

Communication from Public

Name: UNITE HERE Local 11
Date Submitted: 04/21/2023 03:03 PM
Council File No: 21-0934
Comments for Public Posting: Please see the attached letter regarding the Hollywood Community Plan Update.



April 21, 2023

Los Angeles City Council
Planning and Land Use Management Committee
200 N. Spring Street
Los Angeles, CA 90012

Delivered via electronic mail

RE: CF # 21-0934- Hollywood Community Plan Update

Dear Chair Harris-Dawson & Honorable Members of the PLUM Committee:

In response to the letter from Council District 13 dated April 21, 2023, we write to provide the following correspondence. In general, we are pleased to see changes to the Hollywood Community Plan Update for which Local 11 and the Just Hollywood Coalition have advocated over the past several years reflected in the proposed plan and letter.

However, we wish to restate two points outlined in our previous correspondence (attached): **(1)** a hotel conditional use permit (CUP) appealable to council across the *Hollywood CPIO plan area*, not just the regional center subareas, and **(2)** no automatic increases in base zoning rights.

1. **Conditional Use Permits for Hotels:** Hotel and transient occupancy residential structure projects in the *Hollywood CPIO plan area* (not just the regional center subareas) are required to obtain a Conditional Use Permit complying with the procedures in LAMC Section 12.24U.
2. **Do not increase base zoning rights, which allows commercial development to crowd out housing:** By increasing the Base FAR (*please see Exhibit E attached, p. 4-6¹*), we undermine the incentive to construct housing through utilizing the density bonus (which allows an increase to 3 in exchange for an affordable housing set aside) or CPIO affordable housing programs, since applicants are effectively granted these rights for free. This violates Measure JJJ, which explicitly states that community plan changes cannot undermine California Government Code § 65915 (the density bonus program) or any other affordable housing incentive program. All projects seeking increased density should be required to utilize affordable housing incentive programs. The Plan must ensure that

¹ Please see PDF pages 4-6: https://clkrep.lacity.org/online/docs/2021/21-0934_misc_8_08-8-21.pdf

MAIN OFFICE
464 LUCAS AVE., SUITE 201
LOS ANGELES, CA 90017
213.481.8530
FAX 213.481.0352

GARDEN GROVE OFFICE
13252 GARDEN GROVE BLVD., SUITE 200
GARDEN GROVE, CA 92843
714.750.4373
FAX 714.750.5638

AIRPORT OFFICE
4634 W. IMPERIAL HWY.
INGLEWOOD, CA 90304
310.671.0720
FAX 310.671.5021

PHOENIX OFFICE
1021 S 7th Ave.
PHOENIX, AZ 85007
480.795.5330
FAX 480.795.5326

all upzoning and land use incentives are aligned with on-site affordable housing standards that meet or exceed the standards in Measure JJJ and the TOC Program.

- a. Remove the increase in Base FAR from 2 to 3 in several plan subareas (e.g., 4:1C, 6:1, parts of 4:1B, 4:1F, and 4:1G).
- b. Remove the increase in Base FAR from 2 to 4 in several plan subareas (4:2C, 4:4, 4:4A, 4:5C, 4:5D, 4:5L, parts of 4:5)
- c. Remove the increase in Base FAR from 3 to 4 in several plan subareas (4:3A, 4:5A, 4:5J, parts of 4:3, 4:5, 4:5B)

Thank you very much for the opportunity to continue providing comment on the plan.

Communication from Public

Name: MARGARET TAYLOR

Date Submitted: 04/21/2023 03:06 PM

Council File No: 21-0934

Comments for Public Posting: Please accept the attached letter of public comment from the Melrose Arts District - the Business Improvement District for Melrose Avenue.



April 21, 2023

Los Angeles City Council
Planning and Land Use Management Committee
City Hall
200 N. Spring Street
Los Angeles, CA 90012

**Melrose Arts District
BID Board of Directors:**

Deny Weintraub
President

RE: CPC-2016-1450-CPU
Hollywood Community Plan Update DRAFT
Community Plan Implementation Overlay DRAFT

Sylvia Weintraub
Corporate Secretary

Julian Chicha
Treasurer

Honorable Councilmembers:

Pierson Blaetz
Greenway Arts Alliance/
Melrose Trading Post

At their regular meeting on April 14, 2023, The Melrose Arts District Board of Directors took the following unanimous position regarding CPC-2016-1450-CPU, the Hollywood Community Plan Update "HPCU" and related Hollywood Community Plan Implementation Overlay "CPIO" in SUPPORT of the following modifications listed in the April 18, 2023 staff report:

Warren Blum
Blum Management

Isack Fadlon
Sportie LA

Modifications for Additional Flexibility for Commercial Tenant Sizes and Transparency Requirements for Corridor 2 Subarea (Melrose Avenue between Fairfax Avenue and Highland Avenue)

Daniel Farasat
Tiger West Capital

Option 15: For properties on Melrose Avenue between Fairfax Avenue and Highland Avenue within corridor 2 Subarea, allow murals or similar artwork that are compliant with the City's Mural Ordinance along a ground floor building to count towards a portion of the transparency requirement. Modify Section III-3.F to read as follows (new language underlined and deleted language ~~struck through~~):

David Hay
Spacegrab.com

Donald R. Duckworth
Executive Director

- F. With the exception of portions of facades occupied with Ground Floor residential dwelling units and for properties along Melrose Avenue between Fairfax Avenue and Highland Avenue that provide murals or similar artwork that comply with the City's procedures and provisions regarding murals and signs, along the Ground Floor, all building facades located along street frontages shall comply with the below:

1934 Wilson Avenue
Arcadia CA 91006
323.525.0840

melroseartsdistrict.com
FB: melroseartsdistrict
IG: @melroseartsdistrict
TW: @melroseartsdist

1. Transparent glazing shall occupy a minimum of 50 percent of the Ground floor facade, and a minimum of 30 percent of each of the upper story facades located along street frontages.

- a. Exception: For properties along Melrose Avenue between Fairfax Avenue and Highland Avenue that provide murals or similar artwork that comply with the City's procedures and provisions regarding murals and signs, along the Ground Floor building facade, transparent glazing shall occupy a minimum of 30 percent of the Ground Floor facade.

Option 16: For properties on Melrose Avenue between Fairfax Avenue and Highland Avenue within corridor 2 Subarea, exempt certain commercial uses from the maximum tenant size limitation of 5,000 square feet. Modify Section III-3. N to read as follows (new language underlined and deleted language ~~struckthrough~~):

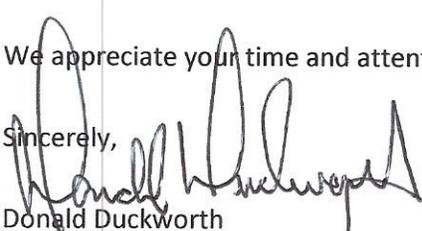
N. Tenant Size. Properties in the Corridor 2 Subarea located on Melrose Avenue between Fairfax Avenue and Highland Avenue are subject to the following limitations, with the exception of Art Galleries, Furniture and Rug Stores, and Secondhand Clothing Stores:

In addition, we ask for the following modification: Page 2-8 Paragraph 2 currently ends, "Melrose Avenue is the largest neighborhood-serving commercial corridor that caters to both local and regional visitors." We recommend adding the following language: "It also includes the Melrose Arts District located on Melrose Avenue, from Highland to Fairfax Avenue, featuring world-renowned street art installations, as well as fashion, theater and culinary art enterprises involving over 300 alternative and independent small businesses."

As a final, General Comment: The Melrose BID views expeditious adoption and implementation of the Hollywood Community Plan update and Community Plan Implementation Overlay with our requests as ESSENTIAL to COVID19 recovery and future vitality of Melrose Avenue.

We appreciate your time and attention to this request.

Sincerely,


Donald Duckworth
Executive Director

Cc: Dylan Sitting, Senior Planning Deputy
Councilwoman Katy Yaroslavsky, 5th District

Communication from Public

Name: Heritage Properties

Date Submitted: 04/22/2023 04:47 PM

Council File No: 21-0934

Comments for Public Posting: I submit this analysis with a heavy heart. The Hollywood Community Plan could have been a blueprint for a sustainable and equitable future, with its EIR used to genuinely grapple with extremely serious issues in the next 8 years. Its not what we were handed in this ENV 2016-1451-EIR/FEIR for the Hollywood Community Plan Update.. In the last few days a flurry of pages have come in, which might affect a point made in my letter here, as I analyzed the Community Plan as released for over 2 years. However, the validity of my analysis is based on when the EIR was released. Based on the entire record; my data analysis pulled from the Housing Element; my deep familiarity with Hollywood planning; and my allegiance to our one of our nation's most important historic boulevards its iconic theaters, and all our historic buildings and neighborhoods, again I have a heavy heart submitting this in the public interest

HERITAGE ■ PROPERTIES

April 21, 2023

Hon. Marqueece Harris-Dawson, Chair
Planning and Land Use Committee
Los Angeles City Council
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

Holly Wolcott, City Clerk
City of Los Angeles
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

Re: **CEQA FEIR Comment and Objection Letter for the Hollywood Community Plan; (CF 21-0934; CPC-2016-1450-CPU, ENV-2016-1451-EIR; SCH. No. 2016041093); Council File No. 21-0934**

Dear Chairman Harris-Dawson and Members:

Heritage Properties is concerned with protecting historic resources and the historic pattern of development in the Hollywood area. We offer the following comments on the deficiencies in the Final Environmental Impact Report (“FEIR”) for the Hollywood Community Plan Update (“HCPU” or “Project”) and ask that the City Planner add this letter to all case files for the Hollywood Community Plan Update Project (CPC-2016-1450; ENV-2016-1451, Council File 21-0934.) We also request that the City Clerk add to the record for this matter each and every document referenced using an HTML link so that the City Council has all the relevant information and reports before it as it considers the proposed Hollywood Community Plan Update and certification of the FEIR.

A. TIMELINE OF THE HCPU CEQA PROCESS

It took more than five years and four months from the time the Notice of Preparation was issued for the Hollywood Community Plan Update Environmental Impact Report (“EIR”), to the release of the Final EIR (“FEIR”):

- The City of Los Angeles (“City”) issued the Notice of Preparation (“NOP”) for the EIR¹ for the Hollywood Community Plan Update (“Project” or “Plan”) on April 29, 2016.
- The City published the Draft EIR (“DEIR”) for the proposed Project on November 15, 2018, approximately two years and seven months after issuance of the NOP.

¹ City EIR No. ENV-2016-1451-EIR; CPC No. CPC-2016-1450-CPU; State Clearinghouse No. 2016041093.

- On October 2019, the City published a partially re-circulated DEIR. The re-circulated sections were Section 4.15 – Transportation and Chapter 5.0 – Alternatives, as well as new Appendix N – Air Quality and Health Effects.
- On February 18, 2021 and March 18, 2021, the City Planning Commission held hearings on the proposed Plan, Community Plan Implementation Ordinance, Zoning Changes, and a never before disclosed Hollywood Redevelopment Plan Repeal Ordinance.
- The City of Los Angeles issued the FEIR for the proposed Hollywood Community Plan Update on August 17, 2021.²
- The Letter of Determination (“LOD”) of the Planning Commission recommending approval of the FEIR was issued the following day, on August 18, 2021 memorializing decisions taken five months before the completion of the FEIR, during the Planning Commission’s March 18, 2021 meeting.
- On August 18, 2021 the Planning Commission’s action was transmitted to the Mayor.³
- From August 18, 2021 until April 2023, the City failed to take the Hollywood Community Plan and FEIR to the Los Angeles City Council for consideration.

The EIR for the proposed Project identified the following environmental impacts of the proposed project, as detailed in Chapter 2.0 of the DEIR:⁴

² Notice of Preparation available at:

https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/Appendix%20A%20NOP%20and%20Comments%20Received.pdf

NOA 2018 DEIR available at: https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/NOA.pdf

2018 DEIR available at:

https://planning.lacity.org/eir/Hollywood_CPU/Deir/Hollywood%20Community%20Plan%20Update%20Index.html

October 2019 Partially Recirculated EIR available at:

https://planning.lacity.org/eir/Hollywood_CPU/deir_PartiallyRecirculated/Hollywood%20Community%20Plan.html

NOA FEIR available at: https://planning.lacity.org/eir/Hollywood_CPU/feir/files/NOA.pdf

FEIR available at:

https://planning.lacity.org/eir/Hollywood_CPU/feir/Hollywood%20Community%20Plan.html

Letter of Determination (LOD) available at: https://planning.lacity.org/odocument/ecda3a8e-cceb-4ce1-afa2-94b331ba8dd7/CPC-2016-1450_DL.pdf

³ http://clkrep.lacity.org/onlinedocs/2021/21-0934_misc_1_08-19-21.pdf

Significant Unmitigated Impacts

- Construction Air Quality Impacts – Violate Air Quality Standard – after mitigation measure AQ1
- Operational Air Quality Impacts – Violate Air Quality Standard – after mitigation measure AQ1
- Cumulative Impact – Construction - Net Increase in Criteria Pollutants– after mitigation measure AQ1
- Cumulative Impact – Operation - Net Increase in Criteria Pollutants– “no feasible mitigation measures”
- Construction Air Quality – Sensitive Receptors– after mitigation measure AQ1
- Biological Resource Impacts – Special Status Species – after mitigation measures BR1 & BR2
- Biological Resource Impacts – Riparian Habitat – after mitigation measures BR1 -BR5
- Biological Resource Impacts – Wetlands– after mitigation measure BR5
- Biological Resource Impacts – Migratory Wildlife – after mitigation measure BR6
- Historical Resources – “no feasible mitigation measures”
- Construction Groundborne Vibration/Noise – after mitigation measure N1 & N2
- Permanent Increase Noise – Stationary Noise – after mitigation measure N3
- Temporary Increase Noise – after mitigation measure N4
- Existing Parks and Recreation Facilities – Degradation of existing facilities – “no feasible mitigation measures”

Impacts Listed as Significant and Unavoidable in the DEIR, But Deleted in the FEIR and Replaced with Less Than Significant Without Mitigation Traffic Impact Findings in the FEIR Based on the Recirculated Traffic Section of the EIR

- Transportation and Traffic - would exceed the City’s threshold relating to operation of the vehicular circulation system – after mitigation measure T1
- Neighborhood Traffic Intrusion – after mitigation measure T2
- Congestions Management Plan – after mitigation measure T3
- Disruption to Traffic During Construction – after mitigation measure T4

Impacts Listed as Less Than Significant With Mitigation

- Glare – after mitigation measure AE1
- Archaeological Resources – after mitigation measures CR1-CR3
- Paleontological Resources – after mitigation measures CR4-CR6
- Tribal Cultural Resources – after mitigation measures CR7-CR8
- Hazardous Materials Upset or Accident – after mitigation measures HM1-HM2
- Hazardous Materials Sites – after mitigation measure HM1

⁴ https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/2.0%20Summary.pdf

Impacts Listed as Less Than Significant Without Mitigation

- Scenic Vista
- Visual Character
- Light
- Obstruct implementation of applicable air quality plan
- Odors
- Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance
- Human remains
- Soil Erosion
- Greenhouse Gas Emissions
- Conflict with applicable GHG plan, policy or regulation adopted for the purpose of reducing GHG emissions
- Hazardous Materials Transport, Use, Disposal
- Hazards within ¼ mile of a school
- Emergency response plans
- Wildland fire
- Water Quality standards / discharge requirements
- Groundwater
- Drainage – Erosion or Siltation
- Drainage – Flooding
- Stormwater Drainage Systems
- Water Quality
- Housing in Flood Hazard Area
- Structures Impeding Flood Flows
- Flooding during 50-year event
- Land Use Plans and Policy Consistency
- Permanent mobile noise increase
- Induce substantial population growth
- Displacement of existing housing
- Displacement of people
- Fire Protection and Emergency Facilities
- Police Protection and Facilities
- Public Schools
- Construction impacts existing parks and recreational facilities
- Libraries
- Public Transit, Bicycle or pedestrian facilities
- Design feature hazards
- Emergency access
- Transit Facilities
- Water Treatment facilities
- Water supply
- Wastewater Treatment Requirements

- Require new wastewater treatment facility
- Stormwater drainage facilities
- Wastewater treatment capacity
- Solid waste disposal
- Solid Waste regulations
- Energy - Electricity
- Energy - Gas

Issue Areas Listed as Resulting in No Impact

- Scenic Resources within a State Scenic Highway
- Important Farmland
- Zoning and Williamson Act
- Timberland/Forest Land Conflict
- Forest Land Conversion
- Conversion of Farm or Forestland
- Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan
- Earthquake fault
- Seismicity
- Seismic-Related Ground Failure
- Geologic Hazards / Unstable Soils
- Expansive Soil
- Septic Tanks
- Public airport or airport Plan
- Private airstrip
- Risk from Flooding
- Risk from Inundation
- Physically divide a community
- Habitat Conservation Plan
- Mineral Resources
- Noise – construction and operational noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies
- Noise exposure – airport plan
- Noise exposure – private airstrip
- Air traffic patterns

B. SUMMARY OF FATAL FLAWS IN THE FEIR AND PARTICIPATION

In 2012 when Los Angeles Superior Court Judge Goodman issued his decision invalidating the City’s 2005 Hollywood Community Plan EIR, he declared it “fatally flawed.” Having largely ignored the Court’s opinion, in this new CEQA process, both the

FEIR and the City’s CEQA process for the proposed Project are fatally flawed in even more fundamental ways than the 2005 version of the Plan and associated EIR.

B.1 The Project Description Was Not Finite, Stable or Discernable Depriving The Interested Public of Their Fundamental Right For Meaningful Participation.

The Draft EIR Project Description for the Hollywood Community Plan Update (“HCPU”) identified a “Proposed CPIO” but it contained a mere outline sketch of topics that might be included in the Community Plan Implementation Ordinance. Only **after** the close of the formal CEQA public comment period did the City release the actual proposed CPIO. It was more than 75 pages of the details of the community plan. Thus, CEQA commenters on the Draft EIR were deprived of knowing the details of the community plan implementation, and the opportunity to meaningfully comment on those details.

The Draft EIR Project Description identified no proposal to amend or repeal the Hollywood Redevelopment Plan as part of the HCPU. The appendices of the Draft EIR released for public review and comment contained no proposed ordinance disclosing the Project included a premature and abrupt repeal of the redevelopment plan. In January or February of 2021, the City added to the Project a proposed ordinance that amended the redevelopment plan by eviscerating it – deleting all of its substantive land use, affordable housing, and historic resource preservation provisions. The public was denied its right to know the fully extent of the Project and the opportunity to formally comment on and receive a good faith response from the City.

B.2. Failure to Acknowledge or Mitigate Impacts From Adding 7,000 More Housing Units To The Plan.

Between the issuance of the DEIR and FEIR, the proposed project was changed in significant ways which increased the amount of development that would be allowed in the Plan area, resulting in the admitted potential for an additional 7,000 housing units⁵ and higher buildings, yet the FEIR concludes these significant changes would do nothing to alter the impacts of the proposed project, a conclusion that defies common sense and is not supported by substantial evidence.

B.3 Failure To Acknowledge or Address The Growth Inducing Impact Of Changes To Plan And Zoning To Allow Significantly More Housing Units Than SCAG Says Are Needed.

The EIR fails to address the growth-inducing impacts of the proposed Project, and incorrectly concludes that the project would be growth-accommodating, despite the fact that the Plan would allow for development far in excess of the growth projections prepared by the Southern California Association of Governments (“SCAG”).

⁵ See FEIR Chapter 2.0.

B.4. Failure to Acknowledge or Mitigate Several Additional Significant Impacts.

The EIR fails to identify a number of impacts as significant, including Air Quality Management Plan (AQMP) consistency impacts, infrastructure impacts and impacts associated with the displacement of persons and housing units.

B.5. Failure to Include All Feasible Mitigation to Reduce Significant Impacts.

Despite the fact that the proposed Project would result in a number of significant unmitigated impacts, the FEIR fails to include feasible mitigation measures to reduce those impacts, and improperly rejects mitigation measures included in the EIRs for the Hollywood Redevelopment Plan and the prior Community Plan.

B.6. Failure To Provide Truthful and Good Faith Responses To Public Comments.

The FEIR fails to adequately address comments from members of the public and reviewing agencies which demonstrate that the proposed Project's impacts would be more severe than described in the FEIR.

C. THE MAGNITUDE OF PROJECT CHANGES AND OMITTED FEASIBLE MITIGATION COMPELS RECIRCULATION OF THE DRAFT EIR

Given the fatal flaws in the EIR, the EIR must be corrected and a Revised DEIR re-circulated for public review and comment, and the City Planning Commission's ("CPC") and Mayor's recommendation should be set aside pending CPC review of an accurate and complete FEIR. No further action should be taken by the City Council until the CPC has reviewed the Revised and re-circulated DEIR as well as a revised FEIR.

CEQA Guidelines Section 15088.5(a) requires recirculation of an EIR prior to certification when:

15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include **changes in the project** or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" **unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to**

mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043) (Emphasis added.)

The flaws in the Draft EIR and the City’s process are so severe, all four of these criteria are triggered requiring the City to re-circulate a corrected and accurate Draft EIR for meaningful public comment.

Changes in the proposed Project made between issuance of the Draft EIRs and the FEIR would result in a new significant environmental impact in Land Use compatibility. Recirculation is thus required pursuant to CEQA Guidelines Section 15088.5(a)(1) since the now fully revealed project will generate one or more new significant impacts.

Changes in the proposed Project made between issuance of the Draft EIRs and the FEIR would result in a substantial increase in the severity of a number of environmental impacts. Recirculation is thus required pursuant to CEQA Guidelines Section 15088.5(a)(2) related to a substantial increase in the severity of an environmental.

There are feasible mitigation measures which would clearly lessen the environmental impacts of the proposed Project, which the City has declined to adopt. Recirculation is thus required pursuant to CEQA Guidelines Section 15088.5(a)(3).

The EIR has failed to identify the growth-inducing nature of the proposed Project, and has therefore failed to identify and mitigate significant growth-inducing related impacts, such as impacts to public services and utilities, and conflicts with the Air

Quality Management Plan and Regional Transportation Plan. Recirculation is thus required pursuant to CEQA Guidelines Sections 15088.5(a)(1) and (4).

D. THE FEIR CONTAINS AN IMPERMISSIBLE POST HOC RATIONALIZATION OF THE IMPACTS OF THE MODIFIED PROJECT

As detailed in **Section F** of this letter, the proposed Project was changed in significant ways between the preparation of the DEIR and the preparation of the FEIR. The City of Los Angeles issued the Final EIR for the proposed Project on August 17, 2021. The Letter of Determination (“LOD”) documenting the recommending approval of the Modified Project and certification of the FEIR by the City Planning Commission (“CPC” or “Planning Commission”) was issued the following day, on August 18, 2021, memorializing decisions taken during the Planning Commission’s March 18, 2021 meeting. On August 18, 2021, the Mayor concurred in the Planning Commission’s recommendation. Those recommendations included approval of modifications to the proposed Project which had not yet received environmental review and included:⁶

- Modifications presented to the Commissioners as detailed in Technical Modifications memo to CPC (Agenda Item No. 6) dated February 17, 2021;
- Modifications presented to the Commissioners as detailed in the Technical Modifications memo to CPC (Agenda Item No. 6) dated March 17, 2021;
- Modifications made by the CPC on March 18, 2021

According to the LOD, at that March 18, 2021 Planning Commission meeting, the Planning Commission recommended both approval of the proposed Project (see LOD recommendations 4-11) and certification of the FEIR, despite the fact that the FEIR would not become available for another five months. LOD Exhibit C,⁷ the General Plan Amendment Resolution states:

WHEREAS, at the completion of the March 18, 2021 public hearing, the City Planning Commission recommended the City Council approve the Proposed Project with the modifications attached to the City Planning Commission’s Letter of Determination, dated August 18, 2021.

The Planning Commission thus recommended approval of the Modified Project despite the fact it had not received environmental review and adoption of an FEIR that they had not seen:

⁶ See LOD Attachment 1.

⁷ Exhibit C, page 3. Exhibit C to the LOD is available at: https://planning.lacity.org/odocument/d605d81d-3d27-4232-9b7c-27c0c454353c/Exhibit_C_-_General_Plan_Amendment_Resolution.pdf

4. **Recommended** the City Council **adopt** the Resolution in Exhibit C to certify the EIR, adopt EIR Findings and a Statement of Overriding Considerations, and adopt a Mitigation Monitoring Program;⁸

CEQA Guidelines Section 15089 requires:

15089. PREPARATION OF FINAL EIR

1. (a) The Lead Agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these Guidelines.
2. (b) Lead Agencies may provide an opportunity for review of the final EIR by the public or by commenting agencies before approving the project. The review of a final EIR should focus on the responses to comments on the draft EIR.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21100, 21105, and 21151, Public Resources Code; City of Carmel-by-the-Sea v. Board of Supervisors, (1977) 71 Cal. App. 3d 84; State Administrative Manual, Section 1060.

The Planning Commission thus recommended approval of the Modified Project despite the fact that no environmental review had yet been conducted for the Modified Project. This is not permissible under CEQA.

“We also observed that at a minimum an EIR must be performed before a project is approved, for ‘[i]f post approval environmental review were allowed, EIR’s would likely become nothing more than *post hoc* rationalizations to support action already taken.’ (*Laurel Heights I*, at p. 394.)

This court, like the CEQA Guidelines, has thus recognized two considerations of legislative policy important to the timing of mandated EIR preparation: (1) that CEQA not be interpreted to require an EIR before the project is well enough defined to allow for meaningful environmental evaluation; and (2) that CEQA not be interpreted as allowing an EIR to be delayed beyond the time when it can, as a practical matter, serve its intended function of informing and guiding decision makers.

⁸ LOD page 2. The LOD is available at: https://planning.lacity.org/odocument/ccda3a8e-cceb-4ce1-afa2-94b331ba8dd7/CPC-2016-1450_DL.pdf

The CEQA Guidelines define ‘approval’ as ‘the decision by a public agency which commits the agency to a definite course of action in regard to a project.’ (Cal. Code Regs., tit. 14, § 15352, subd. (a).)” *Save Tara v City of West Hollywood* (2008) 45 Cal.4th 116 citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376 (commonly known as *Laurel Heights I*).

The Planning Commission’s modification of the proposed Project and recommendation of the Modified Project to Council essentially commits the City to a definite course of action – the Modified Project, and thus constitutes an impermissible de-facto approval under CEQA. The proposed Project involves the adoption of a new Community Plan for the Hollywood area. The City’s General Plan includes community plans for each of its 37 planning areas.⁹ The Los Angeles Municipal Code (LAMC) procedures for amending the General Plan require, as a necessary step, that the City Planning Commission “shall recommend to the Mayor and the Council that the proposed amendment be approved or disapproved in whole or in part.”¹⁰ Per LAMC Sec. 11.5.8, the City’s General Plan review procedures similarly require:

B. Action on Proposed Amendments. The City Planning Commission shall receive the assessment by the Planning Department and shall by vote make a recommendation to accept or reject the amendment. The Commission's recommendation will be received by City Council and the Council shall vote to either accept or reject the proposed amendment. The current plans for the 37 planning areas shall remain in full force and effect until or unless the City Council votes to amend them in accordance with this section.

Furthermore, the resolution in Exhibit C misrepresents the fact that the City Council will review and consider the FEIR:

- (2) the FEIR was presented to the City Council and that the City Council has reviewed and considered the information contained in the FEIR prior to approval of the Proposed Plan, and all the information contained therein has substantially influenced all aspects of the decision by the City Council;

However, the reality of the situation in a city the size of Los Angeles is, that City Council members do not take the time to read EIRs in their entirety, and depend instead on the Planning Commission for such review. The fact that City Council members are

⁹ LAMC Section 11.5.8 General Plan Review

¹⁰ LAMC Section 11.5.6 General Plan

unlikely to read and consider the EIR prior to taking action is further evidenced by the fact that Council meetings are typically agendized the Friday before the Tuesday meeting of the City Council land use subcommittee (PLUM) that recommends land use approvals to the full Council. That timeframe is even shorter for the HCPU. In this case, the Department of City Planning issued an announcement on April 19, 2023 stating that the HCPU would be considered at “a Special Meeting of the Planning and Land Use Committee on Monday, April 24, 2023 at 1 p.m. The agenda for the PLUM Committee’s meeting can be accessed 24 hours prior to the meeting online. . . “ As shown in the following screenshot of the Council file, the EIR placed in the Council file on 3/30/23 and a supplement, which includes both additional environmental analysis and additional proposed modifications to the HCPU was added to the Council file on 4/18/23.¹¹ Thus, the City has engaged in a CEQA process that violates the basic principle of CEQA that requires that an FEIR be reviewed, certified and considered before project approval.

Council File: 21-0934

Online Docs	
Title	Date
Communication(s) from Public	04/21/2023
Communication(s) from Public	04/20/2023
Communication(s) from Public	04/20/2023
Community Impact Statement submitted by Los Feliz Neighborhood Council, Los Feliz Neighborhood Council	04/20/2023
Communication(s) from Public	04/19/2023
Attachment to Communication dated 04/18/2023 - AB 2097 Eligible Lots	04/18/2023
Attachment to Communication dated 04/18/2023 - Director of Planning Memo	04/18/2023
Attachment to Communication dated 04/18/2023 - Overview of Transmittals	04/18/2023
Attachment to Communication dated 04/18/2023 - Summary of Actions	04/18/2023
Communication from Department of City Planning - Supplemental Transmittal	04/18/2023
Communication(s) from Public	04/17/2023
Communication(s) from Public	04/17/2023
Community Impact Statement submitted by Eagle Rock Neighborhood Council	04/11/2023
Communication from Councilwoman Raman	04/04/2023
Communication from Councilwoman Yaroslavsky	04/04/2023
Attachment to Communication dated 03/30/2023 - Draft EIR	03/30/2023
Attachment to Communication dated 03/30/2023 - Final EIR	03/30/2023
Attachment to Communication dated 03/30/2023 - Partially Recirculated Draft EIR	03/30/2023
Communication from Department of City Planning - Supplemental Transmittal	03/30/2023
Communication(s) from Public	02/09/2022
Communication(s) from Public	09/28/2021
Communication(s) from Public	09/11/2021
Communication(s) from Public	09/10/2021
Communication(s) from Public	08/25/2021
Attachment to Communication dated 8-24-21 - Letter from Councilmember Raman to Department of City Planning	08/24/2021
Attachment to Communication dated 8-24-21 - Letter from Department of City Planning to Council District Four	08/24/2021

¹¹ See: http://clkrep.lacity.org/online/docs/2021/21-0934_misc_2_04-18-2023.pdf

See also the following link for a list of the additional material submitted to PLUM:
http://clkrep.lacity.org/online/docs/2021/21-0934_misc_3-4-19-23.pdf

In addition, by recommending certification of an FEIR which had not yet been completed, the City via the Planning Commission, created the need for the FEIR to contain a post hoc rationalization of changes to the Project embodied in a Planning Commission's Modified Project approval recommendation which had already been made. This is evidenced by the FEIR's analysis and conclusions that the changes made to the proposed Project between the DEIR and FEIR, which would result increased heights in the Plan area and would provide for the development of an addition 7,000 residential units and an undisclosed increase in office, retail, commercial and industrial space, would not result in any increase in impacts or any additional impacts. As detailed in **Sections F and I**, below, these conclusions are not supported by substantial evidence and defy common sense.

The City has failed to comply with the basic purposes of CEQA, that a project's environmental impacts be reviewed and considered when making decisions regarding whether or not to approve a project, and whether or not the project's benefits outweigh the environmental harm. This consideration is particularly important when faced with a project, such as the proposed Project, which results in a number of significant unmitigated impacts. The Planning Commission's recommendation of approval of both the Modified Project and the FEIR was premature, since the Planning Commission did not review the FEIR, as it would not become available for another five months. This chain of events violates the basic purposes of CEQA, including CEQA Guidelines Sections 15002, 15003, 15004. The City's process has resulted in an impermissible post-hoc rationalization of the Modified Project, and an inaccurate EIR which misrepresents the true impacts of the Modified Project.

