Communication from Public

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To: PLUM – City of LA City Council
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RE CITY ATTORNEY CONCLUSIONS FOR HCPU ORDINANCES
(Report no. R24-0557, Nov 6, 2024)

The City Attorney memo as to "form and legality" for the Hollywood Community Plan Update misses lengthy and legitimate legal and other objections to many parts of the proposed Hollywood Community Plan: its proposed re-zoning Ordinance (Ord 187,823); its redevelopment repeal ordinance; its CPIO Ordinance; and its CEQA conformance.

Many platitudes and half-truths have permeated this Community Plan adoption process over many years --during which it substantially changed in the CPIO areas but retained the same aggressive upzoning in central Hollywood rejected by Judge Goodman in 2012. An alluring story was repeated in the May 2023 process; and continues now. Unfortunately the assertions aren't supported by facts and evidence.

We welcome our City Attorney to review overriding facts which cast this Community Plan in a very different light. We touch on some of the highlights here, and offer to present all the evidence.

The preponderance of speakers at the HCPU PLUM hearing in May spoke against the Plan vociferously for reasons aligned with Hollywood Heritage, and detailed objections were entered into the record. Even newcomer Councilman Soto-Martinez saw lights flashing- evident problems especially with high FARs in central Hollywood and CPIO density incentives that City economists said did not work.

While the obligation of a Community Plan is to take expected population growth and ensure that growth will be located where infrastructure can support it , with least adverse environmental effect, this Community Plan shockingly failed to even try. If these concerns have been corrected by City Planning in the interim, the City Attorney is not indicating where.

The City Attorney has additionally omitted addressing specific items questioned during the HCPU process- specifically preservation and monitoring of rental housing as mandated by LAMC 11.5.8. (This a different obligation from replacement affordable housing or eviction assistance for tenants.) Historic preservation and tenant retention-- preservation of historic apartments is virtually always preservation of rent stabilized housing.

Statements that follow in parentheses are from City Attorney Report. Our summarized comments are here—and again we offer to provide the underlying evidence and information.

1. **<u>Hollywood CPIO Ordinance</u>:** "*The Regional Center Subarea also allows transfer of development rights to allow sites with historic resources to transfer floor area to ~~donor~~ "receiver" sites for the protections of historic resources*."
    - Error—change "donor" to "receiver"

- TDR procedures must be edited to prevent receiver sites being existing historic buildings sites
- TDRs will not be financially successful.

2. **Hollywood CPIO Ordinance-- neighborhoods:** "*All the Subareas include supplemental development standards to protect the character of Hollywood's historic neighborhoods*" . This statement is objectively false.

   The Subareas having California Register Districts have HAD substantial design guidelines and professional review for the past 35 years, under the auspices of the Community Redevelopment Agency. As this Community Plan Update now REPEALS all of these, the new weak ones can hardly be characterized as "supplemental". The CPIO has clearly reduced and inappropriate standards and guidelines. Note also that HCPU EIR fails even to accurately list the historic building, as does the Plan text.

   Failure to recognize long time historic status and no guidance for appropriate additions or infill: Most importantly, the CPIO is a density bonus incentive program-- promoting development 4 to 6 times the current use of "Hollywood's historic neighborhoods"—but providing no guidance and failing to mention that these are historic districts!

   The CPIO offers no standards or guidance on all of the usual methods to increase density within an existing historic district-- eschewing demolition and instead keeping historic buildings intact, adding to them sensitively, adding accessory structures; or subdividing inside existing buildings. Although these may include height restrictions, once having incentivized demolition, developers routinely overcome such limitations.

   The "development standards" put forth in the CPIO for the "character residential" areas of the CPIO are inappropriate: - poorly drafted (apparently for some other parts of the City); failing to mention that these are listed historic districts; failing to identify or understand the character-defining features of the District as a whole or its architectural parts; and treating State historic districts without demolition protections as in the CHIP and without compatibility requirements as in City HPOZs.

   Instead the HCPU and CPIO actively remove current protections and common sense procedures: Realistically, the "standards" which City Planning hopes to implement by rote in "character residential" are the opposite of what the City Attorney cites—they apply to the new construction that will replace the demolished historic landmarks. The steps to proper treatment of these neighborhoods were in the redevelopment plan--historic assessments for character-defining features, project review, design review, compatible public improvements, and mandatory guidance from the Secretary of the Interior Standards. Design standards for historic neighborhoods always start with discerning and articulating the character-defining features of the urban setting and of the district buildings' architecture. Commonly used guidance from the last 50 years—the Standards, Preservation Brief 14, and even the Niles decision or Rehab Right for bungalow neighborhoods was not consulted. Hollywood Heritage prepared these for City Planning, but was never contacted.

