and we have learned much from veterans of site-fights and housing justice warriors.

We know that gentrification is a complex issue and that many will seek to use that complexity to confuse and bamboozle residents.

We know that as we highlight the ethical bankruptcy of gentrification, the developers and their agents will attempt to convince the fortunate few stable Black homeowners to adopt a Clarence Thomas-philosophy of climbing up the ladder only to pull it up behind them, by suggesting that they advocate approval of projects and policies that push out their fellow neighbors who are low-income and renters.

We know that as we bring residents together to affirm our right to place, our right to self-determination, and the necessity of a good job with benefits, that the out-of-town developers will suggest that we betray our ancestral values system in favor of access to \$6 cups of coffee provided by companies who seek to extract our limited dollars to increase the wealth of their rich shareholders.

We know that as we advocate for a new just and fair economy and real community benefits, as we advance the principles of community ownership, as we demand local

hire/participation in construction and operation, and as we work on tangible projects such as cooperatives and land trusts, that the developers, privileged/elites and their agents will request neighbors reject these community wealth building models.<sup>49</sup>

**DEVELOPMENT WITHOUT DISPLACEMENT. DEVELOPMENT FOR US. DEVELOPMENT THAT IS COMMUNITY-DRIVEN.**

As we have done on transit, we will engage in continuous community/political education and opportunity for conversations with policy experts, lift up the stories of residents and communities that have been victims of gentrification, keep the needs of our most vulnerable neighbors at the forefront of our discussions, and combat the myths and unproven theories with facts.

We will point to community-driven planning models and uplift efforts waged by true Black leaders in Black communities like the Dudley Street Neighborhood Initiative in Boston's Dorchester community, and Mississippi's Cooperative Jackson, led by Choke Lumumba and continued by his son, the new Mayor.

We will not quietly submit nor subscribe to the selfish morally bankrupt economic system that many of our ancestors<sup>9</sup> paid the ultimate sacrifice fighting.

We will constantly point out how America's neoliberalism has and continues to exploit the masses and in particular Black people.

**WE ARE READY FOR BATTLE**

This is unfortunately but another site fight in Los Angeles. However, we find that due to the massive scale of the project, and the historical, cultural and ethical context that it has a particular importance.

We have found ourselves in the middle of a battle against economic inequality that is being waged in every major urban area of the Global North,<sup>51</sup> and a battle against racial inequality and racial exploitation that is as American as apple pie.

At no stage will we apologize for advocating for long-term residents, tenants,

the houseless, the poor, the working class, and maintaining the integrity of Los Angeles' last Black cultural center.

We at the Crenshaw Subway Coalition are ready to struggle.

We have put our war paint on.

We are rising up a banner to build a movement in the wondrous tradition of our ancestors, ever mindful of our duty to future generations.

We will, in the words of Amflicar Cabral, "Mask no difficulties. Tell no lies. And claim no easy victories."

**All direct links & more info are at:**  
[www.crenshawsubway.org/crenshaw\\_moll](http://www.crenshawsubway.org/crenshaw_moll)

- <sup>1</sup> LA City Baldwin Hills Crenshaw Plaza Master Plan Project Final Environmental Impact Report (pg. 1-1)-01/16
- <sup>1</sup> New Globalism, New Urbanism: Gentrification as Global Urban Strategy by Prof. Neil Smith- Antipode 34(3) pp. 434-457 (2002)
- <sup>3</sup> LA City Planning Department Staff Report to City Planning Commission on Baldwin Hills Crenshaw Plaza Master Plan EIR Development Agreement, As posted 7/12/17
- <sup>1</sup> Los Angeles City Housing and Community Investment Department Report to Mayor Eric Garcetti (pg. 3)- 11/17/15
- <sup>5</sup> US Census 2011-2015 American Community Survey 5-Year Estimates retrieved via CensusReporter.org
- When it Comes to Housing, LA County Residents Earning \$50,500 a Year are Now Considered 'Low-Income' - San Gabriel Valley Tribune, 5/10/17
- <sup>7</sup> In Changing Neighborhoods, Black Churches Face an Identity Crisis - The Atlantic, 10/12/12
- <sup>8</sup> How Gentrification Destroys Black Voting Power - The Root, 3/30/17
- <sup>9</sup> Gentrification, Demolishing the Project and the Dispersal of Poor Urban Black Communities - Black Agenda Report, 2/17/10
- <sup>10</sup> Black Population in L.A. County Declines as More Return South - Our Weekly, 2/7/14
- <sup>11</sup> Assessing Health and Equity Impacts of the Proposed Reef Development Project in South Central Los Angeles Executive Summary - Human Impact Partners, 10/15
- <sup>12</sup> UC Berkeley Researchers Map Oakland Gentrification and Displacement - East Bay Express, 8/28/15
- " Why Allowing More Housing Makes Property More Expensive - 48hills.org 5/18/16
- " Williamsburg leads NYC in Gentrification Report Says - AM New York, 5/11/16

<sup>15</sup> Hollywood's Urban Cleansing - LA Weekly, 1/3/13

<sup>15</sup> Housing in L.A. is Now Officially the Most Unaffordable in the Country - Timeout, 6/20/17

" LA has More Chronically Homeless than any other City - KPCC, 11/18/16

" The Case for Reparations by Ta-Nehisi Coates - The Atlantic, 6/14

<sup>16</sup> The Average Black Family Would Need 228 Years to Build the Wealth of a White Family Today - The Nation, 8/8/16

<sup>16</sup> Excerpt of 1968 Speech of Rev. Dr. Martin Luther King, Jr. - YouTube ("Dr King Speaks Deep" Silkiu Hutchinson) 7/12/17

<sup>21</sup> Homestead Acts - Wikipedia, 7/12/17

<sup>2</sup> Torn from the Land (Parts 1, 2 & 3) - Associated Press, 12/01

" 8 Successful and Aspiring Black Communities Destroyed by White Neighbors - Atlanta Black Star, 12/4/13

" A 'Forgotten History' of How the U.S. Government Segregated America (Interview with *The Color of Law* author Richard Rothstein) - NPR, 5/3/17

<sup>25</sup> 9 Ways Franklin D. Roosevelt's New Deal Purposefully Excluded Black People - Atlanta Black Star, 2/4/15

<sup>26</sup> Race, Place, and Opportunity by Prof. John Powell - The American Prospect, 9/21/08

<sup>27</sup> *Black Wealth, White Wealth: A New Perspective on Racial Inequality* (p. 41) by Profs. Melvin L. Oliver & Thomas Shapiro - Taylor & Francis Group Publishing (1995)

<sup>26</sup> Highways Guttled American Cities. So Why Did They Build Them? - Vox, 5/11/16

<sup>19</sup> Top Infrastructure Official Explains How America Used Highways to Destroy Black Neighborhoods - Think Progress, 3/31/16

<sup>30</sup> Urban Planning in the African American Community: In the Shadows by Profs. June Manning Thomas and Marsha Ritzdorf - Sage Publications (1997)

<sup>31</sup> The Negro and the American Promise (Dr. Kenneth Clark Interview of James Baldwin) - WGBH, 5/24/63

" Fortress America by Prof. James Forman Jr. - The Nation, 9/27/17 (A review of *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* by Prof. Elizabeth Hinton's - Harvard University Press (2006))

<sup>33</sup> *13th* by Ava DuVernay - Netflix, 2016

<sup>34</sup> The Prison Industry in the United States: Big Business or a New Form of Slavery? - Centre for Research on Globalization, 3/3/08

<sup>35</sup> The New Jim Crow by Prof. Michelle Alexander - The American Prospect, 12/6/10

<sup>36</sup> A Needless Default - The American Prospect, 2/8/15

<sup>37</sup> Obama Failed to Mitigate America's Foreclosure Crisis - The Atlantic, 12/14/16

<sup>38</sup> The Great Eviction: Black American and the Toll of the Foreclosure Crisis by Laura Gottesdiener - Mother Jones, 8/1/13

" How Wall Street Has Turned Housing Into a Dangerous Get-Rich-Quick Scheme - Again by Laura Gottesdiener - Mother Jones, 11/29/13

<sup>40</sup> Six Years after the Great Recession, House Flipping is on the Rise - PBS Newshour 10/18/16

<sup>41</sup> How Blighted Urban Areas Transform into Trendy, Gentrified Communities (A review of *How to Kill a City* by Peter Moskowitz - Nation Books (2017) & *The New Urban Crisis* by Prof. Richard Florida - Basic Books (2017)) - Washington Post, 5/19/17

<sup>2</sup> Your New Neighbor in the House Next Door Might just be an LLC - Seattle Times, 9/26/16

<sup>43</sup> U.S. Will Track Secret Buyers of Luxury Real Estate - New York Times, 1/13/16

" The Obama Administration Bails Out Private Equity Landlords at the Expense of the Middle Class: Government Guarantees for Rental Securitization - NakedCapitalism.com, 1/25/17

<sup>48</sup> Blackstone Takes its Single-Family Rental Bet Public as Sector Soars - CNBC, 2/1/17

" Why a Housing Scheme Founded in Racism is Making a Resurgence Today - Washington Post, 5/13/16

<sup>47</sup> Biased Lending Evolves, and Blacks Face Trouble Getting Mortgages - New York Times, 10/30/15

" Black, Latino Mortgage Rejection Rates Still High - Boston Globe, 12/22/15

" What's the Difference Between Community Economic Development and Traditional Economic Development? - Democracy Collaborative, 9/18/16

<sup>50</sup> Excerpts of Rev. Dr. Martin Luther King, Jr. Speeches - YouTube ("Martin Luther King, Jr. on Income Inequality and Redistribution of Wealth + James Baldwin" Insaaf Blog), 5/12/17

" The Right to the City by Prof. David Harvey - New Left Review (Sept-Oct 2008)

**Response to Comment No. A1-26:**

The comment is an enclosure/attachment to the Appeal and expresses opposition to the Proposed Project. Specifically, the commenter raises issues with regard to the Proposed Project's potential effects on the local community, including housing affordability. Specific issues addressed in this comment include gentrification and displacement, the discretionary actions requested to implement the Proposed Project, and the public benefits included in the Proposed Project's Development Agreement. The comment is noted for review and consideration by the decision-makers.

Several of the issues raised in this comment are also raised by the Appellants in their "Justification of Appeal to City Council." Specifically, issues with regard to gentrification and displacement were raised in Comment Nos. A1-4 and A1-14. As concluded in Response to Comment Nos. A1-4 and A1-14, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts and the few physical impacts that the comment alleges will result from the Proposed Project's potential economic and social impacts are speculative. As such, no further analysis of the Proposed Project's potential economic and social impacts under CEQA is required at this time. For additional information regarding these issues refer to Response to Comment Nos. A1-4 and A1-14.

In addition, Appendix J of the Draft EIR included an analysis of the potential impacts that additional on-site development would have on the existing businesses located within the Crenshaw District. This report concludes that it is not expected that additional development on the Project Site would "result in disinvestment, store closures or physical blight which could be associated with urban decay." As such, Proposed Project development is not anticipated to result in adverse effects on the existing businesses located within the Crenshaw District. Further, the City of Los Angeles has addressed the subjects of gentrification and displacement in connection with area development plans in South Los Angeles. As recently as 2016, the City received comments from members of the public raising concerns and questions regarding the potential for displacement of residents, threats of gentrification, and loss of affordable housing in connection with City updates to the South Los Angeles Community Plan, Southeast Los Angeles Community Plan, and the West Adams-Baldwin Hills-Leimert Community Plan, which includes the Project Site. In response to these comments, the City concluded that plans to install new market-rate units in the area would not result in gentrification, the direct displacement of existing residents, or the net loss of affordable housing.

In addition to the above, it should be noted that that various factual inaccuracies are contained in this comment. The fourth paragraph of the left-hand column on page 1 of the comment indicates that the requested zone change is being requested to add "961 market-rate housing units and erect a 135-foot tower." The requested zone change as described on page 2 of the CPC Letter of Determination states that the requested zone change is to revise the "D" Limitation with regard to the permitted floor area ratio at the Project Site, and to revise the "Q" Condition to address the amount of required parking within a small portion of the Project Site. As such, the requested Zone Change is not required to build housing on the Project Site or to permit the proposed building heights. As stated in Section IV.L., Land Use, of the Draft EIR, the Proposed Project's housing units and the proposed building heights are allowed under the existing General Plan and zoning designations for the Project Site. In addition, please

refer to Response to Comment No. A1-10 and for additional information regarding the requested Zone Change with regard to the “Q” Condition, and Response to Comment No. A1-11 for additional information regarding the requested Zone Change with regard to the “D” Limitation.

Further, the Proposed Project’s Development Agreement sets forth the proposed on-site affordable housing program which consists of the following two components: (1) workforce housing - 5% of all rental and for-sale housing units shall be set aside for families earning 150 percent of the median income, and (2) very low-income housing - 5% of all rental and for-sale housing units shall be set aside for families earning 50 percent of the median income. Under these two programs a total of 10% of the Proposed Project’s housing supply would be set aside as subsidized housing.

In addition, the Development Agreement as recommended by the CPC includes an extensive program of community benefits including, but not limited to, the following: local hiring program during both Proposed Project construction and operation, an on-site job training center, and funds for a youth workforce development program. Refer to Response to Comment No. A1-25 for additional information regarding the community benefits incorporated into the Proposed Project’s Development Agreement.

## **APPEAL NO. A2**

Los Angeles Tenants Union; & Christina Sanchez Juarez  
P.O. Box 27354  
Los Angeles, CA 90027

### **Comment No. A2-1:**

Los Angeles Tenants Union ("LATU") is appealing the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan. LATU is a citywide member-led housing rights group that advocates for the protection of renters through the enforcement and improvement of existing housing and land use laws. We have multiple active chapters throughout the city, including in South Los Angeles.

### **Response to Comment No. A2-1:**

The comment identifies the individuals that filed a "Justification of Appeal to City Council" (Appeal) with regard to the July 13, 2017 decision of the City Planning Commission and the August 3, 2017 Determination Letter for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). These individuals hereafter are collectively referred to as the "Appellants." The comment also provides background information regarding the Appellants that filed the Appeal. The content of the Appeal is addressed in the responses provided below.

### **Comment No. A2-2:**

LATU is aggrieved by the decision and Project approvals, which will directly harm tenants in South Los Angeles' historic black Crenshaw community. This appeal is filed on the grounds that the CPC abused its discretion and erred.

### **Response to Comment No. A2-2:**

The comment states the Appellants' position that they have been "aggrieved by the [CPC] decision and Project approvals, which will directly harm tenants in South Los Angeles' historic black Crenshaw community" and that the "CPC abused its discretion and erred." The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific CEQA or environmental issue concerning the adequacy of the Proposed Project's Draft EIR, Revised Draft EIR, Final EIR, or Errata to the Final EIR (collectively referred to hereafter as the EIR) that would affect the City Council's ability to conduct an independent review and certification of the Proposed Project's EIR. Further, this comment provides no indication as to the manner or nature of the referenced abuse of discretion.

### **Comment No. A2-3:**

LATU adopts all arguments that have been included into the record thus far and will provide further documents and evidence to support the following justifications:

**Response to Comment No. A2-3:**

The comment indicates that the Appellants have adopted all arguments that have been included into the City's administrative record to date and will provide further documents and evidence to support the justifications that are identified in the comments that follow. The comment is noted for review and consideration by the decision-makers.

As of this date, no further documents or evidence as referenced in the comment have been provided. No further response is required or can be provided.

**Comment No. A2-4:**

- 1) CPC failed to independently review and independently certify the Environmental Impact Report for the Project, and the City Council is failing to independently review the Environmental Impact Report for the Project.

LATU firmly objects to the failure of the CPC to consider CEQA arguments and independently certify the Project's EIR. The notice for December 21, 2016 hearing by the Deputy Advisory Agency/Hearing Officer clearly states that: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." Yet, the CPC failed to independently review the project's EIR and failed to certify the project's EIR. Now the City Council is failing to independently review the Project's EIR and is failing to provide LATU an opportunity to appeal the flawed environmental document and related findings.

**Response to Comment No. A2-4:**

The comment addresses the review of the Proposed Project's EIR by the City Planning Commission (CPC) and City Council. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-13. As stated in Response to Comment No. A1-13, the CPC in approving the Proposed Project's entitlements relied on the Final EIR certified by the City's Advisory Agency as a decisionmaking body for the City.

The City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR.

The CPC was not required to recertify the Proposed Project's Final EIR under CEQA Guidelines Section 15090. The CPC independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC, expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. Although not required by CEQA, the City has prepared detailed responses to every CEQA issue raised in this and other administrative appeals of the CPC's approval to ensure all CEQA concerns raised in the administrative

appeals have been addressed. Please refer to Response to Comment No. A1-13 for additional information regarding the administrative processing of the Proposed Project's EIR.

**Comment No. A2-5:**

2) The Project's Environmental Impact Report fails to evaluate the direct displacement, indirect displacement and exclusionary displacement of tenants that will be caused by this mega-development, which features 961 market-rate units in a low-income community with the median household income of \$36,564 for the 90008 zip code.

Several significant impacts were improperly assessed or not evaluated in the Project's EIR related to direct displacement, indirect displacement, exclusionary displacement and gentrification of the historically Black Crenshaw community that will be caused by this mega-development. If this massive luxury housing project with 961 market-rate housing units is approved, tenants in the Crenshaw community will be met with the same unfortunate barrage of harassment and rent increases that have occurred and is currently occurring throughout the City of Los Angeles, worsening the country's worst affordable housing crisis.

**Response to Comment No. A2-5:**

The comment states that the EIR is flawed as it did not evaluate potential displacement issues as well as how the Proposed Project would affect issues related to housing affordability. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-4. As stated in Response to Comment No. A1-4, 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 in a physical change to the environment. In addition, CEQA does not require a lead agency to evaluate a project's impacts that are speculative, and impacts that are not reasonably foreseeable are considered speculative. While the comment raises important economic and social concerns, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts. Instead, after a thorough review of the referenced potential economic and social impacts described in this comment, the City finds that it cannot predict or quantify how those physical impacts may affect the environment and, therefore, such claimed impacts are too speculative for further evaluation. (CEQA Guideline 15145.) Based on the speculative nature or absence of any potential physical impacts that may result from the Proposed Project's potential economic and social impacts, no further analysis of the Proposed Project's potential economic and social impacts under CEQA is required at this time. Please refer to Response to Comment No. A1-4 for additional information regarding the scope of the environmental analysis provided within the Proposed Project's EIR.

In addition, the Proposed Project includes an affordable housing program that consists of the following two components: (1) workforce housing - 5% of all rental and for-sale housing units will be set aside for families earning 150 percent of the median income, and (2) very low income housing - 5% of all rental and for-sale housing units will be set aside for families earning 50 percent of the median income. Under these two programs a total of 10% of the housing supply would be set aside as subsidized housing.

**Comment No. A2-6:**

3) The approval of Special Permission for the Reduction of Off-Street Parking will be materially detrimental to the public welfare, and will result in overflow parking or traffic congestion that will adversely impact the quality of life of tenants.

**Response to Comment No. A2-6:**

The comment addresses the Project's approval for Special Permission for the Reduction of Off-Street Parking. Response to Comment No. A1-12 provides a detailed description of why that approval will have no material effect on the availability of off-street parking at the Project Site. As it describes, the Special Permission for the Reduction of Off-Street Parking applies only to a limited subset of commercial uses. It reduces the commercial parking requirement by 100 spaces, or 2% of the total commercial parking requirement. Further, across the site as a whole the Proposed Project proposes to provide more spaces than would be required prior to the approval of the reduced requirement. Therefore, this approval will not result in the secondary impacts identified in the comment. Please refer to Response to Comment No. A1-12 for additional information regarding this approval.

**Comment No. A2-7:**

4) The Project violates the city's zoning and municipal codes.

**Response to Comment No. A2-7:**

The comment indicates that the Proposed Project violates the City's Zoning and Municipal Codes. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-5. As stated in **Response to Comment No. A1-5**, the EIR determined that the Proposed Project would result in less than significant land use and planning impacts (see Section IV.H, Land Use and Planning of the Draft EIR). Please refer to Response to Comment No. A1-5 for additional information regarding the Proposed Project's compliance with the City's Zoning and Municipal Codes.

**Comment No. A2-8:**

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

**Response to Comment No. A2-8:**

The comment indicates that the Project does not conform with the intent of the City's General Plan and the Community Plan but fails to provide any substantial evidence to support the claim. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-6. As stated in Response to Comment No. A1-6, the EIR determined that the Proposed Project would result in less than significant land use and planning impacts. The Proposed Project would be consistent with the applicable policies identified within the West Adams-Baldwin Hills-Leimert Community Plan (Community Plan) for the Commercial,

Transit-Oriented, and Regional Center land use designation for the Project Site, consistent with the General Plan Framework Element. Further, the Proposed Project promotes a transit oriented, mixed use development within an existing infill location in the Crenshaw area which is consistent with the City's Mobility Plan 2035. Please refer to Response to Comment No. A1-6 for additional information regarding the Proposed Project's consistency and conformance with the Community Plan, General Plan Framework Element, and Mobility Plan 2035.

## **APPEAL NO. A3**

Los Angeles Black Worker Center, Los Angeles Community Action Network, Gregory Akili and Jan Williams  
3818 Crenshaw Boulevard, Suite 363  
Los Angeles, CA 90008

### **Comment No. A3-1:**

The Los Angeles Black Worker Center ("BWC"), Los Angeles Community Action Network ("LA CAN"), Gregory Akili, and Jan Williams (the "Appellants") jointly appeal the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan.

With headquarters in Hyde Park, BWC is a dynamic table of workers, organized labor, community-based organizations, clergy, students, and scholars working collectively to improve the position of the African-American working class, facilitate co-empowerment of workers and potential workers, and strengthen the voice of LA's social and economic justice community. LA CAN is an advocacy organization headquartered in Skid Row with a mission to help people dealing with poverty create and discover opportunities, while serving as a vehicle to ensure we have voice, power and opinion in the decisions that are directly affecting us. Gregory Akili is a Black community organizer who lives in the Baldwin Village community adjacent to the mall. Jan Williams is an LAUSD service worker who lives in the adjacent Crenshaw Manor community.

### **Response to Comment No. A3-1:**

The comment identifies the individuals that filed a "Justification of Appeal to City Council" (Appeal) with regard to the July 13, 2017 decision of the City Planning Commission and the August 3, 2017 Determination Letter for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). These individuals hereafter are collectively referred to as the "Appellants." The comment also provides background information regarding the Appellants that filed the Appeal. The content of the Appeal is addressed in the responses provided below.

### **Comment No. A3-2:**

The Appellants are aggrieved by the decision and Project approvals. This appeal is filed on the grounds that the CPC abused its discretion and erred.

### **Response to Comment No. A3-2:**

The comment states the Appellants' position that they have been "aggrieved by the [CPC] decision and Project approvals" and that the "CPC abused its discretion and erred." The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific CEQA or environmental issue concerning the adequacy of the Proposed Project's Draft EIR, Revised Draft EIR, Final EIR, or Errata to the Final EIR (collectively referred to hereafter as the EIR) that would affect the City Council's ability to conduct an independent review

and certification of the Proposed Project's EIR. Further, this comment provides no indication as to the manner or nature of the referenced abuse of discretion.

**Comment No. A3-3:**

The Appellants will provide further documentation and evidence to support the following justifications:

**Response to Comment No. A3-3:**

The comment indicates that the Appellants will provide further documentation and evidence to support the justifications that are identified in the comments that follow. The comment is noted for review and consideration by the decision-makers.

As of this date, no further documents or evidence as referenced in the comment has been provided. No further response is required or can be provided.

**Comment No. A3-4:**

- 1) CPC failed to independently review and independently certify the Project's EIR, and the City Council is failing to independently review the Project's EIR.

The Appellants were entitled to challenge the adequacy and findings of the Project's Environmental Impact Report at the CPC and are entitled to challenge them at City Council. Specifically, the notice for December 21, 2016 hearing by the Deputy Advisory Agency/Hearing Officer clearly states that: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." Yet, the CPC failed to independently review the Project's EIR and failed to certify the Project's EIR. Now the City Council is failing to independently review the Project's EIR and is denying Appellants their democratic right to contest the flawed environmental document and the City's related findings.

**Response to Comment No. A3-4:**

The comment addresses the review of the Proposed Project's EIR by the City Planning Commission (CPC) and City Council. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-13. As stated in Response to Comment No. A1-13, the CPC in approving the Proposed Project's entitlements relied on the Final EIR certified by the City's Advisory Agency as a decisionmaking body for the City.

The City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR.

The CPC was not required to recertify the Proposed Project's Final EIR under CEQA Guidelines Section 15090. The CPC independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC,

expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. Although not required by CEQA, the City has prepared detailed responses to every CEQA issue raised in this and other administrative appeals of the CPC's approval to ensure all CEQA concerns raised in the administrative appeals have been addressed. Please refer to Response to Comment No. A1-13 for additional information regarding the administrative processing of the Proposed Project's EIR.

**Comment No. A3-5:**

2) 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 to be deadly.

The CPC and EIR failed to consider the gentrification impacts that this mega-project will have on the historic Black Crenshaw community. By imposing 961 market-rate units in a Black community that will not be able to afford them, residents in the community, specifically those who are in the directly adjacent Baldwin Village community, will be subjected to direct, indirect and exclusionary displacement through increased rents, harassment by landlords, and aggressive banks. With so many residents in the community surrounding the mall living in poverty this will undeniably increase homelessness. Residents fortunate enough to avoid the street will still be forced to move out to far-flung suburbs like Victorville increasing commute cost and reducing access to job opportunities. The forced displacements will disrupt the educational process of Black youths. The influx of new more affluent residents who feel threatened by the presence of Black and Brown men will result in more unwarranted calls to the police, thereby increasing interactions with the LAPD by longtime residents. Under Chief Charlie Beck, LAPD is America's most murderous police department, therefore the increased police interactions are a threat to the health and safety of longtime residents.

**Response to Comment No. A3-5:**

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 the Crenshaw community. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-4. As stated in Response to Comment No. A1-4, 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 in a physical change to the environment. In addition, CEQA does not require a lead agency to evaluate a project's impacts that are speculative, and impacts that are not reasonably foreseeable are considered speculative. While the comment raises important economic and social concerns, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts. Instead, after a thorough review of the referenced potential economic and social impacts described in this comment, the City finds that it cannot predict or quantify how those physical impacts

may affect the environment and, therefore, such claimed impacts are too speculative for further evaluation. (CEQA Guideline 15145.) Based on the speculative nature or absence of any potential physical impacts that may result from the Proposed Project's potential economic and social impacts, no further analysis of the Proposed Project's potential economic and social impacts under CEQA is required at this time. Please also refer to Response to Comment No. A1-4 for additional information regarding the scope of the environmental analysis provided within the Proposed Project's EIR.

Further, the Proposed Project includes an affordable housing program that consists of the following two components: (1) workforce housing - 5% of all rental and for-sale housing units will be set aside for families earning 150 percent of the median income, and (2) very low income housing - 5% of all rental and for-sale housing units will be set aside for families earning 50 percent of the median income. Under these two programs a total of 10% of the housing supply would be set aside as subsidized housing.

**Comment No. A3-6:**

3) The approval of Special Permission for the Reduction of Off-Street Parking, which is required to build the Project will be materially detrimental to the public welfare, and will result in overflow parking and traffic congestion that will adversely impact the health and safety of residents in the community.

**Response to Comment No. A3-6:**

The comment addresses potential effects resulting from the City granting the requested reduction of off-street parking. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A2-7. As stated in Response to Comment No. A2-7, the Special Permission for the Reduction of Off-Street Parking applied only to a limited subset of commercial uses and it reduced the commercial parking requirement by 100 spaces, or 2% of the total commercial parking requirement. Further, the Proposed Project proposes to provide more spaces on the site as a whole than would be required even prior to the approval of the reduced requirement. Please refer to Response to Comment No. A2-7 for additional information regarding the City's approval of the Proposed Project's request for the reduction of off-street parking.

## **APPEAL NO. A4**

Jackie Ryan and Lauren Halsey  
3347 W. 43rd Street  
Los Angeles, CA 90008

### **Comment No. A4-1:**

We, Jackie Ryan and Lauren Halsey, jointly appeal the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan. Jackie Ryan is a long-time merchant in Leimert Park who operates the cultural institution Zambezi's Bazaar, and is past president of the Leimert Park Village Merchants Association, which no longer meets regularly. Lauren Halsey is a resident of South Central Los Angeles, renowned award-winning artist, and graduate of California Institute of the Arts and Yale University.

### **Response to Comment No. A4-1:**

The comment identifies the individuals that filed a "Justification of Appeal to City Council" (Appeal) with regard to the July 13, 2017 decision of the City Planning Commission and the August 3, 2017 Determination Letter for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). These individuals hereafter are collectively referred to as the "Appellants." The comment also provides background information regarding the Appellants that filed the Appeal. The content of the Appeal is addressed in the responses provided below.

### **Comment No. A4-2:**

We are aggrieved by the decisions and Project approvals, which are needed to create a cultural erasure project. The luxury mega-development, is clearly not for existing residents of the Black Crenshaw community. Instead it seeks to wipe out the arts, culture and the community-serving small businesses and Black people that have helped make Leimert Park a cultural destination.

### **Response to Comment No. A4-2:**

The comment states the Appellants' position that they have been "aggrieved by the [CPC] decisions and Project approvals," as well as potential social and economic impacts resulting from Proposed Project development. The comment is noted for review and consideration by the decision-makers.

Contrary to the comment, it should be noted that the Proposed Project Applicant underwrites cultural programming at the Baldwin Hills Crenshaw Plaza shopping center including the Museum of African American Art, the annual Pan African Film Festival and Taste of Soul events, which are of regional interest, as well as monthly free concerts at the shopping center. In addition, creating new on-site multi-family housing options along with expanded on-site retail, food and entertainment uses as well as a new hotel and new office building would serve to support, rather than detract, from the cultural identity of the community by expanding the presence of a daytime and evening consumer for local businesses and events.

In addition, Appendix J of the Draft EIR included an analysis of the potential impacts that additional on-site development would have on the existing businesses located within the Crenshaw District. This report concludes that it is not expected that additional development on the Project Site would “result in disinvestment, store closures or physical blight which could be associated with urban decay.” As such, Proposed Project development is not anticipated to result in adverse effects on the existing businesses located within the Crenshaw District.

**Comment No. A4-3:**

This appeal is filed on the grounds that the CPC abused its discretion and erred.

**Response to Comment No. A4-3:**

The comment states the Appellants’ position that the “CPC abused its discretion and erred.” The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific California Environmental Quality Act (CEQA) or environmental issue concerning the adequacy of the Proposed Project’s Draft EIR, Revised Draft EIR, Final EIR, or Errata to the Final EIR (collectively referred to hereafter as the EIR) that would affect the City Council’s ability to conduct an independent review and certification of the Proposed Project’s EIR. Further, this comment provides no indication as to the manner or nature of the referenced abuse of discretion.

**Comment No. A4-4:**

We will provide further documentation and evidence to support the following justifications:

**Response to Comment No. A4-4:**

The comment indicates that the Appellants will provide further documentation and evidence to support the justifications that are identified in the comments that follow. The comment is noted for review and consideration by the decision-makers.

As of this date, no further documents or evidence as referenced in the comment has been provided. No further response is required or can be provided.

**Comment No. A4-5:**

- 1) CPC failed to independently review and independently certify the Project's EIR, and the City Council is failing to independently review the Project's EIR.

**Response to Comment No. A4-5:**

The comment addresses the review of the Proposed Project’s EIR by the City Planning Commission (CPC) and City Council. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-13. As stated in Response to Comment No. A1-13, the CPC in approving the Proposed Project’s entitlements relied on the Final EIR certified by the City’s Advisory Agency as a decisionmaking body for the City.

The City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR.

The CPC was not required to recertify the Proposed Project's Final EIR under CEQA Guidelines Section 15090. The CPC independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC, expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. Although not required by CEQA, the City has prepared detailed responses to every CEQA issue raised in this and other administrative appeals of the CPC's approval to ensure all CEQA concerns raised in the administrative appeals have been addressed. Please refer to Response to Comment No. A1-13 for additional information regarding the administrative processing of the Proposed Project's EIR.

**Comment No. A4-6:**

2) The Project's EIR and related reports fail to properly identify and mitigate the impacts of this massive gentrification project on the historic Black Crenshaw community, including, but not limited to: the impact and loss of the unique culture and cultural assets of the community, and the impact and harm to the small businesses, the majority of which are Black-owned.

**Response to Comment No. A4-6:**

The comment states that the EIR is flawed as it did not evaluate potential gentrification which will then create interrelated social problems within the Crenshaw community. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-4. As stated therein, 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 in a physical change to the environment. In addition, CEQA does not require a lead agency to evaluate a project's impacts that are speculative, and impacts that are not reasonably foreseeable are considered speculative. While the comment raises important economic and social concerns, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts. Instead, after a thorough review of the referenced potential economic and social impacts described in this comment, the City finds that it cannot predict or quantify how those physical impacts may affect the environment and, therefore, such claimed impacts are too speculative for further evaluation. (CEQA Guideline 15145.) Based on the speculative nature or absence of any potential physical impacts that may result from the Proposed Project's potential economic and social impacts, no further analysis of the Proposed Project's potential economic and social impacts under CEQA is required at this time. Please refer to Response to Comment No. A1-4 for additional information regarding the scope of the environmental analysis provided within the Proposed Project's EIR. Please also see Response to Comment No. A4-2 for additional discussion of

the potential of the Proposed Project to affect businesses located in the Crenshaw community as well as Proposed Project support for the culture of the Crenshaw community.

**Comment No. A4-7:**

3) The approvals to allow shared parking for commercial uses and special permission for the reduction of off-street parking will be materially detrimental to the public welfare, and will result in overflow parking in the commercial areas needed for the small businesses that surround the mall. This approval would be injurious to the properties, which are owned and occupied by small business, most of which are Black-owned.

**Response to Comment No. A4-7:**

The comment addresses the Proposed Project's approvals for shared parking and a special permission to reduce off-street parking requirements. Response to Comment No. A1-12 provides a detailed description of why both of those approvals will have no material effect on the availability of off-street parking at the Project Site. As it describes, the Special Permission for the Reduction of Off-Street Parking applied only to a limited subset of commercial uses and it reduced the commercial parking requirement by 100 spaces, or 2% of the total commercial parking requirement. Further, the Proposed Project proposes to provide more spaces than would be required even prior to the approval of the reduced requirement. As it also describes, the Proposed Project's shared parking approval – which does not result in a reduced parking requirement at the Project Site – is necessary to allow for the collection of parcels making up the Project Site to be treated as a single parcel for the purposes of locating commercial parking. Without that approval, the portions of the Proposed Project developed upon each legal parcel would be required to also locate the parking required for that development on the same legal parcel, rather than having dedicated parking areas serving large portions of the Project Site. Therefore, neither approval will result in a reduced parking supply and therefore will not result in the secondary impacts identified in the comment. Please refer to Response to Comment No. A1-12 for additional information regarding these approvals.

**Comment No. A4-8:**

4) The Project and approvals violate CEQA.

**Response to Comment No. A4-8:**

The comment states the Project and its approvals do not conform with the requirements of CEQA. The comment is noted for review and consideration by the decision-makers.

While the comment does not provide detail or specifics with respect to any violations of CEQA, we note that Response to Comment No. A1-7 addresses at length the consistency and conformance of the environmental impact report prepared for the Proposed Project with CEQA and the CEQA Guidelines as well as the sufficiency and appropriateness of the Proposed Project approvals pursuant to CEQA and CEQA Guidelines.

**Comment No. A4-9:**

5) The Project and approvals violate the city's municipal code and zoning code.

**Response to Comment No. A4-9:**

The comment indicates that the Proposed Project violates the City's Zoning and Municipal Codes. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-5. As stated in Response to Comment No. A1-5, the EIR determined that the Proposed Project would result in less than significant land use and planning impacts (see Section IV.H, Land Use and Planning of the Draft EIR). Pursuant to Section 12.32-C,7 of the Los Angeles Municipal Code (LAMC), and based on the Department of City Planning's Recommendation Report to the City Planning Commission, the Proposed Project is consistent with public necessity, convenience, general welfare, and good zoning practice. Please refer to Response to Comment No. A1-5 for additional information regarding the Proposed Project's compliance with the City's Zoning and Municipal Codes.

**Comment No. A4-10:**

6) The Project and approvals violate the constitutions of the state of California and United States of America, and human rights identified by the United Nations.

**Response to Comment No. A4-10:**

The comment characterizes the Project and its approvals as violating the documents identified in the comment. The comment is noted for review and consideration by the decision-makers.

CEQA requires the evaluation of the effects of a project that would have direct physical impacts on the environment (see CEQA Guidelines Section 15002). This comment does not raise a specific CEQA or environmental issue, and therefore no further response is required or can be provided.

Further, we note that the comment does not indicate the manner or nature of the state, federal and international authorities referenced in the comment.

## **APPEAL NO. A5**

Expo Communities United, Clint Simmons, Kim Yergan, and Robbye Davis  
3416 Redondo Boulevard  
Los Angeles, CA 90016

### **Comment No. A5-1:**

Expo Communities United, Clint Simmons, Kim Yergan and Robbye Davis (the "Appellants") are jointly appealing the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan.

### **Response to Comment No. A5-1:**

The comment identifies the individuals that filed a "Justification of Appeal to City Council" (Appeal) with regard to the July 13, 2017 decision of the City Planning Commission and the August 3, 2017 Determination Letter for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). These individuals hereafter are collectively referred to as the "Appellants." The content of the Appeal is addressed in the responses provided below.

### **Comment No. A5-2:**

The Appellants are aggrieved by the decision and Project approvals. This appeal is filed on the grounds that the CPC abused its discretion and erred.

### **Response to Comment No. A5-2:**

The comment states the Appellants' position that they have been "aggrieved by the [CPC] decision and Project approvals" and that the "CPC abused its discretion and erred." The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific CEQA or environmental issue concerning the adequacy of the Proposed Project's Draft EIR, Revised Draft EIR, Final EIR, or Errata to the Final EIR (collectively referred to hereafter as the EIR) that would affect the City Council's ability to conduct an independent review and certification of the Proposed Project's EIR. Further, this comment provides no indication as to the manner or nature of the referenced abuse of discretion.

### **Comment No. A5-3:**

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:

### **Response to Comment No. A5-3:**

The comment indicates that the Appellants have adopted all arguments that have been included into the City's administrative record to date and will provide further documents and evidence to support the justifications that are identified in the comments that follow. The comment is noted for review and consideration by the decision-makers.

As of this date, no further documents or evidence as referenced in the comment has been provided. No further response is required or can be provided.

**Comment No. A5-4:**

1) CPC failed to independently review and independently certify the EIR for the Project, and the City Council is failing to independently review the EIR for the Project.

The Appellants objects to the failure of the CPC to consider CEQA arguments and independently certify the Project's EIR. The notice for December 21, 2016 hearing by the Deputy Advisory Agency/Hearing Officer clearly states that: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." None of the Appellants were on the City's distribution list for the Project, nor were they able to attend the horribly timed hearing, which was scheduled just 4 days before Christmas. The only information easily available regarding hearing was the DAA/Hearing Officer notice, which stated that the project's EIR would be heard at subsequent hearings of the CPC and City Council. It came as a shock to Appellants that the EIR had been claimed to have been certified by the Deputy Advisory Agency and that the CPC would not be independently reviewing the project's. Now the City Council is failing to independently review the Project's EIR and is failing to provide the Appellants with an opportunity to appeal the flawed environmental document and related findings, and raise complaints related to the lack of CEQA compliance.

**Response to Comment No. A5-4:**

The comment addresses the review of the Proposed Project's EIR by the City Planning Commission (CPC) and City Council as well as the City's notification of the Proposed Project's hearing and the timing of the hearing. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-13. As stated in Response to Comment No. A1-13, the CPC in approving the Proposed Project's entitlements relied on the Final EIR certified by the City's Advisory Agency as a decisionmaking body for the City.

The City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR.

The CPC was not required to recertify the Proposed Project's Final EIR under CEQA Guidelines Section 15090. The CPC independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC, expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. Although not required by CEQA, for the sake of full disclosure, the City has prepared detailed responses to every CEQA issue raised in this and other administrative appeals of the CPC's approval to ensure all CEQA concerns raised in the administrative appeals have been addressed. Please refer to Response to Comment No. A1-13 for additional information regarding the administrative processing of the Proposed Project's EIR.

Further, the compilation of the mailing distribution list for the notices regarding availability of the Final EIR and the Notice of Public Hearing was done in accordance with applicable City procedures, and, accordingly, the notices were sent to those within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, attended the NOP scoping meeting, or provided comments during the NOP comment period. As such, in accordance with CEQA and City procedures, the public hearing held by the Hearing Officer/Deputy Advisory Agency on behalf of the City Planning Commission on December 21, 2016 was properly noticed. It is further noted that the determination of the Advisory Agency was distributed consistent with the above process, and included details regarding the appeal period and process applicable to that determination. No appeal of such determination, including certification of the Final EIR, was filed.

**Comment No. A5-5:**

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

Several significant impacts were improperly assessed or not evaluated in the Project's EIR related to direct displacement, indirect displacement, exclusionary displacement and gentrification of the historically Black Crenshaw community that will be caused by this mega-development. This impact will definitely harm seniors on fixed incomes who will be priced out and harassed out of their apartments and see their property tax assessments of their houses increase beyond a level that is affordable. Furthermore, the project has no senior housing despite a growing aging population.

**Response to Comment No. A5-5:**

The comment states that the EIR is flawed as it did not evaluate potential displacement of the Crenshaw community as well as how the Proposed Project would affect issues related to housing affordability for seniors. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment Nos. A1-4. As stated in Response to Comment No. A1-4, 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 in a physical change to the environment. In addition, CEQA does not require a lead agency to evaluate a project's impacts that are speculative, and impacts that are not reasonably foreseeable are considered speculative. While the comment raises important economic and social concerns, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts. Instead, after a thorough review of the referenced potential economic and social impacts described in this comment, the City finds that it cannot predict or quantify how those physical impacts may affect the environment and, therefore, such claimed impacts are too speculative for further evaluation. (CEQA Guideline 15145.) Based on the speculative nature or absence of any potential physical impacts that may result from the Proposed Project's potential economic and social impacts, no further analysis of the Proposed Project's potential economic and social impacts under CEQA is required

at this time. Please refer to Response to Comment No. A1-4 for additional information regarding the scope of the environmental analysis provided within the Proposed Project's EIR.

