

Communication from Public

Name: Natasha

Date Submitted: 05/02/2023 11:52 PM

Council File No: 21-0934

Comments for Public Posting: Please stop overbuilding apartments without adequate parking - with storefronts that stay empty. We don't need more million dollar high rent high rise apartments in Hollywood. Please leave open space - build plazas n parks. Improve traffic flow - no one is going to ride bikes in 100 degree weather - bike lanes create congestion.

Communication from Public

Name: Heritage Properties

Date Submitted: 05/02/2023 11:54 PM

Council File No: 21-0934

Comments for Public Posting: Attached is an excerpt from our comments on the Housing Element. We have calculated housing need in Hollywood to meet RHNA 2029 targets, and have found using LA City DCP data that all housing units required by RHNA for Hollywood 2029 or targeted by the Community Plan Update are under construction, permitted, entitled, or vacant as of the date of this memo. We did this by dis-aggregating the Hollywood data from Appendix 4.1, 4.3, and 4.7 of the Housing Element. In other words, if not a single upzoning or density bonus incentive happens, Hollywood has already met its goals for RHNA.

HERITAGE ■ PROPERTIES

Re: Housing Element Update 2021; CF 21-1230
From: Fran Offenhauser
For: Council Meeting November 24, 2021
Date: Updated February 21, 2022

“We can’t build our way out of climate change, and we won’t build our way into housing affordability”.

What did the Housing Element do, and how does that help us see the reality of development in Hollywood?

What exactly did the approved Housing Element do?

The Housing Element approved by the LA City Council in December 2022 promised housing equity and affordability. But those were NOT actually in the motion the Council voted on. This Housing Element did nothing to limit evictions and displacement; relieve the financial pressure of overcrowding and rent burden; house our homeless; or offer affordable new homes in “high opportunity areas”. to historically disadvantaged people

The Housing Element was prepared so that Los Angeles would meet the State’s RHNA (Regional Housing Needs Assessment) requirements:

- The State did NOT order affordable housing production, or tenant protections. The State only ordered “rezoning”— zoning to increase quantities of housing allowed on land parcels to make building housing more attractive to developers
- The Housing Element offered lengthy text with “goals” and “programs”. But nothing linked the upzoning to the achieving those goals, by making the provision of that housing mandatory for using the upzoning.
- This current Housing Element dangles, but does not deliver: 40% housing affordability; Adaptive Reuse citywide; non-displacement of RSO tenants; housing location and affordability equity; replacement of demolished affordable housing.

Upzoning is the only aspect required by the State, and Los Angeles must deliver that in the next 3 years via 35 Community Plan updates. The Hollywood Community Plan area is one of the first. Los Angeles did not integrate what the State required—upzoning—with any other real planning: no infrastructure requirements to support the growth, no requirement to prevent evictions. So what the Council voted on delivered developer nirvana! This is especially true in commercial areas—where upzoning will be “handed out” and larger projects may be built. by right, with no housing.

If the Housing Element did not require any justice or affordability, what can the Council do to correct that?

The Housing Element text states on page 191 that affordability won’t realistically happen, even with all this upzoning. The Hollywood Community Plan economic study by HR&A showed that even density bonus incentives were financially infeasible in the dense areas of Hollywood targeted for new housing.

When the upzoning is implemented by City Planning, required in the next 3 years, the City Council could require the housing indicated become a zoning requirement, parcel by parcel. Any Councilman could introduce a motion saying **“If the upzoning in Appendix 4.7 in the Housing Element is to be used by a developer on a parcel, the promised housing goals written for that parcel must be met.”** I sent draft motions to the Councilpersons.

How much housing was LA told by the State that “we” had to produce in 8 years, and thus required to be reflected in the Housing Element?

- **456,379 new housing units** is RHNA target for Los Angeles: 2021-2029 (in 8 years) .
 - 1,383,869 housing units currently in LA per ACS – so a nearly 25% increase in 8 years
 - 2/DU: Housing units expected to house 2 people in Planning calculations- actually
 - Population increase? Population decreasing from (DOF projection).
 - High vacancy rates in Hollywood- between 8% and 15% before Covid (3.3% California)
 - Who are all these units for? If homeless units are for 50,000 people maybe 30,000 units? Who are the rest for? .
- **266,647 new housing units** are “expected” to “naturally” be built. RHNA asks: “how many sites will likely get built on in the next 8 years?” The Housing Element estimates this # with an algorithm to reach a quantity called “Expected Development” by RHNA. RHNA is asking a question about economics and market—NOT the physical capacity of the City’s plan to accommodate new buildings. The City existing zoning capacity is massive compared to this number. Meaning money would be needed, not upzoning.
- **219,732 new housing units** are thus a “shortfall” for Los Angeles, and MUST be “rezoned” (upzoned) according to RHNA
- **40% units targeted for VLI and LI** (very low income and low income households)

If RHNA requires 219,732 units slated for upzoning, why does the Housing Element recommend 1,444,413 units for upzoning?

