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DEIR response "Crossroads Development" - ENV-2015-2026-EIR

1 message

Hunter Photography <heysuzhunter@gmail.com>

Tue, Jul 25, 2017 at 11:07 PM

To: Alejandro Huerta <alejandro.huerta@lacity.org>

Mr. Huerta,
Please see the attached documents for the public comment file.
Thank you for your time,
Susan Hunter
Livable LA



DEIR letter on Crossroads.docx

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July 25, 2017

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Re: Comments on Crossroads Hollywood Project- Environmental Impact
Report ENV-2015-2026-EIR State Clearinghouse No. 2015101073

Dear Mr.Huerta:

These comments on the Crossroads Hollywood Project are provided on behalf of Livable LA. Livable LA is a group of concerned residents seeking a positive future for Los Angeles through good land use planning, environmental stewardship, transparent government, availability of affordable housing, and community empowerment.

The Crossroads Hollywood project (the Project) would be enormous. At the current Crossroads of the World site, the Project would add a new, mixed-use development that would include eight new mixed-use buildings with residential, hotel, commercial/retail, office, entertainment, and restaurant uses, and a new stand-alone, one-story commercial/retail building on the eastern edge of the Crossroads of the World complex (Building C3 on Figure II-4).

The Project design would impact the historic setting of the Crossroads of the World complex by locating new buildings on the other portions of the Project Site. Upon buildout, the Project would include approximately 1,432,500 square feet of floor area, consisting of 950 residential units, 308 hotel rooms, approximately 95,000 square feet of office uses, and approximately 185,000 square feet of commercial/retail uses. The proposed floor area ratio (FAR) would be approximately 4.72:1 averaged across the Project Site. As such, the Project would result in a net increase of approximately 1,259,927 square feet of floor area on-site.

The Crossroads could potentially have severe adverse impacts on a historic area by looming over and even destroying historic buildings. The net loss of permanent affordable housing is sizable and unmitigated. The intense use could severely impede access to, and exiting off of, the 101 Freeway, because Highland Avenue and Cahuenga are heavily congested and this project's traffic must be mitigated. Significant and unavoidable Project impacts are identified with regard to regional air quality emissions for construction and operation, demolition of historical resources, on-site and off-site noise and vibration during construction, traffic intersection levels of service during construction, and traffic on residential street segments during operation. These impacts could be mitigated with a reduced size project so should not be regarded as unavoidable.

Furthermore, the City of Los Angeles (City) should cease further processing of the EIR and instead allow the City Redevelopment Agency of Los Angeles (CRA/LA) to assume the lead agency role, as is required by Los Angeles Municipal Code section 16.05G.

I. Legal Framework and Overview.

Because it has significant impacts even after mitigation, disapproval of the Project is required unless there are no feasible mitigation measures or alternatives, and specific benefits outweigh the significant impact. (Pub. Resources Code § 21081.) That is because 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. (Pub. Resources Code § 21002; *Sierra Club v. Gilroy City Council* (6th Dist. 1990) 222 Cal.App.3d 30, 41.) The Legislature has stated:

The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . . The Legislature further finds and declares 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.

(Pub. Resources Code § 21002.)

CEQA mandates that:

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one

or more significant effects on the environment that would occur if the Project is approved or carried out unless both of the following occur:

(a) . . . (3) Specific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code § 21081.) The Guidelines that implement CEQA restate this requirement. (Guidelines § 15091 (a)(3).) As discussed below, feasible mitigation measures were not identified, a reasonable range of alternatives was not considered, and the alternatives that were included were analyzed and rejected arbitrarily.

B. Impacts Have Been Understated or Omitted.

“CEQA is essentially an environmental full disclosure statute, and the EIR is the method by which this disclosure is made.” (*Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) “In many respects the EIR is the heart of CEQA.” (*County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.) The purpose of an EIR “is to provide public agencies and the public in general with detailed information about the effect which a proposed Project is likely to have on the environment, . . .” (Pub. Resources Code § 21061; emphasis added.) Contrary to these principles, numerous of the impacts that are analyzed in the EIR are understated.