In addition, the EIR addressed issues regarding displacement by indicating that the Proposed Project would add housing to the Crenshaw community and would not result in the demolition or removal of any existing housing units (see Section IV.J, Population, Housing, and Employment, and Appendix A, Initial Study, of the Draft EIR). Further, the Proposed Project includes 961 residential units, which would be available to seniors.

With regard to property tax assessments, under Proposition 13, passed by California's voters in 1978, increases in property taxes are limited to 2 percent per year or the rate of inflation, whichever is less, when a homeowner remains in their residence. This rate of increase is administered by the Los Angeles County Assessor and is independent of whatever changes may occur within any particular area of the County. As such, development of the Proposed Project would have no effect on the amount of property taxes paid by existing homeowners.

In addition, the Proposed Project includes an affordable housing program that consists of the following two components: (1) workforce housing - 5% of all rental and for-sale housing units will be set aside for families earning 150 percent of the median income, and (2) very low income housing - 5% of all rental and for-sale housing units will be set aside for families earning 50 percent of the median income. Under these two programs a total of 10% of the housing supply would be set aside as subsidized housing.

**Comment No. A5-6:**

3) The approval of shared parking and special permission for the reduction of off-street parking defies logic, sufficient analysis and legal conformity. Communities around the Expo Line stations are currently experiencing transit riders that improperly use the limited street parking in adjacent residential areas. Reductions in parking for the Project will lead to overflow parking and increased traffic in the residential community from additional cars speeding down streets where children play and seniors walk. This is a safety hazard, materially detrimental to the public welfare, and injurious to properties in the surrounding area.

**Response to Comment No. A5-6:**

The comment addresses issues relating to shared parking and the Proposed Project's request with regard to the reduction of off-street parking. The comment also addresses issues related to parking around Metro Expo Line light rail stations as well as safety issues related to motor vehicle travel. The comment is noted for review and consideration by the decision-makers.

Metro is the decisionmaker with respect to the amount and location of parking to be provided near its light rail stations, including the under-construction Martin Luther King Jr. Blvd. station of the Crenshaw / LAX Line adjacent to the Proposed Project. The Proposed Project would provide enough parking (in conjunction with parking management measures under Mitigation Measure L-7 for the peak holiday season) to accommodate the parking demand resulting from the Proposed Project uses, as described beginning on page IV.L-75 of the Draft EIR. Any parking demand associated with Metro Crenshaw / LAX

Line riders are a consequence of the Metro Crenshaw / LAX line itself, and therefore any on-street parking or traffic increase in residential areas associated with Metro riders is an impact associated with the Metro line. The Proposed Project will not serve as a park-n-ride for Metro. Operation of the existing Baldwin Hills Crenshaw Plaza shopping center, with or without the Proposed Project requires sufficient parking for employees and visitors. In addition, to ensure neither the Proposed Project nor the existing shopping center will serve as a park-n-ride for Metro, the BHCP operations team is exploring ways to ensure that the use of the commercial parking lots is maintained exclusively for employees and visitors. Parking management measures will be executed in connection with the commencement of light rail service, and are expected to be in place with or without the Proposed Project. As such, operators of the existing shopping center are exploring parking management approaches to ensuring on-site parking is not used for park-n-ride purposes.

Regarding the approval of shared parking and special permission for the reduction of off-street parking, the comment is substantively the same as Comment No. A1-12. Refer to Response to Comment No. A1-12 for a detailed explanation of the Special Permission for the Reduction of Off-Street Parking, which is applied to a limited subset of commercial uses and the Proposed Project and will have no material effect on the availability of off-street parking at the Project Site, and will not be detrimental to the public welfare or injurious to surrounding properties or improvements.

With regard to the issue of shared parking, the purpose of the Proposed Project's application for approval of shared parking is not to reduce parking requirements established by the Los Angeles Municipal Code. Rather, the purpose of shared parking request in this case is because the Project Site is made up of various legal parcels, which typically would be required to individually provide parking sufficient for the development on that parcel. The shared parking approval allows for the collection of parcels making up the Project Site to be treated as a single parcel for the purposes of locating commercial parking. This allows for design flexibility and integration of the various uses within the Project Site. The analysis presented in the Draft EIR concludes that sufficient parking is available to meet the Proposed Project's peak parking demand with the implementation of Mitigation Measure L-7. Please refer to Response to Comment Nos. A1-10 and A1-12 for additional information regarding the requests to reduce onsite parking.

**Comment No. A5-7:**

4) The Project violates the city's zoning and municipal codes.

**Response to Comment No. A5-7:**

The comment indicates that the Proposed Project violates the City's Zoning and Municipal Codes. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-5. As stated in Response to Comment No. A1-5, the EIR determined that the Proposed Project would result in less than significant land use and planning impacts (see Section IV.H, Land Use and Planning of the Draft EIR). Pursuant to Section 12.32-C,7 of the Los Angeles Municipal Code (LAMC), and based on the CPC Letter of Determination, the Proposed Project is consistent with public necessity, convenience, general welfare, and good zoning

practice. Please refer to Response to Comment No. A1-5 for additional information regarding the Proposed Project's compliance with the City's Zoning and Municipal Codes.

**Comment No. A5-8:**

5) The Project does not conform with the intent of the city's General Plan and the West Adams-Baldwin Hills-Leimert Community Plan.

**Response to Comment No. A5-8:**

The comment indicates that the Project does not conform with the intent of the City's General Plan and the Community Plan. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-6. As stated in Response to Comment No. A1-6, the EIR determined that the Proposed Project would result in less than significant land use and planning impacts. The Proposed Project would be consistent with the applicable policies identified within the West Adams-Baldwin Hills-Leimert Community Plan (Community Plan) for the Commercial, Transit-Oriented, and Regional Center land use designation for the Project Site, consistent with the General Plan Framework Element. Further, the Proposed Project promotes a transit oriented, mixed use development within an existing infill location in the Crenshaw area which is consistent with the City's Mobility Plan 2035. Please refer to Response to Comment No. A1-6 for additional information regarding the Proposed Project's consistency and conformance with the Community Plan, General Plan Framework Element, and Mobility Plan 2035.

**Comment No. A5-9:**

6) The Project does not conform with the requirements of CEQA.

**Response to Comment No. A5-9:**

The comment states the Project does not conform with the requirements of CEQA. The comment is noted for review and consideration by the decision-makers.

While the comment does not provide detail or specifics with respect to any violations of CEQA, we note that Response to Comment No. A1-7 addresses at length the consistency and conformance of the environmental impact report prepared for the Proposed Project with CEQA and the CEQA Guidelines as well as the sufficiency and appropriateness of the Proposed Project approvals pursuant to CEQA and CEQA Guidelines.

## **APPEAL NO. A6**

Black Community Clergy & Labor Alliance, National Action Network-Los Angeles, and Southern Christian Leadership Conference of Southern California; & Larry Aubry  
3018 48th Street  
Los Angeles, CA 90043

### **Comment No. A6-1:**

The Black Community Clergy & Labor Alliance ("BCCLA"), National Action Network-Los Angeles ("NAN"), and Southern Christian Leadership Conference of Southern California ("SCLC") jointly appeal the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan. BCCLA, NAN and SCLC are unapologetically Black civil rights organizations with headquarters in South L.A. who stand in defense of the civil and human rights.

### **Response to Comment No. A6-1:**

The comment identifies the individuals that filed a "Justification of Appeal to City Council" (Appeal) with regard to the July 13, 2017 decision of the City Planning Commission and the August 3, 2017 Determination Letter for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). The comment also provides background information regarding the Appellants that filed the Appeal. These individuals hereafter are collectively referred to as the "Appellants." The content of the Appeal is addressed in the responses provided below.

### **Comment No. A6-2:**

BCCLA, NAN and SCLC are aggrieved by the decision and Project approvals, which are a direct assault on the civil and human rights of Black people, low-income people and people of color. This appeal is filed on the grounds that the CPC abused its discretion and erred.

### **Response to Comment No. A6-2:**

The comment states the Appellants' position that they have been "aggrieved by the [CPC] decision and Project approvals" and that the "CPC abused its discretion and erred." The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific CEQA or environmental issue concerning the adequacy of the Proposed Project's Draft EIR, Revised Draft EIR, Final EIR, or Errata to the Final EIR (collectively referred to hereafter as the EIR) that would affect the City Council's ability to conduct an independent review and certification of the Proposed Project's EIR. Further, this comment provides no indication as to the manner or nature of the referenced abuse of discretion.

### **Comment No. A6-3:**

BCCLA, NAN and SCLC will provide further documentation and evidence to support the following justifications:

**Response to Comment No. A6-3:**

The comment indicates that the Appellants will provide further documentation and evidence to support the justifications that are identified in the comments that follow. The comment is noted for review and consideration by the decision-makers.

As of this date, no further documents or evidence as referenced in the comment has been provided. No further response is required or can be provided.

**Comment No. A6-4:**

- 1) CPC failed to independently review and independently certify the Project's EIR, and the City Council is failing to independently review the Project's EIR.

BCCLA, NAN and SCLC object to the attempt to deny the city of Los Angeles and specifically the Black Crenshaw community of its constitutional right to challenge the adequacy and findings of the Project's Environmental Impact Report. The notice for 12/21/16 hearing by the Deputy Advisory Agency/Hearing Officer clearly states that: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." Yet, the CPC failed to independently review the Project's EIR and failed to certify the Project's EIR. Now the City Council is failing to independently review the Project's EIR and is denying people their democratic right to contest the flawed environmental document and the City's related findings.

**Response to Comment No. A6-4:**

The comment addresses the review of the Proposed Project's EIR by the City Planning Commission (CPC) and City Council. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-13. As stated in Response to Comment No. A1-13, the CPC in approving the Proposed Project's entitlements relied on the Final EIR certified by the City's Advisory Agency as a decisionmaking body for the City.

The City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR.

The CPC was not required to recertify the Proposed Project's Final EIR under CEQA Guidelines Section 15090. The CPC independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC, expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. Although not required by CEQA, for the sake of full disclosure, the City has prepared detailed responses to every CEQA issue raised in this and other administrative appeals of the CPC's approval to ensure all CEQA concerns raised in the administrative appeals have been addressed. Please refer to Response to Comment No. A1-13 for additional information regarding the administrative processing of the Proposed Project's EIR.

**Comment No. A6-5:**

2) The Project's Environmental Impact Report and related reports fail to properly evaluate and mitigate the environmental and human impacts of this massive project on the historic Black Crenshaw community, which will displace Black people out of the South Los Angeles community we had to fight to get into to replace us with a more affluent and less Black gentry.

The CPC and EIR failed to consider the gentrification impacts that this mega-project will have on the historic Black Crenshaw community. Specifically, it fails to adequately assess the loss of Black space, Black culture, Black political power, the harm to Black institutions - including churches, the weakening of Black small businesses, and the worsening of Black people's public health from direct, indirect and exclusionary displacement that the Project will cause.

**Response to Comment No. A6-5:**

The comment states that the Proposed Project's EIR fails to "properly evaluate and mitigate the environmental and human impacts" of the Proposed Project. The comment also addresses the EIR's analysis of issues regarding the potential for the Proposed Project to result in displacement and gentrification which will then create interrelated social problems within the Crenshaw community. The comment is noted for review and consideration by the decision-makers.

The Proposed Project's EIR fully analyzed the potential environmental impacts of the Proposed Project, including but not limited to, those related to humans. As stated on page 148 of the Department of City Planning's Recommendation Report to the City Planning Commission, The City is the "Lead Agency" for the project evaluated in the EIR, and has determined that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City also found that it has independently reviewed and analyzed the EIR for the Proposed Project, that the Draft EIR and the Revised Draft EIR which were circulated for public review reflected its independent judgment and that the Final EIR also reflects the independent judgment of the City.

With regard to the issues of gentrification and displacement, the comment is substantively the same as Comment No. A1-4. As stated in Response to Comment No. A1-4, 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 in a physical change to the environment. In addition, CEQA does not require a lead agency to evaluate a project's impacts that are speculative, and impacts that are not reasonably foreseeable are considered speculative. While the comment raises important economic and social concerns, the comment does not connect the Proposed Project's potential economic or social impacts to any physical impacts. Instead, after a thorough review of the referenced potential economic and social impacts described in this comment, the City finds that it cannot predict or quantify how those physical impacts may affect the environment and, therefore, such claimed impacts are too speculative for further evaluation. (CEQA Guideline 15145.) Based on the speculative nature or absence of any potential physical impacts that may result from the Proposed Project's potential economic and social impacts, no further analysis of the Proposed Project's potential economic and social impacts under CEQA is required at this time.

With regard to the Proposed Project's potential effects on businesses located within the Crenshaw community, the comment is substantively the same as Comment No. A4-2. As stated in Response to Comment No. A4-2, it is not expected that additional development on the Project Site would "result in disinvestment, store closures or physical blight which could be associated with urban decay." As such, Proposed Project development is not anticipated to result in adverse effects on the existing businesses located within the Crenshaw District. Refer to Response to Comment No. A4-2 for additional information regarding the Proposed Project's potential effects on businesses located within the Crenshaw community.

Further, with regard to supporting the culture of the Crenshaw community, the Applicant underwrites cultural programming at the Baldwin Hills Crenshaw Plaza shopping center including the Museum of African American Art, the annual Pan African Film Festival and Taste of Soul events, which are of regional interest, as well as monthly free concerts at the shopping center. In addition, creating new on-site multi-family housing options along with expanded on-site retail, food and entertainment uses as well as a new hotel and new office building would serve to support, rather than detract, from the cultural identity of the community by expanding the presence of a daytime and evening consumer for local businesses and events.

**Comment No. A6-6:**

3) The Project violates civil rights guaranteed by the constitutions of the state of California and United States of America, and human rights identified by the United Nation's specific protections against cultural erasure and right to housing.

**Response to Comment No. A6-6:**

The comment characterizes the Project and its approvals as violating the documents identified in the comment. The comment is noted for review and consideration by the decision-makers.

The comment does not indicate the manner or nature of the state, federal and international authorities referenced in the comment. However, we note that the State of California, through CEQA, requires the evaluation of the effects of a project that would have direct physical impacts on the environment (see CEQA Guidelines Section 15002). This comment does not raise a CEQA or physical or environmental issue. Further, as stated in Response to Comment No. A1-7, the Proposed Project's EIR meets all CEQA requirements and reflects the independent judgment of the City. Please refer to Response to Comment No. A1-7 for additional information regarding the Proposed Project's CEQA process.

**Comment No. A6-7:**

4) The approval of Special Permission for the Reduction of Off-Street Parking will be materially detrimental to the public welfare, and will result in overflow parking and traffic congestion that will adversely impact the health and safety of residents in the majority Black community, and be injurious to the properties, many of which are owned by Black people.

**Response to Comment No. A6-7:**

The comment discusses the Proposed Project's request for a reduction of off-street parking and its secondary effects. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-12. As stated in Response to Comment No. A1-12, the Special Permission for the Reduction of Off-Street Parking applied only to a limited subset of commercial uses. It reduced the commercial parking requirement by 100 spaces, or 2% of the total commercial parking requirement. Further, the Project proposes to provide more spaces than would be required even prior to the approval of the reduced requirement. Please refer to Response to Comment No. A1-12 for additional information regarding the City's approval with regard to the Proposed Project's request for a reduction of off-street parking.

As indicated in that response, no adverse congestion or health or safety impact to the community or adverse effect on local businesses will result from the Proposed Project's requested parking reduction.

## **APPEAL NO. A7**

Los Angeles Councilmember Robert Farrell, 8th District (Retired)  
726 W. 30th Street  
San Pedro, CA 90731

### **Comment No. A7-1:**

As a former member of the City Council's PLUM Committee I am aware of the seriousness of the body's work. I look forward to discussing the Crenshaw Mall Master Plan ("Project") and my reasons for appealing the decisions made by the City Planning Commission ("CPC") on July 13, 2017 and the CPC Determination Letter issued on August 3, 2017.

### **Response to Comment No. A7-1:**

The comment identifies the individual that filed a "Justification of Appeal to City Council" (Appeal) with regard to the July 13, 2017 decision of the City Planning Commission and the August 3, 2017 Determination Letter for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). This individual is hereafter referred to as the "Appellant." The comment also provides background information regarding the Appellant who filed the Appeal. The content of the Appeal is addressed in the responses provided below.

### **Comment No. A7-2:**

Unfortunately, the CPC erred and abused its discretion.

### **Response to Comment No. A7-2:**

The comment states the Appellant's position that the "CPC abused its discretion and erred." The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific CEQA or environmental issue concerning the adequacy of the Proposed Project's Draft EIR, Revised Draft EIR, Final EIR, or Errata to the Final EIR (collectively referred to hereafter as the EIR) that would affect the City Council's ability to conduct an independent review and certification of the Proposed Project's EIR. Further, this comment provides no indication as to the manner or nature of the referenced abuse of discretion.

### **Comment No. A7-3:**

In the appeal, I will provide further documentation and evidence to support the following justifications:

### **Response to Comment No. A7-3:**

The comment indicates that the Appellant will provide further documentation and evidence to support the justifications that are identified in the comments that follow. The comment is noted for review and consideration by the decision-makers.

As of this date, no further documents or evidence as referenced in the comment has been provided. No further response is required or can be provided.

**Comment No. A7-4:**

- 1) CPC failed to independently review and certify the Project's EIR.

I cannot recall any time in my service on the City Council where a project's EIR was certified by an unelected Deputy Advisory Agency. The concept is simply illogical. To allow a Deputy Advisory Agency to certify an EIR would bind the City Council - the elected decision-making body of the City of Los Angeles - to the analysis, findings and judgements of a City Hall bureaucrat. The CPC had an obligation to independently review and certify the Project's EIR, hear CEQA arguments from the public and make its own findings, and this Council has a statutory requirement to independently review the EIR and hear CEQA arguments and allow appeals on CEQA grounds from the public. If the Project is to be built, the City Council must certify the EIR and adopt its own findings, not rely on the improper certification by a DAA.

**Response to Comment No. A7-4:**

The comment addresses the review of the Proposed Project's EIR by the City Planning Commission and City Council. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment No. A1-13. As stated in Response to Comment No. A1-13, the CPC in approving the Proposed Project's entitlements relied on the Final EIR certified by the City's Advisory Agency as a decisionmaking body for the City.

The City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR.

The CPC was not required to recertify the Proposed Project's Final EIR under CEQA Guidelines Section 15090. The CPC independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC, expressing its independent judgment, also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. Although not required by CEQA, the City has prepared detailed responses to every CEQA issue raised in this and other administrative appeals of the CPC's approval to ensure all CEQA concerns raised in the administrative appeals have been addressed. Please refer to Response to Comment No. A1-13 for additional information regarding the administrative processing of the Proposed Project's EIR.

**Comment No. A7-5:**

- 2) The Project's EIR and related reports fail to properly evaluate and mitigate the environmental and human impacts of this very large project on the historic Black Crenshaw community.

The Project will undeniably accelerate gentrification. It would be a tremendous loss for the heart of our city's Black community to be lost simply because this new development and others, aren't built in a responsible manner.

This Project, the largest currently being considered by the City, is part of a new wave of market-rate luxury housing projects making their way south of the 10 freeway. They feature units priced well above the level affordable to longtime residents and lead to increases in property values around them that result in the displacement of longtime renters. For many reasons, the Council must recognize and respond to this development trend. It requires a strategy and approach very different from the time I served on the Council, when private investment in South L.A. was difficult to attract. Everyone wants better neighborhoods, but it must be done with the same neighbors. Policy is needed to protect tenants and at-risk homeowners, and new developments need not add fuel to the gentrification flame.

**Response to Comment No. A7-5:**

The comment states that the Proposed Project's EIR fails to "properly evaluate and mitigate the environmental and human impacts" of the Proposed Project. The comment also addresses the EIR's analysis of issues regarding the potential for the Proposed Project to result in displacement and gentrification. The comment is noted for review and consideration by the decision-makers.

The comment is substantively the same as Comment Nos. A1-4 and A6-5. As stated in Response to Comment Nos. A1-4 and A6-5, the Proposed Project's EIR fully analyzed environmental impacts, including but not limited to, those related to humans. Further, development of the Proposed Project would not result in the types of gentrification and displacement discussed in the comment and the Proposed Project would not result in adverse effects on businesses located within the Crenshaw community. Please refer to Response to Comment Nos. A1-4 and A6-5 for additional information regarding the issues raised in this comment.

Please refer to Response to Comment No. A1-26 for additional information regarding housing affordability issues. Further, the Proposed Project includes an affordable housing program that consists of the following two components: (1) workforce housing - 5% of all rental and for-sale housing units will be set aside for families earning 150 percent of the median income, and (2) very low income housing - 5% of all rental and for-sale housing units will be set aside for families earning 50 percent of the median income. Under these two programs a total of 10% of the housing supply would be set aside as subsidized housing.

In addition, the City adopted a number of policies with the goal of preventing displacement and developing a "social and economic climate that can be of significant benefit to the community" as part of the recently adopted update to the West Adams-Leimert Park-Baldwin Hills Community Plan (see West Adams-Leimert Park-Baldwin Hills Community Plan, pages 2-8.)

**Comment No. A7-6:**

3) The approval of Special Permission for the Reduction of Off-Street Parking will be materially detrimental to the public welfare, and will result in overflow parking and traffic congestion that will adversely impact the health and safety of residents in the surrounding residential and small business commercial communities. It will be injurious to the properties and improvements in the surrounding area.

**Response to Comment No. A7-6:**

The comment discusses the Proposed Project's request for a reduction of off-street parking and its secondary effects. The comment is noted for review and consideration by the decision-makers. The comment is substantively the same as Comment No. A1-12. Response to Comment No. A1-12 provides a detailed description of why that approval will have no material effect on the availability of off-street parking at the Project Site. As it describes, the Special Permission for the Reduction of Off-Street Parking applies only to a limited subset of commercial uses. It reduces the commercial parking requirement by 100 spaces, or 2% of the total commercial parking requirement. Further, the Project proposes to provide more spaces than would be required even prior to the approval of the reduced requirement. Therefore, this approval will not result in a reduced parking supply and therefore will not result in the secondary impacts identified in the comment. Please refer to Response to Comment No. A1-12 for additional information regarding the City's approval of the Proposed Project's request for the reduction of off-street parking.

**APPENDIX A**

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**Justification of Appeals to City Council  
(Bracketed into Individual Comments)**

# Appeal No. A1

## JUSTIFICATION OF APPEAL TO CITY COUNCIL

Appellants: Crenshaw Subway Coalition; Hyde Park Organizational Partnership for Empowerment; & Damien Goodmon  
Project Name: Crenshaw Mall Master Plan ("Project")  
Case Numbers: CPC-2015-4398-GPA-ZC-HD-ZAD-CU, ENV-2012-1962-EIR & CPC-2016-3681-DA

Crenshaw Subway Coalition, Hyde Park Organizational Partnership for Empowerment, and Damien Goodmon (the "Appellants") are jointly appealing the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan.

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.

Several significant impacts were improperly assessed or not evaluated in the Project's EIR related to direct displacement, indirect displacement, exclusionary displacement and gentrification of the historically Black Crenshaw community that will be caused by this mega-development. This impact will definitely harm residents, particularly renters and seniors on fixed incomes..

- 2) The Project Violates the City's Zoning and Municipal Codes.
- 3) The Project does not Conform with the Intent of the City's General Plan and the West Adams-Baldwin Hills-Leimert Community Plan.
- 4) The Project does not Conform with the Requirements of CEQA.

The project's EIR is seriously flawed, deficient, lacks sufficient evidence to support the recommendations and findings, which make all the entitlement request void. These include several matters we mention below, but we reserve the right to add objections.

### The CPC's Modification of the Q conditions was Improper

The City fails to properly analyze the request to provide reduced parking by modification of the Q condition. The municipal code provides that the purpose of a Q condition is to impose limitations necessary to "Protect the best interests of and assure a development more compatible with the surrounding property or neighborhood; Secure an appropriate development in harmony with the objectives of the General Plan; Prevent or mitigate

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potential adverse environmental effects of the zone change.” The findings justifying the modification of the Q condition to permit far less parking than the code requires. Instead of determining how the (Q) condition benefits the community, the Findings discuss how the Project benefits the community. The construction of the Project does not depend on the Q condition. No where is it stated in the Findings does it connect a need to provide less parking with the ability of the project to benefit the community. Furthermore, given the shortfall of parking during peak demand days, the Q condition does not appear to serve the purpose of protecting the best interest of the community and ensuring compatible development.

11

## The CPC’s Modification of (D) limitation on FAR was Improper

The D limitation’s purpose is to LIMIT floor area, not to increase it. The Applicants requested modification allows floor area averaging across the site, permitting the construction of larger structures in portions of the site. The municipal code does not include floor area averaging as a permissible component of a D limitation. Furthermore, the findings in support of the modified D limitation improperly evaluate the benefits of constructing the Project instead of considering the way in which the D limitation will assure a development compatible with the surrounding neighborhood.

12

## Zoning Administrator's Adjustment to Reduce Parking 10% and Conditional Use Permit for Shared Parking is Flawed

The record is devoid of any evidence that shared parking will adequately meet peak parking demand. In fact, in the two months of the year during peak parking demand, the findings show a shortfall of over 800 spaces. The program/mitigation measures proposed to address this significant impact are vague and poorly developed. There is a complete absence of any concrete performance standards and no specific plans to provide adequate parking. Therefore it is improper to find that reducing parking beyond even the 2/1000 square foot commercial parking will not be materially detrimental to the public welfare or injurious to surrounding properties or improvements.

13

## Failure to Review and Certify the EIR by the City Planning Commission and City Council

The Deputy Advisory Agency’s notice for the EIR clearly stated: “The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project.” Yet,, now the City is claiming that the DAA’s decision to certify the EIR for the VTT means that the EIR is permanently certified. This is an attempt to prevent the public from raising CEQA issues before the CPC and City Council.

14

This is direct conflict with CEQA’s requirement that the City Council independently review the EIR prior to approving the Project, which, in this case, contains entitlements that only the City Council can approve.

The Court of Appeals have ruled:

“CEQA does not permit the City Council to delegate to the planning commission any aspect of FEIR certification, since the commission is not a decisionmaking body, and ‘environmental review is not supposed to be separated from project

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approval.' Consistent with CEQA's fundamental principle requiring interpretation of its provisions so as to 'afford the fullest possible protection of the environment within the reasonable scope of the statutory language[,] it does not permit a 'bifurcation [which] would allow for a decisionmaking body to be bound by a finding made by a non-elected non-decisionmaking body that the final EIR is completed in compliance with CEQA, [as that] would skirt the purpose of CEQA by segregating environmental review of the EIR from the project approval.....' Further, '[t]his could also produce a situation in which the City Council could be bound by a finding that it finds flawed - that the final EIR is complete and in compliance with CEQA.'"

*-Ca Clean Energy Committee v. City of San Jose*

14

## Gentrification's Life-Cycle Impacts Not Assessed

EIR fails to identify the life-cycle environmental impacts of gentrification that would be triggered by this largely market rate residential Project. These impacts include, but are not limited to, the direct, indirect and exclusionary displacement of local residents, particularly renters, due to rising rents; increased travel time and associated air quality and traffic impacts from area workers who have been displaced; increased travel time and associated air quality and traffic impacts for area workers who cannot now afford housing in the vicinity of the project, and increased demand for residential development in lower cost, outer areas of the city which may still be undeveloped.

15

## Population and Housing Section is Flawed

The EIR only evaluates the issue of population growth in the project area. It fails to address the issue of the displacement caused by the Project's direct effect on the local housing market and the need to construct alternative housing elsewhere. Increased homelessness/houselessness, which disproportionately is felt by the Black community, have significant environmental impacts including, but not limited to: human waste and sanitation issues, and direct reduction in quality of life for residents of such tent cities and nearby residents.

16

## The Project's Description is Vague and Shifting

The Project Description and the entitlements purport to construct a specific Project consisting of specific residential, retail, hotel, and office uses with specific square footage, specific locations within the Project, and specific building heights. Yet the Project's EIR proposes the deferral of several matters including.

17

## Deferral of Mitigation for Traffic/Neighborhood Intrusion

The Project's EIR identifies six neighborhoods that "might" be "susceptible" to neighborhood intrusion impacts, yet states that it cannot determine with further specificity whether any such impacts would occur and in which neighborhoods they would occur. Accordingly, the EIR does not propose any mitigation measures, even though the EIR admits, "there is a range of traffic calming measure that can be implemented that have been shown to reduce neighborhood intrusion traffic to a point of insignificance."

18

The EIR fails to concretely identify neighborhood intrusion impacts, fails to establish thresholds for when such an impact would be found in the future, and fails to establish

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thresholds for when such an impact would be deemed to have been mitigated. The \$300,000 in funding is clearly insufficient to mitigate impacts because the extent of such impacts is entirely unknown. The analysis is wholly speculative and unsupported.

18

## Deferral of Mitigation for Parking

Both the EIR and the Project's Findings state that the project does not provide sufficient parking for peak parking demand on either weekdays or weekends at the time of year that parking demand is greatest (December). The shortfall is significant (over 1,000 spaces in the EIR, reduced to over 800 in the Findings). However, the mitigation measure addressing this issue is vague and undefined, leaving no guarantee that the proposed list of options to shift employee parking to unspecified locations, encourage transit and rideshare, and offer valet parking will adequately cover such a significant parking shortfall in a limited area. A direct result of the failure of such mitigation would be increased neighborhood intrusion, worsened air quality due to cruising, circling, and idling vehicles, and increased noise impacts.

19

## The EIR Provides an Insufficiently Specific Mitigation Related to Transit

The EIR proposes that the Applicant provide an additional Metro bus to eliminate impact to transit, but Metro can deploy this bus wherever it finds useful in a 20-square mile study area, so there is no guarantee that will be used to offset the Project's increased demand on already stressed, overcapacity transit system, which service is frequently being cut.

20

## EIR Defers Complete Analysis of Impacts to Public Services including Sewer

The City's sanitation department could not say with certainty whether the existing sewer system could adequately accommodate the flow of wastewater from either the North or the South portion of the project, deferring to a later date the determination of the Project's impacts on wastewater, and specifically whether new sewer facilities would be required, and what the impact of such construction would be.

21

## Traffic Study is Flawed

Traffic study fails to include major nearby projects, including the massive Cumulus skyscraper project at the intersection of Jefferson and La Cienega. Accordingly, the traffic study does not adequately evaluate impacts of new project because the baseline and cumulative impacts analysis is based on an improper baseline.

22

## Greenhouse Gas Emissions Analysis is Flawed and Fails to Comply with Supreme Court's Ruling

The Project's greenhouse gas emissions analysis is deficient and fails to comply with Supreme Court precedent regarding the analysis of greenhouse gas impacts. The EIR claims that an 18% reduction from "business as usual" emission constitutes an insignificant impact, but there is no substantial evidence supporting that conclusion. The 18% threshold is far lower than that discussed by the Supreme Court in the Newhall decision, which utilized a 30% reduction from BAU as a threshold to meet AB 32's goals of greenhouse gas reductions for a new development project. The EIR also includes in the supposed "reductions" from business as usual trip reductions from transit and internal capture which are already features of the project due to its location adjacent to transit. The BAU

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calculation for the project appears to be overstated and unsupported by substantial evidence.

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## The EIR's Public Services Related to Fire Life Safety is Flawed

The EIR misleadingly claims that the LAFD stated its response time was adequate. The LAFD letter says that Station 94 is located sufficiently close to the project to provide a timely response to the site. In 2016, according to Fire Stat LA, EMS response time for Station 94 was 5 minutes 16 seconds on average. LAFD's stated response time metric is within 5 minutes, 90% of the time, not on average. "Operational Response Time" for EMS at Station 94 was 6 minutes 26 seconds in 2016. Without assessing the need for new fire service in the area, the claim in the EIR that a project of this size, or cumulative development would not require the development of additional fire stations lacks any support.

24

## Failure to Adopt Superior Alternatives Including Alternative 4

The City has failed to adopt any of the environmentally superior alternatives, including Alternative 4, which would eliminate the CO impacts during Project operations.

25

## The Development Agreement is Insulting

The Development Agreement for this, the largest proposed project currently being considered by the City is insulting. While we know that the Development Agreement is not appealable to the City Council, the proposed agreement is an embarrassment. Classifying a 5% setaside for 150% AMI (96,450/year for a family of four) in a zip code where the median household income for the zip code is \$36,564 is laughable. A 10% local hire "goal" in the middle of an African American neighborhood, which has historically been locked out and discriminated against in/by the Building Trades is indicative of a developer who has little concern for even providing access to the economic development for the local community and African Americans. We will raise these issues when the matter is brought before the City Council.

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## CRENSHAW MALL REDEVELOPMENT PLAN: "URBAN CLEANSING" BY ANOTHER NAME

*Statement of Opposition to the Crenshaw Mall Redevelopment Master Plan (as Currently Proposed) 12 July 2017*

Gentrification is the greatest threat to the stability of the Crenshaw community. The biggest gentrification project we face is the proposed renovation of the Crenshaw Mall. If this project is built as currently proposed it would rise up a gentrification tsunami that will push out Crenshaw's tenants, low-income residents and vulnerable homeowners. Accordingly, Crenshaw Subway Coalition opposes the Crenshaw Mall redevelopment project as currently proposed...and if you care about the community you should too.

FACT: At 2.1 million square feet of new construction,<sup>1</sup> the Crenshaw Mall redevelopment is the largest proposed development project currently being considered by the City of Los Angeles.

FACT: The majority of the proposed new construction is NOT to renovate the mall, rather 1.2 million square feet of the new construction is to add nearly 1,000 market-rate apartments and condos priced at a level that existing community members cannot afford.

FACT: The developers can renovate the mall and add the proposed outdoor shopping plaza at Stocker/Crenshaw without violating the zoning code. The mall's requested violations to the zoning code are solely sought to add 961 market-rate housing units and erect a 135-foot tower, NOT to add or renovate the retail space.

### WE MUST MAKE IT PLAIN: BLACK L.A. IS UNDER ATTACK

The gravity of what is at stake demands that we be unequivocally clear: to stand in support of the proposed Crenshaw Mall redevelopment in its current form is to stand in support of the end of Los Angeles' Black Crenshaw community.

We must call the proposed development what it is: a part of a deliberate "urban cleansing" effort concocted by elitist

leaders in the public and private sectors<sup>2</sup> who seek to push out long-time Crenshaw residents to places like Victorville, Moreno Valley, Lancaster or on to the streets, and replace us with the more affluent (the "gentry").

We must acknowledge that the proposed Crenshaw Mall redevelopment project is an attack on the security of Black families, homes and small businesses, the preservation and cultivation of Black art and culture, the sanctity of Black space, the strength of Black institutions, and the potential of Black political power.

This is a seminal moment in the history of Black Los Angeles.

community benefits agreement, which has a completely inadequate 10% local hire goal.<sup>3</sup> But this is much more than just a bad deal and unlawful giveaway to a developer for yet another construction project that Black people won't be working on, and will overburden our infrastructure.

When compared to the Fox Hills Mall renovation, what is extraordinarily different in the proposed Crenshaw Mall plan is the requested addition of 961 market-rate apartments and condos that will be priced well above the level affordable to the vast majority of existing Crenshaw community residents.



### THIS IS NOT A MALL RENOVATION LIKE FOX HILLS MALL

Do not be confused by what has been requested by the Chicago-based developers.

If the out-of-town developers were ONLY requesting a renovation of the Crenshaw Mall, similar to that which was recently completed at the Fox Hills Mall, the issues would not be as intense. We would still take exception to their downright insulting

### "MARKET-RATE" MEANS "NOT FOR US"

Market-rate housing is priced at whatever the L.A. real estate market determines, which is undeniably unaffordable to the vast majority of local residents.

FACT: According to the City of Los Angeles' own documentation, in 2015 to afford a new market-rate housing unit, a household must make \$104,360 per year.<sup>4</sup> Today, it is surely higher as housing prices have gone up.

# Appeal No. A1

That is TWICE the median household income in Leimert Park, and FOUR TIMES the median household income in Baldwin Village. And those in census tracts directly adjacent to the new market-rate housing who are at the greatest risk of indirect displacement have the lowest incomes within those neighborhoods. (Leimert Park Census Tract 2343: \$36,010 & Baldwin Village Census Tract 2361: \$19,932). In the zip codes that surround the mall (90008, 90016, 90043 and 90018), the median household income ranges between \$33,864 and \$38,330.<sup>5</sup> Even Baldwin Hills Estates ("The Dons"), which is a part of the so-called "Black Beverly Hills," \$104,360/year is almost TWICE the median household income (Baldwin Hills Estates Census Tract 2364: \$57,115).

Is it any wonder why at meetings in upper middle-class Baldwin Hills Estates, when we ask a room of 150 homeowners how many can afford to buy their homes today, only a handful of hands are raised?

Most long-time residents who pay a mortgage have a note that is lower than the rent of a typical 2-bedroom "low-income" "affordable" housing unit.<sup>6</sup>

This is the reality. And we must recognize how the speculative real estate market threatens the stability and ethnic makeup of our community and city.

A failure to maintain the affordability of the Crenshaw community, which made apartment renting and homeownership possible for the vast majority of long-term residents, will drastically change Crenshaw's ethnic makeup. It will change the character of our long-standing institutions and churches.<sup>7</sup> It will weaken our potential political power at every level.<sup>8</sup> It will push out those who can least afford disruption to their home and to commute<sup>9</sup> to far-flung places, like Palmdale,<sup>10</sup> and away from their families and communal safety nets that are critical to living as Black people in America. It will increase homelessness.

**FLOODING AN AREA WITH SO MANY MARKET-RATE UNITS LEADS TO INDIRECT DISPLACEMENT/ GENTRIFICATION**

To build a massive market-rate housing project in a neighborhood that cannot afford it is a clear message that the new development is not for existing residents – it is to displace long-time residents. It leads to what is called indirect displacement: a type of displacement that occurs when residents and businesses are gradually priced out/harassed out of the area and must involuntarily leave.

A displacement study for another gentrification mega-project, The Reef, in Historic South Central, with 1,440 market-rate housing units, was estimated to lead to a moderate to very high risk of financial strain or displacement for over 43,756 people who lived within a 2-mile radius of the project.<sup>11</sup>

To deny that a similar outcome will occur in the Crenshaw community, if the mall redevelopment project is approved as proposed, is to deny that the sun rises in the East. It is to deny the data and on-the-ground experience of formerly low-income and working class communities in Oakland<sup>12</sup>, San Francisco<sup>13</sup> and Brooklyn.<sup>14</sup> It is to deny the "urban cleansing" that took place in Hollywood, where in the name of "progress" then-Councilmember Eric Garcetti facilitated the erection of a flurry of out-of-scale luxury towers with market-rate housing, which unleashed an "economic tsunami" that in 10 years displaced 12,000 Latino residents along with small businesses in Hollywood and East Hollywood alone.<sup>15</sup>

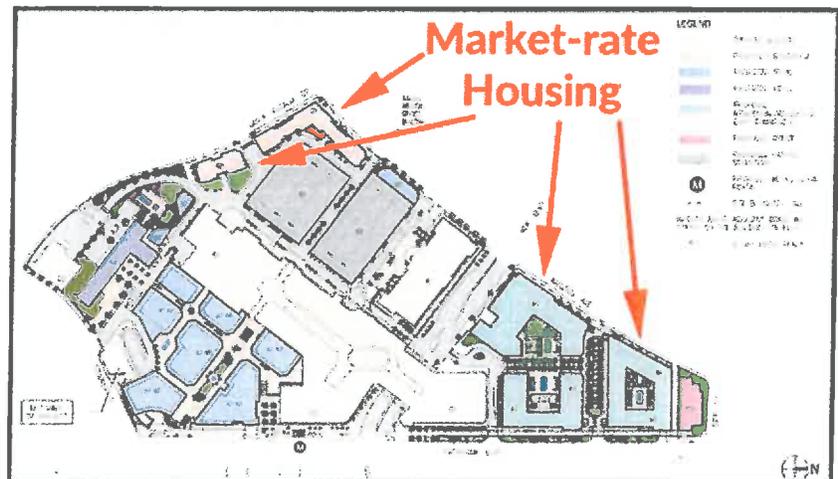
## WE RECOGNIZE THE HISTORY OF INSTITUTIONAL RACISM THAT MAKES THE BLACK COMMUNITY PARTICULARLY VULNERABLE TO GENTRIFICATION

Today, we live in the city with the unfortunate distinction of having the nation's worst housing affordability crisis<sup>16</sup> and the nation's worst homelessness/houselessness crisis.<sup>17</sup> It is a moral stain that should shame our elected officials and corporate leaders.

L.A.'s houselessness crisis hits the Black community particularly hard, as 47% of the people on the street are Black, despite amounting to only 9% of the overall population.

The roots of the crises are many. It is not because African-Americans have failed to "pull themselves up by their own bootstraps," which, by the way, isn't physically possible. (That's the point.) Any honest examination shows it is a product of policies<sup>18</sup> deliberately implemented by the public and private sectors to suppress Black wealth creation<sup>19</sup> and exploit Black labor that goes back to the days of Reconstruction.

Not only were reparations never paid, but during Reconstruction, while the federal government was literally giving away<sup>20</sup> stolen land to White settlers through the Homestead Acts,<sup>21</sup> the KKK was harassing Black farmers off their fertile lands<sup>22</sup> and Black Wall Streets were being bombed.<sup>23</sup>



Simultaneously, unlike immigrant populations, Black small businesses owners were being locked out of doing business with the larger economy in policy and/or practice, a trend that continues today.