   Neighborhoods that were specifically required by the redevelopment plan to be protected from adverse effects are trampled. Spot zoning within small neighborhoods often has 5 or 6 different zones, inconsistent, all necessitating demolition. Recently the approval of the ONNI project at 1360 Vine allowing 6 existing bungalow homes to convert to unregulated loud bars and restaurants with loud deliveries and rat-infested trash in the midst of an historic residential district, is a travesty.

3. **Hollywood CPIO Ordinance—Hollywood Boulevard: "…***including special design standards for the Hollywood Boulevard Commercial and Entertainment District to preserve historic design features and maintain design compatibility*".

   This statement is objectively false.

   The CPIO fails to recognize the listing of the National Register District on Hollywood Boulevard—which is listed at the highest status level in America. Its actually horribly worse: the CPIO erroneously cuts the District down to roughly 1/3 its designated length!! And refusing to correct the error despite City Planning being alerted numerous times.

   Design standards for historic districts start with discerning the character-defining features of the urban setting and of the district buildings' architecture. None of this is reflected in the CPIO development standards. City Planning has drafted limited scattershot design standards rather than using readily usable information from Hollywood Heritage and from the numerous professional Urban Design plans for the Hollywood Boulevard District- prepared using millions of taxpayer dollars.

   The mitigation measures MM CR 9 and 10 added into the Council File Nov 6, 2024 were the first preservation related move to bring back any historic anything for Hollywood. However, the City's definition of non-contributors and the City's allowing the Director of Planning to de-list and allow demolition of buildings inside the District boundary remains a significant adverse effect if the language of these Mitigations Measures is not corrected. Not only does the CPIO allow listed landmarks to be demolished without review or notice , but also allows buildings to be replaced with something unreviewed and incompatible, affecting the District as a whole. Preservation Brief # 14 and the Niles decision should be the guidance as well as the Standards.

4. **"Amendments" that repeal the Hollywood Redevelopment Plan in its entirety take away historic protections, designs for compatibility, and the hope of an attractive un-blighted community are not being replaced by HCPU or CPIO**: The following Hollywood Redevelopment Plan code sections-- that are being repealed provided procedures and protections for historic buildings and planning to avoid adverse traffic/gridlock conditions as summarized here. The full list is in the Council File:
   - Mandates to Identify and Protect Historic Buildings: GPC 86-835 listing of all Status Code 1-3 historic buildings for Cultural Heritage Commission protection; RDP Sec 511 (Public listing, delay of demolition, protection for all permits, scorched earth bonus denial exc SB 1818. RDP EIR 2003 MM use of the Secretary of the Interior Standards as Mitigation; Settlement with Hollywood Heritage delay of demolition and assessment requirement
   - Mandates for Design Review of Alterations, heights, and Density and Effects of new Construction on Districts: RDP Sec 409 (use of the Standards); Design and permit reviews Sec 505.4 and 506.3; 4-7.1.4; 505.1; Hollywood Heritage Settlement Agreement use of 1993 Urban Design Plan until newer version adopted meeting those requirements
   - Forward Planning Obligations and Monitoring: RDP Sec 505 (special planning to protect historic residential areas; Sec 511 (TDRs ensuring preservation of donor and identifying proper receiver sites); Sec 506.2.3 Traffic monitoring to ensure that right to use RDP and CP zoning or Plan was monitored and stopped to "re-plan" when quantitative "cap" shown in LOS traffic model reached gridlock; Sec 518 and 518.2 Parking undersupply monitored and reported with mitigations of 5 public garages to address undersupply

- Design District Plans: required with specific components- Sec 505.2 Franklin Ave Design District Plan; Sec 506.2.1 and 518.2 Hollywood Boulevard Urban Design Plan; Sec 506.2.2 Hollywood Core transition District Plan "ensure that circulation patterns, landscaping, parking, and scale of new construction is not detrimental to adjacent residential neighborhoods."

