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Submitted electronically

Haydee Urita-Lopez, City Planner
City of Los Angeles, Department of City Planning
200 N. Spring Street, Room 667
Los Angeles, CA 90012
Email: haydee.urita-lopez@lacity.org

523 West Sixth Street, Suite 826
Los Angeles, CA 90014

213 623 2489 OFFICE
213 623 3909 FAX
laconservancy.org

RE: Notice of Preparation (NOP) for the Boyle Heights Community Plan Update (ENV-2016-2906-EIR)

Dear Ms. Urita-Lopez,

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the City's Notice of Preparation (NOP) of a Draft Environmental Impact Report (Draft EIR) for the Boyle Heights Community Plan Update (CPU). Along with our community partners, the Conservancy has long played an active role in preserving and protecting historic resources in Boyle Heights. Our comments are intended to help guide the discussions and planning for the rich cultural heritage and historic resources that define the community's character.

We appreciate that the Proposed Plan prioritizes the preservation of historic structures, retention of existing neighborhood character, and the construction of compatible infill development, and we look forward to greater detail in the forthcoming Draft EIR. Our goal is to ensure that the new Plan includes adequate long-term protections for identified historic; mitigates adverse impacts; and develops meaningful tools and incentives to shape future growth without sacrificing the community's irreplaceable heritage. We believe that the recently adopted West Adams-Baldwin Hills-Leimert Community Plan sets a strong precedent for the treatment of historic resources and encourage similar policies in the Proposed Plan for Boyle Heights.

I. Proposed Plan should clearly identify and map known historic resources in relation to development goals and land use changes

With development dating to the 1870s, Boyle Heights is one of the oldest communities in Los Angeles and contains a diverse collection of historic residential, commercial, and industrial properties. Few historic resources, however, have been formally protected at the national, state, or local levels. According to Historic Places LA, the City's online inventory of historic resources, the Plan Area currently contains nineteen Los Angeles Historic-Cultural Monuments and no Historic



Preservation Overlay Zones (HPOZs). Six properties have been individually listed in the National Register of Historic Places and California Register of Historical Resources. The CPU therefore offers a unique opportunity to incentivize and plan for more proactive, robust protections in the future.

Identifying and locating all known historic resources is the first step in demonstrating the ways in which the Plan may impact these resources. The Plan should clearly incorporate findings from SurveyLA – both graphically and in data form – in order to articulate the relationships between development goals and historic resources. The findings should include resources identified in the SurveyLA report for Boyle Heights, as well as resources identified in the City’s Ethnic/Cultural Context Statements that are located within the Plan boundaries.

We strongly encourage the inclusion of maps illustrating the locations of all identified historic resources, including existing and eligible HCMs, properties listed in or eligible for the National and California Registers, and potential historic districts. These should be overlaid with any proposed land use changes or any Floor Area Ratio (FAR) Incentive Area(s) put forth in the proposed Plan. Inclusion of such graphic representations would greatly increase the understanding of how the Plan will impact various types of historic resources and districts, and hopefully facilitate development of more nuanced and specific planning tools to protect them.

The NOP specifically highlights the Brooklyn Avenue Corridor and neighborhoods surrounding Prospect Park and Hollenbeck Park as having high concentrations of historic resources. While we concur with their significance and support the development of new zoning regulations to protect their historic character, we urge the City to analyze and plan for historic resources throughout the Community Plan Area.

II. The Draft EIR should evaluate Proposed Plan’s potential impacts on historic resources and assess a range of alternatives and mitigation measures

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.”¹ 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.”²

Courts often refer to the EIR as “the heart” of CEQA because it provides decision makers with an in-depth review of projects with potentially significant environmental impacts and analyzes a range of alternatives that reduce those impacts.³ If there are known impacts, the DEIR should evaluate a “range of reasonable

¹ Public Resource Code, Sec. 21001 (b),(c).

² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added; also see PRC Secs. 21002, 21002.1.

³ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123.



alternatives...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.”⁴

The NOP states that impacts to cultural resources are anticipated as a result of the Proposed Plan. As part of the forthcoming study in the Draft EIR, we strongly encourage the inclusion of a technical report or historic assessment to substantiate any conclusions. This analysis would help clarify how proposed development incentives may increase activities in areas with historic resources and would serve as the basis for preservation alternatives and/or mitigation measures that could substantially lessen or avoid adverse impacts.

At a minimum, direct and cumulative impacts of height district, zoning, and plan amendment changes proposed for and adjacent to areas with identified national, state, or local historic districts should be evaluated. The impacts of these types of changes on potential districts as a whole, as well as individually eligible resources, should be assessed and mitigated in the upcoming Draft EIR. We strongly recommend the inclusion of land use policies that direct development pressures away from historic resources. Furthermore, a map with the land use and zone changes overlaid with identified and potential historic resources could pinpoint areas for additional study.

The Proposed Plan should also incorporate policies from other Community Plans, such as the West Adams Plan, that will help mitigate potential impacts to historic resources. It should encourage compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* for historically sensitive structures; promote and incentivize adaptive reuse; and require evaluation of potential significance by the Office of Historic Resources for projects involving buildings forty-five years of age or older. In order to prevent preemptive demolitions and discourage vacant lots, the Plan should also require applicants to submit plans for replacement projects prior to the issuance of a demolition permit for buildings older than forty-five years.

We understand that the Draft EIR will analyze a range of zoning tools to manage change in older and historic neighborhoods in Boyle Heights, and we strongly encourage further study of conservation districts to complement the City's HPOZ program. Conservation districts, which help preserve and enhance older neighborhoods by regulating lot size, building height, setbacks, streetscapes, and other neighborhood features, could be appropriate for areas that retain distinctive character, but may not be eligible for historic designation. The tool should establish clear guidelines regarding the scale and overall design of new construction in order to conserve the existing neighborhood setting and ensure greater compatibility between old and new.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,500 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.

⁴ State CEQA Guidelines §15126.6(a).



Thank you for the opportunity to comment on the NOP for the Boyle Heights Community Plan Update. Please feel free to contact me at 213-430-4203 or afine@laconservancy.org should you have any questions.

Sincerely,



Adrian Scott Fine
Director of Advocacy

cc: City Councilmember José Huizar, Council District 14
Office of Historic Resources, Department of City Planning