To pass the New Deal, President Roosevelt adopted provisions from racist Southern legislators to prevent Blacks from participating in many programs<sup>24</sup> and did not extend benefits to jobs disproportionately held by Blacks.<sup>25</sup>

Redlining<sup>26</sup> and racially restrictive covenants<sup>27</sup> on property limited the ability of Blacks to own land and where we could purchase resulted in bad loans.

To create Eisenhower's interstate highway system that facilitated the creation of white suburbs and white flight,<sup>28</sup> the bulldozers were often purposefully run through Black communities.<sup>29</sup>

After embarking on a policy of "urban renewal"<sup>30</sup> that was aptly labeled "Negro removal" by James Baldwin,<sup>31</sup> the federal government ripped Johnson's Great Society programs to shreds and shifted investment to build a law-and-order mass incarceration state that targets, criminalizes and incarcerates Blacks<sup>32</sup> in an effort<sup>33</sup> that expands prison labor<sup>34</sup> and renders masses of Black citizens permanently unemployable.<sup>35</sup>

And after predatory lending by banks (and the totally inadequate<sup>36</sup> response to it by the government)<sup>37</sup> led to a foreclosure crisis that resulted in the greatest loss of Black wealth in modern history,<sup>38</sup> the biggest private equity firms in the world<sup>39</sup> and real estate flippers<sup>40</sup> swooped in like vultures to our formerly defined ghettos, to cash in on a "New Urbanism" movement.

This is the history. To deny its role in the modern-day Black wealth, Black housing affordability, Black homelessness, and all associated crises, is to deny the existence of institutional racism in America.

## **WE RECOGNIZE THE NEW TARGET ON OUR COMMUNITY**

The wrecking ball of cultural erasure and cranes of displacement<sup>41</sup> are making their way South of the 10 freeway. Though none

as big as the Crenshaw Mall project, we are tracking six other market-rate housing projects just within a one-mile radius of Crenshaw-MLK.

Former mom-and-pop owned apartment complexes are being bought by LLCs<sup>42</sup> with invisible investors.<sup>43</sup> Two of the world's largest private equity firms<sup>44</sup> are buying single-family homes.<sup>45</sup> Banks continue to engage in predatory lending,<sup>46</sup> and are denying loans<sup>47</sup> for home purchases and refinancing to Blacks with the same credit score and income that they are approving for Whites.<sup>48</sup>

Anyone with open eyes who seeks to know history will find the target on our community undeniably clear.

## **THIS WILL BE AN EPIC BATTLE & THEY WILL TEST OUR COMMUNITY'S BOND**

We have no illusion about how difficult this fight will be. This "ain't our first rodeo," and we have learned much from veterans of site-fights and housing justice warriors.

We know that gentrification is a complex issue and that many will seek to use that complexity to confuse and bamboozle residents.

We know that as we highlight the ethical bankruptcy of gentrification, the developers and their agents will attempt to convince the fortunate few stable Black homeowners to adopt a Clarence Thomas-philosophy of climbing up the ladder only to pull it up behind them, by suggesting that they advocate approval of projects and policies that push out their fellow neighbors who are low-income and renters.

We know that as we bring residents together to affirm our right to place, our right to self-determination, and the necessity of a good job with benefits, that the out-of-town developers will suggest that we betray our ancestral values system in favor of access to \$6 cups of coffee provided by companies who seek to extract our limited dollars to increase the wealth of their rich shareholders.

We know that as we advocate for a new just and fair economy and real community benefits, as we advance the principles of community ownership, as we demand local

hire/participation in construction and operation, and as we work on tangible projects such as cooperatives and land trusts, that the developers, privileged/elites and their agents will request neighbors reject these community wealth building models.<sup>49</sup>

## **DEVELOPMENT WITHOUT DISPLACEMENT. DEVELOPMENT FOR US. DEVELOPMENT THAT IS COMMUNITY-DRIVEN.**

As we have done on transit, we will engage in continuous community/political education and opportunity for conversations with policy experts, lift up the stories of residents and communities that have been victims of gentrification, keep the needs of our most vulnerable neighbors at the forefront of our discussions, and combat the myths and unproven theories with facts.

We will point to community-driven planning models and uplift efforts waged by true Black leaders in Black communities like the Dudley Street Neighborhood Initiative in Boston's Dorchester community, and Mississippi's Cooperative Jackson, led by Choke Lumumba and continued by his son, the new Mayor.

We will not quietly submit nor subscribe to the selfish morally bankrupt economic system that many of our ancestors<sup>50</sup> paid the ultimate sacrifice fighting.

We will constantly point out how America's neoliberalism has and continues to exploit the masses and in particular Black people.

## **WE ARE READY FOR BATTLE**

This is unfortunately but another site fight in Los Angeles. However, we find that due to the massive scale of the project, and the historical, cultural and ethical context that it has a particular importance.

We have found ourselves in the middle of a battle against economic inequality that is being waged in every major urban area of the Global North,<sup>51</sup> and a battle against racial inequality and racial exploitation that is as American as apple pie.

At no stage will we apologize for advocating for long-term residents, tenants,

the houseless, the poor, the working class, and maintaining the integrity of Los Angeles' last Black cultural center.

We at the Crenshaw Subway Coalition are ready to struggle.

We have put our war paint on.

We are rising up a banner to build a movement in the wondrous tradition of our ancestors, ever mindful of our duty to future generations.

We will, in the words of Amílcar Cabral, "Mask no difficulties. Tell no lies. And claim no easy victories."

**All direct links & more info are at:**  
[www.crenshawsubway.org/crenshaw\\_\\_mall](http://www.crenshawsubway.org/crenshaw__mall)

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# Appeal No. A2

## JUSTIFICATION OF APPEAL TO CITY COUNCIL

Appellant: Los Angeles Tenants Union

Project Name: Crenshaw Mall Master Plan ("Project")

Case Nos. CPC-2015-4398-GPA-ZC-HD-ZAD-CU, ENV-2012-1962-EIR & CPC-2016-3681-DA

Los Angeles Tenants Union ("LATU") is appealing the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan. LATU is a citywide member-led housing rights group that advocates for the protection of renters through the enforcement and improvement of existing housing and land use laws. We have multiple active chapters throughout the city, including in South Los Angeles.

1

LATU is aggrieved by the decision and Project approvals, which will directly harm tenants in South Los Angeles' historic black Crenshaw community. This appeal is filed on the grounds that the CPC abused its discretion and erred. LATU adopts all arguments that have been included into the record thus-far and will provide further documents and evidence to support the following justifications:

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- 1) CPC failed to independently review and independently certify the Environmental Impact Report for the Project, and the City Council is failing to independently review the Environmental Impact Report for the Project.

LATU firmly objects to the failure of the CPC to consider CEQA arguments and independently certify the Project's EIR. The notice for December 21, 2016 hearing by the Deputy Advisory Agency/Hearing Officer clearly states that: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." Yet, the CPC failed to independently review the project's EIR and failed to certify the project's EIR. Now the City Council is failing to independently review the Project's EIR and is failing to provide LATU an opportunity to appeal the flawed environmental document and related findings.

4

- 2) The Project's Environmental Impact Report fails to evaluate the direct displacement, indirect displacement and exclusionary displacement of tenants that will be caused by this mega-development, which features 961 market-rate units in a low-income community with the median household income of \$36,564 for the 90008 zip code.

5

Several significant impacts were improperly assessed or not evaluated in the Project's EIR related to direct displacement, indirect displacement, exclusionary displacement and gentrification of the historically Black Crenshaw community that will be caused by this mega-development. If this massive luxury housing project with 961 market-rate housing units is approved, tenants in the Crenshaw community will be met with the same unfortunate barrage of harassment and rent increases that have occurred and is currently occurring throughout the City of Los Angeles, worsening the country's worst affordable housing crisis.

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- 3) The approval of Special Permission for the Reduction of Off-Street Parking will be materially detrimental to the public welfare, and will result in overflow parking or traffic congestion that will adversely impact the quality of life of tenants.
- 4) The Project violates the city's zoning and municipal codes.
- 5) The Project does not conform with the intent of the city's General Plan and the West Adams-Baldwin Hills-Leimert Community Plan.

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# Appeal No. A3

## JUSTIFICATION OF APPEAL TO CITY COUNCIL

Appellants: Los Angeles Black Worker Center, Los Angeles Community Action Network, Gregory Akili and Jan Williams

Project Name: Crenshaw Mall Master Plan ("Project")

Case Nos. CPC-2015-4398-GPA-ZC-HD-ZAD-CU, ENV-2012-1962-EIR & CPC-2016-3681-DA

The Los Angeles Black Worker Center ("BWC"), Los Angeles Community Action Network ("LA CAN"), Gregory Akili, and Jan Williams (the "Appellants") jointly appeal the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan.

With headquarters in Hyde Park, BWC is a dynamic table of workers, organized labor, community-based organizations, clergy, students, and scholars working collectively to improve the position of the African-American working class, facilitate co-empowerment of workers and potential workers, and strengthen the voice of LA's social and economic justice community. LA CAN is an advocacy organization headquartered in Skid Row with a mission to help people dealing with poverty create and discover opportunities, while serving as a vehicle to ensure we have voice, power and opinion in the decisions that are directly affecting us. Gregory Akili is a Black community organizer who lives in the Baldwin Village community adjacent to the mall. Jan Williams is an LAUSD service worker who lives in the adjacent Crenshaw Manor community.

The Appellants are aggrieved by the decision and Project approvals. This appeal is filed on the grounds that the CPC abused its discretion and erred. The Appellants will provide further documentation and evidence to support the following justifications:

- 1) CPC failed to independently review and independently certify the Project's EIR, and the City Council is failing to independently review the Project's EIR.

The Appellants were entitled to challenge the adequacy and findings of the Project's Environmental Impact Report at the CPC and are entitled to challenge them at City Council. Specifically, the notice for December 21, 2016 hearing by the Deputy Advisory Agency/Hearing Officer clearly states that: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." Yet, the CPC failed to independently review the Project's EIR and failed to certify the Project's EIR. Now the City Council is failing to independently review the Project's EIR and is denying Appellants their democratic right to contest the flawed environmental document and the City's related findings.

- 2) 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 to be deadly.

The CPC and EIR failed to consider the gentrification impacts that this mega-project will have on the historic Black Crenshaw community. By imposing 961 market-rate units in a Black community that will not be able to afford them, residents in the community, specifically those who are in the directly adjacent Baldwin Village community, will be subjected to direct, indirect and exclusionary displacement through increased rents, harassment by landlords, and aggressive banks. With so many residents in the community surrounding the mall living in poverty this will undeniably increase homelessness. Residents fortunate enough to avoid the street will still be forced to move out to far-flung suburbs like Victorville increasing commute cost and reducing access to job opportunities. The forced displacements will disrupt the educational process of Black youths. The influx of new more affluent residents who feel threatened by the presence of Black and Brown men will result in more unwarranted calls to the police, thereby increasing interactions with the LAPD by longtime residents. Under Chief Charlie Beck, LAPD is America's most murderous police department, therefore the increased police interactions are a threat to the health and safety of longtime residents.

- 3) The approval of Special Permission for the Reduction of Off-Street Parking, which is required to build the Project will be materially detrimental to the public welfare, and will result in overflow parking and traffic congestion that will adversely impact the health and safety of residents in the community.

# Appeal No. A4

## JUSTIFICATION OF APPEAL TO CITY COUNCIL

Project Name: Crenshaw Mall Master Plan (“Project”)  
Case Numbers: CPC-2015-4398-GPA-ZC-HD-ZAD-CU, ENV-2012-1962-EIR & CPC-2016-3681-DA  
Appellants: Jackie Ryan and Lauren Halsey

We, Jackie Ryan and Lauren Halsey, jointly appeal the July 13, 2017 decision of the City Planning Commission (“CPC”) and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan. Jackie Ryan is a long-time merchant in Leimert Park who operates the cultural institution Zambezi’s Bazaar, and is past president of the Leimert Park Village Merchants Association, which no longer meets regularly. Lauren Halsey is a resident of South Central Los Angeles, renowned award-winning artist, and graduate of California Institute of the Arts and Yale University.

We are aggrieved by the decisions and Project approvals, which are needed to create a cultural erasure project. The luxury mega-development, is clearly not for existing residents of the Black Crenshaw community. Instead it seeks to wipe out the arts, culture and the community-serving small businesses and Black people that have helped make Leimert Park a cultural destination.

This appeal is filed on the grounds that the CPC abused its discretion and erred. We will provide further documentation and evidence to support the following justifications:

- 1) CPC failed to independently review and independently certify the Project’s EIR, and the City Council is failing to independently review the Project’s EIR.
- 2) The Project’s EIR and related reports fail to properly identify and mitigate the impacts of this massive gentrification project on the historic Black Crenshaw community, including, but not limited to: the impact and loss of the unique culture and cultural assets of the community, and the impact and harm to the small businesses, the majority of which are Black-owned.
- 3) The approvals to allow shared parking for commercial uses and special permission for the reduction of off-street parking will be materially detrimental to the public welfare, and will result in overflow parking in the commercial areas needed for the small businesses that surround the mall. This approval would be injurious to the properties, which are owned and occupied by small business, most of which are Black-owned.
- 4) The Project and approvals violate CEQA.
- 5) The Project and approvals violate the city’s municipal code and zoning code.
- 6) The Project and approvals violate the constitutions of the state of California and United States of America, and human rights identified by the United Nations.

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# Appeal No. A5

## JUSTIFICATION OF APPEAL TO CITY COUNCIL

Appellants: Expo Communities United, Clint Simmons, Kim Yergan, and Robbye Davis

Project Name: Crenshaw Mall Master Plan ("Project")

Case Nos. CPC-2015-4398-GPA-ZC-HD-ZAD-CU, ENV-2012-1962-EIR & CPC-2016-3681-DA

Expo Communities United, Clint Simmons, Kim Yergan and Robbye Davis (the "Appellants") are jointly appealing the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan.

1

The Appellants are aggrieved by the 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:

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- 1) CPC failed to independently review and independently certify the EIR for the Project, and the City Council is failing to independently review the EIR for the Project.

The Appellants objects to the failure of the CPC to consider CEQA arguments and independently certify the Project's EIR. The notice for December 21, 2016 hearing by the Deputy Advisory Agency/Hearing Officer clearly states that: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." None of the Appellants were on the City's distribution list for the Project, nor were they able to attend the horribly timed hearing, which was scheduled just 4 days before Christmas. The only information easily available regarding hearing was the DAA/Hearing Officer notice, which stated that the project's EIR would be heard at subsequent hearings of the CPC and City Council. It came as a shock to Appellants that the EIR had been claimed to have been certified by the Deputy Advisory Agency and that the CPC would not be independently reviewing the project's. Now the City Council is failing to independently review the Project's EIR and is failing to provide the Appellants with an opportunity to appeal the flawed environmental document and related findings, and raise complaints related to the lack of CEQA compliance.

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

Several significant impacts were improperly assessed or not evaluated in the Project's EIR related to direct displacement, indirect displacement, exclusionary displacement and gentrification of the historically Black Crenshaw community that will be caused by this mega-development. This impact will definitely harm seniors on fixed incomes who will be priced out and harassed out of their apartments and see their property tax assessments of their houses increase beyond a level that is affordable. Furthermore, the project has no senior housing despite a growing aging population.

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- 3) The approval of shared parking and special permission for the reduction of off-street parking defies logic, sufficient analysis and legal conformity. Communities around the Expo Line stations are currently experiencing transit riders that improperly use the limited street parking in adjacent residential areas. Reductions in parking for the Project will lead to overflow parking and increased traffic in the residential community from additional cars speeding down streets where children play and seniors walk. This is a safety hazard, materially detrimental to the public welfare, and injurious to properties in the surrounding area.

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- 4) The Project violates the city's zoning and municipal codes.

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- 5) The Project does not conform with the intent of the city's General Plan and the West Adams-Baldwin Hills-Leimert Community Plan.

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- 6) The Project does not conform with the requirements of CEQA.

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# Appeal No. A6

## JUSTIFICATION OF APPEAL TO CITY COUNCIL

Appellants: Black Community Clergy & Labor Alliance, National Action Network-Los Angeles, and Southern Christian Leadership Conference of Southern California

Project Name: Crenshaw Mall Master Plan ("Project")

Case Nos. CPC-2015-4398-GPA-ZC-HD-ZAD-CU, ENV-2012-1962-EIR & CPC-2016-3681-DA

The Black Community Clergy & Labor Alliance ("BCCLA"), National Action Network-Los Angeles ("NAN"), and Southern Christian Leadership Conference of Southern California ("SCLC") jointly appeal the July 13, 2017 decision of the City Planning Commission ("CPC") and the issuance of the August 3, 2017 Determination Letter regarding the Crenshaw Mall Master Plan. BCCLA, NAN and SCLC are unapologetically Black civil rights organizations with headquarters in South L.A. who stand in defense of the civil and human rights.

1

BCCLA, NAN and SCLC are aggrieved by the decision and Project approvals, which are a direct assault on the civil and human rights of Black people, low-income people and people of color. This appeal is filed on the grounds that the CPC abused its discretion and erred. BCCLA, NAN and SCLC will provide further documentation and evidence to support the following justifications:

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- 1) CPC failed to independently review and independently certify the Project's EIR, and the City Council is failing to independently review the Project's EIR.

BCCLA, NAN and SCLC object to the attempt to deny the city of Los Angeles and specifically the Black Crenshaw community of its constitutional right to challenge the adequacy and findings of the Project's Environmental Impact Report. The notice for 12/21/16 hearing by the Deputy Advisory Agency/Hearing Officer clearly states that: "The EIR will be submitted to the City Planning Commission and City Council for requested certification and action on the Project." Yet, the CPC failed to independently review the Project's EIR and failed to certify the Project's EIR. Now the City Council is failing to independently review the Project's EIR and is denying people their democratic right to contest the flawed environmental document and the City's related findings.

4

- 2) The Project's Environmental Impact Report and related reports fail to properly evaluate and mitigate the environmental and human impacts of this massive project on the historic Black Crenshaw community, which will displace Black people out of the South Los Angeles community we had to fight to get into to replace us with a more affluent and less Black gentry.

5

The CPC and EIR failed to consider the gentrification impacts that this mega-project will have on the historic Black Crenshaw community. Specifically, it fails to adequately assess the loss of Black space, Black culture, Black political power, the harm to Black institutions - including churches, the weakening of Black small businesses, and the worsening of Black people's public health from direct, indirect and exclusionary displacement that the Project will cause.

- 3) The Project violates civil rights guaranteed by the constitutions of the state of California and United States of America, and human rights identified by the United Nation's specific protections against cultural erasure and right to housing.

6

- 4) The approval of Special Permission for the Reduction of Off-Street Parking will be materially detrimental to the public welfare, and will result in overflow parking and traffic congestion that will adversely impact the health and safety of residents in the majority Black community, and be injurious to the properties, many of which are owned by Black people.

7

## JUSTIFICATION OF APPEAL TO CITY COUNCIL

By Los Angeles Councilmember Robert Farrell  
8<sup>th</sup> District (Retired)

Honorable Councilmembers,

As a former member of the City Council's PLUM Committee I am aware of the seriousness of the body's work. I look forward to discussing the Crenshaw Mall Master Plan ("Project") and my reasons for appealing the decisions made by the City Planning Commission ("CPC") on July 13, 2017 and the CPC Determination Letter issued on August 3, 2017. Unfortunately, the CPC erred and abused its discretion.

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In the appeal, I will provide further documentation and evidence to support the following justifications:

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- 1) CPC failed to independently review and certify the Project's EIR.

I cannot recall any time in my service on the City Council where a project's EIR was certified by an unelected Deputy Advisory Agency. The concept is simply illogical. To allow a Deputy Advisory Agency to certify an EIR would bind the City Council - the elected decision-making body of the City of Los Angeles - to the analysis, findings and judgements of a City Hall bureaucrat. The CPC had an obligation to independently review and certify the Project's EIR, hear CEQA arguments from the public and make its own findings, and this Council has a statutory requirement to independently review the EIR and hear CEQA arguments and allow appeals on CEQA grounds from the public. If the Project is to be built, the City Council must certify the EIR and adopt its own findings, not rely on the improper certification by a DAA.

4

- 2) The Project's EIR and related reports fail to properly evaluate and mitigate the environmental and human impacts of this very large project on the historic Black Crenshaw community.

The Project will undeniably accelerate gentrification. It would be a tremendous loss for the heart of our city's Black community to be lost simply because this new development and others, aren't built in a responsible manner.

This Project, the largest currently being considered by the City, is part of a new wave of market-rate luxury housing projects making their way south of the 10 freeway. They feature units priced well above the level affordable to longtime residents and lead to increases in property values around them that result in the displacement of longtime renters. For many reasons, the Council must recognize and respond to this development trend. It requires a strategy and approach very different from the time I served on the Council, when private investment in South L.A. was difficult to attract. Everyone wants better neighborhoods, but it must be done with the same neighbors. Policy is needed to protect tenants and at-risk homeowners, and new developments need not add fuel to the gentrification flame.

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- 3) The approval of Special Permission for the Reduction of Off-Street Parking will be materially detrimental to the public welfare, and will result in overflow parking and traffic congestion that will adversely impact the health and safety of residents in the surrounding residential and small business commercial communities. It will be injurious to the properties and improvements in the surrounding area.

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**APPENDIX B**

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**Additional Analysis of Project Consistency with Recently Adopted  
West Adams–Baldwin Hills–Leimert Community Plan**

## INTRODUCTION

The City of Los Angeles prepared the Environmental Impact Report (EIR) ENV-2012-1962-EIR for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). The Draft EIR, Revised Draft EIR, Final EIR, and Errata determined that the Proposed Project would result in less than significant land use and planning impacts. The following analysis presents additional information on the consistency of the Proposed Project with the City’s West Adams–Baldwin Hills–Leimert Community Plan (“Community Plan”). The Community Plan was adopted by City Council on June 29, 2016.<sup>1</sup>

## WEST ADAMS–BALDWIN HILLS–LEIMERT COMMUNITY PLAN

The land use policies and standards of the General Plan Framework are implemented at the local level through the community planning process. Community plans are oriented toward specific geographic areas of the city—defining locally the General Plan Framework’s more general policies and programs—and are intended to promote an arrangement of land uses, streets, and services that will encourage and contribute to the economic, social, and physical health, safety, welfare, and convenience of the people who live and work in the community. Goals, objectives, policies, and programs are created to meet the existing and future needs of the community.

The Community Plan guides land use planning and future development within the West Adams–Baldwin Hills–Leimert community, which includes the neighborhoods of South Los Angeles and Baldwin Hills. The redevelopment of the existing Baldwin Hills Crenshaw Plaza is consistent with several goals, objectives, and policies of the Community Plan. As discussed below, the Proposed Project will be consistent with the goals and policies of a Regional Center of the Community Plan.

## Proposed Project Consistency Analysis

### ***Regional Center***

The Community Plan contains the following Regional Center–related policies:

Goal LU48: A Regional Center that effectively generates a high quality retail environment whereby a mix of brand name establishments are located within close proximity to new and existing housing and recreational opportunities.

Policy LU48-1 High-Quality Mixed-Use Development. Contribute to revitalization efforts within the Community Plan Area by providing an exemplary model of “smart-growth” consisting of high quality mixed-use retail, office, hotel, and residential development.

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<sup>1</sup> Los Angeles Department of City Planning, *West Adams-Baldwin Hills-Leimert Community Plan*, Adopted June 29, 2016.

Policy LU48-2 Adequate Density. Provide construction densities that adequately respond to market requirements in order to fully realize the development potential of underutilized areas of the Regional Center.

Policy LU48-3 Economic Stability for Stakeholders. Enable economic viability for the Regional Center stakeholders while serving to enhance the economic stability of the City through significant increase in property and sales tax revenues, including transient occupancy tax revenues, through the provision of a high-quality, mixed-use environment.

**Consistent.** The Proposed Project will add new transit-oriented development within the Baldwin Crenshaw Mall in South Los Angeles. In June 2012, the Los Angeles Department of City Planning kicked off a 2-year effort to create Transit Neighborhood Plans for the areas surrounding ten transit stations along the Exposition and Crenshaw/LAX Light Rail lines, including the Crenshaw/MLK station located adjacent to the Project Site. The purpose of these plans is to support vibrant neighborhoods around transit stations, where people can live, work, and shop or eat out, all within a safe and pleasant walk to a transit station. The Proposed Project has been designed to implement the purpose of these plans by creating a transit-oriented development with access to two Crenshaw subway transit portals that are integrated into the Proposed Project's streetscape design. When combined with the existing Metro bus stops that serve the existing shopping center, these subway access points would further activate the Project Site by providing the community access to on-site shopping, entertainment, and social gathering opportunities, all of which are components of a transit-oriented development.

The Project Site currently contains approximately 1.02 million square feet of various types of commercial development. The Proposed Project would add a total of approximately 2.06 million square feet of development to the Project Site, which would consist of approximately 820,000 square feet of commercial development and up to 961 residential units (totaling approximately 1.235 million square feet of residential development). These new uses to be added to the Project Site include approximately 331,838 square feet of retail and related commercial uses; an approximately 346,500-square-foot hotel providing up to 400 rooms; approximately 143,377 square feet of office uses; and the aforementioned 961 residential units, consisting of 551 residential condominium units and 410 apartment units.

The Proposed Project combines the retention of the existing mall building, a stand-alone movie theater building, and two free-standing buildings occupied by commercial uses with new development that creates a pedestrian-oriented mixed-use development which complements and enhances the existing on-site uses. The new commercial uses proposed for development include a Retail Village located around the intersection of Stocker Street and Crenshaw Boulevard, with pedestrian access available from both Crenshaw Boulevard and Stocker Street; a hotel located to the south of the Retail Village and existing mall building; an office building at the northern edge of the Project Site at the southwest corner of Crenshaw Boulevard and 39th Street; and street-front retail uses along Crenshaw Boulevard, Martin Luther King Jr. Boulevard, and Marlton Avenue. The Proposed Project also introduces residential uses to a previously commercial-only site, with residential apartments located within the southwest corner of the Project Site

along Santa Rosalia Drive and Marlton Avenue, and residential condominium and apartment units located above the street-front retail uses in the portion of the Project Site located north of Martin Luther King Jr. Boulevard.

The development is consistent with the applicable zoning regulations and land use policies in the Community Plan, which aims to provide a variety of housing opportunities, maximize development opportunities around future transit systems, and enhance the positive characteristics of existing uses that provide the foundation for community identity, such as scale, height, bulk, setbacks, and appearance. Therefore, the Proposed Project is consistent with this goal because it contributes to the revitalization of underdeveloped parcels while introducing opportunities for high-quality retail uses, and significantly increases opportunities for tax revenues and proposed sales.

Policy LU48-4            Variety of Homeownership Opportunities. Encourage a variety of housing ownership opportunities in mixed-use projects that incorporate retail, entertainment, office and hotel uses, thus creating a better balance of housing and employment opportunities.

Policy LU48-5            High Quality Residential. Where residential opportunities are considered within the Regional Center, provide a range of high-quality multi-family homeownership, and a high-quality leasing product at a range of prices.

**Consistent.** As previously discussed, the Proposed Project is a transit-oriented, mixed-use development that would accommodate regional growth projected by the City by providing up to 961 additional residential units in South Los Angeles. The Project Site currently contains approximately 1.02 million square feet of various types of commercial development. The proposed new uses to be added to the Project Site include approximately 331,838 square feet of retail and related commercial uses; an approximately 346,500-square-foot hotel providing up to 400 rooms; approximately 143,377 square feet of office uses; and to the aforementioned 961 residential units, consisting of 551 residential condominium units and 410 apartment units. The Development Agreement as currently proposed includes an affordable housing program that consists of the following two components: (1) workforce housing - 5% of all rental and for-sale housing units will be set aside for families earning 150 percent of the median income, and (2) very low income housing - 5% of all rental and for-sale housing units will be set aside for families earning 50 percent of the median income. A specific range of prices have not been established at this time; however, market rates will be based on similar values of residential units developed in the Proposed Project vicinity. As a result, the Proposed Project is consistent with providing a balance of housing and employment opportunities within a Regional Center in South Los Angeles.

Policy LU48-6            Support Existing Mall Stores. Ensure the viability of existing mall stores which support the needs of local residents.

**Consistent.** The Proposed Project is designed to activate the streets surrounding the Project Site and improve the pedestrian and transit character of the Project Site by providing a pedestrian-oriented design

that integrates the Project Site with the existing pedestrian pathways which are part of the streets that border the Project Site. The enclosed mall would remain the primary land use within the southern portion of the Project Site; a variety of new land uses and shopping environments would be created to establish a mixed-use, pedestrian- and transit-friendly site, most notable of which would be the addition of a new Retail Village. The southern half of the mall is currently set back as much as 400 to 500 feet from Crenshaw Boulevard and Stocker Street, with surface parking and a parking structure occupying the majority of this portion of the site. With the Proposed Project, this area, with the exception of Outbuilding B, would be replaced with a pedestrian-oriented Retail Village that would enhance the pedestrian environment along these streets (i.e., activate pedestrian activity along Crenshaw Boulevard) and provide a shopping experience that would complement the existing shopping opportunities found within the enclosed mall. The Retail Village is planned to consist of a series of buildings located within a plaza accessible from Crenshaw Boulevard, as well as from Stocker Street and the mall. Therefore, the Proposed Project is consistent with supporting the existing mall policy.

Goal LU49: A Regional Center that effectively addresses certain uses identified as detrimental to the health and welfare of the community due to nuisance, over-concentration or reliance on a standardized development typology often dominated by excessive automobile orientation.

Policy LU49-1 Efficient Use of Land. To eliminate and prevent the spread of blight and deterioration, create more pedestrian-friendly environments, and reduce car dependency within regional center commercial areas through a more efficient use of land that provides mixed-income housing ownership opportunities, clustered together with retail, hotel, office, and restaurant uses, as well as public open space near public transit.

**Consistent.** The Proposed Project promotes multiple alternative transit options in a mixed-use development that incorporates the existing mall into the design of the Project Site. Accordingly, the requested Zone and Height District Changes are necessary to revise the existing “D” Limitation as established by Ordinance No. 156,481 to allow a Floor Area Ratio up to 3:1 across the entire site, in lieu of the “D” Limitation of a 3:1 FAR of each lot and a 1.5:1 FAR total across the entire site; and to revise the existing “Q” Condition as established by Ordinance No. 162,020 to allow two parking spaces per 1,000 square feet for the commercial and office use, in lieu of the “Q” Condition requiring three parking spaces per 1,000 square feet.

Approval of the “D” Limitation request would allow individual building sites to be developed at densities greater than 3:1, but in no event would the FAR for the entire Project Site exceed a 3:1 ratio, thus unifying the existing and proposed development.

Approval of the “Q” Condition request will allow a 10 percent reduction of the required off-street parking spaces for commercial uses because the Project Site is located within 1,500 feet of a transit facility. The Proposed Project includes 6,829 vehicle parking spaces and 855 bicycle parking spaces for the use of the

Proposed Project, thereby relieving the community of limited street parking. To accommodate demand during the peak shopping season in December, a parking management program will be instituted as required by mitigation measure **MM L-7** that will include measures such as providing tandem and off-site parking for employees, offering valet parking for customers, and encouraging employees to rideshare or use transit during December.

To improve on-site circulation, the Proposed Project will improve the pedestrian environment as compared to the existing conditions at the Project Site. The existing mall property is largely fenced off from the surrounding land uses, with limited pedestrian entry points into the Project Site. To increase accessibility to the Project Site, the existing wrought iron fence that surrounds the site will be removed. As a mixed-use development with residential, hotel, office, retail and entertainment uses, the pedestrian circulation plan includes multiple points of entry from the exterior property boundaries; widened pedestrian sidewalks and walkways, street furniture and bus shelters; and striped and signalized pedestrian crosswalks linking the uses. The pedestrian bridge over Martin Luther King Jr. Boulevard will be retained so that the Baldwin Hills Crenshaw Plaza would be able to continue to operate as a single site, with people able to park on one block and walk to uses on the other block. Therefore, the development is consistent with the efficient use of the Project Site.

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| Goal LU50:    | A Regional Center that attracts uses which strengthen and diversify the economic base by expanding market opportunities for both traditional existing businesses and emerging new businesses.  |
| Policy LU50-1 | Phased Development Plans. Encourage the phasing of development plans in order to allow for the concurrent operation of existing retail operations while new structures and infrastructure are being constructed in a manner that minimizes disruptions to existing businesses. |
| Policy LU50-2 | Land Use Equivalency Programs. Encourage implementation of land use equivalency programs that provide flexibility to exchange certain land uses of equal or lesser environmental impacts within the overall development envelope in order to accommodate market demands.       |
| Policy LU50-3 | Complement Adjacent Neighborhood Character. Provide opportunities for viable commercial, retail, entertainment, and office space in a manner that is complementary to the existing character of the adjoining commercial and residential neighborhoods.                        |
| Policy LU50-4 | Identify Appropriate Revitalization/Redevelopment Areas. Identify additional appropriate revitalization/redevelopment areas and encourage uses that would enhance the economic vitality of the regional center.  |

**Consistent.** The Proposed Project incorporates several land uses (i.e., entertainment, restaurants, residential, office, hotel, and anchor and general retail) across the Project Site to complement the existing surrounding uses. To efficiently develop the Project Site, the Proposed Project would be implemented via a proposed development program in conjunction with the design standards previously discussed. Because the Proposed Project is to be developed over time, the location and orientation of the future buildings will be based on market conditions at the time each building is constructed. Certain physical improvements, including tenant relocations, may occur under the existing entitlements prior to or during construction of the Proposed Project. The actual schedule would depend on the Project Applicant's ability to obtain financing and develop the Proposed Project commensurate with market conditions.

As previously discussed, the Proposed Project is a mixed-use, transit-oriented development located within a City-designated Regional Center. The future Crenshaw/LAX Light Rail line is anticipated to open in 2019, and the Proposed Project has been designed to include a mobility hub with a portal to this station. The mobility hub will minimize effects of the Proposed Project on the local transportation system by enhancing access to transit service available in the area. Furthermore, sharing of on-site parking spaces would allow for an alternate use of the land, which would otherwise be needed for parking facilities. This, in turn, allows for the current site design and layout, and reduces the required height, bulk/massing, visual impact, and consumption of materials and resources that would otherwise be needed to construct additional parking levels of the parking garage. Therefore, the allowance for shared parking would enhance the built environment while supporting the overall project and its benefits to the community, city, and region.

The arrangement of the proposed uses were designed to complement the existing surrounding uses. The office and hotel uses are proposed at the north and south ends of the Project Site to minimize impacts on views from adjacent neighborhoods. To minimize effects of views from neighborhoods to the south of the Project Site, the Revised Project lowers the height of the office building proposed in the northern portion of the site from 145 feet to 135 feet (10 stories), and the hotel from 135 feet to 94 feet in height (8 stories). These changes were made to preserve views from the Baldwin Hills Community to the south of the Project Site. The proposed residential uses have been situated to be in proximity to the surrounding residential uses. The Project Site will feature a pedestrian pathway that is aligned to connect with the nearby Kaiser site.

The transit-oriented development proposed on the Project Site maximizes the benefit of the mixed commercial and residential uses, and would be consistent with the goal of strengthening and diversifying a designated Regional Center in South Los Angeles.

Goal LU51:                      A community where economic revitalization within the Regional Center is created by promoting enhanced pedestrian orientation.

Policy LU51-1                      Structured Off-street Parking. Recommend that new developments within the Regional Center locate required parking within structures, interior to the property or below ground.

Policy LU51-2 Minimize Parking Footprint. Develop sites in a manner that minimizes the footprints of parking areas and buildings to allow more surface area to be improved with open space amenities, pedestrian circulation areas, and landscaping.

**Consistent.** The Proposed Project is located in an existing urbanized area and will provide access to public transit and opportunities for walking and biking. The Proposed Project will concentrate employment and commercial uses in proximity to public transit opportunities (e.g., rail and bus routes). To maximize the use of the Project Site, the Applicant is requesting Special Permission to allow a 10 percent reduction of the required off-street parking spaces for commercial uses because the Project Site is located within 1,500 feet of the future Martin Luther King Jr. transit station and the Project will include a portal to the station.

As discussed above, the Proposed Project will include a minimum of 20 percent of the total Code-required net new parking spaces provided for all types of parking facilities for supporting future electric vehicle supply equipment or alternative fuel. Of the 20 percent EV ready or alternative fuel, five percent of the total Code-required net new parking spaces shall be provided with EV charges to accommodate electric vehicles within the parking areas. Two five-level parking structures are proposed within the Structured Parking Area. Under the Proposed Project's conceptual plan, only the northern parking structure would have frontage along Marlton Avenue, as the southern parking structure is located east of the proposed buildings within the Residential Apartment Area which fronts Marlton Avenue. As a result, views of the southern parking structure from Marlton Avenue would be limited.

To further reduce dependence on vehicle travel, implementation of mitigation measures **MM L-1** through **MM L-9** will provide transit system improvements, transportation system management improvements, signal controller upgrades, bicycle funding, a parking program, construction traffic management plans, and neighborhood traffic management plans. Therefore, the Proposed Project is consistent with these policies to promote sites that utilize parking structures interior to the site while minimizing footprints of parking areas.

Goal LU52: A community where mixed-use projects within the Regional Center that are well served or in close proximity to transit stations are promoted.

Policy LU52-1 Transit Served Business Districts. Support business districts outside of city centers that are well served by mass transit facilities.

Policy LU52-2 Prioritize Development within the Regional Center. Prioritize new development that follows equitable principles within the Regional Center.

Policy LU52-3 Prioritize Regional Center Mixed-Use Projects Adjacent to Pedestrian-Oriented Areas. Identify pedestrian-oriented community Regional Center commercial areas as preferred locations for mixed-use projects.

- Policy LU52-4            Prioritize New Infill Development Close to Transit. Prioritize new infill development that is in close proximity to mass transit centers, stations and portals.
- Policy LU52-5            Commercial Uses Along Ground Floor Frontages. Encourage the location of commercial uses along the first floor street frontage of buildings, including mixed-use projects and parking structures located within the Regional Center.
- Policy LU52-6            Address Parking Demands. Allow for the provision of a sufficient amount of parking to accommodate project demands for a competitive and viable market place while not undermining transit goals and transit use by providing too much parking.
- Policy LU52-7            Shared Parking. Allow for the provision of an efficient parking supply that includes shared parking between commercial uses.

**Consistent.** The Project Site currently contains approximately 1.02 million square feet of various types of commercial development. The Proposed Project would add a total of approximately 2.06 million square feet of development to the Project Site, which would consist of approximately 820,000 square feet of commercial development and up to 961 residential units (totaling approximately 1.235 million square feet of residential development). The new uses to be added to the Project Site include approximately 331,838 square feet of retail and related commercial uses; an approximately 346,500-square-foot hotel providing up to 400 rooms; approximately 143,377 square feet of office uses; and to the aforementioned 961 residential units, consisting of 551 residential condominium units and 410 apartment units.

The outer perimeter of the site consists of retail storefronts that are entered from the street and also have frontage on the interior of the plaza, which allows these buildings to connect to the other retail buildings located on the plaza. Under the Proposed Project’s conceptual plan, the sidewalk treatment along the street edge of this Area supports a pedestrian experience with connections from the Metro portal to the entrance to the “Retail Village.” These new commercial uses proposed for development include a Retail Village located around the intersection of Stocker Street and Crenshaw Boulevard, with pedestrian access available from both Crenshaw Boulevard and Stocker Street; a hotel located to the south of the Retail Village and existing mall building; an office building at the northern edge of the Project Site at the southwest corner of Crenshaw Boulevard and 39th Street; and street-front retail uses along Crenshaw Boulevard, Martin Luther King Jr. Boulevard, and Marilton Avenue. The Proposed Project also introduces residential uses to a previously commercial-only site, with residential apartments located within the southwest corner of the Project Site along Santa Rosalia Drive and Marilton Avenue, and residential condominium and apartment units located above the street-front retail uses in the portion of the Project Site located north of Martin Luther King Jr. Boulevard.

As discussed above, the Proposed Project provides numerous alternative modes for interregional travel, including a mobility hub with a portal to the future Crenshaw/LAX Light Rail line anticipated to open in

2019, and provides a comprehensive and inclusive pedestrian circulation plan. 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, the mobility hub will create a central hub for transit in the community. All of the alternative transportation components included in the Proposed Project are consistent with and contribute to the City’s goals of alternative modes of interregional travel.

The Project Area is currently well served by transit, including numerous Metro (Los Angeles County Metropolitan Transportation Authority) bus lines and DASH bus routes (City of Los Angeles DASH service). The Metro bus system provides 27 bus lines in the form of both rapid and local service in the general Project Area. The LADOT DASH system provides three local bus lines in the general Project Area. Within walking distance (0.25 miles) of the Project Site are ten bus lines. In addition, the Crenshaw/LAX operated by Metro serves the Proposed Project area at two stations. The increases in land use diversity and mix of uses on the Project Site would reduce vehicle trips and vehicle miles traveled by encouraging walking and nonautomotive forms of transportation.

Additionally, the Project Applicant or its successor will provide a future bus for the Metro bus line, which would offset potential trips to and from the Project Site, and provide funding for area bikeway improvements and neighborhood traffic management. The Proposed Project will also provide adequate vehicular access to each development parcel, improve pedestrian access, and provide bicycle facilities with up to 855 spaces. The allowance for shared parking would enhance the built environment while supporting the overall project and its benefits to the community, city, and region. The Proposed Project includes 6,829 vehicle parking spaces for the use of the Proposed Project, thereby relieving the community of limited street parking. To accommodate demand during the peak shopping season in December, a parking management program will be instituted, as required by mitigation measure **MM L-7**, that will include measures such as providing tandem and off-site parking for employees; offering valet parking for customers; and encouraging employees to rideshare or use transit during December.

The Proposed Project will promote equitable land use decisions that result in fewer vehicle trips by providing a new mixed-use, transit-oriented development consisting of residential, hotel, office, and commercial/retail uses in proximity to jobs, destinations, and other neighborhood services. Therefore, the Proposed Project is consistent with the goal to provide a high-quality mixed-use development within a Regional Center.

