

## Supplemental Responses to General Plan Comments, October 12, 2021

Highlighted rows indicate proposed Draft General Plan revisions.

Written comments received by the City of Whittier through Monday, October 11, 2021 5:00 pm are provided written responses.

Reference Number	Date	Commenter	Comment/Comment Excerpts	Response
CC1	10.4.21	--	11716 Floral is subject to a General Plan Amendment application to change the designation to Medium Density Residential	11716 Floral's designation will be revised to Medium Density Residential, as directed by City Council
CC2	10.5.21	Larry Scher 11821 N Circle Drive Whittier, CA 90601	<p>Item 1: Your explanation of H-R zoning during the Whittier Planning Commission Zoom meeting left me puzzled. When describing Hillside Residential, your only qualifying reference was to density, yet in terms of density H-R, matches R-1. If density is your only consideration, I wonder if you might explain the relevance of "hillside," in regard to your interpretation of the City's H-R zoning definition. The definition and requirements for the designation of "Hillside" Residential, are based on geography rather than your statement only regarding density, otherwise, otherwise why bother to differentiate Hillside at all. The code specifications actually do allow condos, apartments and other higher density uses.</p> <p>By the way, the request for H-R zoning by those living in the Rideout tract, was based on neighborhood environmental protection issues not density issues.</p> <p>Item 2: Given that the most obvious issue the city will face in the future will be the effects of climate change, mainly increasing heat and worsening drought, my immediate concern with the "Plan" is that it fails to acknowledge the most serious issue of our <u>current</u> reality. Why are there no <b>additional</b> solar panel, battery and EV charging requirements beyond those in the 2019 CA Green Building Standards Code Title 24, Part 11. Those requirements, as you are well aware, were a minimal compromise when written and are far out of date, even 2 years later. I'm reminded of the quote from Ousby's Occupation: The Ordeal of France: "Time treats few things more cruelly than the futuristic fantasies of past generations, particularly when they are actually realized in concrete and steel." You've [planned for the past. I believe that the chaos of the past 20 months have shown that even the best thoughts, actions and planning of the previous 30 years have failed.</p> <p>BTW, have you actually visited the Rideout / Citrus Heights neighborhood of Circle Drive and Grande Vista in Whittier? It has some of the oldest, narrowest streets with the tightest curves as well as the steepest slopes of any residential neighborhood the city. And as far as density, it has one of the largest single lots in the city, as well as some areas that are over the density of 3 houses per acre. It also has more zoning exceptions than ever should have been allowed based upon its geography.</p>	<p>Item 1: This letter provides additional comment to a previously submitted letter requesting the parcel's designation be changed from R-1 to Hillside Residential and it is summarizing a verbal response provided during the Planning Commission hearing.</p> <p>This parcel currently has a General Plan designation of Low Density Residential and a R-1 zoning. The proposed designation is Low Density Residential as well.</p> <p>The commenter appears to be confusing General Plan designation with zoning classifications (zones).</p> <p>As the proposed project is the General Plan update, this response focuses on the General Plan issue. A Hillside Residential General Plan designation has a density range of 0-3.0 units per acre, while the Low Density Residential designation has a 3.1-7.0 units per acre. The commenter's lot size and those in the neighboring area result in a density higher than the 3.0 density limit for a Hillside Residential designation. As such, the proposed designation remains as Low Density Residential.</p> <p>The commenter should note that the Low Density Residential designation may permit Residential-Estate (R-E), Hillside Residential (H-R), and R-1 zoning classification. During the subsequent zoning code update, the commenter could request the area's zoning classification be changed from R-1 to R-E or H-R as appropriate.</p> <p>Item 2: The proposed General Plan's sustainability, energy use, and energy efficiency provide the path for policy and building code changes as new technologies emerge.</p>
CC3	10.6.21		Change Hellman Park land use designation to open space.	Hellman Park's land use designation is proposed to be open space, if directed by City Council. Other General Plan text, tables, and figures may be adjusted to reflect the proposed land use designation change, as appropriate.
CC4	10.6.21		Change 7941 Greenleaf Avenue land use destination to Medium High Density Residential Change 6018 Norwalk land use designation (APN 8174-041-028) to General Commercial Housing Overlay	The land use designation changes will be made as directed by City Council.