An EIR must analyze all potentially significant impacts of a proposed Project on the environment. (Public Resources Code § 21082.2(a).)

C. Reliance on Vague, Unenforceable, or Deferred Mitigation Measures is Impermissible.

Mitigation measures must be “required in, or incorporated into” a project. (Pub. Resources Code § 21081 (a)(1); *Federation of Hillside and Canyon Assoc. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Deferral of the analysis of the feasibility and adoption of mitigation measures violates CEQA. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308.) Many of the mitigation measures are no more than a commitment to “comply with the law.” These measures do not meet CEQA’s mandate to have effective, enforceable mitigation measures.

II. Deficiencies in the EIR and Review Process Must Be Remedied.

A. Traffic and Circulation Impacts are Inadequately Analyzed and Mitigated.

The EIR identifies the criteria for considering a project regionally significant (EIR Page IV.L-78), but then does not treat the proposed Project as regionally significant. The Crossroads Project should be considered regionally significant, as was the Millennium Project. In connection with the relatively nearby Millennium Project, the California Department of Transportation (Caltrans) opined that the US-101 Freeway, which operates at Level of Service (LOS) F in this area, would be further hurt by the massive project within blocks of the US-101. Caltrans' letters in connection with the Millennium are attached here. (Enclosure 1.) Because Crossroads is regionally significant in the same way the Millennium Project is, we incorporate all of Caltrans' comments by reference for the Crossroads project and ask that you respond to them as such.

Crossroads is proposed several blocks south of the US-101, and to the west of the Millennium. The Sunset/Highland area where Crossroads would be built includes numerous feeder surface streets of traffic trying to get to the busiest US-101 north/south ramp in Hollywood, which is on Highland next to the Hollywood Bowl. The backup of traffic on Highland, waiting to get on the US-101, backs up well south of Sunset much of the time, rush hour or not.

The Project is also close enough to the Cahuenga to US-101 Freeway entrance and exit ramps to contribute significant traffic and create significant impacts to them. The EIR should address these impacts, and how to reduce them, including a reduction in the size of the Project.

B. Historic and Cultural Resource Values are Insufficiently Protected.

The EIR claims the demolition of six historic buildings will be significant and cannot be avoided. (EIR page IV.D-46.) This conclusion is false as demolition could be avoided with a redesign of the proposed Project. In order to approve the Project as proposed, the City would have to adopt a statement of overriding considerations to allow the demolition of the historic buildings. (Pub. Resources Code § 21081.) However, such a statement may not be adopted where there are feasible alternatives and mitigation measures which will avoid the significant impact. This principle was explained as follows:

[T]he Legislature has also declared it to be the policy of the state “that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects....” (§ 21002.) “Our Supreme Court has described the alternatives and mitigation sections as ‘the core’ of an EIR.” (*Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029, 68 Cal.Rptr.2d 367.) In furtherance of this policy, section 21081, subdivision (a), “contains a ‘substantive mandate’ requiring public agencies to refrain from approving projects with significant environmental effects if ‘there are feasible alternatives or mitigation measures’ that can substantially lessen or avoid those effects.” (*County of San Diego v. Grossmont–Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 98, 45 Cal.Rptr.3d 674, italics omitted; *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 134, 65 Cal.Rptr.2d 580, 939 P.2d 1280.)

(*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597.)

The proposed Project would demolish existing buildings on the site, including a 1907 1-story vernacular at 1547-49 McCadden, three 2-story 1939 Regency Revival courtyard apartments (6700 Selma, 1535-55 Las Palmas), a 1910 Craftsman at 1542 McCadden, a 2-story commercial block at 6683 Sunset (1923), a 2-story Craftsman at 1606-08 Las Palmas (1912), and the Hollywood Reporter Building at 6713 Sunset. The 1907, 1910, and 1912 structures are among the oldest in Hollywood, and this population has been disappearing at a rapid rate throughout the former CRA area and in other parts of the Community Plan area over the past five years. Commercial blocks from the 1920s, which give the major boulevards their character, are similarly at risk, as are the collection of prewar apartments that serviced the Golden Age of Hollywood in the 20s, 30s, and 40s. The Hollywood Reporter Building has been nominated for Historic Cultural Monument status by the Art Deco Society and is under review. Therefore, the Project would demolish prime examples of several periods of significance in the Hollywood core.