Housing Element recommends upzoning for 1,444,413 units—**6.5X** the State requirement! This is disclosed on page 191. This oversupply is intended to give wide “choices” during the upcoming Community Plan Updates.

Does the Housing Element provide good housing data to inform the Community Plans?

Beyond the verbal Housing Element “goals” text, what is extremely useful is massive data tables showing address by address where City Planning thought housing would occur without upzoning in the next 8 years (Appendix 4.1 and 4.3) , and where they thought upzoning was needed to force more building to happen (Appendix 4.7). The Housing Element shows that the last 8 years in LA produced 11

How does the Housing Element affect Hollywood?

- City Planning provides no data divided by Community Plan area in the Housing Element. Data is presented as Citywide. Council members could not see what is being proposed, or know how to follow through in their Community Plans, if they tried. Maps are unreadable.
- But Hollywood Heritage was able to unencrypt the data and pull out the Hollywood Community Plan data.
- The data shows that no upzoning is not needed. See below.
- While Appendix 4.1- based on an algorithm to “catch” developable parcels found only 6,279 “expected” units in Hollywood. Yet anyone with recent knowledge sees a clear pattern of housing construction in commercial areas, especially large parking lots. When Appendix 4.1 data is mapped, large mistakes in the algorithm are immediately evident.
- Council members could not see that in Hollywood their vote for this Element was a vote for massive demolition of RSO units expected, already happening, or recommended on 6,600 land parcels- maybe 24,000 units affected- recommended for demolition? . The promise of “equity” is the “Wizard of Oz” mumbo jumbo behind the curtain.

Why was it not disclosed that Hollywood has already MET RHNA targets due to high construction activity, so no upzoning is required at all?

The Citywide model blurs reality: Some areas already have all the needed development under construction and entitled. In Hollywood, 34,766 units are already built or underway, on a “need” for 31,965 units (based on Hollywood’s longstanding 7% of citywide housing).

- 14,355 units entitled or in process (Housing Element Appendix 4.3 plus 4,537 found in City records but missed in the dataset
- 7,000 current vacant units reported by City Planning (HCPU FEIR)
- 2,595 units with building permits (Housing Element Appendix 4.3) ;
- 6,279 “Adequate Sites” (Housing Element Appendix 4.1) “Expected” development

Total 34,766 units. (At the low # of 2 persons/dwelling unit, this is 68,000 new people in Hollywood, and the Community Plan projected 64,000 new people as the top amount by 2040. The Community Plan projects a population of 226,000, escalated somehow to 237-264,000 people. So this RHNA-fueled lopsided growth would double Hollywood’s entire housing housing stock and population in 8 years, with no new roads, electrical supply, water supply, parks, etc.

All the housing is already underway. No upzoning is needed in the Community Plan..

Why then does this Housing Element suggest upzoning for 75,000 MORE new units in Hollywood, when the RHNA numbers for 2029 are already met?

Why? Great question. In maps and Excel spread sheet Chapter 4 Appendices, there are recommendations for 75,000 new units in Hollywood. (This is never disclosed) . Add those to the 34,000 already reported by the Planning Department as being built, getting permits, or having entitlements, including the 7,000 of the newly built Planning says are empty EQUALS 110,000 of the 456,00--- citywide, dumped in Hollywood.

300% of RHNA target—all packed in central Hollywood! Citywide data are all mashed together. This buries the data really needed to actually inform Community Plan Updates such as the Hollywood Community Plan.

These units are in areas already in great contention, with overburdened infrastructure, lopsidedly directed into central Hollywood and very damaging to existing renters and historic buildings.

I have 50 years of experience as a housing developer; affordable housing developer; real estate investor; architect; historic architect; historic property developer and owner; was Senior Planner for the Hollywood Community Plan now in effect; was an elected member of the Hollywood redevelopment area committee that drafted the Plan; was founder of Hollywood Heritage and am a long time historic preservation advocate.

Respectfully submitted,



Frances Offenhauser

HERITAGE ■ PROPERTIES

ATTACHMENT #1 EVICTIONS NOT EQUITY HIDDEN IN HOUSING ELEMENT

Who will live in 456, 379 new housing units required by RHNA in Los Angeles in the next 8 years? Who will pay for?

If RHNA expects over 900,000 new people in Los Angeles housed in the next 8 years—That equals 20% population growth of the whole of today's LA being built new in 8 years? Who is this housing for?