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CC5	Oct. 7, 2021	Michael Hughes and Ivan Sulic Puente Hills Habitat Preservation Authority	<p>Draft General Plan (version dated July 2021):</p> <ol style="list-style-type: none"> <li>Figure LUCC-5 Sphere of Influence (p. 38) – Please remove the designation for residential development on Habitat Authority-owned property, Turnbull Canyon. This property is managed as open space and was purchased with Los Angeles County voter approved Proposition A funding which prohibits its development.</li> </ol> <p>The City’s response (#16 in Attachment E, General Plan Responses to Comments Table) stated that the County has designated the land use as mentioned above. While that could have been an older land use designation, the County’s current Land Use for Turnbull Canyon is Open Space-Conservation (OS-C), not residential per the following link on the Land Use Policy – General Plan 2035 layer: <a href="https://rpgis.isd.lacounty.gov/Html5Viewer/index.html?viewer=GISNET_Public.GISNET_Public">https://rpgis.isd.lacounty.gov/Html5Viewer/index.html?viewer=GISNET_Public.GISNET_Public</a> Please update the General Plan document by eliminating residential development land use in Turnbull Canyon.</p> <ol style="list-style-type: none"> <li>Mobility and Infrastructure, Goal MI-6.2 (p. 97) – Please consider the following bolded and strikethrough modifications to this goal, <b><i>“Collaborate with the Puente Hills Habitat Preservation Authority or other applicable land management organization to develop a strategy to address parking near trailheads to address parking intrusion into adjacent residential neighborhoods. This strategy could include parking restrictions for non-residents, creation of trailhead lots, and provision of remote parking with shuttle service”</i></b>. Changes to parking facilities and access to the trailheads directly affects the management and sustainability of the Puente Hills Preserve. The Habitat Authority manages Puente Hills Preserve trailheads and associated parking lots pursuant to the agreement with the City and welcomes collaborative efforts with the City to address these important issues.</li> <li>The City’s response (#25) to comments stated that the City’s policies were designed to stay flexible to address a variety of locations and land management organizations. As such, we offer the following underlined edit to our original bolded and strikethrough modifications comment to Goal MI-6.2: <b><i>“Collaborate with the Puente Hills Habitat Preservation Authority or other applicable land management organization to develop a strategy to address parking near trailheads to address parking intrusion into adjacent residential neighborhoods. This strategy could include parking restrictions for non-residents, creation of trailhead lots, and provision of remote parking with shuttle service”</i></b>.</li> <li>Table RM-2 Parks and Recreation Facilities (p. 140) – Arroyo Pescadero is managed by the Habitat Authority as a Natural Park which allows for passive recreation; please change the designation accordingly from its current designation in the draft General Plan as a Specialty Park which allows for active recreation.</li> </ol> <p>The City’s response (#19) stated that since it is within the city park system the designation as a Specialty Park is appropriate. This response is not consistent with the manner in which the trailhead is managed which is the same as Hellman Park which is designated as a Natural Park. It also is not consistent with the Habitat</p>	<p><b>Figure LUCC-5 Sphere of Influence</b> – With the direction of the City Council, the land use designation will be updated, as appropriate.</p> <p><b>Goal MI-6.2</b> – The City and the Habitat Authority have a strong relationship. City staff appreciates this relationship.</p> <p>The City and the Habitat Authority have entered into an agreement about the Puente Hills Preserve trailheads and associated parking lots; however, it is possible that the agreement may not be enacted for the life of the Envision Whittier General Plan. As such, the General Plan needs to provide some degree of flexibility. Furthermore, in General Plan parlance, words such as “collaborate” and “coordinate” imply attaining a level of agreement before the City can act or implement, which may not provide the flexibility required.</p> <p>In an attempt to provide consideration to the Habitat Authority without limiting the General Plan’s flexibility, the following rewording is proposed, <b><i>“Develop a strategy to address parking near trailheads to address parking intrusion into adjacent residential neighborhoods. This strategy could include parking restrictions for non-residents, creation of trailhead lots, and provision of remote parking with shuttle service. Development of this strategy should consider interested parties’ (such as the responsible land management organizations, the adjacent neighborhoods’ residents and resident organizations, others) perspectives.”</i></b></p> <p><b>Arroyo Pescadero</b> – With the City Council’s direction, the Arroyo Pescadero Park’s classification will change to Natural Park.</p> <p><b>Home Hardening</b> – The City agrees with the Habitat Authority that home hardening is important and will move forward with implementing home hardening practices as appropriate. In accordance with State law, CALFIRE reviewed the fire hazard and services goals, policies, and programs and provided recommendations, which were included in the Safety Element’s Errata. Once the CALFIRE Board reviewed and approved the City of Whittier’s fire hazard and services policies, they need to remain as approved. Please note the City’s Safety Element was reviewed after AB 38 was adopted. CALFIRE incorporated AB 38 into its evaluation and recommendations.</p>
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CC6	Oct. 12, 2021	Mitchell M. Tsai, Attorney Southwest Regional Council of Carpenters	<p>THE PROJECT FAILS TO PROVIDE THE INFORMATION AND ANALYSES REQUIRED OF ALL HOUSING ELEMENTS A. Background Concerning Housing Elements Housing Elements of General Plans are the planning tools through which local governments ensure they make "adequate provision for the existing and projected housing needs" as determined through the share of the Regional Housing Needs Allocation ("RHNA") process. See Gov. Code § 65580(d). As specified in Gov. Code § 65580 et seq., Housing Elements must include particular information and analyses related to existing and projected housing needs, constraints relative to meeting those needs, and the local government’s specific plans to help fulfill those needs. Housing Elements that fail to provide required information and analyses may be deemed by the state or courts to be out of compliance with the law and the local government may be subject to substantial consequences. See Gov. Code §§ 65754, 65754.5, and 65755. B. The City’s Housing Element Fails to Provide Required Information and Analyses. The City’s Housing Element update is missing critically important information and analyses required by law. Those deficiencies include:</p> <ul style="list-style-type: none"> <li>● The failure to describe diligent efforts to include all economic segments of the community in the development and update of the housing element and a summary of the public input received and a description of how it will be considered and incorporated into the housing element, Gov. Code, § 65583(c)(8);</li> <li>● Failure to report on and analyze implementation of the 5th Cycle Housing Element's programs, Gov. Code, § 65588(a),</li> </ul>	<p>Mitchell M. Tsai, Attorney at Law, has previously submitted letters regarding the Housing Element and the EIR as well.</p> <p>Mr. Tsai submitted a letter to HCD as part of HCD’s initial 60-day review. HCD considered Mr. Tsai’s comments in its August 2021 comment letter to the City of Whittier. HCD’s transmittal email specifically identifies Mr. Tsai’s letter as well as others that HCD reviewed and considered. The City of Whittier is addressing HCD comments with the proposed revisions included in the Revised Draft Housing Element. Upon adoption, the City of Whittier will submit the adopted housing element to HCD for a certification review. If additional changes are necessary to attain certification, HCD will provide the City of Whittier with its comments. All members of the public may provide HCD with additional written comments for its consideration.</p> <p>No revisions to the General Plan or Housing Element are proposed.</p>