The proposed Project has impacts to Crossroads of the World. While the complex is not being demolished, it is being altered. One building is being reoriented and relocated. New construction is being added. This will diminish the integrity of a significant designated landmark, the Crossroads of the World which has National Register and Cultural Heritage designations. Moving these parts around will result in a false sense of history on the site. The setting will be irrevocably changed by altering the street grid and the addition of substantial new construction.

The proposed Project alters the historic street grid of the Hollywood core. One of the clues to history lies in the street patterns of cities. In Hollywood, many of these street

patterns have to do with previous land ownership dating back to the days when the core was a series of small “ranches”. Streets not in alignment reflect these patterns of ownership. The Las Palmas offset has existed for over a hundred years. The core was developed with churches and schools and businesses around that anomaly. The Project’s need for a through block diagonal and underground parking is driving this change. It puts extra pressure on the historic environment and buildings along the grid. This aspect of the Project should be redesigned to avoid these impacts.

C. Greenhouse Gas Emission Analysis and Mitigation are Insufficient.

The EIR sets forth an analysis that depends on a “No Implementation of Energy Reduction Measures (NIERM)” scenario. (EIR Page IV.C-38.) This approach is misleading and no better than the “Business as Usual” scenario adopted by Newhall Ranch in *Center for Biological Diversity v. Department of Fish and Wildlife*, discussed at EIR page IV.C-23. Basing an analysis on a comparison to a situation that is not legally permissible creates an illusory baseline for comparison. Instead, the EIR should address comparison of the existing environment to the increases in emissions associated with the Project, and how those emissions can be reduced.

The greenest building construction is reusing one that already exists. The Project proposes to demolish certain historic buildings and in their place re-build structures. This is wasteful not only of historic and cultural values, but also of energy usage which in turn creates avoidable greenhouse gas emissions.

Greenhouse gas emission can be reduced by energy usage reductions. Appendix F of the CEQA Guidelines requires an analysis of energy usage of a project. The EIR must consider the energy usage of the Project, including the energy that can be saved by rehabilitating existing buildings compared to that which will be used to demolish existing buildings and construct new buildings onsite.

LEED certification of the Crossroads project was apparently granted on December 31st, 2016. This happened due to the joint Legislative Budget Committee being neither a concur or non concur with the Governor 30 days after his submission of the project. It appears that the project has been deemed certified.

While a challenge to the LEED certification may be allowable within 270 days, up to around September 28, 2018, we believe the City should not wait for such a challenge and should instead assure valid analysis and mitigation of GHG issues is included in the EIR.

Studies that have been done on embedded carbon (also known as life cycle of carbon) include the following:

1) Greenest Building study which is at the following link: https://living-future.org/wp-content/uploads/2016/11/The_Greenest_Building.pdf ;

2) The Total Carbon Study, which is at the following link: <http://www.ecobuildnetwork.org/projects/total-carbon-study>;

3) Berkeley study of uncounted carbon at the following link: <http://iopscience.iop.org/article/10.1088/1748-9326/5/1/014003/meta>.

The techniques in these studies should be used to calculate the total carbon emissions for the Project, and to mitigate emissions at each stage in its lifecycle.

D. Affordable Housing Loss Must be Mitigated.

A project's contemplated loss of housing, particularly affordable or low-income housing, can pose a potentially significant impact that must be considered under CEQA. (See *Concerned Citizens of S. Cent. L.A. v. LAUSD* (1994) 24 Cal. App. 4th 826; *Sacramento Old City Assn. v. City Council* (1991) 229 Cal. App. 3d 1011, 1038-39 [indicating that loss of housing can constitute a potentially significant impact necessitating adequate mitigation measures.])