- The demographic that is unhoused is our homeless- for math's sake assume 56,000 of them. No upzoning is needed for them. Current zoning can accommodate them in perhaps 40,000 units with zero problem. And 100,000 units citywide are vacant.
- The issue is NOT zoning, its money-- \$690,000 per unit development cost per the City Controller, so only-\$38 billion in cash or borrowed is needed.
- If AHF built the housing, maybe that number comes down to 6-8 billion.
- If LA had a rent subsidy program, that would cost maybe \$650 million/year, on a city budget of \$4 billion.

For the remaining 844,000 people RHNA expects to house,

- If they are rent-burdened they are housed- they need more money.
- If they are lacking in opportunity, they are housed—they need more opportunity, and more money.
- If they are overcrowded, they are housed, so a certain proportion can be newly housed- (Check overcrowding stats)
- Interestingly, Section 8 type subsidy could support a renter for 100 years as opposed to new construction.
- Interestingly, there is no housing production crisis in California—new units track with added population.

The people who need housing to be affordable and are housed are already here, and they need money, jobs, opportunity. City Controller figures \$690,000 cost per unit. Who will pay for 456,379 housing units =\$340 trillion? With 40% required to be affordable will be \$126 trillion.?

How does the Housing Element accelerate evictions and displacement?

- Evictions and displacement: We disaggregated the Hollywood data. Over 6,600 parcels of land with RSO units (no count of the actual units in the current dataset) are expected to be lost
- Over 25% of sites proposed for upzoning (Appendix 4.7) In Hollywood (and assumed demolition) have rent controlled units
- Over 30% of sites for “Adequate sites” (Appendix 4.1) in Hollywood for immediate new unit construction (and assumed demolition) have rent controlled units.
- Evictions and displacement: To date the monitoring, replacement, and even counting of evictions seems to not happen. In Hollywood, data from CES shows that from 2016 – 2021 evictions from RSO units alone were more than “affordable” units produced by incentive programs. The only gain was in fully subsidized projects.
- City's Hollywood Displacement Economic Study: City's own study questions relying on new construction as the panacea for housing affordability, when it actually causes more displacement, and replacing of housing for evicted/displaced residents is questioned as not being feasible.

HERITAGE ■ PROPERTIES

What is “housing equity”? Why are areas with great transit, jobs, and colleges left entirely untouched by the Housing Element, and Downtown and Hollywood are mapped with huge oversupply?? Do people really want to abandon their neighborhoods, or wouldn’t an emphasis on improving transit and jobs be more appropriate?

- The maps and Appendices in the Housing Element contradict the words about equity.
- Over half of the Hollywood flatland area near 3 Metrorail stops is close to the major employers, a huge park, schools, City College. But it is untouched by these upzoning proposals. Instead huge housing quantities are recommended which can’t be supported by existing infrastructure in the already-developed Hollywood/Sunset Boulevard area:
- Areas of the San Fernando Valley—again with access to colleges, schools, parks, transit, etc are untouched.
- New density is concentrated into areas with very high land and construction costs., incentivizing demolition of world renowned and nationally important historic buildings. This defies logic. It appears to be some sort of justification for the already-rolled-out Hollywood Community Plan, but it actually exacerbates the lopsidedness and environmental damage .

HERITAGE ■ PROPERTIES

The Housing Element recklessly disregards historic buildings. No analysis, no overlaying of upzoning proposals on landmarks, and no parcel-by-parcel data is given to show the true effect of the Housing Element rezoning proposals. But from suggesting Grauman's Chinese Theater be rezoned for high density residential (Appendix 4.7) to suggesting wiping out whole National and California Register districts, the rezoning is flawed and the EIR analysis is non-existent.

The Housing Element text says the only historic areas carved out of upzoning were HPOZs. This means that all of the following were disregarded:

- Cultural Heritage Monuments
- National and California Register districts,
- Landmarks and districts surveyed by CRA when City passed that responsibility to CRA, and transferred back as a City obligation in November 2019
- Survey LA buildings and districts.

it is fully possible to plan for the retention and adaptive re-use of historic buildings and districts—to work with them and around them.

It is, in fact, possible to not touch a single one, and still meet RHNA goals.

No effort has been made—in fact the text says a factor of 50% chance of demolition was used. This is shocking, and violates state law.

1. Current mapping techniques can easily and transparently show what is proposed (and how it will be refined during the Community Plan updates to avoid destruction of historic buildings).
2. An accurate mapping of our City's identified historic buildings and districts OVERLAIN on the proposed upzoning must be done.
3. Avoiding historic properties is fully possible, as the Appendix 4.7 "rezoning" (and Appendix "4.1 "Adequate Sites") provide at least 600% of housing required by RHNA, while historic buildings occupy only 6% of the City's land area. Historic areas can be avoided.
4. The conclusion of unavoidable damage to landmark buildings and neighborhoods in the Housing Element EIR is unacceptable. It is avoidable- by planning for it.
5. The Housing Element EIR gives a broad brush review of the standard protections for historic buildings—but these are already in place, and comparatively weak. The proposed Mitigations are widely acknowledged to be insufficient mitigations. The environmental review is inadequate.
6. Right now, most of the strong current protections already in Hollywood are being proposed to be removed in the Hollywood Community Plan Update. Thus for Hollywood the known future consequences of this Housing Element must be disclosed.