E. FEIR VIOLATES PUBLIC RESOURCES CODE 21003(b) – EIR IS NOT WRITTEN IN A MANNER THAT IS USEFUL TO DECISION-MAKERS OR THE PUBLIC

CEQA in general and Public Resources Code 21003(b) requires that:

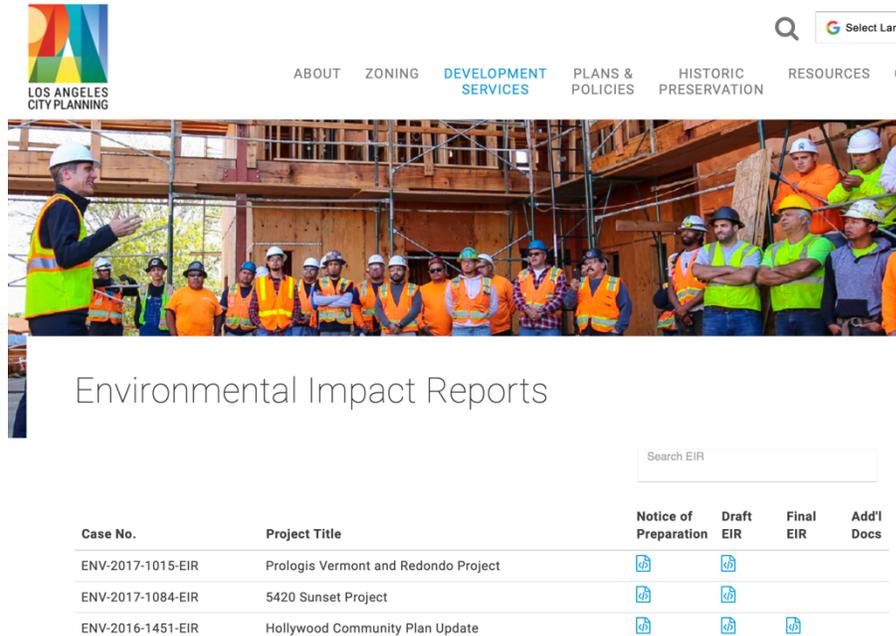
- (b) Documents prepared pursuant to this division be organized and written in a manner that will be meaningful and useful to decision makers and to the public.

The FEIR for the proposed Project has not been prepared in a manner that will be meaningful and useful to decision makers and to the public. The FEIR for project consists of three documents, the FEIR, the DEIR, and the recirculated portions of the DEIR, as well as some additional environmental analysis embedded in the Director of Planning's Memo to PLUM.¹² However, the Notice of Availability¹³ for the project

¹² See: http://clkrep.lacity.org/online/docs/2021/21-0934_misc_2_04-18-2023.pdf

¹³ Available at: https://planning.lacity.org/eir/Hollywood_CPU/feir/files/NOA.pdf

issued by the City, sends the public to a website,¹⁴ which only has links to the DEIR and the FEIR for the proposed Project, as shown in the screenshot below:



Members of the public would thus have no way of knowing from the Notice of Availability, that the City had also revised and re-circulated the traffic and alternatives sections of the DEIR, as a link to the replaced sections is not provided. The original DEIR traffic section provided substantial evidence that the proposed project would result in the following significant unmitigated traffic impacts and provided the following mitigation measures:

- Transportation and Traffic -would exceed the City’s threshold relating to operation of the vehicular circulation system – after mitigation measure T1
- Neighborhood Traffic Intrusion – after mitigation measure T2
- Congestions Management Plan – after mitigation measure T3
- Disruption to Traffic During Construction – after mitigation measure T4

However, the Traffic Section of the recirculated portions of the DEIR found no Traffic Impacts, and the FEIR Chapter 4.0 – Corrections & Additions replaces the Transportation & Traffic rows in the Summary Table in Chapter 2.0 of the DEIR with the following, despite the fact that the City’s current Transportation Assessment Guidelines

¹⁴ The website the NOA sends the public to is: <https://planning.lacity.org/development-services/eir>

still require analysis of: pedestrian, bicycle and transit access; project access, safety and circulation; project construction; and residential cut-through traffic impacts:¹⁵

Page 2-42 through 2-44 – Replace the Transportation & Traffic rows in Table 2-2 to reflect the new CEQA Guidelines and the City’s adopted transportation thresholds presented in the partially RDEIR as follows:

TABLE 2-2: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES				
TRANSPORTATION & TRAFFIC				
Impact Category	Checklist Threshold	Level of Impact Before Mitigation	Mitigation Measure	Level of Impact After Mitigation
Circulation System	<u>Impact 4.15-1: Would implementation of the Proposed Plan conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?</u>	Less than Significant	No Mitigation Required	Less than Significant
Vehicle Miles Traveled (VMT)	<u>Impact 4.15-2: Would implementation of the Proposed Plan conflict with CEQA Guidelines section 15064.3, subdivision (b) related to VMT thresholds?</u>	Less than Significant	No Mitigation Required	Less than Significant
Design Feature Hazards	<u>Impact 4.15-3: Would implementation of the Proposed Plan substantially increase hazards due to geometric design features (such as sharp curves or dangerous intersections) or incompatible uses?</u>	Less than Significant	No Mitigation Required	Less than Significant
Emergency Access	<u>Impact 4.15-4: Would implementation of the Proposed Plan result in inadequate emergency access?</u>	Less than Significant	No Mitigation Required	Less than Significant

The FEIR thus eliminated that finding that the proposed Project will result in four significant unmitigated traffic impacts. However, the public has not been provided with a link to the supporting analysis and the FEIR does not include the revised Transportation and Traffic or alternatives chapters as part of the link provided to the public in the Notice of Availability of the FEIR.

Chapter 3.0 – Response to Comments, contains the response to comments received. However, the Chapter does not contain the actual comments. Rather responses are prefaced by the briefest possible summary of the comment being addressed, thus hiding the true nature and details of the issue raised in the many comments received on the EIR. Instead, the actual comments are hidden in Appendix Q to the FEIR. There are actually two Appendix Qs attached to the FEIR: one includes the bracketed comments received on the DEIR; the second includes the bracketed comments received on the Recirculated portions of the DEIR. The FEIR thus fails to adequately address the concerns raised, and by hiding the very real critiques of the analysis in the DEIRs contained in the comments, and by mischaracterizing the issues raised in the response to comments, results in an inadequate response to comments and a document that is written in a manner that will not be meaningful and useful to decision makers and to the public.

¹⁵ City of Los Angeles Transportation Assessment Guidelines, July 2020, available at: https://ladot.lacity.org/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27.pdf

F. THE FEIR’S LACK OF AN ACCURATE, STABLE AND FINITE PROJECT DESCRIPTION

The courts have held that an accurate, stable and finite project description is fundamental to a legally sufficient EIR. This was first explained in *County of Inyo* (1977) 71 Cal.App.3d 185:

An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.¹⁶
A curtailed, enigmatic or unstable project description draws a red herring across the path of public input.¹⁷

As further explained by the courts:

This court is among the many which have recognized that a project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading. [Citation.] ‘Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal i.e., the “no project” alternative[], and weigh other alternatives in the balance.’ [Citation].¹⁸

“[W]hen an EIR contains unstable or shifting descriptions of the project, meaningful public participation is stultified.”¹⁹
A project description that omits, or allows modification of, significant integral components of the project will result in an EIR that fails to disclose the actual impacts of the project.²⁰

The description of the proposed Project reflected in the FEIR is not accurate, stable or finite. The City has made significant changes to the Project since issuance of the DEIR for the Project. These changes are described in Chapter 2.0 – Modifications and Technical Refinements to the Proposed Plan and Environmental Effects of the FEIR. However, FEIR Chapter 2.0 is both incomplete and misleading in its description of

¹⁶ *County of Inyo* (1977) 71 Cal.App.3d 185, at 192–193

¹⁷ *County of Inyo* (1977) 71 Cal.App.3d 185, at p. 198.

¹⁸ *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, at p. 1052

¹⁹ *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656

²⁰ *Santiago County Water District v. County of Orange* (1981) 118 Cal App 3d 818

changes to the Proposed Project. For example, in describing changes to the HCP it includes statements such as:

Changes to the policy document include but are not limited to:²¹

Changes to the land use designations and zone and height districts, include but not limited to:²² (sic)

Changes to the proposed CPIO District Ordinance including but not limited to:²³

As noted on FEIR page 2-1, there have been a number of changes to the Draft Community Plan since the November 15, 2018 release of the DEIR:

A comprehensive updated Draft Community Plan was released in 2020, and additional public input from stakeholders and members of the public were received. The February 2021 version was released as a CPC-2016-1450-CPU Staff Report Exhibit (Exhibit B) for the CPC meetings on February 18 and March 18.

The August 2021 Draft Community Plan included with the Final EIR replaces the 2018 version released with the Draft EIR and is referenced as the updated Appendix D in this Final EIR. It **incorporates the most** recent recommendations of the City Planning Commission, including technical modifications. (Emphasis added)

Multiple changes were also made to the Zoning Map and Change Matrix since issuance of the November 15, 2018 DEIR for the Project, as explained on page 2-2 of the FEIR:

Updated recommendations for land use and zoning were publicly released in the forms of draft maps and draft regulations matrices in 2019 and 2020. The February 2021 version was released as a Staff Report exhibit (Exhibit E) for the CPC meeting (Planning case number CPC-2016-1450-CPU).

The August 2021 Proposed Change Area Map and Change Matrix included with this Final EIR replaces the 2018 version released with the Draft EIR and is referenced as the updated Appendix C in this Final EIR. It incorporates the CPC recommendations,

²¹ FEIR page 2-1.

²² FEIR page 2-2.

²³ FEIR page 2-3.

including technical modifications and changes to a few selected Change Areas in the Regional Center and commercial corridors.

Multiple changes to the CPIO District have also been made since issuance of the November 15, 2018 DEIR as noted on page 2-3 of the FEIR:

The revised CPIO document was released in 2020, and DCP staff held multiple office hours and webinars to explain the updated draft. The February 2021 Proposed CPIO was released as a draft ordinance with maps and as a CPC-2016-1450-CPU Staff Report Exhibit (Exhibit E) for the CPC meeting.

The August 2021 Proposed CPIO included with this Final EIR replaces the 2018 version released with the Draft EIR and is referenced as the updated Appendix E in this Final EIR. It incorporates the recommendations of the CPC, including technical modifications **and a few changes to the draft ordinance and the CPIO maps** pertaining to the Regional Center and Corridors subareas. (Emphasis added).

However, FEIR Chapter 2.0 fails to disclose that the CPIO has been completely rewritten since the November 2018 version of the CPIO included as Appendix E to the DEIR. This is clear from the simple fact that the November 2018 version of the CPIO²⁴ was only 9 pages in length. The Updated August 2021 version of the CPIO²⁵ included as Appendix E to the FEIR is 87 pages long, and is significantly different than what was disclosed to the public as part of the DEIR's project description.

Although the FEIR includes the text of the modified Hollywood Community Plan in FEIR Appendix D, the modified land use map and change matrix in FEIR Appendix C, and the modified CPIO in FEIR Appendix E, it fails to provide a redline/strikeout version of these documents so that the public and decision-makers can see the full extent of the changes made to the proposed Project between the DEIR and FEIR. In fact, when a member of the public requested a redline/strikeout version of these documents, they were told no such thing existed. The FEIR thus fails to provide the public and decision-makers with an adequate understanding of the changes to the Project between the DEIR and FEIR so that they can assess whether the conclusion on FEIR page 2-1, that Modified Project would not cause "a new significant impact or a substantial increase in the severity of an environmental impact," can be verified:

As discussed in this Section [FEIR Chapter 2.0], the changes to the Proposed Plan are found to have been analyzed in the Final EIR

²⁴ The 2018 CPIO appended to the DEIR is available at:
https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/Appendix%20E%20Proposed%20CPIO.pdf

²⁵ The August 2021 version of the CPIO which appended to the FEIR is available at:
https://planning.lacity.org/eir/Hollywood_CPU/feir/files/Appendix%20E%20Updated%20CPIO.pdf

and this Modification and Technical Refinement Section clarifies or makes minor modifications to the analysis contained in this Final EIR and does not result in significant new information under California Environmental Quality Act (CEQA) Guidelines Section 15088.5 as a result of causing a new significant impact or a substantial increase in the severity of an environmental impact. Although this Modification and Technical Refinements Section does not constitute significant new information per CEQA, the modifications and refinements remain subject to final adoption by the City Council and Mayor, similar to the other elements of the Proposed Plan.

F.1. Hollywood Redevelopment Plan Modifications

The description of the proposed Project in the EIR is not accurate, complete or stable. Neither the DEIR or Chapter 2.0 of the FEIR disclose that the proposed Project would result in significant modifications to the Hollywood Redevelopment Plan (HRP) under the Modified Project. The HRP was prepared by the Community Redevelopment Agency of the City of Los Angeles, California (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code, Section 33000 et seq.), the California Constitution, and all applicable local codes and ordinances. An FEIR for the HRP was prepared prior to its adoption along with a Mitigation Monitoring Program. The HRP does not expire until 2028.²⁶

The Project Description in DEIR Chapter 3.0 contains no mention of either the HRP and does not state that the proposed Project would amend or alter the HRP in any way. This can be verified by a simple word search of DEIR Chapter 3.0 – Project Description.²⁷

FEIR Chapter 2.0 misrepresents the effect of the Modified Project on the HRP and fails to disclose that the Modified Project now includes substantial changes to the HRP. FEIR page 2-1 simply states that changes to the HCP under the modified project include:

- Chapter 1: Updated the Redevelopment Project section under the Relationship to Other Agency Plans and inserted a description of the Hillside Construction Regulation Supplemental Use District.

However, after running a document compare on the version of the HCP included as an appendix to the DEIR and the version of the HCP now included as an appendix to

²⁶ <https://planning.lacity.org/plans-policies/overlays/hollywood>

²⁷ https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/3.0%20Project%20Description.pdf

the FEIR, this is what we found was added to Chapter 1 of the modified HCP on pages 1-13 to 1-15. We have indicated the changes in ~~strikeout~~ (deletions) and underlines (additions):

The Hollywood Redevelopment Project. The 1,107-acre Hollywood Redevelopment Project, established by the Hollywood Redevelopment Plan (Redevelopment Plan), is located approximately six miles northwest of the Los Angeles Civic Center at the foot of the Hollywood Hills. The Project Area is generally bounded by Franklin Avenue on the north, Serrano Avenue on the east, Santa Monica Boulevard and Fountain Avenue on the south, and La Brea Avenue on the west (refer to Figure 1-3, Other Relevant Agency Planning Areas). The Redevelopment Plan was historically implemented by the Community Redevelopment Agency of the City of Los Angeles (Agency). In 2012, the Dissolution Act (Assembly Bill x1 26) dissolved the Agency, along with all other redevelopment agencies in the State, and the CRA/LA, a Designated Local Authority (DLA), became the successor to the Agency. The DLA’s role under the Dissolution Act is to wind down the enforceable financial obligations of the Agency. The DLA also assumed responsibility for administering the still active Redevelopment Plan, including those provisions related to the use and development of land in the Project Area. In November 2019, at the request of the City Council under a provision in State law, all “land use related plans and functions” of the Hollywood Redevelopment Plan transferred to the City of Los Angeles.

Hollywood Redevelopment Plan, first amended on May 20, 2003.

The Hollywood Redevelopment Plan, as first amended on May 20, 2003, (First Amended Redevelopment Plan), which expires by its terms on May 7, 2028, includes substantial provisions regulating the use and development of land in the Project Area. Pursuant to the First Amended Redevelopment Plan, the purpose of those regulations was to encourage economic development, promote and retain the entertainment industry, revitalize the historic core, preserve and expand housing for all income groups, meet the social needs of area residents, provide urban design guidelines and preserve historically significant structures. Section 502 of the First Amended Redevelopment Plan, provided that upon update of the Hollywood Community Plan or its implementing zoning ordinances, with regard to land use in the Project Area, the First Amended Redevelopment Plan was to be automatically modified without a formal amendment process to ensure the First Amended Redevelopment Plan conforms to the Community Plan or its implementing zoning ordinances.

The Hollywood Community Plan, comprehensively updated on _____, with its implementing zoning ordinances, includes contemporary land use and zoning strategies to address economic development, promote and retain the entertainment industry, revitalize the historic core, preserve and expand housing for all income groups, meet the social needs of area residents, provide urban design guidelines and preserve historically significant structures. The Hollywood Community Plan, with its implementing ordinances, provides a complete vision and regulatory scheme for the land uses in the Project Area. The provisions in the First Amended Redevelopment Plan intended to regulate, control, or shape the use and development of land in the Project Area, including without limitation Sections 400 through 412, 500 through 521, and 700, are in conflict with the Hollywood Community Plan and its implementing ordinances because they: (1) prohibit what is allowed under the Hollywood Community Plan and its implementing ordinances; or (2) allow what is prohibited under the Hollywood Community Plan or its implementing zoning ordinances; or (3) add undesirable additional regulations, processes, costs, and burdens on the City, property owners, and developers that impede or prevent beneficial and urgently needed housing and other desirable uses in the Project Area. As such, any provision in the First Amended Redevelopment Plan that purports to regulate, control, or shape the development of land in the Project Area, including but not limited to those provisions in Sections 400 through 412, 500 through 521, and 700, is in conflict with, and does not conform to, the allowed land uses in the Hollywood Community Plan.

Second Amended Hollywood Redevelopment Plan.

On _____, the City adopted an amendment to the First Amended Redevelopment Plan, (Second Amended Hollywood Redevelopment Plan), to delete all land use related plans and functions of the Redevelopment Plan. The purpose of the Second Amended Hollywood Redevelopment Plan is to ensure that from the effective date of the amendment, the Hollywood Redevelopment Plan shall not regulate or have any further force and effect over: (i) the use and development of land in the City, (ii) obligations of the City to prepare or make any report, survey, study or undertake any other planning effort, and (iii) any other land use related plan or function in the City.

The reason the date in the described second amendment to the HRP is blank is because it has not occurred. Adoption of an amendment to the HRP is apparently part of the Modified Project, something which is not disclosed in Chapter 2.0 of the FEIR. The

addition of an amendment of the HRP in the Modified project represents far more than the addition of language to Chapter 1 of the HCP describing the “Relationship to Other Agency Plans” including the HRP. It is a fundamental change. Chapter 2.0 of the FEIR thus lies to the public and hides from the public the fact that the City is now including a major amendment of the HRP as part of the Modified Project.

Alerted to this major addition to the Modified Project, revealed though our generation of a redline/strikeout document comparison of the DEIR and FEIR versions of the HCP, we then took a look at FEIR Chapter 4.0 - Corrections and Addition. Low and behold, on page 4-5 of the FEIR under changes to the Project Description it includes the addition of two new ordinances, as indicated by the underlining:

- **Zoning.** Zone changes represented by:
 - a) A matrix for the Draft Land Use and Zone Change Maps, which contain information on existing and proposed zoning and land use.
 - b) A matrix with details of the Qualified (“Q”) Conditions and Development (“D”) Limitations.
 - c) Amendments to the SNAP Specific Plan.
 - d) Adoption of a CPIO District with supplemental development standards, regulations, and procedures.
 - e) Ordinance to expand the Hillside Construction Regulation (HCR) Supplemental Use District.
 - e) Ordinance to Amend the Hollywood Redevelopment Plan. (sic)

The FEIR failed to adequately disclose to the public that the Modified Project now includes both an HCR Ordinance and an Ordinance to Amend the Hollywood Redevelopment Plan. The FEIR failed to include either a copy of the draft Ordinance to Amend the Hollywood Redevelopment Plan, or a redline/strikeout version of the HRP as an Appendix to the FEIR so the public and decision-makers can assess the proposed changes to the HRP. Since members of the public and decision-makers are likely to rely on representations in Chapter 2.0 of the FEIR regarding changes to the proposed Project, the FEIR essentially lies about/hides the fact that the Modified Project now includes an Ordinance to Amend the Hollywood Redevelopment Plan.

As detailed elsewhere in this letter, the FEIR for the HCP is not adequate as an EIR for the Amendment of the Hollywood Redevelopment Plan. The HRP is a separate plan, which has received separate environmental review. It is subject to State law, and all proposed changes to the HRP need to be disclosed, or environmental review of those changes cannot be adequately conducted.

Disclosing at the FEIR stage that the proposed Project includes a major “amendment” to the HRP (which is in fact a repeal of the HCP) violates CEQA’s requirement that the description of the proposed Project in an EIR be accurate, stable and finite. The EIR for the proposed Project is thus fatally flawed and must be revised and recirculated, prior to being considered for certification.

F.2. Increase Densification of the HCP Area

Another significant change between the DEIR and FEIR versions of the proposed Project is the additional up-zoning of portions of the Plan area. The FEIR fails to provide a copy of the proposed zoning map and change matrix highlighting zoning changes made between the DEIR and FEIR so the public and decision-makers are reliant on change representations contained in FEIR Chapter 2.0. Statements in the FEIR regarding changes in the zoning between the proposed Project and Modified Project are quoted below. Statements disclosing up-zoning have been highlighted in bold. Our comments regarding insufficiencies in these descriptions of the Modified Project have been added in italics. According to FEIR Chapter 2.0 pages 2-2 to 2-3, “changes to the land use designations and zone and height districts, include but not limited to” (sic):

Regional Center

- Change in proposed zoning from C4 to C2.

The FEIR narrative fails to identify the location of this changed zoning or the number of parcels affected.

- Change the proposed base floor area ratio (FAR) to 4:1 for subareas 4:2C, 4:3, 4:3A, 4:4, 4:4A, 4:5, 4:5A, 4:5B, 4:5C, 4:5D, 4:5J, 4:5L, 6:1, 6:2, and 6:4, located around the Metro B Line Hollywood/Vine Station.

The FEIR fails to identify the current FAR for these subareas or disclose the degree of up-zoning with this change. The FEIR fails to disclose the number of parcels or historic resources that would be subject to this change.

- Addition of a parcel on Sunset Boulevard between El Centro Avenue and Gower Street to Subarea 4:5C.

The FEIR does not explain the parcel’s previous zoning and if this represents up-zoning. The FEIR fails to disclose if a historic resource would be subject to this change.

- **Increase the proposed height limit to 75 feet from 36 feet for a few parcels along or near Cahuenga Boulevard south of Hollywood Boulevard.**

The FEIR fails to disclose the number of parcels affected by this change. The FEIR fails to disclose the number of historic resources that would be subject to this change.

- **Removal of the proposed 75-foot height limit for parcels along Selma Avenue, Las Palmas Avenue, and Wilcox Avenue south of Hollywood Boulevard.**

The FEIR fails to disclose the number of parcels affected by this change. The FEIR fails to disclose the number of historic resources that would be subject to this change. The FEIR fails to disclose the resulting height limit.

- **Increase the proposed FAR of Subarea 4:5L to 3:1.**

The FEIR fails to disclose the number of parcels affected by this change or the magnitude of the increase. The FEIR fails to disclose the number of historic resources that would be subject to this change.

Transit Corridors

- Application of the citywide standard 1.5:1 FAR for commercial zones to selected areas around the Santa Monica Boulevard and Vine Street intersection, and along Vine Street south of Santa Monica Boulevard, including the addition of parcels along Vine Street (Subareas 19:5 and 19:6).

The FEIR fails to identify the current FAR for these subareas or disclose the degree of up-zoning with this change or number of parcels affected. The FEIR fails to disclose the number of historic resources that would be subject to this change.

- Addition of a few parcels along Western Avenue north of Virginia Avenue to Subarea 41:6. **Change the proposed height limit of Subarea 41:6 to 50 feet from 45 feet.**

The FEIR fails to identify the number of parcels added to Subarea 41:6 or to disclose their height limit under the version of the Project included in the DEIR. The FEIR fails to disclose the number of parcels that would have their height limit increased to 50 feet from 45 feet or disclose the number of historic resources that would be subject to this change.

- Change the proposed FAR of parcels along La Brea Avenue generally between Hollywood Boulevard and Fountain Avenue to 1.5:1.

The FEIR fails to identify the current FAR for these subareas or disclose the degree of up-zoning with this change. The FEIR fails to disclose the number of historic resources that would be subject to this change.

- Application of a more consistent height limit on Sunset Boulevard west of La Brea Avenue.

The FEIR fails to identify the current height limit or disclose the new height limit under the Modified Project and degree of up-zoning with this change. The FEIR fails to disclose the number of historic resources that would be subject to this change.

- Establish a 30-foot height limit along Gower Street near the Selma-La Baig historic district.

The FEIR fails to identify the current height limit and degree of up-zoning with this change. The FEIR fails to disclose the number of historic resources that would be subject to this change.

- Addition of a few parcels along Hyperion Avenue to Subarea 13:2.

The FEIR fails to identify the number of parcels or disclose the new height and FAR limit under the Modified Project and degree of up-zoning with this change. The FEIR fails to disclose the number of historic resources that would be subject to this change.

- **Removal of the 36-foot height limit proposed for Subarea 13:1, with direction for the City Council to determine a height limit that would achieve affordable housing for this subarea.**

This is a clear example of how the Project Description is not accurate, stable or finite, as the new height limit has yet to be determined. The FEIR fails to disclose the number of parcels or historic resources that would be subject to this change.

Multi-family Residential

- Reductions to the proposed zoning of Subareas 2:2, 3:2B, 3:2G, 3:3, 6, 6:1A, 5:1, 5:1A, 17, 22, 41, 9:2, and 25:3. **The reductions may include FAR, height, density or a combination of these.**

This is a clear example of how the Project Description is not accurate, stable of finite. The FEIR does not disclose the nature of the zone change, for which the language appears as yet be undetermined.

Media/Entertainment

- **Expansion of the jobs FAR incentive** to selected additional areas in the Media District along Santa Monica Boulevard. The incentive would allow 3:1 FAR for projects that provide at least 0.7:1 FAR of targeted media-related uses, such as media production, sound recording, broadcast studios, and facilities for the development of computer and media-related products and services.

The FEIR fails to identify the current FAR limit and degree of up-zoning with this change. The FEIR fails to identify the areas in the Media District that would be subject to the up-zoning. The FEIR fails to disclose the number of parcels and historic resources that would be subject to this change.

- **Removal of a frontage depth height limit for Subarea 40:1B.**

The FEIR fails to identify the current frontage height limit and degree of up-zoning with this change. The FEIR fails to disclose the number of parcels or historic resources that would be subject to this change.

- Allowance of ground floor restaurant and retail uses, limiting individual premises to 20,000 square feet or less, within the incentivized job areas of the Media District.

The FEIR fails to identify the number of parcels that would be subject to this change or the resulting change in the total amount of restaurant and retail square footage allowed under the Plan.

Administrative Changes

- Additional parcels being used as public facilities or open space conservation were identified and re-designated as Public Facilities or Open Space, with corresponding zone changes.

The FEIR fails to identify the location or number of such parcels.

Hillside Construction Regulation (HCR) Supplemental Use District

- Establishment of a HCR District for additional single-family residential areas in the hillsides, which expands the application of the regulations to larger areas of hillside neighborhoods.

The FEIR fails to identify the additional single-family residential areas and number of parcels which would be subject to the HCR.

According to page 2-3 to 2-4 of the FEIR the Modified Project includes “changes to the proposed CPIO District Ordinance including but not limited to” (sic):

- Establishment of a tailored affordable housing incentive system for mixed-income and 100 percent affordable housing projects based on the Transit Oriented Communities affordable housing incentive system.

The Transit Oriented Communities (TOC) program was established by Measure JJJ, which was approved by the voters in the November 8, 2016 election and became effective on December 13, 2016. Section 6 of Measure JJJ established the Transit

Oriented Communities Affordable Housing Incentive Program (TOC Program), which is an affordable housing incentive program for projects located near major transit stops (LAMC 12.22 A.31). The Measure directed the Planning Department to create a set of guidelines (TOC Guidelines) to implement the program. Pursuant to what was approved by the voters, Measures JJJ is set to expire on December 13, 2026 unless it is extended by City Council for up to two additional five-year periods.²⁸ The Modified Project would imbed the TOC Ordinance in the CPIO District Ordinance, overruling the will of the voters regarding program expiration and extending the program beyond its specified expiration date. Since the TOC Program allows for density bonuses, this change to the Modified Project will result in increased density beyond that allowed under the DEIR version of the proposed Project. The FEIR fails to disclose the number of parcels affected. The FEIR fails to disclose the number of historic resources that would be subject to this change.

- Expansion and clarification of a review process for projects involving designated and eligible historic resources.

*As detailed in **Section K** of this letter, the proposed Project include providing the Planning Director the sole ability to delist historic resources in the Plan area, without CEQA review, notice to the public, or the right to appeal the Planning Director's determination, in clear violation of both CEQA and due process. The review process has the potential to result in significant additional impacts to historic resources. FEIR Chapter 2.0 fails to specify the changes in the review process included as part of the Modified Project.*

- Expansion and clarification of development standards, including ones for use, pedestrian-oriented design, parking, and historic preservation.

No details regarding the specifics of these changes are provided in Chapter 2.0 of the FEIR.

- Refined the subarea boundaries within the CPIO District and defined the four types of CPIO Subareas: Regional Center, Corridors, Multi-family Residential, and Character Residential.

FEIR Chapter 2.0 fails to provide a comparison map showing the differences in the subareas included in the DEIR version of the

²⁸ See TOC Project Summary page A-1: <https://planning.lacity.org/ordinances/docs/TOC/StaffReport.pdf>

CPIO and the FEIR version of the CPIO. FEIR Chapter 2.0 fails to provide any information on the purpose of creating the four subareas or the differences in the regulations that will apply to the subareas.

- Added a community benefits FAR incentive for the Regional Center Subarea for non-residential projects that provide publicly-accessible outdoor amenity space.

The FEIR fails to describe the nature or magnitude of these additional FAR incentives included in the Modified Project. The FEIR fails to disclose the number of parcels and historic resources that would be subject to this change.

- **Change the Bonus FAR of Regional Center RC1B Subarea to 6.75:1 FAR**, and allow the Bonus Density in Regional Center RC1B Subarea to be limited by the FAR.

The FEIR fails to indicate the existing allowable FAR and the FAR included in the DEIR version of proposed Project and thus the magnitude of this FAR increase. The FEIR fails to disclose that this FAR of 6.75 is in excess of the FAR allowed under the HRP. The FEIR fails to disclose the number of parcels and historic resources that would be subject to this change.

- Elimination of separate affordable housing incentives types for Corridors 2 to 5 by applying the same set of Corridor 2 incentives to Corridors 2 to 5 to encourage affordable housing development.

The FEIR fails to identify the existing affordable housing incentives types for Corridors 2 to 5 or to disclose the nature and magnitude of any increase in incentives or allowable density resulting from this change under the Modified Project. The FEIR fails to disclose the number of parcels and historic resources that would be subject to this change.

According to page 2-4 of the FEIR the Planning Commission recommended approval of these changes to the proposed Project on March 18, 2021 prior to their receiving environmental review:

On March 18, 2021, the CPC recommended approval of the Hollywood Community Plan including the refinements described above to increase opportunities for mixed-income housing development. **The CPC recommended changes to the CPIO affordable housing incentive system to increase the density and floor area ratio (FAR) bonus of selected areas near the Hollywood/Vine Metro B (Red) Line station (CPIO RC1B subarea), and commercial corridors, including portions of Vine**

Street, Santa Monica Boulevard, Western Avenue, Sunset Boulevard, Melrose Avenue, and La Cienega Boulevard. The CPC recommended allowing the density bonus of RC1B subarea to be determined by a 6.75:1 FAR. For the commercial corridors mentioned above that now comprise CPIO Corridor 2, the incentives would allow for a two-story height increase, and some increases to the FAR and density to promote the development of affordable housing near transit systems. These recommended changes are reasonably expected to increase the total number of housing units.

The CPC also recommended a geographic expansion of the jobs incentive FAR in and near the Media District area along Santa Monica Boulevard, where additional Limited Industrial parcels would be able to seek a higher FAR, 3:1 instead of 1.5:1, for providing certain media-related industrial uses, such as media production, sound recording, and broadcasting, on site. The additional FAR could be used for other employment-generating uses.

The FEIR provides only partial information on the likely effect of these changes. The FEIR fails to disclose the additional amount of office, retail, commercial and industrial square footage expected to result from the Modified Project. This is important to a calculation of the increased impacts of the Modified Project, but is absent from the FEIR. The FEIR did calculate the likely increase in housing units that would result from the increased in density allowed under the Modified Project, but concluded that although the Modified Project would generate 7,000 additional housing units, remarkably and unbelievably, there would be no increase in population resulting from the Modified Project. According to page 2-4 of the FEIR:

Consistent with how the Proposed Plan applied a ten percent utilization of optional affordable housing incentives, the same percentage was used to determine the additional number of housing units that may be reasonably expected from the recent recommendations. The total number of reasonably expected housing units for the 2040 horizon year analyzed in the Draft EIR and RDEIR was approximately 132,000, the forecasted population was 264,000 persons, and forecasted employment was 127,000. The modifications to the Proposed Plan described above would result in approximately 139,000 housing units, which is about 7,000 more units than identified in the Draft EIR and RDEIR. **The City finds the increase of 7,000 units would not result in an increase in population.** The analysis in the EIR took an overly conservative approach, first by analyzing the highest end of the range of potential development, and second by analyzing all new housing units as occupied without factoring any of the units as vacant. However, the City finds based on multiple reliable data

sources that some of the housing units in the Plan Area, would be reasonably expected to be vacant. The Hollywood CPA has been experiencing higher vacancy rates than that of the Citywide average, according to the 2010 Census and recent American Community Survey (ACS) 5-year data estimates. **It is reasonably expected that there would be a certain amount of unoccupied housing units in the future**, instead of 100 percent occupancy. (Emphasis added).