The proposed Project demolishes existing “affordable” housing as 84 units of housing in historic buildings will be demolished. It may be replaced at some point, but the size of the development warrants much more affordable housing than is proposed. There is no need to turn people out of historic buildings that continue to provide shelter. In fact, the most “sustainable” way to create housing is to use what is already there, as explained in the “The Greenest Building” study which is cited above. Buildings will need rehabilitation but there should be different kinds of housing at all economic levels.

The Project must provide replacement for the loss of truly affordable RSO housing, as RSO can only apply to structures built and occupied prior to 1978.

E. Consistency with the Hollywood Redevelopment Plan Must Be Ensured.

“[T]he requirement of consistency is the linchpin of California’s land use and development laws. It is the principle which infused the concept of planned growth with the force of law.” (*Debottari v. City of Norco* (1985) 171 Cal.App.3d 1204, 1213.) A redevelopment plan must be consistent with the general plan and proposed projects must be consistent with both.

The Project must be consistent with the Hollywood redevelopment plan. The DEIR asserts that the "Findings are consistent with the Redevelopment Plan" under page

I-18 of the Executive Summary 8. Necessary Approvals. However, this project does not meet Hollywood Redevelopment Plan goals (1), (3),(4),(5b), (5g), (7g), (9), (10), (11), (12), (13), (14), (15), and (16).

These Hollywood redevelopment plan goals are:

1) Encourage the involvement and participation of residents, business persons, property owners, and community organizations in the redevelopment of the community.

3) Promote a balanced community meeting the needs of the residential, commercial, industrial, arts and entertainment sectors.

4) Support and encourage the development of social services with special consideration given to participating in projects involving community based organizations that serve runaways, the homeless, senior citizens and provide child care services and other social services.

5) Improve the quality of the environment, promote a positive image for Hollywood and provide a safe environment through mechanisms such as:

...

b) promoting architectural and urban design standards including: standards for height, building setback, continuity of street facade, building materials, and compatibility of new construction with existing structures and concealment of mechanical appurtenances;

...

g) promoting rehabilitation and restoration guidelines;
h) integrate public safety concerns into planning efforts.

7) Promote the development of Hollywood Boulevard within the Hollywood commercial core as a unique place which:

...

g) recognizes and reinforces its history and architecture.

9) Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes; and to provide home ownership opportunities and other housing choices which meet the needs of the resident population.

10) Promote the development of sound residential neighborhoods through mechanisms such as land use, density and design standards, public improvements, property rehabilitation, sensitive in-fill housing, *traffic and circulation*

programming, development of open spaces and other support services necessary to enable residents to live and work in Hollywood.

11) Recognize, promote and support the retention, restoration and *appropriate reuse of existing buildings*, groupings of buildings and other physical features especially those having significant historic and/or architectural value and ensure that new development is sensitive to these features through land use and development criteria.

12) *Support and encourage a circulation system which will improve the quality of life in Hollywood*, including pedestrian, *automobile, parking* and mass transit systems with an emphasis on *servicing existing facilities and meeting future needs*.

13) Promote and encourage the development of health, education, child and youth care, and senior citizen facilities and programs to enable the development of a community with a variety of lifestyles.

14) Promote and encourage development of recreational and cultural facilities and open spaces necessary to support attractive residential neighborhoods and commercial centers.

15) Promote the development of the varied ethnic communities in Hollywood.

16) To the maximum extent feasible, seek to build replacement housing within the Project Area prior to the destruction or removal of dwelling units which house low and moderate income people. . . .

The Project is not consistent with the redevelopment plan that required 30% of all new housing construction be reserved for "affordable" and 14% of that for "very low income." The Project does not meet the required housing targets.

The Project also does not include enough parking and projected growth needs for automobile and parking usage as is required by the Hollywood Redevelopment Plan.