Goal LU53:                    A community that enhances the appearance and safety within the Regional Center.

Policy LU53-1                Landscaping. Enhance the visual appearance and appeal of the regional center commercial areas by providing perimeter and interior landscaping.

- Policy LU53-2 Safe Multi-sector Commercial Environment. Create a safe, secure and defensible regional shopping area environment by integrating office, hotel and residential land uses.
- Policy LU53-3 Improve Appearance of Existing Properties. Improve the appearance and landscaping of existing commercial properties.
- Policy LU53-4 Preserve Significant Architectural Resources. Preserve community character, scale and significant architectural resources such as the original Crenshaw Shopping Center; its' anchor buildings, finial and bridgeway over Martin Luther King Jr. Boulevard.
- Policy LU53-5 Safe Parking Areas. Improve safety and aesthetics of parking areas throughout the Regional Center.

**Consistent.** The Proposed Project would promote a pedestrian-friendly community and landscaping throughout the Project Site. The Proposed Project will also provide bicycle parking spaces in accordance with Los Angeles Municipal Code requirements for employees and visitors, as well as a mobility hub that will connect to the future Metro Crenshaw/LAX Light Rail line.

The Proposed Project's design defines the street edge around the Project Site perimeter in ways that respond to the various surrounding land uses, building scales, and street right-of-way widths and characteristics. Furthermore, an east-west axis across the Project Site connects the key pedestrian activity node at the southeast corner of the Proposed Project through the Retail Village and then through the existing mall building and onward between the two major proposed parking structures, ultimately connecting with Marlton Avenue, as well as to the nearby Leimert Park Village to the south.

When originally opened in 1947, the Baldwin Hills Crenshaw Plaza Mall was a flagship of the International Style architecture that was prevalent in Southern California at that time. The "streamline moderne" design was characterized by strong horizontal lines and a minimalist approach to detailing, with prominent vertical towers identifying the anchor stores, which established the mall as a local visual landmark. The Project Applicant is proposing to retain the historic Macy's building within the proposed development. As part of this plan, the building's exterior façade along the Crenshaw Boulevard frontage would retain the glass windows at the ground-floor level. At Project buildout, the existing wrought iron fence and landscaping features, which were added in 1989 when the mall was redeveloped, would be removed to expose the building's windows and activate the pedestrian environment at the ground floor level. The exterior upper levels of the façade would include detachable architectural brackets to support removable signage displays. The Project Applicant is also proposing to retain the historic Walmart building within the proposed development and, at Project buildout, would remove the wrought iron fence and landscaping to expose the glass windows at the ground-floor level to improve the pedestrian experience along Crenshaw Boulevard. Similar to the proposed design for the Macy's building, removable brackets would

be mounted on the exterior façade on the second and third level to support detachable signage displays facing Crenshaw Boulevard.

The design for the Proposed Project uses a minimalist approach to detailing from the original mall, while introducing a contextual architecture that incorporates contemporary materials and systems that blend well with the surrounding community. The Proposed Project's conceptual plan includes the treatment of the ground-level façades as a "base," capped by a horizontal band that is recognizable throughout the majority of the Proposed Project. The mid- and upper-level façades above this horizontal band would be reflective of their specific uses (e.g., residential, commercial, etc.). The proposed hotel and office buildings under the Proposed Project's conceptual plan feature glass curtain walls, with mechanical equipment screens forming a topping crown. The residential façades under the Proposed Project's conceptual plan are more of a repetitive play between solid and void, thus creating an articulated composition. The parking structures under the Proposed Project's conceptual plan are open for natural ventilation, with solid horizontal sections of the façades clad with a green wall system.

The pedestrian and landscape design plans will encourage healthy lifestyles through the provision of landscaped paths and open space. Landscaping within the Retail and Entertainment Area will include a combination of boxed planters, tree wells, and potted plants and trees organized into patterns providing different environments, from an array of shade trees that encourage movement, to arrangements of colorful flowers that define gathering spaces. These publicly accessible open space areas and trails also promote walkability within and near the Project Site. The pedestrian bridge over Martin Luther King Jr. Boulevard would be retained so that the Baldwin Hills Crenshaw Plaza would be able to continue to operate as a single site, with people able to park on one block and walk to uses on the other block.

The parking structures under the Proposed Project's conceptual plan are open for natural ventilation, with solid horizontal sections of the façades clad with a green wall system. The residential apartments would be buffered from the adjacent mall parking structure by landscaping, trees, and a minimum distance of 50 feet from the parking structure's proposed "green walls." The current design for the parking structures includes horizontal bands of precast spandrels and corresponding open space that allows for natural ventilation. It is also anticipated that the parking structure façades would include a green wall system for the solid sections of wall surrounding the perimeter of the parking structures. A green wall system is a modular framework grid typically wall-mounted to exterior structures to create an aesthetic, living, green façade. In addition to being used for these two parking structures, the green wall system would also be used for those portions of all Proposed Project parking structures that are at the same grade as the adjoining street level. Therefore, the Proposed Project is consistent with the goal to enhance the appearance and safety of a Regional Center.

Goal LU54:                    A Regional Center that maintains and increases the commercial employment base for community residents by providing access to economic opportunity whenever possible.

Policy LU54-2                   Generate Construction Jobs. Generate construction trade jobs and additional employment opportunities within the Regional Center commercial projects.

**Consistent.** The Proposed Project will add new transit-oriented development within the Baldwin Crenshaw Mall in South Los Angeles. These new uses to be added to the Project Site include approximately 331,838 square feet of retail and related commercial uses; an approximately 346,500-square-foot hotel providing up to 400 rooms; approximately 143,377 square feet of office uses; and a total of up to 961 residential units, consisting of 551 residential condominium units and 410 apartment units. As previously discussed, the actual schedule would depend on the Project Applicant’s ability to obtain financing and develop the Proposed Project commensurate with market conditions, but completion is expected by the end of 2020. Accordingly, construction trade jobs will be available as the site is built out, and new employment opportunities will be available at the completion of project buildout. Therefore, the Proposed Project is consistent with the policy to generate construction trade jobs and additional employment opportunities within the Project Site. As indicated in the Market Fiscal & Economic Benefit Study, the Proposed Project would generate 3,495 full time equivalent (FTE) on-site construction related job-years (defined as one year of employment for one employee) and 1,760 FTE permanent, direct on-site jobs.<sup>2</sup>

Goal LU55:                   A Regional Center where residents will be able to walk to meet their daily needs.

Policy LU55-1               Enhanced Pedestrian and Bicycle Connectivity. Promote walking and bicycle use through enhanced pedestrian connections and bicycle routes within mixed-use environments that integrate housing with employment opportunities.

Policy LU55-2               Urban Village Environment. Develop an urban village by providing a mix of land uses that generate opportunities for walking to destinations that are accessible to transit.

**Consistent.** As discussed previously, the Proposed Project would develop a transit-oriented development within an existing infill site in the Crenshaw Boulevard Mall. The Proposed Project would include 180,000 square feet of pedestrian-oriented open space areas, 138,000 square feet of landscaped area, and 7 acres of landscaped paths. These amenities will be available to residents, guests, employees, and customers. The various pedestrian and landscape design plans would encourage healthy lifestyles through the provision of landscaped paths and open space. The publicly accessible open space areas and trails proposed as part of the Project will also promote walkability within and near the Project Site. The Proposed Project will improve the pedestrian environment as compared to the existing conditions at the Project Site. The existing mall property is largely fenced off from the surrounding land uses, with limited pedestrian entry points into the Project Site. To increase accessibility to the Project Site, the existing wrought iron fence that surrounds the site will be removed. As a mixed-use development with residential, hotel, office, retail and entertainment uses, the pedestrian circulation plan includes multiple points of

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<sup>2</sup> Kosmont Companies, *Market Fiscal & Economic Benefit Study, Baldwin Hills Crenshaw Plaza, Los Angeles, CA*, June 30, 2017.

entry from the exterior property boundaries; widened pedestrian sidewalks and walkways; street furniture and bus shelters; and striped and signalized pedestrian crosswalks linking the uses. The pedestrian bridge over Martin Luther King Jr. Boulevard will be retained so that the Baldwin Hills Crenshaw Plaza would be able to continue to operate as a single site, with people able to park on one block and walk to uses on the other block.

The east–west spine of the Proposed Project incorporates a pedestrian concourse that is aligned to connect with the jogging/walking path under construction on the nearby Kaiser site, providing safe walking and jogging from Buckingham Road to Crenshaw Boulevard.

Finally, mitigation measure **MM L-6** requires a commitment of \$100,000 toward the implementation of bikeway improvements within the area of the Project Site under the 2010 Bicycle Plan. Thus, the Proposed Project will contribute to the support of enhanced pedestrian and bicycle connectivity within an urban village.

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|---------------|---|
| Goal LU57:    | A Regional Center where public and community services are provided that contribute to and improve the health and welfare of the local community.  |
| Policy LU57-1 | Accommodate Patron Parking. Continue to provide free parking for patrons and employees of the Baldwin Hills-Crenshaw Plaza.   |
| Policy LU57-2 | African American Art Museum. Provide an African American Art Museum in one central space or in kiosks located throughout the BHCP retail mall component.  |
| Policy LU57-3 | Community Rooms. Provide community rooms for local groups to use as a general use meeting place.  |
| Policy LU57-4 | Support Charitable Organizations. Contribute to public awareness of the arts by providing subsidized lease agreements for not-for-profit charitable organizations such as the Debbie Allen Dance Academy. |
| Policy LU57-6 | Free Cultural Events. Continue to provide free live cultural events for the public such as the Baldwin Hills-Crenshaw Plaza Live concert series.  |

**Consistent.** The Proposed Project is designed as a transit-oriented, mixed-use development within a Regional Center in South Los Angeles. As part of the Proposed Project, a parking management program will be developed and implemented during the holiday shopping season in all of December to ensure parking demand during this period can be adequately accommodated. The parking program will include use of on-site tandem parking; attendant parking for employees; valet parking for customer; off-site parking for employees with a shuttle van to and from the Project Site; and a program to encourage employees to rideshare or use transit during the holiday season.

One of the primary objectives of the Proposed Project is to promote a safe pedestrian-oriented environment by providing extensive streetscape amenities and outdoor plazas. The enclosed mall would remain the predominant land use within the South Area, and a variety of new land uses and shopping environments would be created to establish a mixed-use, pedestrian- and transit-friendly site. The most notable addition to the South Area would be the new Retail Village. The Proposed Project would continue to support the existing African American Art Museum with the potential expansion opportunity of providing kiosks throughout the Project Site.

In addition to the land uses described above, the Proposed Project includes the expansion of the Debbie Allen Dance Academy and the introduction of a fitness center to the Project Site. The expansion of the Debbie Allen Dance Academy (Outbuilding F as shown in Revised Figure II-1 on page II-**Error! Bookmark not defined.** in the Final EIR) will occur by demolishing the existing facility and constructing a new and larger Debbie Allen Dance Academy within the Proposed Project's Retail Village. Under the Proposed Project's conceptual plan, the fitness center would be the ground floor use in the mixed-use building located along Crenshaw Boulevard, north of the existing Macy's department store.

The Proposed Project will incorporate a variety of open space areas and amenities throughout the Project Site to accommodate the unique needs of mall visitors, employees, and residents. Open space amenities available to the Proposed Project's residents include areas for active as well as passive recreation. Useable open space areas integrated into the Proposed Project's residential development may consist of recreation rooms, roof decks, swimming pools, spas, children's play areas, a running track, dog park areas, half-court basketball courts, and outdoor hardscape and landscaped areas for gathering and community activities. Therefore, the Proposed Project is consistent with the goal to create a Regional Center where public and community services are provided that contribute to and improve the health and welfare of the local community.

Goal LU58: A Regional Center where an ecologically sustainable future is prompted by encouraging adherence to accepted principles of "green" development.

Policy LU58-1 Community Gardens. Encourage architects and developers to envision and design projects that utilize open space common areas within residential and mixed-use developments for community gardens.

Policy LU58-2 Energy Efficient Building Designs and Retrofits. Encourage the retrofit of inefficient buildings and building operating systems with new architectural designs and energy efficient building systems and utility infrastructure that promote energy conservation.

**Consistent.** As discussed previously, the Proposed Project would develop a transit-oriented development within an existing infill site in the Crenshaw Boulevard Mall. The Proposed Project would include 180,000 square feet of pedestrian-oriented open space areas, 138,000 square feet of landscaped area, and 7 acres of landscaped paths. These amenities will be available to residents, guests, employees, and customers.

The various pedestrian and landscape design plans would encourage healthy lifestyles through the provision of landscaped paths and open space. The publicly accessible open space areas and trails proposed as part of the Project will also promote walkability within and near the Project Site. The Proposed Project will improve the pedestrian environment as compared to the existing conditions at the Project Site. The existing mall property is largely fenced off from the surrounding land uses, with limited pedestrian entry points into the Project Site. To increase accessibility to the Project Site, the existing wrought iron fence that surrounds the site will be removed. As a mixed-use development with residential, hotel, office, retail and entertainment uses, the pedestrian circulation plan includes multiple points of entry from the exterior property boundaries; widened pedestrian sidewalks and walkways; street furniture and bus shelters; and striped and signalized pedestrian crosswalks linking the uses. The pedestrian bridge over Martin Luther King Jr. Boulevard will be retained so that the Baldwin Hills Crenshaw Plaza would be able to continue to operate as a single site, with people able to park on one block and walk to uses on the other block.

To minimize the use of energy, the Proposed Project will incorporate water efficiency measures. More specifically, the Proposed Project will comply with water conservation requirements, including the use of low-flow appliances for water conservation. The Proposed Project would not conflict with the City's and Los Angeles Department of Water and Power's ability to provide locally sourced water. The Proposed Project will be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and the Los Angeles Green Building Code. Specifically, the existing energy baseline will be reduced by approximately 10 percent. In addition, the Proposed Project will utilize energy-efficient lighting, such as compact fluorescent lamps, light-emitting diodes, or other energy-efficient lighting technology. The Proposed Project would include best management practices (BMPs) to collect, detain, treat, and discharge runoff on site before discharging into the municipal storm drain system as part of the Standard Urban Stormwater Mitigation Plan). With implementation of these BMPs, the Proposed Project would reduce runoff from entering the wastewater system, and would maximize opportunities to capture and infiltrate stormwater. As a result, the Proposed Project is consistent with the goal to create a Regional Center designed to meet sustainable and energy efficiency goals.

## **CONCLUSION**

As described and discussed above, the Proposed Project promotes a transit-oriented, mixed-use development within an existing infill location in the Crenshaw Area in South Los Angeles. The Proposed 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 major component of the Proposed Project includes funding and an area for development of a 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. The Proposed Project is consistent with the applicable policies identified within the Community Plan—

*February 2018*

Regional Center. Given that the Proposed Project is consistent with these policies, the Proposed Project land use and planning impacts would remain less than significant, as identified in the EIR.



## INTRODUCTION

The City of Los Angeles prepared the Environmental Impact Report (EIR) ENV-2012-1962-EIR for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). The Draft EIR, Revised Draft EIR, Final EIR, and Errata determined that the Proposed Project would result in less than significant land use and planning impacts. The following analysis presents additional information on the consistency of the Proposed Project with the City's Mobility Plan 2035. The City's Mobility Plan 2035 was adopted by City Council on September 7, 2016.<sup>1</sup>

## MOBILITY PLAN 2035

The Mobility Plan 2035 (Plan) provides the policy foundation for achieving a transportation system that balances the needs of all road users. The Plan incorporates “complete streets” principles and lays the policy foundation for how future generations of Angelenos interact with their streets. The Plan includes five goals that are equal in weight and define the City's high-level mobility priorities. The five goals include: (1) Safety First which focuses on topics related to crashes, speed, protection, security, safety, education, and enforcement; (2) World Class Infrastructure which focus on topics related to the Complete Streets Network, Great Streets, Bridges, and Street Design Manual; (3) Access for All Angelenos which focuses on topics related to affordability, accessibility, land use, operations, reliability, transportation demand management, and community connections; (4) Informed Choices which focuses on topics related to real-time information, open source data, transparency, monitoring, reporting, emergency response, departmental and agency cooperation and database management; and (5) Clean Environments and Healthy Communities which focuses on topics related to the environment, health, benefits of active transportation, clean air, clean fuels and fleets and open street events. As discussed below, the Project would be consistent with the five goals of the Mobility Plan 2035.

## Proposed Project Consistency Analysis

### ***Safety First***

The Mobility Plan 2035 contains the following safety related policies:

- 1.1 Roadway User Vulnerability: Design, plan, and operate streets to prioritize the safety of the most vulnerable roadway user.
- 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.

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1 Los Angeles Department of City Planning, *Mobility Plan 2035, An Element of the General Plan*, Adopted September 7, 2016.

- 1.6 Multi-Modal Detour Facilities: Design detour facilities to provide safe passage for all modes of travel during times of construction.

**Consistent.** The Proposed Project has been designed as a transit oriented development within the Baldwin Crenshaw Mall in South Los Angeles. In June 2012, the Los Angeles Department of City Planning kicked-off a 2-year effort to create Transit Neighborhood Plans for the areas surrounding ten transit stations along the Exposition and Crenshaw/LAX Light Rail lines, including the Crenshaw/MLK station located adjacent to the Project Site. The purpose of these plans is to support vibrant neighborhoods around transit stations, where people can live, work, and shop or eat out, all within a safe and pleasant walk to a transit station. The Proposed Project has been designed to implement the purpose of these plans by creating a transit-oriented development with access to two Crenshaw subway transit portals that are integrated into the Proposed Project's streetscape design. When combined with the existing Metro bus stops that serve the existing shopping center, these subway access points would further activate the Project Site by providing the community access to the on-site shopping, entertainment, and social gathering opportunities, all of which are components of a transit-oriented development.

The Proposed Project would not change the basic nature and configuration of the street system on streets near the Project Site. The Project Site is bisected by Martin Luther King Jr. Boulevard. These two areas are referred to in the EIR as the South Area and North Area. As shown on Revised Figure II-29 of the EIR, four new driveways are proposed in the North Area: two providing connections to Crenshaw Boulevard and Martin Luther King Jr. Boulevard and two providing connections to Marlton Avenue. Improvements may also be made at certain locations for driveway entrances and to meet City General Plan standards for roadway widths and right-of-way requirements.

Transportation mitigation has also been identified to improve circulation in the general area of the Project Site. Mitigation measures MM L-1 through MM L-9 require transit and mobility system improvements, transportation systems management improvements, an operational parking program, construction traffic management plans, and neighborhood traffic management plans. Specifically, MM L-8 in Section IV.L Transportation and Circulation, require the Project Applicant to prepare detailed construction traffic management plans, including lane closure information, detour plans, haul routes, and staging plans. These improvements are aimed at enhancing and improving service and safety on streets near the Project Site. Therefore, the Proposed Project is consistent with these policies to prioritize safety.

### ***World Class Infrastructure***

The Mobility Plan 2035 contains the following infrastructure related policies:

- 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.
- 2.6 Bicycle Network: Provide safe, convenient, and comfortable local and regional bicycling facilities for people of all types and abilities.

2.12 Walkway and Bikeway Accommodations: Design for pedestrian and bicycle travel when rehabilitating or installing a new bridge, tunnel, or exclusive transit right-of-way.

**Consistent.** The Proposed Project will activate the streets surrounding the Project Site and improve the pedestrian and transit character of the Project Site by providing a pedestrian-oriented design that integrates the Project Site with the existing pedestrian pathways that are part of the streets that border the Project Site. The Proposed Project would improve the pedestrian environment as compared to the existing conditions at the Project Site. The existing mall property is largely fenced off from the surrounding land uses offering with limited entry points for pedestrians into the Project Site. As a mixed-use development with residential, hotel, office, retail and entertainment uses, the pedestrian circulation plan includes increased points of entry from the exterior property boundaries, widened pedestrian sidewalks/walkways, street furniture and bus shelters, and striped and signalized pedestrian crosswalks linking the uses. To increase accessibility to the Project Site, the existing wrought iron fence that surrounds site will be removed.

One of the primary objectives of the Proposed Project is to promote a safe pedestrian-oriented environment by providing extensive streetscape amenities and outdoor plazas. The enclosed mall would remain the predominant land use within the South Area and a variety of new land uses and shopping environments would be created to establish a mixed-use, pedestrian- and transit-friendly site. The most notable addition to the South Area would be the new Retail Village. The southern half of the mall is currently set back as much as 400 to 500 feet from Crenshaw Boulevard and Stocker Street with surface parking and a parking structure occupying the majority of this space. With the Proposed Project, this area, with the exception of Outbuilding B, would be replaced with the pedestrian-oriented Retail Village that will both enhance the pedestrian environment along these streets (i.e., activate pedestrian activity along Crenshaw Boulevard) and provide a shopping experience that would complement the existing shopping opportunities found within the enclosed mall. The Retail Village is planned to consist of a series of buildings located within a plaza that is accessible from Crenshaw Boulevard as well as from Stocker Street and the mall.

The pedestrian and landscape design plans will encourage healthy lifestyles through the provision of landscaped paths and open space. These publicly accessible open space areas and trails also promote walkability within and near the Project Site. The pedestrian bridge over Martin Luther King Jr. Boulevard would be retained so that the Baldwin Hills Crenshaw Plaza would be able to continue to operate as a single site with people able to park on one block and walk to uses on the other block.

A major component of the Proposed Project includes the providing an area for, and funding for, a mobility hub as described in mitigation measure MM L-2. 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. The Proposed Project will also include 855 bicycle parking spaces throughout the site. Overall, the transit-oriented development offers residents, guests, customers, and employees numerous transportation options within a pedestrian and bicycle friendly design.

No dedicated bicycle lanes currently exist on the surrounding streets. However, the 2010 Los Angeles Bicycle Plan shows future bicycle lanes on Martin Luther King Jr. Boulevard and Crenshaw Boulevard adjacent to the site. Bicycle lanes are proposed on Martin Luther King Jr. Boulevard, Crenshaw Boulevard, Exposition Boulevard, and 54th Street. Bicycle Friendly Streets are proposed on Coliseum Street, Buckingham Road, 39th Street, Santa Rosalia Drive, Degnan Street, Stocker Street, 43rd Street, 48th Street, and Leimert Boulevard.

Bicycle lanes, which are facilities where bicycles have use of a dedicated and striped lane within the roadway, are a component of street design with dedicated striping, separating vehicular traffic from bicycle traffic. These facilities offer a safer environment for both cyclists and motorists. Bicycle routes, which are facilities where bicycles share the lane with vehicular traffic on a marked and signed roadway, are identified as bicycle-friendly streets where motorists and cyclists share the roadway and there is no dedicated striping of a bicycle lane. Bicycle routes are preferably located on collector and lower volume arterial streets.

Mitigation Measure L-6 requires a commitment of \$100,000 toward the implementation of bikeway improvements near the Project Site as defined in the 2010 Bicycle Plan. Thus, the proposed transit oriented mixed-use development will be consistent with objectives to develop an urban village and a walkable neighborhood that would provide alternatives to relying solely on the car and to promote walking and bicycle use through enhanced pedestrian connections and bicycle routes in a mixed-use project which integrates housing with employment opportunities within the Crenshaw Transit Corridor.

- 2.5 Transit Network: Improve the performance and reliability of existing and future bus service.

**Consistent.** Mitigation Measure MM L-1 requires that the Project Applicant or its successor purchase a new bus for Metro route 210, which travels north and south on Crenshaw Boulevard. As discussed in Section IV.L Transportation and Circulation of the EIR, the addition of the new bus would bolster transit capacity and level of service in the Project study area. This increased transit capacity along the impacted intersections on the identified corridor would allow for a reduction in the number of automobiles in the corridor served by the additional bus. As many as 40 peak-hour person-trips in the peak direction of travel are expected to be served by the proposed transit system improvement package. The addition of one bus per hour has the ability to reduce the hourly automobile travel in the corridor by 33 automobiles per direction (40 seats per direction per bus/1.2 persons per auto = 33 auto trips). Therefore, the Proposed Project is consistent with this policy to improve the transit network.

- 2.10 Loading Areas: Facilitate the provision of adequate on and off-street loading areas.

**Consistent.** Several off-street loading areas currently existing within the Project Site. The existing right-in/right-out driveway on Crenshaw Boulevard just north of Macy's would be retained although it would be a right-in only driveway due to the constraints of the truck loading ramp just to the north of Macy's. Two new secondary driveways would be added along both Crenshaw Boulevard and Marlton Avenue. The east driveway on Santa Rosalia would function as the main truck access for the South Area, such that trucks would circulate to the loading docks on the west side of the mall building and then exit via a new

one-way outbound driveway on Marlton Avenue between the main driveway and Martin Luther King Jr. Boulevard. Therefore, the Proposed Project is consistent with the policy to provide adequate on and off-street loading areas.

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

**Consistent.** Mobility Plan 2035 designates the streets adjacent to the Project site as follows: 39th Street is a Collector Street, dedicated to a 60-foot width along the northern street frontage of the Project Site; Crenshaw Boulevard is a Modified Avenue I, dedicated to a variable width of 129 to 179 feet along the eastern street frontage of the Project Site; Marlton Avenue is a Local Street, dedicated to a variable width of 73 to 95 feet along western street frontage of the Project Site; Stocker Street is a Boulevard II, dedicated to a variable width of 80 to 110 feet along the southeastern street frontage of the Project Site; Santa Rosalia Drive is a Collector Street, dedicated to an 80-foot width along the southwestern street frontage of the Project Site; and Martin Luther King Jr. Boulevard is a Modified Avenue II, dedicated to a variable width of 145 to 147 feet and through the Project Site. Moreover, the Bureau of Engineering has required dedications and improvements on Stocker Street and improvements at the dedicated corner cuts at Santa Rosalia Drive and Crenshaw Boulevard. These street dedications will allow all of these streets to be improved consistent with their functional classifications in Mobility 2035.

- 2.15 Allocation of Transportation Funds: Expand funding to improve the built environment for people who walk, bike, take transit, and for other vulnerable roadway users.

**Consistent.** The Project Applicant or its successors will provide a new Metro line bus (MM L-1) to Route 210 adjacent to the Project Site, fund a mobility hub (MM L-2), provide \$100,000 toward the implementation of bikeway improvements within the Project area under the 2010 Bicycle Plan (MM L-6), implement shared parking to encourage the use of alternative transportation methods (MM L-7), and fund and coordinate implementation of Los Angeles Department of Transportation's (LADOT) Neighborhood Traffic Management Plan up to \$300,000 (MM L-13). Therefore, the Proposed Project would be consistent with this policy to expand funding to improve the built environment for all modes of travel.

### ***Access for All Angelenos***

The Mobility Plan 2035 contains the following access related policies:

- 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.
- 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.

- 3.4 Transit Services: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.
- 3.5 Multi-Modal Features: Support “first-mile, last-mile solutions” such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.
- 3.7 Regional Transit Connections: Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.
- 3.8 Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

**Consistent.** The Project Site currently contains approximately 1.02 million square feet of various types of commercial development. The Proposed Project would add a total of approximately 2.06 million square feet of development to the Project Site, which would consist of approximately 820,000 square feet of commercial development and 961 residential units (totaling approximately 1.235 million square feet of residential development). The new uses to be added to the Project Site include approximately 331,838 square feet of retail and related commercial uses; an approximately 346,500-square-foot hotel providing up to 400 rooms; approximately 143,377 square feet of office uses; and a total of up to 961 residential units, consisting of 551 residential condominium units and 410 apartment units.

The Proposed Project combines the retention of the existing mall building, a stand-alone movie theater building, and two free-standing buildings occupied by commercial uses, with new development that creates a pedestrian-oriented mixed-use development that complements and enhances the existing on-site uses. These new commercial uses proposed for development include a Retail Village located around the intersection of Stocker Street and Crenshaw Boulevard with pedestrian access available from both Crenshaw Boulevard and Stocker Street; a hotel located to the south of the Retail Village and existing mall building; an office building at the northern edge of the Project Site at the southwest corner of Crenshaw Boulevard and 39th Street; and street front retail uses along Crenshaw Boulevard, Martin Luther King Jr. Boulevard, and Marlton Avenue. The Proposed Project also introduces residential uses to a previously commercial-only site, with residential apartments located within the southwest corner of the Project Site along Santa Rosalia Drive and Marlton Avenue and residential condominium and apartment units located above the street front retail uses in the portion of the Project Site located north of Martin Luther King Jr. Boulevard.

As discussed above, the Proposed Project provides numerous alternative modes for interregional travel, including a mobility hub with a portal to the future Crenshaw/LAX Light Rail line anticipated to open in 2019 and provides a comprehensive and inclusive pedestrian circulation plan. 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, the mobility hub will create a central hub for transit in the community. All of the alternative transportation components included in the Proposed Project are consistent with, and contribute to, the City’s goals of alternative modes of interregional travel.

Additionally, the Project Applicant or its successor will provide a future bus for the Metro bus line, which would offset potential trips to and from the Project Site, and provide funding for area bikeway improvements and neighborhood traffic management. The Proposed Project will promote Mobility Plan 2035 access policies by providing adequate vehicular access to each development parcel, improving pedestrian access, and providing bicycle facilities with up to 855 spaces. The Proposed Project will promote equitable land use decisions that result in fewer vehicle trips by providing a new mixed-use transit oriented development consisting of residential, hotel, office, and commercial/retail uses in proximity to jobs, destinations, and other neighborhood services. Therefore, the Proposed Project is consistent with the policies to prioritize access for residents, guests, customers, and employees.

- 3.2 People with Disabilities: Accommodate the needs of people with disabilities when modifying or installing infrastructure in the public right-of-way.

**Consistent.** The Proposed Project would be designed to provide accessibility and accommodate the needs of people with disabilities as required by the Americans with Disabilities Act (ADA) and the City. The Proposed Project is consistent with this policy.

- 3.9 Increased Network Access: Discourage the vacation of public rights-of-way.
- 3.10 Cul-de-sacs: Discourage the use of cul-de-sacs that do not provide access for active transportation options.

**Consistent.** The Proposed Project does not include any proposed vacation of public rights-of-way or development of any cul-de-sacs. Therefore, the Proposed Project is consistent with this policy.

### ***Collaboration, Communication, and Informed Choices***

The Mobility Plan 2035 contains the following collaboration and communication related policies:

- 4.8 Transportation Demand Management Strategies: Encourage greater utilization of Transportation Demand Management (TDM) strategies to reduce dependence on single-occupancy vehicles.
- 4.11 Cohesive Regional Mobility: Communicate and partner with the Southern California Association of Governments (SCAG), Los Angeles County Metropolitan Transportation Authority (Metro), and adjacent cities and local transit operators to plan and operate a cohesive regional mobility system.

**Consistent.** All project transportation-related improvements will be developed in consultation with LADOT and/or transit service providers, as appropriate, and constructed in compliance with applicable standards. Future tenants of the commercial space will be encouraged to utilize alternative transportation modes. The Proposed Project would include transportation demand management (TDM) features as set forth in Section IV.L, Transportation and Circulation. Specifically, the Proposed Project Applicant would install or contribute towards the design and installation of signal controller upgrades, closed circuit television cameras, and system loops (see Mitigation Measure L-3 through L-5). As discussed above, the Proposed Project is a transit oriented development on an infill site that would not impair the ability of

SCAG, Metro, or the City to collaborate on the development of regional Transportation System Management (TSM) policies. The Proposed Project will provide a comprehensive active transportation network that incorporates pedestrian, bicyclists, motorists, NEV users, movers of commercial goods for safe and convenient travel suitable to the project area. Additionally, programs will be offered to incentivize employees to rideshare and/or use alternative transportation methods, improve local bikeway and motorist connectivity, and increase alternative transportation options, consistent with City and SCAG policies. Therefore, the Proposed Project is consistent with the TDM strategies and contributes to a cohesive regional mobility system.

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

**Consistent.** The Applicant is requesting approval of a Zoning Administrator's Adjustment to allow a 10 percent reduction of the required off-street parking spaces for commercial uses because the Project Site is located within 1,500 feet of a transit facility. The Proposed Project will include a portal to the Martin Luther King Jr. transit station, located along Crenshaw Boulevard, south of Martin Luther King Jr. Boulevard. The portal is located at grade at the southwest corner of Crenshaw Boulevard and Martin Luther King Jr. Boulevard. Approximately 20 percent of the parking spaces would be provided for alternatively fueled vehicles, as well as 5 percent of those spaces for EV charging stations. A parking management program will be developed and implemented during the holiday shopping season in December to ensure parking demand during this period can be adequately accommodated. The parking program will include use of onsite tandem parking, attendant parking for employees, valet parking for customers, off-site parking for employees with a shuttle van to and from the Project Site, and a program to encourage employees rideshare and/or use transit during the holiday season. All of the alternative transportation components associated with the Proposed Project would be consistent with, and contribute to, the City's transportation and land use objectives.

### ***Clean Environments & Healthy Communities***

The Mobility Plan 2035 contains the following clean environment and community related policies:

- 5.1 Sustainable Transportation: Encourage the development of a sustainable transportation system that promotes environmental and public health.
- 5.2 Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.
- 5.4 Clean Fuels and Vehicles: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

**Consistent.** The Proposed Project is located in an existing urbanized area and will provide access to public transit and opportunities for walking and biking. Implementation of Mitigation Measures MM L-1 through MM L-9 will provide transit system improvements, transportation system management improvements, signal controller upgrades, bicycle funding, parking program, construction traffic management plans, and neighborhood traffic management plans.

The Proposed Project will concentrate employment and commercial uses in proximity to public transit opportunities (e.g., rail and bus routes). The Project Area is currently well served by transit, including numerous Metro (Los Angeles County Metropolitan Transportation Authority) bus lines and DASH bus routes (the City of Los Angeles DASH service). The Metro bus system provides 27 bus lines in the form of both rapid and local service in the Study Area. The LADOT DASH system provides three local bus lines in the Study Area. The transit lines serving the Proposed Project area are shown in Figure IV.L-6 on page IV.L-23. Within walking distance (0.25 mile) of the Project Site are ten bus lines. In addition, the Crenshaw/LAX operated by Metro serves the Proposed Project area at two stations. The increases in land use diversity and mix of uses on the Project Site would reduce vehicle trips and VMT by encouraging walking and non-automotive forms of transportation. The Proposed Project will accommodate regional growth projected by SCAG in the Los Angeles Planning Area by providing 961 residential units (551 condos and 410 apartments) in a transit oriented development.

The Applicant is requesting Special Permission to allow a 10 percent reduction of the required off-street parking spaces for commercial uses because the Project Site is located within 1,500 feet of the future Martin Luther King Jr. transit station and the Project will include a portal to the station. The portal is located at grade at the southwest corner of Crenshaw Boulevard and Martin Luther King Jr. Boulevard. When completed, the projected ridership is anticipated to be 16,000. In addition to the mobility hub, a new bus would be provided by the Proposed Project Applicant or its successor would reduce peak hour vehicle trips. The availability of these alternative modes of transportation will reduce the VMT associated with the Proposed Project.

As discussed above, the Proposed Project will include a minimum of 20 percent of the total Code-required net new parking spaces provided for all types of parking facilities for supporting future electric vehicle supply equipment or alternative fuel. Of the 20 percent EV ready or alternative fuel, five percent of the total Code-required net new parking spaces shall be provided with EV charges to accommodate electric vehicles within the parking areas. Additionally, Mitigation Measure B-18 will require all equipment such as generators, to use alternative power (e.g., electricity or propane). Therefore, the Proposed Project is consistent with these policies to promote sustainable transportation, reduce VMT, and encourage clean fuels and vehicles.

- 5.5 Green Streets: Maximize opportunities to capture and infiltrate stormwater within the City's public right-of-ways.

**Consistent.** The Proposed Project would include best management practices (BMPs) to collect, detain, treat, and discharge runoff on-site before discharging into the municipal storm drain system as part of the Standard Urban Stormwater Mitigation Plan (SUSMP). With implementation of these BMPs, the Proposed Project would reduce runoff from entering the wastewater system and would maximize opportunities to capture and infiltrate stormwater.

## CONCLUSION

As described and above, the Proposed Project promotes a transit oriented, mixed use development within an existing infill location in the Crenshaw area. The Proposed Project is consistent with the applicable policies that support the goals and objectives of Mobility Plan 2035 as follows:

- The Proposed Project is consistent with the City's policy to design, plan, and operate streets to serve multiple purposes by providing upgrades and enhancements to the existing internal circulation within the Project Site, which is located within an urban area with a mature street network serving vehicles, public transit, bicycles, and pedestrians.
- The Proposed Project will provide all employees, residents, and visitors/customers convenient access to transit services.
- The Proposed Project will provide enhancements to ensure a high-quality pedestrian environment.
- The Proposed Project will contribute to the City's policy to provide safe, convenient, and comfortable bicycle facilities with up to 855 secured spaces.
- The Proposed Project is designed to provide accessibility and accommodate the needs of people with disabilities as required by the ADA and the City.
- The Proposed Project will promote equitable land use decisions that result in fewer vehicle trips by providing upgrades and enhancements to the site within an urbanized area surrounded by a mix of neighborhood serving commercial uses and residential uses.
- The Proposed Project is consistent with the City's policy to provide for safe passage of all modes of travel during construction by preparing and implementing a construction management plan that would identify the location of any temporary lane and sidewalk closures and provide for measures to maintain both directions of travel or alternative routes.

**APPENDIX D**

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**Additional Analysis of Project Consistency with Greenhouse Gas (GHG)  
Legislation, Policies, and Programs**

## INTRODUCTION

The City of Los Angeles prepared the Environmental Impact Report (EIR) ENV-2012-1962-EIR for the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project). As shown in Table IV.C-5 of the Draft EIR, Annual GHG Emissions Summary (metric tons of CO<sub>2</sub>e), the Proposed Project would result in 35,092 metric tons of CO<sub>2</sub>e per year. The Draft EIR, Revised Draft EIR, Final EIR, and Errata determined that the Proposed Project would result in less than significant greenhouse gas (GHG) emission impacts.

The California Governor's Office of Planning and Research (OPR)—recommended amendments to the California Environmental Quality Act (CEQA) Guidelines for GHGs were adopted by the California Natural Resources Agency on December 30, 2009. Specifically, Appendix G of the State CEQA Guidelines (Environmental Checklist Form) was amended to identify two thresholds under which a project may be deemed to have a significant effect related to GHGs.

- Generates GHG emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflicts with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

Compliance with plans adopted to reduce GHG emissions supports a determination that the GHG emissions generated by a project are less than significant. The following analysis presents additional information that further supports the determination that the Project will result in less than significant GHG impacts, consistent with the California Supreme Court's decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (Case No. 217763), published on November 30, 2015.

This additional analysis describes the extent the Proposed Project would comply with, or exceed, performance-based standards included in the regulations outlined in the California Air Resources Board (CARB) Climate Change Scoping Plan (Scoping Plan), Southern California Association of Governments (SCAG) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Green LA Action Plan (LA Green Plan), Sustainable City pLAN (pLAN), and the Los Angeles Green Building Code (LA Green Building Code). Similar and applicable laws, goals, objectives, and policies from these State, regional, and City plans are grouped together for purposes of assessing consistency these plans. The regulatory compliance analysis provided below demonstrates that the Proposed Project would comply with the regulations and reduction actions/strategies outlined in these plans. For this reason, the GHG impacts of the Proposed Project are less than significant.

## STATE

### CARB Climate Change Scoping Plan

CARB approved a Scoping Plan on December 11, 2008, as required by Assembly Bill (AB) 32. The Scoping Plan proposes a “comprehensive set of actions designed to reduce overall carbon GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save

energy, create new jobs, and enhance public health.”<sup>1</sup> The first update to the Scoping Plan was approved by the CARB Board on May 22, 2014. The first Update to the Scoping Plan found that California is on track to meet the 2020 emissions reduction mandate established by AB 32, and noted that California could reduce emissions further by 2030 to levels squarely in line with those needed to stay on track to reduce emissions to 80 percent below 1990 levels by 2050 if the State realizes the expected benefits of existing policy goals.<sup>2</sup> A proposed 2017 Scoping Plan<sup>3</sup> builds on previous programs and takes aim at the 2030 target established by the 2016 Senate Bill (SB) 32 (Pavley). The proposed Scoping Plan Update outlines options to meet California’s aggressive goals to reduce GHGs by 40 percent below 1990 levels by 2030. In addition, the proposed Scoping Plan Update incorporates the State’s updated Renewable Portfolio Standard requiring utilities to procure 50 percent of their electricity from renewable energy sources by 2030. It also raises the State’s Low Carbon Fuel Standard, and aims to reduce emissions of methane and hydrofluorocarbons (HFCs) by 40 percent from 2013 levels by 2030 and emissions of black carbon by 50 percent from 2013 levels. The Scoping Plan identifies a range of GHG reduction actions, including direct regulations; alternative compliance mechanisms; monetary and nonmonetary incentives; voluntary actions; market-based mechanisms, such as a cap-and-trade system; and an AB 32 implementation regulation to fund the program.<sup>4</sup>

As demonstrated below, the Proposed Project would be consistent with applicable Scoping Plan policies.

### ***Building Energy Efficiency Standards in Place and in Progress***

- Reduce GHG emissions from electricity by reducing energy demand. The California Energy Commission updates building energy efficiency standards that apply to newly constructed buildings and additions to and alterations to existing buildings. Both the Energy Action Plan and the Integrated Energy Policy Report call for ongoing updating of the standards.

### ***Post-2020 Cap-and-Trade Program***

- Reduce GHGs across largest GHG emissions sources.

### ***Senate Bill 350***

- Reduce GHG emissions in the electricity sector through the implementation of GHG emission reduction planning targets in the Integrated Resource Plan process.

Consistent. The Los Angeles Department of Water and Power (LADWP) would be required by the State Energy Commission, California Public Utilities Commission, CARB, and the California Independent System Operator (CAISO) to generate electricity that would increase renewable energy resources to 50 percent by 2030. Because LADWP would provide electricity to the Project Site, by 2030 the Proposed Project will use electricity consistent with the requirements of Senate Bill (SB) 350. Furthermore, the Project Applicant or its successor would be required to provide preferred parking for alternative-fueled vehicles pursuant

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1 California Air Resources Board (CARB), *Climate Change Scoping Plan*, December 2008.