The analysis in the FEIR thus asks the reader to believe that the Modified Project would generate 7,000 additional housing units but no increase in population, because the additional units would be vacant. This begs the question as to why the density increases are necessary if their effect is to generate housing units that will not be occupied? Generation of 7,000 vacant housing units would likely result in blight, an impact which has not been addressed in the FEIR.

There are several problems with the logic of the tortured analysis that resulted in the conclusion that the Modified Project would not result in an increase in population. First, it requires that the FEIR abandon the “conservative approach” used in the DEIR when analyzing impacts. Second, it says the DEIR analyzed all new housing units as occupied without factoring any of the units as vacant. This is not true. As detailed in **Section G** of this letter, the DEIR used average occupancy per unit, and applied it to the number of units, to calculate anticipated population. The average occupancy per unit figure is based on total population divided by total units, and thus corrects for vacancy rates. Furthermore, as detailed in **Section G** of this letter, the average occupancy per unit used in the DEIR is lower than the number that should have been used, based on Department of Finance data, resulting in an underestimate of population under both the DEIR and FEIR versions of the proposed Project. The FEIR’s conclusion that the Modified Project will not result in additional population growth is contradicted by substantial evidence presented herein, and as a result, the FEIR’s conclusions that the Modified Project will not result in either increased or new impacts is also not supported by substantial evidence as detailed in **Section G, H, and I** of this letter.

The FEIR makes no attempt to quantify the additional office, retail, commercial and industrial square footage within the Plan area that would result from the up-zoning and density bonuses included under the Modified Project. The FEIR similarly makes no attempt to quantify the additional employment in the Plan area which would result from the additional square footages. This is contrary to good planning practice where the population, employment and housing capacity of a land use plan is calculated based on proposed zoning and applicable City ordinances and policies.

The Modified Project included in the FEIR represents significant changes to the proposed Project, including the addition of an amendment of the Hollywood Redevelopment Plan and changes in zoning that would result in the generation of an addition 7,000 housing units and an undisclosed increase in office, commercial, retail and industrial square footage. The project description is thus not accurate, stable or finite.

G. THE EIR IS FATALLY FLAWED BECAUSE IT FAILS TO IDENTIFY THE GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT AND THE RESULTING SIGNIFICANT IMPACTS

CEQA guidelines Section 15126 requires (emphasis added):

15126. CONSIDERATION AND DISCUSSION OF ENVIRONMENTAL IMPACTS

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The subjects listed below shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6, preferably in separate sections or paragraphs of the EIR. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

- (a) Significant Environmental Effects of the Proposed Project.
- (b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented.
- (c) Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Project Should it be Implemented.
- (d) **Growth-Inducing Impact of the Proposed Project.**
- (e) The Mitigation Measures Proposed to Minimize the Significant Effects.
- (f) Alternatives to the Proposed Project.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002, 21003, 21100, and 21081.6, Public Resources Code; Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376; Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359; and Laurel Heights Improvement Association v. Regents of the University of California (1993) 6 Cal.4th 1112.

CEQA Guidelines Section 15126.2 – Consideration and Discussion of Significant Environmental Impacts mandates that an EIR include:

15126.2 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.

- (a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant effects of the proposed project on the environment. In

assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example, the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas. . .

- (e) **Growth-Inducing Impact of the Proposed Project.** Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. **Included in this are projects which would remove obstacles to population growth** (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). **Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.** Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. **It must not be assumed that growth in any area is necessarily**

beneficial, detrimental, or of little significance to the environment. (Emphasis added).

The proposed Project would result in growth-inducing impacts by up-zoning parts of the Project area, **thus removing obstacles to population growth** by permitting increased development and thus **allowing more construction in the Plan area**, thus allowing for growth in excess of that allowed under the existing Hollywood Community Plan and assumed in regional growth forecasts prepared by SCAG. This has the potential to individually or cumulatively tax existing community service facilities and infrastructure, requiring construction of new facilities that could cause significant environmental effects. The EIR for the proposed Project, however, fails to identify the proposed Project's growth-inducing impacts.

Page 6.3 of DEIR Chapter 6.0 – Other CEQA Considerations under Section 6.4 – Growth Inducing Impacts states that the proposed Project would be consistent with the regional growth forecasts and would therefore not be growth-inducing:

As analyzed in Section 4.13, Population, Housing, and Employment, of this EIR, the Proposed Plan would not induce substantial growth in population through employment-generating uses and would be consistent with state, regional and local policies to locate new development close to transit. In addition, the Proposed Plan would not increase reasonably expected development in the Project Area in a way that would be inconsistent with growth projections, or in a way that would be inconsistent with City, regional and other adopted housing growth policies. The Proposed Plan would not result in unplanned growth; rather it would ensure projected growth is accommodated. The Project Area is an urbanized community that consists of commercial, industrial, and residential uses. Utility and other infrastructure upgrades are also intended to meet project-related demand. The Proposed Plan would provide for both residential and commercial growth. New demand for commercial goods and services would be met by new retail, services, and community facilities and by existing retail, service, and other resources currently located within the Project Area and its vicinity. In conclusion, the Proposed Plan is anticipated to satisfy a portion of the anticipated population growth in the region in an efficient manner consistent with state, regional and City policies. The Proposed Plan would be consistent with the projected growth forecast for the Los Angeles region and regional policies to reduce urban sprawl. It would efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality.

However, this is not true. This is contradicted by information in the DEIR and FEIR. For example, FEIR Master Response to Comment No. 2 – Population, Housing and Employment on FEIR page 3-13 states: **“The Proposed Plan’s reasonably expected development exceeds SCAG’s 2016 RTP/SCS projections for the year 2040 . . .”** It is also contradicted by information included in Section 4.13 of the DEIR, which includes a calculation of the 2040 population, housing and employment reasonably expected in the Plan area under the DEIR version of the proposed Project, showing that the population and employment are all anticipated to be higher than what would occur under the existing HCP, and the 2040 population, housing and employment forecasts for the Community Plan area prepared by Southern California Association of Governments (“SCAG”),²⁹ as shown in DEIR table 4.13-8:

²⁹ SCAG’s methodology is explained at: <https://scag.ca.gov/regional-forecasting>

TABLE 4.13-8: 2040 REASONABLY EXPECTED DEVELOPMENT OF THE HOLLYWOOD COMMUNITY PLAN

	2016 Baseline	Existing Plan	Proposed Plan	SCAG 2040 Forecast /c/
Population	206,000	226,000 – 243,000	243,000 - 264,000	226,000
Housing /a,b/	104,000	113,000 – 121,000	121,000 - 132,000	113,000
Employment	101,000	119,000	124,000 - 127,000	119,000

Numbers are rounded to the nearest thousand.
/a/ SCAG provides forecasts for households, which is the equivalent of occupied housing units, and does not include all units.
/b/ The Existing Plan and the Proposed Plan factor in additional housing units that can be expected from the City's housing incentives. It assumes all units are occupied.
/c/ The SCAG 2040 Forecast does not factor in potential additional units from the City's TOC Guidelines, which were adopted in 2017 after the adoption of the SCAG 2016/2040 RTP/SCS.
SOURCE: SCAG 2016-2040 RTP/SCS; City of Los Angeles, 2016, 2018.

SCAG is the agency charged with preparing growth forecasts for planning purposes for the five county SCAG region. As explained by SCAG:

With policy direction from the SCAG Community, Economic and Human Development (CEHD) Policy Committee and working closely with the Technical Working Group (TWG), the California Department of Finance (DOF), subregions, local jurisdictions, CTCs, the public and other major stakeholders, SCAG is responsible for producing socio-economic estimates and projections at multiple geographic levels and in multiple years.

SCAG develops, refines and maintains SCAG’s regional and small area socio-economic forecasting/allocation models. **The socio-economic estimates and projections are used for federal and state mandated long-range planning efforts such as the Regional Transportation Plan /Sustainable Communities Strategy (RTP/SCS), the Air Quality Management Plan (AQMP), the Federal Transportation Improvement Program (FTIP), and the Regional Housing Needs Assessment (RHNA).**³⁰ (Emphasis added).

Not only do SCAG forecasts form the basis of planning at the regional level, they also form the basis for infrastructure planning by a number of local jurisdictions:³¹

³⁰ <https://scag.ca.gov/growth-forecasting> See also: <https://scag.ca.gov/subarea-forecasting>

³¹ See also FEIR Master Response No. 2 – Population, Employment at Housing, at FEIR page 3-15 which states:

SCAG is designated as a Metropolitan Planning Organization (MPO) responsible for carrying out federal and statutory duties within its six-county region, which includes Los Angeles County. SCAG is responsible for producing socio-economic estimates and projections, and the data is used in SCAG’s RTP/SCS. The 2016- 2040 RTP/SCS envisioned growing more compact communities in existing urban areas with efficient public transit and safe mobility opportunities. Major policy themes include integrating transportation

The Regional Growth Forecast is **used as a key guide for developing regional plans and strategies mandated by federal and state governments such as the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the Air Quality Management Plan (AQMP), the Federal Transportation Improvement Program (FTIP), and the Regional Housing Needs Assessment (RHNA).** For example, the RHNA plans for housing unit need using growth in households as one input. In addition, **SCAG’s growth forecast is relied upon by other regional agencies for their long-range planning purposes, such as the Metropolitan Water District of Southern California and local jurisdictions.**³² (Emphasis added).

As noted on DEIR page 3-9:

Many municipalities and government agencies (including public service providers and other City departments) rely on the same source, i.e., the most current SCAG RTP/SCS data, for purposes of planning, both for estimates of current population, housing and employment, as well as for projections of future population, housing, and employment. Use of such data is consistent and best practices for local governments.

SCAG’s growth forecasts are a major input, for example, to the Urban Water Management Plan for the Los Angeles Department of Water & Power (UWMP). As explained on page 2-6 of the 2020 UWMP:³³

Projections of driver variable are shown in Exhibit 2G for LADWP’s water service area, based on the Southern California Association of Governments’ (SCAG) draft 2020 Regional

investments and future land use patterns, striving for sustainability, providing more transportation choices, and supporting economic growth with infrastructure. Many municipalities and government agencies utilize the most recently adopted SCAG RTP/SCS data for purposes of planning, which for the preparation and analysis of the Proposed Plan was the 2016-2040 RTP/SCS. It is Los Angeles City Planning’s practice to use SCAG RTP/SCS demographic data as a benchmark or as a reference point for recent estimates and projections locally; many other agencies and jurisdiction also use SCAG demographics data to plan for local change and growth.

³² Current Context: Demographics and Growth Forecast, Technical Report, adopted on September 3, 2020, SCAG at page 2, available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf

³³ Available at: https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-sourcesofsupply/a-w-sos-uwmpln;jsessionid=2KhyhDNW1BGMjrn5Lh1bVZPHd6QhkG2KJ1T0WyLkcQYyjn2x3ndG!445887547?_afLoop=543005083155130&_afWindowMode=0&_afWindowId=null#%40%3F_afWindowId%3Dnull%26_afLoop%3D543005083155130%26_afWindowMode%3D0%26_adf.ctrl-state%3D1cufv53rnt_4

Transportation Plan (RTP20), obtained from MWD. Data for occupied housing units and employment projections serve as direct inputs into LADWP's Demand Forecast Model.

As similarly explained on page ES-6 of the 2015 UWMP:³⁴

Demographic projections were provided for the LADWP service area by MWD, who received the data from Southern California Association of Governments (SCAG). SCAG applied its 2012 Regional Transportation Plan demographic data to water service areas for MWD's member agencies. This data was used for water demand projections in the UWMP. Exhibit ES-C summarizes these demographic projections for the LADWP service area. Service area population is expected to continue to grow over the next 25 years at a rate of 0.5 percent annually. While this is substantially less than the historical 1.0 percent annual growth rate from 1980 to 2010, it will still lead to approximately 493,200 new residents over the next 25 years.

The SCAG forecasts are also input to the City's water and sanitation planning efforts. They were input to the City's 2006 Integrated Resources Plan (IRP), which contained the City's Planning for wastewater, recycled water and stormwater management through 2020.³⁵ As explained in the Executive Summary for the IRP:

Wastewater treatment facilities are rarely seen or even thought of—yet they are critical contributors to public health, environmental stewardship and the economic vitality of communities. The City of Los Angeles owns and operates four plants that process wastewater generated within the City as well as several nearby communities that contract with the City.

These facilities are sufficient for current needs, but not for the future. The population of the service area is expected to expand by 700,000 people before the year 2020, according to projections of the Southern California Association of Governments in 2001. Planning now assures there will be adequate time to carefully design, fund and construct the massive infrastructure necessary to assure adequate, safe, environmentally protective facilities.

Projected wastewater flows by the year 2020 will increase 16%, totaling 531 million gallons per day

³⁴ The 2015 UWMP is available at:

<https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/M217.pdf>

³⁵ The IRP is available on the LA Sanitation website under useful documents. See page 4 of the Executive Summary of the IRP which explains that IRP planning is based on SCAG forecasts. The Executive Summary is available at:

<https://www.lacitysan.org/cs/groups/public/documents/document/y250/mdew/~edisp/cnt010372.pdf>

Requirements to comply with regulations for water quality and environmental protection (both current and anticipated) require the City to minimize pollution, assure safe and highly reliable operation of wastewater treatment systems, and make better use of existing water supplies.

The Southern California Association of Governments regularly updates its demographic projections for the region, which could affect timing of projects.

The SCAG forecasts are also input to the City's One Water LA 2040Plan and the plans containing information at the heart of the One Water LA 2040Plan.³⁶ As explained on page ES3-ES4 of the Executive Summary of the One Water LA2040Plan:³⁷

One Water LA integrates information developed for numerous existing plans and studies, such as:

- 2006 Water Integrated Resources Plan (IRP).
- 2015 Urban Water Management Plan (UWMP).
- 2015 Stormwater Capture Master Plan (SCMP).
- 2015 Enhanced Watershed Management Plans (EWMP) representing each of LA's five watersheds.
- 2015 LA Basin Stormwater Conservation Study.
- 2015 Sustainable City pLAN.

Since the DEIR version of the proposed Project would result in more housing and greater population than the SCAG forecasts, the DEIR version of the proposed Project would be growth-inducing, rather than growth-accommodating and would result in growth in excess of that assumed by SCAG when preparing the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the Air Quality Management Plan (AQMP), the Federal Transportation Improvement Program (FTIP), and the Regional Housing Needs Assessment (RHNA) for the Project's plan period.³⁸ It would also exceed

³⁶ The Summary Report for the One Water LA 2040Plan is available at: https://www.lacitysan.org/cs/groups/sg_owla/documents/document/y250/mdi2/~edisp/cnt026188.pdf

³⁷ The One Water LA 2040Plan Executive Summary, April 2018 is available at: https://www.lacitysan.org/cs/groups/sg_owla/documents/document/y250/mdmx/~edisp/cnt031540.pdf

³⁸ DEIR Appendix B at page 9 states: "Separate from the demographic projections is the determination of the Reasonable Expected Development of the Community Plan Update, or what is expected to be built out under the Proposed Plan during the planning horizon. On a citywide basis, DCP's goal is to align citywide Reasonable Expected Development for all of the Community Plans with the total SCAG projection for the City to be consistent with other departments and agencies who plan for a provide public services and infrastructure to the city." The EIR for the proposed Project fails to demonstrate that this has occurred or to include the Community Plans currently being updated on the list of cumulative projects.

the growth assumed by LADWP when preparing the UWMP and the City of Los Angeles when preparing the Integrated Resources Plan and One Water LA 2040 Plan. This excess growth would thus result in or exacerbate impacts anticipated in these plans or identified in the EIRs for these plans. These growth-inducing impacts have not been identified in the EIR for the proposed Project.

The FEIR version of the proposed HCP would have even greater growth-inducing impacts as it would result in an estimated 7,000 additional housing units due to changes in the proposed Project as well as an undisclosed increase in allowable office, commercial, retail and industrial square footage within the Plan area resulting in an undisclosed increase in employment.³⁹ The FEIR version of the HCP would, therefore, be even more growth-inducing than the DEIR version of the proposed project. The EIR for the proposed Project fails to identify the growth-inducing impacts of both the DEIR and FEIR versions of the proposed Project.

According to the City of the 35 Community Plans, the following Community six Plans, in addition to the Hollywood Community Plan are currently being updated: Southwest Valley (Encino-Tarzana, Reseda-West Van Nuys); Southeast Valley (North Hollywood – Valley Village, and Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass, and Van Nuys – North Sherman Oaks); Downtown Los Angeles (Central City and Central City North); Boyle Heights; Westside (Palms – Mar Vista – Del Rey, and Venice, and West Los Angeles, and Westchester – Playa del Rey); Harbor LA (Wilmington – Harbor City). The FEIR fails to address cumulative impacts resulting from the up-zoning of the HCP area in combination with the up-zoning in other Community Plan areas of the City. See:

See: <https://planning.lacity.org/plans-policies/community-plan-update/southwest-valley-community-plans-update>
<https://planning.lacity.org/plans-policies/community-plan-update/southeast-valley-community-plan-update>
<https://planning.lacity.org/plans-policies/community-plan-update/downtown-los-angeles-community-plan-update>
<https://planning.lacity.org/plans-policies/community-plan-update/boyle-heights-community-plan-update>
<https://planning.lacity.org/plans-policies/community-plan-update/planning-westside>
<https://planning.lacity.org/plans-policies/community-plan-update/harbor-la-community-plans-update>
<https://planning.lacity.org/plans-policies/community-plan-updates>
<https://planning.lacity.org/plans-policies/community-plans>

Granada Hills-Knollwood was updated in 2015

<https://planning.lacity.org/plans-policies/community-plan-area/granada-hills-knollwood>

San Pedro was updated in 2017

<https://planning.lacity.org/plans-policies/community-plan-area/san-pedro>

South Los Angeles was updated in 2017

<https://planning.lacity.org/plans-policies/community-plan-area/south-los-angeles>

Southeast Los Angeles was updated in 2017

<https://planning.lacity.org/plans-policies/community-plan-area/southeast-los-angeles>

Sylmar was updated in 2015

<https://planning.lacity.org/plans-policies/community-plan-area/sylmar>

West Adams – Baldwin Hills – Leimert was updated in 2016

<https://planning.lacity.org/plans-policies/community-plan-area/west-adams-baldwin-hills-leimert>

³⁹ See FEIR Chapter 2.0 pages 2-2 to 2-4.

The growth-inducing impacts of the proposed Project, would in fact be even greater than shown in DEIR Table 4.3.8. That is because Table 4.3.8 and the DEIR analysis incorrectly assumes that if all housing units are occupied, the number of persons per unit would be between 2 (264,000/132,000) and 2.08 (243,000/121,000) persons per unit. This estimate is low, and underestimates the likely population of the Community Plan area under both the DEIR and FEIR versions of the proposed Project, as shown in the following simple analysis.

The California Department of Finance (DOF) data shows the vacancy rate in the City and that the number of persons per household in Los Angeles was 2.81 in 2010 decreasing to 2.72 in 2021,⁴⁰ as shown in the following screen grab. This number of persons per household does not take vacancy into account and is different than the number of **persons per housing unit** used in DEIR Table 4.13-8.

The number of persons per housing unit can be derived from the DOF data by dividing the total population by total housing units. This calculation reveals a person per housing unit rate of 2.68 in 2010, decreasing to 2.55 in 2021 in the City of Los Angeles and is inclusive of the vacancy rate. Assuming the same rate of decrease over the remainder of the Plan period, the number of persons per housing unit would be 2.328 in 2040.

**TABLE 1
POPULATION AND HOUSING ESTIMATES
CALIFORNIA DEPARTMENT OF FINANCE**

County	City	Date	POPULATION			HOUSING UNITS							Vacancy Rate	Persons per Household
			Total	Household	Group Quarters	Total2	Single Detached	Single Attached	Two to Four	Five Plus	Mobile Homes	Occupied		
Los Angeles	Los Angeles	4/1/10	3,792,621	3,704,409	88,212	1,412,006	557,441	86,515	125,584	632,386	10,080	1,316,244	6.8%	2.81
Los Angeles	Los Angeles	1/1/11	3,819,073	3,731,078	87,995	1,414,842	557,495	86,567	126,066	634,634	10,080	1,318,717	6.8%	2.83
Los Angeles	Los Angeles	1/1/12	3,851,990	3,762,185	89,805	1,418,581	557,523	86,682	126,525	637,770	10,081	1,321,498	6.8%	2.85
Los Angeles	Los Angeles	1/1/13	3,884,674	3,793,046	91,628	1,425,372	557,318	86,733	127,217	644,923	10,081	1,324,997	7.0%	2.95
Los Angeles	Los Angeles	1/1/14	3,912,494	3,819,435	93,059	1,432,553	557,077	86,784	127,865	650,740	10,081	1,330,978	7.1%	2.87
Los Angeles	Los Angeles	1/1/15	3,938,939	3,844,621	94,318	1,440,779	556,754	86,935	128,406	658,603	10,081	1,338,416	7.1%	2.87
Los Angeles	Los Angeles	1/1/16	3,968,803	3,865,595	93,208	1,453,271	556,927	87,030	129,067	670,166	10,081	1,347,121	7.3%	2.87
Los Angeles	Los Angeles	1/1/17	3,984,916	3,880,396	94,520	1,469,845	557,395	87,144	129,838	685,387	10,081	1,358,813	7.6%	2.86
Los Angeles	Los Angeles	1/1/18	3,996,298	3,900,887	95,411	1,483,697	557,999	87,903	130,497	697,216	10,082	1,370,239	7.6%	2.85
Los Angeles	Los Angeles	1/1/19	3,985,031	3,889,858	95,173	1,500,222	558,735	91,475	131,368	708,564	10,082	1,384,736	7.7%	2.81
Los Angeles	Los Angeles	1/1/20	3,975,234	3,878,879	96,355	1,517,755	560,432	88,928	137,109	721,206	10,082	1,400,960	7.7%	2.77
Los Angeles	Los Angeles	1/1/21	3,923,341	3,847,606	75,735	1,535,606	562,721	88,926	140,936	732,939	10,084	1,417,063	7.7%	2.72

Source: <https://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

The estimated population of the HCP in 2040 under the DEIR and FEIR versions of the proposed Project can then be estimated by multiplying the 2040 anticipated persons per housing unit by the number of housing units allowed under the DEIR and FEIR versions of the proposed Project as shown in **Table 2**:

⁴⁰Data Available at: <https://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

TABLE 2 CORRECTED POPULATION ESTIMATES FOR THE PROPOSED PROJECT (HCP) USING 2040 PERSONS PER HOUSING UNIT OF 2.33 SHOWING GROWTH-INDUCING EFFECT OF THE PROPOSED PROJECT							
	EXISTING PLAN		2040 HCP DEIR		2040 FEIR HCP		SCAG 2040 FORECAST
	Low	High	Low	High	Low	High	Forecast
Housing Units	113,000	121,000	121,000	132,000	128,000	139,000	113000
Persons per Unit /1/	2.33	2.33	2.33	2.33	2.33	2.33	
Population	263,064	281,688	281,688	307,296	297,984	323,592	226000
Difference From SCAG 2040 Forecast:/2/	37,064	55,688	55,688	81,296	71,984	97,592	
Population as a Percent SCAG 2040 Forecast:	116.40%	124.64%	124.64%	135.97%	131.85%	143.18%	
Source: /1/ Data Available at: https://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ Estimated persons per housing unit in 2040 assumes historic rate of decline as shown in the DOF data. /2/ See DEIR Table 4.13-8 reproduced above for SCAG forecasts.							

The FEIR version of the proposed Project (“Modified Project”) would result in 31.85% to 43.18% more people living in the Plan area than forecast by SCAG, and 13%-23% more housing units than forecast by SCAG. It would also result in an increase over the levels which would occur under the existing HCP of between 34,920 residents for the low estimate and 41,904 residents for the high estimate. There are clearly problems with the population assumptions used in the EIR for the proposed and Modified Project and any impact assessments that are based on the with-Project population levels assumed in the EIR, are thus understated.

The proposed and Modified Projects are clearly growth-inducing rather than growth-accommodating since they foster population growth in excess of the forecasts used for planning purposes in the region and City. As a result, all of the EIR’s analysis of public service and utility impacts underestimate potential proposed Project and Modified Project impacts. As a result, the EIR also fails to identify impacts associated with a lack of consistency with SCAG’s Air Quality Management Plan (AQMP) and the Regional Transportation Plan (RTP) for the region. The EIR also fails to identify impacts

associated with the generation of population levels in excess of the levels assumed in the infrastructure plans for the City.

Since the EIR fails to disclose this growth-inducing impact of the proposed Project and underestimates associated impacts,⁴¹ it is fatally flawed and must be revised and recirculated.

G.1. Failure To Identify and Mitigate Significant Infrastructure Impacts

As detailed above, the DEIR and FEIR versions of the proposed Project will result in growth in excess of the SCAG forecasts used in developing the existing water/ stormwater/ wastewater infrastructure plans for the City, including infrastructure serving the Project area. The EIR for the proposed Project fails to adequately analyze and address the Project's potentially significant impacts on infrastructure in the Plan area and larger region, in part because of the EIR's failure to identify the growth-inducing effects of the proposed Project. Given that the proposed Project will result in growth in excess of that assumed in the creation of existing infrastructure plans, the proposed Project has the potential to result in significant unmitigated infrastructure impacts, and reliance on existing infrastructure plans is not sufficient to avoid impacts since those plans were developed based on SCAG forecasts that did not include the additional population and employment that will be attracted to the plan area by the increased development allowed under the DEIR and FEIR versions of the proposed Project.

As noted in FEIR Master Response No. 4 – Infrastructure, a number of commenters provided documentation of existing and historical infrastructure issues. Those comments are incorporated herein by reference. Given the growth-inducing nature of the proposed Project, in the absence of a showing to the contrary, the proposed Project will exacerbate those issues, resulting in significant infrastructure impacts.

In fact, FEIR Master Response No. 4, even without acknowledging the growth-inducing impacts of the project, acknowledges the proposed Project's potential to result in infrastructure impacts, but dismisses these impacts as speculative and therefore less than significant:

⁴¹ Master Response to Comments No. 4 – Infrastructure attempts to address the numerous comments received on the DEIR regarding the lack of adequate infrastructure planning to address Project-induced growth. Master Response 4 attempts to dismiss these valid critiques of the EIR, by saying that planning for public services and infrastructure in the Plan area is performed as part of periodic infrastructure planning for the City as a whole, not on a Community Plan basis. This ignores both CEQA's requirement to assess the potential for public service and infrastructure impacts associated with a proposed Project, and assumes that planning will be based on the densities allowed under the proposed Project, and that such planning will be adequate, timely, and implemented appropriately before impacts occur. The EIR has failed to provide substantial evidence to this effect. Given the infrequency with which such plans are updated, they may fail for a number of years to capture the effects of the proposed Project, resulting in impacts. The EIR fails to provide substantial evidence that the proposed Project, will not result in public service or infrastructure impacts, and that the City has the resources to avoid such impacts.

While the Proposed Plan could require the construction of new or upgraded infrastructure, the infrastructure projects would be expected to be similar to routine infrastructure projects that typically occur in the City. . .

[Additional development] may result in the need for updating conveyance systems, pipes and sewers, that are not otherwise being done under the City's existing capital improvement plans.⁴²

As discussed in the EIR, local water delivery lines may need to be augmented in certain locations depending on specific uses, locations and the capacity and conditions of the existing infrastructure.⁴³

The EIR makes no attempt to calculate the impact of the Modified Project on public service demand and infrastructure capacity. The FEIR therefore fails to identify the infrastructure impacts resulting from the proposed Project's growth-inducing nature.

As noted in FEIR Master Response No. 4 – Infrastructure, a number of individuals and organizations commented on the lack of an adequate analysis of the proposed Project's impacts on infrastructure, resulting from the increase in density allowed under the proposed Project. This is even more true of the Modified Project. FEIR Master Response to Comments No. 4 – Infrastructure dismissed these comments, stating in part that:

- Planning for public services and infrastructure in the CPA is not performed separately from the City as a whole. As population and demand for infrastructure capacity increases, the plans of each respective utility and service providers are updated and augmented as needed to keep pace with demand. The City funds needed infrastructure and service improvements through a variety of mechanisms, including General Fund money, user fees, bonds and other measures.⁴⁴

However, the EIR for the proposed project has failed to provide substantial evidence that the City's current infrastructure planning process is adequate to ensure that impacts will not occur and that funding will be available to address those impacts. As noted above, the City's One Water LA 2040 Plan relies on information contained in plans prepared between 2006-2015 which predate the up-zoning of large portions of the City through the Community Plan process, and the implementation of Transit Oriented Communities (TOC), and density bonus and other increased density-generating

⁴² FEIR page 3-34.

⁴³ FEIR page 3-37

⁴⁴ FEIR page 3-30

legislation. The EIR hides behind the fact that the EIR is for a plan, rather than a specific project as a way of inappropriately avoiding addressing the infrastructure impacts resulting from the growth-inducing effect of the proposed and Modified Projects, arguing that:

The EIR appropriately analyzes impacts to utilities and service systems at a programmatic plan level; it is infeasible and would be speculative to try to anticipate all the project-specific on and/or off-site infrastructure improvements that future development under the Proposed Plan may require. Future development under the Proposed Plan would occur incrementally over time. Since the specific uses and infrastructure-demand characteristics associated with future individual development projects that would occur through the year 2040 are not known at this time, it is speculative to determine how individual development projects could affect the capacity and conditions of the existing infrastructure at any particular location.⁴⁵

This statement appears to argue that infrastructure planning is impossible to perform and that it depends on knowledge of specific development projects. FEIR Master Response No. 4 then contradicts this by stating:

Furthermore, given the size and complexity of the infrastructure systems in the City, including changes in demand profiles, planning for utilities and service systems within the Hollywood CPA is not performed separately from the City as a whole. Guided by the principles in the City's General Plan Framework Element, the City takes an integrated approach to addressing the demand on public infrastructure. Each department is continuously upgrading their systems, which monitor changes in the utilization of services and infrastructure, and each department typically looks at least 20 years ahead to plan for improvements within its area of responsibility.⁴⁶

However, the EIR provides no substantial evidence to support the FEIR's assumption that this disjointed infrastructure planning will be sufficient and timely enough to avoid infrastructure impacts resulting from the growth-inducing effects of the proposed Project and Modified project, which have not been considered in the City's One Water LA 2040 Plan process. In addition, the FEIR provides no substantial evidence that just because the City typically conducts infrastructure planning on a City-wide level, that the effects of the proposed Project's growth-inducing infrastructure impacts can't be assessed.

⁴⁵ FEIR page 3-32.

⁴⁶ FEIR page 3-32.

According to the DEIR, one of the secondary objectives of the proposed Plan is “to provide adequate public services and infrastructure.”⁴⁷ How can this be accomplished in the absence of an analysis of the adequacy of infrastructure to serve the proposed Project?

Given the growth-inducing nature of the proposed Project, the existing infrastructure issues documented in comments, the fact that the excess growth that will result from the proposed Project was not considered when preparing the City’s One Water LA 2040 Plan and other infrastructure plans, and the lack of timely City updates of infrastructure plans, there is sufficient evidence in the record to conclude that the proposed Project will result in significant unmitigated infrastructure impacts.

As noted in Master Response No. 4:

Commenters suggest that if more detailed information was included in the EIR, appropriate mitigation measures could be identified. One mitigation measure suggested by commenters is the creation of a development impact fee to be used to repair existing infrastructure. Commenters also questioned whether a nexus fee study should be conducted in order to develop an infrastructure impact fee for new development occurring in the CPA. Another commenter suggested the EIR include a mitigation measure to limit the size and weight of construction vehicles on substandard streets in hillside areas, as heavy vehicles increase the likelihood of infrastructure failure. Another commenter cited a letter from the City’s Wastewater Engineering Services Division that is included in the Appendix of the EIR which states that is the public sewer has insufficient capacity for any proposed building project then the developer will be required to build public sewers to a point in the sewer system with sufficient capacity. This commenter suggested that this requirement be included as a mitigation measure.

By failing to identify the growth-inducing nature of the proposed Project, the EIR has inappropriately dismissed and failed to identify the proposed project’s infrastructure and public service impacts. It has also dismissed out of hand feasible mitigation measures to reduce these impacts. The FEIR is therefore fatally flawed and must be corrected and recirculated. The needed revised DEIR and FEIR should include a mitigation measure requiring payment of an infrastructure impact fee by any new development in the Plan area.

