

## Communication from Public

**Name:**

**Date Submitted:** 04/23/2023 08:59 AM

**Council File No:** 21-0934

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

## Communication from Public

**Name:** Lindsay Mulcahy

**Date Submitted:** 04/24/2023 11:43 AM

**Council File No:** 21-0934

**Comments for Public Posting:** Dear Chair Harris-Dawson and members of the PLUM Committee, On behalf of the Los Angeles Conservancy, I am writing to submit comments on the Hollywood Community Plan Update. The Conservancy has been involved in the Update since 2011 and extend our appreciation to Planning staffers, City Planning Commissioners, and Councilmembers, and community members for their effort to update this significant planning document. The plan area contains one of the highest concentrations of designated historic resources in the city, as the boundary area alone includes more than 150 Los Angeles Historic-Cultural Monuments (HCMs) and several historic districts at the national, state, and local levels, including the nationally recognized Hollywood Boulevard Commercial and Entertainment District. We recognize that the Update is in its final stages of approval before the May 12th deadline. We request three friendly amendments directed toward preservation, equity, affordable housing, and implementation purposes. The below proposals are sympathetic to the Plan as approved by the City Planning Commission: 1. Expand the definition of eligible historic resources to include, and therefore protect, locally significant properties classified as 5S3. 2. Apply the full range of Historic Preservation Overlay Zone (HPOZ) preservation protections, procedures and existing tools to the Hollywood National Register Historic District. 3. Commit to expanding the Community Plan Implementation Overlay (CPIO) boundaries and tools to East Hollywood as part of the Vermont - Western Transit Oriented Development (TOD) Station Neighborhood Area Plan (SNAP) Specific Plan update within one year. Expand protections afforded to, and definition of, eligible historic resources within the plan area and Community Plan Implementation Overlay (CPIO) to include those of local significance and classified as 5S3 as a mitigation measure. The Citywide historic resource survey, SurveyLA, ascribed the 5S3 eligibility code to properties within the Hollywood Community Plan Area that are eligible for designation at the local level. Therefore, they should be considered eligible historic resources within the Hollywood Community Plan and CPIO. This definition is consistent with the City's surveys and previously adopted community plans, such as South Los Angeles. Many of these properties are important

housing stock that contribute to L.A.'s supply of naturally occurring affordable housing (NOAH) and Rent Stabilized Ordinance (RSO) units. For example, there are eighty-nine (89) 5SC properties within the Hollywood Community Redevelopment Area. Eighty-five (85) of those are residential, and thirty (30) contain two or more units. Preservation protections can help maintain affordability in these existing units and prevent displacement. Apply the full range of Historic Preservation Overlay Zone (HPOZ) preservation protections, procedures and existing tools to the Hollywood National Register Historic District. This can be considered a policy component within the plan to offer adequate design review and mechanisms to maintain eligibility and integrity of this unique historic district. The merit of this approach is seen in the DTLA 2040 Community Plan Update, which applies HPOZ protections to the Broadway Theatre and Commercial and Spring Street National Register Historic Districts. Commit to expanding the CPIO boundaries to East Hollywood and tools as part of the Vermont - Western TOD Station Neighborhood Area Plan (SNAP) Specific Plan update within one year. The Vermont-Western TOD SNAP, located within the Hollywood, Silver Lake – Echo Park – Elysian Valley, and Wilshire Community Plan Areas, was last updated in 2001. It has not been included in the Hollywood Community Plan Update but is overdue to be updated to best serve East Hollywood's current and future populations. East Hollywood contains a significant number of historic resources that deserve similar levels of protection as those in Central Hollywood. Extending the Hollywood Community Plan Update CPIO boundaries and tools to East Hollywood is a timely and important measure to protect historic and cultural resources and ensure cohesion with land use policies in the new Hollywood Community Plan. Conclusion The Hollywood Community Plan Update is in its final stages of approval. The Los Angeles Conservancy applauds the work that has been done to protect historic resources and guide future development in the Hollywood Community Plan Area. We believe the above proposals align closely with the Plan's goals and policy and extend existing preservation protections to better ensure preservation and equity within Los Angeles' historic and cultural resources.



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[laconservancy.org](http://laconservancy.org)

April 24, 2012

**Submitted Electronically**

Councilmember Marqueece Harris-Dawson, Chair

Councilmember Monica Rodriguez

Councilmember John S. Lee

Councilmember Katy Yaroslavsky

Councilmember Heather Hutt

Planning and Land Use Management Committee

[\[Email\]](#)

**RE: Hollywood Community Plan Update (CF 21-0934)**

Dear Chair Harris-Dawson and members of the PLUM Committee,

On behalf of the Los Angeles Conservancy, I am writing to submit comments on the Hollywood Community Plan Update. The Conservancy has been involved in the Update since 2011 and extend our appreciation to Planning staffers, City Planning Commissioners, and Councilmembers, and community members for their effort to update this significant planning document.