2 CARB, *First Update to the Climate Change Scoping Plan: Building on the Framework* (May 2014), p. 4.

3 CARB, *The 2017 Climate Change Scoping Plan Update, The Proposed Strategy for Achieving California’s 2030 Greenhouse Gas Target*, January 20, 2017. The 2017 Scoping Plan is going through the public review process and will be

4 CARB, *The 2017 Climate Change Scoping Plan Update: The Proposed Strategy for Achieving California’s 2030 Greenhouse Gas Target*, January 20, 2017.

to Mitigation Measure (MM) B-16; identify charging stations for electric vehicles pursuant to MM B-17; and require equipment, such as forklifts and carts, during operations to use alternative power (e.g., electricity or propane) pursuant to MM B-18. The Proposed Project would include water conservation and transportation demand management (TDM) features as set forth in Section IV.M.2, Utilities—Water Supply, and Section IV.L, Transportation and Circulation, respectively. The Proposed Project would also meet or exceed all Title 24 energy conservation requirements as they apply to the City of Los Angeles and reduce electricity by 10 percent from current rates associated with the existing buildings on the Project Site (see Project Design Feature bullet two in Section IV.M.4 Utilities and Services—Energy in the Draft EIR).<sup>5</sup> Finally, the Proposed Project would comply with applicable regulatory requirements, including the provisions set forth in the California Green Building Standards (CALGreen) Code that have been incorporated into the LA Green Building Code. Implementation of the measures described above would ensure consistency with the reduction of GHG emissions pursuant to California Building Energy Efficiency Standards, Post-2020 Cap-and-Trade Program, and SB 350.

### ***California Renewables Portfolio Standard Program***

- Achieve 33 percent Renewables Portfolio Standard (RPS) by 2020 and 50 percent RPS by 2030.

**Consistent.** The Proposed Project would use energy from LADWP. LADWP’s commitment to achieve 35 percent renewables by 2020 would exceed the requirement under the RPS program of 33 percent renewables by 2020. Furthermore, LADWP would be required to generate electricity that would increase renewable energy resources to 50 percent by 2030. In 2011, LADWP indicated that 20 percent of its electricity came from renewable resources in 2010. The LADWP 2016 Integrated Resource Plan (IRP) serves as a comprehensive 20-year roadmap that guides the LADWP power system in its efforts to supply reliable electricity in an environmentally responsible and cost-effective manner.<sup>6</sup> The 2016 IRP recognizes that the State will continue to move towards higher GHG reduction goals and it is unlikely that State legislation will remain at 50 percent RPS post 2030. Considering AB32’s long-term goal to reduce GHG emissions by 80 percent below 1990 levels by 2050 and the resource cases considered herein, the 55 percent RPS in 2030 and 65 percent RPS in 2036 cases include a downward GHG emissions trajectory towards this goal. The 2016 IRP was approved by the LADWP Board on January 13, 2017. Because LADWP would provide electricity service to the Project Site, the Proposed Project would use electricity that is produced consistent with the RPS requirements.

### ***Low Carbon Fuel Standard***

- Transition to cleaner/less-polluting fuels that have a lower carbon footprint.

**Consistent.** The Proposed Project includes several features to promote alternative modes of travel to and from the Project Site, including carpooling, transit usage, bicycling, and walking. As discussed on page IV.B-50 in Section IV.B of the EIR, the Proposed Project will increase transit capacity by adding a peak-hour bus to Metro Route 210 traveling on Crenshaw Boulevard adjacent to the Project Site. The Proposed Project will also construct a mobility hub on the Project Site. The mobility hub would serve to enhance

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5 Potential programs to achieve the 10 % electricity reduction from current rates include, but are not limited to, education on energy conservation; energy-efficient lighting; use of solar panels; or participation in LADWP’s Green Power Program. Specific features will be determined at the time building construction commences for each building.

6 Los Angeles Department of Water and Power, *2016 Power Integrated Resource Plan*, approved January 13, 2017.

mobility connectivity, including providing bicycle storage, shuttle services, vehicle sharing programs, and proximity to transit service. Therefore, the Proposed Project would be consistent with the State's goal to transition to cleaner/less-pollution fuels.

### **Mobile Source Strategy**

- Help the State achieve its health based air quality standards and climate goals.

**Consistent.** As required by MM B-9, the Proposed Project will utilize off-road diesel-powered construction equipment that meets or exceeds CARB or US Environmental Protection Agency (USEPA) Tier 3 off-road emissions standards for equipment rated at 50 horsepower or greater. The Proposed Project will also include a minimum of 20 percent of the total Los Angeles Municipal Code (LAMC)-required net new parking spaces provided for all types of parking facilities for supporting future electric vehicle (EV) supply equipment or alternative fuel. Of the 20 percent EV-ready or alternative fuel, 5 percent of the total Code-required net new parking spaces will be provided with EV chargers to accommodate electric vehicles within the parking areas. The Proposed Project will also meet Title 24 energy requirements pursuant to the LA Green Building Code, including the provision for energy-efficient lighting, automatic-lighting on/off controls, and water-efficient devices and irrigation systems. Therefore, the Proposed Project will be consistent with the State's goal to achieve its health-based air quality standards and climate goals.

### **SB 1383**

- Approve and Implement Short-Lived Climate Plan to reduce highly potent GHGs through a 40% reduction in methane and hydrofluorocarbon (HFC) emissions and 50 percent reduction in black carbon emissions.

**Consistent.** LADWP will meet the requirements of SB 1383 through compliance to new permitting requirements under the US EPA's Tailoring Rule and through amendment of the existing Title V operating permits to incorporate any federal GHG regulatory requirements when they are renewed.<sup>7</sup> Because LADWP will provide electricity to the Project Site, the Proposed Project would use electricity that meets the requirements of SB 1383. Therefore, the Proposed Project will be consistent with the State's goal to reduce methane, HFC, and black carbon emissions.

### **Diesel Anti-Idling**

- Reduce GHG emissions from diesel-fueled commercial motor vehicle idling, by reducing idling times and electrifying truck stops.

**Consistent.** As identified in regulatory compliance measure (RCM) B-5 and MM B-19, the idling of all diesel-fueled commercial vehicles (weighing more than 10,000 pounds) during construction will be limited to 5 minutes at any location, consistent with Sections 2485 in Title 13 of the California Code of Regulations. Therefore, the Proposed Project will be consistent with the State's goal to reduce GHG emissions from diesel-fueled commercial motor vehicle idling and idling times.

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<sup>7</sup> LADWP, 2016 IRP, Appendix C, Section C.3.1, Federal Efforts to Address Climate Change, C-4, January 13, 2017.

### ***Alternative Fuels: Biodiesel Blends and Ethanol***

- Increase the use of alternative fuels that are less GHG-intensive, by adopting regulations to require the use of biodiesel to displace California diesel fuel, increasing the number of flexible fueled vehicles present in California, and increasing the percentage of ethanol used in gasoline.

**Consistent.** Operation of any stationary, diesel-fueled, compression-ignition engines, such as generators, will meet specified fuel and fuel additive requirements and emissions standards, consistent with Section 93115 in Title 17 of the California Code of Regulations. While this requirement would be implemented at the State level through regulatory adoption, the Proposed Project, as required by the LA Green Building Code, will include a minimum number of EV-ready parking spaces equal to 5 percent of the total number of parking spaces. Therefore, the Proposed Project will be consistent with the State's goal to increase the use of alternative-fueled vehicles.

### ***Achieve 50 percent Statewide Recycling Goal***

- Achieve California's 50 percent waste diversion mandate (AB 939, Integrated Waste Management Act of 1989) to reduce GHG emissions associated with virgin material extraction. AB 939 required each city or county plan to include an implementation schedule that showed 50 percent diversion of all solid waste by January 1, 2000, through source reduction, recycling, and composting.

**Consistent.** As described in RCM B-2, the Proposed Project will recycle and reuse building and construction materials, including the on-site recycling and reuse of concrete removed during demolition and salvaging of existing appliances and fixtures. As discussed in project design feature (PDF) M.3-1, 75 percent of construction and demolition debris will be recycled. The Proposed Project will also include adequate storage areas for solid waste disposal containers in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that developments include a recycling area or room of specified size on the Project Site. The Proposed Project will also promote compliance with AB 939, AB 341, and City waste diversion goals, by providing clearly marked, source sorted receptacles to facilitate recycling. By including these features, the Proposed Project will support the City's achievement of goals of the California Integrated Waste Management Act and will be consistent with the applicable regulations associated with solid waste.

### ***Water Use Efficiency***

- Implement efficient water management practices and incentives, as saving water saves energy and GHG emissions.

**Consistent.** The Project Applicant has agreed to implement water conservation measures to reduce the water demand of the Proposed Project. MM M.2-1 through MM M.2-13 require both internal and external water conservation features to be incorporated into the Project, including but not limited to the use of low-flow appliances and efficient irrigation systems for water conservation. Therefore, the Proposed Project would implement practices to save water and energy, which would reduce GHG emissions.

## REGIONAL

### SCAG Regional Transportation Plan/Sustainable Communities Strategy

The City of Los Angeles is a member agency of SCAG. To fulfill its commitments as a metropolitan planning organization (MPO) under the Sustainable Communities and Climate Protection Act, SCAG adopted the 2016–2040 RTP/SCS.<sup>8</sup> The 2016–2040 RTP/SCS reaffirms the land use policies that were incorporated into the 2012–2035 RTP/SCS. The Proposed Project would accommodate regional growth in the Los Angeles Planning Area by providing expanded employment opportunities and residential units on an infill site that is adjacent to existing, approved, and planned infrastructure, urban services, transportation corridors, transit facilities, and major employment centers, in furtherance of SB 375 policies. In order to assess the Proposed Project’s potential to conflict with the 2016 RTP/SCS, the Proposed Project’s land use characteristics were analyzed for consistency with those utilized by SCAG in the SCS. Generally, projects are considered consistent with the provisions and general policies of applicable City and regional land use plans and regulations, such as the SCAG SCS, if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals.

#### ***Land Use Actions and Strategies***

The SCAG RTP/SCS contains the following land use actions and strategies:

- Collaborate with local jurisdictions and agencies to acquire a regional fair share housing allocation that reflects existing and future needs.

**Consistent.** The Proposed Project would accommodate regional growth projected by SCAG in the Los Angeles Planning Area by providing additional 961 additional residential units (551 condos and 410 apartments) in South Los Angeles.

- Continue to support, through Compass Blueprint, local jurisdictions, and subregional councils of government (COGs) adopting neighborhood-oriented development, suburban villages, and revitalized main streets as livability strategies in areas not served by high-quality transit.
- Encourage the use of range-limited battery electric and other alternative fueled vehicles through policies and programs, such as, but not limited to, neighborhood oriented development, complete streets, and Electric (and other alternative fuel) Vehicle Supply Equipment in public parking lots.
- Update local zoning codes, General Plans, and other regulatory policies to promote a more balanced mix of residential, commercial, industrial, recreational and institutional uses located to provide options and to contribute to the resiliency and vitality of neighborhoods and districts.
- Support projects, programs, policies and regulations that encourage the development of complete communities, which includes a diversity of housing choices and educational opportunities, jobs for a

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8 Southern California Association of Governments (SCAG), *The 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* (adopted April 2016), <http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>.

variety of skills and education, recreation and culture, and a full-range of shopping, entertainment and services all within a relatively short distance.

- Pursue joint development opportunities to encourage the development of housing and mixed-use projects around existing and planned rail stations or along high-frequency bus corridors, in transit-oriented development areas, and in neighborhood-serving commercial areas.

**Consistent.** The Proposed Project will add new transit oriented development within the Baldwin Crenshaw Mall in South Los Angeles. In June 2012, the Los Angeles Department of City Planning kicked-off a 2-year effort to create Transit Neighborhood Plans for the areas surrounding ten transit stations along the Exposition and Crenshaw/LAX Light Rail lines, including the Crenshaw/MLK station located adjacent to the Project Site. The purpose of these plans is to support vibrant neighborhoods around transit stations, where people can live, work, and shop or eat out, all within a safe and pleasant walk to a transit station. The Proposed Project has been designed to implement the purpose of these plans by creating a transit-oriented development with access to two Crenshaw subway transit portals that are integrated into the Proposed Project's streetscape design. When combined with the existing Metro bus stops that serve the existing shopping center, these subway access points would further activate the Project Site by providing the community access to the on-site shopping, entertainment, and social gathering opportunities, all of which are components of a transit-oriented development.

The Project Site currently contains approximately 1.02 million square feet of various types of commercial development. The Proposed Project would add a total of approximately 2.06 million square feet of development to the Project Site, which would consist of approximately 820,000 square feet of commercial development and 961 residential units (totaling approximately 1.235 million square feet of residential development). These new uses to be added to the Project Site include approximately 331,838 square feet of retail and related commercial uses; an approximately 346,500-square-foot hotel providing up to 400 rooms; approximately 143,377 square feet of office uses; and a total of up to 961 residential units, consisting of 551 residential condominium units and 410 apartment units.

The Proposed Project combines the retention of the existing mall building, a stand-alone movie theater building, and two free-standing buildings occupied by commercial uses, with new development that creates a pedestrian-oriented mixed-use development that complements and enhances the existing on-site uses. The new commercial uses proposed for development include a Retail Village located around the intersection of Stocker Street and Crenshaw Boulevard with pedestrian access available from both Crenshaw Boulevard and Stocker Street; a hotel located to the south of the Retail Village and existing mall building; an office building at the northern edge of the Project Site at the southwest corner of Crenshaw Boulevard and 39th Street; and street front retail uses along Crenshaw Boulevard, Martin Luther King Jr. Boulevard, and Marlton Avenue. The Proposed Project also introduces residential uses to a previously commercial-only site, with residential apartments located within the southwest corner of the Project Site along Santa Rosalia Drive and Marlton Avenue and residential condominium and apartment units located above the street front retail uses in the portion of the Project Site located north of Martin Luther King Jr. Boulevard.

The Proposed Project is designed to activate the streets surrounding the Project Site and improve the pedestrian and transit character of the Project Site by providing a pedestrian-oriented design that integrates the Project Site with the existing pedestrian pathways that are part of the streets that border the Project Site. The enclosed mall would remain the primary land use within the southern portion of the Project Site and a variety of new land uses and shopping environments would be created to establish a mixed-use, pedestrian- and transit-friendly site. Most notable of which would be the addition of a new Retail Village. The southern half of the mall is currently set back as much as 400 to 500 feet from Crenshaw Boulevard and Stocker Street with surface parking and a parking structure occupying the majority of this portion of the site. With the Proposed Project, this area, with the exception of Outbuilding B, would be replaced with a pedestrian-oriented Retail Village that would enhance the pedestrian environment along these streets (i.e., activate pedestrian activity along Crenshaw Boulevard) and provide a shopping experience that would complement the existing shopping opportunities found within the enclosed mall. The Retail Village is planned to consist of a series of buildings located within a plaza that is accessible from Crenshaw Boulevard as well as from Stocker Street and the mall.

A major component of the Proposed Project includes providing funding and an area for development of a mobility hub as described in MM L-2. 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. The Project Site is also well served by several other modes of transportation, including the Metro Expo Line, Metro Local and Rapid bus lines, and DASH bus lines, as well as City-designated bicycle lanes and routes. The availability of these alternative modes of transportation will reduce the VMT associated with the Proposed Project. The Proposed Project includes 855 bicycle parking spaces for the use of the Proposed Project, thereby relieving the community of limited street parking. Additionally, the Proposed Project is required to include a minimum of 20 percent of the total Code-required net new parking spaces provided for all types of parking facilities for supporting future electric vehicle supply equipment or alternative fuel. Of the 20 percent EV ready or alternative fuel, five percent of the total Code-required net new parking spaces shall be provided with EV charges to accommodate electric vehicles within the parking areas. One mitigation measure will improve the local bus routes by the purchase of a new bus for Metro Route 210, which will reduce vehicle trips to and from the Project Site. To accommodate demand during the peak shopping season in December, a parking management program will be instituted as required by MM L-7 that will include measures such as providing tandem and off-site parking for employees, offering valet parking for customers, and encouraging employees to rideshare or use transit during December. As described above, the Proposed Project meets the criteria for transit oriented neighborhoods as discussed in the RTP/SCS.

- Update local zoning codes, General Plans, and other regulatory policies to accelerate adoption of land use strategies included in the 2012–2035 RTP/SCS Plan Alternative, or that have been formally adopted by any sub-regional COG that is consistent with regional goals.

**Consistent.** While this action/strategy addresses plans and regulatory policies and is not directly applicable to an individual development project, the Proposed Project would support this action/strategy

via consistency with the RTP/SCS. The requested Zone and Height District Change are necessary to revise the existing “D” Limitation as established by Ordinance No. 156,481 to allow a Floor Area Ratio up to 3:1 across the entire site, in lieu of the “D” Limitation of a 3:1 FAR of each lot and a 1.5:1 FAR total across the entire site; and to revise the existing “Q” Condition as established by Ordinance No. 162,020 to allow two parking spaces per 1,000 square feet for the commercial and office use, in lieu of the “Q” Condition requiring three parking spaces per 1,000 square feet.

The development is consistent with the applicable zoning regulations and land use policies in the West Adams–Baldwin Hills–Leimert Community Plan, which aims to provide a variety of housing opportunities, maximize development opportunities around future transit systems, and to enhance the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance. Therefore, the Proposed Project implements strategies included in the RTP/SCS.

- Support projects, programs, and policies that support active and healthy community environments that encourage safe walking, bicycling, and physical activity by children, including, but not limited to development of complete streets, school sitting policies, joint use agreement, and bicycle and pedestrian safety education.
- Consider developing healthy community or active design guidelines that promote physical activity and improved health.
- Support projects, programs, policies, and regulations to protect resources areas, such as natural habitats and farmland, from future development.
- Engage in a strategic planning process to determine the critical components and implementation steps for identifying and addressing open space resources, including increasing and preserving park space, specifically in park-poor communities.

**Consistent.** As discussed previously, the Proposed Project would develop a transit oriented development within an existing infill site in the Crenshaw Boulevard Mall. The Proposed Project would include 180,000 sq. ft. of pedestrian-oriented open space areas, 138,000 sq. ft. of landscaped area, and seven acres of landscaped paths. These amenities will be available to residents, guests, employees, and customers. The various pedestrian and landscape design plans would encourage healthy lifestyles through the provision of landscaped paths and open space. The publicly accessible open space areas and trails proposed as part of the Project will also promote walkability within and near the Project Site. The Proposed Project will improve the pedestrian environment as compared to the existing conditions at the Project Site. The existing mall property is largely fenced off from the surrounding land uses with limited pedestrian entry points into the Project Site. To increase accessibility to the Project Site, the existing wrought iron fence that surrounds site will be removed. As a mixed-use development with residential, hotel, office, retail and entertainment uses, the pedestrian circulation plan includes multiple points of entry from the exterior property boundaries, widened pedestrian sidewalks/walkways, street furniture and bus shelters, and striped and signalized pedestrian crosswalks linking the uses. The pedestrian bridge over Martin Luther King Jr. Boulevard will be retained so that the Baldwin Hills Crenshaw Plaza would be able to continue to operate as a single site with people able to park on one block and walk to uses on the other block.

In addition, the site currently hosts a thrice weekly B-Fit program for community residents who participate in a range of fitness activities that will continue to be offered within the shopping mall and future retail village. The east/west spine of the Proposed Project incorporates a pedestrian concourse that is aligned to connect with the jogging/walking path under construction on the nearby Kaiser site, providing a safe walking/jogging from Buckingham Road to Crenshaw Boulevard.

Finally, MM L-6 requires a commitment of \$100,000 toward the implementation of bikeway improvements within the area of the Project Site under the 2010 Bicycle Plan. Thus, the Proposed Project will contribute to the support for active and healthy community environments and will not impair the ability of the City and SCAG to engage in strategic planning process to address recreational/park shortages in existing communities.

### ***Transportation Network Actions and Strategies***

The SCAG RTP/SCS contains the following transportation network actions and strategies:

- Perform and support studies with the goal of identifying innovative transportation strategies that enhance mobility and air quality, and determine practical steps to pursue such strategies, while engaging local communities in planning efforts.
- Explore and implement innovative strategies and projects that enhance mobility and air quality, including those that increase the walkability of communities and accessibility to transit via non-auto modes, including walking, bicycling, and neighborhood electric vehicles (NEVs) or other alternative fueled vehicles.
- Continue to support the California Interregional Blueprint as a plan that links statewide transportation goals and regional transportation and land use goals to produce a unified transportation strategy.

**Consistent.** The Project Site is surrounded by a variety of uses consisting of single and multi-family residential units, commercial low- to mid-intensity commercial and office uses. The Proposed Project is a transit oriented development that will redevelop the existing Baldwin Hills Crenshaw Plaza and will convert the surface lots into a mixed-use development that will include housing, a hotel, commercial, entertainment uses and open space. The Proposed Project is designed to support the use of public transportation by providing pedestrian access to portals, transit stops and facilities that will reduce the number of vehicles that travel to the Project Site. Several modes of public transportation serve the Project Site, including the Crenshaw/LAX Light Rail line that will be completed in 2019, the Metro Line, several Metro Rapid and Local bus lines, and three Dash lines. The mobility hub will provide a unified transportation strategy for the Project Site and be a model for the City to follow. As previously discussed, the Proposed Project includes a pedestrian circulation plan that integrates the existing uses on site with proposed future uses.

Transportation mitigation has also been identified to improve circulation in the general area of the Project Site. MM L-1 through MM L-9 require transit and mobility system improvements, transportation systems management improvements, an operational parking program, construction traffic management plans,

and neighborhood traffic management plans. These improvements are aimed at enhancing and improving service of the overall transit system serving the study area.

Finally, the Proposed Project would also incorporate mitigation to reduce emissions during construction (MM B-1 through MM B-14) and operation (MM B-15 through MM B-25) to enhance air quality. Thus, the Proposed Project will be consistent with the policies to increase walkability, provide an innovative transit oriented development, and contribute to the regions overall transportation connectivity.

- Cooperate with stakeholders, particularly county transportation commissions and Caltrans, to identify new funding sources and/or increased funding levels for the preservation and maintenance of the existing transportation network.

**Consistent.** The Proposed Project Applicant or its successors will provide a new Metro line bus (MM L-1) to Route 210 adjacent to the Project Site, fund a mobility hub (MM L-2), provide \$100,000 toward the implementation of bikeway improvements within the Project area under the 2010 Bicycle Plan (MM L-6), implement shared parking to encourage the use of alternative transportation methods (MM L-7), and fund and coordinate implementation of Los Angeles Department of Transportation's (LADOT's) Neighborhood Traffic Management Plan up to \$300,000 (MM L-13). Therefore, the Proposed Project would be consistent with the policy to fund the preservation and maintenance of the existing transportation network.

- Expand the use of transit modes in our subregions such as BRT, rail, limited-stop service, and point-to-point express services utilizing the HOV and HOT lane networks.
- Encourage transit providers to increase frequency and span of service in TOD/HQTA and along targeted corridors where cost-effective and where there is latent demand for transit usage.
- Encourage regional and local transit providers to develop rail interface services at Metrolink, Amtrak, and high-speed rail stations.
- Collaborate with local jurisdictions to plan and develop residential and employment development around current and planned transit stations and neighborhood commercial centers.
- Collaborate with local jurisdictions to provide a network of local community circulators that serve new TOD, HQTAs, and neighborhood commercial centers providing an incentive for residents and employees to make trips on transit.
- Develop first-mile/last-mile strategies on a local level to provide an incentive for making trips by transit, bicycling, walking, or neighborhood electric vehicle or other ZEV options.
- Continue to work with neighboring Metropolitan Planning Organizations to provide alternative modes for interregional travel, including Amtrak and other passenger rail services and an enhanced bikeway network, such as on river trails.

**Consistent.** The Project Site is in a High-Quality Transit Area as designated in the RTP/SCS and in a Regional Center and transit oriented district as designated by the City of Los Angeles due to close proximity to 27 different bus lines and stops bus lines, the future Crenshaw/LAX Light Rail line, and within 0.5 miles of the

Metro Expo Line rail station. The Proposed Project embodies the key characteristics of a transit oriented district with multiple alternative transportation options, a variety of mixed uses to encourage on-site economic activity, and on-site pedestrian pathways to increase walkability within the site. As discussed previously, the Proposed Project provides numerous alternative modes for interregional travel, including a mobility hub with a portal to the future Crenshaw/LAX Light Rail line anticipated to open in 2019 and provides a comprehensive and inclusive pedestrian circulation plan. 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, the mobility hub would create a central hub for transit in the community.

Additionally, the Project Applicant or its successor will provide a future bus for the Metro bus line, which would offset potential trips to and from the Project Site, and will provide funding for area bikeway improvements and neighborhood traffic management.

The Applicant is also requesting approval of a Zoning Administrator’s Adjustment to allow a 10 percent reduction of the required off-street parking spaces for commercial uses because the Project Site is located within 1,500 feet of a transit facility. The Proposed Project will include a portal to the Martin Luther King Jr. transit station, located along Crenshaw Boulevard, south of Martin Luther King Jr. Boulevard. The portal is located at grade at the southwest corner of Crenshaw Boulevard and Martin Luther King Jr. Boulevard. As previously discussed, 20 percent of the parking spaces would be provided for alternatively fueled vehicles, as well as 5 percent of those spaces for EV charging stations. A parking management program will also be developed and implemented during the holiday shopping season in all of December to ensure that parking demands can be adequately accommodated. The parking program provides on-site tandem parking, attendant parking for employees, valet parking for customers, off-site parking for employees with a shuttle van to and from the Project Site, and a program to encourage employees rideshare and/or use transit during the holiday season. All of the alternative transportation components associated with the Proposed Project would be consistent with, and contribute to, goals established by the City and SCAG related to promoting alternative modes of interregional travel.

- Prioritize transportation investments to support compact infill development that includes a mix of land uses, housing options, and open/park space, where appropriate, to maximize the benefits for existing communities, especially vulnerable populations, and to minimize any negative impacts.

**Consistent.** As previously discussed, the Proposed Project is a mixed-use transit oriented development located within a City designated Regional Center. The future Crenshaw/LAX Light Rail line is anticipated to open in 2019 and the Proposed Project has been designed to include a mobility hub with a portal to this station. The mobility hub will minimize effects of the Proposed Project on the local transportation system by enhancing access to transit service available in the area. Furthermore, sharing of on-site parking spaces would allow for an alternate use of the land which would otherwise be needed for parking facilities. This in turn, allows for the current site design and layout, and reduces the required height, bulk/massing, visual impact, and consumption of materials and resources that would otherwise be needed to construct additional parking levels of the parking garage. Therefore, the allowance for shared parking would

enhance the built environment, while supporting the overall project and its benefits to the community, city, and region.

To minimize effects of views from neighborhoods to the south of the Project Site, the Revised Project lowers the height of the office building proposed in the northern portion of the site from 145 feet to 135 feet (10 stories) and the Hotel from 135 feet to 94 feet in height (8 stories). These changes were made to preserve views from the Baldwin Hills Community to the south of the Project site.

As previously discussed, the Proposed Project is required to comply with State and local regulations during construction and operation and has identified multiple project design features and mitigation measures to minimize any negative environmental impacts. The transit oriented development proposed on the Project Site maximizes the benefit of the mixed commercial and residential uses and would be consistent with the goal of prioritizing transportation investments on an infill site in the City of Los Angeles.

- Encourage transit fare discounts and local vendor product and service discounts for residents and employees of TOD/HQTAs or for a jurisdiction's local residents in general who have fare media.

**Consistent.** The Proposed Project would not impair the City's ability to encourage transit fare and other discounts. The Proposed Project incorporates numerous transit options for future residents, existing and future employees, including a program to encourage employees to rideshare and/or use transit during the holiday shopping season (MM L-7).

### ***Transportation Demand Management (TDM Actions and Strategies)***

The SCAG RTP/SCS contains the following TDM actions and strategies:

- Develop comprehensive regional active transportation network along with supportive tools and resources that can help jurisdictions plan and prioritize new active transportation projects in their cities.
- Encourage the implementation of a Complete Streets policy that meets the needs of all users of the streets, roads and highways—including bicyclists, children, persons with disabilities, motorists, neighborhood electric vehicle (NEVs) users, movers of commercial goods, pedestrians, users of public transportation and seniors—for safe and convenient travel in a manner that is suitable to the suburban and urban contexts within the region.
- Support work-based programs that encourage emission reduction strategies and incentivize active transportation commuting or ride-share modes.
- Work with relevant state and local transportation authorities to increase the efficiency of the existing transportation system.
- Collaborate with local jurisdictions and subregional COGs to develop regional policies regarding TSM.

**Consistent.** All project transportation-related improvements will be developed based on consultation with LADOT and/or transit service providers, as appropriate, and constructed in compliance with applicable standards. Future tenants of the commercial space will be encouraged to utilize alternative transportation

modes. As previously discussed, the Proposed Project is a transit oriented development on an infill site that would not impair the ability of SCAG, the COGs, or the City to collaborate on the development of regional Transportation System Management (TSM) policies. The Proposed Project would provide a comprehensive active transportation network that incorporates pedestrian, bicyclists, motorists, NEV users, movers of commercial goods for safe and convenient travel suitable to the project area. Additionally, programs will be offered to incentivize employees to rideshare and/or use alternative transportation methods, improve local bikeway and motorist connectivity, and increase alternative transportation options, consistent with City and SCAG policies.

### ***Clean Vehicle Technology Actions and Strategies***

The SCAG RTP/SCS contains the following clean vehicle technology actions and strategies:

- Support subregional strategies to develop infrastructure and supportive land uses to accelerate fleet conversion to electric or other near zero-emission technologies. The activities committed in the two subregions (Western Riverside COG and South Bay Cities COG) are put forward as best practices that others can adopt in the future.

**Consistent.** While the acceleration of fleet conversion by future residents and commercial tenants of the Proposed Project is market driven and beyond the direct control or influence of the Project Applicant, the Proposed Project would not impair the City's or SCAG's ability to support subregional strategies in furtherance of that conversion. As previously discussed, the Proposed Project would include a minimum of 20 percent of the total Code-required net new parking spaces provided for all types of parking facilities for supporting future electric vehicle supply equipment or alternative fuel. Of the 20 percent EV-ready or alternative fuel, five percent of the total Code-required net new parking spaces shall be provided with EV charges to accommodate electric vehicles within the parking areas. Additionally, the mobility hub proposed within the Project Site would further the goal to improve transit in the local community.

## **CITY OF LOS ANGELES**

### **City of Los Angeles Green LA Action Plan**

The City of Los Angeles has issued guidance promoting green building to reduce GHG emissions. The goal of the Green LA Action Plan is to reduce GHG emissions 35 percent below 1990 levels by 2030. The Green LA Action Plan identifies objectives and actions designed to make the City a leader in confronting global climate change. The measures would reduce emissions directly from municipal facilities and operations, and create a framework to address citywide GHG emissions. The Green LA Action Plan lists various focus areas for GHG reduction strategies. These focus areas include energy, water, transportation, land use, waste, ports, and airports, thus ensuring that impacts to the local climate are incorporated into planning and building decisions. The following discussion demonstrates how the Proposed Project would be consistent with the Green LA Action Plan.

### ***Energy***

The Green LA Action Plan contains the following energy related actions and strategies:

- Meet the goal to increase renewable energy from solar, wind, biomass, and geothermal sources to 20% by 2010;
- Increase use of renewable energy to 35% by 2020;
- Distribute two compact fluorescent light (CFL) bulbs to each of the 1.4 million households in the city;

**Consistent.** This action applies to LADWP and other utility providers and does not apply to individual development projects. LADWP has achieved the 20 percent by 2010 target. The Proposed Project would not conflict with or impede the City's ability to implement this action. As LADWP would provide electricity service to the Project Site, the Proposed Project would use electricity that is produced consistent with this performance based standard. The Proposed Project will incorporate energy efficiency measures including lighting controls with occupancy sensors to take advantage of available natural light. The Proposed Project will also utilize energy-efficient lighting, such as CFLs, light-emitting diodes (LEDs), or other energy-efficient lighting technology. The Proposed Project will be consistent with the City's action to provide energy-efficient lighting to City residents.

## ***Water***

The Green LA Action Plan contains the following water related actions and strategies:

- Meet all additional demand for water resulting from growth through water conservation and recycling;
- Reduce per capita water consumption by 20%;

**Consistent.** While this action primarily applies to the City and LADWP, the Proposed Project would incorporate water efficiency measures that would be consistent with this goal. The reductions would be achieved through the installation of water-efficient fixtures that exceed applicable standards, drought-tolerant/California native plant species selection, irrigation system efficiency, and/or smart irrigation systems (e.g., weather-based controls). More specifically, the Proposed Project will comply with the LA Green Building Code and all regulations related to water conservation measures. Existing plumbing fixtures will be removed and replaced with new low-flow fixtures that meet or exceed current code standards. As discussed in Section IV.M of the Draft EIR, with these improvements, the additional development proposed on the Project Site can be accommodated and future water use would be reduced by 15 percent from existing conditions. As a result, the Proposed Project would be consistent with applicable short- and long-term water conservation strategies.

## ***Transportation***

The Green LA Action Plan contains the following transportation related actions and strategies:

- Promote walking and biking to work, within neighborhoods, and to large events and venues;
- Expand the regional rail network.
- Promote high-density housing close to major transportation arteries;

- Promote and implement transit-oriented development (TOD);

**Consistent.** The Proposed Project is located in an existing urbanized area and would provide access to public transit and opportunities for walking and biking. Implementation of MM L-1 through MM L-9 will include transit system improvements, transportation system management improvements, signal controller upgrades, bicycle funding, parking program, construction traffic management plans, and neighborhood traffic management plans. The Project Site will be connected to the regional Metro (Los Angeles County Metropolitan Transportation Authority) light rail system once the Crenshaw/LAX Light Rail train station is completed in 2019. The Proposed Project will concentrate employment and commercial uses in proximity to public transit opportunities including a light rail line and bus routes. The Project Area is currently well served by transit, including numerous Metro bus lines and DASH bus routes (the City of Los Angeles DASH service). The Metro bus system provides 27 bus lines in the form of both rapid and local service in the Study Area. The LADOT DASH system provides three local bus lines in the Study Area. As shown in Figure IV.L-6 on page IV.L-23, ten bus routes are located within walking distance (0.25 mile) of the Project Site. In addition, the Crenshaw/LAX light rail line operated by Metro serves the Proposed Project area at two stations. The increases in land use diversity and mix of uses proposed on the Project Site will reduce vehicle trips and vehicle miles traveled (VMT) by encouraging walking and non-automotive forms of transportation, which would result in corresponding reductions in transportation-related emissions. The Proposed Project will accommodate regional growth projected by SCAG in the Los Angeles Planning Area by providing 961 residential additional units (551 condos and 410 apartments) in a transit oriented development. As a result, the Proposed Project would be consistent with numerous local and regional transportation options.

## ***Waste***

The Green LA Action Plan contains the following waste related actions and strategies:

- Recycle 70% of trash by 2015.

**Consistent.** While this action is the responsibility of the City, adequate solid waste storage areas, in accordance with the LAMC, will be provided on the Project Site to support this action. The Proposed Project will be served by a solid waste collection and recycling service that may include mixed waste processing, and that yields waste diversion results comparable to source separation and consistent with citywide recycling targets. Specifically, the Proposed Project will recycle 75 percent of construction and demolition debris as required by MM M.3-1. According to the City of Los Angeles Zero Waste Progress Report (March 2013), the City achieved a landfill diversion rate of approximately 76 percent by year 2012.<sup>9</sup> As a result, the Proposed Project would be consistent with the City's waste reduction goals.

## ***Open Space and Greening***

The Green LA Action Plan contains the following open space and greening related actions and strategies:

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<sup>9</sup> City of Los Angeles, Zero Waste Progress Report (2013). [http://www.lacitysan.org/solid\\_resources/recycling/publications/PDFs/CLA\\_%20Zero\\_Waste\\_Progress\\_Report.pdf](http://www.lacitysan.org/solid_resources/recycling/publications/PDFs/CLA_%20Zero_Waste_Progress_Report.pdf).

- Create 35 new parks by 2010;
- Plant 1 million trees throughout Los Angeles;
- Identify and develop promising locations for stormwater infiltration to recharge groundwater aquifers;

**Consistent.** This action addresses the creation of new parks and other open space features throughout the City and does not apply to individual development projects. While the Proposed Project does not include a park, various enhanced landscaping elements are included in the project design to activate the streetscape and integrate the Project Site with pedestrian activities. The Proposed Project will include 180,000 sq. ft. of pedestrian-oriented open space areas, 138,000 sq. ft. of landscaped area, and seven acres of landscaped paths. New trees would be included in the master plan landscape design. The Proposed Project would comply with City stormwater management requirements. The Proposed Project is consistent with these actions/strategies.

### ***Adaptation***

The Green LA Action Plan contains the following adaptation related actions and strategies:

- Review current zoning and building codes to minimize climate change impact; and
- Reduce the heat island effect by planting 1 million trees throughout the city and increasing open space.

**Consistent.** As discussed above under the SCAG consistency analysis, the Proposed Project will be consistent with current zoning and building codes as it would provide for transit oriented development adjacent to the Metro Crenshaw/LAX Light Rail line and 27 different bus routes. New trees are included in the master plan landscape design. As a result, the Proposed Project is consistent with these actions/strategies.

### **City of Los Angeles Sustainable City pLAN**

On April 8, 2015, the City released the Sustainable City pLAN (pLAN) which defines a roadmap for actions to be taken by the City over the next 20 years to create a city that is environmentally healthy, economically prosperous, and equitable in opportunity. The pLAN addresses increasing local water and solar energy resources, energy efficiency in new buildings, carbon and climate leadership, and waste and landfills. The pLAN also addresses the housing shortage in the City by calling for 100,000 new housing units by 2021 and 150,000 new housing units by 2035, and articulating policies to encourage that 57 percent of these units be built near transit in 2025 and 65 percent by 2035 to help the City meet its GHG reduction goals. In 2014, 43 percent of new housing units in the City were built near transit. The following targeted outcomes are discussed below.

The pLAN contains the following water and energy efficiency targeted outcomes:

- Lead the nation in water conservation and source the majority of water locally.
- Increase Los Angeles' clean and resilient energy supplies by capturing energy from abundant sunshine.

- Save money and energy by increasing the efficiency of buildings.

**Consistent.** The Proposed Project will incorporate water efficiency measures. More specifically, the Proposed Project will comply with water conservation requirements, including the use of low-flow appliances for water conservation, consistent with the Mayor’s “Securing L.A.’s Water Supply” initiative. The Proposed Project would not conflict with the City’s and LADWP’s ability to provide locally sourced water. The Proposed Project will be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and the Los Angeles Green Building Code. Specifically, the existing energy baseline will be reduced by approximately 10 percent. In addition, the Proposed Project will utilize energy-efficient lighting, such as CFLs, LEDs, or other energy-efficient lighting technology. As a result, the Proposed Project is consistent with water conservation and energy efficiency goals.

The pLAN contains the following GHG reduction and waste diversion targeted outcomes:

- As a proactive leader on climate issues, strengthen Los Angeles’ economy by dramatically reducing GHG emissions and rallying other cities to follow Los Angeles’s lead.
- Become the first big city in the United States to achieve zero-waste, and recycle and reuse most of its waste locally.

**Consistent.** While this action is the responsibility of the City, the Proposed Project is designed to incorporate energy- and water-efficient designs that meet or exceed local standards and would result in substantial GHG emissions reduction via replacement of existing systems and materials. The Proposed Project will utilize energy-efficient lighting and low-flow appliances for water conservation as well as superior floor design and materials compared with existing conditions. The Proposed Project is also located in an area well served by multiple public transportation options and in a highly walkable environment, which would substantially reduce transportation-related GHG emissions. Adequate solid waste storage areas, in accordance with the LAMC, will be provided on the Project Site. Further, the Proposed Project will be required to comply with the Proposed Project’s waste diversion targets. As a result, the Proposed Project is consistent with GHG emission reduction and waste diversion goals.

The pLAN contains the following housing shortage, access to parks, and VMT reduction targeted outcomes:

- Address Los Angeles’ housing shortage, ensure that most new units are accessible to high-quality transit, and close the gap between income and rents.
- Invest in rail, bus lines, pedestrian/bike safety, and complete neighborhoods that provide more mobility options and reduce vehicle miles traveled.
- Have access to parks, open space, including a revitalized Los Angeles River Watershed.

**Consistent.** The Proposed Project is located in an area well served by multiple public transportation options and in a highly walkable environment, which would substantially reduce transportation-related GHG emissions. The Proposed Project would provide 961 new residential units in a mixed-use transit

oriented development. The Proposed Project is located in a major job center and would provide housing and jobs near transit. In addition, implementation of MM L-1 through MM L-9 will provide transit system improvements, transportation system management improvements, signal controller upgrades, bicycle funding, parking program, construction traffic management plans, and neighborhood traffic management plans. The Proposed Project involves expansion of an existing development, which incorporates open space features and expands upon those features with private and publicly accessible landscaped open spaces. As a result, the Proposed Project is consistent with new housing located near multiple mobility options/goals and access to open space.

The pLAN contains the following air quality targeted outcomes:

- Healthy air to breathe.

**Consistent.** The Proposed Project would implement emissions reductions measures during construction and operations to minimize air pollutant emissions. More specifically, the Proposed Project would implement requirements of South Coast Air Quality Management District Rule 403 Fugitive Dust and set forth a program of air pollution strategies designed to reduce Proposed Project's air quality impacts. The Proposed Project would also include heating, ventilation and air conditioning systems that meet minimum efficiency reporting value 11 rated filters to ensure indoor air quality. As a result, the Proposed Project is consistent with air quality goals.

The pLAN contains the following well-connected and healthy neighborhood targeted outcomes:

- Ensure the benefits of the pLAN extend to all Angelenos.
- Live in safe, vibrant, well-connected, and healthy neighborhoods.