HERITAGE ■ PROPERTIES

O:\OMA-data\Personal\Frances Offenhauser\HHI\C- City Planning, CRA, Protections, StandRDS\Community Plan. General Plan\POPULATION HOUSING AFFORDABILITY\FRAN WRITING SENT\HPLLC Letter re Housing Element.docx

Communication from Public

Name: Leslie Guerra

Date Submitted: 05/02/2023 11:59 PM

Council File No: 21-0934

Comments for Public Posting: Dear Members of the City Council: I feel strongly that the Hollywood Community Plan Update CF-210934 recommended by City Planning must be revised. This Hollywood Community Plan should not proceed. Council can extend the deadline. Unless you will remove your redevelopment plan repeal Ordinance (Exhibit D) and adopt preservation recommendations presented to PLUM . I support Hollywood Heritage, the Los Angeles Conservancy, and the City's own Cultural Heritage Commission's proposed alterations to the Plan. Specific changes missed by City Planning should be made. Back the recognition of our world-renowned treasures with real action now, not sidelined to "goals" or "future implementation." The most famous part of Los Angeles, and the place with the landmarks of the highest level of national importance, should not be getting treatment substandard to our local landmarks. That is what is in the Plan now. Not a single historic building or district needs to be lost to meet the housing goals set forth in this Plan. Pitting housing against preservation is mistakenly at the center of the Plan, and is the critical but correctable mistake of the CPIO. Rolling back years of earned historic building protections in the "redevelopment repeal" Ordinance is buried in the Plan, and is completely unnecessary. The built legacy of Hollywood is irreplaceable and can be profitable if historic resources are supported by our City through adaptive reuse and clever urban design. CPIO affordable housing density bonus incentives should be in effect where there are NOT historic buildings. The City's economic study says they can work-in the lower density areas east of central Hollywood. We have already lost much of the character of this unique Los Angeles neighborhood. Please vote to change the Plan in accordance with Hollywood Heritage, the Los Angeles Conservancy, and the Cultural Heritage Commission to sensibly promote what is left, not bulldoze it. I love this town and have lived here seven years. I take preservation very seriously. The architecture and iconic history is what makes Hollywood special. We have plenty of housing: apartments are being built throughout this city already, as anyone who lives here can plainly see. Respect and maintain our buildings and theaters, and honor our history. Thank you. Sincerely, Leslie Guerra Resident and Registered Voter of District 13

Communication from Public

Name: Victor Omelczenko, WHPA Board President

Date Submitted: 05/03/2023 01:13 AM

Council File No: 21-0934

Comments for Public Posting: The West Hollywood Preservation Alliance voices our organization's grave concerns about the potential loss of historic properties in our world-famous Hollywood neighbor to the east if the Hollywood Community Plan Update is approved as currently presented. Our neighborhood is facing the planned destruction of the culturally and architecturally significant Temple Beth-El on Crescent Heights at Fountain Ave. that was established by Hollywood's movie moguls in 1952. The Temple was not even given the dignity of a fair historic resource assessment before plans were quietly laid during the pandemic to build an overwrought luxury apartment building in its place. And now we see the Hollywood Community Plan Update rolling back years of historic building protections in a "redevelopment repeal" ordinance that's been buried in the plan and is totally unnecessary. Please vote to change the Plan by using the alterations proposed by our fellow preservation groups -- Hollywood Heritage, the Los Angeles Conservancy, and the City of LA's very own Cultural Heritage Commission. Thank you.