The plan area contains one of the highest concentrations of designated historic resources in the city, as the boundary area alone includes more than 150 Los Angeles Historic-Cultural Monuments (HCMs) and several historic districts at the national, state, and local levels, including the nationally recognized Hollywood Boulevard Commercial and Entertainment District.

We recognize that the Update is in its final stages of approval before the May 12<sup>th</sup> deadline. We request three friendly amendments directed toward preservation, equity, affordable housing, and implementation purposes. The below proposals are sympathetic to the Plan as approved by the City Planning Commission:

- 1. Expand the definition of eligible historic resources to include, and therefore protect, locally significant properties classified as 5S3.**
- 2. Apply the full range of Historic Preservation Overlay Zone (HPOZ) preservation protections, procedures and existing tools to the Hollywood National Register Historic District.**
- 3. Commit to expanding the Community Plan Implementation Overlay (CPIO) boundaries and tools to East Hollywood as part of the Vermont - Western Transit Oriented Development (TOD) Station Neighborhood Area Plan (SNAP) Specific Plan update within one year.**



**Expand protections afforded to, and definition of, eligible historic resources within the plan area and Community Plan Implementation Overlay (CPIO) to include those of local significance and classified as 5S3 as a mitigation measure.** The Citywide historic resource survey, SurveyLA, ascribed the 5S3 eligibility code to properties within the Hollywood Community Plan Area that are eligible for designation at the local level. Therefore, they should be considered eligible historic resources within the Hollywood Community Plan and CPIO. This definition is consistent with the City's surveys and previously adopted community plans, such as South Los Angeles. Many of these properties are important housing stock that contribute to L.A.'s supply of naturally occurring affordable housing (NOAH) and Rent Stabilized Ordinance (RSO) units. For example, there are eighty-nine (89) 5SC properties within the Hollywood Community Redevelopment Area. Eighty-five (85) of those are residential, and thirty (30) contain two or more units. Preservation protections can help maintain affordability in these existing units and prevent displacement.

**Apply the full range of Historic Preservation Overlay Zone (HPOZ) preservation protections, procedures and existing tools to the Hollywood National Register Historic District.** This can be considered a policy component within the plan to offer adequate design review and mechanisms to maintain eligibility and integrity of this unique historic district. The merit of this approach is seen in the DTLA 2040 Community Plan Update, which applies HPOZ protections to the Broadway Theatre and Commercial and Spring Street National Register Historic Districts.

**Commit to expanding the CPIO boundaries to East Hollywood and tools as part of the Vermont - Western TOD Station Neighborhood Area Plan (SNAP) Specific Plan update within one year.** The Vermont-Western TOD SNAP, located within the Hollywood, Silver Lake – Echo Park – Elysian Valley, and Wilshire Community Plan Areas, was last updated in 2001. It has not been included in the Hollywood Community Plan Update but is overdue to be updated to best serve East Hollywood's current and future populations. East Hollywood contains a significant number of historic resources that deserve similar levels of protection as those in Central Hollywood. Extending the Hollywood Community Plan Update CPIO boundaries and tools to East Hollywood is a timely and important measure to protect historic and cultural resources and ensure cohesion with land use policies in the new Hollywood Community Plan.

### **Conclusion**

The Hollywood Community Plan Update is in its final stages of approval. The Los Angeles Conservancy applauds the work that has been done to protect historic resources and guide future development in the Hollywood Community Plan Area. We believe the above proposals align closely with the Plan's goals and policy and extend existing preservation protections to better ensure preservation and equity within Los Angeles' historic and cultural resources.