⁴⁷ DEIR page 3-14.

G.2 Failure To Identify and Mitigate Significant AQMP Consistency Impacts

The DEIR for the proposed Project mistakenly concluded that implementation of the proposed Plan would have less than significant impacts in terms of conflicting with or obstructing implementation of the applicable Air Quality Management Plan (AQMP). This conclusion was based on the incorrect statements regarding the proposed Project's consistency with the population and employment projections in the applicable AQMP. The DEIR states on DEIR page 4.3-20:

The AQMP was prepared to accommodate growth, to reduce the high levels of pollutants within areas under the jurisdiction of the SCAQMD, to return clean air to the region, and to minimize the impact on the economy. Consistency with the AQMP can be assessed by determining how a project accommodates increases in population and employment.⁴⁸ The population and employment assumptions used by SCAQMD to estimate regional emissions in the AQMP are obtained from SCAG projections for cities and unincorporated areas within the SCAQMD's jurisdiction. As discussed in Chapter 3.0, Project Description, the Department of City Planning (DCP) uses SCAG projections as a benchmark when updating the community plans. **The Proposed Plan would not result in the City exceeding the SCAG 2040 population or employment projections (SCAG adopts their forecasts at the jurisdictional level).** Refer to Section 4.13, Population, Housing, and Employment, for a detailed discussion of how the City's population and housing reasonably foreseeable development forecasts are consistent with the SCAG projections and therefore the AQMP. **Therefore, the Proposed Plan would not exceed the assumptions in the AQMP.** (Emphasis added).

As detailed herein, the DEIR and FEIR versions of the proposed Plan would exceed the SCAG projections. The proposed Plan is therefore not consistent with the assumptions in the AQMP. The proposed Project would therefore result in a significant unmitigated AQMP consistency impact which has not been identified in the FEIR. The EIR is fatally flawed and must be redone and recirculated to address this impact.

G.3 Failure To Identify and Mitigate Significant Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) Consistency Impacts

Similarly, the DEIR and FEIR versions of the proposed Project are not consistent with the SCAG projections used in developing the RTP/SCS. The proposed Project would therefore result in a significant land use impact in the form of a lack of consistency

⁴⁸ Criteria for determining consistency with the AQMP are defined in the SCAQMD CEQA Air Quality Handbook.

with the RTP which has not been identified in the EIR. The EIR is fatally flawed and must be redone and recirculated to address this impact.

H. FAILURE TO ADEQUATELY IDENTIFY CUMULATIVE IMPACTS

As noted on DEIR page 4.0-5:

CEQA Guidelines Section 15130 allows for two approaches to study cumulative impacts: using a list of past, current and probable future projects or relying on a summary of projections (growth forecasts) from adopted local, regional or statewide plans. As the Proposed Plans are community plan updates covering a large area of the City over a twenty plus year planning period, the cumulative impacts analysis in this EIR relies on the summary of projections method, utilizing the Southern California Association of Governments (SCAG) projections as discussed in Appendix B.

However, the proposed Project exceeds the growth-forecasts prepared by SCAG for the HCPU area and there has been no showing that development in the City as a whole will be consistent with the SCAG forecasts either. As previously noted (see **footnote 38**), the City is in the process of updating an additional six Community Plans. The EIR fails to provide evidence that anticipated development in those Community Plan areas will be consistent with the SCAG forecasts for each of those planning areas. For example, Section 4.13 – Population Housing Employment of the DEIR and DEIR Appendix B – Methodology only provides a comparison of 2010 City population by planning area to the 2016 SCAG forecasts. It appears that permitted development in the City exceeds SCAG forecasts: SCAGs 2016 forecast for the City as a whole was a population of 3,931,000; DOF Table 2 reproduced above indicates the City's population on 1/1/2016 was 3,958,803; and DOF Table 2 indicates that by the first day of 2017 the population was 3,984,916. Any additional up-zoning as a result of the proposed Project, and the proposed Project in combination with Community Plans currently being updated, and the TOC Guidelines and State density-bonus granting statutes which were not subject to environmental review and are not captured in the SCAG forecasts used in the EIR for the proposed Project, will undoubtedly result in population and employment levels above the SCAG forecasts used in the EIR. The City should have accounted for these past, present and reasonably foreseeable projects in its cumulative analysis. The EIR for the proposed Project thus underestimates cumulative impacts and the use of the growth forecasts as the way of determining cumulative impacts is inappropriate in this case and insufficient to accurately identify cumulative impacts.

I. THE FEIR CONCLUSION THAT CHANGES TO THE PROJECT WILL NOT RESULT IN ADDITIONAL IMPACTS IS CONTRARY TO COMMON SENSE AND NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

Section 2.3 of FEIR of Chapter 2.0 – Modifications & Technical Refinement to the Proposed Plan & Environmental Effects provides the City’s justification for why the changes to the proposed Project will not result in new or increased environmental impacts, beyond those described in the DEIR.⁴⁹ It defies common sense that changes which result in an increase of 7,000 housing units in the Plan area, increased heights, and an undisclosed increase in office, commercial, retail and industrial square footages and thus employment would not result in a substantial increase in Project impacts. The following discussion provides a critique of the analysis presented in the FEIR regarding the Modified Project’s potential for additional impacts for some of the key environmental issue areas. The discussion demonstrates that changes included in the Modified project will result in new or more severe impacts, necessitating correction and recirculation of the EIR.

I.1. Aesthetics

According to page 2-5 of the FEIR:

The Final EIR determined that the Proposed Plan would not have an adverse effect on scenic vistas, would not substantially damage scenic resources, and would not substantially degrade the existing visual character or quality of the Plan Area. However, impacts related to lighting and glare would require mitigation to reduce impacts to less than significant. The modifications and technical refinements to the Proposed Plan would include additional policies and programs to encourage the planting of shade trees and to preserve mature trees, protect existing natural areas and wildlife habit, and preserve open space resources. These additional policies and programs would serve to improve the visual character of the Plan Area. Height bonus incentives proposed under the CPIO are similar to the ones under the TOC program and in generally the same areas, which were already considered in the analysis. The additional zone changes that removed or reduced height restrictions in the Regional Center are for urban infill areas where the existing heights already vary. In other areas where height limits were added or reduced, there would be no new significant impacts based on the same analysis provided in the Draft EIR in Section 4.1 because while changes would occur in the Plan Area, the development resulting from the modifications and refinements would occur in an eclectic urban environment and the foreseeable development is consistent with an urban environment. Therefore,

⁴⁹ See FEIR pages 2.5 to 2.12.

the technical refinements to the Proposed Plan would not result in new significant impacts related to aesthetic resources.

As acknowledged in this discussion from the FEIR, the proposed Project would result in potentially significant impacts related to lighting and glare that would require mitigation to reduce impacts to less than significant. The Modified Project will allow for increase height and development within the Plan area. This will result in a substantial increase the severity of the potentially significant lighting and glare impacts acknowledged to exist. The FEIR has failed to include estimates of the increases of potential impacts and quantify how existing mitigation measures are adequate to address the increased severity of impacts. Recirculation of the EIR is therefore required.

I.2. Air Quality

According to pages 2-5 to 2-6 of the FEIR:

The Final EIR determined that the Proposed Plan would result in a less than significant impact related to consistency with air quality plans, exposure of sensitive receptors to substantial pollutant concentrations during operation, and odors. Impacts related to violation of air quality standards during construction and operations, cumulative increase in pollutants during construction and operations, and exposure of sensitive receptors to pollutant concentrations during construction would be significant and unavoidable.

The EIR includes analysis of construction pollutant emissions based on four anticipated scenarios for construction within the Plan Area (two heavy-duty equipment operating and 25 daily truck trips, four heavy-duty equipment and 50 daily truck trips, eight pieces of heavy-duty equipment and 100 daily truck trips, and ten pieces of heavy-duty equipment and 150 truck trips). Although air pollutants generated in the Plan Area could incrementally increase due to a marginally increased average anticipated rate of development, the timing and location of such development would continue to not be reasonably foreseeable; construction resulting from the modifications and technical refinements to the Proposed Plan would be of similar intensity and impact conclusions would not change.

Regarding operational air pollutant emissions, the EIR includes analysis of both mobile sources and area (development) sources. Mobile source emissions resulting from the modifications and technical refinements to the Proposed Plan would not be substantially different from what was evaluated in the EIR because

VMT would not be expected to change substantially (see discussion of Transportation and Traffic below) and mobile source emissions would continue to be less than today. Increased development near transit centers could reduce operational air pollutant emissions by reducing mobile trips in the region. **Population and therefore VMT associated with the resident population would not increase and therefore associated emissions would not increase.** Trips generated by additional jobs would occur in areas that generate less VMT per Service Population than the overall average VMT per Service Population in the Plan Area; increases in mobile source emissions would be relatively small and mobile source emissions would continue to be less than existing conditions. **Additional residential and employment-related development would incrementally increase emissions from areas sources and would increase use of consumer products.** The chart below shows changes in stationary source emissions under the Proposed Plan compared to changes in stationary source emissions under the Modified Plan.

As shown in the table below, the changes in stationary source emissions would be minor; such changes are generally well within the error margin of the modeling. **The incremental change in development would not necessitate additional air quality modeling.** Mitigation proposed as part of the Final EIR would still be applicable to the technical refinements to the Proposed Plan and would reduce air quality impacts in the same way resulting in the same level of significance after mitigation. Therefore, the modifications and refinements to the Proposed Plan would not result in new significant impacts related to air quality. (Emphasis added).

Change in Stationary Source Emissions – Original Plan Compared to Modified Plan			
Pollutant	Original Plan Increase Compared to Existing Conditions	Modified Plan Increase Compared to Existing Conditions	Percentage Point Increase /a/
ROG	29.3%	30.2%	0.9
NO _x	26.1%	27.5%	1.4
CO	21.6%	23.8%	2.3
SO _x	26.4%	27.8%	1.3
PM ₁₀	26.4%	27.8%	1.3
PM _{2.5}	26.4%	27.8%	1.3
/a/ Percentages have been rounded and calculation of percentage point change is rounded based on exact numbers.			

The analysis provided in the FEIR is not supported by substantial evidence. As noted in the FEIR’s discussion no additional air quality modeling was performed. As previously discussed, the Modified Project would exceed the SCAG population forecasts.

The Modified Project is therefore not consistent with the AQMP, and would therefore result in a new significant unmitigated AQMP consistency impact which has not been identified in the FEIR. The EIR fails to identify this significant unmitigated impact and therefore needs to be recirculated.

Although the FEIR estimates the number of additional residential units that would be constructed as a result of the Modified Project, it provides no information on the anticipated increase in office, retail, commercial and industrial square footages that would result from the Modified Project, or the resulting increase in employment within the Plan area. Without this information, it is not possible to calculate the increase in mobile or stationary source emissions that would result from the Modified Project. No air quality modeling is provided in the FEIR to support the numbers in the “Change In Stationary Source Emissions” Table, and the analytic route for arriving at the numbers in this table is not provided in the FEIR.

The DEIR acknowledges that the proposed Project will have the following significant unavoidable air quality impacts:

- Construction Air Quality Impacts – Violate Air Quality Standard – after mitigation measure AQ1
- Operational Air Quality Impacts – Violate Air Quality Standard – after mitigation measure AQ1
- Cumulative Impact – Construction – net increase in criteria pollutants– after mitigation measure AQ1
- Cumulative Impact – Operation – net increase in criteria pollutants– “no feasible mitigation measures”
- Construction Air Quality – Sensitive Receptors– after mitigation measure AQ1

The increased development allowed under the Modified Project would increase the severity of these impacts. This is not disclosed in the FEIR. Given the magnitude of the additional allowable development, the Modified Project would result in a substantial increase in the severity of these impacts, unless mitigation measures are adopted that reduce the impacts to a level of insignificance. Recirculation of the FEIR is therefore required. Additionally, as a result of the failure to quantify magnitude of the increase violation of air quality standards, the City’s EIR lacks substantial evidence to enable decision makers to weigh the benefits over greater unmitigated air quality impacts. Accordingly, any findings of overriding consideration on this issue are also unsupported by substantial evidence given the magnitude by which air standards will be violated by the Modified Project.

I.3 Cultural Resources

According to page 2-7 to 2-8 of the FEIR:

The Final EIR determined that the Proposed Plan would result in a less than significant impact or less than significant impact with

mitigation to cultural resources, with the exception of historical resources which the Proposed Plan would result in a significant and unavoidable impact. The modifications and technical refinements to the Proposed Plan would result in increased development potential within the Plan Area. Although development would be incrementally increased **and additional historic properties could be affected**, such development would occur in areas that are evaluated in the EIR. The CPIO includes development standards for future projects to maintain design compatibility with the Hollywood Boulevard Commercial and Entertainment District and six designated and eligible historic residential neighborhoods and has review procedures for projects that involve historic resources for the purpose of historic preservation. Therefore, impacts as a result of the modifications and technical refinements impacts would be similar to what was analyzed and disclosed within the Final EIR. Mitigation measures identified within the Final EIR would be applicable to the modifications and technical refinements to the Proposed Plan and could reduce impacts to archaeological, paleontological and tribal cultural resources, with the exception of historical resources. Mitigation measures to reduce impacts to historical resources were found to be infeasible, and although as discussed in the Final EIR impacts would be unlikely, over the plan horizon there could be some impacts to historical resources even with the new CPIO procedures. Therefore, historical resources would still result in a significant and unavoidable impact. Therefore, the modifications and technical refinements to the Proposed Plan would not result in new significant impacts related to cultural resources. (Emphasis added). (sic).

The FEIR acknowledges that additional historic properties could be affected by the Modified Project. The FEIR has made no attempt to quantify the number of additional historic properties that could be impacted by the extensive modifications. Given the additional development pressure placed on historic resources by the up-zoning and additional density bonuses provided in the Modified Project, the increase in the severity of the unmitigated historic resource impacts will be substantial unless mitigation measures are adopted that reduce the impact to a level of insignificance. As discussed later in this letter, the City has opted to reject feasible historic resource mitigation measures and existing HCP and HRP policies and provisions that reduce impacts to historic resources, and have done so for 35 years since they were imposed by the 1986 HRP and continued in the 2003 HRP. The substantial impacts on historic resources acknowledged the FEIR are the result of the City's preference to not continue to enforce the full protections for historic resources contained in the HRP and litigation settlement agreements with Hollywood Heritage, despite the fact that these protections remain feasible. (See **Section L** of this letter). Recirculation of the EIR is required, as the

Modified Project would substantially increase the severity of historic resource impacts, and any finding of overriding considerations lacks substantial evidence to support a finding that the further increase in negative impacts is outweighed by the Project's benefits.

I.4 Greenhouse Gas (GHG) Emissions

According to page 2-8 of the FEIR:

The Final EIR determined that the Proposed Plan would result in a less than significant impact related to GHG emissions. The modifications and technical refinements described above would result in minor changes to the project area-scale and regional-scale GHG emission estimates presented in the Final EIR. The Proposed Plan stationary source GHG emissions would increase by approximately 27.9 percent compared to existing conditions; the Modified Plan would result in this change being 29.4 percent compared to existing conditions (an incremental increase of an additional 1.5 percentage points). Such changes related to the GHG emission calculations would generally be within the error margin of modeling efforts. Overall, the Proposed Plan would reduce GHG emissions in the region by concentrating development in the Regional Center and near commercial corridors served by transit systems, which could generally reduce the length and number of regional vehicle trips. Although, **the modifications and technical refinements could result in an incremental increase in vehicle trips**, the refinements would further shift development towards density and proximity to transit, thereby potentially reducing GHG emissions in the region. The modifications and technical refinements would further consistency with Assembly Bill 32, Senate Bill 32, Senate Bill 375, and the Southern California Associations of Government (SCAG) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and 2020 RTP/SCS, regional and local strategies to reduce GHG, and can be expected to contribute to reductions in per capita GHG emissions when viewed at the regional level. Therefore, the modifications and technical refinements to the Proposed Plan would not result in new significant impacts related to GHG emissions. (Emphasis added).

The FEIR fails to provide information on the analytic route by which the FEIR concludes that the Modified Plan would result in a 29.4 percent change in GHG emissions compared to existing conditions (an incremental increase of an additional 1.5 percentage points). The FEIR has also failed to document that this is within the model's margin of error. The FEIR admits that no additional air quality modeling was done for the Modified Project so it is unclear how these numbers were generated. The FEIR provides no evidence to support the contention that the Modified Project's "modifications and

technical refinements would further consistency with Assembly Bill 32, Senate Bill 32, Senate Bill 375, and the Southern California Associations of Government (SCAG) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and 2020 RTP/SCS.” As documented in this letter, the Modified Project is not consistent with the SCAG forecasts which are at the heart of the RTP/SCS planning process. The statements in the FEIR regarding the Modified Project’s lack of GHG impacts is not supported by substantial evidence.

I.5. Land Use and Planning

According to page 2-9 of the FEIR:

The Final EIR determined that the Proposed Plan would result in no impact or a less than significant impact related to land use and planning. The modifications and technical refinements to the Proposed Plan would result in **incrementally increased development within the Plan Area**. Such development would be similar to what was analyzed and disclosed in the Final EIR, the technical refinements would not physically divide an established community, **would increase consistency with land use plans** and policies as it puts more development near transit and commercial corridors and regional centers, and would not conflict with a Habitat Conservation Plan. Therefore, the modifications and technical refinements to the Proposed Plan would not result in new significant impacts related to land use and planning.

The Modified Project would result in population, employment and housing levels in excess of the SCAG forecasts, and is thus inconsistent with plans that are based on the SCAG forecasts. The FEIR’s conclusions that the Modified Project would increase consistency with land use plans is therefore not supported by substantial evidence and is contradicted by information contained in this letter. Specifically, the Modified Project now includes the previously undisclosed intent to amend and repeal all land use, historic resources, and affordable housing requirements in the HRP, regulations, and found in the state’s Community Redevelopment Law. The FEIR fails to identify plan consistency impacts, including irreconcilable conflicts with supreme State law enacted HRP provisions that forbid the City from repealing unless it fully complies with the Community Redevelopment Law.⁵⁰ For these reasons, the Draft EIR must be revised and recirculated.

⁵⁰ California’s Community Redevelopment Law, found at Health and Safety Code section 33000 et seq. sets forth the exclusive process for consideration and adoption of an amendment of an operative redevelopment plan. The City’s proposed “amendment” of the HRP is less of an amendment and more a complete evisceration of all existing protections of low-income tenants, affordable housing requirements, density constraints to avoid significant infrastructure impacts, and the proven successful program to protect of historic resources from unnecessary demolition and destruction. It is feasible for the City to continue to carry out the enforcement of these protections of tenants and historic resources, but the City had made a policy decision, not disclosed in the Draft EIR or circulated to the public for review and comment, to

I.6. Noise

According to pages 2-9 to 2-10 of the FEIR:

The Final EIR determined that the Proposed Plan would result in no impacts related to generation of noise levels in excess of standards and exposure of people to excessive airport noise levels. Impacts related to operational vibration and operational mobile noise would be less than significant. Impacts related to temporary construction noise, operational stationary sources, and construction vibration would be significant and unavoidable.

The modifications and technical refinements to the Proposed Plan could result in **incrementally increased development within the Plan Area. The extent of noise and vibration generated in the Plan Area could similarly incrementally increase due to increased development.** Although the number of construction sites could increase, the intensity of construction and the types of construction noise and construction vibration impacts that could occur with the modifications and refinements would be similar to what was already in the Final EIR. **The number of stationary and mobile sources of noise (from employee trips) may be incrementally increased** but would not be substantially different from what was analyzed in the Final EIR and impacts would remain the same.

Operational stationary sources of noise include but are not limited to heating, ventilation, and air conditioning (HVAC) equipment and rooftop bars. Noise levels and the types of noise that would be produced would be the same as what was analyzed in the Final EIR. Similar to the Final EIR, **there would still be the potential for stationary sources of noise to result in a permanent increase in noise** without knowing the specific locations of developments at this time. Development would still be concentrated within the Regional Center, commercial corridors near transit systems, and in the Media District area, which already

simply refuse to so it anymore. In refusing to carry out proven existing mitigation measures, without providing as strong or stronger substitute mitigation measures, the City has opted to allow significant impacts to historic resources. Pursuant to CEQA Guidelines Section 15021, the City has a duty to minimize environmental damage (a)(2): “A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.” The City cannot discard mitigation measures that have proved feasible.

experience existing elevated noise levels in these areas; proposed modifications and technical refinements are not anticipated to substantially change noise levels including in these areas beyond what was already analyzed in the Final EIR. **Overall, the modifications and technical refinements to the Proposed Plan would result in minimal changes to population and associated noise from trips (mobile source noise).** The additional jobs would generate more trips in areas that already experience high levels of mobile source noise. The increase in activity would not be enough to result in a noticeable change in mobile-source noise (a doubling in traffic is necessary to increase noise by 3 dBA, a 3 dBA increase in noise is at the limit of what is generally noticeable). Therefore, mobile noise would not substantially increase over what was analyzed and disclosed in the Final EIR. Mitigation proposed as part of the Final EIR would continue to be applicable to the modifications and technical refinements to the Proposed Plan and would reduce noise and vibration levels in the same way resulting in the same level of significance after mitigation. Therefore, the modifications and technical refinements to the Proposed Plan would not result in new significant impacts related to noise and vibration. (Emphasis added).

Although the FEIR estimates the number of additional residential units that would be constructed as a result of the Modified Project, it provides no information on the anticipated increase in office, retail, commercial and industrial square footages that would result from the Modified Project, or the resulting increase in employment within the Plan area. Without this information, it is not possible to calculate the increase in noise emissions that would result from the Modified Project. No noise modeling is provided in the FEIR to support the contentions in the FEIR that the Modified Project would not result in new or increase noise impacts.

The DEIR acknowledges that the proposed Project will have the following significant unavoidable noise impacts:

- Construction Groundborne Vibration/Noise – after mitigation measure N1 & N2
- Permanent Increase Noise – Stationary Noise – after mitigation measure N3
- Temporary Increase Noise – after mitigation measure N4

The increased development allowed under the Modified Project would increase the severity of these impacts. This is not disclosed in the FEIR. Given the magnitude of the additional allowable development, the Modified Project would result in a substantial increase in the severity of these impacts, unless mitigation measures are adopted that reduce the impacts to a level of insignificance. By way of example, if the Modified Project's 7,000 additional units of housing is contained in new developments with an average of 100 units per development, the Modified Project would result in the equivalent

of adding 70 more large construction projects to the cacophony of the projects analyzed in the DEIR. Recirculation of the FEIR is therefore required.

I.7. Population, Housing and Employment

According to page 2-10 of the FEIR:

The Final EIR determined that the Proposed Plan would result in a less than significant impact related to population, housing, and employment. **The Proposed Plan would not induce population growth but rather would be growth accommodating to address projected population and housing growth in the region.** The modifications and technical refinements, similar to the Proposed Plan analyzed in the Final EIR, **would not displace people or housing, except for potential temporary displacement during redevelopments.** The areas that would accommodate additional development potential with the modifications and refinements have limited existing housing units (commercial corridors and the Regional Center) and impacts would remain similar to those already evaluated in the Final EIR. **The modifications and technical refinements to the Proposed Plan would result in increased development in the Plan Area** (see Section 2.2, above). Therefore, the modifications and technical refinements to the Proposed Plan would not result in new significant impacts related to population, housing, and employment.

As previously discussed, the assertion that neither the proposed Project or the Modified Project are not growth-inducing is contradicted by the analysis in this letter and by other statements in the EIR quoted herein. The DEIR incorrectly determined that the proposed Project would not:⁵¹

- Induce substantial population growth in an area either directly (for example by proposing new homes or businesses) or indirectly (for example through extension of new roads or infrastructure);
- Displace substantial numbers of existing housing units necessitating the construction of replacement housing elsewhere; and/or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

⁵¹ The updated CEQA Thresholds in the CEQA Checklist are:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

As detailed in **Section G and J** of this letter, both the proposed Project and, to a greater extent, the Modified Project would result in population growth in excess of the SCAG forecasts. The Modified Project would result in population growth that is 31.85% to 43.18% higher (71,984 -97,592 persons greater) than the SCAG forecasts. This represents a significant population impact that was not identified in the DEIR or FEIR and for which no mitigation has been provided. The identification of this new and more severe impact necessitates recirculation of the EIR.

The DEIR mistakenly concluded that the proposed Project would not result in displacement people or housing units. As detailed in **Section J** of this letter, the up-zoning and increased density bonus strategies will displace both people and housing units. Multiple commenters have pointed out that existing policies of the City are exacerbating displacement of low-income families from Hollywood. Given the additional density-bonus strategies included in the Modified Project, these impacts will increase. The EIR fails to identify these significant displacement impacts of the proposed Project and the Modified Project. The identification of this new and more severe impact necessitates recirculation of the EIR.

I.8. Public Services

According to page 2-10 to 2-11 of the FEIR:

The Final EIR determined that the Proposed Plan would result in a less than significant impact related to public services, with the exception of degradation of existing parks and recreational facilities which the Proposed Plan would result in a significant and unavoidable impact. **The modifications and technical refinements to the Proposed Plan would result in incrementally increased development but not an increase in population** analyzed in the Final EIR (see Section 2.2, above), and therefore would not be expected to increase utilization of public services. The Los Angeles Police Department and Los Angeles Fire Department would continue to maintain acceptable service levels through the provision of additional personnel and equipment as needed, in conformance with their existing policies, procedures and practices as a result of any additional growth resulting from the modifications and technical refinements to the Proposed Plan. Schools would collect development impact fees from additional development to pay for new schools and facilities to accommodate additional growth, if necessary. Regarding libraries, the Branch Facilities Plan would continue to forecast future demand for library facilities throughout the City and strive to provide adequate facilities and related improvements to serve the existing and future population. In the event where there is increased use of park facilities, it would continue to result in a significant impact related to degradation of existing parks and recreational facilities similar

to the impacts already discussed in the Final EIR. The incremental increase in utilization of public services and facilities would be similar to what was analyzed in the Final EIR. No new fire, police, school, or library facilities are anticipated to be constructed as part of the Proposed Plan at this time. **The modifications and technical refinements to the Proposed Plan would not substantially change population compared to what was analyzed in the Final EIR and while employment would increase the increase would be relatively small** and the impact on services and service ratios would be similar to that analyzed in the Final EIR.

If facilities for fire, police, schools or libraries were to be needed to meet demand from the modifications and refinements, impacts of construction and operation of such facilities would be anticipated to be similar to those analyzed in the Final EIR and less than significant. As discussed in the EIR, it is assumed that if new or expanded public service facilities are determined to be necessary at some point in the future, such facilities would occur where allowed under the designated land use. The environmental impacts of the construction and operation of new facilities, as an allowed land use, have been evaluated throughout this EIR. Specifically, the EIR analyzes anticipated effects of citywide growth related to air quality, noise, traffic, utilities, and other environmental impact areas. Depending on the location of new facilities, if they are determined to be needed, impacts could occur, however such impacts are too speculative to assess without information as to design, location and proximity to sensitive receptors. Therefore, the modifications and technical refinements to the Proposed Plan would not result in new significant impacts related to public services. (Emphasis added).

The conclusions in the FEIR regarding the Modified Project's potential to result in new or more severe public service impacts are not supported by substantial evidence. The FEIR's analysis rests on the unsupportable assumption that "modifications and technical refinements to the Proposed Plan would result in incrementally increased development but not an increase in population" and "therefore would not be expected to increase utilization of public services." As detailed **Section G and J** of this letter, the assumption that an increase of 7,000 dwelling units in the Plan area will not result in an increase in population is inaccurate. The Modified Project will result in an increase of approximately 16,296 persons above the increase resulting from the DEIR version of the proposed Project. The Modified Project will thus further exacerbate the significant impact on existing parks and recreation facilities. This substantial increase in the impact necessitates correction and recirculation of the EIR. In addition, as detailed in **Sections G and J**, the EIR miscalculated the likely population increase resulting from the

proposed Project. The public service analysis must therefore be redone for both the proposed Project and the Modified Project.

I.8. Utilities and Service Systems

According to page 2-12 of the FEIR:

The Final EIR determined that the Proposed Plan would result in a less than significant impact related to utilities and service systems. The technical refinements to the Proposed Plan **would result in incrementally increased development within the Plan Area**. But additional incremental development would be required to comply with the same federal, state, and local utilities and service systems regulations that were discussed in the Final EIR.

The population would not increase it would not increase demand for electricity, natural gas, or water supply, wastewater disposal and solid waste disposal. The incremental increase in development but not population (see Section 2.2, above) resulting from the modifications and technical refinements would not result in a substantial increase in utilization of electricity or natural gas nor would it substantially increase demand for any utility. Similar to the Proposed Plan, the modifications and technical refinements would comply with applicable energy conservation plans and policies of the City and would not result in a wasteful or inefficient use of electricity or natural gas.

Households (occupied housing units) generate demand for utilities; **vacant housing units do not generate demand for utilities**. The EIR overestimates future demand for utilities from residential use because it compared demand from future housing units and not households to existing household demand. The chart below shows how demand for each utility would change compared to what was evaluated in the EIR assuming no increase in demand from residential use to approximately account for impacts of households rather than housing units and reasonably expected increases to the non-residential square footage. As shown in the chart the increase in demand for each utility would be incremental and would continue to be within the planning assumptions for each utility and therefore modifications to the Proposed Plan would continue to result in less than significant impacts to each utility.

Change in Demand for Utilities – Original Plan Compared to Modified Plan			
Utility	Original Plan Increase Compared to Existing Conditions	Modified Plan Increase Compared to Existing Conditions	Percentage Point Increase /a/
Electricity	28.5%	30.0%	1.5
Natural Gas	26.4%	27.8%	1.3
Water Demand	14.6%	16.2%	1.7
Wastewater Disposal	23.7%	24.4%	0.6
Solid Waste Disposal	25.4%	26.7%	1.3
/a/ Percentages have been rounded and calculation of point change is rounded based on exact numbers.			

While additional housing units may require the construction of additional conveyance infrastructure, the impacts from the modifications and technical refinements would not be different than those analyzed in the Final EIR and would be less than significant. Therefore, the modifications and technical refinements to the Proposed Plan would not result in new significant impacts related to utilities and service systems.

This analysis is not supported by substantial evidence as it assumes that the Modified Project will result in the generation of 7,000 additional housing units that will remain vacant, thus resulting in no increase in population. This is absurd on its face, as detailed more fully in **Sections G and J** of this letter. The Modifications to the proposed project will generate additional population, employment, residential units and commercial, retail, office and industrial square footage. As detailed in **Section G**, neither the proposed Project nor the Modified Project are consistent with the growth forecasts that are at the heart of utility and service system planning for the area. The EIR has failed to adequately analyze the impact of the Project on utilities and infrastructure. The EIR analysis must therefore be updated to assess the nature and magnitude of these impacts as part of the recirculation of the EIR. It is inappropriate to expect that members of the public can prepare such an analysis.

The absurdity of the FEIR’s analysis of the Modified Project can be seen from the fact that it relies, when necessary to avoid the identification of impacts, on the contention that although the Modified Project will result in 7,000 additional housing units, it will not result in an increase in population. This illustrates the contortions the FEIR was forced to go through in order to avoid recirculation of the EIR and to provide post hoc rationalization for the CPC’s defacto approval of the Modified Project.

J. FAILURE TO IDENTIFY AND MITIGATE SIGNIFICANT IMPACTS DUE TO THE DISPLACEMENT OF PEOPLE AND HOUSING

The EIR’s analysis of population and housing impacts is inaccurate and fails to identify significant impacts of the proposed Project. According to the DEIR and Appendix G of the State’s CEQA Guidelines, the proposed Project would have a significant impact if it would:

- Induce substantial population growth in an area either directly (for example by proposing new homes or businesses) or indirectly (for example through extension of new roads or infrastructure);
- Displace substantial numbers of existing housing units necessitating the construction of replacement housing elsewhere; and/or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

J.1. Significant Inducement of Population Growth

As detailed in **Section G** of this letter, both the proposed Project and the Modified Project would exceed the SCAG forecasts used in preparing regional and local plans. The DEIR attempts to justify this growth-inducement as being less than significant by stating:

Although it is possible that the expected housing and population growth in the Hollywood CPA would exceed the SCAG forecasts for this area the Proposed Plan would not induce significant population growth, but would rather serve to accommodate projected citywide growth in a more sustainable manner. Therefore, impacts related to population growth would be *less than significant*.⁵²

However, the EIR fails to provide substantial evidence to support its contentions that: (1) the proposed Project would accommodate citywide growth; or (2) that it would accommodate citywide growth in a more sustainable manner. (See discussion in **footnote 38** of this letter regarding failure to demonstrate that citywide growth resulting from updates of the Community Plans is consistent with SCAG forecasts).