Communication from Public

Name: James Smith

Date Submitted: 05/03/2023 05:28 AM

Council File No: 21-0934

Comments for Public Posting: Dear Members of the City Council: I feel strongly that the Hollywood Community Plan Update CF-210934 recommended by City Planning must be revised. This Hollywood Community Plan should not proceed. Council can extend the deadline. Unless you will remove your redevelopment plan repeal Ordinance (Exhibit D) and adopt preservation recommendations presented to PLUM . I support Hollywood Heritage, the Los Angeles Conservancy, and the City's own Cultural Heritage Commission's proposed alterations to the Plan. Specific changes missed by City Planning should be made. Back the recognition of our world-renowned treasures with real action now, not sidelined to "goals" or "future implementation." The most famous part of Los Angeles, and the place with the landmarks of the highest level of national importance, should not be getting treatment substandard to our local landmarks. That is what is in the Plan now. Not a single historic building or district needs to be lost to meet the housing goals set forth in this Plan. Pitting housing against preservation is mistakenly at the center of the Plan, and is the critical but correctable mistake of the CPIO. Rolling back years of earned historic building protections in the "redevelopment repeal" Ordinance is buried in the Plan, and is completely unnecessary. The built legacy of Hollywood is irreplaceable and can be profitable if historic resources are supported by our City through adaptive reuse and clever urban design. CPIO affordable housing density bonus incentives should be in effect where there are NOT historic buildings. The City's economic study says they can work-in the lower density areas east of central Hollywood. We have already lost much of the character of this unique Los Angeles neighborhood. Please vote to change the Plan in accordance with Hollywood Heritage, the Los Angeles Conservancy, and the Cultural Heritage Commission to sensibly promote what is left, not bulldoze it. Sincerely James

Communication from Public

Name:

Date Submitted: 05/03/2023 07:03 AM

Council File No: 21-0934

Comments for Public Posting: Dear Members of the City Council: I feel strongly that the Hollywood Community Plan Update CF-210934 recommended by City Planning must be revised. This Hollywood Community Plan should not proceed. Council can extend the deadline. Unless you will remove your redevelopment plan repeal Ordinance (Exhibit D) and adopt preservation recommendations presented to PLUM . I support Hollywood Heritage, the Los Angeles Conservancy, and the City's own Cultural Heritage Commission's proposed alterations to the Plan. Specific changes missed by City Planning should be made. Back the recognition of our world-renowned treasures with real action now, not sidelined to "goals" or "future implementation." The most famous part of Los Angeles, and the place with the landmarks of the highest level of national importance, should not be getting treatment substandard to our local landmarks. That is what is in the Plan now. Not a single historic building or district needs to be lost to meet the housing goals set forth in this Plan. Pitting housing against preservation is mistakenly at the center of the Plan, and is the critical but correctable mistake of the CPIO. Rolling back years of earned historic building protections in the "redevelopment repeal" Ordinance is buried in the Plan, and is completely unnecessary. The built legacy of Hollywood is irreplaceable and can be profitable if historic resources are supported by our City through adaptive reuse and clever urban design. CPIO affordable housing density bonus incentives should be in effect where there are NOT historic buildings. The City's economic study says they can work-in the lower density areas east of central Hollywood. We have already lost much of the character of this unique Los Angeles neighborhood. Please vote to change the Plan in accordance with Hollywood Heritage, the Los Angeles Conservancy, and the Cultural Heritage Commission to sensibly promote what is left, not bulldoze it.

Communication from Public

Name: Jamie T. Hall

Date Submitted: 05/03/2023 08:07 AM

Council File No: 21-0934

Comments for Public Posting: I am writing on behalf of the Laurel Canyon Association (“LCA”) with regard to the Hollywood Community Plan Update (“Project”). The attached letter is a rebuttal to the responses prepared by DCP.



*A Community Organization Dedicated to Improving and Preserving
the Quality of Life in Laurel Canyon*

May 3, 2023

VIA ELECTRONIC MAIL

Los Angeles City Council
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

Re: Hollywood Community Plan Update (CF 21-0934; CPC-2016-1450-CPU, ENV-2016-1451- EIR; SCH. No. 2016041093)

Dear Members of the City Council:

I am writing on behalf of the Laurel Canyon Association (“LCA”), which has participated extensively in the administrative process for the Hollywood Community Plan Update (“Project”). LCA submitted a comment letter to the Planning and Land Use Management Committee (“PLUM”) focused on the biological resource impacts of the Project. The letter explained that the mitigation measures were legally deficient. The City of Los Angeles Department of Community Planning (“DCP” or “City”) has now prepared supplemental responses to comments, which were populated to the Council File Management System yesterday. This letter is a rebuttal to the responses prepared by DCP.

The City admits that a tool is available is now available in ZIMAS to easily determine if a parcel provides habitat for protected species. However, the City persists in arguing that applying the mitigation measures in BR-1 to BR-6 to ministerial projects would be “infeasible” because more than 7,000 parcels have been identified as containing habitat for protected species. The City then provides examples of remodel projects that it contends would be subject to biological resource assessments. The City’s response are quoted below

“Earlier this year, LA City Planning’s SB 9 Eligibility Criteria Checklist on ZIMAS tags properties that have "habitat for "habitat for protected species" - this tool can be used to evaluate ministerial projects that should be subject to mitigation. protected species" so the commenter is correct that identifying parcels that may contain habitat for protected species would not require significant City resources. However, if all

ministerial projects on parcels that ZIMAS flags as having "habitat for protected species" were required to complete a biological resource assessment report and submit the report to DCP and California Department of Fish and Wildlife, this new requirement and review process would likely affect over 7,000 parcels in the CPA. That would also mean that a minor addition to an existing house, which otherwise meets all other City and zoning requirements, would have to complete a biological resource assessment report and City Planning would have to create a new administrative review process to review and provide input on the report, in addition to CDFW's involvement. For example, someone who wanted to build a second story addition, which wouldn't change the building footprint and would otherwise be a ministerial by-right project where they would need to apply for a building permit, would now be required to complete a biological resource assessment report. LADBS would have to add a new clearance to the building permit for DCP's clearance. As part of the."

