

## **II. Responses to Comments**

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### **A. Introduction**

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. CEQA Guidelines Section 15088(a) states that "[T]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the notice comment period and any extensions and may respond to late comments." In accordance with these requirements, this section of the Final EIR provides the responses prepared by the City of Los Angeles Department of City Planning (City) to each of the written comments received regarding the Draft EIR.

Section II.B, Matrix of Comments Received on the Draft EIR, includes a table that summarizes the environmental issues raised by each commenter regarding the Draft EIR. Section II.C, Responses to Comments, provides the City's responses to each of the written comments raised in the comment letters received on the Draft EIR. Copies of the original comment letters are provided in Appendix FEIR-1 of this Final EIR.

## II. Responses to Comments

### B. Matrix of Comments Received on the Draft EIR

Table II-1  
Matrix of Comments Received on the Draft EIR

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support		
<b>AGENCIES</b>																																				
1	Miya Edmonson LDR/CEQA Branch Chief Caltrans District 7 100 S. Main St., MS 16 Los Angeles, CA 90012-3721																						X													
2	Ali Poosti Division Manager Wastewater Engineering Services Division LA Sanitation and Environment 2714 Media Center Dr. Los Angeles, CA 90065-1733																								X											
<b>ORGANIZATIONS</b>																																				
3	Matthew Vespa Senior Attorney Earthjustice 50 California St., Ste. 500 San Francisco, CA 94111-4608								X		X																	X								
4	Andrew Salas Chairman Gabrieleño Band of Mission Indians—Kizh Nation P.O. Box 393 Covina, CA 91723-0393																							X												



Table II-1 (Continued)  
Matrix of Comments Received on the Draft EIR

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support		
14	Rosemary Leibowitz rleibowi@sbcglobal.net		X											X		X																				
15	Anne Mathews amathews818@gmail.com		X														X																			X
16	J. Logan Rees jloganrees@gmail.com		X											X		X																				
17	Kathleen Schwartz 6556 Ethel Ave. North Hollywood, CA 91606-1016		X														X																			
<b>FORM LETTERS</b>																																				
18	Form Letter 1 Truman Capps trumancapps@gmail.com Karen Haber karenhaber77@gmail.com Sandra Kiley sandra.w.kiley@gmail.com Andrea Noto drea.noto@gmail.com Lori H. Schwartz lori@worldofschwartz.com Suju Vijayan sjuvijayan@gmail.com		X											X		X																				
<b>LATE LETTERS</b>																																				
19	Peter Haderlein peter.hederlein.nohonc@gmail.com		X											X		X																				

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### **C. Comment Letters**

#### **Comment Letter No. 1**

Miya Edmonson  
LDR/CEQA Branch Chief  
Caltrans District 7  
100 S. Main St., MS 16  
Los Angeles, CA 90012-3721

#### **Comment No. 1-1**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The Project proposes a transit-oriented development on approximately 15.9 acres of land owned by the Los Angeles County Metropolitan Transportation Authority (Metro) at and including the terminus of Metro's B (Red) Line and G (Orange) Line (Project Site) as part of a joint development effort with Metro. The Project would include improvements to transit facilities and include approximately 1,523,528 square feet of residential uses comprised of 1,216 market rate units and 311 affordable residential units, up to 105,125 new square feet of retail/restaurant uses, and up to 580,374 new square feet of office space. The proposed uses would be located within several buildings on multiple "Blocks" ranging in height from one to 28 stories. Additionally, certain surplus City right-of-way are proposed to be merged into the Project Site which, if approved, would bring the total lot area to 16.07 acres. Overall, the Project would build a net increase of 2,158,191 square feet of floor area within the Project Site.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<http://opr.ca.gov/ceqa/updates/guidelines/>

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**Response to Comment No. 1-1**

This comment, summarizing the Project Description and Caltrans' mission, is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment No. 1-2**

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, all future developments should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing. Overall, the environmental report should ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

For this project, we encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

**Response to Comment No. 1-2**

This comment expresses support for road diets, traffic calming measures, and TDM strategies. The Project includes many of these measures. Specifically, as discussed in

Section IV.K, Transportation, of the Draft EIR, the Project would include a TDM Program pursuant to Project Design Feature TR-PDF-2, which would include reduced parking supply, TDM promotions and marketing, pedestrian network improvements, traffic calming improvements, and on-street bicycle facilities. Additionally, as discussed in Section II, Project Description, of the Draft EIR, the Project includes improvements to the existing transit facilities within the Project Site, , Class IV bicycle lanes on Fair Avenue, and up to 1,158 bicycle parking spaces within the Project Site. Lastly, the Project would include a Consolidated Transit Center which would encourage multi-modal transportation. Nevertheless, this comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

### **Comment No. 1-3**

You can also refer to the 2010 Quantifying Greenhouse Gas Mitigation Measures report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at:

<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

### **Response to Comment No. 1-3**

This comment encourages the Lead Agency to refer to the 2010 Quantifying Greenhouse Gas Mitigation Measures report by the California Air Pollution Control Officers Association (CAPCOA). As discussed in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, which includes a discussion of CAPCOA measures, impacts related to greenhouse gas emissions were determined to be less than significant, and no mitigation measures were required.

### **Comment No. 1-4**

#### **VMT Analysis**

The TAG identifies a daily household VMT per capita impact criteria of 9.4 and daily work VMT per employee impact criteria of 11.6 for the South Valley APC, in which the Project is located. All analysis scenarios residential VMT per capita is between 4.0 to 6.1. All analysis scenario Work VMT per employee is between 8.7 to 10.4. Therefore, the residential and office uses would not result in a significant VMT impact. To validate this statement, we recommend the City to prepare post-development VMT analysis with all necessary mitigation measures. Mitigation measure should be implemented when the post-development VMT analysis discloses any traffic significant impact.



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**Response to Comment No. 1-4**

The comment correctly summarizes the City's VMT impact thresholds and the range of the residential VMT per capita and work VMT per employee for Project land uses both with and without transportation demand measures (TDM) based on Table IV.K-1 from the Draft EIR. As concluded on pages IV.K-40 through IV.K-43, the Project would not exceed the City's VMT impact thresholds under any scenario, before or after implementation of Project TDM measures.

The City as the Lead Agency has the discretion to select the appropriate methodologies and thresholds of significance for evaluating a project's VMT, as detailed in CEQA Guidelines Sections 15064.3 and 15064.7, respectively. The Project was evaluated for potential VMT impacts based on the adopted guidelines of the City of Los Angeles (i.e., the TAG and VMT Calculator), the Lead Agency. Consistent with OPR's *Technical Advisory on Evaluating Transportation Impacts in CEQA*, the City developed a methodology to analyze impacts and adopted its own thresholds, which are supported by substantial evidence as documented in the VMT Calculator Documentation.<sup>1</sup> Substantial evidence includes a fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (See PRC Section 21080(e); CEQA Guidelines Section 15384(a).) Based on the City's significance thresholds and guidelines, the Project would not result in a significant VMT-related impact, and no further analysis or mitigation measures would be required, including, without limitation, post development.

Regarding the comment's recommendation that the City conduct additional testing after completion of the Project to corroborate the impact conclusion, post-approval monitoring may only be required pursuant to CEQA Guidelines Section 15097 when the lead agency makes the findings under Section 15091(a) that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. As the commentor has correctly noted, the Project would not result in significant impacts with respect to the City's VMT thresholds, and, therefore, no mitigation measures were required. As a consequence, the City as lead agency has no obligation or authority under CEQA to require a post-approval VMT analysis or other monitoring to corroborate its impact conclusion.

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<sup>1</sup> *Governor's Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018.*

**Comment No. 1-5****Freeway Safety Analysis**

For freeway safety analysis, none of the queues would exceed the ramp storage length during either peak hour. Therefore, further evaluation of the significance criteria is not necessary at any location. The Project would not result in a significant impact, and no mitigation measures are required based on Phase 1 or Full Buildout Project traffic.

**Response to Comment No. 1-5**

This comment states that the Project would not result in a freeway safety impact because none of the queues would exceed the ramp storage length during either the A.M. or P.M. peak hour. This is consistent with the analysis in the Draft EIR (see page IV.K-50) and Transportation Study included as Appendix R.1 of the Draft EIR.

**Comment No. 1-6****Transit**

The Project would design and construct the Consolidated Transit Center to integrate bus and rail services at one purpose-built location. The Project would also construct new Metro parking to replace the existing supply removed from Parcel 1.

**Response to Comment No. 1-6**

This comment, summarizing portions of the Project Description related to transit, is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment No. 1-7****Pedestrian**

The Project would install or upgrade pedestrian infrastructure at several locations. All public sidewalks adjacent to [sic] the Project Site would be widened where necessary to meet or exceed the width standards from Mobility Plan 2035. The Project would repaint existing crosswalks that would be affected by Project changes to curbs and would install new crosswalks at the following locations:

- Across the south leg of Tujunga Avenue & Chandler Boulevard (North)
- Across the north leg of Tujunga Avenue & Chandler Boulevard (South)

- Across the south leg of Lankershim Boulevard & Chandler Boulevard (North)
- Across the west leg of District Way & Fair Avenue

Per the Project Design Feature TF-PDF-2, the project proposes pedestrian network and traffic calming improvements. The project proposes installing new continental-style crosswalks to increase visibility and safety. It is recommended that all intersections within the project area be upgraded to continental striping. Additionally, ensure that all curb ramps within the project are upgraded with detectible warning surfaces to comply with ADA requirements.

At intersections where incidences of collisions are high and street crossing distance increased, it is recommended that Leading Pedestrian Intervals (LPis) be included to allow pedestrians the opportunity to enter a signalized crosswalk prior to vehicles.

As much of the project falls within Pedestrian Enhanced Districts (per LA's Mobility Plan 2035), pedestrian safety should be prioritized.

### **Response to Comment No. 1-7**

The comment notes that the Project proposes to widen public sidewalks adjacent to the Project Site to meet or exceed Mobility Plan as part of the Project's TDM Program included as Project Design Feature TR-PDF-2. As a matter of clarification, at certain locations, the Project proposes waivers from the required sidewalk width within the public right-of-way. However, where such waivers are requested, the Project would provide additional sidewalk width on Project property. In this manner, the required sidewalk widths would be functionally met on all streets adjacent to the Project Site. Table 4 of the Transportation Assessment, included as Appendix R of the Draft EIR, provides a detailed summary of the existing, required, and proposed road widths, right-of-way widths, and sidewalk widths adjacent to the Project Site.

The comment correctly summarizes the four new crosswalks the Project proposes to install and includes recommendations.

As an initial matter, as discussed in the Draft EIR, Transportation impacts were determined to be less than significant without mitigation. Specifically, impacts related to conflicts with plans are addressed on pages IV.K-31 through IV.K-39, impacts related to VMT are addressed on pages IV.K-39 through IV.K-43, impacts related to hazardous geometric design features are addressed on pages IV.K-43 through IV.K-51, and impacts related to emergency access are addressed on pages IV.K-51 through IV.K-53.

As part of that analysis, no significant pedestrian safety impacts were identified under the City's CEQA thresholds (see pages IV.K-31 through IV.K-39, and therefore no mitigation measures are required as concluded on page IV.K-51 of the Draft EIR. Nevertheless, as part of LADOT's review of pedestrian safety in the Transportation Assessment, it identified several non-CEQA Project requirements to further improve pedestrian safety in its assessment dated February 1, 2022. As required therein, and detailed in Chapter 9 of the Transportation Assessment, the Project would repaint existing crosswalks affected by construction and install new crosswalks at the locations identified in the comment. All such crosswalks would be upgraded to City standards at the time of installation, which currently includes continental crosswalks as recommended in the comment. LADOT also requires that the Project install GridSmart pedestrian safety crossing controls at the three Project-adjacent intersections on Lankershim Boulevard (at Cumpston Street, Chandler Boulevard (North), and Chandler Boulevard). Lankershim Boulevard is the only Project-adjacent street on the City's High Injury Network. These controls may, at LADOT discretion, include signal timing that provides LPIs as recommended in the comment. Finally, LADOT requires that ADA-compliant pedestrian ramps be installed at all corners of the intersection of Bakman Avenue & Weddington Street. The Project Site itself would be designed with pedestrian accessibility and safety in mind, and internal pedestrian routes would include ADA compliance. LADOT staff did not find further measures would be necessary to promote pedestrian safety within or around the Project Site. Nonetheless, these recommendations, including the suggestion of leading pedestrian intervals, will be forwarded to the decision-makers for their consideration.

### **Comment No. 1-8**

#### **Bicycle**

The Project proposes to install a new two-way bicycle route through the Project Site on District Way. It would also improve the westbound bicycle lane [sic] on Chandler Boulevard (North) between Tujunga Avenue and Lankershim Boulevard to a Class IV facility separated by bollards and would install a bicycle crossing signal across Lankershim Boulevard at Chandler Boulevard (North). The Project would install a new two-way Class IV facility separated by Bollards on the east side of Fair Avenue between District Way and Chandler Boulevard. The Project would provide bicycle parking at each block along with parking for Metro Bike Hubs and Metro's Bikeshare or similar first mile/last mile transit options.

Per the Project Design Feature TF-PDF-2, the project proposes a series of on-street bicycle improvements, including signalized bicycle crossings, and Class IV bicycle lanes. Where any existing or proposed Class II/IV facilities exist, green zone conflict striping should be included at any controlled intersection, per NACTO guidelines.

On streets designated as 'bicycle-friendly roads' on Google Maps, consideration should be given to designation [sic] these streets (Tujunga Ave, Cumpston St, Lankershim Blvd) as Class-III bike facilities, with sharrows included.

For all improvements recommended above, please include all applicable bicycle signage, per MUTCD standards.

### **Response to Comment No. 1-8**

The comment summarizes the proposed bicycle facilities within and adjacent to the Project Site. However, it incorrectly states that the Project proposes a two-way bicycle route on District Way. District Way is proposed as a private shared street, with the same space to be shared by multiple modes of transportation, including bicycles, without dedicated lanes for each mode.

Additionally, since completion of the Transportation Assessment and preparation of the Draft EIR, the City approved the Chandler Bicycle Connection Project, and, as such, many of the facilities noted in the comment would be installed by the City rather than the Project. These include the westbound Class IV bicycle lane on Chandler Boulevard (north) between Tujunga Avenue and Lankershim Boulevard and the bicycle crossing signal across Lankershim Boulevard at Chandler Boulevard (North). The Project would install the new Class IV bicycle lane on Fair Avenue between District Way and Chandler Boulevard and would provide bicycle parking at each block along with parking for Metro Bike Hubs and bikeshare or similar service.