Moreover, the degree to which the proposed Project has underestimated project-induced population growth in the Plan area was underestimated in the EIR as detailed in **Section G** of this letter. The Modified Project, through its changes in zoning and provision of density bonuses would provide capacity for 31.85% to 43.18% more people to live in the Plan area than forecast by SCAG, and 13%-23% more housing units than forecast by SCAG. It would also result in an increase over the levels which would occur under the existing HCP of between 34,920 residents for the low estimate and 41,904 residents for the high estimate. (See **Section G** of this letter). This represents a **significant unmitigated inducement of population growth**, which the EIR has failed to identify. The EIR must therefore be corrected and recirculated.

⁵² DEIR page 4.13-17.

J.2. Displacement of Substantial Numbers of People and Housing Units

The EIR concludes that the proposed Project will result in a less than significant displacement of housing units and people. In doing so it relies on the fact that that while: (1) “approximately six percent of the acreage would have active changes that affect land use designations and/or zoning”; (2) the proposed “Plan does not require any existing housing in the six percent group to be demolished or reduced in order to be consistent with the Proposed Plan’s land use designations and zoning.”⁵³ However, the analysis fails to recognize the increased development pressure generated by the proposed Project resulting from not only the proposed Project’s and the Modified Project’s up-zoning, but also the Modified Project’s augmented density bonus provisions included in the substantially revised CPIO contained in FEIR Appendix E. The EIR’s conclusions that the proposed and Modified Project will not result in significant displacement of people and housing units is not supported by substantial evidence as set forth in following subsections.

Setting

There is an acknowledged affordable housing⁵⁴ crisis in the City of Los Angeles and the State of California. This makes it difficult for displaced renters to find affordable housing elsewhere.

Currently the City has a Rent Stabilization Ordinance (RSO) which has been in place since April 21, 1979.⁵⁵ As explained in the Ordinance:

SEC. 151.01. DECLARATION OF PURPOSE.

There is a shortage of decent, safe and sanitary housing in the City of Los Angeles resulting in a critically low vacancy factor.

⁵³ DEIR page 4.13-18.

⁵⁴ See: <https://www.vox.com/2014/4/10/18076868/affordable-housing-explained>

The federal Department of Housing and Urban Development (HUD) defines an "affordable dwelling" as one **that a household can obtain for 30 percent or less of its income**. But this varies from city to city.

For example: a household is considered "low-income" if it makes less than 80 percent of the median income in the local area (this is called Area Median Income, or AMI). So, by this definition, a dwelling is considered "affordable" for low-income families if it costs less than 24 percent of the area median income.

⁵⁵ See LAMC Chapter XV available at: https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-195151

Tenants displaced as a result of their inability to pay increased rents must relocate but as a result of such housing shortage are unable to find decent, safe and sanitary housing at affordable rent levels. Aware of the difficulty in finding decent housing, some tenants attempt to pay requested rent increases, but as a consequence must expend less on other necessities of life. This situation has had a detrimental effect on substantial numbers of renters in the City, especially creating hardships on senior citizens, persons on fixed incomes and low and moderate income households. This problem reached crisis level in the summer of 1978 following the passage of Proposition 13.

At that time, the Council of the City of Los Angeles conducted hearings and caused studies to be made on the feasibility and desirability of various measures designed to address the problems created by the housing shortage.

In August, 1978, pending development and adoption of measures designed to alleviate the City's housing crisis, Council adopted Ordinance No. 151,415 which temporarily rolled back recently imposed rent increases, and prohibited most rent increases on residential rental properties for six months. Ordinance No. 151,415 expires on April 30, 1979.

This ordinance has successfully reduced the rate of rent increases in the City, along with the concomitant hardships and displacements. However, a housing shortage still exists within the City of Los Angeles and total deregulation of rents at this time would immediately lead to widespread exorbitant rent increases, and recurrence of the crisis, problems and hardships which existed prior to the adoption of the moratorium measure.

Therefore, it is necessary and reasonable to regulate rents so as to safeguard tenants from excessive rent increases, while at the same time providing landlords with just and reasonable returns from their rental units. In order to assure compliance with the provisions of this chapter violations of any of the provisions of this chapter may be raised as affirmative defenses in unlawful detainer proceedings. **(Amended by Ord. No. 166,130, Eff. 9/16/90.)** (Emphasis added).

The RSO limits rent increases based on the Consumer Price Index. Given how long the RSO has been in effect (since 1979) and RSO limitation on the amount rents can be raised, many long-time residents of the Plan area benefit from affordable rental rates. The proposed and Modified Project will increase displacement pressures on these tenants, as detailed below.

The RSO Ordinance includes Ellis Act provisions.⁵⁶ As explained by Section 151.22 of the LAMC:

California Government Code Sections 7060, et seq. (the “Ellis Act”) permits the City, among other things, to require landlords to provide all tenants with 120 days notice, or one year if the tenants lived in the accommodations for at least one year **and** are more than 62 years of age or disabled, when rental units subject to the Rent Stabilization Ordinance are to be withdrawn from the rental market. The Ellis Act also permits the City to impose other restrictions, conditions and requirements upon the property. It is the purpose of this section, and Sections 151.23 through 151.28, to implement provisions of the Ellis Act. The Department may develop forms and regulations to assist in the implementation of these provisions.

There continues to be a low vacancy rate for rental units in the City of Los Angeles, and the withdrawal of residential rental property from rent or lease will exacerbate the rental housing shortage and make it more difficult for tenants displaced by the withdrawal to obtain replacement housing. Because of the rental housing shortage, it is essential that tenants be afforded substantial advance notice to enable them to obtain replacement housing, and that they receive other protections available under law.

In any action by a landlord to recover possession of a rental unit subject to the Rent Stabilization Ordinance, the tenant may raise as an affirmative defense the failure of the landlord to comply with the requirements of Sections 151.22 through 151.28, as well as the failure of the landlord to comply with any other requirement of this chapter. (Emphasis added).

As noted in the City’s Housing Element:

The city has recently seen an increase in Rent Stabilization Ordinance (RSO) complaints, Ellis Act evictions, and tenant buyout filings. For example, RSO complaints have increased by nearly 40% from 2015 to 2019 and the number of RSO demolitions doubled during the same time period. These trends demonstrate a spike in new development and real estate speculation, which often results in the demolition or remodeling of

⁵⁶ LAMC beginning at Section 151.22.

RSO units and the displacement of long-term tenants to capitalize on rising market rents.

Displacement is often a neighborhood-level phenomenon sparked by changing preferences among higher income people that move into lower income areas and change the financial landscape and/or increased private or public investment (such as public transit, green space, or commercial revitalization efforts). **Although the city has not yet developed a methodology to evaluate neighborhood-level displacement risk, initial research by the LAHD and by the Urban Displacement Project suggests that certain neighborhoods in the central part of the city (including East Hollywood, Pico Union, and Westlake), South LA (including West Adams, Leimert Park, and Jefferson Park) and East/Northeast LA (including Lincoln Heights, Glassell Park, and Boyle Heights) experience some of the greatest displacement pressures.** (Emphasis added).⁵⁷

The TOC Guidelines, adopted in September of 2017, and State density bonus law has resulted in the displacement of tenants in the Plan area. From 2016 - 2020, there were 1,057 Ellis Act evictions according to CESAnti-Eviction Mapping Project (see **Attachment A**). Information on non-Ellis Act evictions is not available. According to the City's Planning Department, during this time approximately 1,565 affordable housing units were approved in the Plan area, 885 via density bonus incentives and 582 via TOC discretionary and by-right approvals with the remainder via zoning or GPA changes or market forces.⁵⁸ During this time period, the TOC and State density bonus programs resulted in the approval of 1,467 affordable housing units while destroying 1,057 Ellis Act units, resulting in a net gain in total affordable housing units of only 410 units as a result of the TOC and density bonus programs.⁵⁹ A total of 11,897 housing units were approved in the Plan area during this time. The **net** number of affordable units generated during this period after accounting for Ellis Act evictions by TOC and density bonus programs represents only 3.4% of housing unit entitlements.^{60,61} This minimal gain the

⁵⁷ Chapter 1, page 115 available at: <https://planning.lacity.org/plans-policies/housing-element-update#draft-plan>

⁵⁸ <https://planning.lacity.org/resources/housing-reports>

⁵⁹ $1,467 - 1,057 = 410$. It cannot be understated what a failure the City TOC "incentive" program has been as illustrated by this sober loss of affordable units at the hands of existing City policy. The City's "solution" is to make the TOC "incentive" program permanent without Measure JJJ's labor protections. City leaders continue to accept the contention of the real estate development community that allowing more market-rate units will make units more affordable. That has not happened.

⁶⁰ If Ellis Act displacements are subtracted from the total number of affordable units approved via density bonus programs or the TOC program, the net increase in affordable units represents 3.4% of the total units approved between 2016-2020. $(1,467 - 1,057) / 11,897 = 3.4\%$

number of (approved rather than constructed) affordable housing units came with a substantial number of housing unit displacements and displacement of persons. Using the average number of residents per housing unit of 2.33 by 2040,⁶² this represents the displacement of at least 2,463 persons.

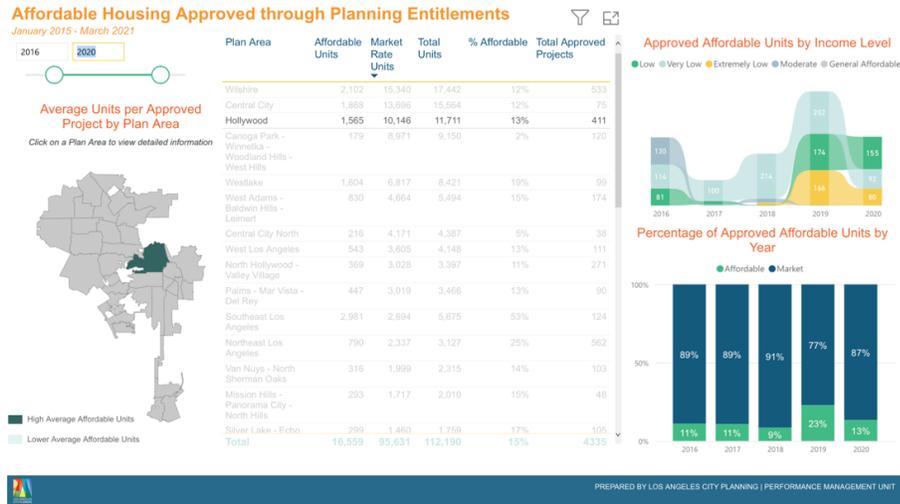


FIGURE 1 – Affordable Housing Approved Through Entitlements in the Plan Area 2016-2020

Source: <https://planning.lacity.org/resources/housing-reports>

⁶¹ If Ellis Act displacements are subtracted from the total number of affordable units approved, the net increase in affordable units represents 4.28% of the total units approved between 2016-2020. $(1,565 - 1,057) / 11,897 = 4.28\%$

⁶² See Section G of this letter.

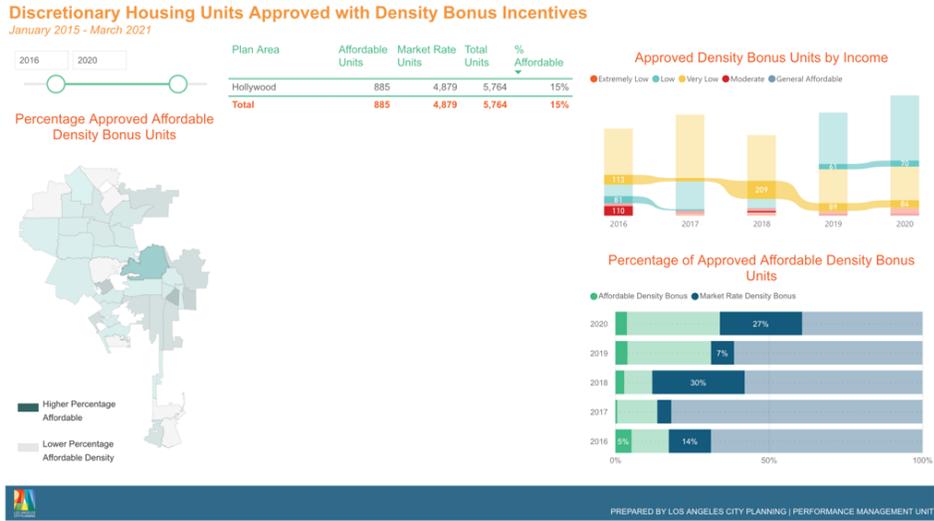


FIGURE 2 –Discretionary Housing Units Approved With Density Bonus Incentives in the Plan Area 2016-2020

Source: <https://planning.lacity.org/resources/housing-reports>

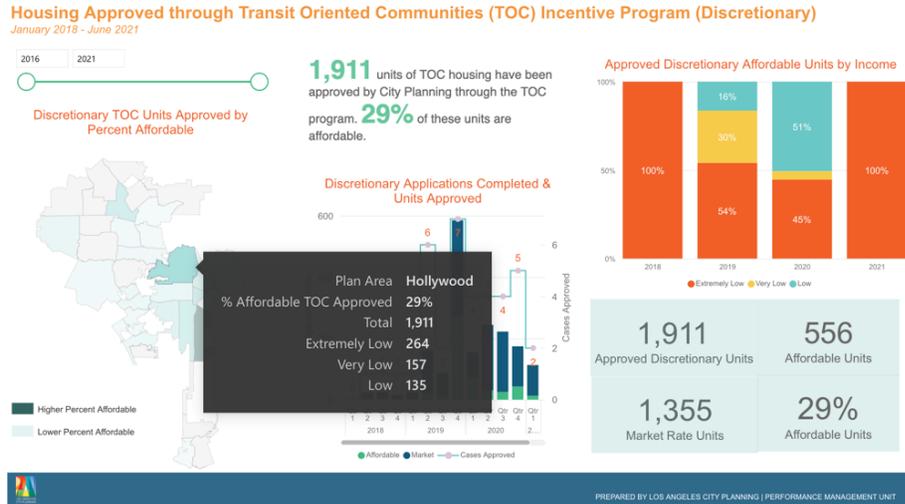


FIGURE 3 –Housing Approved Through Transit Oriented Communities (TOC) Incentive Program (Discretionary) in the Plan Area 2018-2020

Source: <https://planning.lacity.org/resources/housing-reports>

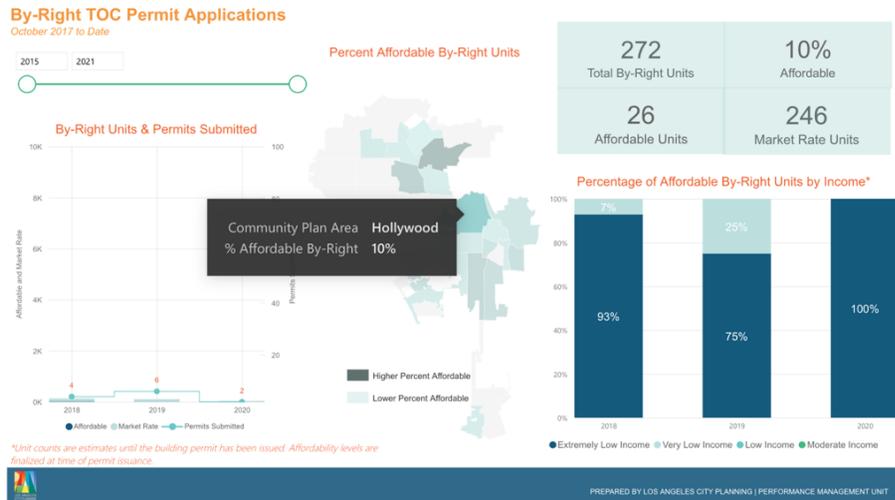


FIGURE 4 –Housing Approved Through Transit Oriented Communities (TOC) Incentive Program By-Right in the Plan Area 2018-2020

Source: <https://planning.lacity.org/resources/housing-reports>

As noted by HR&A in their August 3, 2021 “Summary of Key Considerations for RSO Replacement Requirements in the Hollywood Community Plan Implementation Overlays District (CPIO),” provision in the RSO and density bonus strategies provide an incentive for developers to leave buildings vacant for an extended period of time before constructing replacement housing.⁶³

. . . the RSO also requires that if a new housing project is built within five years of a Notice of Intent to Withdraw (an Ellis Act milestone) the rent-stabilized building, 100 percent of the units in the new multifamily replacement rental building will be subject to the RSO, and of those, the replacement units must be deed-restricted as affordable. This requirement is detailed in Section 151.28 of the Los Angeles Municipal Code (LAMC) as follows:

“If a building containing a rental unit that was the subject of a Notice of Intent to Withdraw pursuant to the provisions of Subsection A. of Section 151.23 is demolished and rental units are constructed on the same property and offered for rent or lease within five years of the date the rental unit that was the subject of the Notice of Intent to Withdraw was withdrawn from rent or lease, the owner may establish the initial rental rate for the newly constructed rental units.

⁶³ See page 4, available at: https://clkrep.lacity.org/onlinedocs/2021/21-0934_misc_4_8-20-21.pdf

The provisions of the Rent Stabilization Ordinance, Section 151.00, et seq., and other provisions of this chapter shall apply to the newly constructed rental units."

A 2017 modification to the RSO further requires that if an owner has demolished a building and did not comply with certain Ellis Act provisions, 100 percent of units in the new building are subject to the RSO, whether or not the five-year period has expired. This requirement is also detailed in section 151.28 of the LAMC:

"Notwithstanding any provision to the contrary contained herein, if rental units subject to the Rent Stabilization Ordinance were demolished subsequent to September 29, 2006, the effective date of these provisions, without complying with the requirements of Sections 151.22 through 151.28, then all replacement rental units constructed on the same property shall be deemed subject to the Rent Stabilization Ordinance, Section 151.00, et seq., and other provisions of this chapter."

The 2017 modification provides an option for developers to opt out of RSO requirements by providing an affordability covenant for the higher of: (1) 20 percent of the newly constructed units at or below 80 percent of Area Median Income or for (2) the number of replacement units required. This requirement is also detailed in Section 151.28 of the LAMC:

"An owner who replaces the number of demolished rental units with a number of affordable housing units at least equal to the number of withdrawn rental units subject to the Rent Stabilization Ordinance on a one-for-one basis or at least 20% of the total number of newly constructed rental units, whichever is greater, may apply to the Department for an exemption of the newly constructed rental units from the provisions of the Rent Stabilization Ordinance."

The cumulative effect of these requirements is that while there is a clear incentive to carefully comply with the Ellis Act procedural requirements, **there is also an unintended incentive to vacate or demolish the building with existing units and leave the site unoccupied for a period of five years so that only the replacement unit requirements apply.** (Emphasis added).

As further noted by HR&A:

Developers utilizing the State Density Bonus program are required to replace existing units which were previously occupied by very low- or lower-income households or subject to local rent control when those units have been demolished or vacated prior to the Density Bonus application. The housing development must also meet the applicable Density Bonus affordable housing standards, including the replacement units. As a result of uncertainty about how to apply these standards when the income levels of prior residents are unknown, the Density Bonus Law establishes a rebuttable presumption for the income level of the replacement unit when the income level of the actual prior resident is unknown. But because the Density Bonus law also requires adherence to local rent control laws, the above-mentioned issues with the Ellis Act Notice of Intent to Withdraw come into play. **Because developers find the Density Bonus replacement standards more feasible in terms of development economics, this has caused an unusual scenario where some owners vacate or demolish buildings, often leaving buildings in disrepair and wait for the five-year Ellis Act period to lapse so that only the Density Bonus replacement standards apply.**⁶⁴ (Emphasis added).

There is a significant time lapse from the time of an Ellis Act eviction and the generation of replacement housing just due to normal construction times. The existing regulatory framework creates an additional incentive for developers to wait five years before even beginning construction. As evidenced by the RHNA numbers for the last Housing Element period, the replacement housing that is constructed is more likely to be above moderate or luxury housing rather than affordable housing as shown in the following table from the City's "Review of the 2013-2021 Housing Element."⁶⁵

⁶⁴ Page 5: https://clkrep.lacity.org/online/docs/2021/21-0934_misc_4_8-20-21.pdf

⁶⁵ Available at: https://planning.lacity.org/odocument/1ba61788-8379-4260-9d6e-8e70c7df612a/Chapter_5_-_Review_of_the_2013-2021_Housing_Element.pdf

Table 5.1 : **New Housing Units by Income Category, 2014-2020**

RHNA Income Category	RHNA Goal (2014 -2021)	Units Built (2014-2020)	Remaining RHNA
Very Low	20,427	7,012	13,415
Low	12,435	3,727	8,708
Moderate	13,728	827	12,901
Above Moderate Rate	35,412	105,522	-
Total	82,002	117,088	-

Source: LAHD, DCP.

*The RHNA goal is for the period between January 1, 2014 to October 1, 2021.

TABLE 3 – New Housing Units by Income Category, 2014

Source: https://planning.lacity.org/odocument/1ba61788-8379-4260-9d6e-8e70c7df612a/Chapter_5_-_Review_of_the_2013-2021_Housing_Element.pdf

During the 2014-2020 time period, the City achieved only 34.3% of its very low-income housing goal, 30% of its low income housing goal, 6% of its moderate income housing goal, but it achieved 298% of its above moderate target. Of the total housing units produced (117,088) in the City during this time period, 90% (105,522) were above moderate-income or luxury units, even though only 38% of the City’s households qualified as above moderate-income in the 2010 census.⁶⁶ Only 10% of the units constructed (11,566) City-wide were affordable units, and this does not account for the number of RSO units demolished to produce the housing constructed during this time period.⁶⁷ This means that displaced persons are likely unable to find affordable replacement housing in the Plan area or City for that matter.

According to data from the anti-eviction mapping project there were 2,478 Ellis Act evictions in the City of Los Angeles from 2014-2020. As shown in **Figure 5**, eviction rates have been rising, no doubt spurred on by programs such as the TOC program and density bonuses which provide bonuses for affordable units constructed, *without regard to the number of affordable units destroyed*.

⁶⁶ According to the 2010 US Census 29% of City households were very low income, 16.1% were low income, 16.2% were moderate income and 38% were above moderate income. See page 1-14 of the City’s Housing Needs Assessment, City Housing Element adopted December 3, 2013 available at: <https://planning.lacity.org/odocument/899d18c9-eb79-4540-b3eb-1d42615394ee/ch1.pdf>

⁶⁷ As previously noted in the Hollywood area alone from 2016 - 2020, there were 1,057 Ellis Act evictions according to CESAnti-Eviction Mapping Project.



FIGURE 5 – Ellis Act Evictions City of Los Angeles 2007-2020

Source: <http://www.antievictionmappingproject.net/losangeles.html>

Note: Evictions in 2020 were lower due to the pandemic eviction moratorium

From 2014-2020 according to the City’s RHNA numbers only 11,566 affordable units⁶⁸ were produced. Adjusting for the loss of affordable units only 9,099 new affordable units were created of the net total of 114,610 total units. Net affordable unit creation thus accounted for only 7.95% of the net new units constructed in the City during this time period.

According to the DOF, between 2014 and 2020 the number of households in the City grew by 70,423 (see **Table 4** which provides DOF data for this time period). Based

⁶⁸ Affordable = very low income, low income and moderate income units.

on data in Table 1-3 in the City’s current Housing Element⁶⁹, according to 2010 census data, 45.9% of Los Angeles City households are very-low to moderate income renters:

TABLE 1.3
Household Income Distributions by Income Category, Renters & Owners: Median Household Income for Los Angeles County: \$52,684

Income Category	County Median Household Income (CMHI)*	% of Total Households LA City	Owners	Renters	TOTAL
Very Low 0-50%	<\$26,342	29%	67,578 (13.7%)	317,083 (38.8%)	384,661
Low 51% to 80%	\$26,343 - \$42,147	16.1%	54,787 (11.1%)	149,988 (18.4%)	204,775
Moderate 81% to 120%	\$42,148 - \$63,221	16.2%	75,144 (15.2%)	134,894 (16.5%)	210,038
Above Moderate > 120%	>\$63, 221	38.3%	295,519 (60%)	215,266 (26.3%)	510,785

*Income categories are defined in relation to the County Median Household Income (CMHI).

Source: U.S. Census Bureau, 2010 ACS 1-year estimates: Tenure by Household Income in the past 12 months (in 2010 inflation-adjusted dollars)

*Proportions of income falling above and below each census income category were used to derive the total percentages. All percentages are thus estimates. Income categories for income distribution is different from overall and by tenure; thus cannot compare.

TABLE 4 – Household Income by Housing Type

Source: City of Los Angeles Housing Element

Available at: https://planning.lacity.org/odocument/0167d499-88fd-4f23-bf3d-d2579c1477ac/HousingElement_20140321_HR.pdf

Applying this percentage to the number of new households, it can be estimated that between 2014 and 2020 the demand for affordable housing would have increased by 32,354 units. However, only a net of 9,099 new affordable units were created in the City during this time period. The City’s affordable housing crisis thus worsened over the period from 2014-2020.

According to data from the anti-eviction mapping project there were 1,938 Ellis Act evictions in the City of Los Angeles from 2016-2020. Of those, 1,057, were located in the Hollywood Community Plan area according to CESAnti-Eviction Mapping Project (see **Attachment A**). Evictions in the HCP area thus represent 55% of all Ellis Act evictions in the City. Any worsening of eviction rates in the HCP area, given the increasing lack of affordable housing for those displaced, would represent a significant displacement impact of the proposed Project.

J.3 Housing and People Displacement Impacts of the Proposed and Modified Project

The FEIR for the proposed and Modified Projects fails to demonstrate that the Project will not increase the displacement of people and housing units the Plan area. It provides no information on the rate or causes of displacement in the Plan area and fails to address whether the proposed or Modified Project will increase the rate of displacement. The EIR thus fails to provide substantial evidence in support of its conclusions that the

⁶⁹ Available at: https://planning.lacity.org/odocument/0167d499-88fd-4f23-bf3d-d2579c1477ac/HousingElement_20140321_HR.pdf

proposed or Modified Project will not increase the rate of displacement in the Plan area or result in significant impacts associated with the displacement of persons and housing units.

The FEIR anticipates that the Modified Project will generate an additional 7,000 housing units, beyond what is anticipated under the proposed Project. However, the EIR fails to quantify how much of the new housing built under the proposed and Modified project will be constructed on vacant land and how much will result in the demolition and replacement of existing units and thus the displacement of existing renters.

Two of the purposes of the new Updated CPIO are:

- C. To establish a local incentive system that tailors and replaces the existing Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines).
- D. To encourage mixed-income and 100% affordable housing development through an incentive system that meets the diverse needs of the community and minimizes potential displacement.

The CPIO, however, contains no provisions aimed at minimizing displacement as evidenced by a reading of the CPIO.

Density bonus provisions in the CPIO, first disclosed in the FEIR and therefore not analyzed in the DEIR or subjected to any public comment and review, expand on existing TOC and density bonus provisions provided under State law (see FEIR Appendix E) and include:

- The CPIO Community Benefits programs which establishes a tiered incentive structure tailored to the context of each Subarea to support the development of mixed-income housing projects. All CPIO affordable housing projects are eligible to receive the Bonus Incentives set forth for each Subarea, which include:
 - The Regional Center and Corridor Subareas – see CPIO Section II-4.⁷⁰
 - Corridors Subareas – see CPIO Section III-2.⁷¹
 - Multi-Family Residential Subareas – see CPIO Section IV-2.⁷²
 - Character Residential Subareas – see CPIO Section V-1.⁷³
- Superseding the Citywide Transit Oriented Communities (TOC) Guidelines to extend the life of the TOC density bonus program beyond the timeframe approved

⁷⁰ FEIR Appendix E, pages 28-42.

⁷¹ FEIR Appendix E, pages 49-57.

⁷² FEIR Appendix E, pages 63-71.

⁷³ FEIR Appendix E, pages 76-82.

by the voters, which had the TOC program expiring December 13, 2026 unless it is extended by City Council for up to two additional five-year periods.

All of the affordable housing programs included in the CPIO provide density and other bonuses for the construction of affordable housing. However, these programs **all allow for the units that replace existing affordable units demolished, to count towards the number affordable housing units included in the development for purposes of receiving a density bonus.** Density bonuses are granted based on the total number of affordable units constructed, **not the net number of affordable units constructed.** So, a development that demolished 10 affordable housing units, but constructs 10 replacement affordable units would be eligible for a density bonus for constructing 10 affordable units, despite the fact that the net gain in affordable units is zero. As a result, these additional/expanded density bonus programs have the potential to result in a near net zero increase in affordable units, as evidenced by the data from 2016-2020 in the Plan area cited above, while continuing to displace existing renters.⁷⁴ In addition, replacement units are typically smaller than the size of demolished units, making housing less available to low income families due to the net loss of family-sized units.

The Modified Project's increased use and encouragement of density bonus strategies within the HCP area, as well as its up-zoning of portions of the Plan area will exacerbate both displacement and the tendency of developers to vacate and demolish buildings and wait for the five-year Ellis Act period to lapse so that only the Density Bonus replacement standards apply to their projects. As a result, displaced residents will be unlikely to be able to find affordable replacement housing within the Plan area. The Modified Project will result in the increased displacement of both people and housing units in an area which is experiencing right now an affordable housing crisis. The increased displacement of people and increased displacement of housing units in the Plan area resulting from the Modified Project are **significant impacts of the Modified Project which the FEIR fails to identify, analyze, or mitigate.** Correction and recirculation of the EIR is therefore required.

Existing regulatory provisions are not sufficient to mitigate the impact of the Modified Project's displacement effects. LAMC Section 151.09 only provides:

G. (Amended by Ord. No. 181,744, Eff. 7/15/11.) Except for relocation fees owed pursuant to the provisions of Subsection E. of Section 151.30 of this Code, if the termination of tenancy is based on the grounds set forth in Subdivisions 8., 10., 11., 12., or 13. of Subsection A. of this Section, then the landlord shall pay a relocation fee of: \$15,500 to **qualified tenants** and a \$7,300 fee to all other tenants who have lived in their rental unit for fewer than

⁷⁴ See also page 6 HR&A memorandum available at: https://clkrep.lacity.org/online/docs/2021/21-0934_misc_4_8-20-21.pdf

three years, or \$18,300 to **qualified tenants** and a \$9,650 fee to all other tenants who have lived in their rental unit for three years or longer, or \$18,300 to **qualified tenants** and \$9,650 to all other tenants whose household income is 80 percent or below Area Median Income (AMI), as adjusted for household size, as defined by the U.S. Department of Housing and Urban Development, regardless of length of tenancy. If more than one fee applies to a rental unit, the landlord shall pay the highest of the applicable fees. Tenants who claim eligibility based on their income shall file a statement with the Department verifying their income on a form prescribed by the Department. Requests for a hearing to appeal a decision regarding a tenant's relocation assistance eligibility, including disputes about eligibility for higher relocation assistance based on a tenant's income, age, length of tenancy, family status and/or disability status, must be filed in writing on the form prescribed by the Department and received by the Department within fifteen calendar days of the date of the Department's notification of its decision regarding tenant relocation assistance.

A qualified tenant is defined in LAMC Section 151.02 Definitions as:

Qualified Tenant. Any tenant who satisfies any of the following criteria on the date of service of the written notice of termination described in California Civil Code Section 1946: has attained age 62; is handicapped as defined in Section 50072 of the California Health and Safe Code is disabled as defined in Title 42 United States Code § 423; or is a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children. **(Amended by Ord. No. 162,743, Eff. 9/24/87.)**

Section 163.05 LAMC adopted via Ordinance No. 184,336 further specifies:

SEC. 163.05. AMOUNT OF RELOCATION BENEFITS.

(Amended by Ord. No. 184,336, Eff. 7/19/16.)

The relocation payment shall be made available by the landlord to the tenant in each residential unit and **shall be in the amounts set forth in Section 151.09 G. of this Code, or in an amount equal to the sum of two months of the established fair market rent for the Los Angeles/Long Beach area as determined by the Department of Housing and Urban Development pursuant to Section 1437(f) of Title 42 of the United States Code, whichever amount is greater.**

Beginning on July 1, 2005, the relocation amount for qualified and all other tenants shall be adjusted on an annual basis pursuant to the formula set forth in Section 151.06 D. The adjusted amount shall be rounded to the nearest fifty-dollar increment. If the relocation payment is based on the established fair market rent for the Los Angeles/Long Beach area as determined by the Department of Housing and Urban Development pursuant to Section 1437(f) of Title 42 of the United States Code, then the relocation payment shall also include an amount, as determined by the Enforcement Agency, sufficient for utility service deposits. The relocation benefits shall be paid by the landlord in addition to the return, as required by law, of any security deposits held by the landlord. The relocation benefits shall be made on a per residential unit basis.