**Consistent.** The City is responsible for ensuring that the benefits of the pLAN extend to all Angelenos. The Proposed Project would not conflict with or impede the City's ability to implement this action. The Proposed Project would promote a pedestrian-friendly community and landscaping throughout the Project Site. The Proposed Project will also provide bicycle parking spaces in accordance with LAMC requirements for employees and visitors, as well as a mobility hub which will connect to the future Metro Crenshaw/LAX Light Rail line. As a result, the Proposed Project is consistent with these strategies/goals.

## Los Angeles Green Building Code

In December 2010, the Los Angeles City Council adopted various provisions of the CALGreen Code as part of Ordinance No. 181,840, thus codifying certain provisions of the CALGreen Code as the new LA Green Building Code. The LA Green Building Code imposes more stringent green building requirements than those contained within the CALGreen Code and is applicable to the construction of every new building, every new building alteration with a permit valuation of over \$200,000, and every building addition, unless otherwise noted. The Los Angeles City Council adopted the 2017 LA Green Building Code, which took effect as of January 1, 2017. The LA Green Building Code incorporates by reference the 2016 edition of the CALGreen Code and makes various technical changes to the LAMC. The LA Green Building Code includes the following key mandatory measures for nonresidential and high-rise residential buildings related to GHG reduction:

- **Short-Term Bicycle Parking:** If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passersby, for 5 percent of visitor motorized-vehicle parking capacity, with a minimum of one two-bike capacity rack.
- **Long-Term Bicycle Parking:** For buildings with over 10 occupants, based on the Los Angeles Building Code, provide secure bicycle parking for 5 percent of motorized vehicle parking capacity, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and may include:
  - Covered, lockable enclosures with permanently anchored racks for bicycles
  - Lockable bicycle rooms with permanently anchored racks
  - Lockable, permanently anchored bicycle lockers
- **Designated Parking:** Provide designated parking, by means of permanent marking or a sign, for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles as described in Table 5.106.5.2 of the LA Green Building Code.
- **Energy Conservation:** Provide electric vehicle supply wiring for a minimum of 5 percent of the total number of parking spaces.
- **Energy Conservation:** A project must exceed the California Energy Code (CEC) requirements, based on the 2008 Energy Efficiency Standards, by 15 percent using an Alternative Calculation Method approved by the CEC.
- **Energy Conservation:** Each appliance provided and installed shall meet Energy Star requirements if an Energy Star designation is applicable for that appliance.
- **Renewable Energy:** Provide future access, off-grid prewiring, and space for electrical solar systems.

The Proposed Project consistency analysis with the LA Green Building Code is presented below.

**Consistent.** As discussed above, all projects filed on or after January 1, 2017 are required to comply with the provisions of the Los Angeles Green Building Code which incorporates provisions of the 2016 CALGreen Code. The Proposed Project will comply with mandatory measures of the LA Green Building Code that would help reduce GHG emissions. The LA Green Building Code requires electric vehicle supply equipment for a minimum of 5 percent of the total number of parking spaces, which the Proposed Project would provide. Furthermore, the LA Green Building Code includes elective measures that would increase energy efficiency on the Project Site. The Proposed Project would include, but not be limited to, installing Energy Star rated appliances and a submeter for outdoor potable water use. Therefore, the Proposed Project is consistent with the LA Green Building Code.

## **GHG CONCLUSION**

As discussed above, the Proposed Project promotes a transit oriented, mixed use development within an existing infill location in the Crenshaw area in South Los Angeles. The Proposed Project is consistent with

*February 2018*

the applicable policies identified within the CARB Scoping Plan, SCAG RTP/SCS, LA Green Plan, LA Sustainable City pLAN, and the LA Green Building Code. As the Proposed Project is consistent with these policies, the GHG emissions generated by the Proposed Project are less than significant, as identified in the EIR.

**Department of City Planning  
Environmental Analysis Section  
Responses to Public Correspondence**

**BALDWIN HILLS CRENSHAW PLAZA MASTER PLAN PROJECT**

**Case Number: ENV-2012-1962-EIR  
State Clearinghouse Number: 2008101017**

**February 2018**

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## 1.0 INTRODUCTION

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The City's Advisory Agency held a hearing to consider the Baldwin Hills Crenshaw Plaza Master Plan Project (Proposed Project) and review the Project's Final EIR on December 21, 2016. The Advisory Agency issued a decision on January 18, 2017, approving the Project's Tentative Tract Map and certifying the Project's Final EIR as a decisionmaking body for the City. The Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090, certifying that (i) a Final EIR for the Project had been completed in compliance with CEQA; (ii) the Final EIR was presented to the Advisory Agency as a decisionmaking body of the lead agency; and (iii) the Final EIR reflects the independent judgment and analysis of the lead agency.

Two letters regarding issues addressed in the Proposed Project's EIR were submitted to the City of Los Angeles Planning Commission following certification of the Final EIR by the Advisory Agency. Although not required by CEQA, for the sake of full disclosure, the City has prepared detailed responses to every CEQA issue raised in the two letters. The City has provided these detailed responses to ensure all CEQA concerns raised in the two letters have been addressed.

The letters and the responses to each of the comments provided in the two letters is provided in the following section. Copies of the letters as submitted to the Planning Commission are provided in Appendix A.

## **PLANNING COMMISSION LETTER NO. PCL1**

The Baldwin Hills Estates Homeowners Association, Inc. (BHEHOA)  
P.O. Box 8897  
Los Angeles, CA 90008

### **Comment No. PCL1-1:**

To the Honorable Members of the Planning Commission:

The Baldwin Hills Estates Homeowners Association (hereinafter referred to as BHEHOA) would like to take this opportunity to express the neighborhood's concerns in regard to the proposed redevelopment project. Our position is the result of considering the proposal for years; entertaining numerous presentations by the applicant, obtaining feedback from residents, digesting the full extent of planning documents; and through our Planning and Land Use Committee, engaging in independent dialogue with the applicant's representative, the Planning Department, and our City Council office (CD8).

While we are supportive of the BHCP redevelopment, the amenities and opportunities it provides to our community, and local economic reinvestment in general; we believe there are specific aspects of the project that warrant attention in order for it to correctly balance its beneficial nature to the immediately surrounding neighborhoods with local impacts and the objectives of the city as a whole. We are one of those immediately surrounding neighborhoods which will patronize the BHCP redevelopment and be impacted by it as well.

As proposed, the BHCP project presents a number of challenges and specific impacts to its surroundings. BHEHOA has considered these impacts and would like to both highlight them and request that they be reduced or mitigated within the scope of the project, including the development agreement. We feel that doing so is appropriate considering the overall size of the project, the numerous discretionary approvals being sought, and the duration of construction. A number of concerns/impacts have not been adequately addressed in the proposal. Specifically, they are as follows:

### **Response to Comment No. PCL1-1:**

The comment introduces the Baldwin Hills Estates Homeowners Association, Inc. (BHEHOA) and provides background information regarding BHEHOA's participation in the public planning process for the Proposed Project. While the comment expresses support for the Proposed Project, it also expresses that concerns are identified in the comments that follow. The comment is noted for review and consideration by the decision-makers.

### **Comment No. PCL1-2:**

Tripling the size of the existing BHCP by adding 2,000,000 square feet of floor area will have definitive negative impacts on local traffic conditions. Some of which are identified in the EIR and staff report, and some which are not. The BHEHOA maintains that the actual traffic impacts are insufficiently identified and mitigated in the project proposal.

**Response to Comment No. PCL1-2:**

The Transportation Study and EIR followed the methodology and criteria set forth by the City of Los Angeles (City) for identification and mitigation of significant traffic impacts. The Proposed Project's traffic was forecast using established rates for trip generation which are used throughout the City. The future traffic forecasts were developed in accordance with City methodology utilizing a list of proposed developments provided by the City, and resulted in a growth forecast substantially higher than regional planning estimates, as described further in Response to Comment PCL1-3. The mitigation measures were developed in consultation with the Los Angeles Department of Transportation (LADOT) and in accordance with their order of priority in identifying types of mitigation measures based on LADOT's Transportation Impact Study Guidelines. The Proposed Project includes a contribution to the Los Angeles Bicycle Plan (Mitigation Measure L-6, part of LADOT's priority 1 mitigation), transit and mobility system improvements (Mitigation Measures L-1 and L-2, priority 2), parking management measures (Mitigation Measure L-7, priority 3), and traffic signal improvements (Mitigation Measures L-3, L-4, and L-5, priority 5), in addition to the development of a Neighborhood Traffic Management Plan (Mitigation Measure L-13). Therefore, the traffic impacts of the Proposed Project were sufficiently identified and all feasible mitigation measures have been identified to reduce impacts.

**Comment No. PCL1-3:**

Perhaps some of the reason rests in the fact that the existing conditions for the traffic study submitted by the applicant, and considered throughout the EIR and staff report process, use 2011 as the "existing" condition. Further, establishing that baseline of 2011 uses data collected in 2009 and 2008, which is over eight (8) years ago. The residents of the surrounding area witness conditions that put the level of service at various intersections at levels, which are clearly worse than those reported in the EIR. In an ideal analysis, such baseline data would be too old to use, especially with evidence of changed conditions.

A prime example is the intersection of Santa Rosalia and Stocker. This section of roadway will serve as a main access to parts of the BHCP, while also receiving demand from the soon to be open Kaiser medical facility, and the eventual redevelopment of Marlton Square over which the city is currently negotiating. Additionally, a developer has purchased a 3.5-acre site at 3731-3761 Stocker, directly across Santa Rosalia from BHCP, and is slated to completely redevelop that site. Current zoning provides for up to 375 dwelling units or mixed-use on this property.

**Response to Comment No. PCL1-3:**

The comment takes issue with the age of the traffic count data used in baseline existing year analysis, and claims that conditions are worse at some locations. According to CEQA, the EIR's analysis of existing conditions may be based on the conditions at the time of filing the Notice of Preparation (NOP) of the EIR. The Proposed Project's NOP was originally filed in October 2008. The traffic counts were conducted in 2008 and 2009, around the time of filing of the NOP. However, as the development of the Project progressed, the Existing Conditions analysis in the EIR was pushed forward to year 2011. The baseline data was also reviewed periodically during development of the EIR and was always found to provide the most conservative baseline condition upon which to develop future traffic conditions and measure

traffic impacts. Traffic counts from 2012 and 2014 at various locations analyzed in the Transportation Study were compared to the baseline data, and in each case the baseline was found to be the highest volume. The analyzed locations included both intersections of two major streets close to the Project Site and additional intersections studied in connection with nearby projects to determine consistency among traffic studies in general area.

The Existing Conditions traffic volumes (which represent year 2011 conditions, based on traffic counts from years 2008 and 2009 as noted in the comment) were compared to year 2012 traffic counts available at 15 of the 55 study locations. During the weekday morning peak hour, traffic volumes were lower at 13 locations, equal at one location, and higher at one location compared to the traffic counts collected for use in the Transportation Study. During the weekday afternoon peak hour, traffic volumes were lower at 12 locations and higher at three locations than the Transportation Study counts. On average, the volumes were 9% lower during the morning peak hour (nearly a full level of service (LOS) difference) and 5% lower during the afternoon peak hour (one half of a LOS). A supplemental analysis was conducted of potential traffic impacts using these year 2012 counts in place of the Existing Conditions traffic volumes at these 15 locations. The EIR identified significant impacts at four of those locations under Existing with Project with Mitigation Conditions and six of them under Future with Project with Mitigation Conditions. Using the year 2012 counts as the new existing baseline condition, one of the intersections (Intersection #17, Crenshaw Boulevard & Jefferson Boulevard) would no longer be impacted under Existing with Project with Mitigation Conditions and one intersection (Intersection #1, Crenshaw Boulevard & 39th Street) would no longer be impacted under Future with Project with Mitigation Conditions. No new significant impacts would be identified.

The 2012 traffic volumes were reviewed by LADOT staff and they agreed that the Transportation Study should continue to use the older, higher traffic counts because they resulted in a more conservative analysis (i.e., more likely to result in significant traffic impacts).<sup>1</sup>

A second validation was conducted based on year 2014 traffic counts available at ten locations. Compared with the Existing Conditions traffic volumes, the 2014 traffic counts showed lower volumes at seven of the ten locations during both the morning and afternoon peak hours. As with the 2012 counts, the impact analysis was tested using the 2014 traffic counts in place of Existing Conditions for the 10 intersections. The EIR identified significant impacts at one of those locations under Existing with Project with Mitigation Conditions and two of them under Future with Project with Mitigation Conditions. Using the year 2014 counts as the new existing baseline condition, the same locations would continue to be significantly impacted. No new significant impacts would be identified. Also, Intersection #40 (La Brea Avenue & Adams Boulevard) would no longer be impacted prior to mitigation under either year 2011 or 2020 conditions, though this location was fully mitigated in the EIR.

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<sup>1</sup> Letter from Gibson Transportation Consulting, Inc. to T. Carranza of Los Angeles Department of Transportation, titled "Traffic Volume Comparison for the Baldwin Hills Crenshaw Plaza Traffic Study" and dated November 26, 2013.

The Transportation Study included an analysis of future traffic conditions that represented substantial growth over the Existing Conditions analysis. The Future Conditions included traffic from other developments proposed within the Study Area (related projects) and an annual growth rate (ambient growth). The Transportation Study and EIR also accounted for traffic expected from the eventual development of 39 related projects as described in Section IV.L.2.d.3 of the EIR (pages IV.L-34 to L-39). The list of related projects was provided by LADOT in 2012. That list includes projects that have subsequently been approved and constructed as well as projects that have since been modified or abandoned. The list included a Marlton Square project then under consideration but subsequently abandoned; the referenced Kaiser medical facility was constructed within a portion of the Marlton Square property. While the potential residential development noted in the comment was not yet proposed in 2012 when the related projects were identified, the ambient growth factor of 0.5% per year is intended to account for traffic growth from projects not yet proposed, projects too small to account for as a related project, or projects outside the Study Area. In total, the Transportation Study accounted for 4.6% ambient growth over nine years from 2011 to 2020.

The overall growth assumed in the Transportation Study between the related projects and the ambient growth rate substantially exceeds the actual experience in this area of the City since the traffic counts were conducted, as illustrated by the 2012 and 2014 validations. The Transportation Study growth assumption also substantially exceeds the forecasts in the 2010 Congestion Management Program (Los Angeles County, 2010) (CMP), which is considered one of the foremost regional planning forecasts. The CMP estimates total traffic growth between year 2010 and year 2020 at 1.4% for the West/Central Los Angeles area that includes the Project Site. The Transportation Study's ambient growth assumption alone is more than three times this growth, and when related project traffic growth assumed in the Transportation Study is considered, the Transportation Study assumes between seven and ten times the amount of growth as forecast in the CMP during the peak hours. As such, the Transportation Study lays out a conservative set of assumptions that remain valid today. New traffic counts would not change the conclusions of the Transportation Study, as thoroughly shown above.

The comment suggests that the baseline data is "too old to use, especially with evidence of changed conditions." However, no evidence of changed conditions was identified in the comment. Further, as shown above, the year 2011 baseline based on year 2008 and 2009 counts has consistently been demonstrated to provide the most conservative baseline for the Transportation Study analysis. The vast majority of newer traffic counts that have been conducted have shown lower volumes than the counts used in the Transportation Study and EIR, and even at those locations where higher volumes were counted, no new impacts would occur. Overall, the newer traffic counts would result in lesser impacts than what was identified in the EIR.

The comment suggests that residents witness worse conditions today than are described in the EIR's baseline condition. However, it is important to note that current traffic conditions in the vicinity of the Proposed Project are temporarily affected by construction activities of the Metro Crenshaw / LAX light rail line. The light rail construction, including the proposed Martin Luther King Jr. Blvd. station adjacent to the Proposed Project has resulted in long-term roadway narrowing, in particular on Crenshaw Boulevard. This has resulted in unpredictable traffic conditions on Crenshaw Boulevard on a daily basis,

and many drivers use alternative routes to avoid the hazards on Crenshaw Boulevard. Many of the streets in the immediate vicinity of the Proposed Project have therefore experienced increases in traffic volumes and congestion resulting from light rail construction. Upon completion of the light rail project, when construction activities cease, vehicles will substantially return to their pre-construction routes (while vehicular traffic along the rail route may be reduced as a result of people shifting to transit, this effect was conservatively excluded from the analysis). Because of the changes to area traffic patterns resulting from construction, it would be inaccurate to base a transportation impact analysis for the Proposed Project on current traffic conditions.

The comment specifically identifies the intersection of Santa Rosalia Drive and Stocker Street as an example of an intersection that may operate at worse conditions than identified in the EIR. Both streets are likely being used as alternative routes to bypass light rail construction, and therefore the current operating conditions at that intersection are likely to be distorted by construction. Metro light rail construction is scheduled to end in 2019, which would be well before the completion of the Proposed Project. The EIR found that intersection to operate at LOS A during both the morning and evening peak hours under Existing Conditions, and due to the conservatively high traffic growth assumptions as detailed above, would worsen to LOS B under Future Conditions according to relevant City thresholds. As such, the intersection of Santa Rosalia and Stocker would not be significantly impacted by Proposed Project traffic. This intersection was included among the 15 intersections counted in 2012, as described above, and the analysis based on that count also identified LOS A and LOS B conditions.

**Comment No. PCL1-4:**

Another fact we have yet to see addressed is whether BHCP can effectively prevent use of their parking by non-customers as a park-n-ride, adding even more trips to the contemplated projections. The EIR makes no provision for some of this additional roadway demand, and it is only common sense that more redevelopment will be occurring in the immediate area adjacent to the rail line.

**Response to Comment No. PCL1-4:**

The Project Site currently provides approximately 3,235 parking spaces within surface lots and parking structures. With or without construction of the Proposed Project, these spaces would be located adjacent to the Metro Crenshaw / LAX light rail station planned for Crenshaw Boulevard & Martin Luther King Jr. Boulevard.

The notion of vehicle trips associated with the use of the Project Site as a park-n-ride would not be a consequence of the Proposed Project but, rather, a consequence of the Metro Crenshaw / LAX line itself. However, to ensure neither the Proposed Project nor the existing shopping center will serve as a park-n-ride for Metro, the BHCP operations team is exploring ways to ensure that the use of the commercial parking lots is maintained exclusively for employees and visitors. Parking management measures will be executed in connection with the commencement of light rail service, and are expected to be in place with or without the Proposed Project.

With respect to other redevelopment that may occur along the route of the rail line, such development would be subject to its own approval process, including applicable zoning, planning, traffic and other CEQA review. Further, the recently approved update to the West Adams–Baldwin Hills–Leimert Community Plan (Community Plan) identifies the Project Site and the adjacent Marlton Square parcel (across Marlton Avenue between Santa Rosalia Drive and Martin Luther King Jr. Boulevard) as the only “Regional Center” within the Community Plan area. A Regional Center is defined in the Community Plan as “a hub of regional commerce and activity,” and they are “generally high-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City.” (p. 1-12). That Community Plan is one of the newest and most current in Los Angeles, having been approved in May 2016, and includes detailed land use and zoning plans paired with a mobility plan. The transportation impact study for the Community Plan analyzed a total of 508 street segments in and around the Community Plan area, including segments on Crenshaw Boulevard, Martin Luther King Jr. Boulevard, 39<sup>th</sup> Street, Stocker Street, Santa Rosalia Street, Buckingham Road, Don Felipe Drive, Don Miguel Drive, Hillcrest Drive, and Coliseum Street (the streets adjacent to and near to the Proposed Project).

**Comment No. PCL1-5:**

Most importantly, the aforementioned section of Santa Rosalia is already problematic at peak hours, without any of these projects yet on-line, or the existing BHCP operating at full capacity. It is dubious that the traffic study projects this intersection (once all proposed area development is completed) to remain at the acceptable Level of Service B. No one that lives in the area or recently witnessed that street at peak would agree. We have similar concerns for the intersections at Marlton/Santa Rosalia, Don Felipe/Stocker, 39th/Crenshaw, and even more remote intersections such as Crenshaw/Jefferson, and Stocker/Overhill.

**Response to Comment No. PCL1-5:**

As discussed in Response to Comment PCL1-3, the Transportation Study included the streets adjacent to and near to the Project Site, and fully analyzed each of the intersections noted in the comment. The volumes of traffic at some of the smaller intersections around the Project Site, including Marlton Avenue & Santa Rosalia Drive, Don Felipe Drive & Stocker Street, and Santa Rosalia Drive & Stocker Street are low enough that the capacity of the intersections are not nearly fully utilized.

The three other intersections noted in the comment were each identified to operate at poor LOS during one or more peak hours, and significant and unmitigable impacts were identified in Section IV.L.6.a of the EIR. The intersection of Crenshaw Boulevard & 39th Street would operate at LOS C during the afternoon peak hour and would be significantly impacted. The intersection of Crenshaw Boulevard & Jefferson Boulevard would operate at LOS D during the morning peak hour and LOS E during the afternoon and Saturday midday peak hours, and would be significantly impacted during each of those latter peaks. The intersection of La Brea Avenue / Overhill Drive & Stocker Street would operate at LOS E during the morning and afternoon peak hours and would be significantly impacted during the afternoon peak hour. Impacts were adequately assessed at those locations, and significant and unavoidable impacts were identified and properly disclosed. The City’s Advisory Agency, in response to these

significant impacts, adopted a Statement of Overriding Consideration as part of its certification of the Proposed Project's Final EIR. In addition to the Statement of Overriding Considerations, the City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR. In addition, the City Planning Commission (CPC) independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164.

**Comment No. PCL1-6:**

We have voiced concern over the dated nature and of traffic data and the need for a comprehensive area-wide traffic study to be done in consideration of all of the development activity and the unique demands of nearby churches, schools, and a new large medical facility. In a meeting between BHEHOA, CD8, Department of Transportation (DoT), and Planning; the benefits of such a study and resultant traffic plan were agreed upon. It is our position that this study needs to be done in the short-term. Regardless, it is also our contention that in inadequately assessing CURRENT existing conditions, underestimating comprehensive future demand by BHCP and other developments, and failing to correctly predict the commonly used pathways of travel around the project, the traffic impact from the project to the immediately surrounding intersections is being underestimated and/or deemed insignificant, when it is not.

**Response to Comment No. PCL1-6:**

The comment requests an area-wide Transportation Study to address the effects of future projects which may be developed. With respect to the Proposed Project, the Transportation Study has addressed traffic impacts in accordance with standard City policy and the requirements of CEQA. The preceding responses, including to Response to Comments PCL1-2, PCL1-3, PCL1-4, and PCL1-5, describe the adequacy of the analysis and the completeness of the identification of significant impacts and their mitigations.

Further, with respect to area-wide studies, it should be noted that Baldwin Hills Estates is located within the West Adams-Baldwin Hills-Leimert Community Plan area. The Community Plan is one of the newest and most current Community Plans in Los Angeles, having been approved in May 2016, and includes detailed land use and zoning plans paired with a mobility plan.<sup>2</sup> The transportation impact study for the Community Plan analyzed a total of 508 street segments in and around the Community Plan area, including segments on Crenshaw Boulevard, Martin Luther King Jr. Boulevard, 39<sup>th</sup> Street, Stocker Street,

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<sup>2</sup> The West Adams-Baldwin Hills-Leimert Community Plan is available for review at: <https://planning.lacity.org/complan/pdf/wadcptxt.pdf>.

Santa Rosalia Street, Buckingham Road, Don Felipe Drive, Don Miguel Drive, Hillcrest Drive, and Coliseum Street (the streets adjacent to and near to the Proposed Project).<sup>3</sup> Therefore, an area-wide study was conducted which incorporated the latest land use assumptions and transportation policies.

**Comment No. PCL1-7:**

We likewise take issue with the predicted neighborhood intrusion, or "cut-through" traffic as stated in the EIR and staff report. Granted, those acknowledge that prediction is difficult. The members of BHEHOA have no doubt that while excluded from the list of affected neighborhoods, the roadways south of BHCP (i.e. Marlton, Don Felipe, and Don Diablo...among others) will be the recipients of impact from traffic intrusion. These roadways are already used as cut-throughs and common sense indicates that such usage will only increase with the additional development at BHCP and the added burden on the primary arteries. Any adequate provision for traffic mitigation needs to incorporate the area south of Santa Rosalia into BHE, which is currently left unmitigated in staff recommendations and in the proposed terms to the development agreement.

**Response to Comment No. PCL1-7:**

The comment claims that the Proposed Project would result in cut-through traffic impacts on local roadways near the Project Site, including Marlton Avenue, Don Felipe Drive, and Don Diablo Drive. The Transportation Study and EIR provided a detailed analysis of potential cut-through traffic impacts according to the City's established framework for the identification of such impacts, as detailed in Section IV.L.3.b of the EIR. This framework involves a three-step process: (1) the Proposed Project must add at least 1,200 daily trips to an arterial corridor such that 10% shifting to a cut-through route would trigger the minimum volume threshold for a significant impact; (2) the arterial intersections must operate at level of service (LOS) E or F such that the congested conditions could force drivers onto cut-through routes; and (3) there must be a viable local-street cut-through route running parallel to the arterial route.

The streets identified in the comment were determined to not meet the established criteria. Marlton Avenue and Don Felipe Drive could serve as alternative routes (albeit longer in distance) to Santa Rosalia Drive to Stocker Street. Don Felipe Drive and Don Diablo Drive could serve as circuitous alternative routes to Stocker Street, though Don Felipe Drive is classified as a collector street rather than a local street. Stocker Street is projected to carry more than 1,200 daily trips due to the Proposed Project, but Santa Rosalia Drive is not. Finally, none of the analyzed intersections on Santa Rosalia Drive or Stocker Street along the primary routes are projected to operate at LOS E or F. In fact, they would all operate at LOS A or B as shown in Tables 11 and 12 of the Transportation Study. Because none of the street segments noted in the comment meet all of the established criteria for identification of a significant neighborhood intrusion impact, no impact would occur.

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<sup>3</sup> The West Adams-Baldwin Hills-Leimert Community Plan EIR traffic study is available for review at: <http://cityplanning.lacity.org/eir/WestAdams/DEIR/Appendix%20G.pdf>.

Beyond the technical analysis, based on the street configuration within Baldwin Hills Estates, it was concluded that there would be no meaningful time savings achieved by drivers using neighborhood streets when compared with Stocker Street, which is an arterial street with no major intersections between La Brea Avenue and Crenshaw Boulevard. Cut-through traffic generally only occurs where time savings can be achieved. The Transportation Study identified six other neighborhoods that potentially meet the criteria set forth by the City for identification of significant cut-through impacts by the Proposed Project. Mitigation Measure L-13 requires that the Applicant provide funding and coordinate implementation of a Neighborhood Traffic Management Plan process for the eligible neighborhoods.

**Comment No. PCL1-8:**

We believe that the negative impact upon views for residents to the south of the proposed project, particularly those in BHE, is greater in both extent and significance than concluded in the EIR and staff report. We have reviewed the view study performed by the applicant, conducted our own investigation, and conferred with the applicant and their view consultant. The three perspectives and elevations they used, which form the basis for project findings, are not completely illustrative of the conditions or the extent of view obstructions. The principle reasons for the discrepancy appear to be the result of the selection of properties used for view analysis (particularly their elevation relative to other properties) and the height above ground-level used to obtain the perspective (at or above the roofline rather than at street or window level).

**Response to Comment No. PCL1-8:**

The comment states that the Proposed Project's impact on views for residents located south of the Project Site is greater than that concluded in the EIR and staff report. The comment goes on to state that the principal reasons for this are the locations that were selected for analysis and the vantage points used in the analysis. The comment is noted for review and consideration by the decision-makers.

The issue of views from locations south of the Project Site, including those available from the Baldwin Hills Estates area, was comprehensively addressed in the Final EIR. Specifically, this analysis is presented as Topical Response No. 1: View Park/Baldwin Hills Estates/Windsor Hills Views Analysis, on pages 3.0-15 through 3.0-25 of the Final EIR. As stated therein, the City's CEQA Thresholds Guide identifies a series of factors to consider when determining if a significant view impact occurs. As stated on p. 3.0-13 of the Final EIR "In reviewing these factors it is also important to note that there is no reference to view obstruction from private residential areas." Notwithstanding, a comprehensive analysis of potential view impacts from private residences located within the View Park/Baldwin Hills Estates/Windsor Hills area was undertaken, which included view simulations of conditions before and after Proposed Project development from three separate locations within the View Park/Baldwin Hills Estates/Windsor Hills area. The Final EIR analysis reached the following conclusions: (1) the Proposed Project would contribute to the pattern of urban development that defines the character of the near- and mid-range portions of the viewshed available from the three analysis locations; and (2) the view simulations from the locations on Don Diablo Drive, Don Tomaso Drive, and Homeway Drive show that the Proposed Project, with the reduced building heights analyzed in the Final EIR for the proposed hotel and office buildings would not obstruct existing views of the identified view resources (downtown Los Angeles skyline and views of the

Santa Monica Mountains, including the individual view resources of the dome of the Griffith Observatory and the Hollywood sign). As stated in Section 1.0, Introduction/Summary of the Final EIR, the Project Applicant reduced the building height for the proposed office building from 145 feet to 135 feet and the building height for the proposed hotel from 135 feet to 94 feet. The views analysis included in the Final EIR went on to also conclude the following (see page 3.0-18 of the Final EIR):

“The three locations that were selected for detailed analysis reflect conditions that could be experienced from a large number of locations within the overall View Park/Baldwin Hills Estates/Windsor Hills area whose viewshed includes the Project Site. However, given the multitude of viewing angles that are available within the View Park/Baldwin Hills Estates/Windsor Hills area, the potential exists that Proposed Project development may result in view obstructions from individual properties or locations that may be greater than those shown in the three view simulations discussed above. While this may be the case, it is concluded that Proposed Project development when viewed from the perspective of the overall View Park/Baldwin Hills Estates/Windsor Hills area would not have a substantial adverse effect on views of the existing view resources that are currently available within this community (i.e., downtown Los Angeles skyline and the Santa Monica Mountains including the individual view resources of the dome of the Griffith Observatory and the Hollywood sign).”

The vantage point used for the Homeway Drive view simulation corresponds to the view available at street level. The vantage points used for the Don Diablo and Don Tomaso locations reflect vantage points from residential locations that are located above street level. If the vantage point was at street level, vegetation would obstruct the northerly view towards the view resources available from the Don Tomaso and Don Diablo locations.

Nonetheless, in further response to this comment, additional view simulations from the Don Tomaso and Don Diablo locations have been completed using street level vantage points to determine if the impacts from street level vantage points would be different than the impacts shown in the view simulations included in the Final EIR. As noted above, if the vantage point was simply dropped to the street level, vegetation would obstruct the northerly view towards the view resources available from the Don Tomaso and Don Diablo locations. As view simulations from locations that are obstructed by vegetation would not provide additional information regarding the potential for view obstructions associated with Proposed Project development, the vantage points for the street level view simulations at the Don Tomaso and Don Diablo locations were moved to the nearest street level vantage points where northerly views of the view resources are available that correspond as close as possible to the vantage points that were used in the Don Tomaso and Don Diablo view simulations included in the Final EIR. By slightly moving the vantage points used for the view simulations, the viewshed available in the additional street level view simulations from the Don Tomaso and Don Diablo locations are slightly different, but as close as possible to the viewshed available from the vantage points used in the Final EIR analysis.

Figures PCL1-1 and PCL1-2 provide side-by-side comparisons of the view simulations included in the Final EIR and the view simulations completed in support of this response. From the Don Tomaso vantage points, as shown in Figure PCL1-1, by lowering the vantage point to street level, the extent of view obstruction of the identified view resources is not materially different than that which was shown in the Final EIR. In other words, whether the vantage point is at the elevation of the residence or at street level, Proposed Project development would not result in a view obstruction of the existing view resources (i.e., downtown Los Angeles skyline and the Santa Monica Mountains including the individual view resources of the dome of the Griffith Observatory and the Hollywood sign) that can currently be seen from the Don Tomaso locations. As shown in Figure PCL1-2, this same conclusion can be made with regard to the Don Diablo locations. Thus, based on a review of the side-by-side view simulation comparisons, impacts from the street level vantage points would not result in impacts with regard to the identified view resources from the Don Tomaso and Don Diablo locations that would be materially different from the impacts shown in the Final EIR.



Don Tomoso Drive - Street Level View - Existing Conditions



Don Tomoso Drive - Street Level View - View Simulation of Proposed Project Conditions

SOURCE: RAW International, October 2017

FIGURE PCL1-1



Don Diablo Drive - Street Level View - Existing Conditions



Don Diablo Drive - Street Level View - View Simulation of Proposed Project Conditions

SOURCE: RAW International, October 2017

FIGURE PCL1-2

Based on the analysis presented above, the conclusions presented in the Final EIR regarding the extent of view obstruction attributable to Proposed Project development from the View Park/Baldwin Hills Estates/Windsor Hills area remain valid. Thus, Proposed Project development when viewed from the perspective of the overall View Park/Baldwin Hills Estates/Windsor Hills area would not have a substantial adverse effect on views of the existing view resources that are currently available within this community (i.e., downtown Los Angeles skyline and the Santa Monica Mountains including the individual view resources of the dome of the Griffith Observatory and the Hollywood sign).

**Comment No. PCL1-9:**

Simply put, the three perspectives used by the applicant are not those illustrating the largest obstructions and, therefore, do not provide a representative sampling of the negative view impacts. We have noted that there are properties with lower elevations and perspectives, resulting in view obstructions not addressed in the EIR. To this point, the applicant has not refuted our claims.

These obstructions are on two of our streets, Don Diablo and Don Tomaso, caused by the north office tower and the hotel, respectively. The view obstruction involves the overall view shed, but also specific view resources. Most notably the downtown Los Angeles skyline, and the San Gabriel mountains. Specifically, a significant portion of the skyline is blocked. These view obstructions constitute a significant negative impact for those affected as they detract from both enjoyment of one's home and the value of one's home. They also affect the view perspective of those travelling the streets in question. We consider these effects substantially adverse.

**Response to Comment No. PCL1-9:**

The comment states that the view simulations included in the Final EIR do not “provide a representative sampling of the negative impacts” that would occur and that view obstructions would also occur at lower elevation properties. The comment also states that the view obstruction impacts “constitute a significant negative impact” and that the view perspective from those travelling the streets identified in the comment are also “substantially adverse.” The comment is noted for review and consideration by the decision-makers.

As stated on page 3.0-16 of the Final EIR, views available from the View Park/Baldwin Hills Estates/Windsor Hills area exhibit characteristics typically found within hillside communities that border the urban plain.<sup>4</sup> In such cases, available views vary widely depending on the elevation of the viewing location as well as the orientation of the individual viewing location. Thus, the viewshed which includes the Project Site and the identified view resources is just one of many viewsheds available from the View Park/Baldwin Hills Estates/Windsor Hills area and that many of these viewsheds do not include the Project Site or the Project Site is located on the periphery of the viewshed.

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<sup>4</sup> Footnote 1 on page 3.0-16 of the Final EIR further explains that “[t]he urban plain for purposes of this analysis is defined as the highly urbanized portion of Los Angeles located north of the View Park/Baldwin Hills Estates area that is generally flat and located at lower topographic elevations relative to the View Park/Baldwin Hills Estates area.”

The Final EIR identified the downtown Los Angeles skyline and the Santa Monica Mountains including the individual view resources of the dome of the Griffith Observatory and the Hollywood sign as the view resources which can be seen from the View Park/Baldwin Hills Estates/Windsor Hills area. These are also the view resources identified in this comment.

Based on the analysis provided above, the viewshed which includes the Project Site and the identified view resources is available from some, but not all locations in the View Park/Baldwin Hills Estates/Windsor Hills area.

Further, as stated in Section 1.0, Introduction/Summary of the Final EIR, the Project Applicant reduced the building height for the two tallest buildings – the proposed office building was reduced from 145 feet to 135 feet (10 stories) and the proposed hotel was reduced from 135 feet to 94 feet (8 stories).

The analysis presented in the Final EIR, as discussed in Response to Comment No. PCL1-8, concluded the following (see page 3.0-18 of the Final EIR):

“The three locations that were selected for detailed analysis reflect conditions that could be experienced from a large number of locations within the overall View Park/Baldwin Hills Estates/Windsor Hills area whose viewshed includes the Project Site. However, given the multitude of viewing angles that are available within the View Park/Baldwin Hills Estates/Windsor Hills area, the potential exists that Proposed Project development may result in view obstructions from individual properties or locations that may be greater than those shown in the three view simulations discussed above. While this may be the case, it is concluded that Proposed Project development when viewed from the perspective of the overall View Park/Baldwin Hills Estates/Windsor Hills area would not have a substantial adverse effect on views of the existing view resources that are currently available within this community (i.e., downtown Los Angeles skyline and the Santa Monica Mountains including the individual view resources of the dome of the Griffith Observatory and the Hollywood sign).”

As such, the Final EIR analyzed the potential for view obstructions from lower elevation vantage points, and clearly stated its conclusion with regard to these potential impacts.

View simulations depicting street level views from the streets identified in the comment, Don Tomaso and Don Diablo, have been completed and are shown and analyzed in Response to Comment No. A1-8. Based on a review of these street level view simulations, Proposed Project development would not obstruct views towards the view resources available from these vantage points (i.e., downtown Los Angeles skyline and the Santa Monica Mountains including the individual view resources of the dome of the Griffith Observatory and the Hollywood sign). Refer to Response to Comment No. A1-8 for additional information regarding the views analysis for locations within the View Park/Baldwin Hills Estates/Windsor Hills area.

**Comment No. PCL1-10:**

Note that the obstruction of the skyline could be eliminated with slight reduction of the overall height of the two tallest buildings.

**Response to Comment No. PCL1-10:**

The comment states that the “obstruction of the skyline could be eliminated with a slight reduction of the overall height of the two tallest buildings.” The comment is noted for review and consideration by the decision-makers.

As stated in Section 1.0, Introduction/Summary of the Final EIR, the Project Applicant reduced the building height for the two tallest buildings – the proposed office building was reduced from 145 feet to 135 feet (10 stories) and the proposed hotel was reduced from 135 feet to 94 feet (8 stories).

Also refer to Response to Comment Nos. PCL1-8 and PCL1-9 for additional information and analysis regarding the potential for Proposed Project development to result in the obstruction of views available from the View Park/Baldwin Hills Estates/Windsor Hills area.

**Comment No. PCL1-11:**

III. OVERALL DENSITY/ SAFETY/ AESTHETICS

While understanding the benefits of maximizing housing and employment quantities within the proposed project, shear density makes for additional negative impacts upon the surrounding area, beyond traffic.

**Response to Comment No. PCL1-11:**

This comment notes that the density of the Proposed Project would create additional negative impacts upon the surrounding area, beyond traffic. The comment is noted for review and consideration by the decision-makers.

The EIR (the Draft EIR, the Revised Draft EIR, the Final EIR, and the Errata) for the Proposed Project fully analyzed all impacts from the Proposed Project. The EIR identified mitigation measures where necessary, and identified any and all impacts after the mitigation measures were implemented.

**Comment No. PCL1-12:**

Safety can be negatively affected as can be the ability for first-responders to access the area without any additional delay. Note that Baldwin Hills Estates, our neighborhood immediately south of this project, is located in a Class 4 Very High Fire Severity Zone, as we were reminded by the Baldwin Vista brushfire just yesterday (on 7/9/2017). This designation means that the BHCP redevelopment is located adjacent to an area that is prone to fire situations that require emergency evacuations and emergency access for fire fighters.

Therefore, it is imperative that access to and from these Class 4 areas remain unimpeded to the greatest extent feasible in case of a fire emergency. It is not simply an issue of traffic inconveniences in instances

like this... it is a life safety issue. The timeliness of first responders is critical to avoiding massive property loss, injuries and deaths, which occurred in the infamous Baldwin Hills fire in 1985 when fifty-three (53) homes burned and two (2) people lost their lives. It is also imperative that residents be able to escape quickly. Therefore, increased density in the area needs to ensure adequate roadway and infrastructure improvements to avoid gridlock situations that leave people trapped and first responders unable to reach those in need.

**Response to Comment No. PCL1-12:**

This comment suggests that safety in the area would be negatively affected by delayed access for first responders during a fire emergency. The comment is noted for review and consideration by the decision-makers.

Issues relating to emergency fire access during both Proposed Project construction and operations were fully analyzed in Section IV.K, Public Services – Fire Protection, of the Draft EIR. As stated on pages IV.K.1-15 and IV.K.1-16 of the Draft EIR, impacts to emergency vehicle access during Proposed Project construction would be less than significant for the following reasons:

1. Emergency access would be maintained to the Project Site during construction through marked emergency access points approved by the LAFD;
2. Construction impacts are temporary in nature and do not cause lasting effects; and
3. Partial lane closures, if determined to be necessary, would not significantly affect emergency vehicles, the drivers of which normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Additionally, if there are partial closures to streets surrounding the Project Site, flagmen would be used to facilitate the traffic flow until construction is complete.

The Draft EIR also addressed and concluded less than significant impacts with regard to fire safety and access during Proposed Project operations. As stated on page IV.K.1-19 of the Draft EIR, while the Proposed Project is anticipated to increase traffic in the area, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. The Draft EIR goes on to state that emergency response times would not be substantially affected even though significant traffic impacts would occur at limited locations because of the availability of alternative routes within the street pattern in the area surrounding the Project Site. In addition, as stated on page IV.K.1-17 of the Draft EIR, the City's Fire Department "has indicated that the Proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service." The Draft EIR concludes that impacts during Proposed Project operations with respect to fire safety and emergency access would be less than significant and no mitigation measures are required.

**Comment No. PCL1-13:**

Parking availability may negatively be affected as the proposed project provides for a significant shortage of parking during the peak holiday season. With this on-site shortage, even with an undefined proposal to provide assisted parking, the surrounding streets, which are already burdened with a parking shortage, will be negatively impacted.

**Response to Comment No. PCL1-13:**

The comment states that the Proposed Project would not meet its parking demand during the peak holiday season and that the identified parking mitigation measures will not prevent negative impacts on surrounding streets. The Transportation Study and EIR show that the Proposed Project would meet its parking demand 11 months out of the year.