F. A Reasonable Range of Alternatives Must be Analyzed.

The alternatives section has been described as the "core" of the EIR (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564), and an adequate EIR must describe a reasonable range of alternatives. (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 47 Cal.3d 376.)

The EIR should analyze a modified version of Alternative 5, the “preservation” alternative. Rehabilitation and reuse of historic structures must be included. The DEIR says that Alternative 5 is actually more impactful than other alternatives because it does not rehabilitate the structures. This is specious and presents a false dichotomy. An alternative that includes rehabilitation of structures should be analyzed.

The Project would use CRA funds. The original intent of the CRA funding was to create walkability in the neighborhood. Preservation of existing buildings would promote walkability.

G. City Redevelopment Successor Agency Approval Is Required; City Usurpation of CRA/LA Authority to Review the Project Violates the Municipal Code

1. The City Redevelopment Agency Or its Successor Has Jurisdiction Over the Parcels on Which the Project is Proposed.

The Project Description sets forth a number of approvals that will be required. However, the description does not identify those approvals that would be in the purview of the Redevelopment Successor Agency. These include the site plan review, zone and height district changes, and redevelopment plan consistency determinations.

The jurisdiction over these key entitlements is solely under the power of the CRA/LA, the successor to the CRA so City approval of them would be illegal. In fact, City assumption of the lead agency role in preparation of environmental review violates the Municipal Code. The CRA/LA, remains vested with power to grant or deny LAMC 16.05G approvals of Site Plan Reviews. LAMC section 16.05G unambiguously states:

in the adopted redevelopment project areas, the CRA shall assume lead agency responsibilities for environmental review of all projects subject to the provisions of this section and shall prepare the required environmental studies and notices.

(LAMC § 16.05 subd. (G)(2).)

The Planning Department might erroneously argue why the City should end the CRA/LA's lead agency role (as set out in LAMC Section 16.05G) which is to **review and make the first discretionary decision** regarding Site Plan Review.

But this is wrong. the City would violate the Health and Safety Code if it attempts piecemeal to take certain land use functions from the CRA/LA, but does not assume *all* CRA/LA's land use authority and responsibility.

Health and Safety Code Section 34173(i) provides:

At the request of the city, county, or city and county, notwithstanding Section 33205, **all land use related plans and functions** of the former redevelopment agency are hereby transferred to the city, county, or city and county that authorized the creation of a redevelopment agency; provided, however, that the city, county, or city and county shall not create a new project area, add territory to, or expand or change the boundaries of a project area, or take any action that would increase the amount of obligated property tax (formerly tax increment) necessary to fulfill any existing enforceable obligation beyond what was authorized as of June 27, 2011.

(Emphasis added.)

Health and Safety Code Section 34173(i) provides the sole means by which the City may lawfully attempt to assume land use authority of the former redevelopment agency, which authority is currently exercised by the CRA/LA as the lawful successor agency. As of now, redevelopment plans are slated to remain in effect until their scheduled expiration years from now, and the CRA/LA will be responsible for exercising that significant land use authority, unless or until the City of Los Angeles assumes all of that authority under Section 34173.

There can only be one “lead agency” under CEQA. Whenever a project ‘is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or negative declaration for the project. This agency shall be called the lead agency.’” (*City of Redding v. Shasta County Local Agency Formation Com.* (1989) 209 Cal.App.3d 1169, 1174, quoting CEQA Guidelines § 15050, subd. (a).)

The agency tasked by law with performing environmental review and preparing the environmental documents for Site Plan Review in redevelopment plan areas is the CRA/LA. (LAMC § 16.05G.) Thus, the CRA/LA is the “lead agency” under CEQA. Moreover, the CRA/LA fulfills the definition of lead agency under CEQA in part by virtue of its expertise and function in approving projects in the Redevelopment Area. CRA/LA’s website at <http://www.crala.org/internet-site/index.cfm>, incorporated herein by this reference, prominently states on the home page: “Notice: ABx1-26 does not abolish the 31 existing Redevelopment Plans. The land-use authorities in the Redevelopment Plans remain in effect and continue to be administered by the CRA/LA”.