5. **"Amendments" that repeal the Hollywood Redevelopment Plan justified by City Planning to City Attorney should be re-examined:** The City Attorney states that the "City Council found" that the redevelopment plan repeal was justified because of "conflicts " .

The redevelopment repeal ordinance is preceded by a string of "Whereas" statements which re-write the actual history of Los Angeles' constant efforts to kill all the good aspects of the redevelopment plan. In reality, Los Angeles attempted to convince Rep Richard Bloom to sponsor AB 832 =because Los Angeles needed the State legislature to give LA the ONLY exemption out of 400 cities in the State to shirk the duties of redevelopment transfer. Los Angeles fought transfer from 2012 for 7 years before asking Sacramento to do the dirty work. This failed.

In the AHF case, mentioned erroneously in the "Whereas" section of the ordinance, the court ruled opposite of what is reported. Los Angeles had tried to "transfer" a cherry-picked list of land use obligations, rather than "all". Resistance was and is fierce to "ALL" : implementing urban design plans; monitoring growth and environmental effects; protecting renters; reversing blight through design review and public improvement; and identifying and protecting historic buildings.

- On the second cause of action, the Court assisted AHF by declaring that Respondent City's transfer Resolution and Ordinance No. 186325 transferred to the City of Los Angeles, in compliance with Health and Safety Code Section 34173, subdivision (i), ALL of the former Community Redevelopment Agency land use related plans and land use related functions. Los Angeles had fought for the right to cherry-pick, as can be seen in the transfer ordinance itself.
- "On the third cause of action, the court declares: (1) Under Los Angeles Municipal Code (LAMC)Section 11.5.14.B.2, the density incentive provisions in LAMC Section 12.24 are subordinate, projects within the Hollywood Project Area, to the housing incentive limits In the 2003Hollywood Redevelopment Plan; and (2) Respondent City of Los Angeles' practice of granting density bonuses within the Hollywood Project Area (a) that exceed those required by the Density Bonus Law in Government Code Section 65915 et seq., and (b) without complying with the Hollywood Redevelopment Plan's own provisions governing deviations from the Hollywood Redevelopment Plan's housing incentive limits violates LAMC Section 11.5.14.B.2 and is unlawful"
- Interestingly, while the City told others that 3,300 housing units were being delayed, in their Court admissions City Planning admitted to having erroneously approved 4 projects, of which two were built anyway, despite the court's ruling; one was withdrawn by the developer due to the earthquake fault concerns; and one has never started.

Recently City Planning put forth another "enabling" ordinance in CF 24-1321 to create a new "administrative" change hand to Los Angeles an ability to repeal all redevelopment procedures in the Community plans, especially Hollywood.

Unsupported statement: City claims that the redevelopment plan "add undesirable additional regulations, processes, costs, and burdens on the City, property owners, and developers that impeded or prevent beneficial and urgently needed housing and other desirable uses in the project area". The redevelopment regulations cannot be construed as "adding" anything. These processes are ALL already in effect, and preceded both State housing legislation and SB 330 by over 30 years.

This statement reflects the low regard for current homeowners and tenants, who have been ignored to be sacrificed for a small amount of affordable housing.

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Not a Redevelopment Plan "Amendment"**:** The wholesale repeal of all the land use provisions accepted by the City of Los Angeles from the Hollywood Redevelopment Plan and in force until 2028 (Ordinance 186,325 Nov 2019) is NOT an Amendment. This repeal actually repeals sections of the Redevelopment Plan that the City never adopted, including protections for renters. This repeal also does not even follow the City's own process in its own code for an Amendment, nor a State-mandated process for an Amendment.

Unsupported statement: "prohibit what is allowed in the Hollywood Community Plan and its implementing ordinances". There is no specific evidence for this statement. The Redevelopment Plan was quite precise in what could be altered by subsequent City Planning actions. That does not include the many planning obligations such as density monitoring; traffic monitoring; Urban Design Plan implementations; design review requirements, etc. The environmental mitigations ensconced in the D limitations being removed by this Community plan have not been quantified or disclosed in any of the environmental analysis of the Community Plan Update.