The comment recommends:

- At any controlled intersection with Class II or Class IV bicycle facilities, the road should be striped with green zones per guidelines from the *Urban Bikeway Design Guide* (National Association of City Transportation Officials, 2014)
- All bicycle facilities should be equipped with applicable signage per standards in *California Manual on Uniform Traffic Control Devices* (Caltrans, 2017).
- Streets designated as "bicycle-friendly roads" on Google Maps, including Tujunga Avenue, Cumpston Street, and Lankershim Boulevard, should be designated in the Los Angeles General Plan for Class III bicycle facilities and striped with sharrows

Regarding the first two recommendations, all public bicycle infrastructure will comply with City requirements regarding striping, signage, and intersection controls.

It should be noted that in addition to the three streets the comment identifies, Bakman Avenue and Fair Avenue are also identified on Google Maps as “bicycle-friendly roads.” It is not clear what qualifies a street to receive that designation from Google, as they do not necessarily correspond to the designations in the City’s Mobility Plan. Class III bicycle facilities entail sharing lanes between bicycles and vehicular traffic and are necessarily located on lower-volume, lower speed streets. Four of the streets identified in Google Maps (i.e., Tujunga Avenue, Cumpston Street, Bakman Avenue, and Fair Avenue) are designated in the City’s Mobility Plan as part of the Neighborhood Enhanced Network (NEN) and are, thus, eligible for traffic calming enhancements and other bicycle-friendly features. They may feature sharrows, but this is not a requirement for a street in the NEN. Lankershim Boulevard is identified for future on-street bicycle lanes. These features of the City’s Mobility Plan were described in the Transportation Assessment, included as Appendix R of the Draft EIR, on pages 31 and 32.

The Project would install Class IV bicycle lanes on Fair Avenue between District Way and Chandler Boulevard (an enhancement compared to typical NEN street features) and would not preclude the installation of other bicycle infrastructure that may be identified by the City.

These recommendations will be forwarded to the decision-makers for their consideration.

### **Comment No. 1-9**

#### **TDM Program**

The Project would incorporate various measures to encourage alternative transportation and reduce VMT and vehicle trips, including:

- Reduced parking supply
- Promotions and marketing
- Pedestrian network improvements
- Traffic calming improvements
- Implement on-street bicycle facilities
- Bicycle parking per LAMC

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**Response to Comment No. 1-9**

This comment summarizing the Project's TDM Program, which is included as Project Design Feature TR-PDF-2, is noted for the record and will be forwarded to the decision makers for their review and consideration. Note that bicycle parking per LAMC was not included as part of Project Design Feature TR-PDF-2 because it is required by code.

**Comment No. 1-10****Other**

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

Please be reminded that protected-permissive left-turn signal phasing improvement performed within the State Right-of-way at the westbound left turn from Magnolia Boulevard to SR-170 southbound will require an Encroachment Permit from Caltrans.

Any modifications to State facilities must meet all mandatory design standard and specifications.

**Response to Comment No. 1-10**

The comment notes that oversized transport vehicles (such as for moving heavy equipment or large materials) require a Caltrans transportation permit to travel on State highways and recommends such trips occur outside of peak commuter periods. The Project will comply with all local and State requirements regarding the use of oversized vehicles, including obtaining required permits. The Transportation Assessment describes a Construction Traffic Management Plan, to be developed prior to the start of construction as part of Project Design Feature TR-PDF-1, which would include scheduling of construction-related deliveries outside of the commuter peak hours.

The comment also notes that the installation of a protected-permissive signal phase on the westbound left-turn at the intersection of SR-170 Southbound Ramps & Magnolia Boulevard identified as part of the Transportation Assessment's Non-CEQA analysis would require an encroachment permit for construction activity on Caltrans property. The Project will comply with all local and State requirements during construction, including obtaining required permits.

**Comment No. 1-11**

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2020-03905-DEIR.

**Response to Comment No. 1-11**

This comment, which concludes the letter and provides a point of contact, is noted for the record and will be forwarded to the decision makers for their review and consideration.



**Comment Letter No. 2**

Ali Poosti  
Division Manager  
Wastewater Engineering Services Division  
LA Sanitation and Environment  
2714 Media Center Dr.  
Los Angeles, CA 90065-1733

**Comment No. 2-1**

This is in response to your April 7, 2022 Notice of Completion and Availability of Draft Environmental Impact Report for the proposed mixed-use project located at 11100, 11264–11280, 11320, 11163–11347, and 11440 Chandler Boulevard; 11204–11270 Cumpston Street; 5300–5320 Bakman Avenue; and 5311–5373 and 5340-5356 Lankershim Boulevard, Los Angeles, CA 91601. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification. Upon review, there were no changes to the project and the previous response is valid. Please notify our office in the instance that additional environmental review is necessary for this project.

If you have any questions, please call Christopher DeMonbrun at (323) 342-1567 or email at [chris.demonbrun@lacity.org](mailto:chris.demonbrun@lacity.org)

**Response to Comment No. 2-1**

This comment, stating that there have been no changes to the Project and the commenter's previous response stating that the Hyperion Water Reclamation Plant has capacity and surrounding sewer infrastructure has capacity to serve the Project is valid, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Refer to Section IV.M.2, Utilities and Service Systems—Wastewater, of the Draft EIR, for a detailed discussion of wastewater impacts. As discussed therein, impacts were determined to be less than significant without mitigation.

**Comment Letter No. 3**

Matthew Vespa  
Senior Attorney  
Earthjustice  
50 California St., Ste. 500  
San Francisco, CA 94111-4608

**Comment No. 3-1**

Attached please find comments on the Draft EIR for the District NoHo Project. As set forth in these comments, the Draft EIR violates CEQA for failing to require all-electric buildings to mitigate the significant greenhouse gas, energy, and public health impacts of mixed-fuel buildings. If you are interested, I would appreciate the opportunity to discuss our concerns further.

Please put me on the notification list for further updates on the NoHo Project.

Earthjustice appreciates the opportunity to comment on the Draft Environmental Impact Report (“DEIR”) for the District NoHo Project (“NoHo Project”). Our comments focus on the NoHo Project’s failure to avoid long-term commitments to fossil fuel dependency by requiring all-electric buildings. As the DEIR acknowledges, by relying on polluting gas appliances in Project buildings rather than efficient electric alternatives, the NoHo Project would result in an over 35 million cubic feet (“cf”) increase in gas demand per year.<sup>1</sup> By locking in new sources of gas demand for decades, the Project will result in significant greenhouse gas (“GHG”), energy, and public health impacts, which the DEIR fails to adequately acknowledge and mitigate. Absent a requirement for all-electric construction, the DEIR violates the California Environmental Quality Act (“CEQA”).

All-electric construction is feasible mitigation for the NoHo Project’s significant greenhouse gas, energy, and public health impacts. For example, in a recent settlement after its failure to properly mitigate its greenhouse gas impacts under CEQA, Tejon Ranch, a planned development consisting of over 35,000 housing units, agreed to conditions that included all-electric new construction.<sup>2</sup> Notably, all-electric new construction is typically less expensive than mixed-fuel construction due to avoided costs of gas lines and is increasingly being adopted throughout Southern California. Moreover, for affordable single- and multi-family housing, the Building Initiative for Low-Emissions Development (“BUILD”) program has now been launched by the California Energy Commission (“CEC”) and provides “up to 300 hours of no-cost technical assistance to overcome design or construction barriers, and to complete an incentive application” as well as up to \$2 million in incentives to reduce construction costs of all-electric development.<sup>3</sup> For market-rate housing, the California Electric Homes Program (“CalEHP”) will provide \$75 million in financial incentives and

technical support to further encourage the construction of new multi-family and single-family all-electric residential buildings.<sup>4</sup> The climate crisis demands a rapid end to fossil fuel reliance and all-electric homes are a key solution. There is no legitimate basis under CEQA for Metro to fail to adopt this feasible mitigation measure. Accordingly, Earthjustice asks that the DEIR be revised to include an all-electric new construction requirement.

<sup>1</sup> DEIR at IV.C-25.

<sup>2</sup> See Settlement Agreement of CEQA litigation with Climate Resolve, <https://contracts.justia.com/companies/tejon-ranch-co-7905/contract/227292/>.

<sup>3</sup> CEC, BUILD Program Fact Sheet (Mar. 2022), [https://www.energy.ca.gov/sites/default/files/2022-03/BUILD\\_FactSheet\\_ProgramOverview\\_ada.pdf](https://www.energy.ca.gov/sites/default/files/2022-03/BUILD_FactSheet_ProgramOverview_ada.pdf).

<sup>4</sup> See CEC, Staff Workshop for the Proposed Design of the California Elec. Homes Program Presentation, at 8 (Mar. 17, 2022), <https://www.energy.ca.gov/event/workshop/2022-03/staff-workshop-proposed-design-california-electric-homes-program>.

### **Response to Comment No. 3-1**

This introductory comment states the commenter's belief that the Project would result in greenhouse gas, energy, and public health impacts. Specific issues raised by the commenter are addressed in Response to Comment Nos. 3-2 through 3-10, below. As discussed therein, the significance thresholds used in the Draft EIR are appropriate and consistent with CEQA.

At the time of the Draft EIR preparation, there was no code requirement or adopted plan or policy requiring all-electric construction. However, on December 7, 2022, the City of Los Angeles adopted Ordinance Number 187714 which requires all new buildings constructed within the City to be all-electric starting April 1, 2023. This ordinance would apply to the Project and would require the final design to incorporate all-electric development. As a result of implementing all-electric development, Project GHG emissions would be reduced in comparison to GHG emissions presented in the Draft EIR which assumed natural gas consumption during operations. Therefore, the conclusions of the Draft EIR are correct (i.e., that impacts related to greenhouse gas and energy would be less than significant) and would be conservative because they assumed natural gas usage, and no additional mitigation measures are warranted. The commenter has also been added to the notification list for the Project as requested.

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**Comment No. 3-2****I. The DEIR Fails to Adequately Assess Project Impacts****A. The Project's GHG Impacts Are Significant**

The DEIR improperly asserts the Project's GHG impacts are not significant because "the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs."<sup>5</sup> The Plans cited by the DEIR, such as the 2008 Scoping Plan and SCAG's 2020–2045 RTP/SCS, do not meet CEQA's standards for determining project-level GHG impacts are less than significant. To rely on a statewide, regional, or local plan to determine a project's GHG impacts are less than significant, the plan must be consistent with CEQA Guideline Section 15183.5.<sup>6</sup> Purported consistency with California Air Resources Board ("CARB") Scoping Plan measures is insufficient to meet this standard. For example, in *Center for Biological Diversity v. Dept of Fish & Wildlife*, the California Supreme Court invalidated an EIR because the lead agency did not provide substantial evidence that "the Scoping Plan's statewide measure of emissions reduction can also serve as the criterion for an individual land use project."<sup>7</sup> Under Section 15183.5, to qualify as a plan from which a lead agency may determine that a project's greenhouse gas impacts are less than significant, the plan must:

- (A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
- (B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
- (C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- (E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;
- (F) Be adopted in a public process following environmental review.

The City of Los Angeles does not have an adopted climate action [sic] that meets this standard nor do the other plans cited in the DEIR comply with the requirements on Section 15183.5. For example, LA's Green New Deal, which the DEIR cites as support for determining Project impacts are less than significant, was not subject to environmental review, includes measures that do not appear to have been implemented or for which

greenhouse gas reductions are not quantified and do not serve to collectively achieve an established emissions reduction target, and does not establish a mechanism for amendments if those reductions are not achieved. Similarly, to the extent the NoHo Project is consistent with an adopted Sustainable Communities Strategy (“SCS”), CEQA is clear SCS consistency can only be used to address the NoHo Project’s growth inducing impacts and greenhouse gas impacts from “cars and light-duty truck trips generated by the Project.”<sup>8</sup> Accordingly, the DEIR cannot rely on compliance with an SCS to claim the GHG emissions from the Project’s buildings are less than significant.

<sup>5</sup> DEIR at IV.E-80.

<sup>6</sup> Pub. Res. Code § 21084(b).

<sup>7</sup> Center for Biological Diversity v. Dept. of Fish & Wildlife (2015) Cal.4th 204, 228.

<sup>8</sup> Pub. Res. Code § 21159.28.

### **Response to Comment No. 3-2**

This comment asserts that the Draft EIR’s GHG analysis relies on CEQA Guideline Section 15183.5 (Tiering and Streamlining the Analysis of Greenhouse Gas Emissions) as it relates to Public Resource Code Section 21084(b) (see Footnote 6 of this comment) which provides a list of classes of projects which have been determined not to have a significant effect on the environment (i.e., Categorical Exemptions). As a point of clarification, the GHG analysis provided in Section IV.E., Greenhouse Gas Emissions, of the Draft EIR does not assert that the Project is tiering off of an approved Climate Action Plan or qualifies for a categorical exemption.

The comment also asserts that the Draft EIR’s GHG analysis relies on unsupported thresholds. First, CEQA Guidelines Section 15064.4(a)(2) allows, in determining the significance of a project’s impacts, a “qualitative” or “performance based” standard. Section 15064.4(b)(3) states that “[i]n determining the significance of impacts, the lead agency may consider a project’s consistency with the State’s long-term climate goals or strategies, provided that substantial evidence supports the agency’s analysis of how those goals or strategies address the project’s incremental contribution to climate change and its conclusion that the project’s incremental contribution is not cumulatively considerable.”

Additionally, CEQA Guidelines Section 15064(h)(3), which further elaborates on incremental and cumulative effects states, in relevant part, that a:

*...lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program... that provides specific requirements that will avoid or substantially lessen the*

*cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.*

The California Supreme Court's decision published on November 30, 2015, in *Center for Biological Diversity v. California Department of Fish and Wildlife* (Case No. 217763) (also known as *CBD v. CDFW* or the Newhall Ranch Case) reviewed the methodology used to analyze GHG emissions in an EIR. The California Supreme Court suggested regulatory consistency as a potential "pathway to compliance," by stating that a lead agency might assess consistency with AB 32's goal in whole or in part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. The Court recognized that to the extent a project's design features comply with or exceed the regulations outlined in the *Climate Change Scoping Plan* and adopted plans 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. This approach is consistent with CEQA Guidelines Section 15064, which provides that a determination that an impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, for the reduction of GHG emissions.