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CC7	Oct. 12, 2021	Mitchell M. Tsai, Attorney Southwest Regional Council of Carpenters	<p>The Draft EIR Unlawfully Piecemeals its Environmental Analysis The City’s decision to omit analysis of the potentially significant impacts of future development of specifically identified future project sites unlawfully piecemeals the environmental analysis for this Project.</p> <p>The Draft EIR Unlawfully Omits Information Finally, the Draft EIR unlawfully omits information by excluding any discussion of the potentially significant impacts of the rezoning and upzoning for higher density residential uses required by the updated Housing Element. The DPEIR’s land use analysis also fails to include any information relating to whether changes to the City’s General Plan elements will result in a horizontally and vertically consistent land use plan.</p> <p>The DPEIR Fails to Include a Water Supply Assessment and Findings Backed by Substantial Evidence. ... Here, the Draft EIR does include any analysis of water supply that would meet future population growth associated with development of 8,000 plus additional housing units for the 2021-2029 RHNA period. The City must prepare a water supply assessment for the Project that meets the requirements of SB 610. Water Code §§ 10910–10915; CEQA Guidelines§ 15155; Gray v. County of Madera (2008) 167 Cal. App. 4th 1099, 1131 (SB 610 applies to projects to be served by public water systems, not private systems).</p> <p>Certification of the PEIR and General Plan Amendment is Premature Before HCD Has Submitted Final Comments and Approval. The City cannot now approve or certify environmental review for the HEU because HCD has not yet issued its final approval for the Project. Indeed, HCD only received the City’s Draft HEU on June 11, 2021 and the Project is still undergoing HCD review. HCD has not even returned comment to the City on its Draft HEU. The 12 See <a href="https://www.hcd.ca.gov/community-development/housing-element/docs/status.pdf">https://www.hcd.ca.gov/community-development/housing-element/docs/status.pdf</a>. California Department of Housing and Community Development (HCD) plays the critical role of reviewing every local government’s housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD’s approval is required before a local government can adopt its housing element as part of its overall General Plan.</p>	Mr. Tsai has previously submitted comment letters on behalf of the Southwest Regional Council of Carpenters regarding environmental review. Please refer to the draft Final EIR for response to the comment letter.