Response to Comments dated May 2, 2023 at page 57.

There are several problems with the City's responses. First, it appears the City has quoted the total number of parcels (7,000) that have been mapped as containing habitat for protected species. However, the City has already committed to applying a mitigation measure to discretionary projects subject to the Baseline Hillside Ordinance ("BHO"). The issue is whether this mitigation measure should be extended to certain ministerial projects subject to the BHO. The City has provided no data or objective metrics to ascertain the total volume of ministerial projects that could be impacted by the extension of the mitigation measure to ministerial projects. Rather, the City has simply provided the public with the total number of parcels that have been mapped as containing habitat. What is needed is the volume of ministerial projects. This is an important consideration and necessary to determine whether it would be "infeasible" to require a biological resource assessment for such projects. For example, if only 5 percent of those parcels applied for ministerial permits on an annual basis that would only be 350 biological reviews per year. Certainly, only a small number of people actually remodel their home on an annual basis. No reasonable person would conclude otherwise. The City has simply provided a raw number (the total number of parcels) in order to make it appear that it would be infeasible to require such analysis and mitigation. The City has the data of the total number of ministerial permits issued on an annual basis and has deliberately chosen not to provide this information in its response. This information is clearly relevant. Second, to the extent that the City believes that it would be too burdensome to require biological resource assessments for a "minor addition to an existing house" or for a "second story addition" the City could easily limit such assessments to those ministerial projects subject to the BHO proposed on

previously undeveloped parcels (i.e vacant land). In fact, most of the habitat value for protected species is located on such lots. The City knows how to resolve this issue and has simply chosen to exaggerate the burden that would be required to undertake the legally require mitigation. As LCA noted in its previous letter, however, any infeasibility determination must be supported by substantial evidence. The City does not have the luxury to just decide it does not want to mitigate admittedly *significant* impacts to biological resources. Mitigation must truly be “unavoidable,” not just inconvenient. The City has not met its burden. The City could easily require biological resource assessments for ministerial projects subject to the BHO for projects proposed on previously undeveloped parcels (exempting remodels for existing homes). Revised mitigation measures demonstrating this are attached hereto as Exhibit 1.

Finally, the City’s responses do not address the issue identified in LCA’s letter that the proposed mitigation for sensitive natural communities is inadequate (i.e. area-based mitigation is required).

In conclusion, the City’s infeasibility determination remains unsupported by substantial evidence and the proposed biological resource mitigation measures are legally insufficient. As such, the FEIR that the City is poised to certify does not comply with the California Environmental Quality Act. I may be contacted at 310-380-0845 or at jhall@laurelcanyon.org if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name being the most prominent.

Jamie T. Hall
Laurel Canyon Association
President

Exhibit 1

BR-1

For ministerial projects subject to the Baseline Hillside Ordinance that are located on undeveloped parcels identified in ZIMAS as containing habitat for protected or sensitive species and for discretionary projects that are in or within 200 feet of Griffith Park, dedicated open space or are required to comply with the City's Baseline Hillside Ordinance, project applicants shall be required to conduct a biological resources assessment report to characterize the biological resources on-site and to determine the presence or absence of sensitive species. The report shall identify 1) approximate population size and distribution of any sensitive plant or animal species, 2) any sensitive habitats (such as wetlands or riparian areas), and 3) any potential impacts of proposed project on wildlife corridors and wildlife movement across the property or within the property vicinity. Off-site areas that may be directly or indirectly affected by the individual project shall also be surveyed. Survey times should correspond with the most likely time the potential species would be observed. The report shall include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of on-site biological resources (e.g., observed and detected species, as well as an analysis of those species with the potential to occur on-site). The biological resources assessment report and surveys shall be conducted by a qualified biologist, and any special status species surveys shall be conducted according to standard methods of surveying for the species as appropriate. The biological resources assessment report will document the potential for the sensitive species to occur on the site. If sensitive species and/or habitat are absent from or there is no suitable habitat to support the sensitive species on the individual project site and adjacent lands potentially affected by the individual project, a written report substantiating such shall be submitted to Department of City Planning (DCP), California Department of Fish and Wildlife and Santa Monica Mountains Conservancy ("SMMC") prior to issuance of a grading permit issuance of the first permit for the Project. The City shall consult with trustee agencies prior to approval of the Project.