“Fair Market Rent is determined each fiscal year by the HUD and is used to set payment standards for federal housing assistance programs in Los Angeles-Long Beach-Glendale. **Fair Market Rent is the 40th-percentile of typical rentals** in a given region.”⁷⁵ Fair Market Rent includes utilities (except telephone).⁷⁶ Fair Market Rent for a two-bedroom apartment in Los Angeles-Long Beach-Glendale area is currently \$2,058 per month. Currently the median rent for a two-bedroom apartment in the Los Angeles area is \$2,238 per month.⁷⁷

Given the affordability crisis in the Los Angeles area, few apartments are available in the price range of the 40th-percentile of a typical rental in the region. Displaced tenants will thus likely need to pay more than the Fair Market Rent for a new apartment if they are even able to find an affordable unit. The indexed rental assistance provided in LAMC Section 163.05 provides for less than two month’s rent on an apartment with an average rent and does not provide monies to cover the cost of moving. LAMC Section 151.09 does somewhat better, but the differences in the amounts provided by the two LAMC sections will converge on the lower amount over time. Existing relocation benefits are insufficient to adequately mitigated the long-term significant impacts of Project-induced displacement.

In summary, the EIR’s analysis of project-induced displacement is inadequate. There is an acknowledged affordable housing crisis in the City of Los Angeles and the State of California making it difficult for displaced residents to find replacement housing. According to data on the City’s housing production during the current Housing Element period, only 10 percent of housing produced in the City from 2014-2020 was affordable; 90 percent was above-moderate income or luxury housing. However, this does not account for existing housing which is demolished in order to produce the new housing.

⁷⁵ <https://www.rentdata.org/los-angeles-long-beach-glendale-ca-hud-metro-fmr-area/2021>

⁷⁶ <https://www.rentdata.org/articles/what-is-fair-market-rent>

⁷⁷ <https://www.rentdata.org/los-angeles-long-beach-glendale-ca-hud-metro-fmr-area/2021>

The net number of affordable units generated in the Plan area, after accounting for Ellis Act evictions, from 2016-2020 was minimal.

The City's Housing Element admits that the City has not yet developed a methodology to evaluate neighborhood-level displacement risk. However, initial research by the LAHD and by the Urban Displacement Project suggests that certain neighborhoods in the central part of the city, including East Hollywood experience some of the greatest displacement pressures. In fact, that is what the Ellis Act eviction data for the Plan area shows. It shows that, conservatively, 2,463 persons were displaced to make room for replacement housing construction or other developments in the Plan area from 2016-2020.

The TOC Guidelines, adopted in September of 2017, and the State density bonus law both provide bonuses based on total affordable housing, rather than **net** affordable housing production. This has resulted in both the large of displacement of RSO tenants in the Plan area and the near net-zero construction of affordable housing.

The Modified Project's approach to affordable housing production is to provide up-zoning which increases development pressures coupled with augmented density bonus programs in the Plan area. At the same time, the Modified Project includes the essential abolition of the HRP, and its affordable housing production requirements. This will lead to even greater and accelerated displacement of people and housing units.

The City's consultant has documented that because developers find the Density Bonus replacement standards more feasible in terms of development economics, this has caused an unusual scenario where some owners vacate or demolish buildings, often leaving buildings in disrepair and wait for the five-year Ellis Act period to lapse so that only the Density Bonus replacement standards apply. This means that there is not timely replacement of the affordable housing demolished to make way for new housing projects or other developments in the Plan area, thus displaced residents will likely need to seek replacement housing elsewhere.

Existing policies are not adequate to compensate displaced tenants, the supply of available affordable housing is inadequate to serve existing housing needs, and the track record of housing construction in the City demonstrates consistent under achievement of affordable housing construction goals even without accounting for housing units demolished to make way for new development. The proposed and Modified projects will thus result in significant unmitigated project and cumulative impacts in the form of displacement of people and affordable housing units, which have not been identified the FEIR. The analysis in the FEIR is inadequate. Correction and recirculation of the EIR is required to address impacts which were not identified in the FEIR.

Given the significant an unmitigated displacement impacts that will result from the Modified Project, we therefore propose the following new mitigation measure to address these impacts and to increase the City's production of affordable replacement housing:

New Mitigation Measure HD1 – Concurrent with any approval of the HCP, the City shall adopt an inclusionary housing ordinance which shall apply to the entire Plan area which shall mandate that housing developments provide for at least 15% affordable units. The inclusionary zoning Ordinance shall replace the density bonus strategies included in the CPIO.

K. CPIO’S ADMINISTRATIVE PROCESS FOR DELISTING HISTORIC RESOURCES IS CONTRARY TO FEDERAL AND STATE LAW, CEQA AND DUE PROCESS REQUIREMENTS AND WILL RESULT IN IMPACTS TO HISTORIC RESOURCES

Under CPIO Section 1-6 C. 7 the Planning Director is granted the sole power to determine that an Eligible Historic Resource is not an historic resource. Section 1-4 defines an Eligible Historic Resource as including Historic Resources identified as eligible for listing on the National Register of Historic Places or on the California Register of Historic Resources, as well as those identified by the City. The CPIO would therefore give the Planning Director the power to override State and Federal determinations without any consultation with either the State Historic Preservation Officer or the National Parks Service. The CPIO provides for no public notice of the Planning Director’s Determination that an Eligible Historic Resource is not historic. Additionally, CPIO Section 1-6 C.7(c) makes the Planning Director’s determination and the subsequent approval of a project that would impact a previously listed historic resource, a “ministerial approval for purposes of CEQA, including CEQA Guidelines Section 15268.” Finally, CPIO Section 1-6 C.7(d) makes the Planning Director’s delisting and subsequent project approvals non-appealable.

The City and Planning Director can’t just declare a discretionary project ministerial. The City and Planning Director can’t just override the requirements of CEQA and CEQA Guidelines Section 15064.5 definitions of an historical resource. The Planning Director can’t just override the determinations of the State Office of Historic Preservation and National Park Service regarding whether an historic resource is an historic resource. The Planning Director can’t just take these actions unilaterally without public notice or the right of appeal. As written, the CPIO will threaten the City’s continued status as a Certified Local Government as it demonstrates that the City is unwilling to abide by and enforce applicable state and federal legislation for the proposed of historic properties.⁷⁸

As written, CPIO Section 1-6 C.7 clearly will result in significant historical resource impacts and is contrary to both law and public policy. The following mitigation measure is required to correct these issues:

⁷⁸ <https://ohp.parks.ca.gov/pages/1072/files/clgrequirements.pdf>

New Mitigation Measure H1 - Prior to adoption, the CPIO shall be amended as follows under Section 1-6 C subsections 6 and 7. Review Procedures (changes in redline strikeout):

6. **Review Procedures for Projects Involving Designated Historic Resources.** Projects involving properties designated as historic resources at the local, state or national level shall be reviewed by the Office of Historic Resources (OHR) for compliance with the Secretary of the Interior’s Standards where applicable; the Cultural Heritage Ordinance; LAMC Section 91.106.4.5. Permits for Historical and Cultural Buildings; or other applicable ordinance(s). “Projects” shall include any activity that would occasion historic review, a building, grading, alteration, or other permit, a zoning entitlement, environmental review unless the activity consist solely of interior tenant improvements or repairs that do not affect interior character-defining features as determined by a formal Office of Historic Resources review e.g. any project that will have an effect on historic resources.

7. **Eligible Historic Resource Evaluation.** Prior to any other CPIO Approval being issued, a Project that involves an Eligible Historic Resource shall comply with the following and with the Secretary of the Interior’s Standards:
 - (a) **Non-Demolitions (Alterations and Infill).** For any Project that does not involve the demolition of an Eligible Historic Resource, no CPIO Approval shall be issued until one of the following occurs:
 - (i) Not an Historical Resource: The Director, in consultation with the Office of Historic Resources, determines, based upon an ~~Phase 1~~ Historic Resource Assessment by a preparer meeting the qualifications of the Secretary of the Interior and retained by the City, and substantial evidence, determines that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1. In the event that the resource is included in the CRA 1988 list only, and for addresses covered by ZI 145-5223, concurrence is required from the Cultural Heritage Commission. In the event that the resource has been determined eligible for or listed on the California Register of Historical Resources, concurrence from the State Historic Preservation Officer (SHPO) shall be required with the Director determination following a formal State delisting process. In the event the resource has been determined eligible for or listed on the National Register, concurrence with the Director determination shall be required from the National Park Service (NPS) following the NPS formal delisting process;

(ii) Alternation or Addition Project- Individual Historic Resource: The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence including identification of character-defining features and detailed construction documents and specifications, using procedures commensurate with Cultural Heritage Monument alteration review, that the Project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, or Reconstructing Historic Buildings (Secretary's Standards) or,

(iii) Alternation or Addition Project in Historic District: The Director finds, in consultation with the Office of Historic Resources, after review consistent with procedures commensurate with those established for Historic Preservation Overlay Zones, including the Certificate of Appropriateness for Conforming Work on a Contributing Structure or Conforming Work on a Non-Contributing Structure or individual Cultural Heritage Monument review, that based on substantial evidence the alteration project within the identified historic district boundaries complies with the Secretary of the Interior Standards and Preservation Brief #14 or,

(iv) Infill Project in Historic District: The Director finds, in consultation with the Office of Historic Resources based on an analysis which uses the Certificate of Appropriateness procedures as implemented in Los Angeles Historic Preservation Overlay Zones for review of proposed infill projects, based on substantial evidence that the infill project meets compatibility standards.

~~(iv)~~ Environmental review in compliance with CEQA was completed for the Project, including if necessary, the adoption of a statement of overriding considerations.

(b) **Demolitions.** For any Project that involves the demolition of an Eligible Historic Resource, no CPIO Approval shall be issued until ~~one~~ of the following occurs:

(i) The Director, in consultation with the Office of Historic Resources, determines, based upon an ~~Phase 1~~ Historic Resource Assessment conducted in accordance with procedures stated in the Hollywood Redevelopment Plan as transferred to the City of Los Angeles. and substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1; In the event that the resource has been determined eligible for or listed on the California Register of Historical Resources, concurrence with the determination from the State Historic Preservation Officer (SHPO) shall be required

following a formal delisting application and process. In the event the resource has been determined eligible for or listed on the National Register, concurrence with the determination from the National Park Service shall be required following a formal delisting process;

(ii) Demolition review shall be conducted by the Cultural Heritage Commission in accordance with procedures stated in Ordinance 185472 and LAAC Section 22.171.15 for any demolition involving an Eligible Resource for which an objection is filed. The filing of an objection shall suspend the issuance of any permit for the demolition, substantial alteration or relocation of the Eligible Resource (Stay) for a period of not less than 30 days nor more than 180 days, during which time the Commission shall take all steps within the scope of its powers and duties as it determines are necessary for the preservation of the Eligible Resource to be demolished, altered or relocated.

At the end of the first 30 days of the Stay, the Department shall report any progress regarding preservation of the Eligible Resource to the Commission, which may, upon review of the progress report, withdraw and cancel its objection to the proposed demolition, substantial alteration or relocation. If the Commission determines, upon the basis of the progress report to withdraw and cancel its objection, it shall promptly notify the appropriate department or board concerned of its action. Upon receipt of notification of withdrawal of the objection, the permit may be issued and the Eligible Resource may be demolished, altered or relocated. If the Commission does not withdraw and cancel its objection, the Stay shall remain in effect.

If the Commission, or the Department acting on the Commission's behalf, finds at the end of the first 100 days of the Stay that the preservation of the Eligible Resource cannot be fully accomplished with the 180-day Stay period, and the Commission determines that preservation can be satisfactorily completed within an additional period not to exceed an additional 180-day Stay, the Commission may recommend to the

City Council that the Stay be extended to accomplish the preservation. No request for an extension shall be made after the expiration of the original 180-day Stay.

The Commission's recommendation for an extension of the Stay shall set forth the reasons for the extension and the progress to date of the steps taken to preserve the Eligible Resource. If it appears that preservation may be completed within the time extension requested, the City Council may approve the request for extension of the Stay

not to exceed an additional 180 days for the purpose of completing preservation of the Eligible Resource.

No request for an extension of the Stay shall be granted where the City Council determines, after consulting with the appropriate department or board that granting an extension is not in the best interest of the public health, safety or general welfare.

(iii) Environmental review in compliance with CEQA was completed on the Project, including analysis of alternatives to demolition, and, if necessary, the adoption of a statement of overriding considerations.

- (c) **CEQA Review for Eligible Historic Resources.** In complying with this Subsection 7, if at any time the Director, in consultation with the Office of Historic Resources, the Cultural Heritage Commission, the State Office of Historic Preservation, or the National Parks Service, as directed above, determines the Eligible Historic Resource is not a historical resource as defined by Public Resources Code Section 21084.1, following the required public notice and expiration of a properly noticed appeal period, approval of the Project through an Administrative Clearance (for projects involving no other discretionary approvals) shall be a ministerial approval for purposes of CEQA, including CEQA Guidelines, Section 15268. If the Director, in consultation with the Office of Historical Resources, determines the Eligible Historic Resource is a historical resource as defined by Public Resource Code Section 21084.1, approval of the Project through an Administrative Clearance shall be a discretionary approval for purposes of CEQA Guidelines, Section 15060(c)(1). In reviewing and approving a Project with a historical resource, the Director and Office of Historic Resources shall take such steps within the scope of their powers and duties as they determine are necessary for the preservation of the historical resource, including but not limited to, consulting with the applicant to provide voluntary options for preservation or initiating a formal designation process.
- (d) **Appeals.** The determination that a historic resource is no longer an Eligible Historic resource is a discretionary determination. Notice must be provided to the public and concerned groups and agencies so that all available information is received by decision-makers and evaluated by professionals meeting the Secretary of the Interior's Qualifications. The determination shall be subject to appeal to the Cultural Resources Commission, Planning Commission and City Council. No other determination of the Director in this Subsection 7 is independently appealable unless an appeal of an entitlement or CEQA action is otherwise available through this CPIO District, the LAMC, or CEQA.

(e) **Development Standards** When there is a conflict hereafter between “Development Standards” in the Hollywood Community Plan including CPIO and the Secretary of the Interior Standards, the Secretary of the Interior Standards and Preservation Brief #14 as evaluated by a qualified professional shall prevail as the review standard for any permit or entitlement review. To the extent that these Development Standards do not conflict with the Secretary of the Interior Standards, the goals stated and Development Standards provided may be employed.

L. THE CITY HAS FAILED TO INCLUDE FEASIBLE MITIGATION MEASURES IN THE EIR WHICH WOULD REDUCE SIGNIFICANT IMPACTS

As detailed earlier in this letter, the FEIR identified 18 significant unmitigated impacts of the proposed Project and 6 categories of impacts that were significant, prior to mitigation. As detailed Chapter 2.0 of the DEIR⁷⁹ and the Mitigation Monitoring Program for the proposed Project contained in Chapter 5.0 of the FEIR, despite the sheer magnitude of the Project’s impacts, the FEIR contains only 22 Mitigation Measures, and has thus failed to adequately mitigate air quality, biological resource, historical resource, vibration, noise, parks and recreation, and transportation impacts. In fact, the City has not even tried to identify mitigation measures to address the Project’s significant cumulative net increase in air pollutants impacts, historical resources impacts, or degradation of existing parks and recreation facilities impacts, simply stating that “no feasible mitigation measures have been identified.”⁸⁰ The City’s failure to identify any mitigation measures to address the significant (and unmitigated) impacts of the proposed Project on historic resources, is particularly striking, given that one of the four primary objectives of the proposed Project is to: “Protect historical and cultural resources.”⁸¹

However, CEQA requires that an EIR include **all feasible mitigation measures** to address project impacts. Public Resources Code (PRC) Section 21002 reads in part:

§ 21002. APPROVAL OF PROJECTS; FEASIBLE ALTERNATIVE OR MITIGATION MEASURES

The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed

⁷⁹ https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/2.0%20Summary.pdf

⁸⁰ See DEIR Table 2-2: Summary of Project Impacts and Mitigation Measures.

⁸¹ See Chapter 3.0 – Project Description of the DEIR at pages 3-13 to 3-14.

projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.

CEQA Guidelines Section 15126.4 reads, in part:

15126.4 CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS.

(a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. **This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.** (Emphasis added).

L.1 Improper Elimination of Mitigation Measures Required by the Hollywood Redevelopment Plan EIR

The EIRs prepared for, and text of the prior 1988 Community Plan and 2003 Hollywood Redevelopment Plan contained a number of measures aimed at reducing the impacts of development in the Hollywood area and preserving the area's unique architectural, historical and cultural characteristics. However, as part of the EIR for the proposed Project, the City has chosen to delete these measures and to no longer require them for developments in the Project area or Redevelopment area.

The Hollywood Redevelopment Plan⁸² (Redevelopment Plan or HRP) was adopted by the former Redevelopment Agency, and pursuant to a City oversight ordinance, enacted by City Council into law via Ordinance No. 175236 in May of 2003. and became effective July 12, 2003.⁸³ The Redevelopment Plan does not expire until

⁸² Available at: <https://planning.lacity.org/plans-policies/overlays/hollywood>

⁸³ See: <https://planning.lacity.org/odocument/a73c7fe3-f197-47e4-8276-8a0126cd533c/HollywoodRedevelopmentPlan.pdf>

May of 2028,⁸⁴ however, the City has opted, as part of the proposed HCPU Project and the EIR, to discontinue requiring mitigation and other measures required as part of the Redevelopment Plan's adoption under the Community Redevelopment Law.

Appendix M to the DEIR for the proposed Project explains the City's reasoning for deleting each of these measures. As detailed in **Attachment B** to this letter, which is a reproduction of the HRP portion of DEIR Appendix M, along with a critique of the conclusions of the Appendix M analysis, the City's conclusions and reasons for rejecting a number of these mitigation measures is not supported by substantial evidence and merely represents the City's decision to delete these mitigations "as a matter of policy," rather than because they would be infeasible to implement by the City Planning Department.⁸⁵ A number of the measures enumerated in DEIR Appendix M remain feasible and would reduce either significant unavoidable impacts or impacts which have been classified as significant but mitigatable as detailed in **Attachment B** to this letter. The City, therefore, has an affirmative duty under CEQA to continue to require these measures and to include them as Mitigation Measures in the EIR for the proposed Project. The City's improper removal of these previously adopted mitigation measures is a fatal flaw of the City's CEQA process and EIR for the proposed Project.

L.2. Failure to Provide Mitigation Measures for Significant Impacts to Historic Resources

As previously noted, CEQA requires the identification of feasible mitigation measures for significant impacts. It is not sufficient to just declare impacts significant an unmitigatable. The following mitigation measures would reduce, but not eliminate significant Project impacts on historic resources.

As written the protections in the HCP and CPIO for historic resources are inadequate. Detailed conditions to protect resources were integrated into the last update of the HCP Zoning Ordinances, Plan Text and accompanying Ordinance with the development of the Hollywood Redevelopment Plan. These included "D" conditions which were designed to mitigated impacts to historic resources. We therefore request the following mitigation measure to address the significant unmitigatable impacts of the proposed Project:

New Mitigation Measure H2 - The City shall retain and enforce the D conditions contained in Ordinance Numbers ORD-165652, ORD-165654, ORD-165655, ORD-165656, ORD-165657, ORD-165658, ORD-165659, ORD-165660, ORD-165661, ORD-165662, ORD-165664, ORD-165668, ORD-165669 which are intended to reduce impacts on historic resources within the Hollywood Community Plan area. These include limitations on height and FAR which shall be retained. Requirements for the preparation of a Hollywood Boulevard Urban

⁸⁴ See: <https://planning.lacity.org/plans-policies/overlays/hollywood>

⁸⁵ See DEIR Appendix M and **Attachment B** to this letter.

Design Plan and Franklin Avenue Design District Plan adopted in December of 2019, and Hollywood Core Transition District Plan shall continue to be required to protect and plan affirmatively for preservation, transportation, and design quality in the Hollywood Boulevard National Register District and the residential California Register Districts. In the application of the CPIO, the allowable heights and FARs allowed in the D conditions shall be adjusted downwards if required to account for potential density bonuses, such that the revised D conditions allow for no greater height or density, after application of density bonuses, than the D conditions specified in the Ordinances.

Appendix L of the FEIR contains an incomplete list of historic resources. Potential developers are often unaware of the historic status of potential development sites and properties in the vicinity. This results in inefficiencies and the potential for impacts to historic resources. The following mitigation measure is necessary to correct the inaccuracies and to reduce the significant unmitigable impacts of the proposed Project:

New Mitigation Measure H3 - The City shall prepare and provide a complete, verified, and peer reviewed list and searchable database with mapping which is publicly accessible of historic resources within the Hollywood Community Plan area on a single website, within six months of adoption of the HCPU. The website shall integrate maps showing the location of all individual resources and districts including the parcels and Bureau of Engineering (BOE or NavigateLA) assigned addresses on which they are located. District boundaries shall be verified with original sources. Resources included in the database and on the website shall include:

- National and California Register individual properties and districts
- Community Redevelopment Agency adopted 2020 Survey resources including Status Codes 1-5
- SurveyLA resources
- City of Los Angeles Historic Cultural Monuments (HCM) and Historic Preservation Overlay Zones (HPOZs)

Pending completion of the database which must be completed within six months of adoption of the HCPU, the City shall: include a ZI in ZIMAS to clearly identify for all parcels in the HCPU that the possibility of historic resources on a site exists, and refer to the specific databases to consult.

Within one year of adoption of the HCPU this information shall also be incorporated into ZIMAS with a specific link to property-specific historic information such as survey data, DPR forms, HCM #, SurveyLA, etc. The City shall ensure that ZIMAS correctly identifies all of the properties on the four lists with addresses consistent with the Los Angeles BOE NavigateLA system.

The Los Angeles City Planning Department and Office of Historic Resources has responsibility for evaluating the treatment of properties within identified historic districts

which have no formal Preservation Plans commensurate with those prepared for Historic Preservation Overlay Zones. Background on the character-defining features of those districts must be available to the public and reviewers to avoid adverse effects on historic districts. Two types of character-defining features must be described: (1) Setting - the urban form characteristics of the districts including street sections, building setbacks, massing and height, and paving and landscaping (public and private); and (2) - the prevalent architectural styles and style features. Without this information there is the potential that historic resources will not be properly identified. The following mitigation is designed to increase the likelihood that historic resources will be properly identified.

New Mitigation Measure H4 - The City of Los Angeles shall hire a historic resources consultant meeting the Secretary of the Interior’s Professional Standards and having specific experience in preparing urban design standards to prepare a historic resources report identifying and detailing the Character Defining Features of the Historic Districts including the Urban Design Characteristics (Setting) and the Character Defining Features of Key Architectural Styles commensurate with HPOZ Preservation Plans. The consultant shall be hired within six months of adoption of the HCP. The report shall be completed and adopted within one year of hiring. The draft report shall be provided to the Los Angeles Conservancy for review and comment prior to adoption of the report. Following completion of the report it shall be made publicly available on the same site as the list of historic resources and be used in evaluating project conformance with the Secretary of the Interior’s Standards.

The HCP and CPIO as written will result in significant unmitigable impacts to historic resources, including historic districts. As written, important parcels are removed from historic district protection, review, and treatment. Historic District boundaries are expertly drawn to include the cohesive grouping of buildings sharing an historic time period and patterning. Within those districts some buildings are termed “non-contributors” when they contribute to the continuity of the whole but may be lacking in individual distinction. As noted on page 5 of National Register Bulletin #1, a historic district includes both contributing and non-contributing resources:⁸⁶

DISTRICT

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

⁸⁶ National Register Bulletin – How to Apply the National Register Criteria for Evaluation available at: https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

CONCENTRATION, LINKAGE, & CONTINUITY OF FEATURES

A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A district can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

SIGNIFICANCE

A district must be significant, as well as being an identifiable entity. It must be important for historical, architectural, archeological, engineering, or cultural values. Therefore, districts that are significant will usually meet the last portion of Criterion C plus Criterion A, Criterion B, other portions of Criterion C, or Criterion D.

TYPES OF FEATURES

A district can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

GEOGRAPHICAL BOUNDARIES

A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.

As currently written, the CPIO definition of historic resources has the potential to result in significant unavoidable impacts to historic districts, in part by treating non-contributors as unimportant. **Mitigation Measure H5** would correct for this:

New Mitigation Measure H5: Prior to adoption of the CPIO shall be amended as follows under Definitions to ensure protection of historic districts:⁸⁷

Project – Any activity that requires a zoning entitlement or the issuance of a building, grading, demolition or change of use permit, unless the activity consists solely of interior tenant improvements, or interior rehabilitation/repair work and does not involve historic character-defining features.

Designated Historic Resource – A building, structure, object landscaping element, or natural feature listed or designated as a historical resource, either individually, or ~~as a contributor to a~~ in plural as an historic district, at the local, state, or national level-, including listing either individually on the National Register of Historic Places or on the California Register of Historic Resources, or in an historic district under a local, state or federal designation program.

Eligible Historic Resource – A building, structure, object, site, landscape, natural feature, or historic district identified as eligible for listing either individually on the National Register of Historic Places or on the California Register of Historic Resources, or individually or as a contributor to in a historic district under a local, state, or federal designation program through Survey LA (the Los Angeles Historic Resources Survey), the January 2020 Historic Resources Survey Report prepared by CRA-LA Designated Local Authority, or any subsequent historic resource survey completed by a person meeting the Secretary of the Interior’s Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the Office of Historic Resources. ~~This term does not include a non-~~

⁸⁷ Currently section 1-4, page 9 of FEIR Appendix E – Updated CPIO

~~contributor to an eligible or designated historic district.~~ In the case of historic districts, the resource is the district and all buildings, structures, objects, sites, landscapes and natural features within the boundaries of the historic district as listed in the California Historic Resources Inventory System (CHRIS).

As written the CPIO purpose is inconsistent with the preservation Goals and Programs in the HCP, and the CPIO would allow unnecessary significant impacts to historic resources. The CPIO boundaries encompass areas with the highest concentrations of historic resources and the highest level of significance in the Community Plan Area, but these same areas have proposed zoning and “implementation” overlays of density bonuses in direct conflict with stated HCP goals. The following mitigation measure would help to ensure that the CPIO is more consistent with the preservation objectives articulated in the HCP

New Mitigation Measure H6 - Prior to adoption the CPIO, Section 1-2 Purpose shall amended as follows:

- H. To establish protections for designated and eligible historic resources and to ensure that such resources are treated in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
- ~~H.I.~~ To establish a professional review process for the rehabilitation of designated and eligible historic resources, and ensure that demolitions of eligible historic resources do not occur without assessment of the eligible resource(s), the project’s treatment of eligible resource(s) and environmental review.
- ~~H.J.~~ To create approval processes, including a ministerial administrative clearance process, which enables infill development in conformance with these regulations that will positively impact communities.

As previously noted, Appendix L of the FEIR contains an incomplete list of historic resources. A number of resources identified by SurveyLA are not included on the list of resources in Appendix L. When then City conducted its extensive SurveyLA effort the intent of both the City and State Office of Historic Preservation (OHP) was that the identified resources would be included in the State Historic Resources Inventory. The SurveyLA’s methodology was approved by the State Office of Historic Preservation (OHP) which helped to fund the surveys. Once SurveyLA was completed using the methodology approved by OHP the identified resources qualified for listing on the State Historic Resources Inventory. The City received a grant from OHP to create HistoricPlacesLA, an electronic Citywide inventory that would facilitate transfer of SurveyLA data to the State’s inventory. “HistoricPlacesLA is the first online information and management system specifically created to inventory, map and help protect the City

of Los Angeles' significant historic resources.”⁸⁸ However, due to resource and technological challenges at City and State have not been fully updated to include the SurveyLA findings. Although HistoricPlacesLA is intended as the Los Angeles Historic Resources Inventory, the City has not formally designated identified resources, or formally identified either SurveyLA or HistoricPlacesLA as the City's local register. In order to ensure the proper treatment of these identified resources, the following mitigation is required:

New Mitigation Measure H7: Any district or individual resource identified in SurveyLA and/or HistoricPlacesLA as eligible at the Federal, State or local level for listing as an historic resource (Status Code 5 or above) shall be deemed a locally listed historic resource (historic property or district). HistoricPlacesLA shall serve as the City's local register of historic resources and shall include all resources identified with a State Code of 5 or higher in SurveyLA.

L.3. Failure to Require Adoption of the Traffic Impact Fee as a Mitigation Measure

Section 4.15 - Transportation & Traffic of the DEIR and Recirculated DEIR both assume a proposed Mobility Network and include a list of Transportation Improvement Projects included as part of the proposed Project (see DEIR and RDEIR Table 4.15-6 – Proposed Plan Transportation Improvement Project List). According to the DEIR “the Project List represents the types of improvements proposed for consideration in the Community Plan.” Both the DEIR and RDEIR indicate that as part of the proposed Project, a Transportation Impact Assessment (TIA) fee is proposed to fund transportation improvements through collecting fees associated with new development within the Plan area. A nexus study is included as Appendix K of the DEIR. However, the Project Description for the proposed and Modified Projects only includes “Amendment to the network maps in the Mobility Plan (MP) 2035.” It does not include the actual improvement projects and the timely adoption of the TIA fee. A mitigation measure is therefore required to ensure timely adoption of the TIA fee, or the analysis in the EIR which assumes the Mobility Network improvements is invalid. The following mitigation measure should thus be added to the Mitigation Monitoring and Reporting Program and required in the FEIR:

New Mitigation Measure T-5 – The TIA fee for the Hollywood Community Plan shall be adopted concurrently with any approval of the HCP and shall take effect immediately upon adoption.

⁸⁸ <http://historicplacesla.org>

L.4. Failure to Apply Mitigation Measures Plan-Wide

The EIR for the proposed Project has limited the application of a number of the mitigation measures to only “projects that are discretionary or in a CPIO District subarea.”⁸⁹ They therefore do not apply to the Project area as a whole. The following mitigation measures include this language to limit their application in this way:

- AQ1
- BR5
- CR1
- CR2
- CR4
- CR5
- CR7
- HM1
- N1
- N2
- N3
- N4

The following mitigation measures are also limited to discretionary projects and include the following limiting provisions:

- BR1 – “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”
- BR2 – “If indicated as appropriate by the biological resources assessment report required in BR1”
- BR3 – “During environmental review for projects that are discretionary or in a CPIO District subarea, in areas potentially containing jurisdictional waters or riparian habitat, including streams, wetlands, riparian habitat, and other water bodies, affected sites as well as off-site areas that may be directly or indirectly affected by the individual development project”
- BR4 – “At the discretion of the regulatory agencies, including DCP, if applicable, discretionary development projects 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”

⁸⁹ See FEIR Chapter 5.0 – Mitigation Monitoring Program.

- BR5 – “For projects that are discretionary or in a CPIO District subarea, prior to construction activities on properties that contain seasonal or perennial streams, year-round or intermittent wetlands, riparian habitat, or the Los Angeles River”
- BR6 – “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”
- CR1 – “For all discretionary projects or projects in a CPIO District Subarea, that involve disturbance of previously undisturbed soils”
- CR4 – “At the time of application for discretionary projects or project in a CPIO District Subarea that involve grading, trenching, or other new ground disturbance in areas with high paleontological resource sensitivity”
- CR7 - “For all discretionary projects or projects in a CPIO District Subarea where excavation could extend below previously disturbed levels”
- HM1- “Discretionary projects or projects in a CPIO Subarea District that involve construction related soil disturbance located on land that is currently or was historically zoned as industrial or, previously had a gas station or dry-cleaning facility on-site”
- N1- “The following Vibration Control Plan shall apply to all projects within the Community Plan Implementation Overlay (CPIO) District Subarea, and discretionary projects outside the CPIO subarea, that would include operational heavy-duty construction (e.g., large bulldozer or excavator equipment within 25 feet of a historical resource”
- N4 – “A Noise Study, prepared by a qualified noise expert and reviewed and approved by DCP to meet the requirements herein, shall be required for all projects within the CPIO subarea and discretionary projects outside the CPIO subarea located within 500 feet of noise-sensitive land uses (e.g., residences, schools, hospitals, and recording studios) and have one or more of the following characteristics: two or more subterranean levels or more than 20,000 cubic yards of more of excavated material; construction duration (excluding architectural coatings) of 18 months or more; use of large, heavy-duty equipment rated 300 horsepower or greater; or the potential for impact pile driving.”

The HCP, CPIO and/or EIR are required by law to include a mechanism to ensure that all mitigation measures are applied to the entire HCP area, so as to ensure maximum effectiveness in achieving impact reductions. This could be achieved by rephrasing the mitigation measures to apply Plan-wide. The HCP, CPIO and or EIR also need to

include a mechanism to ensure that all mitigation measures are applied to both discretionary and ministerial projects, such as requiring that all HCP EIR mitigation measures be included as Standard Conditions of Approval that apply to all development projects, both discretionary and ministerial with the HCP area, or incorporating all HCP mitigation measures into development standards for both ministerial and discretionary approvals within the Project area.⁹⁰

Given the bulk of biological resources are located outside of the CPIO District Subareas, as written, biological resource mitigation measures BR-3 and BR-5 will not sufficiently mitigate biological resource impacts in the hillside portions of the project area, where many projects are not currently classified as discretionary, and the remaining BR mitigation measures apply only to discretionary projects. This is no doubt why biological resource impacts have been classified as significant and unmitigable. However, there are ways to increase the effectiveness of the specified biological mitigation measures, such as requiring they be incorporated into Standard Conditions of Approval for development projects within the HCP area or within the Baseline Hillside Ordinance area (BHO), regardless of whether development projects are ministerial or discretionary. Indeed, the failure to do so establishes that the City has failed to reduce all significant impacts to the greatest extent feasible and within easy reach of the City.

Projects that are likely to result in biological resource impacts are likely to be located within the portion of the HCP that is within the Santa Monica Mountains Zone. The Santa Monica Mountains Zone is a resource of critical concern which has been designated, precisely mapped, and officially adopted pursuant to law by the State of California.⁹¹ The HCP and HCP EIR need to include a mitigation measure specifying that any project located within the Santa Monica Mountains Zone is not eligible for a Categorical Exemption under CEQA and requiring that parcels within the Santa Monica Mountains Zone be so identified in ZIMAS with a notation that either a Negative Declaration, Mitigated Negative Declaration or EIR is required for projects within the Santa Monica Mountains Zone. We suggest the following new mitigation measure:

New Mitigation Measure BR-7 – The City shall update the ZIMAS system to identify all parcels located within the Santa Monica Mountains Zone. ZIMAS shall include a notation indicating that Santa Monica Mountains Zone is a resource of critical concern which has been designated, precisely mapped, and officially adopted pursuant to law by the State of California and that these parcels have the potential to result in biological resource impacts, that a Biological Resource Assessment is required as part of any building or demolition permit application, and indicating

⁹⁰ The City has failed to provide substantial evidence showing that application of mitigations to both discretionary and ministerial project is infeasible.

⁹¹ See: Section 33001 et. seq. of the Public Resources Code (PRC)

that such projects are not eligible for Class 3, 4, 5, 6, and 11 Categorical Exemptions pursuant to CEQA Guidelines Section 15300.2 or Class 32 exemptions by virtue of their location an area with value as habitat for endangered, rare or threatened species; a Negative Declaration, Mitigated Negative Declaration or EIR shall be required for such projects.

The FEIR classifies archeological resource, paleontological resource, and hazardous materials site impacts a less than significant with mitigation. Cultural Resources (CR) Mitigation Measures CR1, CR2, CR4, CR5, and CR7, and Hazardous Materials (HM) Mitigation Measures HM1 only apply to discretionary projects or projects within the CPIO District subareas. Mitigation Measures CR3, CR6 and CR8, the cultural resource mitigations measures that apply to projects outside the CPIO District Subareas, or which are not discretionary, only require that the Department of Building and Safety provide *notice* of best management practices, not the *enforcement* of best management practices. Similarly, Mitigation Measure HM2, is a hazardous materials mitigation measure for projects outside the CPIO District Subareas. This measure merely requires the posting of a sign or acknowledgement of receipt of information regarding best management practices, rather than compliance with best management practices and will not legally avoid impacts. The finding in the EIR that archeological, paleontological, and hazardous materials site impacts would be less than significant with mitigation are therefore not supported by substantial evidence. Either the mitigations must be corrected to apply Project-wide, and to ministerial as well as discretionary projects, or impacts must be reclassified as significant and unmitigable and the EIR recirculated.

M. IMPACTS LISTED AS SIGNIFICANT AND UNAVOIDABLE IN THE DEIR, HAVE BEEN DELETED IN THE FEIR AND REPLACED WITH LESS THAN SIGNIFICANT IMPACT JUDGEMENTS WITHOUT PROVIDING MITIGATION FOR THE IDENTIFIED TRAFFIC IMPACTS

The 2018 DEIR for the proposed Project identified four significant unmitigated traffic impacts of the proposed Project:

- Transportation and Traffic - would exceed the City's threshold relating to operation of the vehicular circulation system – after mitigation measure T1
- Neighborhood Traffic Intrusion – after mitigation measure T2
- Congestions Management Plan – after mitigation measure T3
- Disruption to Traffic During Construction – after mitigation measure T4

On October 31, 2019 the City released a Partially Recirculated DEIR (RDEIR) for the proposed Project. As explained in Chapter 1.0 of the RDEIR:

Since the publication of the Hollywood Community Plan Update Draft EIR in November 2018, the Natural Resources Agency

certified new guidelines for transportation impacts under the California Environmental Quality Act (CEQA). The CEQA guidelines were updated in response to Senate Bill (SB) 743 which directed the Office of Planning and Research (OPR) to establish criteria for determining the significance of transportation impacts by a metric other than level of service (LOS) or similar measures of vehicular capacity or traffic congestion.¹ In response to SB743 and the new CEQA Guidelines Section 15064.3, Determining the Significance of Transportation Impacts, the City of Los Angeles adopted new transportation thresholds for CEQA in July of 2019.²

¹SB 743, 2013-2014 CA State Cong. § 386 (2013)

²City of Los Angeles California Environmental Quality Act (CEQA) Transportation Thresholds, 2019.

As noted on page 4.15-26 of the RDEIR, per “guidance from OPR, ‘a lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide.’”⁹² CEQA Guidelines Section 15064.3(a) specified that except “as provided in subdivision (b)(2) below (regarding roadway capacity), a project’s effect on automobile delay shall not constitute a significant environmental impact.”

The following impact judgements from the DEIR are not based on automobile delay, however, they have been eliminated as significant unmitigated impacts in the FEIR despite the fact that the impact determination was made based on substantial evidence in the DEIR:

- Neighborhood Traffic Intrusion – after mitigation measure T2
- Disruption to Traffic During Construction – after mitigation measure T4

Moreover, the NOP for the proposed Project was issued on April 29, 2016 when LOS analysis was still required. The FEIR should therefore include both VMT and LOS-based impact determinations as well as impact determinations consistent with the guidance in the City’s CEQA Threshold Guide⁹³ in effect at the time the NOP was issued. The FEIR must be corrected to recognize these transportation-related impacts and the Mitigation Monitoring Program must be corrected to include the transportation mitigations specified in the DEIR.

⁹² California Natural Resource Agency. Notice of Public Availability of Modifications to Text of Proposed Regulation and Addendum to the Initial Statement of Reasons and Information Digest: OAL Notice File No. Z-2018-0116-12. California, 2018.

⁹³ L.A. CEQA Thresholds Guide is available at:
<https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/A07.pdf>

N. INADEQUATE RESPONSE TO COMMENTS – COMMENTS IDENTIFY ADDITIONAL SIGNIFICANT IMPACTS WHICH HAVE NOT BEEN ADEQUATELY ADDRESSED OR IDENTIFIED IN THE EIR

The City’s responses to comments are inadequate and fail to address the very real deficiencies in the EIR analysis. All of the comment letters are incorporated herein by reference.

O. THE EIR MUST BE CORRECTED AND RECIRCULATED

Pursuant to CEQA Guideline Section 15088.5(a) the EIR for the proposed and Modified Project must be corrected and recirculated. We have demonstrated in this letter, that the EIR process and analysis is fundamentally flawed. We have demonstrated that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043).

The EIR must be revised and recirculated. The Planning Commission recommendation must be set aside pending revision and recirculation of the DEIR, completion of a new FEIR and consideration of the revised FEIR by the Planning Commission. No action by PLUM should be taken until the Planning Commission has reviewed and considered the revised FEIR.

Thank you for your prompt attention to this urgent matter. Sincerely,



Frances Offenhauser

Attachments:

- A. Ellis Act Evictions 2016-2020
- B. DEIR Appendix M – Inventory of Mitigation Measures with Comments

ATTACHMENT A
ELLIS ACT EVICTIONS 2016-2020

Hollywood Community Plan Area

Source: CES Anti-Eviction Mapping Project

1708 Alexandria	2	810 Croft	2	1310 Gordon	2	1650 Kenmore	8	747 Lillian Way	2	955 Ridgewood	2	2018 Sycamore	2	1150 Wilton	2
844 Alta Vista	2	823 Croft	3	1314 Gordon	2	729 Kilkea	2	819 Mansfield	2	4901 Romaine	2	1311 Talmidge	2	1750 Wilton	2
849 Alta Vista	2	928 Croft	2	1416 Gordon	2	801 Kilkea	2	4936 Marathon	2	5068 Romaine	3	1651 Talmidge	3	1845 Wilton	2
1344 Alta Vista	4	839 Croft	2	1440 Gordon	2	803 Kingsley	2	936 Mariposa	2	5542 Romaine	2	1130 Tamarind	2	3335 Wood	2
1359 Alta Vista	5	943 Croft	2	1442 Gordon	3	809 Kingsley	2	836 Martel	2	6021 Romaine	2	1147 Tamarind	2		
719 Ardmore	3	845 Croft	6	1444 Gordon	3	1038 Kingsley	1	829 Martel	2	6115 Romaine	2	1301 Tamarind	4		
2047 Argyle	2	847 Croft	4	1446 Gordon	2	1156 Kinglsey	2	808 McCadden	2	4511 Russell	2	1306 Tamarind	2		
2820 Avenel	3	1017 Croft	5	1232 Gower	2	1211 Kinglsey	4	812 McCadden	2	963 St Andrews	3	1310 Tamarind	3		
5925 Barton	3	802 Curson	2	1254 Gower	8	4534 Kingswell	4	813 McCadden	2	1655 St Andrews	4	1425 Tamarind	4		
1321 Bates	2	818 Curson	2	1255 Gower	2	1504 LaBaig	4	836 McCadden	3	2814 St George	4	1432 Tamarind	2		
1124 Beachwood	3	6263 DeLongpre	9	1763 Gower	2	812 La Jolla	2	853 McCadden	2	5759 Santa Monica	12	1436 Tamarind	3		
1130 Beachwood	2	800 Detroit	2	733 Gramercy	2	815 La Jolla	3	4452 Melbourne	1	6732 Selma	2	1439 Tamarind	3		
1154 Beachwood	2	807 Detroit	4	732 Harper	2	824 La Jolla	2	3905 Melrose	3	6736 Selma	2	1442 Tamarind	2		
1222 Beachwood	3	828 Detroit	4	844 Harper	2	838 La Jolla	2	4401 Melrose	2	1035 Serrano	2	1443 Tamarind	3		
1239 Beachwood	2	853 Detroit	2	845 Harper	1	849 La Jolla	2	1020 New Hampshire	4	828 Sierra Bonita	2	1446 Tamarind	2		
1243 Beachwood	4	1631 Edgemont	2	807 Harward	3	5422 La Mirada	2	4132 Normal	2	833 Sierra Bonita	2	3806 Udell	2		
1255 Beachwood	4	1635 Edgemont	2	811 Harward	2	5426 La Mirada	2	4136 Normal	2	806 Stanley	2	1120 Van Ness	4		
1119 Berendo	2	1639 Edgemont	4	837 Harward	2	5530 La Mirada	2	731 Normandie	3	838 Stanley	2	5825 Virginia	3		
1139 Bronson	2	753 El Centro	5	7050 Hawthorne	18	5531 La Mirada	5	956 Normandie	3	842 Stanley	2	5832 Virginia	2		
4323 Burns	1	800 El Centro	4	827 Hayworth	4	5432 La Mirada	3	972 Normandie	3	854 Stanley	2	5533 Virginia	3		
731 Cahuenga	3	6143 Eleanor	3	848 Hayworth	6	5621 La Mirada	2	816 Orange	2	813 Spaulding	2	1221 Virgil	2		
5002 Cahuenga	2	5645 Fernwood	12	857 Hayworth	4	5727 La Mirada	4	829 Orange	2	829 Spaulding	2	820 Vista	2		
5801 Camerford	4	1332 Formosa	5	1900 Hillcrest	6	5737 La Mirada	3	838 Orange	2	839 Spaulding	2	849 Vista	2		
5805 Camerford	2	1342 Formosa	4	1932 Hillhurst	2	5820 La Mirada	5	1140 Orange	2	843 Spaulding	2	859 Vista	2		
5809 Camerford	2	3925 Fountain	2	816 Hobart	2	5826 La Mirada	3	1150 Orange	2	849 Spaulding	3	8119 Waring	2		
5717 Carlton	2	5917 Fountain	6	941 Hobart	2	839 Las Palmas	2	832 Orange Grove	2	4000 Sunset	2	1143 Westmoreland	2		
817 Citrus	2	6133 Fountain	2	949 Hobart	2	849 Las Palmas	3	812 Ogden	2	5314 Sunset	17	1719 Whitley	40		
1239 Citrus	3	6575 Fountain	5	1341 Hobart	10	1749 Las Palmas	16	813 Ogden	2	6011 Sunset	11	709 Wilcox	2		
4343 Clarissa	2	4206 Franklin	2	2115 Holly	2	5350 Lemon Grove	3	829 Ogden	2	6671 Sunset	80	718 Wilcox	3		
717 Cole	2	4212 Franklin	2	4918 Hollywood	6	4647 Lexington	2	832 Ogden	2	7424 Sunset	2	724 Wilcox	2		
720 Cole	3	4400 Franklin	2	7922 Hollywood	2	4723 Lexington	2	842 Ogden	2	714 Sweetzer	14	723 Wilcox	2		
723 Cole	2	7025 Franklin	33	951 Hoover	2	5218 Lexington	2	848 Ogden	2	728 Sweetzer	6	729 Wilcox	3		
729 Cole	2	7912 Franklin	2	720 Hudson	3	5346 Lexington	2	943 Oxford	5	734 Sweetzer	4	843 Wilcox	3		
2139 Commonwealth	2	823 Fuller	4	1749 Hudson	2	5612 Lexington	3	947 Oxford	2	738 Sweetzer	4	900 Wilcox	3		
713 Croft	4	1426 Fuller	2	1002 Hudson	3	5731 Lexington	2	836 Poinsettia	3	742 Sweetzer	6	905 Wilcox	4		
721 Croft	2	1746 Garfield	2	2029 Ivar	2	5750 Lexington	4	1408 Poinsettia	2	748 Sweetzer	6	906 Wilcox	3		
724 Croft	4	806 Genesee	3	815 June	4	5817 Lexington	2	3122 Rowena	10	816 Sycamore	2	911 Wilcox	3		
728 Croft	4	816 Genesee	2	1111 Kenmore	2	5819 Lexington	2	327 Rowena	4	817 Sycamore	2	1025 Wilcox	10		
734 Croft	4	852 Genesee	2	1174 Kenmore	2	7024 Lexington	2	746 Ridgewood	2	1146 Sycamore	2	5846 Willoughby	6		
740 Croft	5	1151 Gordon	2	1519 Kenmore	3	711 Lillian Way	8	834 Ridgewood	2	1216 Sycamore	2	6871 Willoughby	4		
725 Croft	4	1238 Gordon	2	1642 Kenmore	2	717 Lillian Way	6	837 Ridgewood	2	1338 Sycamore	2	8430 Willoughby	4		
						743 Lillian Way	2	905 Ridgewood	2	1342 Sycamore	2	967 Wilton	2		

1057

ATTACHMENT B

**DEIR APPENDIX M – INVENTORY OF MITIGATION MEASURES
WITH COMMENTS**

APPENDIX M

Inventory of Mitigation Measures

Land Use and Historic
Resources Sections - With
Comments In Blue Showing
Measures Are Actually Feasible
And The City's Rejection Of
These Mitigation Measures Is
Not Supported By Substantial
Evidence

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
<p>Land Use</p>	<p>Permits the adoption of design guidelines and development standards covering types of uses, building heights, land coverage, landscaping, size and density. These standards would also include design criteria addressing appropriate architectural styles. The purpose of these designs for development would be to minimize the physical and visual incompatibilities of adjacent land uses as well as physical impacts such as parking, traffic circulation and safety (same as 1986)</p>	<p>Infeasible. The Proposed Plan's CPIO District has standards that address transitional height, and Q Conditions and D Limitations that include density restrictions and height limitations. As a matter of policy the City finds further design standards than those proposed with the Proposed Plan and those already existing, such as the existing Citywide Design Guidelines, are unnecessary and undesirable, and would not result in an efficient use of City resources or desirable land use outcomes.</p> <p>Comment: The Reason for Deleting the Mitigation measures is contradicted by evidence in record which shows that the cited measures provided in the Reason for Deleting the Mitigation Measure are not adequate to minimize the physical and visual incompatibilities of development on adjacent land uses as well as physical impacts such as parking, traffic circulation and safety.</p> <ol style="list-style-type: none"> The CPIO itself and State mandated Density Bonus (DB) laws override “Q” and “D” conditions. As a result, existing “Q” conditions and "D" limitations are inadequate mitigation measures. The revised CPIO, dated August 2021, <u>replaces</u> the citywide Transit Oriented Communities [TOC] Guidelines which are set to expire. As stated in the CPIO: 	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, see section 4.1 in the DEIR for aesthetic impacts, section 4.15 for transportation impacts, and section 4.8 for hazard impacts.</p> <p>Comment: Rejection of the Redevelopment Mitigation Measure is not supported by substantial evidence in the record for the following reasons and will result in land use compatibility and historic resource impacts:</p> <p>The Draft Updated CPIO District Ordinance (FEIR, Appendix E) includes standards for density restrictions and height limitations but does not include criteria addressing architectural style. Architectural style is a key contextual feature and styles are clearly identified in Cultural Historic Landmarks designations and Historic Presentation Overlay Zones in Hollywood Community Plan area. Rejection of the Redevelopment Mitigation Measure is not supported by substantial evidence as follows:</p> <p>“Q” and “D” conditions are not adequate mitigation measures: The Proposed</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
		<p>“Section 1-2 PURPOSES The purposes of the Hollywood CPIO District are as follows: C. To establish a local incentive system that tailors and replaces the existing Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines). (Chapter 1, Function of the CPIO District, Page 4). The TOC program will result in density beyond that permitted under the existing “Q” and “D” conditions.</p> <p>3. While the CPIO over-rides the TOC, it also establishes its own over-rides to adopted “Q” and “D” limitations, including but not limited to height, density, parking, land coverage. The CPIO includes adjustments and exceptions to the “Q” and “D” limitations. In addition, there is a Chart in the CPIO for density bonus. (See Bonus incentives p 30 – Regional Center).</p> <p>4. Although State Density Bonus statutes can’t be over-riden by local planning and zoning law, the CPIO sets an unenforceable limitation on Density Bonus as follows:</p> <p>“Section 1-2 FUNCTIONS OF THE CPIO DISTRICT</p> <p>8. Other Density or Development Bonus Provisions. A CPIO Affordable Housing Project shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus</p>	<p>CPIO itself over-rides them, and state Density Bonus law over-rides them.</p> <p>Items such as building materials used to “highlight architectural features,” are architectural techniques but not architectural styles (See Page 84-85, Chapter V, Character Residential Subarea, Draft Updated CPIO, Appendix E, FEIR). So whereas the RDP addressed appropriate architectural styles, the CPIO does not address architectural styles or provide for compatibility of styles with Historic Resources.</p> <p>Policies within the Proposed Community Plan itself, call for additional studies — contradicting the Staff finding that further design standards are “unnecessary and undesirable and would not result in an efficient use of City resources or desirable land use outcomes.” The Proposed Plan policies call for further “study of R1 Variation Zones, Community Design Overlays (CDO’s) or a Community Plan Implementation Overlay for neighborhoods that retain a cohesive character but are not eligible to become Historic Preservation</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
		<p>law) or any other State or local program that provides development bonuses. This includes any other entitlement granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, or Height District Change.” (Chapter 1, Function of the CPIO District, Page 12.</p> <p>5. In addition, parking, land coverage, on-site open space and other local standards are routinely set aside to provide development flexibility.</p> <p>6. Density/Height limitations established by “Q” and “D” conditions are only applicable to a site <u>after consideration of the impacts of any DB and not before.</u> Density/Height should therefore be set in anticipation of density bonuses and the existing “Q” and “D” conditions adjusted downwards to address the potential for DB under state law and the City’s TOC provisions. Since this has not been done the “Q” and “D” conditions are inadequate protection and do not serve to minimize the physical and visual incompatibilities of adjacent land uses as well as physical impacts such as parking, traffic circulation and safety</p> <p>7. Finally, the Proposed CPIO does not include design criteria addressing appropriate architectural styles. The Hollywood Redevelopment Plan contained a number of measures aimed at reducing the impacts of development,</p>	<p>Overlay Zones” (Policy P1.6, p. 5-14).</p> <p>The Redevelopment Mitigation Measure remains feasible because evidence in the record demonstrates the City’s goals and policies regarding on-going efforts to develop standards.</p> <p>The city is choosing not to mitigate and this decision contradicts the City’s own policies.</p> <p>Historic Resource Impacts were found to be significant and unmitigable in the FEIR, therefore retention of prior Mitigation Measures that reduce impacts are important. The Mitigation Measure remains feasible.</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
		<p>including design standards that address architectural style.</p> <p>The Redevelopment Plan mitigation measure needs to be retained. The reasons for rejection are not supported by the record. The CPIO and proposed HCP fail to minimize the physical and visual incompatibilities of adjacent land uses as well as physical impacts such as parking, traffic circulation and safety.</p>	
	<p>Recognizes the unique characteristics of certain areas within Hollywood, by identifying three special districts: (1) Franklin Design District, (2) Hollywood Boulevard District, and (3) the Hollywood Core Transition District. If Designs for Development are adopted for these (or any future) districts, they must conform to the goals and policies adopted for the district. (same as 1986)</p>	<p>Infeasible. The Proposed Plan's CPIO District has standards that address transitional height, and Q Conditions and D Limitations that include density restrictions and height limitations. As a matter of policy the City finds further design standards than those proposed with the Proposed Plan and those already existing, such as the existing Citywide Design Guidelines, are unnecessary and undesirable, and would not result in an efficient use of City resources or desirable land use outcomes.</p> <p>Comment: The Reason for Deleting the Mitigation measure is contradicted by evidence in record which shows that the cited measures provided in the Reason for Deleting the Mitigation Measure are not adequate to protect the unique characteristics of the three districts.</p> <p>1. The reasons for deleting the mitigation measures are contradicted by the policies of the proposed HCP itself:</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, section 4.1 in the DEIR for aesthetic impacts</p> <p>Comment: Rejection of the Redevelopment Mitigation Measure is not supported by substantial evidence in the record for the following reasons and will result in land use compatibility and historic resource impacts.</p> <p>The Draft Updated CPIO District Ordinance (FEIR, Appendix E) includes standards for density restrictions, height limitations but fails to address the “unique characteristics” of the Districts (“unique characteristics of the (1) Franklin Design District, (2) Hollywood Boulevard District, and (3) the Hollywood Core Transition District:”) identified in the HCP,</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
		<p>Policy 1.1 Significant neighborhoods and districts. Support the preservation of culturally and significant neighborhoods and district. (Proposed Hollywood Community Plan Update, p. 5-14)</p> <p>P1.3 Designated and potentially significant resources. Preserve designated Historic Cultural Resources and further study eligible resources as potentially significant resources. (p.5-14 emphasis added).</p> <p>These policies contradict the city assertion that additional design guidelines are “unnecessary and undesirable.”</p> <p>The city is choosing not to mitigate impacts to contradict its own policies.</p> <p>The proposed HCP policies also call for further:</p> <p>P. 1.6 Study observation tools. Support the study of R1 Variation Zones, Community Design Overlays (CDO’s) or a Community Plan Implementation Overlay for neighborhoods that retain a cohesive character but are not eligible to become Historic Preservation Overlay Zones” (Policy P1.6, p. 5-14).</p> <p>Based evidence in the record, the City anticipates further study and the development of design standards while at the same time claiming “further design standards than those proposed with the Proposed</p>	<p>Section 505.2, 506.2.1, and 506.2.2).</p> <p>The CPIO, even as amended, fails to demonstrate that districts are in fact addressed: no map of the specific areas and no link to new standards that address the “unique features” of these designated geographic areas is included in the CPIO.</p> <p>The proposed HCP fails to identify these Districts by boundary or map. The CPIO fails to identify these Districts by boundary or map, instead choosing multiple "subareas" which bear no relationship to the key Districts identified in the HRP.</p> <p>Historic Resource Impacts were found to be significant and unmitigable in the FEIR, therefore retention of prior Mitigation Measures that reduce impacts are important. The Mitigation Measure remains feasible because the Proposed Plan anticipates further studies that enable development of CDO’s to address the unique characteristics of the named Districts.</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
		<p>Plan and those already existing... are unnecessary and undesirable, and would not result in an efficient use of City resources.”</p> <p>The reasons for rejection are not supported by the record.</p>	
	<p>The Franklin Design District is established in recognition of the need to reduce development impacts. CRA would prepare a comprehensive plan for this area within five years after adoption of the Redevelopment Plan. Design guidelines and criteria would emphasize preservation of the existing scale and pedestrian orientation of the area as well as preservation of historic structures. (same as 1986)</p>	<p>Infeasible. The Proposed Plan's CPIO District has standards that address transitional height, and Q Conditions and D Limitations that include density restrictions and height limitations. As a matter of policy the City finds further design standards than those proposed with the Proposed Plan and those already existing, including adopting new design standards for the Franklin Design District area identified in the CRA plans, is unnecessary and undesirable, and would not result in an efficient use of City resources or result in desirable land use outcomes.</p> <p>Comment: The Reason for Deleting the Mitigation measures is contradicted by evidence in record which shows that the cited measures provided in the Reason for Deleting the Mitigation Measure are not adequate to protect the Franklin Design District.</p> <p>1. The Franklin Design District is a specific geographic location, identified in the Hollywood Redevelopment Plan (Hollywood Redevelopment Plan Section 505,2 and map Special Districts, Exhibit “A.3”, Ordinance No. 161,202 and First Amendment</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, section 4.1 in the DEIR for aesthetic impacts, section 4.5 for impacts to cultural resources, section 4.10 for impacts to land use in the DEIR with reasonably foreseeable development under the Proposed Plan.</p> <p>Comment: Rejection of the Redevelopment Mitigation Measure is not supported by substantial evidence in the record for the following reasons and will result in land use compatibility and historic resource impacts.</p> <p>The Draft Updated CPIO District Ordinance (FEIR, Appendix E) includes standards for density restrictions, height limitations but fails to address the “unique characteristics” of the Districts (“unique characteristics of the Franklin Design District (Special Districts, Exhibit “A.3” Hollywood Redevelopment Plan, Ordinance No. 161,202,</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
		<p>Ordinance No 175,236). The Redevelopment Plan for the Hollywood Redevelopment Project makes clear that sensitivity and balance in the redevelopment of the area “within this District,” includes preservation of views, building massing, orientation, height and bulk (Hollywood Redevelopment Plan, Section 505.2 Franklin Avenue Design District, Page 22,).</p> <p>The Reason for Rejecting the Mitigation Measure is inadequate because it addresses the Plan Area as a whole, and not the cited District, previously identified for emphasis on preservation of the existing scale as well as preservation of historic structures.</p> <p>2. The Reason for Rejecting the Mitigation Measures is contradicted by evidence in record. State mandated Density Bonus (DB) override “Q” and “D” conditions, clearly threatening scale. The existing “Q” and “D” conditions have not been adjusted to address this. Density and Heights identified by “Q” and “D” conditions should be appropriate to a site <u>after consideration of the impacts of any DB</u> and not before. Height should be set in anticipation of density bonus. The record does not indicate that this has been done.</p> <p>The reasons for rejection are not supported by the record.</p>	<p>adopted May 7, 1986 and the Redevelopment Plan for the Hollywood Redevelopment Project, Section 505.2 Franklin Avenue Design District).</p> <p>The “Q” and “D” conditions are not inclusive of State mandated Density Bonus. Therefore, what is claimed to be protective of existing scale on its face, is not.</p> <p>The Mitigation Measure remains feasible for the following reasons:</p> <p>Proposed HCP policies themselves anticipate further study. The Franklin Avenue Design District could be covered by:</p> <p>Policy 1.1 Significant neighborhoods and districts. Support the preservation of culturally and significant neighborhoods and district (p. 5-14) and</p> <p>P1.3 Designated and potentially significant resources. Preserve designated Historic Cultural Resources and further study eligible resources as potentially significant resources. (p.5-14 emphasis added).</p> <p>The city is choosing not to mitigate “as a matter of policy” and this decision contradicts the City’s own policies.</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
			<p>Historic Resource Impacts were found to be significant and unmitigable in the FEIR, therefore retention of prior Mitigation Measures that reduce impacts are important.</p>
	<p>The Hollywood Core Transition District is established to give special consideration to the low density of adjacent residential areas and to ensure compatibility between Regional Commercial uses and residential neighborhoods. In addition to reviewing building permits, CRA might prepare development guidelines. (same as 1986)</p>	<p>Infeasible. The Proposed Plan's CPIO District has standards that address transitional height, and Q Conditions and D Limitations that include density restrictions and height limitations. As a matter of policy the City finds further design standards, than those proposed with the Proposed Plan and those already existing, including adopting new design standards for the Hollywood Core Transition District area identified in the CRA plans, is unnecessary and undesirable, and would not result in an efficient use of City resources or desirable land use outcomes.</p> <p>Comment: The Reason for Deleting the Mitigation measures is contradicted by evidence in record which shows that the cited measures provided in the Reason for Deleting the Mitigation Measure are not adequate to ensure compatibility between Regional Commercial uses and residential neighborhoods.</p> <p>1. Hollywood Core Transition District is a specific geographic location, identified in the Hollywood Redevelopment Plan on a map with boundaries as a distinct area (Hollywood</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, section 4.1 in the DEIR for aesthetic impacts, section 4.5 for impacts to cultural resources, section 4.10 for impacts to land use.</p> <p>Comment: Rejection of the Redevelopment Mitigation Measure is not supported by substantial evidence in the record for the following reasons and will result in land use compatibility and historic resource impacts.</p> <p>The Draft Updated CPIO District Ordinance (FEIR, Appendix E) includes standards for density restrictions, height limitations but fails to address the “unique characteristics” of the Districts (see Special Districts, Exhibit “A.3” Hollywood Redevelopment Plan, Ordinance No. 161,202 adopted May 7, 1986).</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
		<p>Redevelopment Plan. Section 506.2.2 and map Special Districts, Exhibit “A.3” Hollywood Redevelopment Plan, Ordinance No. 161,202, adopted May 7, 1986).</p> <p>The Hollywood Core Transition District requires as follows:</p> <p>“Section 506.2.2 Hollywood Core Transition District, Properties designated on the Redevelopment Plan Map as “Hollywood Core Transition District” shall be given special consideration due to the low density of the adjacent residential areas. The objective of this District is to provide for the transition in the scale and intensity of development between the Regional Center Commercial uses and residential neighborhoods.</p> <p>The Agency shall review all building permits in this District to ensure that circulations patterns, landscaping, parking and the scale of new construction is not detrimental to the adjacent residential neighborhoods....” (Hollywood Redevelopment Project, Page 27)</p> <p>The Proposed CPIO addresses the Plan Area as a whole, and does not adequately address the purpose and intent of this District. The Hollywood Core Transition District Mitigation Measure specifically identified the need for special consideration due to the low density of the adjacent residential areas and need to ensure compatibility between</p>	<p>The “Q” and “D” conditions are not inclusive of State mandated Density Bonus. The Proposed CPIO itself over-rides “Q” and “D” limitations. Therefore, what is claimed to be protective of existing scale on its face, is not.</p> <p>The mitigation measure is inadequate: no evidence in the record demonstrates that the Proposed CPIO is more protective of adjacent residential areas than required by the Redevelopment Plan Mitigation Measure.</p> <p>The Mitigation Measure remains feasible for the following reasons: The city is choosing not to mitigate “as a matter of policy” and this decision contradicts the City’s own policies. The Mitigation Measure is consistent with and would further goals and policies in the proposed HCP, including:</p> <p>Goal LU3: Improved height transitions between established single- family neighborhoods, low-scale multi-family neighborhoods, and neighborhood commercial uses.</p> <p>LU 3.2 Architectural compatibility. Encourage the design of new residential development</p>