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			<p>It is consequently inexplicable why the City chose to charge forward with the Project as if the required Housing Element updates are not critically important to the completeness of the Project or the sufficiency of the EIR. It is unclear why the City elected instead to prematurely seek certification of the PEIR and adopt the General Plan amendment, despite both documents being likely to change along with the Housing Element. Being incomplete and subject to considerable change, the Housing Element's environmental impacts and therefore the HEU's environmental impacts are currently undeterminable. If the City moves forward with the General Plan Update and certification of the PEIR, the City will need to issue a subsequent or supplemental EIR for further public comment after its amendment of the HEU and recertify the EIR. Substantial changes to the EIR may trigger additional review, as well as new information showing more substantial or severe environmental impacts. Cal. Pub Res. Code §§21166, 21167.2; CEQA Guidelines §§15162–15163; see Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist. (2016) 1 Cal.App.5th 937, 956. It will additionally be required to yet again amend the General Plan to reflect changes to the HEU. The City should wait to issue approvals or certification until final approval has been received from HCD.</p>	
CC8	Oct. 12, 2021	Mitchell M. Tsai, Attorney Southwest Regional Council of Carpenters	<p>THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY'S GENERAL PLAN</p> <p>The DPEIR Fails to Demonstrate Internal Consistency with the General Plan The legislature has expressed its intent that "the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." Gov. Code §65300.5. This statute requires the policies of a general plan to be consistent, but not necessarily with the objectives within the various elements of the general plan. Cadiz Land Co. v Rail Cycle, L.P. (2000) 83 Cal. App. 4th 74, 115. Here, the City is updating the General Plan and Housing Element in conformance with the 2021-2029 update cycle for jurisdictions in the SCAG region and Cal. Gov. Code requirements. However, the DPEIR does not contain any analysis or evidence that the General Plan Update will result in an internally consistent Plan. This analysis has been omitted from the DPEIR. The City needs to update the DPEIR's land use analysis to include a vertical and horizontal consistency analysis to determine whether General Plan changes will be wholly consistent.</p>	Mr. Tsai has previously submitted comment letters on behalf of the Southwest Regional Council of Carpenters regarding environmental review. Please refer to the draft Final EIR for response to the comment letter.
CC9	Oct. 10, 2021	Linda de Vries	<p>"The purpose of the implementation Plan is to translate the overall direction set forth in the Envision Whittier General Plan from general terms to specific actions. . . .(GPU, IP-1)</p> <p>These changes accomplish this:</p> <p>1. Change the language of the following Implementation Measures to read as edited, <b>bold</b> added and <del>strikethrough</del> eliminated:</p> <p>a. Program 9. Secretary of the Interior's Standards: <del>The City shall consider adopting</del> <b>adopt</b> the Secretary of the Interior's Standards for the Treatment of Historic Properties as the City's official tool for reviewing alterations and changes to historic resources.</p> <p>b. Program 10. CEQA Compliance: <del>The City shall explore updating</del> <b>update</b> Chapter 18.84 of the Whittier Municipal Code, the historic resources ordinance, to ensure consistency and compliance with the California Environmental Quality Act (CEQA).</p> <p>c. HR 1.1: <del>The City shall evaluate potential historic resources and evaluate/</del> <b>evaluate</b> provide required contextual statements for additional residential and commercial historic</p>	<p>Please review the General Plan errata for proposed changes to the Envision Whittier update regarding implementation programs.</p> <p>Comments are noted; no changes to the General Plan are proposed.</p>

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			<p>districts, including those identified in the Uptown Specific Plan and the expansions of Hadley Greenleaf and Central Park Historic Districts recommended by the Historic Resources Commission in January 2020, as requested by the City Council and/or individual property owners</p> <p>2. Eliminate Program 11 (Redundant with Program 10)</p> <p>3. Update and maintain the city's <i>Local Official Register of Historic Resources</i>.</p>	
CC10	Oct. 7, 2021	George Prather, PhD 6055 Bright Ave	<p>The most significant problem is with the estimated population in 2040 that could be accommodated by the increase to 36,487 housing units.</p> <p>Without any explanation that I can find, the Plan estimates a population of 106,014. There is no discussion of the process for reaching this number or reference to any recognized population projections. It is constructed from the number of potential housing units and could not be reasoned to by any other data. The 106,000 figure appears to assume that the RHNA for 2021-29 will essentially be repeated in the subsequent allocation period, thus doubling the number of new units needed. This has no foundation. The assumption also appears to be that an average household size in Whittier of 2.9 would be maintained despite three significant factors affecting that average size.</p> <ol style="list-style-type: none"> <li>1. The vast majority of anticipated housing units would be in multifamily structures where household size can be expected to be significantly lower. Currently, slightly less than 30% of units in Whittier are in the multifamily category. This would be increased to over 41% by 2040, a very substantial change.</li> <li>2. The Housing Element states that 8.4% of Whittier households are overcrowded. A reduction in average household size would result from any effort to address this problem. The whole purpose of the RHNA is to plan for unmet housing needs, and with this plan the City appears to be ignoring that goal.</li> <li>3. The population is aging leading to a smaller average household size. Based on the most recent set of projections of the California Department of Finance Demographic Research Unit for Los Angeles and Orange counties, I estimate that the 65+ population will grow from its current 14% of Whittier to 24% in 2040. This is also a substantial shift reducing the overall capacity of anticipated units. From modelling, I estimate the current average household size for the 65+ in Whittier at 1.7 though this could be driven even lower as the oldest in this group become a larger portion. The latest Census data shows an average household size of 1.47 for Laguna Woods, for example.</li> </ol> <p>A number of different approaches to modelling these changes are possible. They produce basically the same results. A population 106,000 could not be accommodated under the Plan. Over 10,000 new units would be required to reach</p>	<p>Mr. Prather is correct the realistic buildout population is based on the number of units permitted by the proposed General Plan if development occurs as assumed. The average household size is assumed to be 2.9 persons based data available at the time of the land use planning. The population projection is a preliminary estimate of what may occur. Given a General Plan's implementation is 20 years, birth and death rates, and residents' lifestyle and housing preferences may vary. The population estimate is used as one measure to determine if public services are available or can be made available to accommodate the additional units' occupants. Further, the amount and rate of development will be market driven.</p> <p>The General Plan may be amended four times a year, per State law. If development occurs at a significantly faster or slower pace than anticipated, or if market trends vary greatly, the General Plan may be updated.</p> <p>No revisions to the General Plan and Housing Element are proposed.</p>

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		<p>that number. The Plan would even fall a little short of accommodating the 96,900 population projection which accompanied the RHNA from the Southern California Association of Governments.</p> <p>The SCAG projection for Whittier is itself problematic both by its methodology and timing. The SCAG projection process is constructed to support the state RHNA mandate to the region. The present RHNA round is informed by the 2013 population projection series of the Department of Finance. There have been two later DOF projection sets, the most recent released in July, which indicate a much different population future than that depicted by SCAG. This series indicates that the Los Angeles County population will begin to decline after 2033 and that Orange County will follow suit after 2038.</p> <p>Based on these projections, a more reasonable expectation for Whittier would be a 2% to 4% growth by 2040 rather than the 11% increase projected by SCAG. This lower rate is much more in line with past increases in Whittier. It would still, however, indicate a substantial number of new housing units by 2040, probably around 4,000, to accommodate even a population of 91,000 as a result of the three housing factors noted above.</p> <p>Given the RHNA mandate and the clear need for additional housing, adoption of the Housing Element as it is now written is probably reasonable. It should be accompanied in the adoption resolution, however, by language that recognizes the alternative population projections and provides for close monitoring of housing and population change so that Whittier’s planning proceeds in a realistic fashion.</p> <p>The General Plan update, on the other hand, needs to be carefully revised starting with an analysis of the population projection, at least bringing it into conformity with that in the Housing Element and making it clear that this a rather tentative estimation. I do not know to what extent housing and population numbers in the General Plan may obligate zoning decisions when requested by developers, but I would think the City would want to retain as much flexibility as possible. The tentative nature of the population figures may complicate the EIR calculations, but the decided reduction in total population will reduce impacts across the board.</p> <p>A common, and current, data set of housing and population numbers for the General Plan must be created, the supposed task of the Atlas which was written in 2017 based in several instances on 2015 or earlier data. There is also a problem with inappropriate data sources, such as using American Community Survey estimates for housing units when the City’s own building records would be much more accurate. The ACA figures reported in the Atlas, for example, say that</p>	
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			<p>Whittier lost 3,449 housing units between 2010 and 2015. Such corrections would cascade through a number of the tables and inferences in the planning documents.</p> <p>Maintaining such a common data set would also be a foundation for monitoring housing, economic and population change which would make it possible to adjust the Plan at regular intervals. The aging of the population is the most substantial and predictable change taking place, and the City will be required to adjust to the needs of the senior population in many ways. The planning documents note this in many instances but provide no concrete metrics or guidance. That will be the continuing planning task before city government.</p>	
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