Under Mitigation Measure L-7, the Proposed Project would implement an operational parking program during the holiday season to reduce parking demand through:

- Promoting ridesharing and transit, especially among project employees;
- Increasing parking supply using attendant or valet parking; and
- Moving employee parking off-site.

The focus on employee parking demand is important because as shown in Table IV.L-12 of the EIR, 1,474 vehicles on a weekday and 1,182 vehicles on a Saturday during the month of December, which is the peak period for parking demand, belong to employees. With the parking management program in place, the parking supply and operational parking program will ensure that the Proposed Project's commercial parking demand does not result in adverse parking or traffic effects on nearby residential streets even during the peak holiday season.

Holiday-season parking operations programs such as this are common at shopping malls and major retail establishments in Southern California (Westfield Santa Anita, Glendale Galleria, Westfield Topanga, for example). By using underutilized office parking or school or park/open space parking lots that are available during holiday times, a project may avoid construction of parking spaces that would sit empty most for the vast majority of the year. A surface parking lot with 848 spaces (the highest potential holiday-season shortfall identified on Page IV.L-78 of the Draft EIR) would require approximately 6.5 acres of land – more than 15% of the 43-acre Project Site – which would sit empty eleven months of the year. This would have major environmental effects of its own, such as a heat-island effect. Such excess parking would also be inconsistent with the following adopted Community Plan which contains policies to limit off-street parking, particularly in transit-oriented locations such as the Project Site:

Policy LU15-2: Parking Reductions Near Transit Stations. Strive to reduce parking requirements for developments that locate near major bus centers and mass transit stations and that provide pedestrian, bicycle, and exceptional ADA facilities.

Policy LU52-6: Address Parking Demands. Allow for the provision of a sufficient amount of parking to accommodate project demands for a competitive and viable market place while not undermining transit goals and transit use by providing too much parking.

Policy LU52-7: Shared Parking. Allow for the provision of an efficient parking supply that includes shared parking between commercial uses.

Under Mitigation Measure L-7, the Applicant will commit to implementing valet parking with stacked parking on a portion of the commercial parking at the Project Site. At a minimum, stacked parking operated by a valet can accommodate one additional vehicle for each five striped parking spaces (a 20% increase in efficiency). If only the roof levels of the two contemplated parking garages were used by valets to stack park and aisle park vehicles, the capacity of these two areas would increase by approximately 200 vehicles in total. This would leave a shortfall of 522 weekday spaces and 648 weekend spaces between Thanksgiving and Christmas (based on the highest potential holiday-season shortfall of 722 on a weekday and 848 on a weekend identified on Page IV.L-78 of the Draft EIR) to be filled by off-site spaces or to be eliminated by increased transit usage by employees and shoppers.

A subsidized transit pass during the holidays could attract 10% of the employees of on site businesses to use transit, further reducing the peak demand by 150 on weekdays and 120 on weekends, bringing the size of the off-site parking program down to 372 on weekdays and 528 on weekends.

Off-site parking within a reasonable shuttle ride of the Project Site exists in the Study Area. Some examples of potentially available parking for lease would be:

<u>Site</u>	<u>Number of Spaces</u>	<u>Weekday</u>	<u>Weekend</u>	<u>Distance</u>
Stocker/Santa Rosalia Office	325		X	0.2 mi
West Los Angeles Cathedral	250	X		0.9 mi
Exposition Place Industrial	120		X	0.8 mi
Dorsey High School	125		X	1.0 mi
Rancho Cahuenga Rec Center	400	X		1.2 mi
Audubon Middle School	360		X	0.5 mi
Crenshaw High School	200		X	1.0 mi
West Los Angeles College	>1,000		X	3.0 mi
Kenneth Hahn Recreation Center	300	X		1.5 mi
Fox Hills Office Complex	>1,000		X	3.5 mi
<b>TOTAL</b>	<b>4,080</b>	<b>950</b>	<b>&gt;2,806</b>	

The above locations represent a sample of the large parking concentrations in the vicinity of the Proposed Project that have the potential for use as off-site parking during the peak holiday period. Mitigation Measure L-7 is sufficient to mitigate the estimated parking shortfall during the peak holiday season. With this mandatory mitigation measure in place, the negative impacts to surrounding streets described in the comment would not occur.

**Comment No. PCL1-14:**

Air quality is affected both during construction and long-term as is the cleanliness of the streetscape.

**Response to Comment No. PCL1-14:**

The comment states that the Proposed Project would affect air quality during Proposed Project construction and on a long-term basis, as well as affecting the cleanliness of the streetscape. The comment is noted for review and consideration by the decision-makers.

The Proposed Project's air quality impacts were previously evaluated in Section IV.B, Air Quality of the Draft EIR and Section III, Corrections and Additions of the Revised Draft EIR. A full range of analyses of air quality impacts during construction and long-term operation of the Proposed Project were provided in the Draft EIR and Revised Draft EIR. All air quality impacts were concluded to be less than significant, except for regional emissions during Proposed Project construction and operations as well as during times when construction is occurring while portions of the Proposed Project are operational. The City's Advisory Agency, in response to these significant impacts, adopted a Statement of Overriding Consideration as part of its certification of the Proposed Project's Final EIR. In addition to the Statement of Overriding Considerations, the City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR. In addition, the City Planning Commission (CPC) independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. No changes to the Proposed Project were made after the Advisory Agency certified the Final EIR, nor was there new information or a change in circumstances that would require revisions to the previously certified Final EIR. Through this process the City has determined that the Proposed Project's EIR is fully compliant with all CEQA requirements.

Regarding the cleanliness of the streetscape, the City would continue to implement its Clean Streets LA initiative which was signed by Mayor Eric Garcetti through Executive Directive 8. The Clean Streets LA initiative aims to improve livability and cleanliness in the City by targeting litter and debris on City

streets, sidewalks, and alleys.<sup>5</sup> Implementation of the Proposed Project would not change the basic nature and configuration of the street system on the surrounding roadways in the vicinity of the Project Site. As such, the Proposed Project would not impede the City's ability to continue to implement its Clean Streets LA initiative to maintain streetscape cleanliness.

**Comment No. PCL1-15:**

Light intrusion is also increased in the immediate vicinity.

**Response to Comment No. PCL1-15:**

The comment indicates that the Proposed Project would increase light intrusion in the Project vicinity. The comment is noted for review and consideration by the decision-makers.

The Proposed Project's artificial light impacts were previously evaluated in Section IV.A.2, Aesthetics—Light, Glare, and Shading of the Draft EIR and Section III, Corrections and Additions of the Revised Draft EIR. Further, Topical Response No. 2: Proposed Project Lighting within the Final EIR, provides a comprehensive response to potential impacts associated with nighttime lighting analyzed within the Draft EIR and Revised Draft EIR. The analysis of artificial light impacts addressed the change in ambient lighting conditions on the Project Site and in the Project vicinity during both construction and operation of the Proposed Project. The Project Site, as stated on page IV.A.2-9 of the Draft EIR, is located in an urban area where there are high levels of ambient nighttime lighting including street lights, architectural and security lighting, indoor building illuminations (i.e. light emanating from the interior of structures which passes through windows) and automobile headlights. The Draft EIR and Revised Draft EIR concluded that with compliance with the requirements set forth in the Los Angeles Municipal Code (LAMC), implementation of the proposed project design features, and compliance with the lighting policies set forth in the Community Plan, the Proposed Project would have less than significant artificial light impacts since the additional light sources from the Proposed Project would not be excessive or incompatible with the surrounding land uses and, as a result, would not substantially alter the character of the off-site areas surrounding the Project Site.

**Comment No. PCL1-16:**

Noise levels will increase...especially during construction.

**Response to Comment No. PCL1-16:**

The comment states that noise levels will increase, particularly during construction. The comment is noted for review and consideration by the decision-makers.

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<sup>5</sup> City of Los Angeles, LA Sanitation, "Clean Streets LA," [https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-cs;jsessionid=a4ymarw\\_eLyM-EZrOk9zrTIPYvcToPRjjWUZiAuDH-vpxWY7uFRh!-1916158396!-751783678?\\_afLoop=441774497609507&\\_afWindowMode=0&\\_afWindowId=null#!%40%40%3F\\_afWindowId%3Dnull%26\\_afLoop%3D441774497609507%26\\_afWindowMode%3D0%26\\_adf.ctrl-state%3Deikbhcsqp\\_4](https://www.lacitysan.org/san/faces/home/portal/s-lsh-wwd/s-lsh-wwd-s/s-lsh-wwd-s-cs;jsessionid=a4ymarw_eLyM-EZrOk9zrTIPYvcToPRjjWUZiAuDH-vpxWY7uFRh!-1916158396!-751783678?_afLoop=441774497609507&_afWindowMode=0&_afWindowId=null#!%40%40%3F_afWindowId%3Dnull%26_afLoop%3D441774497609507%26_afWindowMode%3D0%26_adf.ctrl-state%3Deikbhcsqp_4), accessed September 2017.

Section IV.I, Noise, of the Draft EIR, provides a comprehensive analysis of potential noise impacts associated Proposed Project construction as well as operations. Pages IV.I-23 through IV.I-25 of the Draft EIR provide the noise analysis with regard to Proposed Project construction, whereas pages IV.I-25 through IV.I-31 provide the noise analysis during Proposed Project operations. The analysis of Proposed Project construction noise impacts concludes that impacts would be less than significant, except when construction activities occur within 500 feet of a residential zone (e.g., along Crenshaw Boulevard, Marlton Avenue, and Santa Rosalia Drive). To address these impacts, mitigation measures have been identified that would reduce construction noise levels at all of these locations. However, Proposed Project construction activity would result in a significant and unavoidable impacts at these specific locations, even with the incorporation of mitigation measures. While significant construction noise impacts after mitigation would occur, these significant impacts would be reduced to less than significant levels once Proposed Project construction moves beyond 500 feet of a residential zone or once a new building is constructed between the on-site construction location and any of the identified off-site residential locations. Such new on-site building would serve as a barrier to construction noise that would reduce impacts to a less than significant level even when construction is occurring within 500 feet of the identified off-site residential location(s).

As stated in Response to Comment No. PCL1-14, the City, in response to the Proposed Project's significant impacts, adopted a Statement of Overriding Considerations as part of its certification of the Proposed Project's EIR. Refer to Response to Comment No. PCL1-14 for additional information regarding certification of the Proposed Project's EIR.

With regard to noise levels during Proposed Project operations, the Draft EIR concludes that noise levels at locations within the community would increase over existing conditions, but the magnitude of the noise level increase would not be audible in the context of the community noise environment. Thus, the Proposed Project's operational noise impacts associated with motor vehicle travel, on-site parking facilities, on-site mechanical equipment, and noise associated with activities within a potential open-air entertainment area within the proposed retail village located within the southeastern portion of the Project Site, would be less than significant with the incorporation of the identified project design features and mitigation measures.

**Comment No. PCL1-17:**

Further, the sense of open space on the streets surrounding the project is reduced as buildings are aligned the length of the streets against the front setbacks. The density on-site for a regional center can be beneficial, but the potential negative impacts to the surrounding area, largely residential, need to be accounted for whether deemed "significant" in planning vernacular or not.

**Response to Comment No. PCL1-17:**

The comment states that the Proposed Project would affect the sense of open space on the surrounding streets within the Project vicinity and that the potential negative impacts of the increased density associated with the Proposed Project needs to be addressed. The comment is noted for review and consideration by the decision-makers.

The Community Plan includes a number of policies that address development within commercial areas, transit-oriented community centers, and areas designated in the community plan as regional center, which includes the Project Site (see Community Plan goals and policies LU14 through LU29 (commercial areas); LU40 through LU47 (transit-oriented community centers); and LU48 through LU58 (regional center)). With regard to Proposed Project consistency with the Community Plan, the City Planning Commission Letter of Determination states that the Proposed Project is “consistent with the applicable zoning regulations and land use policies of the Community Plan” (see page F-1 of the Planning Commission Letter of Determination). In addition, and with regard to the specific issues raised in the comment, Community Plan Policy LU52-5 states the following: “Encourage the location of commercial uses along the first floor street frontage of buildings, including mixed-use projects and parking structures located within the Regional Center.” The “Regional Center” refers to the Community Plan designation for the Project Site and an adjacent property. Under the Proposed Project’s conceptual site plan (see stamped "Exhibit A" dated March 2017, and attached to the Proposed Project’s case file), street-front retail uses would be developed along Crenshaw Boulevard, Martin Luther King Jr. Boulevard, and Marlton Avenue.

The analysis of the Proposed Project’s impacts on the existing visual character and streetscape of the Project area was previously evaluated in Sections IV.A.1, Aesthetics—Visual Character/Views and IV.H, Land Use and Planning of the Draft EIR, and Section III, Corrections and Additions of the Revised Draft EIR. As stated therein, the Proposed Project would provide streetscape improvements and pedestrian amenities along the perimeter of the site, including enhanced pedestrian circulation paths, outdoor seating, gathering spaces, thematic elements, landscaping, street trees, pedestrian lights, common open areas, and marked street crossings along pedestrian routes that would enhance pedestrian activity. Further, the Proposed Project creates approximately 7 acres of landscape and/or hardscape open space. The Proposed Project redevelops surface parking areas currently enclosed by rod iron fencing consistent with the principles of transit-oriented development and the Project Site’s relationship to the upcoming opening of the Martin Luther King Jr. Boulevard station on the Crenshaw/LAX light rail line. In addition, the Proposed Project’s design with regard to the street front along the perimeter of the Project Site is consistent with the guidelines set forth in the City’s Walkability Checklist. Specifically, the Proposed Project’s design would activate the streetscape by providing ground floor retail uses, enhancing pedestrian amenities, orienting activity toward streets and sidewalks, dedicating open space areas, and concentrating new development within a High-Quality Transit Area (HQTA), which is defined by the Southern California Association of Governments (SCAG) as an area with high availability and accessibility to public transit. Please refer to Table IV.H-6 within Section IV.H, Land Use and Planning and Appendix K within the Draft EIR, and Section III, Corrections and Additions of the Revised Draft EIR for additional information and analysis of how the Proposed Project’s design responds to the urban design principles set forth in the City’s Walkability Checklist.

With regard to potential impacts associated with the Proposed Project’s increased density, the Proposed Project’s Draft EIR, Revised Draft EIR, Final EIR, and Errata to the Final EIR (collectively referred to hereafter as the EIR) fully evaluate and disclose the potential environmental impacts associated with the Proposed Project in accordance with all CEQA requirements. The EIR identified mitigation measures in

compliance with CEQA requirements to reduce the Proposed Project's potential environmental impacts, many of which respond to the density of the Proposed Project.

As stated in Response to Comment No. PCL1-14, the City, in response to the Proposed Project's significant impacts, adopted a Statement of Overriding Considerations as part of its certification of the Proposed Project's EIR. Refer to Response to Comment No. PCL1-14 for additional information regarding certification of the Proposed Project's EIR.

**Comment No. PCL1-18:**

While BHEHOA does not necessarily seek to lessen the scope of the project proposal, we believe that the aforementioned negative impacts are real, significant, and should be removed or mitigated as a part of a very large, profitable project. These impacts are a result of the scope of the project being applied for. To a large extent, while not the only alternative, the overall negative impacts of the project would be lessened with a project of smaller scale. This is especially true in the case of views and traffic. While the developer's goals, and some of the city's goals regarding housing and employment are served by the size of the project as proposed, that comes at a cost to the project's surroundings. Alternatives to the full scale of the proposed project are not technically "infeasible."

In order to achieve the proposed project specifications, the applicant must be granted discretionary entitlements allowing changes to the currently in-force provisions regarding total allowable floor area increase by removing the D limitation, modifying the height district, and allowing a Conditional Use Permit allowing for Floor Area Ratio averaging. Without these actions/changes the project would be limited to 2,700,000 square feet (i.e. 313,000 fewer square feet than proposed). The project, absent these discretionary actions, still provides for a very large scaled, viable, regional center. It provides for all of the same components and all of the planning objectives, simply to a slightly smaller extent, with less negative impacts.

BHEHOA is not insisting on the reduction of the project scale, rather on a recognition of the negative impacts that accompany the proposed scope and especially the incrementally increased portion due to discretionary approvals. If the project design is not altered (especially in the case of height), then local mitigations measures, even in the form of community benefits, need to be provided to adequately address and help offset the aforementioned impacts. We have met with the applicant's representative to illustrate the impacts and had similar discussion with CD8. To some extent the applicant seems amenable to mitigation within the scope of the development agreement. However, our concerns are not being adequately addressed in the current project proposal, including the proposed development agreement.

**Response to Comment No. PCL1-18:**

The comment relates to the size of the Proposed Project, its potential environmental impacts, and the extent to which the authors' concerns are being addressed. The comment also states that the overall negative impacts of the Proposed Project would be lessened with a project of smaller scale, and that the alternatives to the project, while achieving the Proposed Project's objectives to a lesser degree, are not technically "infeasible." The comment is noted for review and consideration by the decision-makers.

The CEQA Guidelines clearly state that the basic purpose of CEQA is to disclose the potential environmental impacts of a proposed project and to identify alternatives to a project that would avoid or substantially lessen any significant effects of the project (see CEQA Guidelines Section 15002(a)). As such, the information within an EIR allows the City's decision-makers to make an informed decision when considering whether or not to approve a project. The EIR also assists with deciding if conditions of approval, beyond the mitigation measures set forth in the EIR, are appropriate. The ultimate decision to approve a project, however, remains with the decision-making body.

With regard to the analysis of alternatives, the EIR analyzed an alternative similar to that suggested in the comment. Specifically, Section V.C, Alternative 2 – Existing Zoning, of the Draft EIR analyzed a development with a total square footage of 2,748,621 square feet, which is 324,335 square feet less than the Proposed Project. The CPC Letter of Determination states that Alternative 2 would be inferior to the Proposed Project with respect to achieving some Project objectives and would not reduce any significant impacts to a level of insignificance, and as a result Alternative 2 was concluded to be infeasible and less desirable than the Proposed Project (see page F-135 of the CPC Letter of Determination).

CEQA Guidelines Section 15126.6(e)(2) also requires an EIR to identify the environmentally superior alternative among the alternatives analyzed in the EIR. As provided in Section I, Introduction/Summary, Pages 1.0-10 to 11 of the Revised Draft EIR (January 2016):

Through the comparison of the environmental characteristics and potential impacts of each of the alternatives, the No Project Alternative (Alternative 1) would be the environmentally superior alternative, as this Alternative would have less impact relative to the Proposed Project than the other evaluated alternatives. CEQA requires that when the No Project Alternative is the environmentally superior alternative, another alternative needs to be selected as environmentally superior. In accordance with this procedure, the 50 Percent Reduced Project Alternative (Alternative 4) would be the environmentally superior alternative because with less overall development, Alternative 4 would have incrementally fewer impacts for those issues where the amount of development defines the impact, including impacts to traffic, air quality, public services, utilities, population and housing, and operational noise. Although Alternative 4 would not meet all of the basic objectives of the Proposed Project, the 50 Percent Reduced Project Alternative would, nonetheless, partially achieve most of the Proposed Project objectives. It should be noted that, other than the No Project Alternative, no alternatives would eliminate the significant, unavoidable impacts related to air quality or reduce noise to levels that are less than significant.

It should also be noted, the comment incorrectly states the project proposes to remove the "D" limitation, when in fact, the Proposed Project is requesting a modification of the existing "D" Limitation with regard to the permitted floor area ratio at the Project Site in a manner that will make the "D" limitation consistent with the land use designations contained in the Community Plan. As stated on page F-12 of the City Planning Commission Letter of Determination, the existing "D" Limitation that applies to

the Project Site was established in 1990, prior to the consideration and construction of Metro's Crenshaw/LAX light rail line. The recently updated Community Plan designates the Project Site as Regional Center and Transit Oriented Areas with Community Plan objectives for areas with these designations that are 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 Proposed Project's proposed "D" Limitation will allow a FAR of 3:1 across the Project Site and would make the allowable FAR 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. As stated on page F-13 of the City Planning Commission Letter of Determination, "The Zone Change [D limitation] makes the project consistent with the public necessity, convenience, general welfare and good zoning practices."

Further, the Proposed Project's EIR discloses all impacts resulting from the development of the Proposed Project and the land use analysis (Draft EIR Section IV.H, Land Use and Planning) provides an analysis of the Proposed Project's requested discretionary actions.

In addition, refer to Response to Comment Nos. PCL-8 through PCL-10 for additional information regarding previous comments with regard to views, and Response to Comment Nos. PCL-2 through PCL-7 for additional information regarding previous comments with regard to traffic.

**Comment No. PCL1-19:**

We take exception to the proposed allocation of community benefits as set forth in in the contemplated development agreement. If the project is to be approved as proposed with the entitlements applied for, community benefits should be concentrated in the vicinity of the project and utilized to specifically mitigate negative impacts. There is no shortage of those or appropriate measures to be attended to by the applicant's proposed benefits payment in the \$4,000,000 range, in addition to other benefits that have not been quantified by a dollar amount. The currently proposed applications of community benefits are inconsistent with the impacts illustrated to CD8, Planning, and the applicant in our detailed discussions. As an example, the allocation of \$1,500,000 for tree-trimming, which must involve application far beyond the project site, is unjustifiable and outrageous considering the omission of important mitigation measures more closely tied to the project.

Thus, the following provisions should be included as a part of the proposed project:

**Response to Comment No. PCL1-19:**

The comment references the, "proposed allocation of community benefits as set forth in the contemplated development agreement." The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific CEQA or environmental issue concerning the adequacy of the Proposed Project's EIR that would affect the City Council's ability to conduct an independent review and

certification of the Proposed Project's EIR. As indicated in the comment, the applicant will be obligated to deliver an array of community benefits pursuant to Section 3.2 of the Development Agreement under consideration in connection with the Proposed Project entitlements, including funds contributed to support tree trimming, sidewalk improvements and other activities within Council District 8 and Council District 10. Furthermore, the EIR fully discloses the potential impacts of the Proposed Project, includes mitigation measures to reduce potentially significant impacts, and all feasible mitigation measures have been identified to reduce impacts.

**Comment No. PCL1-20:**

I. TRAFFIC IMPACT MITIGATION

A. Provide widening of, or a dedication of land along Santa Rosalia for future street widening to address identified level of service problems that currently exist and would be further exacerbated by the project in conjunction with other developments.

**Response to Comment No. PCL1-20:**

As was fully analyzed in the Transportation Study, and shown in Figures IV.L-3 and IV.L-4 of the Draft EIR, Santa Rosalia Drive operates at LOS A during each peak hour at the intersections with Marlton Avenue and Stocker Street under Existing Conditions. In the Future with Project Conditions forecast, it would operate at LOS A or B as shown in Figures IV.L-11 and IV.L-12 of the Draft EIR. No significant impacts were identified. Further, the Community Plan classifies Santa Rosalia Drive as a collector street, which is intended to have a paved width of 40 feet and a total right-of-way (including sidewalks) of 66 feet. Currently, Santa Rosalia Drive is paved approximately 54 feet wide and has a total right-of-way of approximately 78 feet. Therefore, the suggested modification would be inconsistent with the Community Plan.

**Comment No. PCL1-21:**

B. Provide funding for a local area traffic study as suggested by CD8/Planning/DOT for the purpose of evaluating the changing conditions (including fire emergencies), attending to potential developments including BHCP, incorporating mobility objectives, formulating a comprehensive plan, and enabling the needed improvements to be effectuated.

**Response to Comment No. PCL1-21:**

The Proposed Project's EIR followed CEQA guidelines for the identification and mitigation of potentially significant traffic impacts. Therefore, funding of a study as requested in the comment is not required as part of a CEQA process.

Further, the City recently adopted the Community Plan that provides an area-wide planning framework. A key part of the Community Plan was the development of a transportation impact study covering the whole Community Plan area. It analyzed a total of 508 street segments, including segments on Crenshaw Boulevard, Martin Luther King Jr. Boulevard, 39<sup>th</sup> Street, Stocker Street, Santa Rosalia Street, Buckingham Road, Don Felipe Drive, Don Miguel Drive, Hillcrest Drive, and Coliseum Street (the streets

adjacent to and near to the Proposed Project). This study incorporated the transportation policies identified in the Community Plan, and assumed development of BHCP and other major and minor developments in the area.

With respect to future projects, such projects will be subject to their own approval process, including applicable zoning, planning, traffic and other CEQA review under the City's requirements.

**Comment No. PCL1-22:**

C. Provide a dollar amount contribution to a fund for traffic mitigation measures not yet definable but resulting from project impacts. With a project this complex, unanticipated traffic issues will undoubtedly manifest once the project is in use. These measures should be utilized on streets in the immediate vicinity of the project, in addition to those measures already proposed in the case file. This fund would also be utilized to implement recommendations identified in the above-referenced local area traffic study.

**Response to Comment No. PCL1-22:**

The transportation analysis included in the EIR takes into account all of the likely traffic impacts of the Proposed Project, as was discussed in detail in Responses to Comments PCL1-2, PCL1-3, PCL1-4, PCL1-5, and PCL1-7. The analysis fully complies with the requirements of the Los Angeles Department of Transportation and the California Environmental Quality Act. The only "undefined" transportation impacts are those associated with potential impacts within the neighborhoods identified in the analysis in EIR Section IV.L.3.c.4. As set forth in Mitigation Measure L-9, a specific budget has been set aside for these potential impacts, and this budget has been approved by LADOT. The definition of potential improvements within the neighborhoods will be an effort that includes the participation of the neighbors living within the affected neighborhoods. Once a Neighborhood Traffic Management Plan is developed and accepted by a majority of the neighbors, the budgeted funds will be used to implement those changes.

**Comment No. PCL1-23:**

D. As mitigation for traffic intrusion, provide a fund for traffic calming in the residential area to the south of the project including Marlton south of Santa Rosalia, Don Felipe between Stocker and Don Miguel, Don Diablo between Don Felipe and Don Arellanes.

**Response to Comment No. PCL1-23:**

The comment requests a fund be created for "traffic calming" measures in the residential area south of the Project Site. The comment is noted for review and consideration by the decision-makers.

As described in Response to Comment PCL1-7, the Transportation Study performed for the Proposed Project identified six neighborhoods that potentially meet the criteria set forth by the City for identification of significant cut-through impacts by the Proposed Project. Mitigation Measure L-13 requires that the Applicant provide funding and coordinate implementation of a Neighborhood Traffic Management Plan process for the eligible neighborhoods.

As detailed in Response to Comment PCL1-7, the Proposed Project would not result in neighborhood intrusion impacts on Marlton Avenue, Santa Rosalia Street, Don Felipe Drive, or Don Diablo Drive because none of these streets meet the City's established criteria for identification of impacts.

**Comment No. PCL1-24:**

- II. VIEW IMPACT MITIGATION AND FIRE SAFETY MITIGATION
- A. Reduce the height of the two tallest buildings by one story each to eliminate view obstructions.
- B. ALTERNATIVELY, provide mitigation for view obstruction via beautification funds, including view-restoring and fire safety tree trimming in BHE.

**Response to Comment No. PCL1-24:**

This comment proposes measures that would further reduce the height of the two tallest buildings by one story each, or alternatively, add beautification funds, including view-restoring and fire safety tree trimming in the Baldwin Hills Estates area. The comment is noted for review and consideration by the decision-makers.

As stated in Section 1.0, Introduction/Summary of the Final EIR, the Project Applicant has reduced the building height for the proposed office building from 145 feet to 135 feet and the building height for the proposed hotel from 135 feet to 94 feet. To assess the potential for view obstruction, visual simulations were prepared at the following three locations within the View Park/Baldwin Hills Estates/Windsor Hills area: (1) Don Diablo Drive, (2) Don Tomaso Drive, and (3) Homeway Drive. The three locations that were part of this detailed analysis reflect conditions that could be experienced from a large number of locations within the overall View Park/Baldwin Hills Estates/Windsor Hills area whose viewshed includes the Project Site. However, given the multitude of viewing angles that are available within the View Park/Baldwin Hills Estates/Windsor Hills area, the potential exists that Proposed Project development may result in view obstructions from individual properties or locations that may be greater or less than those shown in the three view simulations discussed above. While this may be the case, it is concluded that Proposed Project development when viewed from the perspective of the overall View Park/Baldwin Hills Estates/Windsor Hills area would not have a substantial adverse effect on views of the existing view resources that are currently available within this community (i.e., downtown Los Angeles skyline and the Santa Monica Mountains including the individual view resources of the dome of the Griffith Observatory and the Hollywood sign). Also refer to Response to Comment Nos. PCL1-8 through PCL1-10 for additional information regarding the views analysis that has been conducted from the Baldwin Hills Estates area. As the EIR concludes that view impacts from the Baldwin Hills Estates area would be less than significant, there is no CEQA requirement with regard to the implementation of mitigation measures with regard to view obstruction.

**Comment No. PCL1-25:**

III. OVERALL DENSITY/ AESTHETICS IMPACT MITIGATION

A. Provide funding for security patrol and/or other security measures in the area immediately surrounding the project site to promote safety and walkability to/from project site (including transit hub) for off-site residents.

**Response to Comment No. PCL1-25:**

This comment requests a security patrol and/or other security measures in the area immediately surrounding the Project Site. The comment is noted for review and consideration by the decision-makers.

Issues relating to police protection including those related to security, during both the Proposed Project construction and operation were fully analyzed in Section IV.K.2, Public Services – Police, of the Draft EIR. As stated on pages IV.K.2-9 and IV.K.2-10, of the Draft EIR, while the Proposed Project is anticipated to increase population in the area, the Proposed Project would include features to incrementally reduce the increase in impacts to LAPD services. Although, the LAPD has stated that a project of this size would have a less than significant impact on police services in the Southwest Area, it recommends that it is available to provide input on crime prevention features appropriate for the Proposed Project. In accordance with the LAPD's recommendation, implementation of Project Design Features K.2-1 and K.2-2 would ensure that impacts to police services, specifically crime prevention, would be less than significant. As the Draft EIR concluded impacts would be less than significant, there is no CEQA requirement with regard to the implementation of mitigation measures with specific regard to security. Notwithstanding, pursuant to Project Design Feature K.2-2, the Project Site would be patrolled by 24-hour security during both Proposed Project construction and operations. In addition, the Southwest Community Police Station maintains a substation within the Baldwin Hills Crenshaw Mall.

Additionally, as discussed in Table IV.H-6, in Section IV.H, Land Use and Planning, Proposed Project Consistency Analysis With the Walkability Checklist Applicable Guidelines, of the Draft EIR, the Proposed Project would be consistent with the guidelines in the Walkability Checklist by including lighting to deter criminal activity and assist pedestrians during nighttime hours, which would further reduce potential security issues.

**Comment No. PCL1-26:**

B. Provide beautification funds for streets (Crenshaw, 39th, Marlton, Santa Rosalia, & Stocker) surrounding the project site to offset negative impacts regarding parking, noise, air quality, light, street litter, etc.

**Response to Comment No. PCL1-26:**

This comment requests beautification funds for streets surrounding the Project Site. The comment is noted for review and consideration by the decision-makers.

The analysis of the Proposed Project's impacts on the existing visual character and streetscape of the Project area was previously evaluated in Section IV.A.1, Aesthetics—Visual Character/Views and IV.H, Land Use and Planning of the Draft EIR. Section III, Corrections and Additions of the Revised Draft EIR and Sections 2.0, Corrections and Additions and 3.0, Comments and Responses, of the Final EIR also provide further information on aesthetics. The Proposed Project would provide streetscape improvements and pedestrian amenities along the perimeter of the site, including enhanced pedestrian circulation paths, outdoor seating, gathering spaces, thematic elements, landscaping, street trees, pedestrian lights, common open areas, and marked street crossings along pedestrian routes that would enhance pedestrian activity and promote pedestrian safety. With regard to parking, noise, air quality, light and street litter, these issues were previously raised by the commenter. As such, refer to Response to Comment No. PCL1-13 regarding parking, Response to Comment No. PCL1-14 regarding air quality and litter, Response to Comment No. PCL1-16 regarding noise, and Response to Comment No. PCL1-17 regarding light.

Additionally, the Development Agreement public benefits program includes items dedicated for community improvement and beautification. These public benefits include items such as tree maintenance, sidewalk repair, traffic calming and preferential parking in the vicinity of the Proposed Project.

**Comment No. PCL1-27:**

C. Provide beautification and safer mobility along Stocker between Crenshaw and Overhill, to facilitate improved and safer connection between project site (including transit hub) and the park network along Stocker and at Stocker/Overhill, as well as residences adjacent to Stocker.

**Response to Comment No. PCL1-27:**

This comment requests funds for beautification and safer mobility along Stocker Street, between Crenshaw Boulevard and Overhill Drive, to facilitate improved and safer connection routes. The comment is noted for review and consideration by the decision-makers.

It should be noted that the section of Stocker Street described in the comment extends approximately 1.7 miles southeast from the Project Site. It should also be noted, that the Proposed Project is not proposing any changes along Stocker Street and that the sidewalks and pedestrian crosswalks in this location, have already been improved.

The EIR discussed all potential impacts to traffic, including issues related to bicycle, pedestrian, and vehicular safety. As stated on page IV.L-75 of the Draft EIR, Proposed Project development would not result in safety impacts at the Proposed Project access points, which include the existing access point that will be retained along Stocker Street. In addition, it is anticipated that traffic safety impacts related to the Proposed Project would not occur at locations distant to the Project Site along Stocker Street, as the Proposed Project would incrementally increase traffic along the Stocker Street corridor, which is classified as Boulevard II in the City's Mobility Plan 2035 and is currently improved with pedestrian safety facilities (e.g., sidewalks and crosswalks). Therefore, there would be no impact to traffic safety from the Proposed Project and thus, there is no basis under CEQA to require mitigation for this issue.

Additionally, as noted in Response to Comment No. PCL1-26, the public benefits program included in the Proposed Project's Development Agreement, includes items dedicated for community improvement and beautification. These public benefits include items such as tree maintenance, sidewalk repair, traffic calming and preferential parking.

**Comment No. PCL1-28:**

In conclusion, we implore you to either restrict the scope of the project (i.e. height and density) to materially curtail the negative impacts detailed above or ALTERNATIVELY, implement conditions of the project approval that will adequately address the negative traffic, view, safety, aesthetic, light intrusion, noise etc. impacts as proposed above, including the enforcement of community benefits to be detailed in the development agreement which have a reasonable nexus to the project to specifically mitigate negative project impacts in the concentrated vicinity of the project. Thank you for your consideration of the issues and requests above.

**Response to Comment No. PCL1-28:**

The comment requests the City to "restrict the scope of the Project" to reduce its "negative impacts" or implement conditions that would address the impacts suggested in the letter, including the enforcement of the community benefits in the Development Agreement. The comment is noted for review and consideration by the decision-makers.

As the comment is presented as the conclusion to the letter, the issues raised in this comment have generally been raised in earlier comments and responded to therein. As such, refer to Response to Comment Nos. PCL-8 through PCL-10 for additional information regarding previous comments with regard to views; Response to Comment Nos. PCL-2 through PCL-7 for additional information regarding previous comments with regard to traffic, and Response to Comment PCL-18 for additional information regarding the height and density of the Proposed Project, as well as the Development Agreement and community benefits. In addition, it is noted that the Development Agreement is a contractual agreement between the Applicant and the City, with specific requirements and enforcement mechanisms as set forth in the Development Agreement.

## PLANNING COMMISSION LETTER NO. PCL-2

The 78 individuals identified below, each signed this comment letter expressing opposition of the Proposed Project. In those cases where the commentor provided an affiliation, it has been provided below to assist with the identification of the commentor.

Damien Goodmon <i>Founder &amp; Executive Director</i> Crenshaw Subway Coalition	Bahni Turpin <i>Founder &amp; Board Member</i> SoLA Food Co-Op
Robert Farrell <i>Councilmember (Ret.)</i> Los Angeles City Council District 8	Ben Caldwell KAOS Network
Bishop Aaron Martin <i>Chair</i> Empowerment Congress Central Area Neighborhood Development Council	Black Community Clergy & Labor Alliance (BCCLA)
Advocates for Black Strategic Alternatives	Carolyn Fowler California Senior Leaders Alliance
African American Cultural Center (US)	Rev. C. Eziokwu Washington WE CAN Foundation/Congress of Racial Equality
Akili <i>Board Member</i> Institute of the Black World 21 <sup>st</sup> Century	Chancela Al-Mansour <i>Executive Director</i> Housing Rights Center
Alliance of Californians for Community Empowerment-Los Angeles (ACCE-LA)	Clarissa Woo Hermsillo <i>Economic Justice Project Director</i> ACLU of Southern California
Dr. Alpha Omega Curry, Ph.D <i>Board Member</i> National Association of Blacks in Criminal Justice	Clergy & Laity United for Economic Justice (CLUE)
Professor Amen Rahh <i>Professor Emeritus</i> Africana Studies Department, Cal State University- Long Beach	Clinton Simmons, P.E. <i>Board Member</i> West Adams Neighborhood Council
Andrea Canty <i>Past President</i> Empowerment Congress North Area Neighborhood Development Council (NANDC)	Coalition of 100 Black Women – Los Angeles
Damon Nagami <i>Senior Attorney</i> National Resources Defense Council	Community Coalition
Danielle Lafayette <i>Past Chair</i> Empowerment Congress West Area Neighborhood Development Council	Community Development Technologies (CD Tech)

Dr. David Horne, Ph.D <i>Professor &amp; Former Chair</i> Pan-African Studies Department, Cal State University-Northridge	Connye Thomas <i>Vice President</i> Crenshaw Chamber of Commerce
Earl Ofari Hutchinson <i>President</i> Los Angeles Urban Policy Roundtable	James Marshall <i>Founder &amp; Curator</i> Museum of Slavery to Emancipation, Research and Community Outreach
Elena I. Popp, esq. <i>Founder &amp; Executive Director</i> Eviction Defense Network	Janette Robinson-Flint <i>Executive Director</i> Black Women for Wellness
Bishop Emery Lindsay <i>Pastor</i> Christ Temple Church-Los Angeles	Jacquelynn Hawthorne <i>Regional Vice Chair, Region 4</i> Los Angeles Democratic Party*
Erin Aubry Kaplan <i>Award-Winning Author &amp; Columnist</i>	Professor Jody Armour <i>Roy P. Crocker Professor of Law</i> USC School of Law
Forescee Hogan-Rowles <i>CEO</i> RISE Financial Pathways*	Rev. Kelvin Sauls <i>Senior Pastor</i> Holman United Methodist Church
General Jeff <i>Chair</i> LA County Health Agency Integration Advisory Board Subcommittee on Homelessness	Rev. K. W. Tulloss <i>Pastor</i> The Historical Weller Street Missionary Baptist Church
Dr. Helena Johnson, Ed.D <i>Co-Convener</i> National Council of Negro Women – Southern California Area	Labor/Community Strategy Center
Jackie Ryan <i>PastPresident</i> Leimert Park Village Merchants Association	Larry Aubry <i>Black Leader &amp; Columnist</i> LA Sentinel Newspaper
Lori McCoy-Shuler <i>Parish Pastoral Council President</i> Holy Name of Jesus Church	LA VOICE
Los Angeles Black Worker Center	Rev. Dr. Lewis E. Logan, II <i>Co-Founder &amp; Senior Pastor</i> Ruach Christian Community Fellowship
Los Angeles Center for Community Law & Action	Linda Ricks <i>Interim President</i> Hyde Park Organizational Partnership for Empowerment (HOPE)

Los Angeles Community Action Network (LA CAN)	Lonella Enix <i>Past President</i> South LA Alliance of Neighborhood Councils
Los Angeles Tenants Union	Loretta Jones <i>Founder &amp; CEO</i> Healthy African American Families II
Luis Cabrales <i>Executive Director</i> Inquilinos Unidos	Ron Gochez Unión del Barrio-Los Angeles
Mark-Anthony Johnson <i>Director of Health &amp; Wellness</i> Dignity & Power Now	Ron Hasson <i>Southwest Region Area Director</i> NAACP-California
Dr. Melina Abdullah, Ph.D <i>Professor &amp; Chair, Pan African Studies</i> Cal State University-Los Angeles	Dr. Shirley Better, Ph.D <i>President</i> Association of Black Social Workers of Greater Los Angeles
Dr. Michael Batie, Ph.D <i>President</i> Los Angeles Council of Black Professional Engineers	Southern Christian Leadership Conference-Southern California
National Action Network-Los Angeles	Steve Bagby, Sr. <i>President</i> Dorsey H.S. Alumni Association
Neighborhood Housing Services of Los Angeles County	Strategic Actions for a Just Economy (SAJE)
Opal Young <i>President</i> Baldwin Hills-Crenshaw Homeowners Coalition	Strategic Concepts in Organizing & Policy Education (SCOPE)
Park Mesa Heights Community Council	Tammy Williams <i>Founder &amp; Director</i> View Park Arts & Cultural Foundation
People Organized for Westside Renewal (POWER)	Tony Wafford <i>Executive Director</i> I Choose Life Health & Wellness
Rae Jones <i>Executive Director</i> Great Beginnings for Black Babies	Tori Bailey, MHA <i>Board Member</i> United Neighborhoods Neighborhood Council
Regina Freer <i>Former Commissioner</i> Los Angeles City Planning Commission	Union de Vecinos

United Neighbors for Los Angeles	Rev. William D. Smart, Jr. <i>Pastor</i> Christ Liberation Ministries
Woodrow Curry, III <i>Lead Organizer</i> Uplift Inglewood	Youth Justice Coalition

\* = Information purposes only

**Response to Comment No. PCL2-1:**

This comment introduces the signatories to the letter by name and affiliation. The comment is noted for review and consideration by the decision-makers.

**Comment No. PCL2-2:**

Placed at the historic intersection of Crenshaw and Martin Luther King Jr. Boulevards, the Crenshaw Mall stands at the foot of Leimert Park - Southern California’s center of Black arts, culture, commerce and political power. Mall owners have received millions in taxpayer subsidies, including, but not limited to, City resources for mall renovations and business attraction, and the construction of a Metro station on the publicly funded Crenshaw- LAX Light Rail line.