5. **CEQA Determination:** The HCPU EIR has been demonstrated to have extensive flaws which the City Attorney does not address. These can be summarized as follows:
   - Failure to evaluate environmental effect of cancellation of "D" conditions on multiple properties, Ord 165,662;165,654, et al
   - Failure to calculate buildout/ development capacity/ 'buildout analysis" relative to existing zoning at the outset of the Community Plan process, and at the end. Cities all over the state comply—"connecting" their population of residents to the capacity of their zoning to house them. This is the singular most important part of Community Planning, so that the physical infrastructure can sustainably support growth where the growth is directed, and so that adverse impacts in known locations are minimized. The Hollywood Community Plan failed to do this fundamental basic planning.
     - The excuse in the Land Use section of the DEIR that such calculations were too "costly" was patently false, because City Planning actually had all the data in its GIS database, the Housing Element and the CRA mitigation calculations. And used them in the Housing Element. And Aecom used them for the CHIP economic study. It is embarrassing that City Planning cannot do what members of the public and consultants hired by the City were able to do with City Planning's same data.
     - The only quantitative work done for the EIR recited population projections—which changed over the Plan preparation time from SCAG's 226,000 persons to 264,000 persons as a newly invented term "reasonable expected development" .
     - The excuse in the 2023 FEIR that growth of 7,000 units need not be counted because the units were empty- thus having no infrastructure demand and no environmental effect is absurd..
     - The overriding fact is that the capacity of the Hollywood Community Plan Area exceeded even the 264,000 person "goal" BEFORE the Plan work started. Conservatively calculated, the Plan Area buildout capacity in 1988 was shown in that FEIR as 272,000 persons; extraordinary growth had occurred in the interim with

discretionary actions enabling more thousands more units built and entitled than expected; extraordinary growth was under construction and allowed by State and local initiatives such as density bonus, ADU, etc; and the data in City Planning's own database indicated that the entire RHNA target for 2029 and for a Community Plan in 2040 had already been reached at the time of the 2023 hearings.

- Removing public input, requirements for experts, and public hearings, such as creating "automatic" or "by right" approvals allowing significant demolition and alterations to historic buildings (HCPU CPIO);
- Failure to act on the economic studies available at the time which challenge the CPIO density bonus approach and to quantify displacing tenants and tearing down existing apartment buildings.
- Failure to acknowledge actual impacts such as displacement, Aesthetics (esp under Niles decision); Historic; Greenhouse Gases; etc etc. See our summary in Council File
- Failure to mitigate growth above infrastructure capacity and provide substantial evidence as required, and instead jumping to conclusions and asking Council for a Statement of Overriding consideration – especially for Historic Resources
- Conclusion of "Significant adverse effect on historic resources" with analysis--no mapping or analysis in non-compliant with CEQA.. The landmarks weren't mapped and compared with the increased zoning to show where the impacts were; what the impacts would be (demolition or improper alteration); and what steps would be taken to mitigate the impacts.
- The Mitigations Measures in the HCPU were solely for archaeological resources—(CulturaL Resources CR 1-8). Projects involving excavation or demolition have extensive requirements for monitoring and documenting archaeological significance, in contrast to the presence of 1500 known listed historic buildings
- Failure to choose the environmentally superior "No Project" alternative. Mis-named, the "No Project" alternative continued the 1988 Hollywood Community Plan zoning, which its EIR said accommodated 272,000 persons highly conservatively—more than the 2040 goal for Hollywood. Demographers have calculated the CP area could accommodate over 400,000 persons.
- Failure to comply with Fix the City lawsuit brought to ensure than City Planning would not again put forward a Community Plan which was growth-inducing without evidence that the locations for that growth had adequate infrastructure. The EIR failed to identify and mitigate significant infrastructure and public services impacts concomitant to growth, relying mistakenly and insufficiently on future infrastructure from utilities and from other City departments. This is an abdication of the most fundamental planning obligation in a Community Plan.

6. **Missing numbers mandated by LAMC 11.5.8: "**No amendment to a plan for any of the 37 planning areas, including reduction in the number of such areas, changes in their respective boundaries, land uses permitted within or at any particular location in any such area, or any other material change, may be made until the completion of a comprehensive assessment of such proposed changes by the Planning Department to ensure that such changes do not:

    1. Reduce the capacity for creation and preservation of affordable housing and access to local jobs; or…

    The changes must include a program to create and monitor an inventory of units within the Community Plan Area that are: subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of Lower or Very Low-Income; subject to the City Rent Stabilization Ordinance; and/or occupied by Lower-Income or Very Low-Income households"

Respectfully submitted: