

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE**  
***SUPPLEMENTAL***  
***CF 17-1054***

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2008-1552-CPU	ENV-2008-1781-EIR	1, 8, 9, 10, 15
<b>PROJECT ADDRESS:</b>		
South Los Angeles Community Plan Area		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
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<b>NOTES / INSTRUCTION(S):</b>	
Attached, please find the Department of City Planning's "Supplemental Response to Comments on FEIR".	
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Claudia Rodriguez Council Liaison	November 21, 2017

## Supplemental Response to Comments

South LA Community Plan Update and Southeast LA Community Plan Update Final EIR  
Nos. ENV-2008-1781 and ENV-2008-1780

The City has reviewed the letter submitted to the City by UNIDAD, dated October 2, 2017. This comment was submitted after the comment period for the Draft EIR and after the publication of the FEIR. The City is not required to provide a formal response under CEQA and the CEQA Guidelines. As a general matter, the City finds nothing in the letter that would require different analysis than that provided in the DEIR and the FEIR. Additionally, many of the issues raised in the letter were addressed in response to comments in the FEIR and the commenter has not provided new evidence to support its arguments. The following responses are intended to provide further clarification or information to support the City’s certification of the EIR for the adoption of the South Los Angeles Community Plan Update and the Southeast Los Angeles Community Plan Update, adopt necessary findings and a statement of overriding considerations.

COMMENT	CITY RESPONSE
<p>The Statement of Overriding Considerations for both Plans states that all feasible mitigation measures have been adopted. However, the City has failed to consider adopting several of the policies suggested by the UNIDAD Coalition as outlined in the People’s Plan, despite the fact that these would serve to mitigate the Plans’ significant environmental impacts, and has not outlined why the inclusion of such measures is infeasible. As pointed out in comments on the DEIR, the People’s Plan policies which have not been included would serve to mitigate several impacts which are listed in the statement of overriding considerations as “unavoidable significant adverse impacts.” For example, annual allowances for demolitions and condo conversions would mitigate both the construction-related air quality and noise impacts which the FEIR states are unavoidable, by limiting the concentration of construction activities simultaneously contributing to these impacts. Despite this, and the fact that the potential for the People’s Plan policies to mitigate significant impacts was repeatedly pointed out during the public comment period, the FEIR fails to consider them as mitigation measures and does not address their feasibility. CEQA requires the inclusion of feasible mitigation measures which would serve to minimize significant impacts; the failure to consider adopting feasible policies contained in the People’s Plan, which would serve to reduce or avoid identified significant impacts, likely constitutes a CEQA violation. Cal. Pub. Res. Code § 21100; 14 Cal. Code Regs §15126.</p>	<p>The commenter provided no substantial evidence to support that an annual allowance for demolition permits and condo conversions would reduce significant air impacts or noise impacts to be less than significant.</p> <p>Additionally, the City has no obligation to provide a finding of infeasibility on a mitigation measure or alternative proposed after the public comment period on the Draft EIR. In this case, the policy proposal was not raised in UNIDAD’s comments on the Draft EIR.</p> <p>The following is a brief history of the Department of City Planning (DCP) actions regarding Unidada’s comment letters and the People’s Plan:</p> <ol style="list-style-type: none"> <li>1) The People’s Plan was submitted on June 16, 2017 – outside of the Draft EIR comment period (November 3, 2016 to February 1, 2017).</li> <li>2) Policies are different from mitigation measures (MMs).</li> <li>3) The CPIOs for South LA and Southeast LA address both condo conversions and demolitions. DCP research concluded no evidence was found that these are current issues in South LA and Southeast LA. Nevertheless, the CPIO regulations state that as consistent with state and local law, condo conversion applications will be denied once the vacancy rate threshold (set forth in the LAMC) has been reached. Also, under the CPIO, consistent with other state and local laws, demolition permits will not be issued unless there are plans in place for a development project. This will limit the total</li> </ol>