If sensitive species and/or habitat are identified, the biological resources assessment report shall require pre-construction surveys for sensitive species and/or construction monitoring to ensure avoidance, relocation, or safe escape of the sensitive species from the construction activities, as appropriate. If avoidance is not feasible to sensitive natural communities, area-based mitigation shall be proposed that involves on-or off-site permanent protection or restoration of the same habitat type at a specified mitigation ratio recommended by CDFW. The City shall submit the biological resource assessment report to trustee agencies and consult with said agencies to determine the completeness and appropriate mitigation for the Project. If sensitive species are found to be nesting, brooding, denning, etc. on-site during the pre-construction survey or during construction monitoring, construction activities shall be halted until offspring are weaned, fledged, etc. and are able to escape the site or be safely relocated to appropriate off-site habitat areas. A qualified biologist shall be on-site to conduct surveys, for construction monitoring, to perform or oversee implementation of protective measures, and to determine when construction activity may resume. Additionally, the biological resources assessment report shall be submitted to DCP, ~~and CDFW and SMMC any ground-disturbing activities.~~ prior to the issuance of the first permit for the Project. A follow-up report documenting construction monitoring, relocation methods, and the results of the monitoring and species relocation shall also be submitted to DCP and CDFW following construction.

BR-2

If indicated as appropriate by the biological resources assessment report required in **Mitigation Measure BR-1**, focused surveys for special status plants shall be conducted. Prior to vegetation clearing for construction in open space areas, special status plants identified in the focused surveys shall be counted and mapped and a special-status plant relocation plan shall be developed and implemented to provide for translocation of the plants. The plan shall be prepared by a qualified biologist and shall include the following components: (1) identify an area of appropriate habitat, on-site preferred; (2) depending on the species detected, determine if translocation will take the form of seed collection and deposition, or transplanting the plants and surrounding soil as appropriate; (3) develop protocols for irrigation and maintenance of the translocated plants where appropriate; (4) set forth performance criteria (e.g., establishment of quantitative goals, expressed in percent cover or number of individuals, comparing the restored and impacted population) and remedial measures for the translocation effort; and (5) establish a five-year monitoring procedures/protocols for the translocated plants. The City shall submit the special-status plant relocation plan to both the SMMC and CDFW for review and comment prior to approval. If relocation is not feasible, area-based mitigation shall be proposed that involves on-or off-site permanent protection or restoration of the same habitat type at a specified mitigation ratio recommended by CDFW. The City shall submit the biological resource assessment report to trustee agencies and consult with said agencies to determine the completeness and appropriate mitigation for the Project. Five years after initiation of the restoration activities, a report shall be submitted to DCP, ~~and~~ CDFW and SMMC, which shall at a minimum discuss the implementation, monitoring, and management of the restoration activities over the five-year period and indicate whether the restoration activities have, in part or in whole, been successful based on the established performance criteria. The restoration activities shall be extended if the performance criteria have not been met at the end of the five-year period to the satisfaction of DCP, CDFW, SMMC and U.S. Fish and Wildlife Service (USFWS), when applicable.

BR-3

During environmental review for projects that are discretionary or in a CPIO District subarea or for ministerial projects subject to the Baseline Hillside Ordinance that are located on undeveloped parcels identified in ZIMAS as containing habitat for protected or sensitive species, in areas potentially containing jurisdictional waters or riparian habitat, including streams, wetlands, and other water bodies, affected sites as well as off-site areas that may be directly or indirectly affected by the individual development project shall be surveyed by a qualified biologist for Waters of the U.S. and Waters of the State (e.g., streams, wetlands, or riparian habitat). Whenever possible, individual projects shall be designed and/or sited to avoid disturbance to or loss of jurisdictional resources. If Waters of the U.S. or Waters of the State cannot be avoided and would be affected by the individual project, the regulatory agencies shall be consulted regarding the required permits. Individual project applicants shall demonstrate to DCP, if the lead agency, the regulating agency that the requirements of agencies with jurisdiction over the subject resource can be met prior to obtaining ~~grading permits~~ the first permit for the Project. This will include, but not be limited to, consultation with those agencies, securing the

appropriate permits, waivers, or agreements, and arrangements with a local or regional mitigation bank including in lieu fees, as needed.

