

RESPONSES TO ADDITIONAL LETTERS RECEIVED ON THE EIR

The Draft Environmental Impact Report (EIR) for the Citywide Housing Element 2021-2029 and Safety Element Updates (hereafter referred to as “Proposed Project”) was circulated for a 45-day review public period that began on July 22, 2021 and ended on September 7, 2021. During this review period, the City received comment letters from two public agencies, 10 groups/organizations, and 68 individuals. Following publication of the Final EIR on October 26, 2021, the City received additional letters which raised matters relating to the EIR. Table 1 identifies these additional letters, and the comment letters are compiled and included in their entirety at the end of this document as Exhibit C.

Table 1 **List of Additional Comment Letters on the EIR**

Letter #	Name	Agency/Organization	Date of Letter
1	Jamie T. Hall	Channel Law Group, LLP (representing AIDS Healthcare Foundation) 8383 Wilshire Blvd., Suite 750 Beverly Hills, CA 90211	October 27, 2021
2	Brian Curran, President	Hollywood Heritage, Inc. P.O. Box 2586 Hollywood, CA 90078	October 27, 2021
3	Casey Maddren, President	United Neighborhoods for Los Angeles (UN4LA)	October 31, 2021
4	Jamie T. Hall	Channel Law Group, LLP (representing AIDS Healthcare Foundation) 8383 Wilshire Blvd., Suite 750 Beverly Hills, CA 90211	November 2, 2021
5	None provided	Fix the City	November 2, 2021

In addition to the responses to comments provided in Section 3 of the Final EIR, the City provides the following analysis or explanations in response to the issues raised in the comment letters described in Table 1. Additionally, LA Sanitation and Environment (LASAN) has provided a response letter which responds to the issues raised in the comment letters as they relate to solid waste and wastewater. The correspondence is provided as Exhibit A to these responses. The City has determined that neither the comments received nor the responses to such comments herein add significant new information regarding environmental impacts that would warrant recirculation of the Draft EIR.

A. Regional Housing Need Assessment (RHNA) Allocation, Rezoning Program, and Anticipated Development Potential

Comment Summary

Following is a summary of the key comments raised in Letters 1, 3 and 4 regarding the RHNA, Rezoning Program, and Anticipated Development Potential:

- The 2021-2029 RHNA Allocation lacks any realistic credibility because it represents a 5.57 fold increase in housing production when compared to the City's 2013-2021 RHNA Allocation and requires a 30 percent increase in the City's total housing stock in an eight-year period during a time when the Southern California Association of Governments (SCAG) forecasts slower population growth for the region.
- The City should request that the State and SCAG deduct the 70,110 above-moderate rate housing units that were produced in excess of the 5th cycle above-moderate income RHNA Allocation during the last Housing Element cycle from the current RHNA Allocation, and to adjust the Rezoning Program accordingly.
- The Draft EIR only analyzes the potential construction and operation of 420,327 units and fails to analyze full build-out of the Proposed Project including its rezoning target capacity of 486,379 units.
- The existing development potential was underestimated and the need for up-zoning parcels was overestimated, resulting in an understated calculation of the Project's full build-out, which, in turn, leads to an underestimation of Project impacts. Additionally, the Draft EIR does not analyze the full development value of the Rezoning Program, which is at 1,432,059 housing units.
- The Housing Element Update and related Rezoning Program rely on a flawed regression analysis that is not credibly validated, leading the City to overestimate the need to up-zone large portions of the city.
- The City has sufficient zoned capacity to accommodate the RHNA without the need to rezone.

Response¹

Under the RHNA allocation, the City is required to provide the zoned capacity to accommodate the development of at least 456,643 residential units during the planning period. The City has no authority to adjust the RHNA for any reason, and State Housing Element law does not provide for any deductions or credits based on prior Housing Element planning period production levels. As discussed in the Draft EIR, the project takes a conservative approach by analyzing the reasonable “worst case” scenario of environmental impacts from future implementation of the 2021-2029 Housing Element, which is the full build-out of the City’s RHNA allocation. The most significant potential impact under this approach is the potential construction and operation of 420,327 housing units (hereafter referred to as “build out of the RHNA” or “housing development accommodated by the Housing Element Update”), which represents the City’s RHNA allocation of 456,643 units, less the 36,316 already approved pipeline housing units expected to receive a COO during the 6th cycle. These 36,316 housing units, therefore, were not analyzed in the Draft EIR, except under a cumulative impact analysis. As noted in the Draft EIR, since the time of the preparation of the EIR, the estimated number of housing units expected to count towards completion of the RHNA had increased; however, the analysis relies on the lower number of approved housing units that was initially included in the Notice of Preparation. This results in a more conservative analysis of potential environmental impacts for the purposes of CEQA. This is appropriate because even approved units may not result in actual units.

The Housing Element is required to include rigorous analysis that demonstrates not only available zoned capacity, but also the likelihood of housing development under existing zoned conditions. As described in Section 3, *Project Description*, of the Draft EIR, Assembly Bill (AB) 1397 introduced several key requirements pertaining to the sites inventory. This includes a requirement that the City identify the realistic development potential for a given site to redevelop with housing during the eight-year planning period. For non-vacant sites, the methodology used to identify realistic development potential must consider factors such as existing uses, past development trends, market conditions, and the availability of regulatory and/or other development incentives. Additionally, because non-vacant sites are used to accommodate more than 50 percent of the City’s lower-income RHNA allocation, the non-vacant site’s existing use is presumed to impede additional residential development, unless the Housing Element describes findings based on substantial evidence that the use will likely be discontinued during the planning period (Government Code Section 65583.2(g)(2)). Due to these requirements, the Housing Element cannot rely solely on available zoned capacity but must provide a thorough analysis of site-specific conditions which may impede residential development during the planning period.

¹ This Response was prepared by City Planning Staff and the City’s Consultant Team from the Turner Center and Dr. Romem, as described herein.

Given the complexity of these new state legal requirements and the scope of analysis needed for the large number of potential parcels (there are over 700,000 potential residentially zoned sites in the City with a variety of unique site conditions), the City secured pro-bono consulting services from the Turner Center for Housing Innovation, an academic research center at the University of California, Berkeley, to prepare the methodology and related modeling. On behalf of the Turner Center, senior fellow Issi Romem, Ph.D., of the economics research firm MetroSight prepared an econometric model which is designed to estimate likelihood of housing development during the period and site capacity based on anticipated impediments based on the City's past experience of housing development as reflected in data on housing production and various site-specific factors related to existing uses, the market environment, and regulatory incentives based on the requirements of state law. Both the Turner Center and Dr. Romem ("consulting team") are academic and professional experts in the fields of housing policy, econometrics, and statistical modeling, and were consulted specifically for their expertise in these areas. Dr. Romem's resume is provided as an attachment to this document (Exhibit B), which provides additional background on his experience and credentials. Where the modeling relied on specific information regarding zoning regulations, development capacity, development bonuses or incentives, and related local regulatory context, Department of City Planning Staff provided the necessary analysis and data.

The Housing Element Inventory of Sites identifies a total anticipated development potential of 230,947 units, which reflects the number of housing units that are demonstrated, based on substantial evidence, as likely to occur during the eight-year period, based on existing zoned capacity. This includes the 42,764 units resulting from the econometric model, but also includes a number of other components that, taken together, provide a realistic estimate of the total development potential that is likely to occur in the City during the planning period based on existing zoning. Additional components include: 10,491 units resulting from the build-out of the Warner Center Specific Plan Area; 7,891 units resulting from the development of publicly financed pipeline development projects; 117,814 units resulting from pipeline development projects that are currently in the planning, permitting, or construction phase and are expected to reach completion; 40,987 units resulting from the development of Accessory Dwelling Units (ADUs); 1,000 units resulting from the expansion of the State's Project Homekey funding program; and 10,000 units resulting from public funding and development on publicly owned land. The analysis and justification which supports these projections has been refined to meet the requirements of state law and respond to comments from HCD and can be found in the Housing Element Update in Chapter 4 and Appendix 4.6, as well as the Staff Recommendation Report prepared for the CPC (CPC-2020-1635-GPA).