	<p>number of demolitions as well as demolitions taking place simultaneously. In addition, condo conversions would not contribute to construction-related air quality or noise impacts found in the DEIR.</p> <p>4) The Unidad comment letter on the DEIR dated February 1, 2017 suggested the following:</p> <ul style="list-style-type: none"> <li>• Staggered construction approvals and limiting the geographic concentration of construction projects as MMs. <ul style="list-style-type: none"> <li>○ The FEIR addressed this stating that permit data demonstrates low levels of development activity in the South LA and Southeast LA plan areas, therefore it is not anticipated to have geographically-concentrated active construction.</li> </ul> </li> <li>• Air Quality MMs for construction-related impacts should be strengthened. <ul style="list-style-type: none"> <li>○ The FEIR revised Air Quality MMs in response to the commenter’s suggestion.</li> <li>○ Notably, they did not suggest these proposed MMs related to annual allowances on demolitions and condo conversions as Air Quality or Noise MMs.</li> </ul> </li> </ul> <p>In addition, the comment letter included items not related to CEQA including:</p> <ul style="list-style-type: none"> <li>• Measures to protect against the displacement of small businesses. <ul style="list-style-type: none"> <li>○ FEIR response is that this is not a CEQA issue; no thresholds for small business displacement.</li> </ul> </li> <li>• Local hiring policies. <ul style="list-style-type: none"> <li>○ The Policy Documents contain both a policy and a program related to local hiring.</li> </ul> </li> <li>• Incentives for affordable housing in TODs. <ul style="list-style-type: none"> <li>○ The CPIOs include incentives for affordable housing in TODs.</li> </ul> </li> </ul> <p>Based on all of the above, the comment fails to provide substantial evidence as to why the analysis or conclusions in the FEIR, including on mitigation measures or alternatives are inadequate.</p>
<p>The City repeatedly references the affordable housing production incentives incorporated from the People’s Plan in order to support its Statement of Overriding Considerations. It is absolutely critical to the success of these incentives that the base density in all CPIO subareas be maintained at 1.5 FAR.</p>	<p>The Statement of Overriding Considerations is supported by substantial evidence. The commenter has not provided substantial evidence to support its statements.</p> <p>The EIR does not link the incentives for the production of affordable housing to the reduction of construction-related air quality, noise or other impacts addressed in the EIR and Statement of Overriding Considerations.</p>

<p>In other words, the City cannot rely on the affordable housing incentives to mitigate environmental impacts if they are not utilized by developers, which would be the practical result of an increase in base density.</p>	<p>These impacts would be the same whether a project is market rate or affordable.</p> <p>The CPIO maintains the FAR at 1.5:1 in the TOD Subareas, except for TOD Regional where, due to market conditions and land values, projects are anticipated to need greater FARs (up to 6:1) to be feasible, therefore a base FAR of 2.25:1 would not disincentivize the production of affordable housing which has an incentive FAR of 6:1 in this subarea. The commenter's statement and/or inference that all base densities must be kept at 1.5 base to provide affordable housing does not logically follow.</p> <p>The project is reasonably expected to result in the production of affordable housing because of numerous plan features, including:</p> <ol style="list-style-type: none"> <li>1) Maintaining a lower base FAR in the CPIO TODs,</li> <li>2) Providing significant incentives in the CPIO for construction projects that include a minimum percentage of affordable units,</li> <li>3) Requiring the replacement of affordable units, and</li> <li>4) Providing numerous Community Plan policies and programs relevant to the production of affordable housing, the preservation of RSO units, and the prevention of displacement.</li> </ol> <p>Therefore, it is reasonably foreseeable that the Plans will result in the provision of affordable housing.</p>
<p>Without including these provisions in the Plans, incentives for the production of affordable housing may go unutilized, or may be outweighed by displacement and loss of existing housing, and declining transit ridership may go uncorrected. They City should ensure, rather than assume, that anticipated benefits of the Plans will be realized.</p>	<p>The project is expected to result in affordable housing because of numerous plan features, including:</p> <ol style="list-style-type: none"> <li>1) Maintaining a lower base FAR in the majority of the CPIO TODs as previously described,</li> <li>2) Providing significant incentives in the CPIO for construction projects that include a minimum percentage of affordable units,</li> <li>3) Requiring the replacement of affordable units, and</li> <li>4) Providing numerous Community Plan policies and programs relevant to the production of affordable housing, the preservation of RSO units, and the prevention of displacement.</li> </ol> <p>The commenter's arguments that affordable housing incentives will go unutilized is argument and speculation not supported by substantial evidence.</p>