BR-4

At the discretion of the regulatory agencies, including DCP, if applicable, discretionary development projects or ministerial projects subject to the Baseline Hillside Ordinance that are located on undeveloped parcels identified in ZIMAS as containing habitat for protected or sensitive species resulting in the modification, change, and/or loss of Waters of the U.S. and Waters of the State (e.g., streams, wetland, or riparian habitat) under jurisdiction of the regulatory agencies shall be required to contribute to a mitigation bank, contribute to an in-lieu fee program, establish on-site or off-site restoration of in-kind habitat, or establish on-site or off-site restoration of out-of-kind habitat that is of high value to the watershed and provides important watershed functions. Individual project applicants shall submit a compensatory plan for review and approval by relevant regulatory agencies, including DCP, if applicable. The compensatory plan shall be developed by a qualified biologist or restoration ecologist and approved by the relevant regulatory agencies prior to issuance of ~~a grading permit~~ the first permit issued for the Project. The plan shall be based on the U.S. Army Corps of Engineers (USACE) *Final Mitigation Guidelines and Monitoring Requirements* (April 19, 2004) and the Los Angeles District's Recommended Outline for Draft and Final Compensatory Mitigation and Monitoring Plans. In broad terms, this plan shall at a minimum include:

- Description of the project/impact and mitigation sites
- Specific objectives
- Implementation plan
- Success criteria
- Required maintenance activities
- Monitoring plan
- Contingency measures

At the discretion of DCP and relevant regulatory agencies, Waters of the U.S. and Waters of the State shall be replaced at a minimum 3:1 ratio. The specific success criteria and methods for evaluating whether an individual development project has been successful at meeting those criteria shall be determined by the qualified biologist or restoration ecologist and included in the compensatory plan.

Implementation of the compensatory plan shall commence prior to issuance of ~~a grading permit~~ the first permit issued for the Project for individual projects. If the compensatory plan involves establishment or restoration activities, these activities shall be implemented over a five-year period. The establishment or restoration activities shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the activities, as necessary, to achieve desired outcomes and meet the success criteria. Five years after initiation of establishment or restoration activities, a final report shall be submitted to the relevant regulatory agencies and DCP, which shall at a minimum discuss the implementation, monitoring, and management of the activities over the five-year period, and indicate whether the activities have,

in part, or in whole, been successful based on established success criteria. The establishment or restoration activities shall be extended if the success criteria have not been met to the satisfaction of DCP and relevant regulatory agencies.

BR-5

For projects that are discretionary or in a CPIO District subarea or ministerial projects subject to the Baseline Hillside Ordinance that are located on undeveloped parcels identified in ZIMAS as containing habitat for protected or sensitive species, prior to construction activities on properties that contain seasonal or perennial streams, year-round or intermittent wetlands, riparian habitat, or the Los Angeles River, project applicants shall be required to prepare and submit to the U.S. Army Corps of Engineers a “Preliminary Delineation Report for Waters of the U.S.” (which shall delineate any on-site wetlands) and, as appropriate, a Streambed Alteration Notification package to CDFW. If these agencies determine that project features are not regulated under their jurisdiction, then no further protection measure is necessary. However, if the U.S. Army Corps of Engineers determines that a federally-protected wetland is located on-site or considers the feature to be jurisdictional through a "significant nexus" test per recent U.S. Army Corps of Engineers and USEPA guidance,²¹ then a Clean Water Act Section 404 permit shall be obtained from the U.S. Army Corps of Engineers, and any permit conditions shall be agreed to, prior to the start of construction activities in the affected area. If CDFW determines that the drainage is a regulated "streambed", then a Streambed Alteration Agreement shall be entered into with CDFW and any associated conditions shall be agreed to prior to the start of construction in the affected area.

BR-6

For ministerial projects subject to the Baseline Hillside Ordinance that are located on undeveloped parcels identified in ZIMAS as containing habitat for protected or sensitive species and for discretionary projects that are in or within 200 feet of Griffith Park, dedicated open space or are required to comply with the City’s Baseline Hillside Ordinance, the biological resources assessment report, as mentioned in Mitigation Measure BR-1, shall analyze how the individual development project could affect wildlife corridors and wildlife movement. The biological resources assessment report shall include a biological constraints analysis that shall identify measures (such as providing native landscaping to provide cover on the wildlife corridor) that the individual project would be required to implement such that the existing wildlife corridor would remain. Wildlife corridors identified in the biological resources assessment report shall not be entirely obstructed from wildlife passage by the ~~discretionary~~ project and shall be kept open to the maximum extent feasible. Measures to support wildlife movement include but are not limited to: retention of onsite native trees and vegetation, or unobstructed setbacks or wildlife friendly fencing on at least two edges of the property, or minimum 25-foot buffers from the edge of stream, reservoir, riparian or wetland habitat. The biological resources assessment report and constraint analysis shall be submitted to DCP, CDFW and SMMC for review and comment prior to issuance of the first permit for the Project.