While CEQA Guidelines Section 15064.4 recommends that lead agencies quantify GHG emissions of projects, it does not establish a threshold of significance. CEQA Guidelines Section 15064.4 recommends quantification and consideration of several other factors that may be used in the determination of significance of GHG emissions from a project, including the extent to which the project may increase or reduce GHG emissions, whether a project exceeds an applicable significance threshold, and the extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs.

Lead agencies have the discretion to establish significance thresholds for their respective jurisdictions, and, in establishing those thresholds, a lead agency may appropriately look to the thresholds developed by other public agencies, or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), as long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)). The CEQA Guidelines also clarify that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA's requirements

for cumulative impact analysis (see CEQA Guidelines Section 15130(f)). As a note, the CEQA Guidelines were amended in response to Senate Bill (SB) 97 and California Supreme Court's decision on *CBD v. CDFW*. In particular, the CEQA Guidelines were amended to specify that compliance with a GHG emissions reduction plan may appropriately be determined to render a cumulative GHG impact less than significant.

Thus, per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not 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. To qualify, such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. The kinds of plans that may be used specifically for GHG are further discussed in Section 15064.4(b)(3). Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plans [and] plans or regulations for the reduction of greenhouse gas emissions." Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less-than-significant impact on project-level and cumulative GHG emissions if the project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions.

In the absence of any adopted numeric threshold, the significance of the Project's GHG emissions is consistent with CEQA Guidelines Section 15064.4(b)(3) by considering whether the Project complies with applicable plans, policies, regulations, and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2020–2045 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. This analysis also considers consistency with regulations or requirements adopted by the AB 32 Climate Change Scoping Plan, which meets the criteria for appropriate analysis under the CEQA Guidelines.

The commenter is incorrect regarding the claim "CEQA is clear SCS consistency can only be used to address the NoHo Project's growth inducing impacts and greenhouse gas impacts from 'cars and light-duty truck trips generated by the Project,'" and the commenter's reference to CEQA Guidelines Section 21159.28 is not applicable in any case, as the Project is not seeking to take advantage of the CEQA streamlining afforded under that section. Moreover, the commentor's comment that the LA's Green New Deal, cited in the DEIR's GHG impacts analysis does not comply with the requirements on

Section 15183.5 is misplaced. The DEIR analysis does discuss consistency with L.A.'s Green New Deal's aspirations while acknowledging that is not a formally adopted plan. Instead, the DEIR's GHG impacts analysis appropriately considers, pursuant to CEQA Guidelines Section 15064.4(b), the Project's consistency with the State's long-term climate goals or strategies, through its analysis of consistency with plans, such as SCAG's 2020–2045 RTP/SCS, which further those goals.

The analysis also includes quantification of construction and operational GHG emissions utilizing CalEEMod modeling software, quantification of applicable reduction measures, and consistency with applicable local plans and policies. However, critically, the threshold of significance adopted by the City for analysis here is qualitative and based on the Project's consistency with appropriate laws, regulations, plans, and policies. Thus, the quantitative data and analysis are provided for informational purposes only and are not used to determine the level of impact related to GHG emissions but, nonetheless, demonstrates with substantial evidence that the Project's consistency with applicable laws, regulations, plans, and policies in fact results in notable GHG emissions reductions.

The Draft EIR includes a detailed point-by-point analysis of the Project's consistency with SCAG's 2020–2045 RTP/SCS, the *Climate Change Scoping Plan* and related regulations adopted to reduce GHG emissions and the City's Green New Deal. The analysis concludes that the Project is consistent with the plans' key GHG reducing goals and requirements. In particular, the Project design includes characteristics that would reduce trips and VMT as compared to a project without VMT-reducing measures within the Air Basin. The Project represents an infill/TOD development within an existing urbanized area that would introduce new residential, retail, restaurant, and office buildings, within a High Quality Transit Area (HQTA). The Project Site is well-served by public transportation with the Metro B (Red) Line and G (Orange) Line North Hollywood Stations located within the Project Site serving approximately 25,000 riders per day. Several transit providers also serve the Project Site and surrounding community, including Metro, LADOT, and the Burbank Bus. The Project Site is located in a TPA, as defined by SB 743 and City ZI File No. 2452. The Project would also include up to 1,158 bicycle parking spaces for Project uses as required by code and up to 128 Metro Bike Hub bicycle parking spaces. Based on the Project's location, use, design features, and regulatory compliance measures, the Project was determined to be consistent with key GHG reduction goals and requirements of the analyzed plans. The effectiveness of this compliance is further demonstrated through a quantitative analysis provided for informational and demonstrative purposes. The Project includes characteristics that have been identified to reduce GHG emissions through reductions of VMT in accordance with the LADOT VMT Calculator, which include the densification, location, and measures incorporated into the Project that are demonstrated through quantitative analysis to result in a 41-percent reduction in mobile-source GHG emissions and a 35-percent reduction overall as compared to a project that would not include the same VMT/GHG-reducing elements and measures. (See Draft EIR, page IV.E-



75.) Based on these factors, the Draft EIR concluded the Project would result in a less-than-significant impact with respect to GHG emissions. This determination is well-supported by substantial evidence.

### **Comment No. 3-3**

Indeed, because the Project would lock-in gas use in new homes, the EIR cannot legitimately conclude that the Project is consistent with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Numerous agencies have determined that all-electric new construction is critical for California to achieve its climate objectives. For example, as concluded in the CEC Report *The Challenge of Retail Gas in California's Low-Carbon Future*, “[i]f building electrification is delayed, missing the lower-cost opportunities for all-electric new construction and replacement of equipment upon failure, there is a greater risk that expensive early retirement of equipment may be needed, or that the climate goals could be missed.”<sup>9</sup> Similarly, in its Building Decarbonization proceeding, the California Public Utilities Commission (“CPUC”) has also recognized the problems with continued investment in fossil fuel infrastructure, directing all incentives for the BUILD Program to “new residential housing that is at a minimum, all-electric” to avoid “the risk of locking in new natural gas assets that could be unused or underutilized before the end of their life.”<sup>10</sup>

<sup>9</sup> CEC, *The Challenge of Retail Gas in California's Low-Carbon Future*, at 2 (Apr. 2020), <https://ww2.energy.ca.gov/2019publications/CEC-500-2019-055/CEC-500-2019-055-F.pdf>.

<sup>10</sup> CPUC, D.20-03-027, *Decision Establishing Building Decarbonization Pilot Programs*, at 65 (Mar. 26, 2020), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M331/K772/331772660.PDF>.

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

This comment asserts that all-electric new construction in lieu of natural gas hookups is necessary for future development to reduce emissions of greenhouse gases. Please refer to Response to Comment No. 3-1 which mentions that the Project would be subject to City requirements for all-electric development.

The California Green Building Standards Code—Part 11, Title 24, California Code of Regulations—known as the CALGreen Code, is the first-in-the nation mandatory green building standards code. As discussed on page IV.E-28 of the Draft EIR, the current 2019 Title 24 Standards ensure that builders use the most energy efficient and energy conserving technologies and construction practices. As described in the 2019 Title 24 Standards represent “challenging but achievable design and construction practices” that represent “a major step towards meeting the Zero Net Energy (ZNE) goal.”

The 2022 Title 24 Standards go into effect on January 1, 2023, and build on California’s technology innovations, encouraging energy efficient approaches to encourage

building decarbonization, emphasizing in particular on heat pumps for space heating and water heating. Compliance with Title 24 is enforced through the building permit process. As such, any building permit application filed on or after January 1, 2023, would be required to comply with 2022 Title 24 Standards and related Building Energy Codes.

Project construction is anticipated to take place in multiple, potentially overlapping phases beginning in 2023 with full buildout in 2038. Thus, more stringent Title 24 Standards may be applicable to portions of the Project at a later date depending on when a building permit application is filed. In addition, the City Council recently voted to adopted Ordinance 187714 that requires all new residential and commercial buildings in Los Angeles to be built so that they will achieve zero-carbon emissions (e.g., ban new gas appliances).<sup>2</sup> This all-electric ordinance applies to any building permit application filed on or after April 1, 2023, which would likely apply to the Project. Thus, where applicable the Project would not preclude “all-electric” requirements where mandated by subsequent versions of Title 24 Standards or any applicable local requirements.

Furthermore, as discussed on Page IV.E-79 of the Draft EIR, the Project’s location, land use characteristics, and design render it consistent with statewide and regional climate change mandates, plans, policies, and recommendations. More specifically, the plan consistency analysis demonstrated that the Project complies with or exceeds the plans, policies, regulations, and GHG reduction actions/strategies outlined in CARB’s 2008 Climate Change Scoping Plan and subsequent updates, SCAG’s 2020–2045 RTP/SCS, and L.A.’s Green New Deal. As the Project would not conflict with relevant plans, policies, and regulations adopted for the purpose of reducing the emissions of GHGs, impacts related to regulatory consistency would be less than significant and no mitigation measures are warranted. This comment does not provide a need or basis to impose all-electric appliances as a CEQA mitigation measure, and furthermore CEQA does not compel all-electric appliances, specifically, in order for a GHG impact to be less than significant.

### **Comment No. 3-4**

Because there is no compliant statewide, regional, or local plan from which the DEIR can lawfully determine the NoHo Project’s GHG impacts are less than significant, the DEIR should be revised to apply a net-zero GHG emissions threshold. A net-zero threshold is consistent with the severity of the climate crisis and the recognition that any increase in GHG emissions exacerbates the cumulative impacts of the climate crisis.

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<sup>2</sup> *City of Los Angeles Final Ordinance No. 187714. Adopted December 7, 2022.*

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### **Response to Comment No. 3-4**

As discussed in Response to Comment No. 3-2, CEQA Guidelines Section 15064.4 does not establish a threshold of significance. Lead agencies have the discretion to establish significance thresholds for their respective jurisdictions, and in establishing those thresholds, a lead agency may appropriately look to the thresholds developed by other public agencies, or suggested by other experts, such as CAPCOA, as long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)). The CEQA Guidelines also clarify that the effects of GHG emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see CEQA Guidelines Section 15130(f)). As a note, the CEQA Guidelines were amended in response to SB 97. In particular, the CEQA Guidelines were amended to specify that compliance with a GHG emissions reduction plan may appropriately be determined to render a cumulative GHG impact less than significant.

In the absence of any adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations, and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2020–2045 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. This analysis also considers consistency with regulations or requirements adopted by the AB 32 Climate Change Scoping Plan, which meets the criteria for appropriate analysis under the CEQA Guidelines.

### **Comment No. 3-5**

In determining the significance of project impacts, Metro “must ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes.” *Cleveland National Forest Foundation v. San Diego Assn. of Gov'ts* (2017) 3 Cal.5th 497, 519. Non-zero numeric thresholds, such as the 1,100 metric ton (“MT”) GHG significance threshold proposed by the Bay Area Air Quality Management District (“BAAQMD”) in 2009 are unlikely to survive legal scrutiny. The BAAQMD numeric threshold was derived from Assembly Bill (“AB”) 32's 2020 GHG reduction targets and does not reflect Senate Bill 32's requirement to reduce GHGs to 40 percent below 1990 levels by 2030 or our increased understanding of the severity of climate impacts California is and will be experiencing in the future.<sup>11</sup> While useful when first recommended ten years ago, it has not kept in step with scientific knowledge and regulatory developments and is no longer supported by substantial evidence. Similarly, alternative approaches to determining the significance of Project GHG impacts, such as using a comparison against “business-as-usual” emissions

or a per capita emissions metric, may not withstand legal scrutiny and should not be used to evaluate the Project's GHG emissions. In *Center for Biological Diversity v. Cal. Dept of Fish & Wildlife* (2015) 62 Cal.4th 204, the California Supreme Court held that determining the significance of project GHG impacts by comparing project emissions with emissions under a business-as-usual scenario derived from statewide emissions reduction goals under AB 32 lacked substantial evidence. For similar reasons, use of statewide per capita emissions metrics to determine the significance of project emissions has also been rejected for the purpose of determining project GHG impacts under CEQA. As the court held in *Golden Door Properties LLC*, because "using a statewide criterion requires substantial evidence and reasoned explanation to close the analytical gap left by the assumption that the 'level of effort required in one [statewide] context... will suffice in the other, a specific land use development.'" *Golden Door Properties LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 904 (quoting *Center for Biological Diversity*, 62 Cal.4th at 227). While use of a statewide per capita metric to determine the significance of GHG impacts may be useful for a General Plan, which examines collective community emissions of existing and proposed new development, it is not appropriate for projects that only govern new development. Accordingly, Metro should apply a net-zero emissions GHG threshold to ensure a legally defensible EIR. Because the Project will result in an increase in GHG emissions, Metro should consider its GHG impacts significant.

<sup>11</sup> See BAAQMD, *CEQA Guidelines Update, Proposed Thresholds of Significance* at 10-22 (Dec 7, 2009), <http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/proposed-thresholds-of-significance-dec-7-09.pdf?la=en> (explaining methodology for project-level GHG threshold).

### **Response to Comment No. 3-5**

As discussed in Response to Comment No. 3-2 and reiterated in Response to Comment No. 3-4, CEQA Guidelines Section 15064.4 does not establish a threshold of significance. Refer to Response to Comment Nos. 3-2 and 3-4 for a detailed discussion as to how the threshold used in the Draft EIR was established. As discussed therein, the Project does not use the kind of statewide-comparison "business-as-usual" quantitative threshold or a per capita emissions metric that the comment is critical of, but rather the Draft EIR considers whether the Project complies with applicable plans, policies, regulations, and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

The commenter has provided no evidence, substantial or otherwise, that a net zero GHG emissions threshold for a project is necessary to avoid a significant impact. As discussed immediately above and in Response to Comment No 3-2 and 3-4, the City instead relies on compliance with plans and policies, consistent with CEQA Guidelines Section 15064.4(b)(2), as its threshold for determining the significance of the project's GHG impacts.