2. Public Records Act Request For CRA and City of Los Angeles Documents Related to the Crossroads Project

We would like to know what CRA money was allocated or spent on the Crossroads Project or the parcels on which it is proposed, the year it was allocated or spent, the agenda or budget item numbers that reflect the expenditures, or some other data on which to track it.

A member of the public requested similar information but was told documents related to the Crossroads Project have been destroyed pursuant to a document retention policy. (Enclosure 2.) We would like a copy of that document retention policy. Furthermore, because there must be some documents related to CRA's ownership or continuing administration of the parcels on which the Crossroads Project is located, we ask for any and all documents that in any way relate to the Crossroads Project or the parcels on which it is proposed.

Furthermore, we request any writings reflecting CRA consideration or review of the current Crossroads plan. That review may include the CRA's EIR review, the CRA review under the 1993 CRA Urban Design Plan, the traffic monitoring updated to the present, and the Floor Area Ratio to date in the Regional Center.

An EIR is required to address consistency of a proposed project with regional plans, which would include the Hollywood Redevelopment Plan. (CEQA Guidelines section 15125 (d).) Therefore, we ask that you respond to this request both as a Public Records Act request for documents, and as a comment requiring response within the EIR context.

We are also sending a similar Public Records Act request to the CRA.

H. Excessive Floor Area Ratio.

The proposed floor area ratio for portions of the Project far exceed what is allowable under the Municipal Code and exceed what was granted to the Millenium. Attached is a diagram comparing allowable square footage on various parcels to what is proposed. (Enclosure 3.)

Because allowable floor area ratios would be far exceeded, the City would be required to proceed under the variance procedures of Municipal Code section 12.27. However, no variance could be properly granted because there is no hardship other than one that is self-imposed by the applicant's design, and the grant of a variance would impermissibly give the applicant special privileges not enjoyed by other property owners

in the same zone. Charter section 562 and Municipal Code section 12.27 prohibit the grant of a special privilege to a property owner.

I. Project Objectives Are Incomplete.

The Project Objectives section (at EIR p. 2-13/Items 3,7-9) has no discussion as to Population, Households, Jobs, Affordability, & Traffic projected for existing 2040 General and Hollywood Community Plans (Future Setting without Project) and for Plans + Project. At page 2-14/1

There is no economic setting and assessment of 2040 growth of the City and for the Hollywood Community Plan.

No "economic viability" is provided with regard to revenue generation and tax revenues.

J. Geotechnical Issues Are Inadequately Addressed.

The EIR explains the requirement to analyze "earthquake fault zones" (EIR Page IV.E-1) but it does not address the environmental setting of historic recorded earthquakes within 1 mile. There is no analysis of alignments of earthquakes within one mile.

There are no assignments of shallow (less than 10,000 feet) earthquakes.

There are no probability estimates for earthquake recurrence for shaking and acceleration.

There is no mapping or sections of blind faults within one mile.

CONCLUSION

We urge you to cease the City's improper processing of the EIR for the Crossroads Project in violation of Municipal Code section 16.05 and instead let CRA/LA exercise its duties under the Municipal Code.

If the Project is to be further considered, CRA/LA must prepare an adequate EIR that addresses the deficiencies identified above, develop a proposed project that will reduce its magnitude, rehabilitate and reuse historic structures, increase the provision of affordable housing, analyze and mitigate greenhouse gas impacts adequately, and address other impacts identified in this letter and those of other comments. With such a Project, the CRA/LA should then recirculate the EIR for further review by the public.

City of Los Angeles

July 25, 2017

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Sincerely,

Douglas P. Carstens

Enclosures:

1. Caltrans' letters in connection with the Millenium
2. Public Records Act request to the CRA and Response to Hunter Request
3. Diagram comparing allowable square footage on various parcels to what is proposed.