**Response to Comment No. PCL2-2:**

This comment introduces the location of the Proposed Project, provides the commentor’s characterization of the Crenshaw community, as well as information regarding existing on-site development. The comment is noted for review and consideration by the decision-makers.

This comment does not raise a specific CEQA or environmental issue concerning the adequacy of the Proposed Project’s Draft EIR, Revised Draft EIR, Final EIR, or Errata to the Final EIR (collectively referred to hereafter as the EIR).

**Comment No. PCL2-3:**

In the future, according to the Draft Environmental Impact Report of the Baldwin Hills Crenshaw Plaza Master Plan, the current mall owners are proposing one of the largest developments in a predominantly Black community in America: 2.06 million square feet of new development, including 1.235 million square feet dedicated to 961 market-rate housing units on the existing site.<sup>1</sup>

<sup>1</sup> City of Los Angeles Baldwin Hills Crenshaw Plaza Master Plan Project Jan 2016 Pg. I-1: “The Proposed Project would add a total of approximately 2.06 million square feet of development to the Project Site, which would consist of approximately 820,000 square feet of [sic]

**Response to Comment No. PCL2-3:**

The comment correctly identifies that the Proposed Project would add a total of approximately 2.06 million square feet of new development, including approximately 1.235 million residential square feet for 961 residential units. The comment is noted for review and consideration by the decision-makers.

**Comment No. PCL2-4:**

Unfortunately, Los Angeles is home to the nation's worst housing affordability crisis, which is fueling America's worst homelessness crisis. This is acutely felt in the Crenshaw community and within the regional Black community. In fact, Blacks make up 47% of the city's homelessness population, despite amounting to only 9% of the overall city population.

The overwhelming majority of residents within a two-mile radius of the Crenshaw Mall live in homes that make less than the City of Los Angeles' median household income of \$50,205 per year.<sup>2</sup> <sup>3</sup> Median household incomes are lowest in the dense apartment neighborhoods that are directly adjacent to the mall (parts of Baldwin Village and Leimert Park are as low as \$17,729 and \$16,413 respectively). And in parts of communities proximate to the mall, Jefferson Park and Park Mesa Heights, median household incomes are as low as \$25,478 and \$18,424 respectively. In every community surrounding the mall, Blacks are at the lowest income level. In sum, not only can Crenshaw community residents in general (and Black Crenshaw community residents specifically) not afford new market-rate housing,<sup>4</sup> but they are at-risk of being displaced from the majority Black Crenshaw community if their current housing costs increase.

Despite these facts, to date there has been no assessment of how many residents are at risk of being placed in further financial strain and/or indirectly displaced (a type of displacement that occurs when residents and businesses are gradually priced out of the area and must involuntarily leave) from the proposed Crenshaw mall redevelopment. Accordingly, no mitigations have been proposed or discussed to protect the cultural integrity of the historic Black communities that surround the mall.

<sup>2</sup> US Census. American Fact Finder

<sup>3</sup> <http://bit.ly/bhpcincomes>

<sup>4</sup> LAHCID 11/17/15 Report to Mayor Eric Garcetti Pg. 3: "At these rental rates, families must earn \$81,240 to afford the average rent and \$104,360 to afford a newly built apartment."

**Response to Comment No. PCL2-4:**

The comment describes the commentor's perspective with regard to issues including housing affordability, homelessness, and the potential displacement of residents and businesses they associate with the Proposed Project. The comment is noted for review and consideration by the decision-makers.

Appendix J of the Draft EIR included an analysis of the potential impacts that additional on-site development would have on the existing businesses located within the Crenshaw District. This report concludes that it is not expected that additional development on the Project Site would "result in disinvestment, store closures or physical blight which could be associated with urban decay." As such, Proposed Project development is not anticipated to result in adverse effects on the existing businesses located within the Crenshaw District.

The subject of the comment relates to economic and social conditions. With regard to the EIR, CEQA does not include an independent requirement for a lead agency to evaluate a project's potential economic or social impacts. CEQA requires a lead agency to evaluate such impacts only if those effects will result in a physical change to the environment. (CEQA Guidelines Section 15358(b); see also CEQA Sections 21002 and 21060.5.) A project's economic or social effects that do not cause any physical impacts on the environment will not be considered significant effects on the environment. (CEQA Guidelines Section 15131(a).) If a project's economic or social effects will 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).)

Additionally, CEQA does not require a lead agency to evaluate a project's impacts that are speculative. (CEQA Guidelines Sections 15064(d)(3), 15145; see also *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1185-86; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060-61.) A lead agency must consider an indirect physical change "only if that change is a reasonably foreseeable impact which may be caused by the project." (CEQA Guidelines Section 15064(d)(3).) A change that is "speculative or unlikely to occur is not reasonably foreseeable." (CEQA Guidelines Section 15064(d)(3).) While a lead agency must "use its best efforts to evaluate environmental effects . . . foreseeing the unforeseeable is not required, nor is predicting the unpredictable or quantifying the unquantifiable." (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco, supra*, 227 Cal.App.4th at pp. 1060-61.) Based on economic and practical considerations, courts recognize that "premature attempts to evaluate effects that are uncertain to occur or whose severity cannot reliably be measured is a needlessly wasteful drain of the public fisc." (*Id.* at p. 1061.)

While the comment raises important economic and social concerns, it is well-settled that a project's purely economic and social impacts need not be considered as an environmental impact under CEQA. (See *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 566 [holding a project's impacts to the community character were "psychological and social—not environmental"]; see also *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019-20; *City of Pasadena v. State of Cal.* (1993) 14 Cal.App.4th 810, 830 [disapproved of on other grounds in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559] [holding opponents of new location of a parole office provided evidence to "establish a possibility of a social impact," but did not "establish the requisite physical change" to require analysis under CEQA].) With respect to a project's potential economic and social concerns, whether to approve such a project "is a political and policy decision entrusted to the [public agency's] elected officials," and "[i]t is not an environmental issue for courts under CEQA." (*Preserve Poway, supra*, Cal.App.4th at p. 566.) "If the Legislature wanted to define 'environment' to include such psychological, social, or economic impacts on community character, it could have so provided." (*Preserve Poway, supra*, 245 Cal.App.4th at p. 581.)

Cases in which courts have found a lead agency must evaluate a project's potential economic impacts included evidence that a project could lead to business closures and the related physical impacts that would ensue from closed or abandoned buildings. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1207-12; *American Canyon Community United for Responsible*

*Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1082.) Unlike the circumstances in those cases, the comment does not connect the Proposed Project’s potential economic or social impacts to any physical impacts nor does it state that the Proposed Project’s economic impacts could lead to the physical impacts associated with closed or abandoned buildings.

Instead, after a thorough review of the referenced potential economic and social impacts described in this comment, the City finds that it cannot predict or quantify how those physical impacts may affect the environment and, therefore, such claimed impacts are too speculative for further evaluation. (CEQA Guideline 15145.) Based on the speculative nature or absence of any potential physical impacts that may result from the Proposed Project’s potential economic and social impacts, no further analysis of the Proposed Project’s potential economic and social impacts under CEQA is required at this time.

In addition to being speculative, the impacts suggested are not consistent with prior analyses conducted by the City of Los Angeles that have addressed the subjects of gentrification and displacement in connection with area development plans in South Los Angeles. As recently as 2016, the City received comments from members of the public raising concerns and questions regarding the potential for displacement of residents, threats of gentrification, and loss of affordable housing in connection with City updates to the South Los Angeles Community Plan, Southeast Los Angeles Community Plan, and the West Adams-Baldwin Hills-Leimert Community Plan<sup>1</sup>, which includes the Project Site. The City concluded in response to these comments that plans to install new market-rate units in the area would not result in gentrification, the direct displacement of existing residents, or the net loss of affordable housing.

In fact, the West Adams–Baldwin Hills–Leimert Community Plan describes the plan area as: “a place where the enduring racial, ethnic and cultural inclusivity of South LA exists within a setting of economic prosperity. This is particularly true with regard to the African-American experience whereby many neighborhoods thought the Community Plan area have given rise to numerous figures prominent in the City’s social and political history. The Baldwin Hills neighborhoods stretching from Leimert Park to Culver City, for instance, are collectively identified as one of the largest geographically contiguous middle and upper-income African-American areas in the United States.” (Page 1-1)

The Community Plan also articulates a vision for revitalization of older, established commercial corridors, such as the Crenshaw corridor, which concludes that future development will create jobs and strengthen economic self-sufficiency within the plan area. To that end, the plan states: “This approach to community development not only protects heritage, but also is a viable alternative to sprawl and generates local jobs, supports independent businesses, increases civic participation, and bolsters the community’s sense of place. As part of the regenerative process toward producing complete neighborhoods, the creation of diverse employment opportunities in all sectors is encouraged so that

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<sup>1</sup> The South Los Angeles Community Plan and Southeast Los Angeles Community Plan EIR is available for review at: [https://planning.lacity.org/eir/SouthAndSoutheastLA/SouthSoutheastLA\\_CoverPg.html](https://planning.lacity.org/eir/SouthAndSoutheastLA/SouthSoutheastLA_CoverPg.html). The West Adams-Baldwin Hills-Leimert Community Plan EIR is available for review at: <https://planning.lacity.org/eir/westadams/westAdamsCoverPg.html>.

jobs will be distributed more equitably and made more accessible to nearby families, thereby strengthening local economic self-sufficiency and overall sustainability.” (Page 3-7)

The Community Plan also includes several housing policies that support the construction of new housing units in connection with its goal to create “A community that supports cohesive neighborhoods and lifecycle housing to promote health, well-being and safety” (Goal LU10) including:

**LU10-4 Individual Choice.** Promote greater individual choice in type, quality, price and location of housing. (P 155)

**LU10-6 Increase Homeownership.** Provide for development of townhouse and other similar condominium type housing units to increase homeownership options. (P108, P292)

**LU10-10 Moderate Income Homeownership.** Allow for the creation of townhouse and condominium development through new construction, conversion or adaptive reuse in order to meet the demands of moderate income residents thereby increasing access to affordable and moderate income homeownership opportunities. (P107)

A variety of other housing-related goals are reflected in the Proposed Project, which incorporates very-low income and workforce units as well as a mix of for sale and for rent units, including:

**LU9-1 Affordability.** Prioritize housing that is affordable to a broad cross-section of income levels and that provides the ability to live near work and achieve homeownership. (P119, P158, P290)

**LU9-2 Mixed-income Neighborhoods.** Strive to eliminate residential segregation and concentrations of poverty by promoting affordable housing that is integrated into mixed-income neighborhoods. (P158, P108, P292)

**LU13-6 Moderate-Income Housing.** Encourage the production of moderate-income housing in order to allow current residents, the children of current residents, and seniors an opportunity to continue living in the Community Plan area.

In addition, the Proposed Project would create new multi-family housing, up to 961 units, and would not result in the demolition of any existing housing units. As such, the Proposed Project expands the housing supply in the area. It should also be noted that the Development Agreement as recommended by the Los Angeles City Planning Commission in connection with the Proposed Project includes an affordable housing program that consists of the following two components: (1) workforce housing - 5% of all rental and for-sale housing units will be set aside for families earning 150 percent of the median income, and (2) very low income housing - 5% of all rental and for-sale housing units will be set aside for families earning 50 percent of the median income. Under these two programs a total of 10% of the housing supply would be set aside as subsidized housing.

With regard to supporting the culture of the Crenshaw community, the Applicant underwrites cultural programming at the Baldwin Hills Crenshaw Plaza shopping center including the Museum of African

American Art, the annual Pan African Film Festival and Taste of Soul events, which are of regional interest, as well as monthly free concerts at the shopping center. In addition, creating new on-site multi-family housing options along with expanded on-site retail, food and entertainment uses as well as a new hotel and new office building would serve to support, rather than detract, from the cultural identity of the community by expanding the presence of a daytime and evening consumer for local businesses and events.

**Comment No. PCL2-5:**

Therefore, we request that the City of Los Angeles, City Planning Commission, City Council, Mayor and any other City Departments delay any decisions or approvals on the proposed Crenshaw Mall redevelopment plan until a full health impact assessment is conducted in coordination with the community to assess the health and equity impacts of the project on the communities surrounding the Crenshaw Mall and region.

**Response to Comment No. PCL2-5:**

The comment requests that the City delay any decisions on the Proposed Project until a “full health impact assessment is conducted in coordination with the community to assess the health and equity impacts of the project.” The comment is noted for review and consideration by the decision-makers.

The EIR, pursuant to CEQA Guidelines Section 15002, appropriately focuses on the physical impacts of the Proposed Project, as described at length in Response to Comment No. PCL2-4.

The EIR provides a comprehensive analysis of the potential health impacts associated with Proposed Project development. Specific EIR analyses addressing potential public health impacts include local air quality conditions during both construction and operations, noise impacts during both construction and operations, and potential impacts associated with hazards and hazardous materials.

Section IV.B, Air Quality, of the Draft EIR, provides a comprehensive analysis of potential air quality related health effects for those individuals living near the Project Site during both Proposed Project construction and operations. The analysis of potential localized air quality impacts addresses criteria pollutants (i.e., those pollutants for which ambient air quality standards have been established at a state and/or federal level), toxic air contaminants, and odors. Pages IV.B-35 through IV.B-38 of the Draft EIR provide these analyses as they relate to Proposed Project construction, whereas pages IV.B-38 through IV.B-46 provide these analyses as they relate to Proposed Project operations.

Section IV.I, Noise, of the Draft EIR, provides a comprehensive analysis of potential noise related health effects for those individuals living near the Project Site during both Proposed Project construction and operations. The analysis addresses noise associated with on- and off-site sources as well as potential impacts related to ground-borne vibration. Pages IV.I-23 through IV.I-25 of the Draft EIR provide these analyses as they relate to Proposed Project construction, whereas pages IV.I-25 through IV.I-31 provide these analyses as they relate to Proposed Project operations. The analysis of Proposed Project construction noise impacts concludes that impacts would be less than significant, except when construction activities occur within 500 feet of a residential zone (e.g., along Crenshaw Boulevard,

Marlton Avenue, and Santa Rosalia Drive). To address these impacts, mitigation measures have been identified that would reduce construction noise levels at all of these locations. However, Proposed Project construction activity would result in a significant and unavoidable impact at these specific locations, even with the incorporation of mitigation measures. While significant construction noise impacts after mitigation would occur, these significant impacts would be reduced to less than significant levels once Proposed Project construction moves beyond 500 feet of a residential zone or once a new building is constructed between the on-site construction location and any of the identified off-site residential locations. This would occur as the new on-site building would serve as a barrier to construction noise that would reduce impacts to a less than significant level even when construction is occurring within 500 feet of the identified off-site residential locations. As construction noise impacts at the identified off-site residential locations would remain significant after the imposition of feasible mitigation, the City's Advisory Agency adopted a Statement of Overriding Consideration as part of its certification of the Proposed Project's Final EIR.

The Draft EIR analysis of construction vibration impacts (see pages IV.I-24 and IV.I-25 of the Draft EIR) concludes that construction vibration levels would not exceed the human annoyance threshold established by the Federal Transit Administration and, as such, construction-related vibration would result in a less than significant human annoyance impact. With regard to noise levels during Proposed Project operations, the Draft EIR concludes that operational noise impacts with regard to motor vehicle travel, on-site parking facilities, on-site mechanical equipment, and noise associated with activities within a potential open air entertainment area within the proposed retail village located within the southeastern portion of the Project Site, individually and cumulatively, with the incorporation of the identified project design features and mitigation measures would be less than significant. As such, forecasted noise levels would not result in an adverse impact to human health. In addition, the Draft EIR also concludes that ground-borne vibration levels during Proposed Project operations would also be less than significant and thus would also have a less than significant impact with regard to human health.

Section IV.H, Hazards and Hazardous Materials, of the Draft EIR, provides a comprehensive analysis of potential health effects for those individuals living near the Project Site associated with the presence of hazardous conditions on the Project Site or the handling of hazardous materials at the Project Site during both Proposed Project construction and operations. These analyses all conclude that with compliance with existing regulations, Proposed Project impacts with regard to hazards and hazardous materials would be less than significant and, thus, potential impacts with regard to human health would also be less than significant.

The City's Advisory Agency certified the Final EIR pursuant to CEQA Guidelines Section 15090 and also adopted environmental findings, a statement of overriding considerations, and a mitigation monitoring program for the Proposed Project. No administrative appeals were filed challenging the Advisory Agency's approval of the Vesting Tentative Tract Map or the Advisory Agency's certification of the Final EIR. In addition, the Planning Commission (CPC) independently reviewed the Final EIR and found the Final EIR as certified by the Advisory Agency adequately reviewed the Proposed Project's potential environmental impacts. The CPC also found that no subsequent EIR or addendum was required for approval of the Proposed Project pursuant to CEQA Guidelines Sections 15162 or 15164. No changes to

the Proposed Project were made after the Advisory Agency certified the Final EIR, nor was there new information or a change in circumstances that would require revisions to the previously certified Final EIR. Through this process the City has determined that the Proposed Project's EIR is fully compliant with all CEQA requirements.

**Comment No. PCL2-6:**

You may contact Damien Goodmon for follow-up on this matter at: [dg@crenshawsubway.org](mailto:dg@crenshawsubway.org).

**Response to Comment No. PCL2-6:**

This comment provides information on how to contact the author of this comment. The comment is noted for review and consideration by the decision-makers.

**APPENDIX A**

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**Public Correspondence to City Planning Commission  
(Bracketed into Individual Comments)**



July 10, 2017

The Baldwin Hills Homeowners Association, Inc. (BHEHOA) respectfully submits the following Community Impact Statement associated with Case Numbers CPC-2015-4398-GPA-ZC-HD-ZAD-CU, VTT-73675, and CPC-2016-3681-DA, aka Baldwin Hills Crenshaw Plaza (BHCP) Redevelopment. We request that this submission be added to the project case file.

To the Honorable Members of the Planning Commission:

The Baldwin Hills Estates Homeowners Association (hereinafter referred to as BHEHOA) would like to take this opportunity to express the neighborhood's concerns in regard to the proposed redevelopment project. Our position is the result of considering the proposal for years; entertaining numerous presentations by the applicant, obtaining feedback from residents, digesting the full extent of planning documents; and through our Planning and Land Use Committee, engaging in independent dialogue with the applicant's representative, the Planning Department, and our City Council office (CD8).

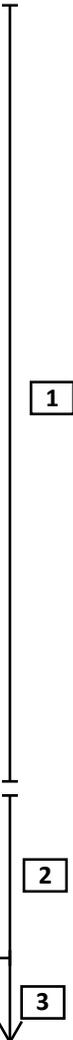
While we are supportive of the BHCP redevelopment, the amenities and opportunities it provides to our community, and local economic reinvestment in general; we believe there are specific aspects of the project that warrant attention in order for it to correctly balance its beneficial nature to the immediately surrounding neighborhoods with local impacts and the objectives of the city as a whole. We are one of those immediately surrounding neighborhoods which will patronize the BHCP redevelopment and be impacted by it as well.

As proposed, the BHCP project presents a number of challenges and specific impacts to its surroundings. BHEHOA has considered these impacts and would like to both highlight them and request that they be reduced or mitigated within the scope of the project, including the development agreement. We feel that doing so is appropriate considering the overall size of the project, the numerous discretionary approvals being sought, and the duration of construction. A number of concerns/impacts have not been adequately addressed in the proposal. Specifically, they are as follows:

**I. TRAFFIC**

Tripling the size of the existing BHCP by adding 2,000,000 square feet of floor area will have definitive negative impacts on local traffic conditions. Some of which are identified in the EIR and staff report, and some which are not. The BHEHOA maintains that the actual traffic impacts are insufficiently identified and mitigated in the project proposal. Perhaps some of the reason

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ADT/BEL-AIR SECURITY PATROL 310.829.7981



# Letter No. PCL1

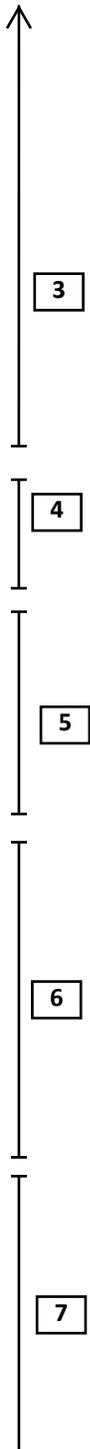
rests in the fact that the existing conditions for the traffic study submitted by the applicant, and considered throughout the EIR and staff report process, use 2011 as the "existing" condition. Further, establishing that baseline of 2011 uses data collected in 2009 and 2008, which is over eight (8) years ago. The residents of the surrounding area witness conditions that put the level of service at various intersections at levels, which are clearly worse than those reported in the EIR. In an ideal analysis, such baseline data would be too old to use, especially with evidence of changed conditions.

A prime example is the intersection of Santa Rosalia and Stocker. This section of roadway will serve as a main access to parts of the BHCP, while also receiving demand from the soon to be open Kaiser medical facility, and the eventual redevelopment of Marlon Square over which the city is currently negotiating. Additionally, a developer has purchased a 3.5-acre site at 3731-3761 Stocker, directly across Santa Rosalia from BHCP, and is slated to completely redevelop that site. Current zoning provides for up to 375 dwelling units or mixed-use on this property. Another fact we have yet to see addressed is whether BHCP can effectively prevent use of their parking by non-customers as a park-n-ride, adding even more trips to the contemplated projections. The EIR makes no provision for some of this additional roadway demand, and it is only common sense that more redevelopment will be occurring in the immediate area adjacent to the rail line.

Most importantly, the aforementioned section of Santa Rosalia is already problematic at peak hours, without any of these projects yet on-line, or the existing BHCP operating at full capacity. It is dubious that the traffic study projects this intersection (once all proposed area development is completed) to remain at the acceptable Level of Service B. No one that lives in the area or recently witnessed that street at peak would agree. We have similar concerns for the intersections at Marlon/Santa Rosalia, Don Felipe/Stocker, 39th/Crenshaw, and even more remote intersections such as Crenshaw/Jefferson, and Stocker/Overhill.

We have voiced concern over the dated nature and of traffic data and the need for a comprehensive area-wide traffic study to be done in consideration of all of the development activity and the unique demands of nearby churches, schools, and a new large medical facility. In a meeting between BHEHOA, CD8, Department of Transportation (DoT), and Planning; the benefits of such a study and resultant traffic plan were agreed upon. It is our position that this study needs to be done in the short-term. Regardless, it is also our contention that in inadequately assessing CURRENT existing conditions, underestimating comprehensive future demand by BHCP and other developments, and failing to correctly predict the commonly used pathways of travel around the project, the traffic impact from the project to the immediately surrounding intersections is being underestimated and/or deemed insignificant, when it is not.

We likewise take issue with the predicted neighborhood intrusion, or "cut-through" traffic as stated in the EIR and staff report. Granted, those acknowledge that prediction is difficult. The members of BHEHOA have no doubt that while excluded from the list of affected neighborhoods, the roadways south of BHCP (i.e. Marlon, Don Felipe, and Don Diablo...among others) will be the recipients of impact from traffic intrusion. These roadways are already used as cut-throughs and common sense indicates that such usage will only increase with the additional development at BHCP and the added burden on the primary arteries. Any adequate provision for traffic mitigation needs to incorporate the area south of Santa Rosalia into BHE, which is currently left unmitigated in staff recommendations and in the proposed terms to the development agreement.



**II. VIEWS**

We believe that the negative impact upon views for residents to the south of the proposed project, particularly those in BHE, is greater in both extent and significance than concluded in the EIR and staff report. We have reviewed the view study performed by the applicant, conducted our own investigation, and conferred with the applicant and their view consultant. The three perspectives and elevations they used, which form the basis for project findings, are not completely illustrative of the conditions or the extent of view obstructions. The principle reasons for the discrepancy appear to be the result of the selection of properties used for view analysis (particularly their elevation relative to other properties) and the height above ground-level used to obtain the perspective (at or above the roofline rather than at street or window level).<sup>1</sup> Simply put, the three perspectives used by the applicant are not those illustrating the largest obstructions and, therefore, do not provide a representative sampling of the negative view impacts. We have noted that there are properties with lower elevations and perspectives, resulting in view obstructions not addressed in the EIR. To this point, the applicant has not refuted our claims.

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These obstructions are on two of our streets, Don Diablo and Don Tomaso, caused by the north office tower and the hotel, respectively. The view obstruction involves the overall view shed, but also specific view resources. Most notably the downtown Los Angeles skyline, and the San Gabriel mountains. Specifically, a significant portion of the skyline is blocked. These view obstructions constitute a significant negative impact for those affected as they detract from both enjoyment of one's home and the value of one's home. They also affect the view perspective of those travelling the streets in question. We consider these effects substantially adverse. Note that the obstruction of the skyline could be eliminated with slight reduction of the overall height of the two tallest buildings.

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**III. OVERALL DENSITY / SAFETY / AESTHETICS**

While understanding the benefits of maximizing housing and employment quantities within the proposed project, shear density makes for additional negative impacts upon the surrounding area, beyond traffic. Safety can be negatively affected as can be the ability for first-responders to access the area without any additional delay. Note that Baldwin Hills Estates, our neighborhood immediately south of this project, is located in a Class 4 Very High Fire Severity Zone, as we were reminded by the Baldwin Vista brushfire just yesterday (on 7/9/2017). This designation means that the BHCP redevelopment is located adjacent to an area that is prone to fire situations that require emergency evacuations and emergency access for fire fighters. Therefore, it is imperative that access to and from these Class 4 areas remain unimpeded to the greatest extent feasible in case of a fire emergency. It is not simply an issue of traffic inconveniences in instances like this... it is a life safety issue. The timeliness of first responders is critical to avoiding massive property loss, injuries and deaths, which occurred in the infamous Baldwin Hills fire in 1985 when fifty-three (53) homes burned and two (2) people lost their lives. It is also imperative that residents be able to escape quickly. Therefore, increased density in the area needs to ensure adequate roadway and infrastructure improvements to avoid gridlock situations that leave people trapped and first responders unable to reach those in need.

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Parking availability may negatively be affected as the proposed project provides for a significant shortage of parking during the peak holiday season. With this on-site shortage, even with an undefined proposal to provide assisted parking, the surrounding streets, which are already burdened with a parking shortage, will be negatively impacted. Air quality is affected both

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during construction and long-term, as is the cleanliness of the streetscape. Light intrusion is also increased in the immediate vicinity. Noise levels will increase... especially during construction. Further, the sense of open space on the streets surrounding the project is reduced as buildings are aligned the length of the streets against the front setbacks. The density on-site for a regional center can be beneficial, but the potential negative impacts to the surrounding area, largely residential, need to be accounted for whether deemed "significant" in planning vernacular or not.

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While BHEHOA does not necessarily seek to lessen the scope of the project proposal, we believe that the aforementioned negative impacts are real, significant, and should be removed or mitigated as a part of a very large, profitable project. These impacts are a result of the scope of the project being applied for. To a large extent, while not the only alternative, the overall negative impacts of the project would be lessened with a project of smaller scale. This is especially true in the case of views and traffic. While the developer's goals, and some of the city's goals regarding housing and employment are served by the size of the project as proposed, that comes at a cost to the project's surroundings. Alternatives to the full scale of the proposed project are not technically "infeasible."

In order to achieve the proposed project specifications, the applicant must be granted discretionary entitlements allowing changes to the currently in-force provisions regarding total allowable floor area increase by removing the D limitation, modifying the height district, and allowing a Conditional Use Permit allowing for Floor Area Ratio averaging. Without these actions/changes the project would be limited to 2,700,000 square feet (i.e. 313,000 fewer square feet than proposed). The project, absent these discretionary actions, still provides for a very large scaled, viable, regional center. It provides for all of the same components and all of the planning objectives, simply to a slightly smaller extent, with less negative impacts. BHEHOA is not insisting on the reduction of the project scale, rather on a recognition of the negative impacts that accompany the proposed scope and especially the incrementally increased portion due to discretionary approvals. If the project design is not altered (especially in the case of height), then local mitigations measures, even in the form of community benefits, need to be provided to adequately address and help offset the aforementioned impacts. We have met with the applicant's representative to illustrate the impacts and had similar discussion with CD8. To some extent the applicant seems amenable to mitigation within the scope of the development agreement. However, our concerns are not being adequately addressed in the current project proposal, including the proposed development agreement.

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We take exception to the proposed allocation of community benefits as set forth in the contemplated development agreement. If the project is to be approved as proposed with the entitlements applied for, community benefits should be concentrated in the vicinity of the project and utilized to specifically mitigate negative impacts. There is no shortage of those or appropriate measures to be attended to by the applicant's proposed benefits payment in the \$4,000,000 range, in addition to other benefits that have not been quantified by a dollar amount. The currently proposed applications of community benefits are inconsistent with the impacts illustrated to CD8, Planning, and the applicant in our detailed discussions. As an example, the allocation of \$1,500,000 for tree-trimming, which must involve application far beyond the project site, is unjustifiable and outrageous considering the omission of important mitigation measures more closely tied to the project.

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Thus, the following provisions should be included as a part of the proposed project:

**I. TRAFFIC IMPACT MITIGATION**

A. Provide widening of, or a dedication of land along Santa Rosalia for future street widening to address identified level of service problems that currently exist and would be further exacerbated by the project in conjunction with other developments.

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B. Provide funding for a local area traffic study as suggested by CD8/Planning/DoT for the purpose of evaluating the changing conditions (including fire emergencies), attending to potential developments including BHCP, incorporating mobility objectives, formulating a comprehensive plan, and enabling the needed improvements to be effectuated.

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C. Provide a dollar amount contribution to a fund for traffic mitigation measures not yet definable but resulting from project impacts. With a project this complex, unanticipated traffic issues will undoubtedly manifest once the project is in use. These measures should be utilized on streets in the immediate vicinity of the project, in addition to those measures already proposed in the case file. This fund would also be utilized to implement recommendations identified in the above-referenced local area traffic study.

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D. As mitigation for traffic intrusion, provide a fund for traffic calming in the residential area to the south of the project including Marlton south of Santa Rosalia, Don Felipe between Stocker and Don Miguel, Don Diablo between Don Felipe and Don Arellanes.

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**II. VIEW IMPACT MITIGATION AND FIRE SAFETY MITIGATION**

A. Reduce the height of the two tallest buildings by one story each to eliminate view obstructions.

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B. ALTERNATIVELY, provide mitigation for view obstruction via beautification funds, including view-restoring and fire safety tree trimming in BHE.

**III. OVERALL DENSITY / AESTHETICS IMPACT MITIGATION**

A. Provide funding for security patrol and/or other security measures in the area immediately surrounding the project site to promote safety and walkability to/from project site (including transit hub) for off-site residents.

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B. Provide beautification funds for streets (Crenshaw, 39th, Marlton, Santa Rosalia, & Stocker) surrounding the project site to offset negative impacts regarding parking, noise, air quality, light, street litter, etc.

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C. Provide beautification and safer mobility along Stocker between Crenshaw and Overhill, to facilitate improved and safer connection between project site (including transit hub) and the park network along Stocker and at Stocker/Overhill, as well as residences adjacent to Stocker.

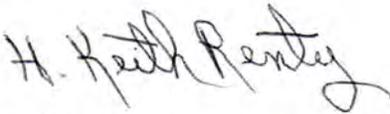
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# Letter No. PCL1

In conclusion, we implore you to either restrict the scope of the project (i.e. height and density) to materially curtail the negative impacts detailed above or ALTERNATIVELY, implement conditions of the project approval that will adequately address the negative traffic, view, safety, aesthetic, light intrusion, noise etc. impacts as proposed above, including the enforcement of community benefits to be detailed in the development agreement which have a reasonable nexus to the project to specifically mitigate negative project impacts in the concentrated vicinity of the project. Thank you for your consideration of the issues and requests above.

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Respectfully,



H. Keith Renty  
President, Baldwin Hills Estates Homeowners Association Inc.

cc: Honorable Marqueece Harris-Dawson, Councilmember 8th District

17 May 2017

Hon. Eric Garcetti  
Los Angeles Mayor  
200 N. Spring Street, 3<sup>rd</sup> Floor  
Los Angeles, CA 90012

Hon. Herb Wesson, Jr.  
Los Angeles City Council President  
200 N. Spring Street, Room 430  
Los Angeles, CA 90012

Hon. Marqueece Harris-Dawson  
Los Angeles City Councilmember  
200 N. Spring Street, Room 450  
Los Angeles, CA 90012

Los Angeles City Planning Commission  
Board Members  
200 N. Spring Street  
Los Angeles, CA 90012

**RE: Request to Hold on the Proposed Baldwin Hills Crenshaw Plaza (“Crenshaw Mall”) Redevelopment Project until a full Health Impact Assessment is Completed**

Dear Mayor Garcetti, Council President Wesson, Councilmember Harris-Dawson & City Planning Commissioners:

Placed at the historic intersection of Crenshaw and Martin Luther King Jr. Boulevards, the Crenshaw Mall stands at the foot of Leimert Park - Southern California’s center of Black arts, culture, commerce and political power. Mall owners have received millions in taxpayer subsidies, including, but not limited to, City resources for mall renovations and business attraction, and the construction of a Metro station on the publicly funded Crenshaw-LAX Light Rail line. In the future, according to the Draft Environmental Impact Report of the Baldwin Hills Crenshaw Plaza Master Plan, the current mall owners are proposing one of the largest developments in a predominantly Black community in America: 2.06 million square feet of new development, including 1.235 million square feet dedicated to **961 market-rate housing units** on the existing site.<sup>1</sup>

Unfortunately, Los Angeles is home to the nation’s worst housing affordability crisis, which is fueling America’s worst homelessness crisis. This is acutely felt in the Crenshaw community and within the regional Black community. In fact, Blacks make up 47% of the city’s homelessness population, despite amounting to only 9% of the overall city population.

The overwhelming majority of residents within a two-mile radius of the Crenshaw Mall live in homes that make less than the City of Los Angeles’ median household income of \$50,205 per year.<sup>2 3</sup> Median household incomes are lowest in the dense apartment neighborhoods that are directly adjacent to the mall (parts of Baldwin Village and Leimert Park are as low as \$17,729 and \$16,413 respectively). And in parts of communities proximate to the mall, Jefferson Park and Park Mesa Heights, median household incomes are as low as \$25,478 and \$18,424 respectively. In every community surrounding the mall, Blacks are at the lowest income level. In sum, **not only can Crenshaw community residents in general (and Black Crenshaw community residents specifically) not afford new market-rate housing,<sup>4</sup> but they are at-risk of being displaced from the majority Black Crenshaw community if their current housing costs increase.**

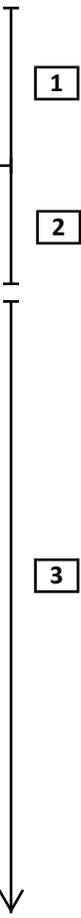
Despite these facts, to date there has been no assessment of how many residents are at risk of being placed in further financial strain and/or indirectly displaced (a type of displacement that occurs when residents and businesses are gradually priced out of the area and must involuntarily leave) from the proposed Crenshaw mall

<sup>1</sup> City of Los Angeles Baldwin Hills Crenshaw Plaza Master Plan Project Jan 2016 Pg. I-1: “The Proposed Project would add a total of approximately 2.06 million square feet of development to the Project Site, which would consist of approximately 820,000 square feet of

<sup>2</sup> US Census. American Fact Finder

<sup>3</sup> <http://bit.ly/bhpcpincomes>

<sup>4</sup> LAHCID 11/17/15 Report to Mayor Eric Garcetti Pg. 3: “At these rental rates, families must earn \$81,240 to afford the average rent and \$104,360 to afford a newly built apartment.”



# Letter No. PCL2

redevelopment. Accordingly, no mitigations have been proposed or discussed to protect the cultural integrity of the historic Black communities that surround the mall.

Therefore, **we request that the City of Los Angeles, City Planning Commission, City Council, Mayor and any other City Departments delay any decisions or approvals on the proposed Crenshaw Mall redevelopment plan until a full health impact assessment is conducted in coordination with the community to assess the health and equity impacts of the project on the communities surrounding the Crenshaw Mall and region.**

You may contact Damien Goodmon for follow-up on this matter at: [dg@crenshawsubway.org](mailto:dg@crenshawsubway.org).

Respectfully,

Damien Goodmon  
*Founder & Executive Director*  
Crenshaw Subway Coalition

Robert Farrell  
*Councilmember (Ret.)*  
Los Angeles City Council District 8

Bishop Aaron Martin  
*Chair*  
Empowerment Congress Central Area  
Neighborhood Development Council

Advocates for Black Strategic Alternatives

African American Cultural Center (US)

Akili  
*Board Member*  
Institute of the Black World 21<sup>st</sup> Century

Alliance of Californians for Community  
Empowerment-Los Angeles (ACCE-LA)

Dr. Alpha Omega Curry, Ph.D  
*Board Member*  
National Association of Blacks in Criminal Justice

Professor Amen Rahh  
*Professor Emeritus*  
Africana Studies Department, Cal State University-  
Long Beach

Andrea Canty  
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*Founder & Board Member*  
SoLA Food Co-Op

Ben Caldwell  
KAOS Network

Black Community Clergy & Labor Alliance (BCCLA)

Carolyn Fowler  
California Senior Leaders Alliance

Rev. C. Eziokwu Washington  
WE CAN Foundation/Congress of Racial Equality

Chancela Al-Mansour  
*Executive Director*  
Housing Rights Center

Clarissa Woo Hermsillo  
*Economic Justice Project Director*  
ACLU of Southern California

Clergy & Laity United for Economic Justice (CLUE)

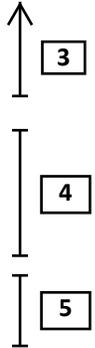
Clinton Simmons, P.E.  
*Board Member*  
West Adams Neighborhood Council

Coalition of 100 Black Women – Los Angeles

Community Coalition

Community Development Technologies (CD Tech)

Connye Thomas  
*Vice President*  
Crenshaw Chamber of Commerce



# Letter No. PCL2

Damon Nagami  
*Senior Attorney*  
National Resources Defense Council

Danielle Lafayette  
*Past Chair*  
Empowerment Congress West Area Neighborhood  
Development Council

Dr. David Horne, Ph.D  
*Professor & Former Chair*  
Pan-African Studies Department, Cal State  
University-Northridge

Earl Ofari Hutchinson  
*President*  
Los Angeles Urban Policy Roundtable

Elena I. Popp, esq.  
*Founder & Executive Director*  
Eviction Defense Network

Bishop Emery Lindsay  
*Pastor*  
Christ Temple Church-Los Angeles

Erin Aubry Kaplan  
*Award-Winning Author & Columnist*

Forescee Hogan-Rowles  
*CEO*  
RISE Financial Pathways\*

General Jeff  
*Chair*  
LA County Health Agency Integration Advisory  
Board Subcommittee on Homelessness

Dr. Helena Johnson, Ed.D  
*Co-Convener*  
National Council of Negro Women – Southern  
California Area

Jackie Ryan  
*Past President*  
Leimert Park Village Merchants Association

James Marshall  
*Founder & Curator*  
Museum of Slavery to Emancipation, Research and  
Community Outreach

Janette Robinson-Flint  
*Executive Director*  
Black Women for Wellness

Jacquelynn Hawthorne  
*Regional Vice Chair, Region 4*  
Los Angeles Democratic Party\*

Professor Jody Armour  
*Roy P. Crocker Professor of Law*  
USC School of Law

Rev. Kelvin Sauls  
*Senior Pastor*  
Holman United Methodist Church

Rev. K. W. Tulloss  
*Pastor*  
The Historical Weller Street Missionary Baptist  
Church

Labor/Community Strategy Center

Larry Aubry  
*Black Leader & Columnist*  
LA Sentinel Newspaper

LA VOICE

Rev. Dr. Lewis E. Logan, II  
*Co-Founder & Senior Pastor*  
Ruach Christian Community Fellowship

Linda Ricks  
*Interim President*  
Hyde Park Organizational Partnership for  
Empowerment (HOPE)

Lonella Enix  
*Past President*  
South LA Alliance of Neighborhood Councils

Loretta Jones  
*Founder & CEO*  
Healthy African American Families II

# Letter No. PCL2

Lori McCoy-Shuler  
*Parish Pastoral Council President*  
Holy Name of Jesus Church

Los Angeles Black Worker Center

Los Angeles Center for Community Law & Action

Los Angeles Community Action Network (LA CAN)

Los Angeles Tenants Union

Luis Cabrales  
*Executive Director*  
Inquilinos Unidos

Mark-Anthony Johnson  
*Director of Health & Wellness*  
Dignity & Power Now

Dr. Melina Abdullah, Ph.D  
*Professor & Chair, Pan African Studies*  
Cal State University-Los Angeles

Dr. Michael Batie, Ph.D  
*President*  
Los Angeles Council of Black Professional Engineers

National Action Network-Los Angeles

Neighborhood Housing Services of Los Angeles  
County

Opal Young  
*President*  
Baldwin Hills-Crenshaw Homeowners Coalition

Park Mesa Heights Community Council

People Organized for Westside Renewal (POWER)

Rae Jones  
*Executive Director*  
Great Beginnings for Black Babies

Regina Freer  
*Former Commissioner*  
Los Angeles City Planning Commission

Ron Gochez  
Unión del Barrio-Los Angeles

Ron Hasson  
*Southwest Region Area Director*  
NAACP-California

Dr. Shirley Better, Ph.D  
*President*  
Association of Black Social Workers of Greater Los  
Angeles

Southern Christian Leadership Conference-Southern  
California

Steve Bagby, Sr.  
*President*  
Dorsey H.S. Alumni Association

Strategic Actions for a Just Economy (SAJE)

Strategic Concepts in Organizing & Policy Education  
(SCOPE)

Tammy Williams  
*Founder & Director*  
View Park Arts & Cultural Foundation

Tony Wafford  
*Executive Director*  
I Choose Life Health & Wellness

Tori Bailey, MHA  
*Board Member*  
United Neighborhoods Neighborhood Council

Union de Vecinos

United Neighbors for Los Angeles

Rev. William D. Smart, Jr.  
*Pastor*  
Christ Liberation Ministries

Woodrow Curry, III  
*Lead Organizer*  
Uplift Inglewood

Youth Justice Coalition

\* = Information purposes only