## **Comment No. 3-6**

### **B. The Project's Energy Impacts Are Significant**

The DEIR improperly concludes that the Project “would not cause wasteful, inefficient, or unnecessary use of energy.”<sup>12</sup> A key purpose of the evaluation of project energy impacts under Appendix F is “decreasing reliance on fossil fuels[,] such as coal, natural gas and oil.” CEQA Guidelines, App. F, at Sec. I. New projects lock in energy system infrastructure for decades.<sup>13</sup> As a result, if new projects are continuously powered by carbon-emitting energy sources such as natural gas, “it will be that much more difficult for California to meet its GHG emission reduction goals.”<sup>14</sup> In furtherance of CEQA’s energy conservation mandates, electric heat pumps substantially reduce gas demand due to their superior efficiency and reliance on electric power from an increasingly decarbonized grid. Rather than needing to generate heat through the combustion of fossil gas, heat pumps extract existing heat from the surrounding environment. Because electricity is used to move heat around rather than to create it, the efficiency of heat pump water and space heating is far greater than 100 percent (energy services delivered are much greater than energy input). For example, gas water heaters advertised by Rheem, a major water heating manufacturer, have a uniform efficiency factor (“UEF”) of 0.58–0.83.<sup>15</sup> In contrast, Rheem’s heat pump water heaters have a UEF of between 3.45 to 3.80, making them four to seven times more efficient than gas alternatives.<sup>16</sup> As recognized by the CEC, “[u]sing heat pumps for space and water heating, as well as other uses, is cost-effective in the long run simply because electrification technologies can be significantly more efficient than natural gas technologies.”<sup>17</sup> Given the low inherent efficiencies of gas space and water heating as compared to heat pump options, homes that continue to rely on gas cannot be reasonably construed as “the wise and efficient use of energy” and therefore result in significant energy impacts under CEQA.

<sup>12</sup> DEIR at IV.C-35.

<sup>13</sup> California Energy Comm’n (“CEC”), *2018 IEPR Update Volume II*, at 18 (Mar. 21, 2019) (“2018 IEPR Update”).

<sup>14</sup> *Id.*

<sup>15</sup> Rheem, *Gas Water Heaters*, <https://perma.cc/M687-98TU>.

<sup>16</sup> Rheem, *Professional Prestige Series ProTerra Hybrid Electric Water Heater*, <https://perma.cc/5SKF-VEMC>.

<sup>17</sup> 2018 IEPR Update at 32.

## **Response to Comment No. 3-6**

This comment correctly identifies that a key purpose of the evaluation of project energy impacts under Appendix F is “decreasing reliance on fossil fuels....” As discussed on page IV.C-26 of the Draft EIR, the Project would decrease the reliance on fossil fuels. As an example, Project-related vehicle trips would result in the consumption of petroleum-

based fuels related to vehicular travel to and from the Project Site. However, with incorporation of trip reduction measures, net transportation-fuel usage would be reduced by 42 percent for both gasoline and diesel fuels.<sup>3</sup>

This comment provides information regarding electric heat pumps and will be forwarded to the decision makers for their review and consideration. None of the information in this comment provides substantial evidence that an applicable plan, policy, or regulation adopted and applicable to the Project require heat pumps in new construction. As discussed in Response to Comment No. 3-1 and 3-3, the Project would be required to comply with the City's all-electric ordinance. All new building permits submitted on or after April 1, 2023, would be required to be constructed without any combustion equipment, gas piping or fuel gas for uses such as heating, cooking, and clothes drying.

As also noted in Response to Comment No. 3-3, the 2022 Title 24 Standards go into effect on January 1, 2023, and builds on California's technology innovations, encouraging energy efficient approaches to encourage building decarbonization, emphasizing in particular heat pumps for space heating and water heating. Compliance with Title 24 is enforced through the building permit process. As such, any building permit application filed on or after January 1, 2023, would be required to comply with 2022 Title 24 Standards and related Building Energy Codes. Given that Project construction is anticipated to take place beginning in 2023 with full buildout in 2038, the more stringent Title 24 Standards may be applicable to portions of the Project depending on when a building permit application is filed. Thus, where applicable the Project would not preclude "all-electric" requirements where mandated by subsequent versions of Title 24 Standards.

Furthermore, as discussed on Page IV.C-35 of the Draft EIR, the Project's impact related to energy use was determined to be less than significant without mitigation. Therefore, no mitigation measures are required, and the impact remains less than significant. This comment does not provide a need or basis to impose all-electric appliances (e.g., heat pumps) as a CEQA mitigation measure, and furthermore CEQA does not compel all-electric development, specifically, in order for an energy impact to be less than significant.

### **Comment No. 3-7**

#### **C. The DEIR Ignores the Public Health Impacts of Gas Combustion in Homes**

Health and safety effects, including adverse health impacts from air pollutants, may constitute significant environmental impacts for the purposes of CEQA. See, e.g., *Sierra*

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<sup>3</sup> See page 3 of Appendix F, *Energy Calculations*, of the Draft EIR.

*Club v. County of Fresno*, 6 Cal.5th 502, 517–22 (2018); CEQA Guidelines § 15126.2(a). The combustion of gas in household appliances, such as stoves, produces harmful indoor air pollution, specifically carbon monoxide, nitric oxide and nitrogen dioxide (“NO<sub>x</sub>”), formaldehyde, acetaldehyde, and ultrafine particles, often in excess of the levels set out by the California Ambient Air Quality Standards and the National Ambient Air Quality Standards.<sup>18</sup> In particular, CARB has warned that “cooking emissions, especially from gas stoves, are associated with increased respiratory disease.”<sup>19</sup> Children in homes with gas stoves are particularly at risk. A meta-analysis examining the association between gas stoves and childhood asthma found that “children in homes with gas stoves have a 42 percent increased risk of experiencing asthma symptoms (current asthma)” and “a 24 percent increased risk of ever being diagnosed with asthma by a doctor (lifetime asthma).”<sup>20</sup> Other health effects of NO<sub>x</sub> in children may include cardiovascular effects, increased susceptibility to allergens and lung infections, irritated airways and other aggravated respiratory symptoms, such as chest tightness, wheezing and coughing, and learning deficits.<sup>21</sup> For these reasons, CARB has recognized “the conclusion of recent studies that 100 percent electrification of natural gas appliances in California would result in significant health benefits and reduction of GHG emissions from natural gas combustion in residential buildings.”<sup>22</sup> In assessing whether the Project exposes sensitive receptors to substantial pollutant concentrations, the DEIR ignores this impact.<sup>23</sup> In failing to require all-electric new construction, the Project will have significant public health impacts the EIR fails to acknowledge and mitigate.

<sup>18</sup> See, e.g., Jennifer M. Logue et al., *Pollutant Exposures from Natural Gas Cooking Burners: A Simulation-Based Assessment for Southern California*, 122 *Env’t Health Perspectives* 43, 43–50 (2014); Victoria L. Klug et al., *Cooking Appliance Use in California Homes—Data Collected from a Web-Based Survey*, Lawrence Berkeley Nat’l Lab’y (Aug. 2011); John Manuel, *A Healthy Home Environment?*, 107 *Env’tl. Health Perspectives* 352, 352–57 (1999); Nasim A. Mullen et al., *Impact of Natural Gas Appliances on Pollutant Levels in California Homes*, Lawrence Berkeley Nat’l Lab’y (Dec. 2012); Dr. Zhu et al., *Effects of Residential Gas Appliances on Indoor and Outdoor Air Quality and Public Health in California*, UCLA Fielding School of Pub. Health, at 12–14 (Apr. 2020).

<sup>19</sup> CARB, *Combustion Pollutants & Indoor Air Quality*, <https://perma.cc/J6YH-VVZH> (as of November 19, 2020).

<sup>20</sup> Brady Seals & Andee Krasner, *Gas Stoves: Health and Air Quality Impacts and Solutions*, Rocky Mountain Institute, Physicians for Social Responsibility, and Sierra Club, at 13 (2020), <https://rmi.org/insight/gas-stoves-pollution-health/>.

<sup>21</sup> *Id.*

<sup>22</sup> CARB Resolution 20-32, *California Indoor Air Quality Program Update*, at 2 (Nov. 19, 2020), <https://ww3.arb.ca.gov/board/res/2020/res20-32.pdf>.

<sup>23</sup> See DEIR Section IV.A, Air Quality.

### **Response to Comment No. 3-7**

This comment is focused on indoor air quality impacts to future residents of the Project. CEQA does not require the Project to analyze its impact on itself and this

comment provides no substantial evidence to support why this type of analysis should be conducted under CEQA. Localized air quality impacts to off-site sensitive uses (including emissions from the combustion of natural gas on the Project site) from the Project were evaluated in Section IV.B, Air Quality, of the Draft EIR. As shown therein, emissions estimates for criteria air pollutants from on-site sources were presented in Table IV.A-13 on page IV.A-72 of the Draft EIR. The SCAQMD Localized Significance Threshold (LST) mass rate look-up tables were used to evaluate potential localized impacts. As shown in Table IV.A-13, on-site operational emissions would not exceed any of the LSTs (California Ambient Air Quality Standards and the National Ambient Air Quality Standards). Therefore, localized on-site operational emissions resulting from the Project were concluded to result in a less-than-significant air quality impact. In addition, as discussed in Response to Comment No 3-1, 3-3, and 3-6, the Project would be subject to the City's all-Electric ordinance where all new building permits submitted on or after April 1, 2023, would be required to be constructed without any combustion equipment, gas piping or fuel gas for uses such as heating, cooking, and clothes drying. The information provided in this comment regarding health effects from combustion of gas in household appliances will be forwarded to the decision makers for their review and consideration.

### **Comment No. 3-8**

#### **II. Requiring All-Electric Buildings with No Connection to the Gas System is Feasible Mitigation Measures for the Project's Significant Impacts**

Requiring all-electric buildings will substantially lessen Project impacts by reducing greenhouse gas pollution compared to mixed-fuel buildings under current grid conditions and even more so as the grid becomes increasingly decarbonized, avoiding fossil fuel lock-in, and avoiding the health impacts caused by indoor and outdoor air pollution from methane burning appliances. For example, in *Residential Building Electrification in California*, Energy and Environmental Economics ("E3") determined that "electrification is found to reduce total greenhouse gas emissions in single family homes by approximately 30 to 60 percent in 2020, relative to a natural gas-fueled home."<sup>24</sup> Moreover, "[a]s the carbon intensity of the grid decreases over time, these savings are estimated to increase to approximately 80 to 90 percent by 2050, including the impacts of upstream methane leakage and refrigerant gas leakage from air conditioners and heat pumps."<sup>25</sup> As shown in the graph below, the GHG savings from heat pumps are substantial today and will only increase as California continues to decarbonize its grid as required under SB 100.



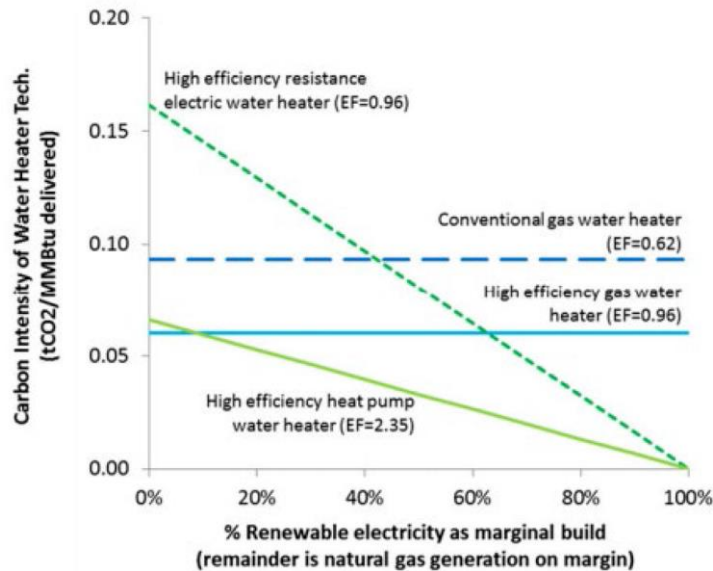


Figure 3. Carbon intensity of water heater technologies, as a function of renewable electricity percentage.  
Source: Author's calculations

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In contrast, because gas appliance will generate the same level of pollution over their lifetime, their emissions relative to electric alternatives will increase over time and increasingly interfere with achievement of California's climate objectives.

<sup>24</sup> E3, *Residential Building Electrification in California*, at iv (Apr. 2019), [https://www.ethree.com/wp-content/uploads/2019/04/E3\\_Residential\\_Building\\_Electrification\\_in\\_California\\_April\\_2019.pdf](https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf).

<sup>25</sup> Id.

<sup>26</sup> Amber Mahone et al., *What If Efficiency Goals Were Carbon Goals*, at 9-7, American Council for an Energy-Efficient Economy (2016), [https://aceee.org/files/proceedings/2016/data/papers/9\\_284.pdf](https://aceee.org/files/proceedings/2016/data/papers/9_284.pdf).

### **Response to Comment No. 3-8**

The analysis included in Section IV., Greenhouse Gas Emissions, of the Draft EIR appropriately determined that Project impacts related to GHG emissions would be less than significant and no mitigation measures were required. Additionally, as discussed in Response to Comment No. 3-2, above, CEQA Guidelines Section 15064.4 does not establish a threshold of significance, and in the absence of any adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations, and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. In addition, please refer to Response to Comment No 3-1 which mentions that the Project would be subject to the City's All-Electric ordinance. All new building permits submitted on or after April 1, 2023, would be required to be constructed without any combustion equipment, gas piping

or fuel gas for uses such as heating, cooking, and clothes drying. No mitigation measures are required.

### **Comment No. 3-9**

CEQA mandates that government agencies must deny approval of a project presenting significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects. Pub. Resources Code § 21002. Only when feasible mitigation measures have been exhausted may an agency find that overriding considerations exist that outweigh the significant environmental effects. *Id.* § 21081; see also CEQA Guidelines 15091(a). This mandate—to avoid, minimize and mitigate significant adverse effects where feasible—has been described as the “most important” provision of the law. *Sierra Club v. Gilroy City Council*, 222 Cal. App. 3d 30, 41 (1990).

### **Response to Comment No. 3-9**

Refer to Response to Comment No. 3-8, above. As discussed therein, the analysis included in Section IV., Greenhouse Gas Emissions, of the Draft EIR appropriately determined that Project impacts related to GHG emissions would be less than significant and no mitigation measures were required.