The econometric model uses parcel-level data on permitting from 2015 to 2019 to model the likelihood of new units being permitted on each parcel and their number. The model accounts for parcels' zoned capacity before and after the awarding of any development bonuses, as well as the market conditions and various

other factors which the city is required to address by state Housing Element law. The study then applies the model to current data, including changes in zoned capacity, market conditions and other factors, in order to predict that likelihood and unit number going forward from 2021 to 2029, conditional on the same variety of parcel attributes used in estimation, including existing uses - but updated to their values as of 2020. The model consists of two steps to determine the realistic development potential that is expected to occur on each parcel during the planning period. Step One determines the likelihood of new units being permitted on each parcel using a logit regression model. Step Two determines the conditional number of new units expected to be permitted on each parcel if development occurs, using a fractional logit regression model. For each parcel, the results of Step One are multiplied by the outcome of Step Two, which results in the “unconditional” number of new housing units that can be expected to be built on each parcel during the planning period. Additionally, the model is adjusted to account for the influence of the Transit Oriented Communities (TOC) Affordable Housing Incentive Program on the likelihood of seeing new units permitted on a given parcel.

Regarding the predictive value of the econometric model, the letters suggest that for a model to be “useful” it ought to have an R^2 of at least 0.7 (R^2 can range from 0 to 1), which would be abnormally high in this context. The classic graduate textbook in econometrics by Arthur Goldberger states that “... R^2 has a very modest role in regression analysis”, adding that “Nothing in the [Classic Regression] model requires that R^2 be high. Hence a high R^2 is not evidence in favor of the model, and a low R^2 is not evidence against it.”² Jeffrey Wooldridge’s popular textbook, entitled “Introductory Econometrics: A Modern Approach” states that “[i]n the social sciences, low R-squareds in regression equations are not uncommon, especially for cross-sectional analysis.”³ The model utilized in the Housing Element Update is purely cross-sectional.

Moreover, the model R^2 value cited in the letter (Page 10) from Footnote 22 of Housing Element Appendix 4.6 is drawn from a particular application of linear regression known as a Linear Probability Model (LPM), in which the R^2 value has a different interpretation than in most other linear regressions. In a LPM the regressors are indicators for whether an outcome has occurred, e.g., in the model a parcel’s outcome equals 1 if it had new units permitted in the observed years and 0 if it did not. The model’s predictions are parcels’ *probabilities* of experiencing that outcome, and therefore take on values *between* 0 and 1. The fact that LPMs’ predicted values are between 0 and 1 and generally not exactly 0 or 1 means that even the most accurate LPM imaginable would have positive residuals for virtually every observation (residuals are the differences between observations’ actual outcomes and their predicted ones). That lowers the R^2 of any LPM for a reason that has no bearing whatsoever on the model’s accuracy. A textbook entitled “Introduction to Econometrics with R” goes as far as explaining that “[i]n most linear probability models,

² Arthur S. Goldberger, *A Course in Econometrics* (Cambridge: Harvard University Press, 1991), page 177.

³ Jeffrey M. Wooldridge, *Introductory Econometrics, 5th Edition* (South-Western Publishing Co, 2013), page 39.

R^2 has no meaningful interpretation since the regression line can never fit the data perfectly if the dependent variable is binary [i.e., takes on a value of 0 or 1 only] and the regressors are continuous [as is the case in the Housing Element's model]."⁴

However, a Working Paper by Reuben Gronau of Princeton University's Industrial Relation Section entitled a "A Useful Interpretation of R^2 In Binary Choice Models (Or, Have We Dismissed the Good Old R^2 Prematurely)" points out that "[i]n the LPM model R^2 has a simple interpretation: it equals the difference between the average predicted probability in the two groups."⁵ In the Housing Element's model, that would imply that the difference between the average *predicted* probability of having new units permitted on parcels that *had* new units permitted on them (Group 1) and those that did not (Group 2) was approximately 3.8 percentage points. Given that the average parcel had about a 1.2 percent chance of having a positive outcome (new units permitted) in the 5-year period observed, a model that assigns parcels with a positive outcome a predicted probability that is 3.8 percentage points *higher* than those with a negative outcome is quite meaningful.

In the context of LPMs, Wooldridge's textbook referenced earlier makes a suggestion that is closer to the way in which we assessed the model's accuracy.⁶ Specifically, he suggests setting a threshold between 0 and 1, and using it to classify observations as having a positive predicted outcome if their predicted probability of a positive outcome exceeds that classification threshold, and a negative predicted outcome otherwise. The set of positive and negative *predicted* outcomes can then be compared with the *actual* outcomes observed to obtain the proportion of overall correct predictions.

The consulting team's gauge of the model's performance relies on that idea, but progresses from it in two ways. First, rather than considering only the proportion of overall correct predictions from the logit model in Step One, it adopts a closely related evaluation construct known as the ROC curve, which is standard practice in evaluating the performance of classification models in statistical learning.⁷

Second, instead of considering how well the model performs in predicting the same observations used in estimating the model--known as in-sample prediction--it considers how well the model performs with respect to data never seen by the model, known as out-of-sample prediction. The risk of a model that performs well in-sample is something called "overfitting", in which a model performs exceedingly well on

⁴ Christoph Hanck, Martin Arnold, Alexander Gerber and Martin Schmelzer, *Introduction to Econometrics with R* (Essen, Germany: University of Duisburg-Essen, 2021). See section 11.1 "Binary Dependent Variables and the Linear Probability Model", accessed online: <https://www.econometrics-with-r.org/11-1-binary-dependent-variables-and-the-linear-probability-model.html>

⁵ Reuben Gronau, "A Useful Interpretation of R-Squared in Binary Choice Models (Or, Have We Dismissed the Good Old R-Squared; Prematurely)," *Working Papers*, 397 (1998). See abstract, accessed online: <http://arks.princeton.edu/ark:/88435/dsp01x346d4172>

⁶ Wooldridge, page 252.

⁷ Gareth James, Daniela Witten, Trevor Hastie and Robert Tibshirani, *An Introduction to Statistical Learning: with Applications in R* (Springer, 2013), page 147-148.

the data with which it was estimated (or “trained”), and yet performs poorly with respect to new data.⁸ The R^2 referred to in the comment letter is a measure of in-sample performance, and if it were indeed as high as the letter suggests it ought to be then that would suggest a case of over-fitting. In order to avoid overfitting, the consulting team applied another element of standard practice in statistical learning known as cross-validation.⁹ Cross-validation involves using only a subset of available data for “training” (estimating) the model, and then testing it on the remainder of the data, and doing so repeatedly while leaving out a different subset of the model each time. Steps One and Two of the model both applied five-fold cross validation, in which five versions of each model were estimated leaving a different 20% of the data out each time, and the reported performance metrics were reported with respect to model predictions’ performance on the out-of-sample 20% each time.

The consulting team found that both Step One and Step Two of the model have defensible predictive power, meaning that the model is successful at predicting site-level outcomes regarding housing development, when considering the above-described variables on each site. The ROC curve used to evaluate the logit regression model in Step 1 has an area under the curve (AUC) value of 0.801, which can be interpreted to reflect that the model has excellent discrimination¹⁰ in terms of identifying whether a site is likely to develop with housing during the planning period (note: a random guess has an AUC value of 0.5, while a value of 1.0 represents perfect accuracy). Step 2 of the model is found to have a mean absolute error of 0.121, i.e., an error of 12.1 percentage points on average. This is found to have substantially better predictive power than a random guess. More information on the predictive values can be found in Appendix 4.6 of the proposed Housing Element.

The goal of the model is not to accurately predict every last parcel’s outcome over the next RHNA cycle. Rather, it is to assign a probability to parcel redevelopment (as indicated by the permitting of new units) and its housing unit yield that is grounded in past observation, that reasonably reflects the factors whose impact on that likelihood the City is required by law to consider, and that in aggregate provides a reasonable estimate of future housing production. The model in Step One yields substantial variation in the predicted probability of having new units permitted in the next 5 years, ranging from 0.04% in the 1st percentile to 8.58% in the 99th percentile. As shown by the ROC curve in Page 19 of Housing Element Appendix 4.6, that variation results in (cross-validated) performance that is far superior to a random guess. However, even at the high end of predicted probabilities, the model forecasts a fairly low probability of redevelopment (less than 1 in 10). That inherent uncertainty around precisely which parcels will have new

⁸ Jared Wilber and Brent Werness, “The Bias Variance Tradeoff,” January 2021, accessed online: <https://mlu-explain.github.io/bias-variance/>

⁹ See James et al., page 33.

¹⁰ Hosmer Jr, David W., Stanley Lemeshow, and Rodney X. Sturdivant. Applied logistic regression. Vol. 398. John Wiley & Sons, 2013, p.177.

units permitted is consistent with the low (McFadden) pseudo- R^2 of 0.126 reported (as well as the low R^2 in the parallel LPM, whose results do not affect the housing element).

As noted in Pages 17-18 of Housing Element Appendix 4.6: “From the beginning of 2015 to the end of 2019, the parcels observed in the [estimation sample or “training set”] yielded permits for 28,654 new units within the bonus-zoned cap.”¹¹ It adds that “[t]hat is the benchmark which the model ideally ought to predict for those same parcels over that period, and indeed the model [including Steps One and Two] gets very close, producing a backward-looking prediction of 28,542 new units permitted.” Footnote 21 then adds that “[that estimate] is an in-sample (training set) prediction, which could potentially reflect overfitting. A corresponding backward-looking out-of-sample prediction obtained using five-fold cross-validation came in at 28,726 new units permitted.” Those results suggest that with respect to aggregate housing yields, the model performs very well.

Additionally, the analysis presented in Appendix 4.6 provides a critical finding that explains the relationship between zoned capacity and the amount of actual development that is likely to occur. Considering the sample of parcels considered for the Adequate Sites Inventory, the City has existing zoned capacity that would accommodate nearly double the amount of housing units that currently exist, if each parcel that allows for housing was redeveloped as 100% residential to the maximum number of allowable units. However, the presence of additional zoned capacity does not guarantee that development will occur. Based on a number of factors that influence development, the analysis finds that only about 0.2 percent of parcels have new units permitted each year, despite the existence of available zoned capacity. This is supported by the requirements in AB 1397, which mandate that jurisdictions consider these factors in addition to available zoned capacity in developing the Adequate Sites Inventory.

Comment letter 1 claims that “[t]he analysis fails to provide the full regression equations.” Stating that the estimated model is “a logit model” in Step One and “a fractional logit model” in Step Two is sufficient to convey the functional form of the equations estimated to any practicing empirical economist. In addition, that functional form is spelled out explicitly in mathematical notation in Footnote 9 of Housing Element Appendix 4.6. With respect to the TOC exercise put forth Section 5 of that appendix, the estimated equation is spelled out explicitly in mathematical notation in the main text. The remaining information beyond the functional form includes the outcome variables represented in Steps One and Two by y_j and the set of regressors represented by the vector x_j . Those are detailed explicitly in the text and in the Table on Pages 14 and 15 of Housing Element Appendix 4.6. The separation between functional form and a listing of

¹¹ As noted in Page 3 of Housing Element Appendix 4.6, “the model is constrained such that the predicted number of units on a site may never exceed its bonus-zoned capacity. This aligns the predicted site capacity with legal obligations under RHNA.”

variables in the text, typically beneath the estimated equation formula, is characteristic of academic publications in economics as well.

The estimated coefficients of the model in each Step were not reported because they were not the object of interest in this application. In contrast, the model's predictions which are the objects of interest were reported in great detail, including the distribution of parcels' predicted probabilities of having new units permitted and its breakdown by base-zoned capacity, as well as the conditional and unconditional distributions over parcels (and over newly permitted housing units) of the predicted number of new units per parcel. In addition to those distributions, the final (unconditional) unit estimates are reported for each individual parcel in Appendix 4.1. With respect to the TOC exercise put forth Section 5 of Housing Element Appendix 4.6, the estimated coefficients of interest are reported directly in the main text.

Housing Element Appendix 4.6 was prepared for city staff, members of the public, decision-makers, and HCD, who are essentially a lay audience with respect to econometric analysis, not research economists. With this audience in mind, it did not seem appropriate for the consulting team to include academic-style tables with coefficients, standard errors and statistical significance levels. Moreover, logit and fractional logit are both non-linear models whose coefficients' interpretation is far less intuitive than those of linear regressions and are unlikely to be directly meaningful to an untrained audience.

Additionally, it is worth noting that a key consideration in determining the set of regressors (independent variables) is the set of factors whose effect on residential redevelopment the city is obligated to consider by law (AB 1397).

Section 4.5 in Housing Element Appendix 4.6, whose title is "Limitations and Cautions," explicitly spells out a series of limitations of the model and cautions readers about various aspects. The inclusion of a section such as this is inspired by the academic literature and signals an air of transparency and goodwill towards the audience.

Importantly, in its September 3, 2021 letter, HCD did not identify any necessary revisions to the above-described methodology for the econometric modeling; and therefore, it is understood that the methodology satisfactorily complies with the requirements in Government Code Section 65583.2.

The City does not find that Dr. Laura Simms or Mr. Richard H. Platkin, AICP, provide any basis supporting their expertise or that they can provide credible testimony on the model or methodology used by the City. Dr. Simms states that she has decades of experience in designing and conducting regression analysis in the academic fields of biology and physics. The City does not find this demonstrates an expertise in preparing or understanding statistical modeling for housing production, urban planning, or social studies, as relevant to the City's model and methodology. Mr. Platkin does not provide any basis or even identify any particular

expertise demonstrating competency to testify on the City's model or methodology. Based on this, the City does not find their comments on the City's model or methodology or their forecast and predictions on the Proposed Project are supported with substantial evidence.

Based on the above, the analysis presented in the Housing Element and the EIR is reasonable and based on substantial evidence.

It is not supported by evidence to state that the Rezoning Program will result in the construction of 486,379 units. The buffer is included to ensure that the City has adequate zoning capacity at each income level to accommodate build-out of the 456,643-unit RHNA Allocation. It is not anticipated that 486,379 units would be constructed during the planning period. HCD, the expert agency responsible for approving Housing Elements, identifies a buffer in the Adequate Sites Inventory and Rezoning Program as recommended guidance to ensure the RHNA is met during the planning period. The Planning Department finds the buffer is necessary to adequately provide the necessary zoned sites to meet the RHNA, based on anticipated housing production of moderate and lower income housing units compared to the RHNA allocation for those income categories. It is reasonable to assume that a number of the sites rezoned will be developed for other uses. The City's rezoning buffer of 10% above the lower income RHNA and 15% above the moderate income RHNA was found by HCD to be adequate to meet the RHNA. There is no substantial evidence in the administrative record, including any provided by the commenters, to support that it is reasonably foreseeable that the buffer will result in build out of housing units in excess of the RHNA during the plan horizon. The City's project analyzed in the EIR is the build out of the RHNA Allocation. The City prepared the Housing Element to accommodate the RHNA under the rules and regulations of State law and guidance and direction of HCD. That is build out of 456,643 units is the City's proposed project and the buffer is found necessary to accomplish that project. As such, the determination that the Housing Element is a plan to accommodate the City's RHNA Allocation is supported with substantial evidence.

The City is unable to demonstrate adequate capacity to accommodate the RHNA in compliance with the requirements in state law, and therefore must pursue a Rezoning Program to accommodate the shortfall. As a result of Project revisions, the total identified rezoning need in the Housing Element Update is 255,432 units, including 130,553 lower-income units, 72,993 moderate income units, and 51,887 above moderate-income units.¹² Housing Element law requires that jurisdictions identify and analyze the candidate sites that will be considered for future rezoning and include an analysis of suitability and availability.

¹² The rezoning need identified in the Draft EIR was 219,732 units, including rezoning to accommodate a shortfall of 121,881 lower income units, 72,639 moderate income units, and 25,212 above moderate-income units. However, as discussed in Section 2 of the Final EIR, this does not result in a significant change to the Proposed Project that was analyzed in the Draft EIR, as the Draft EIR analyzes the environmental impacts from build out of the RHNA and these changes were needed to comply with requirements in state law to ensure build out of the RHNA.

The Housing Element Update includes an Inventory of Candidate Sites for Rezoning, which includes a total of 243,254 sites containing 1,432,059 potential units of capacity. The total identified capacity shown on these sites is discounted, in line with the requirements in state law for the rezoning inventory to reflect reasonably likely anticipated development potential. For that reason, the rezoning inventory relies on key findings from the econometric model, as they provide factually supported evidence regarding the types of factors that affect site suitability and availability – and therefore the likelihood of new housing development. These sites will not be rezoned as part of the Proposed Project, but rather are identified for further refinement and consideration as part of the implementation of the Rezoning Program, which must be adopted separately through the processes prescribed in the Los Angeles Municipal Code, prior to the October 2024 adoption deadline.

As drafted, the EIR adequately analyzes the potential impacts on the environment resulting from housing development accommodated by the Proposed Project, identifies the significant impacts, and describes feasible mitigation measures that could minimize significant adverse impacts. The Draft EIR determines numerous impacts to be significant and unavoidable because identified mitigation measures would only apply to discretionary projects by State law, not ministerial (or “by right”) projects, some impacts cannot be feasibly mitigated, and some discretionary projects will ultimately find the mitigation measures in the EIR infeasible and/or prepare their own EIR and adopt a statement of overriding considerations.

B. Population and Housing Growth, Growth-Inducing Impacts, Regional and Local Plans

Comment Summary

Following is a summary of the key comments raised in Letters 1 and 3 regarding population and housing growth, growth-inducing impacts, and regional and local plans:

- The Rezoning Program results in a Housing Element Update that exceeds RHNA targets and that is growth-inducing, not growth-accommodating. The Draft EIR fails to identify growth-inducing impacts associated with the Housing Element Update.
- The Project would result in population and housing levels substantially in excess of the current SCAG forecasts, which are used in the preparation of current regional and local plans, including the SCAG’s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the Los Angeles Department of Water and Power (LADWP) 2020 Urban Water Management Plan (UWMP), and the Air Quality Management Plan (AQMP).

- Due to these exceedances, the Housing Element Update is therefore inconsistent with the SCAG's RTP/SCS, the LADWP UWMP, and the AQMP, and that the Draft EIR fails to identify these inconsistencies.
- The Project would result in growth-inducing impacts by up-zoning parcels under the Rezoning Program, thus removing obstacles to growth, and by permitting increased development in excess of that allowed under the existing zoning and assumed in regional growth forecasts prepared by SCAG, which are used in the development of the UWMP and the AQMP.

Response

The Draft Housing Element is not growth-inducing and will not foreseeably result in greater population than disclosed in the Draft EIR for 2029 or as forecasted in the 2020-2045 SCAG RTP/SCS. The City's project is to accommodate its RHNA Allocation. The RHNA Allocation is determined by SCAG. As such, the City's project by definition is by necessity defined by SCAG's description of the RHNA Allocation number. SCAG has made it clear that the RHNA Allocation is not intended to be growth inducing. According to SCAG, the RHNA Allocation is intended to accommodate its existing forecasts of population growth and SCAG identified as existing need. SCAG determined the RHNA Allocation, including the existing need, based on their own mandates. Again, the City has no legal authority over determining the RHNA Allocation or determining existing need. As documented in the Final RHNA Allocation Methodology adopted by SCAG,¹³ the RHNA Allocation for each jurisdiction in the SCAG region considers the jurisdiction's household growth forecast in the 2045 RTP/SCS in determining the projected housing need. SCAG then determines the jurisdiction's housing need for the existing population (existing need), which is then combined with the projected housing need to determine the total housing need for the jurisdiction. This total housing need is the basis for the RHNA Allocation. SCAG has further clarified:¹⁴

*The 2020 RHNA and 2020 SCS forecasts will be the same in terms of population, but the number of households needed to accommodate the population will be different. This is because the SCS forecast captures units needed to accommodate population growth (i.e., projected need) and the RHNA captures projected growth, **plus existing need**.*

...

¹³ SCAG, *Final RHNA Methodology (Updated 3/5/20)*, <https://scag.ca.gov/sites/main/files/file-attachments/scag-final-rhna-methodology-030520.pdf?1602189316>, Accessed November 3, 2021.

¹⁴ SCAG, "Preliminary Regional Housing Needs Assessment and Sustainable Communities Strategy Consistency," <https://scag.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=2043&MeetingID=2072>, Accessed November 3, 2021.

The 2020 RHNA's requirement does not change the total region's population in 2045 and will not impact Connect SoCal's consistency with section (ii) above [Government Code Section 65080(b)(2)(B)(ii)].

...

While the housing units to accommodate "existing need" is not captured in the SCS growth forecast, the proposed methodology for allocating additional housing units due to "existing need" is consistent with the SCS policy framework. Per the proposed approach, the region would equally share in the responsibility for accommodating 50% of the "existing need", and the remaining would be allocated to areas with High Quality Transit (25%) and near job centers (25%). Increasing housing opportunities in these areas is a primary strategy in Connect SoCal for reducing greenhouse gas emissions. (Emphasis added.)

The State requires that all local governments adequately plan to meet the housing needs of their communities. Given that the State is currently in an ongoing housing crisis due to an insufficient housing supply, housing units under the Proposed Project are intended to address the existing crisis for the City's population by meeting the existing need component of the City's RHNA Allocation, which among other things results in overcrowding and homelessness. As the Draft Housing Element is intended to accommodate the RHNA as identified and described by SCAG, build out of the RHNA Allocation of 456,643 accommodates the population growth forecasted in the 2020-2045 SCS/RTP and existing need. **It is not growth-inducing but growth and need accommodating.**

The Housing Element Update does not directly entail construction of individual development projects, although it includes policies and policy changes to support their development. As discussed in Section 4.9, *Land Use and Planning*, of the Draft EIR, the Housing Element Update includes policies to support the development of various types of housing projects through the year 2029. As analyzed, the Housing Element Update would expand the development capacity of the City in a manner that is consistent with SCAG projections for 2029. In addition, the additional housing units would further assist in addressing the current ongoing housing crisis and would be subject to review and approval by the California Department of Housing and Community Development (HCD). As discussed in Section A above and in Section 5, *Other CEQA Considerations*, of the Draft EIR, it is not foreseeable that all 255,000 units accommodated through the Rezoning Program would get built with housing. The commenter also cites to the discussion in Section 5 of the Draft EIR to conclude the Proposed Plan is growth inducing based on the City providing discussion what would potentially happen if the Proposed Plan did result in unplanned growth. However, the Draft EIR at page 5-4 expressly states the Proposed Plan is not anticipated to be growth-inducing based on the analysis in the EIR. The EIR finds the inducement of unplanned growth to be speculative but provides information to the reader what could happen if unplanned growth occurred. This was added to provide a discussion of growth-inducing impacts as required by CEQA but did not change the conclusion based on

substantial evidence, including SCAG's expert forecasts, that the Proposed Plan is not growth-inducing. As such, the Draft EIR is not internally inconsistent.

Therefore, the Housing Element Update would not cause growth. It is not anticipated that the Housing Element Update would accelerate development in undeveloped areas. Development in undeveloped areas is anticipated to be a very small part of the build out of the RHNA and would generally only occur through areas that are currently zoned and planned for residential uses. To the extent through the Rezoning Program, the Housing Element Update would accelerate development in undeveloped areas, any impacts from that, including to biological resources, public services and utilities, have been analyzed throughout the EIR. The Housing Element Update does not propose unplanned infrastructure and any impacts from new infrastructure resulting from the demand from build out of the RHNA, are analyzed in the EIR. Therefore, the Housing Element Update would not induce substantial unplanned population growth, either directly or indirectly, but rather, would be growth accommodating, and impacts would be less than significant. As a result, the Proposed Project is consistent with the RTP/SCS and the UWMP and the AQMP which rely on the RTP/SCS, and no revisions to the EIR are necessary.

C. Affordable Housing and Senate Bills (SB) 9, 10, and 166

Comment Summary

Following is a summary of the key comments raised in Letter 1 regarding affordable housing and Senate Bills (SB) 9, 10, and 166:

- The City's current strategies for addressing housing affordability are not working and are instead in place to continue the over-production of above-moderate rate housing units.
- The Housing Element Update fails to 1) ensure the production of affordable housing units and 2) provide mechanisms to ensure that there will not be an over-production of above-moderate rate units resulting in the need for additional up-zoning to meet affordable housing goals given the No Net Loss requirements of Senate Bill (SB) 166.¹⁵
- The comment letter presents six mitigation measures and requests that they be included in the EIR to regulate the production of above-moderate rate units, avoid additional up-zoning, and ensure

¹⁵ As stated on page 3-10 of the Draft EIR, "Senate Bill 166 amended existing No Net Loss Law to require sufficient adequate sites to be available at all times throughout the Housing Element planning period to meet a jurisdiction's remaining unmet RHNA goals for each income category. To comply with the No Net Loss Law, as jurisdictions make decisions regarding zoning and land use, or development occurs, jurisdictions must assess their ability to accommodate new housing in each income category on the remaining sites in their housing element site inventories. A jurisdiction must add additional sites to its inventory if land use decisions or development results in a shortfall of sufficient sites to accommodate its remaining housing need for each income category. In particular, a jurisdiction may be required to identify additional sites according to the No Net Loss Law if a jurisdiction rezones a site or if the jurisdiction approves a project at a different income level or lower density than shown in the sites inventory."

that failure to comply with SB 166 will not result in more severe environmental impacts. The proposed mitigation measures would: (1) place a moratorium on above-moderate income housing production once the RHNA target for that income category is met; (2) require adoption of a citywide inclusionary housing ordinance prior to adoption of the Housing Element Update; (3) require annual adjustment of the inclusionary housing ordinance to reflect RHNA progress; (4) require development review of any project located on a site identified for lower-income housing in the Adequate Sites Inventory; (5) require tracking of sales or rental price information for any development approved pursuant to SB 9 or SB 10; and (6) monitoring of incomes and rental rates of occupants of residential structures proposed to be demolished.

- Given the location of parcels targeted by the Rezoning Program and the lack of affordable housing requirements in SB 9 and SB 10,¹⁶ the continuous over-production of above-moderate rate units is likely, thus necessitating further up-zoning to comply with SB 166 if the City does not cap the total number of above-moderate rate units with the presented mitigation measures.
- The Housing Element Update and Draft EIR's cumulative impacts analyses did not address the additional units resulting from SB 9 and SB 10 as part of reasonably foreseeable development.

Response

As discussed in Section A, the Rezoning Program would provide the necessary zoning capacity to accommodate the build-out of the RHNA at all income levels. The buffer identified in the Housing Element Update is intended to ensure that the lower-income and moderate-income RHNA allocation is built-out. It is not reasonably foreseeable that more than 456,643 housing units would be developed during the planning period, regardless of the requirements of SB 166 or SB 9 and SB 10.

Furthermore, state law does not enable the City to impose moratoriums on future housing development (Government Code Section 66300). Moreover, the comment letter does not identify nor provide credible substantial evidence supporting their forecasts or significant impacts resulting from the Housing Element that requires new analysis, conclusions or mitigation measures. The commenter provides no explanation let alone evidence of how its proposed mitigation measures for a moratorium, inclusionary zoning, monitoring, and project review, would reduce any significant impact identified in the EIR. Moreover, there is no basis to find the proposed mitigation measures would reduce the identified significant impacts in light of the limitations on the City to deny housing projects under the Housing Accountability Act, the Housing Crisis Act, among other State laws, as well as the existing zoning in the City that allows residential

¹⁶ SB 9 provides for the development of up to four housing units on a parcel zoned for single-family residences whereas SB 10 provides for the development of up to 10 housing units on parcels in proximity to transit. Additional description and discussion of SB 9 and 10 is provided in Section 2 of the Final EIR.

uses. As disclosed in the Draft EIR, significant impacts will potentially occur from housing development in areas with existing residential zoning which is included in build out of the RHNA. (See e.g., DEIR at 4.3-37 to 4.3-38 describing how biological impacts could occur from build out of RHNA with housing units in areas of the City that contain sensitive species and habitats under existing zoning and that the Proposed Plan does not include such areas in the Rezoning Program).

For a discussion of SB 9 and SB 10 see Final EIR, Section 2.

D. Wastewater, Stormwater, and Water Infrastructure

Comment Summary

Following is a summary of the key comments raised in Letter 1 regarding wastewater, stormwater, and water infrastructure:

- The Draft EIR underestimates the potential for impacts to the City's wastewater, storm water, and water infrastructure by analyzing build-out of 420,327 housing units instead of the 486,379 housing units resulting from the Rezoning Program.
- Beyond its analysis of sewage treatment capacity, Section 4.16, *Utilities and Service Systems*, of the Draft EIR does not evaluate the need for upgrades to or the expansion of transmission capacities, the magnitude of such upgrades, or the resulting impacts associated with related construction activities.
- The Housing Element Update has the potential to result in significant impacts to the City's infrastructure due to growth associated with the Project. Reliance on existing infrastructure plans is not sufficient to avoid impacts since those plans were developed based on SCAG forecasts that did not include the additional population and housing growth generated by the Housing Element Update.

Response

As demonstrated in the Draft EIR and further supported in Section A above, the Proposed Project is not growth-inducing. As discussed in Section 4.16, *Utilities and Service Systems*, of the Draft EIR, the analysis of the Housing Element Update's impacts with respects to utility infrastructure focuses on whether existing and projected infrastructure capacities or supplies would be sufficient to meet future demands associated with build out of the RHNA. As discussed, the RHNA is intended to accommodate forecasted population growth, as well as provide needed housing for the existing population. Additionally, to the extent the Draft EIR did not analyze pipeline projects (the 36,316 units that have already been approved but will not receive

certificate of occupancy before Proposed Plan approval) which will count toward build out the RHNA, those project impacts were analyzed in the environmental analysis required to approve those projects. The Draft EIR did analyze the cumulative impacts from pipeline projects along with the Proposed Plan. (Draft EIR at 3-20; 4-16.)

Finally, impacts from necessary infrastructure construction caused by build out of the RHNA was analyzed in the Draft EIR at 4.16-13 to 23 (wastewater), 4.16-23 to 27, and (stormwater) 4.16-48 to 55 (water).

E. Water Demand and Water Supply

Comment Summary

Following is a summary of the key comments raised in Letters 1 and 3 regarding water demand and water supply:

- The RHNA far exceeds the population growth anticipated by the UWMP.
- The Draft EIR underestimates the increase in water demand resulting from the Housing Element Update by 1) analyzing the water demand associated with build-out of 420,327 housing units instead of the 486,379 housing units resulting from the Rezoning Program, and 2) assuming that only 76,920 units of the 420,327 housing units would be single-family units, which have higher water demand, without any basis for the assumption.
- Corrections to the analysis to estimate water demand associated with build-out of 486,379 housing units would result in excess water demand and a significant impact to the City's water supply in the absence of adequate water conservation.

Response

As demonstrated in the Draft EIR and further supported in Section B above, the Proposed Project is not growth-inducing. As discussed in Section 4.16, *Utilities and Service Systems*, of the Draft EIR, the analysis of the Housing Element Update's impacts with respects to water supply focuses on whether existing and projected infrastructure capacities or supplies would be sufficient to meet future demands associated with build out of the RHNA.

As indicated by the DWP, the reliance by the commenter on the discrepancy in housing units between the Draft EIR and those in the SCS for 2029, is misplaced because DWP in the UWMP plans for water usage based on population forecasts, not housing unit forecasts. See FEIR, Section 3, Response I.2-2.

As discussed in the Final EIR, DWP reviewed the comments that were substantially the same as the comments in these late comment letters related to water supplies, specifically comments that the conclusion in the Draft EIR of adequate water supply is not supported because of reports and studies discussing various drought conditions, including conditions in the Sierra snow pack, the water levels in the Colorado River and Lake Mead, and effects of climate change on water supplies in the State. As stated by DWP, the UWMP, which was just adopted, recognizes variability in water supplies through multi-dry years. Additionally, DWP continues to monitor the evolving climate research and is actively evaluating potential impacts to the LA Aqueduct. Additionally, the California Department of Water Resources and US Bureau of Reclamation actively study the effect of climate change on water supplies from the Colorado River and other sources. If new studies and monitoring show changes, the UWMP will be updated in 5 years and reflect these changes. See DWP response in Final EIR, Section 3, Response O-10.14 and I-2.2.

F. Solid Waste

Comment Summary

Following is a summary of the key comments raised in Letter 3 regarding solid waste:

- The City will not achieve 90% diversion rate by 2025 as the City is currently not diverting 50% and is therefore not in compliance with AB 939 as described in the EIR.
- The EIR fails to assess additional GHG emissions that would result from increased landfill deliveries under the proposed Housing Element.

Response

LASAN provided the following response to the comments:

LASAN collects detailed information regarding the collection of solid waste, recycling, and organics from the City operated residential curbside collection program and the commercial recycLA program. Through recycLA Facility Certification Program the City will be able to track the actual amount of recyclables recovered at each blue bin processing facility. This detailed measurement will be used to track disposal reduction compliance, beginning in calendar year 2022.

The City's goal of achieving 90% diversion by 2025 remains unchanged. Although there have been challenges with implementing organics recycling due to the Covid-19 crisis, the landfill reduction goal of the recycLA contracts remains unchanged. The recycLA landfill reduction goal, in addition to future residential organic waste expansion, will help the City achieve its diversion goals. A study completed several years ago by UCLA has credited the City at 76.4% diversion.

Senate Bill 1383 set methane emissions reduction targets for California in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The City is preparing a plan to meet the 2025 organic reduction goals and other components of the new regulations adopted by CalRecycle.

Based upon the above, the analysis in the Draft EIR, and the fact that the Proposed Plan (i) is not expected to result in unplanned growth, the Proposed Plan is not anticipated to generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; and (ii) complies with federal, state, and local management and reduction statutes and regulations related to solid waste; and the (iii) is not anticipated to result in a significant impacts to GHG by conflicting with State, regional, or local plan or regulation adopted to reduce GHG emissions consistent with AB32, SB32, and the 2017 Scoping Plan.¹⁷

G. General Plan Consistency

Comment Summary

Following is a summary of the key comments raised in Letter 5 regarding General Plan consistency:

- The Proposed Project is lacking a finding of consistency with General Plan Framework Policy 3.3.2, which is described as requiring adequate city services and infrastructure prior to any discretionary increase in density or intensity, including that proposed in the Rezoning Program. This policy was adopted as a mandatory condition of approval for the General Plan Framework Element in 2001.

Response

General Plan Framework Policy 3.3.2 pertains to monitoring and reporting on growth and infrastructure, in order to inform further considerations. Policy 3.3.2 is implemented through Programs, including 42 and 43. All Programs are subject to resources and are not mandatory requirements. Therefore, Policy 3.3.2 is not a mandatory condition, mitigation measure, or policy, nor does it place requirements upon, or require a condition of approval to, the Housing Element Update. While the Housing Element expressly furthers monitoring and reporting to help inform planning goals (Objective 1.1; Policies 1.1.1, 1.1.2, and 1.1.4; and Programs 9, 50, 51, 66, and 131), there is no requirement that the City make consistency findings for a General Plan amendment (Charter Section 555). Government Code Section 65300.5 requires that the General Plan has overall internal consistency or conformity among its Elements, and the City has provided a discussion of the Proposed Project's consistency with the General Plan, including the General Plan

¹⁷ See Legislative Digest for SB 1383 describing the bill intended to help meet State GHG reduction targets: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383

Framework Element, in the Staff Recommendation Report prepared for the City Planning Commission (CPC-2020-1365-GPA and CPC-2021-5499-GPA).

Moreover, the Proposed Project does not result in an exceedance of the growth forecasts provided in Table 2-2 of the Framework Element (cited in Policy 3.3.2), as Table 2-2 only provides growth forecasts through the year 2010. Nonetheless, the forecasted population and households analyzed in the Proposed Project are below the growth forecasts provided in Table 2-2. At baseline, according to the Department of Finance's (DOF) January 2021 population estimate for the City of Los Angeles, the total population is 3,923,341, and according to the 2019 ACS 5-Year average, the total number of housing units is 1,493,108 (Draft EIR at 4.11-3). Table 2-2 provides a total forecast population of 4,306,565 persons and 1,566,000 households by 2010. Therefore, the City has not even met the projections the Framework Element made for 2010 in 2021. Moreover, the total projections for population in 2029 (Housing Element plan horizon) will exceed the Framework Element 2010 forecast by less than 3,000 persons and less than 12,000 households. Interpolating the projections in Table 2-1 in the Framework Element to 2029 would far exceed these numbers. But in any case, the Framework Element expressly does not limit growth. Table 2-2 provides: "These are forecasts and not intended to be minimum or maximum planned land use capacities." The Proposed Project applies citywide, and there is no basis to find that the project requires a separate consistency analysis and/or findings for each of the 35 Community Plan Areas in the City.

Future zoning ordinances which would be considered for adoption as part of the Rezoning Program, as well as other Implementation Programs included in the Proposed Project, would be required to follow the processes prescribed in the City Charter and the Los Angeles Municipal Code, including the requirement to demonstrate consistency with the City's General Plan (including the Framework Element of the General Plan).

Finally, LAMC Section 11.5.8 requires an assessment when the Land Use Element through one of the 35 community plans is amended. It does not apply to amendments to the Housing Element.

H. Historical Resources

Comment Summary

Following is a summary of the key comments raised in Letter 2 regarding historical resources:

- Raises concern that designated historical resources, such as Grauman's Chinese Theatre, are listed as potential candidate sites for rezoning in Appendix 4.7 of the Housing Element Update
- Comment letter provides a number of suggestions for changes to the project to avoid potential significant impact to historical resources.

Response

The proposed Housing Element does not propose demolition of any structure nor does it remove any existing historic protections. All future projects on historic resources will be subject to the California Environmental Quality Act (CEQA) review and approval processes that exist today. The Grauman's Chinese Theatre is a designated LA Historic-Cultural Monument No. 55, and is also a Contributor in the Hollywood Boulevard Commercial and Entertainment National Register District, which means that there are numerous layers of protection for this beloved site already in place. Historic Buildings are protected under the City's Building Code (Section 91.106.4.5) which provides that prior to issuance of any building permit that would alter, demolish or remove a Historic Cultural Monument (HCM), discretionary review is required and environmental analysis that would require an EIR and a statement of overriding considerations be adopted if the project will result in a significant impact to an historical resource. Additionally, under Los Angeles Administrative Code Sections 22.171.14 and 22.171.15, no HCM can be demolished or substantially altered without first being considered by the Cultural Heritage Commission and if objected to by the CHC, any issuance of permit would be delayed up to one year for investigation to determine if preservation can be completed by alternative means.

Generally, the Housing Element does exclude HCMs. The reference to the Grauman Theatre property in the Housing Element list of potential rezoning sites is due to its inclusion in the Hollywood Community Plan Community Plan Implementation Overlay (CPIO). The Hollywood CPIO provides greater protections for historic resources, including HCMs, than the regulations discussed above. Specifically, the Hollywood CPIO historic protections include new procedures to ensure that work done to any eligible historic resource throughout the Hollywood community is evaluated by the City's Office of Historic Resources, as well as prohibition of any demolition permits until a replacement project has been appropriately vetted and approved. Importantly, the plan also provides new tools to allow for unused floor area at historic sites, such as the Grauman's Chinese Theatre, to be transferred to other development sites, as a means to provide economic incentives for historic buildings to be appropriately rehabilitated.

Additionally, as has been explained in the Housing Element and Staff Report and presentations to Council and the City Planning Commission, the fact that a site is in the rezoning program in no way means the site will actually get rezoned. Rezoning will be done through separate discretionary legislative action where individual site determinations will be made on the rezoning of property. It is not foreseeable that the City would rezone or allow a project that would allow the demolition or alteration of this important and valued resource.

Based on the above, it is not reasonably foreseeable that the Proposed Project will have any significant impacts on the Grauman's Chinese Theater.

The commenter suggests that significant impacts to historical resources can be avoided. The City finds all suggested alternatives or mitigation by Hollywood Heritage are not supported with substantial evidence and/or are infeasible.

First, contrary to the commentator's statements the Draft EIR includes maps of the HCMs in the City, HPOZ's, and even potentially eligible resources as identified in SurveyLA. The maps are provided by APC area. (DEIR at 4.4-6 through 4.4-13; 4.4-30.) Additionally, the Draft EIR provides the public and the decisionmaker links to the City websites that contain the site-specific information for all 1,100 plus HCMS, the 35 HPOZs and thousands of potentially eligible resources in SurveyLA. (DEIR at 4.4-5.) The Draft EIR discloses that historical resources are found throughout the City and describes how they may be impacted by build out of the RHNA, including by showing where many of the designated and eligible resources are in relation to Opportunity Areas. (DEIR at 4.4-31 to 4.4-33.) The case examples show how the development of residential units have the potential to impact historical resources, 4.4-35 to 4.4-42 through the redevelopment of sites that contain or are near historical resources. As discussed in the EIR, and above there are regulations to protect historical resources. Additionally, Alternative 2 in the Draft EIR was analyzed to avoid historical resources by avoiding rezoning lots in areas with high concentrations of historical resources, including Hollywood and Downtown. This alternative was found to reduce impacts to historical resources but increase impacts to GHG, VMT, air quality and land use as it would move more development away from transit and jobs. Additionally, it would not reduce impacts to historical resources to less than significant because as explained in the Draft EIR, among other reasons, the RHNA build out can occur anywhere that residential uses are currently allowed and would not necessarily result from the implementation of the rezoning program. (DEIR at 6-36.) Specifically, the proposal to adopt an adaptive reuse ordinance with the Housing Element is not feasible. The Housing Element needs to be adopted under strict State timelines. Preparing a new adaptive reuse ordinance requires community outreach and policy development and new public hearings. There would not be sufficient time to prepare and adopt the ordinance before adopting the Housing Element. Also, the City does not find it feasible to adopt additional mitigation measures, such as regulatory programs to further regulate to avoid impacts to historical resources, as discussed in the EIR findings. The Proposed Plan does not seek to amend any redevelopment plan. As a policy matter, the City seeks to streamline housing to meet the urgent housing needs. Additional regulations or maintaining redevelopment plan regulations that may add additional burdens and slow the provision of build out of the RHNA is not desirable.

I. Air Impacts

Comment Summary

Comment letter 5 requested the City to analyze air impacts from drivers searching for parking near their homes and neighborhood intrusion

Response

Neighborhood intrusion, like parking impacts, is not a CEQA impact unless it results in secondary impacts, such as impacts to air quality. With respect to air quality impacts, Section 4.14, *Transportation*, of the Draft EIR discusses how development of new housing in existing neighborhoods where services already exist, such as transit and retail/commercial uses, would mostly result in a reduction to vehicle miles traveled (VMT), and therefore also reduce vehicle emissions because the reliance on single-occupancy vehicles would also decrease.

This relationship between density and VMT is also shown in Table 4.2-12 of Section 4.2, *Air Quality*, of the Draft EIR, which presents a comparison of the VMT associated with the horizon year 2029 under a project scenario (i.e., with implementation of the Housing Element Update) and a baseline scenario (i.e., buildout under existing land use designations). As shown in Table 4.2-12 of the Draft EIR, buildout of the existing land use designations would gradually increase vehicle trips and VMT, however per capita and per service population VMT and trips would each diminish due to reduced average trip lengths. Development under the Housing Element Update would result in a slight reduction in per capita VMT, although overall vehicle trips and VMT would increase when compared to the existing baseline due to the forecast population increase relying on SCAG's 2020-2045 RTP/SCS growth forecasts. Nonetheless, at a plan level, the Housing Element Update does not result in a significant impact to VMT.

Table 4.2-2 Vehicle Activity Data for the Housing Element Update

Activity	Existing (2020)	Baseline (2029)	With Project (2029)	Project vs. Baseline (2029)
Vehicle Trips	17,547,267	18,548,326	18,418,177	-130,149 (-0.7%)
Vehicle Miles Traveled (VMT)	133,113,557	139,381,030	138,345,651	-1,035,379 (-0.7%)
VMT per Capita	8.86	8.56	8.50	-0.06 (-0.7%)
VMT per Employment	12.19	11.21	11.12	-0.09 (-0.8%)
Source: Fehr & Peers 2021				

Increased density typically results in a decrease in VMT due to placement of trip-generating uses (i.e., residences) adjacent to local services, destinations, and public transportation, particularly in the event that mixed-use developments are placed in urban centers. At the individual project level, as discussed in Section

4.14, Transportation, utilizing a different evaluation methodology and with different thresholds, some projects may result in impacts to VMT. To clarify, the Draft EIR found that individual housing development projects accommodated by the Housing Element Update may exceed the development project-specific threshold for VMT impacts. However, at the plan level, buildout of the RHNA under the Housing Element Update is not anticipated to increase VMT under the City's thresholds of significance. Nonetheless, Section 4.14, *Transportation*, of the Draft EIR identifies Mitigation Measure 4.14-2 (Transportation Demand Management Program) for future discretionary projects that result in potentially significant impacts to VMT. Mitigation Measure 4.12-2 would require preparation of a Transportation Demand Management program, which would include measures such as unbundled parking or a required commuter trip reduction program, to reduce VMT impacts to below the City's project threshold to the extent feasible. Under Mitigation Measure 4.14-2, the City will continue to pursue strategies to limit VMT as part of environmental reviews of individual development projects. Furthermore, Section 4.2, *Air Quality*, of the Draft EIR discusses how implementation of Mitigation Measure 4.2-2(b) (Operations Emissions Reduction) would require large individual discretionary projects that exceed screening criteria for operational emissions to prepare an air quality analysis and provide appropriate mitigation (e.g., electric vehicle charging stations, carpool or ridesharing programs, bicycle amenities, subsidized transit costs, unbundled parking costs) to reduce emissions to below South Coast Air Quality Management District thresholds. Therefore, based on the decrease in VMT at the plan level and mitigation measures provided in the Draft EIR, the Project would not contribute to a significant air quality impact with respect to drivers searching for parking near their homes.

J. Lack of Notice; Unstable Project Description

Comment Summary

Following is a summary of the key comments raised in Letter 4 regarding notice and the project description:

- The DEIR failed to provide details or text of the amendments to the Safety Element and the Plan for a Healthy LA.
- The description of the proposed Project reflected in the FEIR is not accurate, stable or finite. Since the issuance of the NOP and Draft EIR the City has made numerous significant changes to the size and scope of the Project, specifically the Inventory of Adequate Sites for Housing, the size of the Rezoning Program, and changes to the amount of up-zoning.
- The unavailability of the Final EIR and its appendices and the Findings and SOC has denied the public its right to review and comment.
- The City violated Brown Act by providing the FEIR and Findings to the CPC.

Response

The commenter is wrong.

The Draft EIR at pages 3-28 to 3-30 described the amendments to the Safety Element and the Plan for a Health LA (Health Element) in the *Project Description*. Additionally, the proposed amendments to both plans were available on the City's Planning website when the NOA was published and the link was provided in the Draft EIR at page 3-30: "The draft Updates to the Safety Element and a listing of amendments to the Plan for a Health Los Angeles may be accessed online at: <https://planning.lacity.org/plans-policies/community-plan-update/general-news-item/draft-safety-element-and-plan-healthy-la>"

None of the changes made to the Housing Element identified in the FEIR in Section 2, changed the Proposed Project disclosed to the public in the NOP and analyzed in the Draft EIR: the buildout of the RHNA.

The NOP, the Draft EIR, and the Final EIR have all identified the Proposed Project as build out of the RHNA. Changes to the inventory of sites and the rezoning program have never changed the Proposed Project. Changes were made in response to HCD comments. HCD is required to certify the City's Housing Element. Therefore, the City is required to respond to HCD comments as to how the City calculates its Inventory of Sites and the number of units required in the Rezoning Program. But the ultimate project that has the potential to impact the environment is the build out of the RHNA, that is the construction and operation of housing units in the City. The NOP provided:

The Project will analyze the reasonable "worst case" scenario of environmental impacts from future implementation of the Housing Element 2021-2029, which is the full build-out of the City's RHNA Allocation. The most substantial potential impact under this approach relates to the potential construction and operation of between 419,261 and 429,261 housing units, which represents the City's current Draft RHNA Allocation of 455,577 units, less the 36,316 already approved pipeline housing units expected to receive a certificate of occupancy (COO) during the sixth cycle.

The Draft EIR provided:

This project takes a conservative approach by analyzing the reasonable "worst case" scenario of environmental impacts from future implementation of the 2021-2029 Housing Element, which is the full build-out of the City's RHNA allocation. The most significant potential impact under this approach is the potential construction and operation of 420,327 housing units (hereafter referred to as "build out of the RHNA" or "housing development accommodated by the Housing Element Update"), which

represents the City's RHNA allocation of 456,643 units, less the 36,316 already approved pipeline housing units expected to receive a COO during the 6th cycle. (DEIR at 3-31.)

The Final EIR provided:

As discussed in the Draft EIR, the project takes a conservative approach by analyzing the reasonable "worst case" scenario of environmental impacts from future implementation of the 2021-2029 Housing Element, which is the full build-out of the City's RHNA allocation. The most significant potential impact under this approach is the potential construction and operation of 420,327 housing units (hereafter referred to as "build out of the RHNA" or "housing development accommodated by the Housing Element Update"), which represents the City's RHNA allocation of 456,643 units, less the 36,316 already approved pipeline housing units expected to receive a COO during the 6th cycle. The changes to the Inventory of Sites and the Rezoning Program, previously described, therefore, do not change the project analyzed in the Draft EIR. The changes made to the inventory of sites and rezoning program are made towards obtaining build out of the RHNA. Therefore, the modifications do not result in significant changes to these assumptions; therefore, they would not result in new significant impacts or an increase in the severity of an environmental impact. (FEIR at 2-10 to 2-11.)

Based on the above, there has been no change in the project description. It is stable, finite and accurate. As discussed and analyzed in Section 2 of the FEIR, none of the changes and modifications to the Proposed Project represent significant new information requiring recirculation, including because none of the changes or modifications result in new or more severe significant impacts from those disclosed in the Draft EIR. (FEIR at 2-11.)

The Final EIR was uploaded into the Council File 21-1230, 20-1230, and 15-0103-S3 on October 26, 2021, including the appendices, a week before the PLUM hearing. The links in the Council file to appendices to the Final EIR that the commenter refers to as confusing because they led back to the Council File were to the updated draft Housing Element, Health Element and Safety Element, which included the modifications to the draft plans after CPC. Those draft documents were located in the Council file as recommendations from the CPC. Therefore, the links were intended to indicate the files were in the Council file. Although this may have been confusing, the draft plans were in the Council file and available at the time the FEIR was released. Additionally, the updated draft plans were available in the Proposed Plan project files, available at the City's counter and could have been provided electronically if the commenter called the Planning Department at the numbers provided in the DEIR and the City's Housing Element website. In any case, the links were changed after receipt of the comment letter to ensure they directly linked to the

updated draft plans in the Council file. The Final EIR was also published with an NOA on October 29, 2021 on the City's website.

The EIR findings and Statement of Overriding Consideration were uploaded to Council File 21-1230, 20-1230, and 15-0103-S3, emailed to all interested parties who have commented on the EIR, posted on the City's website, and sent to the PLUM members on November 1, 2021, the day before the PLUM hearing.

The City uploaded the FEIR and the Findings and SOC as soon as they were finished. Note the comment period on the Draft EIR closed on September 7, 2021. The CPC hearing was on October 14, 2021. Based on the short timeline the City was under to prepare the Proposed Plan and the EIR analysis, responses, findings and documents, caused by the need to adopt the Housing Element by state deadlines, the FEIR, Findings, and SOC were not drafted or available to be released to the public before they were uploaded to the Council Files. They were not provided to the City Planning Commission. CEQA does not require CPC to advise on the FEIR or the EIR Findings and SOC. The CPC directed the Planning Department to prepare the FEIR, Findings and SOC.

Exhibits

- A. Correspondence from LASAN
- B. Resume, Issi Romem, Ph.D.
- C. Comment Letters 1-5