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Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
		<p>the Regional Commercial uses and residential.</p> <p>2. State mandated Density Bonus (DB) override “Q” and “D” conditions, threatening scale, height, bulk and massing. The Proposed CPIO fails to reasonably demonstrate that the transition required by the Hollywood Core District -- a known geographic area – will occur under the proposed HCP and CPIO.</p> <p>Density and Heights identified by “Q” and “D” conditions should be appropriate to a site after consideration of the impacts of any DB and not before. Height should be set in anticipation of density bonus. The record does not indicate that this has been done.</p> <p>The reasons for rejection are not supported by the record.</p>	<p>projects or renovations, including small lot subdivisions, to complement the existing architectural and building patterns of the surrounding neighborhood, including front-yard setbacks and height.</p> <p>U6.6 Neighborhood design features. Support new and infill development that evokes the distinct architectural and site design features of the neighborhood. Seek compatibility to protect the existing character and scale.</p> <p>LU6.7 Neighborhood height transitions. Provide height transitions between established single-family neighborhoods and adjacent multi-family, and commercial areas.</p> <p>The Proposed Plan contains policies to advance further historic and non-historic studies:</p> <p>P1.3 Designated and potentially significant resources. Preserve designated Historic Cultural Resources and further study eligible resources as potentially significant resources. (p.5-14 emphasis added).</p> <p>P. 1.6 Study observation tools. Support the study of R1 Variation Zones,</p>

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Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
			<p>Community Design Overlays (CDO's) or a Community Plan Implementation Overlay for neighborhoods that retain a cohesive character but are not eligible to become Historic Preservation Overlay Zones" (p. 5-14).</p> <p>P1.8 Complementary design. Encourage the design of new buildings that respect and complement the character of adjacent historical resources through design standards outlined in implementation tools such as Community Design Overlays (CDOs), or a Community Plan Implementation Overlay (CPIO). (P36, P37, P38)</p> <p>P1.9 Land use and zoning. Maintain appropriate General Plan Land Use designations and zoning in existing historic districts which are either listed in, or are eligible to be listed in the National Register of Historical Resources. Promote infill development that matches the scale of historical resources within each district, including the following: height, massing, setbacks, stepbacks, and development pattern. (P39)</p> <p>P1.10 Height limits. Maintain height limitations on commercial zones that</p>

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Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
			<p>border designated or eligible historic neighborhoods. Encourage the design of new buildings that respect and complement the character of adjacent historic neighborhoods. (P40)</p> <p>Historic Resource Impacts were found to be significant and unmitigable in the FEIR, therefore retention of prior Mitigation Measures that reduce impacts are important.</p>
	<p>Requires CRA to monitor the level of commercial development to insure that the average FAR of 4.5:1 is not exceeded for the Regional Center commercial designation report to the Planning Commission. Approval of FARs in excess of 4.5:1 would require review by the Planning Commission for conformance with the Community Plan and findings by CRA for conformance with the goals of the Redevelopment Plan. In addition, if and when average commercial development densities reach 2.5:1, CRA would submit to the Planning Commission and the City Council a program to restrict or decrease density in order to maintain an overall 4.5:1 average density. (same as 1986)</p>	<p>Infeasible. The Proposed Plan is not carrying forward the 4.5:1 FAR cap in the Regional Center nor the 2:5:1 trigger (which is actually a 2:1 FAR trigger, the EIR incorrectly noted the 2:5:1 FAR); however, is carrying forward the process of going to City Planning Commission to exceed 2:1, 3:1 or 4.5:1. As a matter of policy, the City finds that the 4.5:1 FAR cap and the 2:5:1 trigger are undesirable and would not result in an efficient use of City resources or desirable land use outcomes, including the desire to obtain the goals and policies of the Proposed Plan to direct growth to transit hubs and corridors, to plan for increases to the housing supply, and to encourage a better balance of jobs and housing with mixed-use development.</p> <p>Comment: The Reason for Deleting the Mitigation measures is contradicted by evidence in record.</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, section 4.1 in the DEIR for aesthetic impacts, section 4.10 for land use impacts, section 4.15 for transportation impacts, and section 4.8 for hazard impacts</p> <p>Comment: Rejection of the Redevelopment Mitigation Measure is not supported by substantial evidence in the record for the following reasons and will result in land use compatibility, infrastructure and historic resource impacts.</p> <p>The Reason for Deleting the Mitigation Measure has not demonstrated that substitute measures have been put in place to address the impacts the</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

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		<p>1. The cited reason fails to address the elimination of the 4.5:1 within the geographic limits of the Regional Center commercial.</p> <p>2. The cited reason fails to acknowledge that the cap covers a specific area, not a specific site, that the cap may be exceeded on a specific site subject to criteria.</p> <p>3. The Redevelopment Plan sets forth a “not to exceed cap.” “Development within the Regional Center Commercial designation shall not exceed the equivalent of an average floor area (F.A.R.) of 4.5:1 for the entire area so designated.. Proposed development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. of such other density as may be permitted by future amendments to the Community Plan, on a specific site may be permitted hereinafter as set forth provided that the proposed development further the goals and intent of this Plan and the Community Plan meet objective "a" and at least one other of the following objectives..."(Redevelopment Plan for the Hollywood Redevelopment Project, Section 506.2.3 Regional Center Commercial, page 28).</p> <p>Use of density averaging is implemented across the Regional Center commercial and includes exceptions that meet specific standards related to “high capacity transit” (subway), architectural compatibility, “appropriately</p>	<p>Mitigation Measure was designed to address.</p> <p>Neither the Reasons for Deleting the Mitigation Measure nor the FEIR analyze or provide mitigation for the additional increase from the “not to exceed” 6.0:1 to a 6.75:1 FAR under the Modified Project.</p> <p>The Reason for Deleting the Mitigation Measure fails to address the specific cap set forth in the Hollywood Redevelopment Plan.</p> <p>Moreover, the Reason for Deleting the Mitigation Measure fails to address the elimination of record-keeping of average FAR within the Regional Center commercial area as required in the Redevelopment Plan in order to ensure that infrastructure capacity is not exceeded. Density averaging in the Redevelopment Plan is stated for a specific geographic area, Regional Center commercial. Based on evidence in the record, the boundaries of this area are not monitored for an average 4.5:1 FAR under the proposed Project.</p> <p>The finding has not demonstrated that the City considered the continuing need for the mitigation measure. The City has failed to state the reasons</p>

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		<p>designed housing." Records were to be kept by the Agency to maintain the 4.5:1 average contained in the Plan. The policy was specifically designed to direct growth to the emerging subway system and to preserve historic buildings. I was also intended to ensure that development did not exceed infrastructure capacity, including the capacity of the local street system. The infrastructure analysis in the EIR for the proposed Project is woefully inadequate and fails to demonstrate that existing infrastructure can accommodate the increased level of development allowed under the proposed Project.</p> <p>4. Finally, the City has impermissibly extended the FAR above 6.0:1 to 6.75:1 in its August 2021 recommendations and as part of the Modified Project, without actually studying this increase or addressing its impact on infrastructure or the Historic District.</p>	<p>for the change in FAR, failed to support its decision for removal of the cap provided in the HRP, and failed to analyze significant impacts due to the removal of the mitigation measure.</p> <p>The city is choosing not to mitigate "as a matter of policy" not because it has provided an equivalent or more effective means that will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.</p>
	<p>Permits the continuation of nonconforming uses and allows additions, repairs, or alterations if CRA determines that such improvements would be compatible with surrounding uses and development: Although the effect of the Redevelopment Plan is to bring land use designations into closer conformance with existing land uses, there are areas where existing uses would be contrary to plan</p>	<p>Not necessary. Section 12.23 of the LAMC allows maintenance of nonconforming buildings and uses as well as regulations for repairs, alterations, and additions to non-conforming buildings and uses.</p> <p>No Comment</p>	<p>Minor repair of existing building and uses would not be expected to result in significant impacts. See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, under existing LAMC provisions, including section 12.23, and see specifically, section 4.10 (Land Use) of the DEIR for the land use impacts resulting from reasonably foreseeable development</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

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	<p>designations. (same as 1986)</p> <p>Encourages construction of low- and moderate-income housing and increases the overall stock of housing units in Hollywood. Even though the market studies project a limited demand for housing over the next 20 years, the Redevelopment Plan permits a significant increase in housing units. Any potential displacements of renters would be subject to the relocation provisions of the Los Angeles Municipal Code (LAMC 47.07) and California Relocation Assistance Act (GC Section 7260). In addition, the Redevelopment Plan requires construction of replacement low and moderate income housing, the dedication of 20 percent of the tax increment funds for the provision of housing for very low, low or moderate income occupants, and permits CRA to grant Housing Bonus Units above the permitted residential density to improve design quality and to increase the number of units available. There is a tremendous need for housing but no housing is being built because there is no available land. The Plan would not be able to subsidize enough housing for the demand. (same as 1986)</p>	<p>Not necessary. The relocation provisions are already required by LAMC 47.07 and the California Relocation Assistance Act.</p> <p>Infeasible. Providing replacement housing is infeasible. Per the City's Rent Stabilization Ordinance, removal of rent-controlled units under the state's Ellis Act must either have a one-for-one replacement with affordable units or ensure that 20% of new units are affordable - whichever number is higher. As a matter of policy the City finds using City funds to provide replacement housing that can no longer be funded by CRA tax increment is undesirable and will not result in the best use of City funds or the most efficient use of resource to provide affordable housing. The City recently adopted a linkage fee and implemented the Transit Oriented Communities (TOC) Guidelines as additional means of providing affordable housing in the City.</p> <p>Comment: The Reason for Deleting the Mitigation measures is contradicted by evidence in record which shows that the cited measures provided in the Reason for Deleting the Mitigation Measure are not adequate to ensure the same level of housing production.</p> <p>1. The Proposed CPIO replaces Transit Oriented Communities Guidelines within</p>	<p>of the Proposed Plan, under the LAMC, including Section 12.23.</p> <p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, section 4.10(Land Use) of the DEIR for land use impacts and section 4.13 for population and housing impacts (including from displacement)</p> <p>Comment: Rejection of the Redevelopment Mitigation Measure is not supported by substantial evidence in the record for the following reasons:</p> <p>Sections 600-603 of the HRP remain in full force and effect until 2028 when the plan sunsets. These sections govern Financing of the Project Area including tax increment (of which 20% is set aside to support affordable housing). With the dissolution of CRA agencies in 2012, the City of Los Angeles adopted a 2021-22 "Recognized Obligation Payment Schedule" (ROPS) that includes the Hollywood Redevelopment Project Area.</p> <p>The Reason for Rejecting the Mitigation Measure fails to adequately address the status of Sections 600-603 and fails to identify the use or none-use of the</p>

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		<p>the boundaries of Hollywood Redevelopment Plan area:</p> <p>“7. Transit Oriented Communities Affordable Housing Incentive Program. For properties within the boundaries of the Hollywood CPIO District, the Citywide Transit Oriented Communities Guidelines (TOC) shall be superseded by the provisions and requirements contained within this ordinance.” (FUNCTION OF THE CPIO DISTRICT, page 12)</p> <p>The finding is inadequate because the CPIO replaces TOC Guidelines. TOC Guidelines are irrelevant to the finding to replace this mitigation measure.</p> <p>2. The Hollywood Redevelopment Project is active until May 7, 2028. Notably, the Proposed Hollywood Community Plan does not repeal Section 600-603, Methods of Financing the Project, including Tax Increment Financing (Hollywood Redevelopment Project, pages 41-43).</p> <p>The finding fails to address Sections 600-603 of the Hollywood Redevelopment Plan.</p> <p>The Finding concludes that as a "matter of policy" use of city funds/CRA tax increment funds for replacement housing is “undesirable.” It expresses an opinion, and does not adequately address the continuing financial structure of the Redevelopment Project</p>	<p>ROPS to support construction of affordable housing within the Redevelopment Project Area. The Reason for Deleting the Mitigation Measure appears to indicate that use of ROPS is “undesirable” without providing the reasons why. This finding is bizarre given the City’s affordable housing crisis, goals and objectives, and obligations and is therefore not supported by substantial evidence.</p> <p>The city is choosing to reject the Mitigation Measure “as a matter of policy” not because it has provided an equivalent or more effective means that will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.</p>

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		<p>which remain in place until the Project Area terminates in 2028. The Reason for Deleting the Mitigation Measure does demonstrate that the proposed Plan will generate additional affordable housing at the same rate as the HRP, does not demonstrate that the proposed Project will generate affordable housing percentages at levels required by Redevelopment Law, and does not provide adequate justification for why the City will not continue to use tax increment funds for provision of affordable housing at levels consistent with redevelopment law.</p>	
	<p>The Redevelopment Plan should contain a provision enabling the CRA to prohibit approval of specific development proposals where it has determined that essential public features, as described in the Elementary, are inadequate to meet the needs of that development. (same as 1986)</p>	<p>Infeasible. The City finds as a matter of policy, this policy/practice is not necessary or desirable and would not result in an efficient use of City resources or desirable land use outcomes.</p> <p>No comment.</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, section 4.1 in the DEIR for aesthetic impacts, section 4.10 for land use impacts, section 4.15 for transportation impacts, and section 4.8 for hazard impacts.</p> <p>The city is choosing to reject the Mitigation Measure “as a matter of policy” not because it has provided an equivalent or more effective means that will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

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<p>Historic, Cultural, Architectural</p>	<p>Continuation and improvement of existing, nonconforming uses if the CRA finds such improvements would be compatible with surroundings and proposed development. This provision of the Redevelopment Plan would protect those parcels adversely affected by a land use change designated by the Redevelopment Plan. (same as 1986)</p>	<p>Infeasible. Section 12.23 of the LAMC allows maintenance of nonconforming structures and uses as well as regulations for repairs, alterations, and additions to non conforming buildings and uses. The LAMC does not have a regulation about compatibility with surroundings and proposed development unless the development is in an HPOZ. The City finds as a matter of policy, adding additional design review, including for cultural and historic resources is unnecessary and undesirable and would not result in efficient use of City resources or desirable land use outcomes.</p> <p>Comment: The Reason for Deleting the Mitigation measures is contradicted by evidence in record</p> <p>1. The Reason for Deleting the Mitigation Measure is contradicted by the policies of the Plan itself:</p> <p>Policy 1.1 Significant neighborhoods and districts. Support the preservation of culturally and significant neighborhoods and district. (p. 5-14)</p> <p>P1.3 Designated and potentially significant resources. Preserve designated Historic Cultural Resources and further study eligible resources as potentially significant resources. (p.5-14 emphasis added).</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, Section 4.5 (Cultural Resources) for impacts to historic and cultural resources</p> <p>Rejection of the Mitigation Measure is not supported by the substantial evidence on the record for the following reasons:</p> <p>Historic Resource Impacts were found to be significant and unmitigable in the FEIR, therefore retention of prior Redevelopment Mitigation Measures that reduces impacts is important. The Mitigation Measure remains feasible for the following reasons:</p> <p>Policy 1.1 Significant neighborhoods and districts. Support the preservation of culturally and significant neighborhoods and district (p. 5-14) and P1.3 Designated and potentially significant resources. Preserve designated Historic Cultural Resources and further study eligible resources as potentially significant resources. (p.5-14 emphasis added).</p> <p>The Proposed Plan policies themselves anticipate further study.</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

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		<p>These policies contradict the city assertion that “as a matter of policy, adding additional design review, including for cultural and historic resources is unnecessary and undesirable and would not result in efficient use of City resources or desirable land use outcomes.”</p> <p>The city is choosing not to mitigate “as a matter of policy” and this decision contradicts the City’s own policies.</p>	<p>The city is choosing not to mitigate “as a matter of policy” and this decision contradicts the City’s own policies.</p>
	<p>Review any proposed demolition, building, or grading permits, the postponement of approval for up to a year while alternative solutions are investigated. The Redevelopment Plan specifically recognizes the importance of architecturally and historically significant buildings (same as 1986)</p>	<p>Infeasible. The Proposed Plan includes a CPIO District that has demolition delay regulations for structures that are 45 years or older until a replacement project has been approved, and rehabilitation and adaptive reuse of designated buildings are required to meet the Secretary of the Interior's Standards. The City finds as a matter of policy, including any additional processes, including additional delay to additional properties, to the review and approval of projects for the purposes of historical resource protections, than those in the Proposed Plan or in existing City regulations, including those for Historical Cultural Monuments, HPOZs, and the Building and Safety code requirements, is unnecessary and undesirable and would not result in an efficient use of City resources or desirable land use outcomes.</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, Section 4.5 (Cultural Resources) for impacts to historic and cultural resources.</p> <p>The city is choosing to reject the Mitigation Measure “as a matter of policy” not because it has provided an equivalent or more effective means that will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.</p>
	<p>Recognize the importance of the Hollywood Boulevard District and create an urban design plan to encourage preservation and restoration</p>	<p>Infeasible. The Proposed Plan includes a CPIO District that has standards that address transitional height as well as D Limitations that include</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan,</p>

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	<p>of significant resources in this area. The urban design guidelines and standards are to be developed within two years of adoption of the Redevelopment Plan. In addition, a comprehensive plan for the Franklin Avenue Design District would also be established within five years of adoption of the Redevelopment Plan to address the preservation of architecturally or historically significant buildings. The Hollywood Core Transition District would also be established by the Redevelopment Plan to minimize incompatibilities between Regional Commercial development and adjacent lower-scale residential neighborhoods. (same as 1986)</p>	<p>density restrictions and height limitations. As a matter of policy the City finds further design standards, or new urban design plans, or the creation of new historic districts - not adopted through the City's HPOZ Process, than those proposed with the Proposed Plan and those already existing, are unnecessary and undesirable, and would not result in an efficient use of City resources or result in desirable land use outcomes.</p> <p>Comment: The Reason for Deleting the Mitigation measures is contradicted by evidence in record which shows that the cited measures provided in the Reason for Deleting the Mitigation Measure are not adequate to preserve architecturally or historically significant building and minimize incompatibilities between the Regional Commercial development and adjacent lower-scale residential neighborhoods.</p> <p>1. The Hollywood Boulevard District, the Franklin Avenue Design District and Hollywood Core Transition District are specific geographic locations, identified in the Hollywood Redevelopment Plan on a map with boundaries as a distinct area (Special Districts, Exhibit "A.3" Hollywood Redevelopment Plan, Ordinance No. 161,202, adopted May 7, 1986).</p> <p>The RDP requires the following:</p>	<p>and specifically, Section 4.5 (Cultural Resources) for impacts to historic and cultural resources</p> <p>Comment: Reasons for Deleting the Mitigation Measure is not supported by the substantial evidence on the record for the following reasons:</p> <p>The CPIO addresses the Plan as a whole and fails to adequately address the specific areas set forth in the Hollywood Redevelopment Project.</p> <p>The city is choosing not to mitigate "as a matter of policy" and this decision contradicts the City's own policies in the proposed HCP:</p> <p>"Policy 1.1 Significant neighborhoods and districts. Support the preservation of culturally and significant neighborhoods and district. (p. 5-14)</p> <p>P1.3 Designated and potentially significant resources are identified in the Plan Policies to Preserve designated Historic Cultural Resources and further study eligible resources as potentially significant resources. (p. 5-14)</p> <p>P1.6 Study preservation tools. Support the study of R1 Variation Zones, Community Design</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

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		<p>“Section 506.2.2 Hollywood Core Transition District, Properties designated on the Redevelopment Plan Map as “Hollywood Core Transition District” shall be given special consideration due to the low density of the adjacent residential areas. The objective of this District is to provide for the transition in the scale and intensity of development between the Regional Center Commercial uses and residential neighborhoods.</p> <p>The Agency shall review all building permits in this District to ensure that circulations patterns, landscaping, parking and the scale of new construction is not detrimental to the adjacent residential neighborhoods....” (Hollywood Redevelopment Plan, Page 27)</p> <p>“505.2 Franklin Avenue Design District That area on the Redevelopment Plan Map designated "Franklin Avenue Design District" recognizes the need for sensitivity and balance in the redevelopment of this area because of the potential impact upon views to and from the Hollywood Hills....” And “...prepare a detailed design plan for this area which addresses preservation of architecturally and/or historically significant buildings, parking, circulation and views to and from the Hollywood Hills, including height, orientation and massing...” (Hollywood Redevelopment Plan, Page 22)</p>	<p>Overlays (CDOs), or a Community Plan Implementation Overlay (CPIO) for neighborhoods that retain a cohesive character but are not eligible to become Historic Preservation Overlay Zones. (p. 5-14)</p> <p>P1.8 Complementary design. Encourage the design of new buildings that respect and complement the character of adjacent historical resources through design standards outlined in implementation tools such as Community Design Overlays (CDOs), or a Community Plan Implementation Overlay (CPIO). (P36, P37, P38)</p> <p>P1.9 Land use and zoning. Maintain appropriate General Plan Land Use designations and zoning in existing historic districts which are either listed in, or are eligible to be listed in the National Register of Historical Resources. Promote infill development that matches the scale of historical resources within each district, including the following: height, massing, setbacks, stepbacks, and development pattern. (P39)</p> <p>P1.10 Height limits. Maintain height limitations on commercial zones that border designated or</p>

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		<p>The finding is inadequate because the Proposed CPIO addresses the Plan Area as a whole, and does not adequately address the purpose and intent of these Districts.</p> <p>The Reason for Deleting the Mitigation Measure is contrary to evidence in the record. State mandated Density Bonus (DB) override “Q” and “D” conditions, threatening scale, height, bulk and massing. The Proposed CPIO fails to reasonably demonstrate that impacts to the Districts-- known geographic areas -- will be mitigated.</p> <p>Comment: The Reason for Deleting the Mitigation measures is contradicted by evidence in record which shows that the cited measures provided in the Reason for Deleting the Mitigation Measure are not adequate to protect historic resources. Historic Resource Impacts were found to be significant and unmitigable in the FEIR, therefore retention of prior Mitigation Measures that reduce impacts are important. The Mitigation Measure remains feasible.</p>	<p>eligible historic neighborhoods. Encourage the design of new buildings that respect and complement the character of adjacent historic neighborhoods. (P40)</p> <p>These policies contradict the city assertion that additional design guidelines are “unnecessary and undesirable.” The city is choosing not to mitigate and contradicts its own policies.</p> <p>The city is choosing to reject the Mitigation Measure “as a matter of policy” not because it has provided an equivalent or more effective means that will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.</p>
	<p>Grant development bonuses to increase the floor area ratio (FAR) up to 6:1 or residential densities beyond those specifically identified in the Redevelopment Plan to achieve its goals. Among the goals specifically cited that would be eligible for such action are the preservation or rehabilitation of significant architectural or historic</p>	<p>Infeasible. The Proposed Plan includes Qs/Ds that require projects seeking additional FAR above 2:1, 3:1 or 4.5:1 FAR to go to CPC for additional review and approval, but it does not require preservation or rehabilitation of significant architectural or historic resources. The City finds as a matter of policy, including any additional processes or</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, Section 4.5 (Cultural Resources) for impacts to historic and cultural resources. Additionally, as projects that would want to go to 6:1 would be required to</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

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	resources. (same as 1986)	<p>substantive requirements, to the review and approval of projects for the purposes of historical resource protections, (including requiring rehabilitation and other requirements to obtain 6:1 FAR where it is otherwise allowed by the Proposed Plan), than those in the Proposed Plan or in existing City regulations, including those for Historical Cultural Monuments, HPOZs, is unnecessary and undesirable and would not result in an efficient use of City resources or desirable land use outcomes.</p> <p>Comment: The Reason for Deleting the Mitigation Measure is contradicted by evidence in record:</p> <ol style="list-style-type: none"> The City has extended the FAR above 6.0:1 to 6.75:1. The Redevelopment Plan sets forth a “not to exceed cap.” <p>“Development within the Regional Center Commercial designation shall not exceed the equivalent of an average floor area (F.A.R.) of 4.5:1 for the entire area so designated... Proposed development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. of such other density as may be permitted by future amendments to the Community Plan, on a specific site may be permitted hereinafter as set forth provided that the proposed development further the goals and intent of this Plan and the Community Plan meet objective "a" and at least one other of the following objectives..."(Redevelopment Plan for the Hollywood Redevelopment Project, Section</p>	<p>have discretionary review where subsequent environmental review would be required and compliance with the Secretary of the Interior's Standards for Rehabilitation, etc. would be required unless further mitigation measures and/or an EIR would be required.</p> <p>The Reasons For Deleting the Mitigation Measure are inadequate; no evidence on the record supports this Finding. The City has impermissibly extended the FAR to 6.75:1.</p> <p>The finding has not demonstrated that the City considered the continuing need for the mitigation measure, failed to state the reasons for the change to the mitigation measure. failed to support its decision for removal and failed to analyze significant impacts due to the removal of the mitigation measure.</p> <p>This mitigation measure was intended to ensure that development was compatible with infrastructure capacity. The City has failed to demonstrate that the Modified Project’s extension of the FAR cap to 6.75 will not result in additional infrastructure impacts.</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

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		506.2.3 Regional Center Commercial, page 28).	The city is choosing to reject the Mitigation Measure “as a matter of policy” not because it has provided an equivalent or more effective means that will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.
	Adopt design and development guidelines to carry out the goals of the Redevelopment Plan. Design criteria would include architectural style and development standards would address historic preservation and rehabilitation. (same as 1986)	<p>Infeasible. The Proposed Plan includes a CPIO District that has demolition delay regulations for structures more than 45 years old until a replacement project has been approved, and rehabs and adaptive reuse of designated buildings are required to meet the Secretary of the Interior's Standards, but it does not include design and development guidelines. As a matter of policy the City finds further design standards, or new urban design plans, or the creation of new historic districts, than those proposed with the Proposed Plan and those already existing, including through the HPOZ process to adopt historic preservation overlay zones, are unnecessary and undesirable, and would not result in an efficient use of City resources or result in desirable land use outcomes.</p> <p>The Redevelopment Plan mitigation measure needs to be retained. The reasons for rejection are not supported by the record. The CPIO and proposed HCP fail to minimize the</p>	<p>See the DEIR, Chapter 4, generally, for all impacts caused by the reasonably foreseeable development under the Proposed Plan, and specifically, Section 4.5 (Cultural Resources) for impacts to historic and cultural resources.</p> <p>The city is choosing to reject the Mitigation Measure “as a matter of policy” not because it has provided an equivalent or more effective means that will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.</p> <p>Historic Resource Impacts were found to be significant and unmitigable in the FEIR, therefore retention of prior Mitigation Measures that</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

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		<p>physical and visual incompatibilities of adjacent land uses as well as physical impacts such as parking, traffic circulation and safety.</p>	<p>reduce impacts are important. The Mitigation Measure remains feasible.</p> <p>The Mitigation Measure is consistent with and would further the following goals and policies the proposed HCP:</p> <p>LU3.2 Architectural compatibility. Encourage the design of new residential development projects or renovations, including small lot subdivisions, to complement the existing architectural and building patterns of the surrounding neighborhood, including front-yard setbacks and height.</p> <p>LU4.3 Compatibility with adjacent development. Seek a high degree of architectural compatibility, parking design configuration, and landscaping for new and infill development to protect the character and scale of existing multi-family residential neighborhoods.</p> <p>LU5.20 Architectural compatibility. Ensure that the new development of multi-family, duplex, small lot subdivisions or lower density units located in or adjacent to single-family neighborhoods maintain the visual and physical character of single-family housing and is designed to respect and</p>

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Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
			<p>complement the architectural and building patterns of surrounding existing residential development.</p> <p>LU5.20 Architectural compatibility. Ensure that the new development of multi-family, duplex, small lot subdivisions or lower density units located in or adjacent to single-family neighborhoods maintain the visual and physical character of single-family housing and is designed to respect and complement the architectural and building patterns of surrounding existing residential development.</p> <p>LU6.6 Neighborhood design features. Support new and infill development that evokes the distinct architectural and site design features of the neighborhood. Seek compatibility to protect the existing character and scale.</p> <p>P1.8 Complementary design. Encourage the design of new buildings that respect and complement the character of adjacent historical resources through design standards outlined in implementation tools such as Community Design Overlays (CDOs), or a Community Plan</p>

Hollywood Redevelopment Project Final Program EIR Mitigation Measures November 1997; also from the 1986 DEIR as noted

Critique of Reasoning Provided in Blue

Impact Areas	Mitigation Measures	Reason for Deleting Mitigation Measure	Impact of Removing Mitigation Measure
			<p>Implementation Overlay (CPIO). (P36, P37, P38)</p> <p>P1.12 Documentation. Support ongoing opportunities to document Hollywood's history and architectural legacy and share that history with the community. (P41, P68)</p> <p>P68 - Seek opportunities to partner with Council Offices, preservation organizations, business improvement districts, certified neighborhood councils, and other community stakeholder groups to create new interpretive programs, tours and signage highlighting the community's history and architectural legacy.</p>

Communication from Public

Name: Marian Dodge
Date Submitted: 04/22/2023 06:25 PM
Council File No: 21-0934
Comments for Public Posting: Requested additions to Hollywood Community Plan

P.O. Box 27404
Los Angeles, CA 90027
www.hillsidefederation.org



PRESIDENT
Charley Mims
CHAIR
Marian Dodge
VICE PRESIDENTS
Mark Stratton
Jamie Hall
SECRETARY
Robin Greenberg
TREASURER
Don Andres

Planning and Land Use Management Committee
City Hall
200 N. Spring Street
Los Angeles, CA 90012

via email

April 22, 2023

**Re: CF 21-0934
Hollywood Community Plan Update**

Dear Chairman Harris-Dawson:

The Hillside Federation, founded in 1952, represents 47 resident and homeowner associations with approximately 250,000 constituents spanning the Santa Monica Mountains. We have been following the attempts to get an updated Hollywood Community Plan approved for more than a decade. The Hollywood area deserves an updated plan that reflects changing state and local policies.

We are pleased to see that many parcels owned by the Santa Monica Mountains Conservancy and Laurel Canyon Land Trust will be rezoned Open Space.

There are numerous changes in policy that have occurred while the Hollywood Community Plan has been in limbo. If this is to be a plan to govern development in the Hollywood area until 2040, it is critical that these new policies be included or referenced in this version of the Hollywood Community Plan.

The Federation supports CM Raman's recommendations to:

1. Modify the term for which housing units would be established as affordable in a mixed-use development receiving incentives from 55 years to 99 years.
2. Require true one-to-one replacement for demolished rent-stabilized units by adding a clear definition and standards that projects using incentive-based programs cannot count their required affordable units toward rent-stabilized replacement requirements.
3. Include clarifications to reflect recently adopted environmental resolutions and policies such as the Santa Monica Mountains Conservancy CEQA Trustee Agency Resolution in the Biological Resources section. <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1284>

Additionally the Federation recommends the addition of:

4. **SMMC Natural Resource Protection Plan Maps considered by the City**
https://clkrep.lacity.org/onlinedocs/2021/21-1284_caf_11-22-22.pdf

Argyle Civic Assn.
Beachwood Canyon NA
Bel-Air Assn.
Bel-Air Hills Assn.
Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Benedict Canyon Association
Brentwood Hills Homeowners
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
Crests Neighborhood Assn.
Dixie Canyon Assn.
Doheny-Sunset Plaza NA
Franklin/Hollywood West Res.
Franklin Hills Residents Assn.
Friends of Walnut Canyon
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Hollywoodland HOA
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
LFIA (Los Feliz)
Mountaingate
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon NA
Oak Forest Canyon HOA
Oaks Homeowners Assn.
Outpost Estates HOA
Pacific Palisades Res. Assn.
Residents of Beverly Glen
Save Coldwater Canyon!
Save Our Canyon
Shadow Hills POA
Sherman Oaks HOA
Silver Lake Heritage Trust
Studio City Residents Assn.
Sunset Hills HOA
Sunshine Hills Residents Assn.
Tarzana POA
Upper Mandeville Canyon Assn.
Upper Nichols Canyon NA
Whitley Heights Civic Assn.

5. Any project located in a Habitat Block in the Santa Monica Mountains Natural Resource Protection Plan shall trigger a biological resource assessment and compliance with BR-1, BR-2, and BR-6. Whenever a biological assessment is required the City shall consult with both trustees the California Department of Fish and Wildlife and the Santa Monica Mountains Conservancy to determine if the assessment is adequate. The City must consider suggested mitigation measures.

6. Surplus Land - SMMC has first right of refusal

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1470>
https://clkrep.lacity.org/onlinedocs/2021/21-1470_ord_187505_7-4-22.pdf

7. Wildlife Ordinance

https://planning.lacity.org/odocument/75d6824d-248b-4b12-a61e-f99616e032ef/2022_Wildlife_Ordinance_Staff_Report_EXHIBIT_A_-_Proposed_Wildlife_District_Ordinance_Components.pdf

7. Safety Element of the General Plan (no upzoning in Very High Fire Hazard Severity Zones)

https://clkrep.lacity.org/onlinedocs/2020/20-1213_misc_04-11-22.pdf

8. State Minimum Fire Safe Regulations

Link to Fire Regulations https://bof.fire.ca.gov/media/v4zjh5pz/noa_rule-text.pdf

The addition of these recommendations will assure that the updated Hollywood Community Plan truly is up to date.

The Federation thanks the Planning Department for its diligence and perseverance in updating the Hollywood Community Plan.

Sincerely,



Charley Mims