### **Comment No. 3-10**

As demonstrated by the increasing number of all-electric projects across California, all-electric construction is feasible and routinely lower building costs compared to mixed-fuel buildings. For example, as the California Energy Commission (“CEC”) observed in its Building Decarbonization Assessment, “[t]he cost of new single-family homes is lower if built all-electric across most climate zones in California.”<sup>27</sup> For mid-rise multi-family homes, “[a]n average reduction of \$3,300 per unit was found” by avoiding the costs of gas piping, venting, and trenching to connect to the gas system.<sup>28</sup> Indeed, as noted in Redwood Energy’s A Zero Emissions All-Electric Multifamily Construction Guide, “[i]n the downtown of a city like Los Angeles, just trenching and piping gas to an apartment building in a busy street can cost \$140,000.”<sup>29</sup> Moreover, there are additional embedded savings from faster build-out (related to not having to install gas plumbing and piping inside of the home), and by installing one heat pump instead of a separate furnace and air conditioning. Like most residential construction, all-electric new commercial construction offers cost savings compared to mixed-fuel buildings. As the CEC summarized in its recent Integrated Energy Policy Report:

*A study supporting the utility codes and standards program found that all-electric new commercial construction has mostly lower upfront costs compared to a mixed-fuel building. The cost reductions were due to avoided*

*gas infrastructure, including planning, service extension, meter, and plumbing, even when the cost of additional wiring and panel capacity were included. The only exception was in all-electric office building construction. Incremental costs for new commercial buildings were also mostly negative across climate zones and in some cases when adding upfront costs through solar photovoltaic (PV), battery storage, and technologies more efficient than code.*<sup>30</sup>

Examples of all-electric construction and their climate, health and economic benefits across building types abound.<sup>31</sup> To comply with CEQA and ensure future residents of the NoHo Project live in healthy, fossil-fuel free homes, Metro should require all-electric buildings to mitigate Project impacts.

<sup>27</sup> CEC, *California Building Decarbonization Assessment*, at 82 (Aug. 13, 2021) (“CEC Building Decarbonization Assessment”), <https://efiling.energy.ca.gov/GetDocument.aspx?tn=239311>. See also S. Cal. Edison Co. (U 338-E) (“SCE”) Comments on Phase III Amended Scoping Memo and Ruling of Assigned Comm’r, at 11 (Dec. 20, 2021) (citing Building Decarbonization Assessment) (“SCE Opening Comments”), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M432/K634/432634587.PDF>.

<sup>28</sup> CEC Building Decarbonization Assessment at 83.

<sup>29</sup> Redwood Energy, *A Zero Emissions All-Electric Multifamily Construction Guide* at 2 (2019), <https://fossilfreebuildings.org/ElectricMFGuide.pdf>

<sup>30</sup> CEC, *Final 2021 Integrated Energy Pol’y Report, Vol. 1: Building Decarbonization*, at 100 (Feb. 1, 2022), <https://efiling.energy.ca.gov/GetDocument.aspx?tn=241361>.

<sup>31</sup> See, e.g., Redwood Energy, *Zero Carbon Commercial Construction: An Electrification Guide for Large Commercial Buildings and Campuses* (2019), <https://www.sanjoseca.gov/home/showdocument?id=39058>; Redwood Energy, *A Zero Emissions All-Electric Multifamily Construction Guide* at 2 (2019), <https://fossilfreebuildings.org/ElectricMFGuide.pdf>.

### **Response to Comment No. 3-10**

Refer to Response to Comment No. 3-8, above. As discussed therein, impacts were appropriately determined to be less than significant and no mitigation measures are required. As also stated above in Response to Comment 3-1, the Project would be subject to the City’s all-electric ordinance. Furthermore, comparative construction costs are not a relevant consideration under CEQA.

### **Comment No. 3-11**

Please ensure Matt Vespa, [mvespa@earthjustice.org](mailto:mvespa@earthjustice.org), is added to the notification list for the Final EIR and any other future updates on the Project. Thank you for your consideration of these comments.

**Response to Comment No. 3-11**

This comment, which concludes the letter and provides a point of contact, is noted for the record and will be forwarded to the decision makers for their review and consideration. The commenter has also been added to the notification list for the Project as requested.

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**Comment Letter No. 4**

Andrew Salas  
Chairman  
Gabrieleño Band of Mission Indians—Kizh Nation  
P.O. Box 393  
Covina, CA 91723-0393

**Comment No. 4-1**

Thank you for your email and the proposed mitigation you provided. With respect we disagree with the proposed mitigation. Please note our consultations and mitigation pertain to our connection to the project location and our tribal cultural resources in and around the project location. Our mitigation does not speak on behalf of any other tribal entity but ours. Therefore, we ask you to keep any other tribal entity separate and out of our mitigation. Our traditions, ceremonies and resources are all different and not the same as other tribal entities. We would like you to utilize the mitigations we have provided you in my previous email on February 18,2022. [sic] If you have any questions, please feel free to contact us.

**Response to Comment No. 4-1**

This comment states that the Gabrieleño Band of Mission Indians—Kizh Nation (Kizh Nation) disagrees with the proposed mitigation, referring to Mitigation Measure TR-MM-1 in Section IV.L, Tribal Cultural Resources, of the Draft EIR. Specifically, the Kizh Nation objects to the identification of another tribe (i.e., the Fernandeño Tataviam Band of Mission Indians) as part of the mitigation measure. The Fernandeño Tataviam Band of Mission Indians was included in the notification provision of Mitigation Measure TR-MM-1 because they, as with the Kizh Nation, initiated consultation on the Project. Beyond notification, the provisions of Mitigation Measure TR-MM-1 are not specific to any tribe and are substantively similar to the mitigation measures requested by the Kizh Nation on February 18, 2022.<sup>4</sup> Therefore, no changes are warranted. Nevertheless, this comment will be forwarded to the decision makers for their review and consideration.

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<sup>4</sup> *All correspondence between the Kizh Nation and City is included in Confidential Appendix D of the Tribal Cultural Resources Report included as Appendix S of the Draft EIR. The confidential appendices are on file with the Department of City Planning and may be reviewed by qualified personnel by appointment.*

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**Comment Letter No. 5**

Adrian Scott Fine  
Senior Director of Advocacy  
Los Angeles Conservancy  
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Los Angeles, CA 90014-1248

**Comment No. 5-1**

On behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (EIR) for the District NoHo Project (Project). The proposed Project is a high-intensity, mixed-use, transit-oriented, and multiphase development on approximately 15.9-acres of land owned by the Los Angeles County Metropolitan Transportation Authority (Metro) at and including the terminus of Metro's B (Red) Line, G (Orange) Line (Project Site) as part of a joint development effort with Metro. The development includes market rate and affordable multi-family residential units, community-serving retail, and restaurant uses, and office space that is integrated with bicycle, bus, rail, and parking facilities.

Throughout the early stages of this proposed project, we have welcomed the opportunity to discuss the scope and potential impacts of this project with Metro consultants, and we thank them for meeting. The Conservancy however remains concerned by the Project's significant impacts to historic resources, namely the Lankershim Depot at the corner of Lankershim and South Chandler Boulevards. While we better understand the desire and intent for the relocation of this historic train structure, we are not fully convinced that it is indeed necessary to achieve the project objectives.

**I. The Lankershim Depot is an important piece of Los Angeles's Transportation History**

Constructed as a one-story railroad depot in 1895, the Lankershim Depot became a stop for the Pacific Electric Red Car line in 1911. As a Red Car stop, the depot was in continuous use from 1911–1952 when the City of Los Angeles systematically dismantled its light rail system.

Despite the end of the streetcar era, the depot found a new life as Hendrick's Building Supply until the Los Angeles County Metropolitan Transit Authority (Metro) purchased the site in 1993 to construct the Red Line subway. For nearly three decades following the Red Line's completion, the Lankershim Depot's fate [sic] remained uncertain.

In 2017, the depot once again found a new use when it reopened as a coffee shop. In 2018, the depot received a Los Angeles Conservancy Preservation Award as an exceptional adaptive reuse project. Since reopening, the coffee shop has become an important community hub and breathing new life into the corner.

### **Response to Comment No. 5-1**

This comment, which summarizes the Project Description and history of the Lankershim Depot (Depot), is noted for the record and will be forwarded to the decision makers for their review and consideration.

### **Comment No. 5-2**

#### **II. The siting of the Lankershim Depot is important for its ability to convey its significance**

The siting of the Lankershim Depot is an important character defining feature as it enables the building to convey its significance as a rail depot along historic rail lines. This siting relates to both its context as a rail depot and its relationship to the intersection of Lankershim and Chandler Boulevards as a Red Car stop.

As proposed, shifting the depot 45-feet to the west and 2.5-feet to the south to accommodate expansion and consolidation of transit services, specifically a new portal to the Metro North Hollywood Station would result in a significant and unavoidable impact to the historic resource. As stated in the Cultural Resources Technical Appendix prepared by Jenna Snow at Historic Preservation Consulting, such a move would physically and visually separate the Depot from its historic setting, materially altering in an adverse manner a characteristic of the historical resource that conveys its significance. The Conservancy seriously questions the eligibility of the Lankershim Depot as a historic resource after such a separation from its historic setting has occurred. We strongly believe that all projects dealing with historic resources must maintain their eligibility at project completion.

### **Response to Comment No. 5-2**

As described in the Historic Report included as Appendix D of the Draft EIR, the Depot was officially determined eligible for listing in the National Register of Historic Places (National Register) in 1983 and was automatically listed in the California Register of Historical Resources (California Register) at that time. The Depot was found significant for “its association with the early growth and subsequent settlement of the North Hollywood area. Additionally, it is one of the only surviving non-adobe structures constructed during the 19<sup>th</sup> century in the Valley.” It is, therefore, a historical resource for purposes of CEQA.

The siting of the Depot at the northwest corner of Lankershim and Chandler Boulevards is one of several character-defining features of the building. Other character-defining features, or those physical features that convey the Depot's significance, are described in the Historic Report and include:

- Platform
- Doors/Windows
- Chimney
- Rooftop Signs
- Canopy
- Telephone Booth
- Exterior Walls
- Landscaping
- Interior Floor Plan

Relocation of the Depot 45 feet to the west and 2.5 feet to the south was identified as a significant impact in the Draft EIR. While retention of the Depot in its current location was fully analyzed, it was determined to be infeasible.

The question the commentor poses is whether or not, after relocation, the Depot will retain sufficient integrity to convey its significance. The National Register recognizes seven aspects or qualities of integrity as location, design, setting, materials, workmanship, feeling, and association. To retain integrity, a property must possess several, and usually most, of these aspects.<sup>5</sup> Although the location of the Depot will change, it will retain all of the other physical, character-defining features noted above, thereby retaining integrity of design, materials, workmanship, and feeling. As described in the Historic Report, the setting of the Depot has been compromised over time with changes to the widths of Chandler and Lankershim Boulevards, as well as substantial changes to the surrounding built environment. Nevertheless, because integrity of location is essential to a rail depot, the Historic Report concluded that relocation would result in a significant and unavoidable impact. In other words, relocation would result in material impairment of the Depot such that it would no longer be able to convey its historical association with the early growth of

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<sup>5</sup> *National Register Bulletin #15, How to Apply the National Register Criteria for Evaluation (National Park Service, 1990, revised 2002).*



North Hollywood and the Depot would no longer be eligible for inclusion in the National or California Registers.

While impacts would be significant and unavoidable, the Project includes mitigation measures to reduce its impact on the Depot to the extent feasible. Specifically, Mitigation Measure CUL-MM-1 requires that, prior to commencement of construction on Block 0, as approved by Metro, the developer engage an architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications Standards (Architectural Historian) to ensure the Depot is relocated in conformance with the Secretary's Standards and guidance provided in *Moving Historic Buildings* by John Obed Curtis;<sup>6</sup> Mitigation Measure CUL-MM-2 requires that, prior to commencement of construction on Block 0, as approved by Metro, the Applicant engage a professional architectural photographer and the Architectural Historian to implement Historic American Building Survey (HABS) Level II documentation of the current status of the Lankershim Depot and its setting consisting of both photographs and a written narrative; and Mitigation Measure CUL-MM-3 requires the Applicant to prepare and implement a site-specific, art-in-public-places program on Block 0 that illustrates and interprets the important history of the Depot to the development of North Hollywood (including establishing a budget for the public art prior to the commencement of construction that is sufficient to cover design fees and fabrication). Refer to Section IV.B, Cultural Resources, of the Draft EIR or Section IV, Mitigation Monitoring Program, of this Final EIR for additional details on these mitigation measures.

### **Comment No. 5-3**

#### **III. The Final EIR should fully analyze and incorporate existing historic resources**

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."<sup>1</sup> To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects."<sup>2</sup> The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.<sup>3</sup> Reasonable alternatives must be considered "even if they substantially impede the project or are more costly."<sup>4</sup> Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.<sup>5</sup>

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<sup>6</sup> Curtis, John Obed, *Moving Historic Buildings*, (Washington, D.C.: U.S. Department of the Interior, Heritage Conservation and Recreation Service, Technical Preservation Services Division, 1979)..

As discussed, the Project would have significant and unavoidable impacts to historic resources and could substantially deteriorate the Lankershim Depot's ability to retain its eligibility. The City has identified six project alternatives including two no Project alternatives, one that incorporates development and the other a No Build option. Of the six, Alternative 5: Historic Preservation Alternative will have less than significant for all areas of potential impact. This Project Alternative would not incorporate new transit development in Block 0 West where the Depot is located, retaining the Lankershim Depot in its current location and avoid significant impacts. However, this Alternative would not meet three of the nine Project Objectives. These are:

- Promote and enhance transit ridership by consolidating and revitalizing the Metro transit center and providing enhancements to the G (Orange) Line terminus property, including an improved terminal and security office, Metro employee break room, other support structures, new Metro portal structures on the West and East sides of Lankershim, and the retention of the Historic Lankershim Depot.
- Improve Metro infrastructure in furtherance of Metro's commitment to convert to an all-electric fleet by 2040.
- Support Metro's regional planning efforts such as the Metro Vision 2028 Strategic Plan by improving pedestrian, bicycle, and transit facilities in North Hollywood.

While we recognize the need to meet these objectives, the Conservancy continues to believe there is a win-win outcome that may retain the Depot in place while accommodating new infrastructure that enhances the G (Orange) Line terminus, supports the future all-electric fleet, and creates a useable portal for transit riders to access the below ground light rail platforms.

<sup>1</sup> Public Resource Code, Sec. 21001 (b), (c).

<sup>2</sup> *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

<sup>3</sup> Guideline § 15126.6(a).

<sup>4</sup> *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1) [sic—Because of the age of this case and revisions to the CEQA Guidelines, Section 15126(d)(1) no longer exists.].

<sup>5</sup> Public Resources Code § 21081.5.

### **Response to Comment No. 5-3**

Contrary to the comment, all feasible mitigation measures have been imposed on the Project and potentially feasible alternatives have been considered and analyzed.

With respect to mitigation, as discussed above in Response to Comment No. 5-2, the Draft EIR includes Mitigation Measures CUL-MM-1 through CUL-MM-3 to lessen impacts of the relocation on the Depot. These measures include engaging an architectural historian to ensure the Depot is relocated in conformance with the Secretary's Standards; documenting of the Depot in its current location with HABS Level II documentation; and implementing a site-specific, art-in-public-places program to illustrate and interpret the important history of the Depot to the development of North Hollywood. While these mitigation measures will not reduce project impacts to a less-than-significant level, they substantially lessen the impact and will serve to document and interpret the important history of the Depot to a wider audience.

In addition, as discussed in detail in Section IV.B, Cultural Resources, of the Draft EIR and in a technical memorandum included as Attachment F of the Historic Report, retaining the Depot in its existing location with the proposed site plan is impracticable. Alternative plans considered included constructing the new portal at the north side of the block, close to the existing portal on the west side of Lankershim Boulevard or enlarging the existing portal.<sup>7</sup> Both of these alternative plans were determined impracticable due to the size of expected future ridership and maintaining the location of the Depot would create circuitous, inefficient paths from the G (Orange) Line to the portals and other bus routes/bus bays. Thus, the relocation plan was selected through a design process aimed to incorporate all of Metro's requirements while having the least impact on the Depot.

With respect to Alternatives, the commenter states "[r]easonable alternatives must be considered 'even if they substantially impede the project or are more costly.'" The Project's alternatives analysis complies with CEQA Guidelines Section 15126.6. Specifically, Section V, Alternatives, of the Draft EIR, includes Alternative 5, the Historic Preservation Alternative, where the Depot would be retained in place. As evaluated therein, while Alternative 5 would avoid the Project's significant and unavoidable impact to the Depot, as with the Project it, would still result in significant unavoidable Project-level impacts with respect to concurrent construction/operational air quality (NO<sub>x</sub>), on- and off-site construction noise, and on- and off-site construction vibration (human annoyance) as well as significant and unavoidable cumulative impacts related to on- and off-site construction noise, and on- and off-site construction vibration (human annoyance).

Alternative 5 would only partially meet the underlying purpose of the Project, would not meet many project objectives to the same degree, including the provision of housing

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<sup>7</sup> Section IV.B, Cultural Resources, of the Draft EIR refers to "alternatives" considered to avoid relocation of the Depot. This has been updated to "alternative plans" as part of this Final EIR to avoid confusion with the Project's alternatives analyzed in Section V of the Draft EIR. Refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

and a transit-oriented development, and would not meet the project objectives related to creation of a consolidated transit center, as the commentor acknowledges. Any other alternative including retention of the Depot would likely not meet these objectives. The commentor does not provide any evidence or detail regarding how retention of the Depot could meet these Metro objectives related to the creation of a consolidated transit center. Furthermore, it is legally infeasible to require retention of the Depot, since Metro has self-permitting authority to undertake transit improvements to this parcel and, in fact, took action on April 23, 2020 authorizing these improvements to provide the flexibility to move forward independently with the improvements in the event the Project does not proceed.

Furthermore, while the comment correctly cites Section 21002 for the proposition that the City must deny a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects, it neglects to cite another portion of that section, which provides that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

Lastly, with respect to the commenter’s statement that “environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA,” Alternative 5 was not determined to be the environmentally superior alternative. As discussed in Section V, Alternatives, pages V-153 to V-156, Alternative 3, the Development in Accordance with Existing Zoning Alternative, was determined to be the environmentally superior alternative. Nevertheless, the City will evaluate all of the alternatives and make the required findings pursuant to CEQA section 21081, including whether specific economic, legal, social, technological, or other considerations make any of the analyzed alternatives infeasible.

#### **Comment No. 5-4**

#### **IV. Conclusion**

The Conservancy thanks the Project Team for previous meetings to discuss the proposed plan. We continue to see the potential for a win-win outcome and are dedicated to working with the Project Team to find a way to reduce impacts to the Depot to a less than significant effect.

The Lankershim Depot was constructed in in 1895 and later became a stop for the Pacific Electric Red Car line in 1911. As a Red Car stop, the depot was in continuous use from 1911–1952 when the City of Los Angeles systematically dismantled its light rail system.

For over a century the Depot has sat at the corner of Lankershim Boulevard and Chandler Boulevard. The siting of the depot at this location is integral to its history and ability to convey its significance.

**About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions or concerns.

**Response to Comment No. 5-4**

This comment, which concludes the letter and provides a point of contact, is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment Letter No. 6**

Rev. Stephanie Jaeger  
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NoHo Home Alliance  
11031 Camarillo St.  
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**Comment No. 6-1**

On behalf of NoHo Home Alliance and ReImagine District NoHo, we are filing these comments to the draft EIR for the District NoHo project, because the project conflicts with the goals, objectives, policies, and programs of Los Angeles City's Housing Element (hereinafter, Housing Element) regarding affordable and equitable housing. The EIR fails to acknowledge these conflicts and, thus, fails to take adequate steps to mitigate the negative impact.

NoHo Home Alliance is a nonprofit membership organization of residents and stakeholders in the East San Fernando Valley. It is committed to addressing local issues, including homelessness and the lack of affordable housing, and to improving the health of our community. ReImagine District NoHo is a group of concerned East San Fernando Valley residents who strongly believe that the District NoHo project, as currently configured, does not meet the needs of the community or the city.

**Response to Comment No. 6-1**

This introductory comment states the commenters' belief that the Project conflicts with the City's Housing Element. Specific issues raised by the commenters are addressed in Response to Comment Nos. 6-2 through 6-9, below. As discussed therein, the commenters provide no evidence, substantial or otherwise, to support this claim and the Draft EIR correctly concluded that the Project is consistent with the City's Housing element. No mitigation is required.

**Comment No. 6-2**

The City of Los Angeles, the County and Metro (the Los Angeles Metropolitan Transportation Authority) all recognize the overwhelming need for affordable and equitable housing in Los Angeles. It is clearly one of the top issues for residents of our city and a major concern of our public agencies. The District NoHo project is slated to develop 1527 housing units, but only 20% will be affordable.<sup>1</sup> To make matters worse, the affordable housing will not be integrated into the development, but will be placed on the periphery, away from many of the amenities.

<sup>1</sup> According the draft EIR, there will be 1216 market rate units and 311 affordable units. (Draft EIR, Executive Summary, pg. I-9.) Presumably, the affordable units will be very low income and low income or will be permanent supportive housing. There are no plans for moderate income housing. Furthermore, of the residential units, 411 will be studio apartments, 708 will be one-bedroom units, 299 will be two-bedroom apartments, and only 79 will be three-bedroom units. (Draft EIR, IV.G-19.)

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### **Response to Comment No. 6-2**

This comment correctly states the number of market-rate and affordable residential units proposed and the location of affordable housing within a development is not an issue under CEQA. As discussed in Section II, Project Description, of the Draft EIR, each block includes open space amenities as detailed therein. .

### **Comment No. 6-3**

The Land Use Chapter of the draft EIR quotes the goals of the Housing Element (IV.G-8; see also Housing Element, Chapt. 6, pg. 242) and claims there is no conflict and no need for mitigation. Yet, when one considers the Housing Element's goals, objectives, policies and programs, along with the entire text of the document and other documents, it is apparent that Los Angeles needs to create more affordable, equitable housing and has put in place various enactments to accomplish this goal. As will be shown below, contrary to the draft EIR, the district NoHo project does conflict with the Housing Elements and mitigation is required.

### **Los Angeles City's Housing Element Plan Prioritizes the Need for Affordable and Equitable Housing**

The Housing Element makes it clear that Los Angeles is in the midst of a housing crisis. The city has the largest number of "rent burdened" households in comparison to 20 major U.S. cities. (Housing Element, Chapt. 1, pg. 88.) The cost of renting an apartment has increased significantly. (Id., pg. 91.) Under SCAG's Regional Housing Needs Assessment (RHNA), Los Angeles needs to plan for creating 456,643 housing units. (Id., pg. 98). Of this housing, 40% or 184,721 units must be low-income housing and 16% moderate-income housing. (Id., pg. 99.) It is anticipated that new construction will not meet RHNA goals for low-income and moderate-income housing. (Id., pg. 100.) The resources for construction of affordable housing are limited. (Id., p. 100.)

The City acknowledges there is an inadequate inventory of sites to meet the RHNA allocation. (Housing Element, Chapt. 4, pg. 175.) The shortfall is greatest for low-income units (130,553), followed by moderate-income units (72,993). (Ibid.) The city's solution to this shortfall is to create a Rezoning Program that will prioritize low-income housing and mixed income communities. (Id., pg. 146.) It is unclear how realistic this list of potential sites is. For example, Appendix 4.8 to the Housing Element lists 14265 Moorpark St., Sherman Oaks as public land for potential rezoning. (Housing Element, App. 4.8, pg. 6.) However, that parcel of property is actually the Sherman Oaks Branch of the Los Angeles Public Library.



Housing constraints have a greater impact on affordable housing, and this effect is felt more heavily in areas with higher incomes, resources, amenities and access to economic opportunity. (Housing Element, Chapt. 2, pg. 121). [sic] The list of constraints, both governmental and private, is extensive, but it includes the cost of land, land use plans, zoning codes, etc. (Id., pg. 122.)

The Housing Element also states, “The need to build a more just and equitable Los Angeles has never been more urgent or more opportune. “ (Id., pg. 103.) The lack of affordable housing affects persons of color to a greater extent. (Id., pg. 105.) To meet these challenges, the Housing Element explicitly states, “Sites identified to accommodate the lower income RHNA must be distributed throughout the community in a manner that affirmatively furthers fair housing.” (Id., pg. 111.) It acknowledges that doing this would “create opportunities to foster residential integration within those neighborhoods, which are predominantly white and are least likely to have restricted, publicly funded affordable and accessible housing...” (Ibid.) Significantly, it recognizes that the city needs to take “proactive efforts... to reverse the legacies of discriminatory and racist policies.” (Housing Element, Exec. Summary, pg. 8.)

As is clear from the text of the Housing Element, the City of Los Angeles recognizes that it needs to increase significantly the amount of housing. It acknowledges that there is an inadequate inventory of housing sites and that additional actions must be taken to meet the RHNA allocation. It prioritizes the development of low-income housing, especially in High Opportunity Areas and other locations. Additionally, the document also makes clear that housing should be more equitable and inclusive and the city should break down barriers that have fostered segregation.

### **Response to Comment No. 6-3**

This comment consists of a number of quotes from the City’s Housing Element, and restates the commenters’ belief that the Project is in conflict but does not include any specific comments on the Project or provide any evidence, substantial or otherwise, in support of its assertions. Please see page IV.G-24 of Section IV.G, Land Use and Planning, of the Draft EIR, for discussion of consistency with policies from the Housing Element for goals, policies, and objectives related to impacts on the environment. Nevertheless, this comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

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**Comment No. 6-4****The Housing Element Sets Objectives, Policies and Programs to Meet Those Goals**

To meet the allocations set by RHNA and the goals set in the Housing Element, that document includes a lengthy series of Objectives (“a statement of specific actions that assist in reaching its goals”), Policies (“a clear statement that guides a specific course of action for decision makers to achieve a desired goal”) and Programs (“an action, procedure, program or technique that carries out goals and policies”). (Housing Element, Chapt. 6, pg. 242.) These are statements of specific conduct that the city will engage in to create the needed housing. As will be shown below, the draft EIR ignores these aspects of the Housing Element.

The Housing Element establishes the actions to be taken to satisfy the goal of affordable and equitable housing. For example, Objective 1.2 provides, “Facilitate the production of housing, *especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.*” (Emphasis added.) (Id., pg. 247.) See, also, Policies 1.2.1 and 1.2.2, that, respectively, state, “Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs” and “Facilitate the construction of a range of different housing types that addresses the particular needs of the city’s diverse households.” (Ibid.)

**Response to Comment No. 6-4**

This comment quotes Objective 1.2, Policy 1.2.1, and Policy 1.2.2 from the Housing Element. As summarized in Section IV.G, Land Use, and discussed in detail in Appendix K, Land Use Tables, of the Draft EIR, the Project would not conflict with Objective 1.2, Policy 1.2.1, and Policy 1.2.2. The commenters have provided no evidence, substantial or otherwise, to the contrary.

**Comment No. 6-5**

Similarly, the Housing Element includes Objective 1.3, that provides, “Promote a more equitable distribution of housing opportunities throughout the city, with a focus on increasing Affordable Housing in Higher Opportunity Areas and in ways that further Citywide Housing Priorities. (Id., pg. 248.) In furtherance of this objective, the Housing Elements establishes Policy 1.3.1 (“Prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs and in Higher Opportunity Areas”) and Policy 1.3.2 (Prioritize the development of new Affordable Housing in all communities, particularly those that currently have fewer Affordable Units.) (Ibid.)

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**Response to Comment No. 6-5**

This comment quotes Objective 1.3, Policy 1.3.1, and Policy 1.3.2 from the Housing Element. As summarized in Section IV.G, Land Use, and discussed in detail in Appendix K, Land Use Tables, of the Draft EIR, the Project would not conflict with Policy 1.3.1. Objective 1.3 and Policy 1.3.2 were not included in Appendix K, Land Use Tables, of the Draft EIR, because they are citywide in nature and are not adopted for the purpose of avoiding or mitigating an environmental impact. A single infill development project can not affect the allocation of housing throughout the city or in all communities, but can only affect affordable housing on the Project Site.

**Comment No. 6-6**

With regard to equitable housing, Objective 4.3 states, “Affirmatively further fair housing in all housing and land use programs by taking proactive measures to promote diverse, inclusive communities that grant all Angelenos access to housing particularly in Higher Opportunity Areas...” (Id., pg. 254). The Housing Element then establishes Policy 4.3.3. (“Examine land use practices that perpetuate exclusion and inequities, including but not limited to: single-family/low density zoning, minimum lot size requirements, location of noxious uses and subjective design review standards...” (Ibid.)

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

This comment quotes Objective 4.3 and Policy 4.3.3 from the Housing Element. This objective and policy were not analyzed in the Draft EIR because they are citywide in nature and are not adopted for the purpose of avoiding or mitigating an environmental impact. A single infill development project can not affect the allocation of housing throughout the city or in all communities, but can only affect affordable housing on the Project Site.

**Comment No. 6-7**

Finally, in furtherance of these objectives and policies, the Housing Elements establishes several programs to increase the production of affordable housing. See, for example, Programs 6 & 7. (Id., pp. 260–261.) Notably, Program 15 seeks to increase the use of public land for the creation of affordable housing. (Id., pg. 268.) Programs 41 and 42 recognize that there are not sufficient lessors of market rate apartments who are willing to accept rental vouchers. Program 41 acknowledges the need for more outreach to landlords. Program 124 relates to fair and equitable housing, stating the city should “take a variety of actions to overcome patterns of segregation and foster inclusive communities...” (Id., p. 343). Included in these actions are: developing “Zoning Code amendments and Community Plans that incentivize the development of more affordable housing in areas of high need and Higher Opportunity” (Id., pg. 344); “provide housing voucher assistance and

mobility-related services to families with children to encourage families to move to lower poverty areas...” (Id., pg. 344); “replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns...” (Id., pg. 345); and “prioritize housing capacity, resources, policies and incentives to include Affordable Housing in residential development, particularly near transit, jobs and in Higher Opportunity Areas (Id., pg. 346).

These objectives, policies and programs make clear that the provisions of the Housing Element are not words on a document to be filed and forgotten. Los Angeles cannot accept the status quo. It must be proactive in working to achieve the goals described above and that approval of new housing developments, especially those on public land, should be based on how the proposed development supports the attainment of these goals, objectives, policies and programs. This requires the Planning Department to review carefully the District NoHo project and not merely accept a statement that the project does not conflict with the Housing Element.

### **Response to Comment No. 6-7**

This comment refers programs within the Housing Element. The programs in the Housing Element are actions, procedures, programs, or techniques that carry out goals and policies. As stated on page 12 of the Housing Element, “[t]hese recommendations are suggestions to future decision makers as ways to implement the goals and policies contained in this Housing Element.” In other words, these are actions to be taken by the City to achieve the goals, objectives, and policies of the Housing Element and are not applicable to individual projects. Furthermore, while not adopted, Program 15 applies to City-owned property and not property owned by other government agencies, such as the Project Site, which is owned by Metro. It should be noted, while the City does not control the land, the Project will comply with the City’s affordable housing requirements pursuant to LAMC Section 11.5.11. Nevertheless, the Draft EIR includes a thorough analysis of the Project’s consistency with the Housing Element. Refer to page IV.G-25 in Section IV.G, Land Use, of the Draft EIR and Table 3 of Appendix K, Land Use Tables, of the Draft EIR.

### **Comment No. 6-8**

**The District NoHo project is in conflict with the Housing Element and mitigation is required.**

District NoHo is a massive project covering almost 16 acres of public land at the terminus of Metro Line B (Red Line). It will require significant number of approvals and zoning changes. (See, Los Angeles Department of City Planning, Initial Study, pp. 25–26.<sup>2</sup>) Yet for all this, the development includes only 20% affordable housing, providing the City of Los Angeles with 311 affordable units out of the 1527 units planned. Even worse, these units are segregated off on the northwest side of the development, away from the market rate housing and amenities.

The minimal amount of affordable housing does not meet the city's goals and is inconsistent with the objectives, policies and programs that are intended to create sufficient affordable housing to meet the RHNA requirements and ameliorate the housing crisis. Even more, by placing the affordable housing off to the side, the project fails to take steps proactively to integrate the affordable housing into the development. Instead, it maintains the status quo of segregated housing and limited opportunities for persons of color who are most often the residents in income-restricted housing.

<sup>2</sup> [https://planning.lacity.org/odocument/564e1257-e01e-4d4e-a365-002bc665158f/District\\_NoHo\\_Project\\_Initial\\_Study\\_\(June\\_2020\).pdf](https://planning.lacity.org/odocument/564e1257-e01e-4d4e-a365-002bc665158f/District_NoHo_Project_Initial_Study_(June_2020).pdf) (Visited on May 5, 2022)

### **Response to Comment No. 6-8**

This comment restates the commenters' claims that the Project is inconsistent with the Housing Element. Refer to Response to Comment Nos. 6-2 through 6-7, above.

### **Comment No. 6-9**

The failure of the project to comply with the Housing Element is even more apparent when one considers the various benchmarks that have been established for affordable housing by governmental agencies. District NoHo's limited amount of affordable housing is inconsistent with them. For variances in the development of Transit Oriented Communities, developers are expected to include at least 39% to 51% affordable housing. (See Los Angeles Department of City Planning, Transit Oriented Communities, FAQ.<sup>3</sup>) The original plan for the District NoHo project included 35% affordable housing.<sup>4</sup> This was consistent with Metro's 2015, policy for joint development projects of 35% affordable housing.<sup>5</sup> Metro's updated policy is even more focused on affordable housing. It seeks to develop 100% income restricted units in joint development projects, but if that is unattainable, then at least 25% should be low-income units.<sup>6</sup> Metro's updated Joint Development Policy of October 20,2021 sets an "aspirational" 10-year goal of developing 10,000 units of which 50% will be income restricted.<sup>7</sup> It is questionable whether they will reach this goal. In January, 2021, Metro reported that, including projects in the pipeline, only 37% were affordable units.<sup>8</sup> Clearly, District NoHo with its 80/20 mix of market rate/affordable housing will only worsen the situation.

<sup>3</sup> [https://planning.lacity.org/odocument/87b0f2c2-8422-4767-a104-b7cd323ee26f/Transit-Oriented\\_Communities\\_-\\_Affordable\\_Housing\\_Incentive\\_Program\\_\(FAQ\).pdf](https://planning.lacity.org/odocument/87b0f2c2-8422-4767-a104-b7cd323ee26f/Transit-Oriented_Communities_-_Affordable_Housing_Incentive_Program_(FAQ).pdf) (Visited on May 5, 2022)

<sup>4</sup> [https://www.dropbox.com/sh/gsn9mm0h8jgt2hr/AAA9jHikxZD3\\_pMHavJIMPSHa/Project%20Documents?dl=0&preview=sfv\\_noho\\_guide\\_2015-12.pdf&subfolder\\_nav\\_tracking=1](https://www.dropbox.com/sh/gsn9mm0h8jgt2hr/AAA9jHikxZD3_pMHavJIMPSHa/Project%20Documents?dl=0&preview=sfv_noho_guide_2015-12.pdf&subfolder_nav_tracking=1) (Visited May 5, 2022.)

<sup>5</sup> <https://thesource.metro.net/2021/01/27/metro-releases-paper-on-updating-affordable-housing-policy-in-response-to-areas-housing-crisis/> (Visited on May 5, 2022.)

<sup>6</sup> <https://www.dropbox.com/s/mppuors403e75o0/JD%20Policy%202021%20FINAL.pdf?dl=0> (Visited on May 5, 2022.)

- <sup>7</sup> <https://metro.legistar.com/ViewReport.ashx?M=R&N=TextL5&GID=557&ID=7882&GUID=LATEST&Title=Board+Report> Metro contends that this policy does not apply to District NoHo because it only applies “going forward.”
- <sup>8</sup> <https://kfiam640.iheart.com/content/2021-01-20-metros-affordable-housing-team-shares-goals-progress/> (Visited on May 5, 2022.)

### **Response to Comment No. 6-9**

\ Comments regarding Metro’s joint development policy do not relate to the Project’s consistency with the Housing Element and are, therefore, not an issue under CEQA. \

This comment discusses affordable housing requirements under the City’s Transit Oriented Communities (TOC) program and Metro’s goals related to affordable housing. First, the Project is not seeking incentives under the TOC program, so these requirements are not relevant. The TOC Program, which is an optional program, was a provision of Measure JJJ, a ballot initiative intended to increase affordable housing. Measure JJJ also included affordable housing requirements for Projects seeking entitlements, such as a General Plan Amendment. The Project is seeking a General Plan Amendment, and will comply with the City’s affordable housing requirements outlined in LAMC Section 11.5.11.

### **Comment No. 6-10**

#### **Conclusion**

We at NoHo Home Alliance and ReImagine District NoHo speak for residents of the North Hollywood and the surrounding communities, as well as transit riders who will be directly impacted by this \$1 billion development on our public land. We care deeply about ensuring that Los Angeles and the East San Fernando Valley provide affordable, equitable and inclusive housing for all our residents.

Metro, City and County officials broadly agree that Los Angeles is in an affordable housing and homelessness crisis and that proactive steps must be taken to create and [sic] inclusive environment for all our residents. But this project does nothing meaningful to achieve these goals. It is an overstatement to say draft EIR puts a bandage on the problem. Rather, it ignores the problem, claiming that a minimal amount of affordable housing on the periphery of the project entirely in compliance with the City’s and Metro’s plans and goals for resolving the homelessness crisis and providing equitable housing for all. This is incorrect. We urge that the draft EIR be amended to mitigate the lack of affordable and equitable housing.

**Response to Comment No. 6-10**

This comment concludes the letter and restates the commenters' claims above. Refer to Response to Comment Nos. 6-2 through 6-9, above. As discussed therein, the commenters provide no evidence, substantial or otherwise, to support these claims and the Draft EIR correctly concluded that the Project is consistent with the City's Housing element.

**Comment Letter No. 7**

Elizabeth Barnes Keener  
5513 Cartwright Ave.  
North Hollywood, CA 91601-2822

**Comment No. 7-1**

I have owned my home in North Hollywood for 14 years. My family and I are proud to live in this diverse, vibrant part of Los Angeles.

Affordable housing is one of the most urgent issues facing our community. I am concerned about the draft EIR for the District NoHo project. I do not believe the current plan will further equitable housing or solve our housing emergency.

I urge you to work toward increasing the number of affordable units required by this project and all future projects.

**Response to Comment No. 7-1**

This comment, which requests additional affordable housing units be included in the Project, is noted for the record and will be forwarded to the decision makers for their review and consideration.



### **Comment Letter No. 8**

Robin Broder Hytowitz  
robin.hytowitz@gmail.com

#### **Comment No. 8-1**

I share the concerns raised by NoHo Home Alliance and ReImagine District NoHo Housing regarding the draft EIR for the District NoHo project.

#### **Response to Comment No. 8-1**

This introductory comment states that the commenter agrees with the comments submitted by the NoHo Home Alliance and ReImagine District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above, for detailed responses to the comments made by these organizations.

#### **Comment No. 8-2**

Contrary to the statements in draft EIR, the current plan conflicts with the Housing Element and Metro and the City's many policies and stated goals for solving LA's housing emergency and furthering fair and equitable housing.

#### **Response to Comment No. 8-2**

This comment states the commenter's belief that the Project is in conflict with unspecified goals, policies, and programs but provides no evidence of such, substantial or otherwise. As discussed in Section IV.G, Land Use, and Appendix K, Land Use Tables, of the Draft EIR, the Project would not conflict with any goals, objectives, or policies related to housing which were adopted for the purpose of avoiding or mitigating an environmental effect. Nevertheless, this comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

#### **Comment No. 8-3**

The project plan must be revised to significantly increase the number of affordable and integrated homes for our community.

Thank you for listening to my concerns.

**Response to Comment No. 8-3**

This comment, which concludes the letter and requests additional affordable housing, is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment Letter No. 9**

Eric Cardinal  
eric.cardinal@att.net

**Comment No. 9-1**

The draft Environmental Impact Report is long—seemingly meant for lawyers, developers, and planning experts. I am a member of the community concerned that the project as designed does not meet the needs of Valley residents, workers and transit riders who will be directly impacted by this \$1Billion [sic] development on our **public land**.

Metro, City and County officials broadly agree that Los Angeles is in an affordable housing and homelessness emergency. Here's a straightforward opportunity to do something about it.

**Response to Comment No. 9-1**

This introductory comment expresses general concern about the Project, as well as the length and technical content of the Draft EIR. The Draft EIR was prepared in accordance with the requirements of CEQA, and specific issues raised by the commenter are discussed below.

**Comment No. 9-2**

The EIR for District NoHo claims that the project is in compliance with a wide range of housing and equity policies such as :

- RHNA
- the Housing Element
- the City's goal of ensuring a range of housing to enable a 'reasonable portion of the City's work force to both live and work in the City'
- housing that 'fosters racially and socially inclusive neighborhoods and corrects historic harms of racial, ethnic, and social discrimination of the past and present'

I disagree. A plan for just 311 affordable homes out of 1527 (barely 20 percent) on public land in the middle of North Hollywood at a transit hub is not in compliance with these goals, policies and programs. A plan that is designed to segregate the community by income, which is likely to segregate the community by race and ethnicity, is not in compliance with these policies and goals.

**Response to Comment No. 9-2**

This comment states the commenter's belief that the Project is in conflict with unspecified goals, policies, and programs but provides no evidence of such, substantial or otherwise. As discussed in Section IV.G, Land Use, and Appendix K, Land Use Tables, of the Draft EIR, the Project would not conflict with any goals, objectives, or policies related to housing which were adopted for the purpose of avoiding or mitigating an environmental effect. Nevertheless, this comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment No. 9-3**

I strongly agree with the analysis submitted by NoHo Home Alliance and Relmagine District NoHo. This plan needs to be revised to be in compliance and to serve the needs of our community.

**Response to Comment No. 9-3**

This comment concludes the letter and states that the commenter agrees with the comments submitted by the NoHo Home Alliance and Relmagine District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above, for detailed responses to the comments made by these organizations.

**Comment Letter No. 10**

Christina Dirkes  
christinadirkes@gmail.com

**Comment No. 10-1**

I'm Tina Dirkes, and I live in Valley Glen in North Hollywood.

I share the concerns raised by NoHo Home Alliance and ReImagine District NoHo Housing regarding the draft EIR for the District NoHo project.

**Response to Comment No. 10-1**

This introductory comment states that the commenter agrees with the comments submitted by the NoHo Home Alliance and ReImagine District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above, for detailed responses to the comments made by these organizations.

**Comment No. 10-2**

Contrary to the statements in the draft EIR, the current plan conflicts with the Housing Element and numerous policies designed to address Los Angeles' housing emergency and to further fair and equitable housing in the city. The project plan must be revised to significantly increase the number of affordable and integrated homes so that the project is in compliance.

**Response to Comment No. 10-2**

This comment is substantively similar to Comment Nos. 8-2 and 8-3. Refer to Response to Comment Nos. 8-2 and 8-3, above.

**Comment No. 10-3**

The draft Environmental Impact Report is long—seemingly meant for lawyers, developers, and planning experts. I am a member of the community concerned that the project as designed does not meet the needs of Valley residents, workers and transit riders who will be directly impacted by this \$1Billion [sic] development on our public land.

Metro, City and County officials broadly agree that Los Angeles is in an affordable housing and homelessness emergency. Here's a straightforward opportunity to do something about it.

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The EIR for District NoHo claims that the project is in compliance with a wide range of housing and equity policies such as :

- RHNA
- the Housing Element
- the City's goal of ensuring a range of housing to enable a 'reasonable portion of the City's work force to both live and work in the City'
- housing that 'fosters racially and socially inclusive neighborhoods and corrects historic harms of racial, ethnic, and social discrimination of the past and present'

That's simply NOT true. A plan for just 311 affordable homes out of 1527 on public land in the middle of North Hollywood at a transit hub is not in compliance with these goals, policies and programs. A plan that is designed to segregate the community by income, which is likely to segregate the community by race and ethnicity, is not in compliance with these policies and goals.

### **Response to Comment No. 10-3**

This comment is substantively similar to Comment Nos. 9-2 and 9-3. Refer to Response to Comment Nos. 9-2 and 9-3, above.

### **Comment No. 10-4**

This plan needs to be reimagined to be in compliance and to serve the needs of our community.

### **Response to Comment No. 10-4**

This comment requesting unspecified changes to the Project is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment Letter No. 11**

Jason Enright  
jasonenright5@gmail.com

**Comment No. 11-1**

I share the concerns raised by NoHo Home Alliance and ReImagine District NoHo Housing regarding the draft EIR for the District NoHo project.

**Response to Comment No. 11-1**

This introductory comment states that the commenter agrees with the comments submitted by the NoHo Home Alliance and ReImagine District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above, for detailed responses to the comments made by these organizations.

**Comment No. 11-2**

Contrary to the statements in the draft EIR, the current plan conflicts with the Housing Element and numerous policies designed to address Los Angeles' housing emergency and to further fair and equitable housing in the city. The project plan must be revised to significantly increase the number of affordable and integrated homes so that the project is in compliance.

**Response to Comment No. 11-2**

This comment is identical to Comment No. 8-2. Refer to Response to Comment No. 8-2, above.

**Comment No. 11-3**

It is important when our city makes deals with private developers to build on public land that we hold ourselves and those developers to a high standard and set the example for what we want to see in our city. If we are going to build our way out of this homelessness crisis we need to build more affordable housing and this project is an amazing opportunity to do so.

**Response to Comment No. 11-3**

This comment concludes the letter and expresses generalized support for more affordable housing. It is noted for the record and will be forwarded to the decision makers for review and consideration.

**Comment Letter No. 12**

Dana Goldberg  
danansteve@mac.com

**Comment No. 12-1**

As a resident of the East San Fernando Valley, an active member of the Temple Beth Hillel Taskforce on Homelessness, and a volunteer at NoHo Home Alliance, I share the concerns raised by NoHo Home Alliance and ReImagine District NoHo Housing regarding the draft EIR for the District NoHo project.

**Response to Comment No. 12-1**

This introductory comment states that the commenter agrees with the comments submitted by the NoHo Home Alliance and ReImagine District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above, for detailed responses to the comments made by these organizations.

**Comment No. 12-2**

Contrary to the statements in the draft EIR, the current plan conflicts with the Housing Element and numerous policies designed to address Los Angeles' housing emergency and to further fair and equitable housing in the city. The project plan must be revised to significantly increase the number of **affordable and integrated** homes so that the project is in compliance.

**Response to Comment No. 12-2**

This comment is identical to Comment No. 8-2. Refer to Response to Comment No. 8-2, above.

**Comment No. 12-3**

This massive project covering almost 16 acres of public land offers a great opportunity to show the city's commitment to meeting identified affordable housing goals. Let's not squander it.

**Response to Comment No. 12-3**

This comment concludes the letter and expresses generalized support for more affordable housing. It is noted for the record and will be forwarded to the decision makers for review and consideration.



**Comment Letter No. 13**

Caitlin Goss  
goss.cait@gmail.com

**Comment No. 13-1**

My family has been in North Hollywood for over 50 years, and we have seen it grow and evolve over many generations. I love my neighborhood deeply, and I have also seen how gentrification is pushing out affordable housing and exacerbating an already terrible problem for our unhoused neighbors and community members. I want to reimagine our little city into a space that is inclusive for all, provides safe community spaces and affordable housing for our community.

**Response to Comment No. 13-1**

This introductory comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment No. 13-2**

I share the concerns raised by NoHo Home Alliance and ReImagine District NoHo Housing regarding the draft EIR for the District NoHo project.

**Response to Comment No. 13-2**

This comment states that the commenter agrees with the comments submitted by the NoHo Home Alliance and ReImagine District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above for detailed responses to the comments made by these organizations.

**Comment No. 13-3**

Contrary to the statements in draft EIR, the current plan conflicts with the Housing Element and Metro and the City's many policies and stated goals for solving LA's housing emergency and furthering fair and equitable housing. The project plan must be revised to significantly increase the number of affordable and integrated homes for our community.

**Response to Comment No. 13-3**

This comment is identical to Comment Nos. 8-2 and 8-3. Refer to Response to Comment Nos. 8-2 and 8-3, above.

## **Comment Letter No. 14**

Rosemary Leibowitz  
rleibowi@sbcglobal.net

### **Comment No. 14-1**

I am writing to share the concerns raised by NoHome [sic] Alliance and Reimagine [sic] District NoHo Housing in regards the draft EIT [sic] for the District NoHo project.

### **Response to Comment No. 14-1**

This comment states that the commenter agrees with the comments submitted by the NoHo Home Alliance and ReImagined District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above, for detailed responses to the comments made by these organizations.

### **Comment No. 14-2**

Contrary to the statements in the draft EIR, the current plan conflicts with the Housing Element and numerous policies designed to address the housing emergency in Los Angeles. The project plan must be revised to significantly increase the number of affordable and integrated homes so that the project is in compliance.

### **Response to Comment No. 14-2**

This comment is substantively similar to Comment Nos. 8-2 and 8-3. Refer to Response to Comment Nos. 8-2 and 8-3, above.

**Comment Letter No. 15**

Anne Mathews  
amathews818@gmail.com

**Comment No. 15-1**

We are writing to you in support of the proposed District NoHo Project located at 11100, 11440, and 11163–11347 Chandler Boulevard; 11204–11270 Cumpston Street; 5300–5320 Bakman Avenue; and 5311–5430 Lankershim Boulevard, Los Angeles, California 91601. We urge the city to approve the project.

The greater Los Angeles region is facing a severe housing shortage, and this project is another step towards addressing the overwhelming need for more housing across Los Angeles. We commend the project applicant, including Metro, for pursuing infill housing in the redevelopment of the surface parking lot, among other parcels on the project site. We also appreciate the 311 affordable units proposed. This project is in a great location for housing, especially affordable housing, at the North Hollywood hub for transit options with frequent Metro bus service in all directions and potential future connection to the NoHo Pasadena Bus Rapid Transit route. This project site would provide future residents with good transit access to employment centers in the San Fernando Valley, Hollywood, and in downtown LA. In addition, many desirable neighborhood amenities such as restaurants and retail within the NoHo Arts District are in easy walking and bicycling distance.

This project is a good project for Los Angeles and for the southeast Valley. Again, we urge the city to support the District NoHo project.

I'm a lifelong San Fernando Valley resident. I went to North Hollywood High School and I currently live near Moorpark and Lankershim. I work in North Hollywood. I eat out in NoHo and take the Red Line. Putting more housing in the valley, especially near a transit hub, is great for the future of the SFV.

**Response to Comment No. 15-1**

This comment expresses support for the Project, particularly its location in proximity to transit and the provision of 311 affordable units. It is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment Letter No. 16**

J. Logan Rees  
jloganrees@gmail.com

**Comment No. 16-1**

I share the concerns raised by NoHo Home Alliance and ReImagine District NoHo Housing regarding the draft EIR for the District NoHo project.

**Response to Comment No. 16-1**

This introductory comment states that the commenter agrees with the comments submitted by the NoHo Home Alliance and ReImagine District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above, for detailed responses to the comments made by these organizations.

**Comment No. 16-2**

Contrary to the statements in draft EIR, the current plan conflicts with the Housing Element and Metro and the City's many policies and stated goals for solving LA's housing emergency and furthering fair and equitable housing.

**Response to Comment No. 16-2**

This comment states the commenter's belief that the Project is in conflict with unspecified goals, policies, and programs but provides no evidence of such, substantial or otherwise. As discussed in Section IV.G, Land Use, and Appendix K, Land Use Tables, of the Draft EIR, the Project would not conflict with any goals, objectives, or policies related to housing which were adopted for the purpose of avoiding or mitigating an environmental effect. Nevertheless, this comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment No. 16-3**

The project plan must be revised to significantly increase the number of affordable and integrated homes for our community.

**Response to Comment No. 16-3**

This comment requesting additional affordable housing is noted for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. 16-4**

More market rate housing will not solve the city's housing emergency. This project is being developed on PUBLIC land, and the housing should therefore be PUBLIC housing. Using public land to funnel more money to contractors and giant real estate corporations in the midst of the worst housing crisis in the city's history is unconscionable. You have a historic chance to use public land for public good. Please do the right thing and reconsider this project.

**Response to Comment No. 16-4**

This comment, which concludes the letter and expresses opposition to market-rate housing, is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment Letter No. 17**

Kathleen Schwartz  
6556 Ethel Ave.  
North Hollywood, CA 91606-1016

**Comment No. 17-1**

My name is Kathleen Schwartz and I am a constituent in LA City Council District 2. I share the concerns raised by NoHo Home Alliance (where I volunteer washing dishes every Wednesday) regarding the draft EIR for the District NoHo project.

**Response to Comment No. 17-1**

This introductory comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment No. 17-2**

The current draft plan conflicts with the City of Los Angeles's many policies and stated goals for solving LA's housing emergency and creating more fair and equitable housing.

**Response to Comment No. 17-2**

This comment states the commenter's belief that the Project is in conflict with unspecified goals, policies, and programs but provides no evidence of such, substantial or otherwise. As discussed in Section IV.G, Land Use, and Appendix K, Land Use Tables, of the Draft EIR, the Project would not conflict with any goals, objectives, or policies related to housing which were adopted for the purpose of avoiding or mitigating an environmental effect. Nevertheless, this comment is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment No. 17-3**

The project plan should be revised to significantly increase the number of affordable and integrated homes for our community.

Please make a bold commitment to help the unhoused! Thank you in advance for making this happen.

**Response to Comment No. 17-3**

This comment, which concludes the letter and requests additional affordable housing, is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment Letter No. 18**

Form Letter  
(multiple signatures—see list below)

Truman Capps  
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Suju Vijayan  
sujuvijayan@gmail.com

**Comment No. 18-1**

I share the concerns raised by NoHo Home Alliance and ReImagine District NoHo Housing regarding the draft EIR for the District NoHo project.

**Response to Comment No. 18-1**

This introductory comment states that the commenter agrees with the comments submitted by the NoHo Home Alliance and ReImagine District NoHo. Refer to Response to Comment Nos. 6-1 through 6-10, above for detailed responses to the comments made by these organizations.

**Comment No. 18-2**

Contrary to the statements in the draft EIR, the current plan conflicts with the Housing Element and (numerous) (Metro and the City's many\*) policies (designed to address Los Angeles') (and stated goals for solving LA's\*) housing emergency and (to further) (furthering\*) fair and equitable housing in the city.

**Response to Comment No. 18-2**

This comment states the commenter's belief that the Project is in conflict with unspecified goals, policies, and programs but provides no evidence of such, substantial or otherwise. As discussed in Section IV.G, Land Use, and Appendix K, Land Use Tables, of the Draft EIR, the Project would not conflict with any goals, objectives, or policies related to housing which were adopted for the purpose of avoiding or mitigating an environmental effect. Nevertheless, this comment is noted for the record and will be forwarded to the decision makers for their review and consideration.



**Comment No. 18-3**

The project plan must be revised to significantly increase the number of affordable and integrated homes (so that the project is in compliance) (for our community\*).

**Response to Comment No. 18-3**

This comment, which concludes the letter and requests additional affordable housing, is noted for the record and will be forwarded to the decision makers for their review and consideration.

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**Comment Letter No. 19**

Peter Halderlein  
peter.haderlein.nohonc@gmail.com

**Comment No. 19-1**

I am writing regarding the draft EIR for the District NoHo project. I watched presentations about it years ago as a board member of the NoHo Neighborhood Council and I am dissappointed [sic] to see that the project is still not meeting the needs of the community.

The District NoHo project is planning to develop 1527 housing units, but only 20% will be affordable. Los Angeles is in the midst of an affordable housing crisis that is placing rent burdens on millions while forcing thousands to live on the street. The District NoHo Project should not proceed without allotting a higher percentage of units that are available to low-income Angelenos.

**Response to Comment No. 19-1**

This introductory comment, which requests additional affordable units, is noted for the record and will be forwarded to the decision makers for their review and consideration.

**Comment No. 19-2**

In addition, the ostensibly affordable units will be sited on the periphery of the development, which is in blatant violation of the city's Housing Element, which states:

***“Sites identified to accommodate the lower income RHNA must be distributed throughout the community in a manner that affirmatively further fair housing.”***

**Response to Comment No. 19-2**

The commentor quotes text from the Housing Element, which applies on a citywide basis and does not govern the distribution of affordable units within individual developments. As such, the commentor has provided no evidence, substantial or otherwise, to support their claim that the Project conflicts with the Housing Element.

**Comment No. 19-3**

Because the current plan conflicts with the Housing Element as well as Metro policies regarding affordable housing infill near transit oriented zones, the project plan should be revised.

**Response to Comment No. 19-3**

This comment concludes the letter, states the commenter's belief that the Project conflicts with the Housing Element and unspecified Metro policies, and requests unspecified revisions to the Project. As discussed above in Response to Comment No. 18-2, the commenter has provided no evidence, substantial or otherwise, to support their claim that the Project conflicts with the Housing Element, and since no specific Metro policies were referenced, no response can be provided. However, as discussed in Response to Comment No. 6-9, the Project does not conflict with Metro's goals related to the provision of housing in joint development projects.