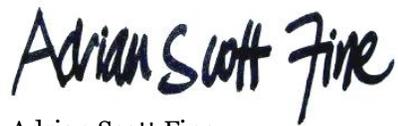


**About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions or concerns.

Sincerely,



Adrian Scott Fine  
Senior Director of Advocacy

Cc: Emma Howard, Council District 13  
Mashael Majid, Council District 4



## Communication from Public

**Name:** The Hollywood Partnership

**Date Submitted:** 04/24/2023 11:46 AM

**Council File No:** 21-0934

**Comments for Public Posting:** Honorable Members of the Plum Committee On behalf of The Hollywood Partnership, I write to express deep concern with the public process – or more accurately, the lack of public process – that resulted in the requested changes to the HCPU Community Plan Implementation Overlay (CPIO) presented to you in the memo from Councilmember Hugo Soto-Martinez, dated April 21, 2023. With regret, I must urge you to decline to act on any of the recommendations as presented, and to refer them instead for consideration in subsequent planning processes where they may be properly analyzed for financial feasibility and responded to by interested members of the public. The Councilmember’s vision for zoning policy that serves the Hollywood community with housing options, reliable transportation, jobs and economic opportunity is commendable. Given the appropriate time and space to consider the finer points of implementation, we would likely find many policy goals on which we agree. We at The Hollywood Partnership welcome the opportunity to explore those shared objectives by participating meaningfully in the additional planning efforts the Councilmember has requested. However, to adopt sweeping changes in the eleventh hour without proper outreach and study both subverts the community planning process while failing to consider whether it’s even economically feasible for the private sector to deliver the outcomes the public sector has promised. To put it quite simply, the ends do not justify the hastily executed means. Good intentions underpinned by poor planning have the potential to result in an unintended chilling of any development activity in Hollywood for years, if not decades, to come. Specifically, we take issue with the following key aspects of the process that has resulted in the recommendations before you for consideration today. Each is outlined in greater detail in the letter that follows. Lack of Public Outreach Disproportionately Impacting CD-13 Stakeholders Constituents of CD-13 were given just 72 hours (across a weekend, no less) to respond to significant policy changes after having participated at each step of a multi-year community planning process. Hotel Related Amendments Circumvent the Democratic Process The proposed required findings for CUPs on hotel projects are lifted directly from the Los Angeles Responsible Hotel Ordinance, which will already appear on the March 2024 ballot; to prematurely

implement these restrictions as a foregone conclusion in Hollywood would be a troubling circumvention of the democratic process and put Hollywood at a competitive disadvantage compared to other neighborhoods. Lack of Proper Study & Need for Further Financial Feasibility Analysis The proposed outcomes and community benefits are merely conjecture if the associated policies render development projects economically infeasible, and no financial feasibility analysis has been prepared since August 2021 despite two years of economic uncertainty and uncertain impacts of new legislation such as Measure ULA. Lasting Impacts Due to the Litigious Nature of Land Use Planning in Hollywood The recommended new policy objectives must be subjected to further study and analysis if they are to survive a legal challenge, which is highly likely given the litigious nature of land use planning in Hollywood and the history of this community plan. To be abundantly clear, we do not advocate that you abandon the HCPU in its entirety; only that you do not forcefully insert additional policy objectives into the Plan without proper public process mere days before a multi-year process reaches its conclusion. Should future amendments or revisions to the plan come to fruition, we welcome the opportunity for fruitful conversation with Councilmember Soto-Martinez on these and other policy objectives. We look forward to continued partnership with both Council District 13 and the Planning & Land Use Management Committee to advocate jointly for Hollywood's bright and successful future. Sincerely, Kathleen Rawson, President & CEO The Hollywood Partnership



Honorable Members of the City Council  
Planning & Land Use Management Committee (PLUM)  
% City Clerk, City Hall  
200 N Spring St., Room 395  
Los Angeles, CA 90012

April 24, 2023

**Subject: Hollywood Community Plan Update (HCPU) CF #21-0934**

Honorable Members of the PLUM Committee,

On behalf of The Hollywood Partnership, I write to express deep concern with the public process – or more accurately, the lack of public process – that resulted in the requested changes to the HCPU Community Plan Implementation Overlay (CPIO) presented to you in the memo from Councilmember Hugo Soto-Martinez, dated April 21, 2023.

**With regret, I must urge you to decline to act on any of the recommendations as presented, and to refer them instead for consideration in subsequent planning processes where they may be properly analyzed for financial feasibility and responded to by interested members of the public.**

The Councilmember's vision for zoning policy that serves the Hollywood community with housing options, reliable transportation, jobs and economic opportunity is commendable. Given the appropriate time and space to consider the finer points of implementation, we would likely find many policy goals on which we agree. We at The Hollywood Partnership welcome the opportunity to explore those shared objectives by participating meaningfully in the additional planning efforts the Councilmember has requested. However, to adopt sweeping changes in the eleventh hour without proper outreach and study both subverts the community planning process while failing to consider whether it's even economically feasible for the private sector to deliver the outcomes the public sector has promised.

To put it quite simply, the ends do not justify the hastily executed means. Good intentions underpinned by poor planning have the potential to result in an unintended chilling of any development activity in Hollywood for years, if not decades, to come.

Specifically, we take issue with the following key aspects of the process that has resulted in the recommendations before you for consideration today.

**1. Lack of Public Outreach Disproportionately Impacting CD-13 Stakeholders**

We understand and acknowledge that all parties involved in the HCPU process are working expeditiously to prepare the plan for action by the City Council before the May 12, 2023 deadline to act. However, substantive policy changes to the Plan should not be introduced in the final hours, absent any public outreach or collaboration with key community partners who have been diligently engaged at every step of this multi-year planning process, ourselves and our colleagues at the Chamber of Commerce included.

The vast majority of the geographic area subject to the CPIO falls within CD-13, and our stakeholders stand to be impacted most severely by the scope of the requested changes. Constituents of CD-13 were given just 72 hours (across a weekend, no less) to respond to the greatest number of requested changes in advance of the special meeting by the PLUM Committee. This last-minute maneuvering is not in keeping with the spirit of our collective commitment to open public meetings and well-informed decision making. By contrast, the CPIO impacts only small portions of CD-4 and CD-5, yet constituents in those districts were given nearly three weeks to respond to the minimal changes Councilmembers Raman and Yaroslavsky requested in their communications to the Committee dated April 4, 2023.

**2. Hotel Related Amendments Circumvent the Democratic Process**

The text of the required findings the Councilmember proposes for CUPs on hotel projects is lifted directly from a pending, undecided ballot initiative. In July 2022, the Los Angeles Responsible Hotel Ordinance obtained adequate petition signatures to qualify for the March 2024 ballot, where it will be presented to the general electorate for consideration. To prematurely implement these restrictions in Hollywood less than a year before we learn the results of a valid election would be a troubling and ethically ambiguous circumvention of the democratic process.

Should the ballot initiative pass next March, these conditions could be looked upon as the unimpeachable will of Los Angeles voters and would be implemented uniformly across the various neighborhoods of the City. Should the measure fail, though, having the very same restrictions already implemented in Hollywood as a foregone conclusion would be deceptive to CD-13 voters, rendering their participation at the

ballot box meaningless. Further, having these requirements in effect only in Hollywood – arguably the epicenter of Los Angeles tourism – puts this neighborhood at a competitive disadvantage against other areas of the City. Hollywood deserves an equal opportunity to compete fairly for hotel development projects that support tourism as an economic engine of the City of Los Angeles.

### **3. Lack of Proper Study & Need for Further Financial Feasibility Analysis**

Up to this point, development of the HCPU and CPIO has been guided by technical analysis, including most notably the financial feasibility analysis prepared by HR&A Advisors, Inc. and presented August 2, 2021. Even the findings of the HR&A study are less reliable today, after two years of economic uncertainty and in combination with the economic impacts of new legislation such as Measure ULA. By contrast, the last-minute recommendations before you have not been subjected to any objective study, and the economic feasibility of their implementation remains unknown; we are all, at best, reliant on conjecture about what measurable outcomes these policies might achieve. The desire for more affordable housing units is moot if the related requirements prove economically infeasible and the result is no affordable housing units. The same logic applies to any other community benefits we may collectively desire. For this reason, we reiterate that you must defer any decision on these recommendations to future planning processes where the financial feasibility of their implementation can be studied comprehensively.

### **4. Lasting Impacts Due to the Litigious Nature of Land Use Planning in Hollywood**

The Hollywood Community Plan was last updated in 2012, then rescinded when a legal challenge to its Environmental Impact Report surfaced. As a result, our community is now operating under a combination of 35-year-old zoning adopted in 1988 and a patchwork of variances. Given the litigious nature of land use planning in Hollywood, it stands to reason that we may see a legal challenge to this draft plan or to the subsequent planning efforts the Councilmember has requested. This legal uncertainty, coupled with limited City resources and the momentum required to drive a community planning process forward, means we must be prepared to live with this current version of the HCPU for a short time, a long time, or even to revert back to it at some date in the future. It is imperative that we as a community stand on solid legal footing and achieve near-term successes while laddering up to the broader objectives we may have for the future of Hollywood. In our opinion, this means adopting the draft plan without diverting the objectives in the eleventh hour. Any new

policies must be subjected to further review, community discussion, and legal analysis to ensure that where they are well-advised, they also endure.

**To be abundantly clear, we do not advocate that you abandon the HCPU in its entirety; only that you do not forcefully insert additional policy objectives into the Plan without proper public process mere days before a multi-year process reaches its conclusion.**

Should future amendments or revisions to the plan come to fruition, we welcome the opportunity for fruitful conversation with Councilmember Soto-Martinez on these and other policy objectives. We look forward to continued partnership with both Council District 13 and the Planning & Land Use Management Committee to advocate jointly for Hollywood's bright and successful future.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Rawson". The signature is fluid and cursive, with a large loop at the end.

Kathleen Rawson, President & CEO  
The Hollywood Partnership

CC: Board of Directors, The Hollywood Partnership  
Advocacy & Economic Development Committee, The Hollywood Partnership  
Staff, The Hollywood Partnership  
Hugo Soto-Martinez, Councilmember, Thirteenth District  
Emma Howard, Planning Director, Thirteenth District  
Patricia Castellanos, Chief of Staff, Thirteenth District  
Vince Bertoni, Director, Los Angeles City Planning Department  
Craig Weber, Principal City Planner, Los Angeles City Planning Department  
Priya Mehendale, Senior City Planner, Los Angeles City Planning Department

## Communication from Public

**Name:** Jamie T. Hall  
**Date Submitted:** 04/24/2023 11:48 AM  
**Council File No:** 21-0934  
**Comments for Public Posting:** Please see the attached letter regarding the Hollywood Community Plan Update.



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

April 24, 2023

**VIA ELECTRONIC MAIL**

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

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

Dear PLUM Committee:

I am writing on behalf of the Laurel Canyon Association (“LCA”) and the Los Feliz Improvement Association (“LFIA”) with regard to the proposed update to the Hollywood Community Plan (“Plan”) and the Environmental Impact Report (EIR”) prepared for the Plan. LCA and LFIA wrote extensive comment letters during the public comment period. As explained below, the EIR for the Project remains deficient and both organizations object to the approval of the Plan and certification of the EIR.

The City proposes to limit the mitigation measures in BR-1, BR-2, BR-3, BR-4, BR-5 and BR-6 to projects that are *discretionary* in nature. The DEIR states the following at page 4.4-25<sup>1</sup>:

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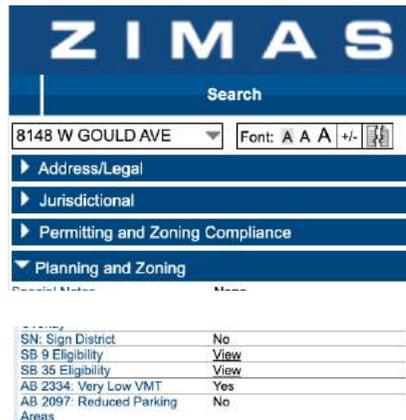
<sup>1</sup> The FEIR’s response to comments does not provide any additional rationale for the City’s infeasibility determination.

## Infeasibility Discussion in DEIR

Requiring Mitigation Measures **BR-1** and **BR-2**, if applicable, for all projects would be infeasible because the City has determined that the use of staff resources to apply these mitigation measures to all ministerial projects is not justified. It would require City staff to evaluate each and every ministerial project to determine if that project, because of its unique characteristics, should be subject to this mitigation. Alternatively, it would require rezoning every property. As discussed above in the impact analysis, the majority of the properties in and around Griffith Park and the hillsides are not expected to be altered during the Proposed Plan’s 20-year horizon. From an implementation and administrative point of view requiring these procedures or actions would be extremely difficult and require an inordinate amount of staff time and resources to capture the small number of projects that could have significant impacts. Therefore, the Proposed Plan would result in a *significant and unavoidable* impact after mitigation.

The City’s infeasibility discussion is not supported by substantial evidence. It is premised on a faulty assumption – that it “would require City staff to evaluate each and every ministerial project to determine if that project, because of its unique characteristics, should be subject to this mitigation.” This is simply not accurate. There is already a quick and easy way for the City to determine which projects should be subject to this mitigation. The City has pre-screened hillside parcels in the Hollywood Community Plan Area to determine if they contain “habitat for protected species” pursuant to Government Code Section 65913.4(a)(6)(J)<sup>2</sup>.

These results have been populated to ZIMAS and can be accessed using the City’s SB9 Eligibility Criteria Tool.



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<sup>2</sup> This section of the Government Code provides for special protection for lots that provide:

“Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).”

A screenshot of this tool from a sample property in the hillsides of the Hollywood Community Plan Area<sup>3</sup> can be found below:

### SB 9 Eligibility Criteria Checklist

**PIN Number:** 150A175 160  
**Site Address:** 8148 W GOULD AVE  
**Tract:** TR 2019  
**Map Reference:** M B 22-126/127  
**Block:** 57  
**Lot:** 7  
**Arb (Lot Cut Reference):** None

A. Planning/Housing Standards. All answers must be "Yes"	
1. The parcel is located within a single-family residential zone.	YES
2. The site is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.	YES
3. The development is not located within a historic district (HPOZ) or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a Historic Cultural Monument (HCM) or historic property or district pursuant to any ordinance.	YES
4. Lots have not been previously split using SB9	

B. Environmental Standards (to be verified by the Department of City Planning in consultation with other agencies as needed). All answers must be "No" Is the development located on a site that is any of the following:	
1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.	NO
2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).	NO
3. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25336 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.	NO
4. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.	NO
5. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.	NO
A. Natural Community Conservation Planning Act	NO
B. Habitat Conservation Plan	NO
C. Other Adopted Natural Resource Protection Plan (LA County Significant Ecological Areas)	NO
6. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).	YES
7. Lands under a conservation easement.	NO

<sup>3</sup> The result of the Tool for this property can be accessed at <http://zimas.lacity.org/ProjectDatatab?project=SB9Eligibility&pin=150A175%20%20%20160&address=8148%20W%20GOULD%20AVE>

In a Fact Sheet<sup>4</sup> brochure prepared by the City and dated March 16, 2023 the City states as follows, “Properties have been assessed based on the potential presence of biological resources to pre-screen parcels that have a high likelihood of containing habitat or need further analysis to determine if habitat exists, as defined by geographical datasets from federal, State, and local agencies such as the Protected Areas for Wildlife (PAWs) study, County identified Sensitive Ecological Areas (SEAs), and US Fish and Wildlife Service (USFWS) - identified Critical Habitat Areas or determined through a biologist’s assessment.” The City also published a Memorandum dated March 16, 2023 authored by Planning Director Vince Bertoni<sup>5</sup> which explains the City’s process of pre-screening these parcels to determine their biological resource value. The Memo states as follows:

Except from City Memo re SB9

**Habitat for Certain Species.** The law prohibits SB 9 developments on sites that contain habitat for candidate species, sensitive species, or species of special status identified by state or federal agencies, or species protected by laws such as the California Endangered Species Act. The City has two ways of identifying SB 9 habitat areas.

The first method is based on certain areas geographically delineated as habitat areas for protected species through substantial evidence, such as official agency designations including the County’s Significant Ecological Areas (SEAs) or the US Fish and Wildlife Service Critical Habitat areas, as well as areas identified in the City’s Protected Areas for Wildlife (PAWs) report<sup>1</sup> as containing habitat for species listed under the federal Endangered Species Act or the California Endangered Species Act. These areas are all excluded from SB 9 consideration.

The second method is through a screening process for areas that have been identified by City Planning as potentially containing habitat for protected or sensitive species and must be evaluated by a qualified biologist to determine if habitat exists onsite. The guidelines for determining habitat are outlined in the Biologist’s Statement of Habitat (CP-3610). Habitat may include commonly found sensitive vegetative communities such as California walnut groves and Coast live oak woodlands and may require a Habitat Integrity Analysis to determine if these vegetative communities qualify as habitat. If the biologist determines that such habitat occurs on the project site, it becomes ineligible for SB 9 consideration.

Notably, the Memo admits that the City’s “Protected Areas for Wildlife (PAWs) study is supported by substantial evidence and that it geographically

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<sup>4</sup> This FAQ is available at <https://planning.lacity.org/odocument/597fb369-6fbd-4148-a057-3f33233405d2/SB9FAQ2.71.pdf>

<sup>5</sup> This memorandum can be accessed at [https://planning.lacity.org/odocument/bef6b998-de32-4090-9557-5f98711c6c15/SB9\\_Memo\\_2-7-22MG\\_signed.pdf](https://planning.lacity.org/odocument/bef6b998-de32-4090-9557-5f98711c6c15/SB9_Memo_2-7-22MG_signed.pdf)

delineates habitat areas for protected species. The PAWs study analyzed the hillsides of the Hollywood Community Plan Area<sup>6</sup>.

City staff could easily and efficiently use the SB9 Eligibility Criteria Tool to determine if a ministerial project subject to the Baseline Hillside Ordinance should be required to prepare a Biological Resource Assessment in order to comply with BR-1, BR-2, BR-3, BR-4, BR-5 and BR-6. Requiring these procedures would not be “extremely difficult” or “require an inordinate amount of staff time and resources.” Moreover, rezoning every property would not be required. The best evidence that this would not be “extremely difficult” is that fact that the City states the following on its website<sup>7</sup>:

*“The best way to assess whether a parcel is eligible for SB 9 is to use City Planning’s Zone Information and Map Access System (ZIMAS) tool. Enter the address in the pop-up window, click the “Planning and Zoning” menu on the left side of the screen, and scroll down to the “SB 9 Eligibility” line. Click the adjacent link to display the Eligibility Criteria Checklist, which will indicate whether the site is eligible for SB 9.”*

There is no way asking a City employee to do the same thing (using the SB9 Eligibility Tool” to see if a parcel has been indemnified as containing habitat for protected species) would be unreasonable.

Alternatively, the City could require that ministerial projects located in Habitat Blocks in the Santa Monica Mountains Conservancy’s Natural Resource Protection Plan<sup>8</sup> (NRPP) be subject to BR-1, BR-2, BR-3, BR-4, BR-5 and BR-6. These maps are easily accessible<sup>9</sup> and the City’s has acknowledged their legitimacy. Precise parcels lines are shown in the map and a City staffer would simply have to look at the map to see if a ministerial project was located in a Habitat Block. A screenshot from the SMMC’s maps can be seen below.

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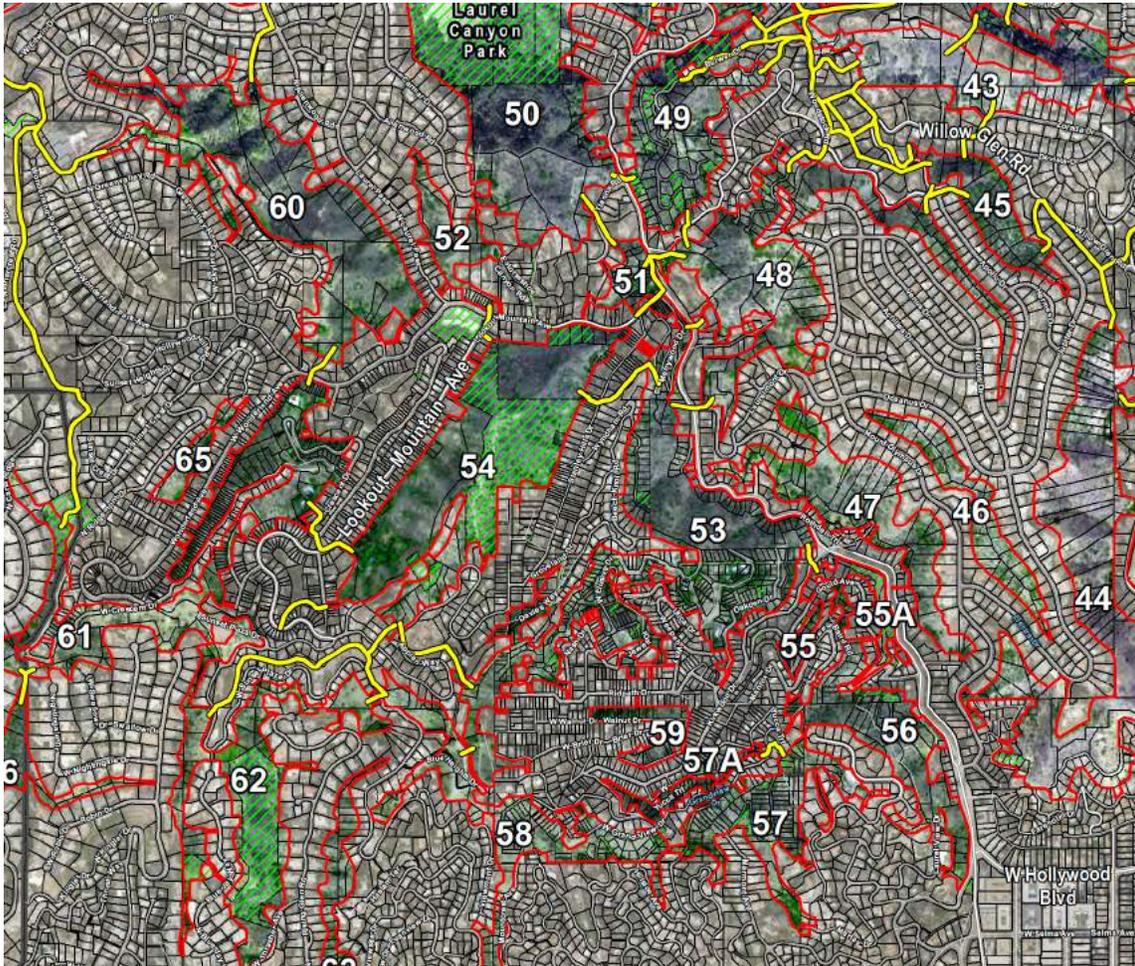
<sup>6</sup> The full report can be accessed at [https://planning.lacity.org/odocument/13de48cd-2fae-4ce7-ab4b-3ae213020b87/2021-02-26\\_ESA\\_PAW-WMP\\_Final\\_Report.pdf](https://planning.lacity.org/odocument/13de48cd-2fae-4ce7-ab4b-3ae213020b87/2021-02-26_ESA_PAW-WMP_Final_Report.pdf)

<sup>7</sup> This website can be accessed at <https://planning.lacity.org/development-services/senate-bill-9>

<sup>8</sup> The SMMC’s Natural Resource Protection Plan can be accessed at <https://smmc.ca.gov/wp-content/uploads/2021/12/ESSM-NRPP.pdf>

<sup>9</sup> The SMMC’s Eastern Santa Monica Mountains Habitat Linkage Planning Map can be accessed at <https://smmc.ca.gov/wp-content/uploads/2021/12/Eastern-Santa-Monica-Mountains-Habitat-Linkage-Planning-Map-Copy.pdf>

**Screenshot Showing Habitat Blocks in Laurel Canyon**



**Eastern Santa Monica Mountains Habitat Linkage Planning Map**

**Santa Monica Mountains Conservancy, State of California**

April 19, 2021

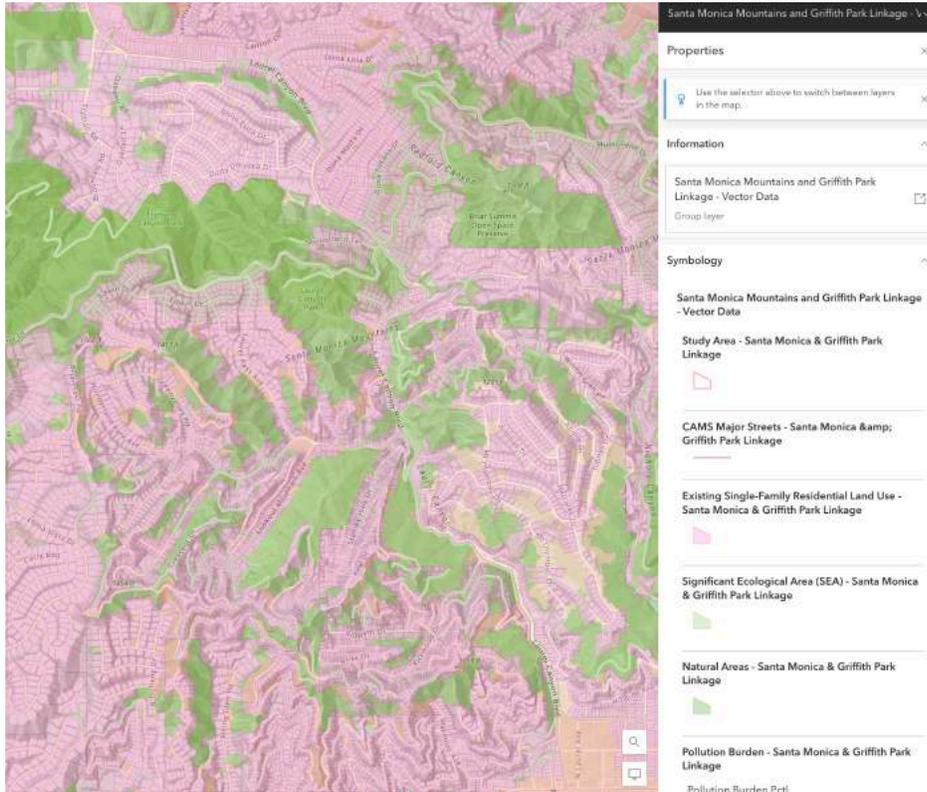


Alternatively, the City could require that ministerial projects located in “natural areas” mapped by LA Sanitation should be subject to BR-1, BR-2, BR-3, BR-4, BR-5 and BR-6. The map prepared by LA Sanitation is publicly available on the County’s ArcGIS website<sup>10</sup>. Precise parcel lines are shown on

<sup>10</sup> This map can be accessed at <https://www.arcgis.com/apps/mapviewer/index.html?panel=gallery&layers=06cd795955144557b4b9a863b672e061>

the map and a City staffer could easily assess a parcel's location in a "natural area." A screenshot from this map is shown below:

**Screenshot of Natural Areas Mapped by LA Sanitation**



**Natural Areas - Santa Monica & Griffith Park Linkage**



In sum, there are at least three ways that the City could extend these important mitigation measures to ministerial projects subject to the Baseline Hillside Ordinance. None of these approaches would be "extremely difficult" to implement or require an "inordinate amount of staff time and resources" to capture projects that could have significant impacts.

The City's infeasibility determination is not supported by substantial evidence. "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub. Res.

Code §21061.1; 14 Cal Code Regs §15364. An infeasibility finding must "describe the specific reasons" for the agency's decision to reject the mitigation measure or alternative. 14 Cal Code Regs §15091(c). The finding must be supported by substantial evidence in the record of the agency's proceedings. Pub. Res. Code §21081.5; 14 Cal Code Regs §15091(b). Here, the City's determination is devoid of evidence. As noted above, it is premised on a false premise that there are no efficient means by which to evaluate which ministerial projects should be subject to BR-1, BR-2, BR-3, BR-4, BR-5 and BR-6). No reasonable person would conclude that extending the mitigation measure to ministerial projects subject to the Baseline Hillside Ordinance could not be "accomplished in a successful manner within a reasonable period of time" if the City used one of the three mapping tools identified above. A City staffer could - within a matter of minutes - determine if a ministerial project should be required to prepare a Biological Resource Assessment pursuant to BR-1, BR-2, BR-3, BR-4, BR-5 and BR-6.

Finally, the City should be aware that ministerial projects subject to the Baseline Hillside Ordinance are being approved and constructed with significant environmental impacts<sup>11</sup>. For example, at 8144 and 8148 Gould in Laurel Canyon, two large homes were constructed within SMMC Habitat Block 56 with zero environmental review or oversight. The City's own SB9 Eligibility Criteria Tool indicates that these two parcels contained "habitat for protected species." See above. Over 9500 square feet of habitat was lost to these development projects.

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<sup>11</sup> Without any objective analysis, the City claims that only a "small number" of projects that have significant impacts will be deemed "ministerial." Even if that was true (which it is not), the City should be aware that the legislature has been adopting bills requiring ministerial approval of residential projects and removing discretion from local agencies. The volume of residential projects deemed ministerial will undoubtedly increase during the lifetime of the plan.

Arial View from ZIMAS of Gould Lots Prior to Construction



Two Homes Under Construction Displacing Habitat with Zero Mitigation



Another example are two ministerial projects at 2251 Sunset Plaza Drive (11,118 square foot home) and 2275 Sunset Plaza Drive (9100 square foot home). The City issued permits for two massive luxury homes for these two parcels even though the SB9 Eligibility Criteria Tool indicates that these two parcels contained “habitat for protected species.”

Arial View from ZIMAS of Sunset Plaza Lots Prior to Construction



Screenshot of SB Eligibility Criteria Tool for 2251 Sunset Plaza Drive

**SB 9 Eligibility Criteria Checklist**

**PIN Number:** 150B169 1259  
**Site Address:** 2251 N SUNSET PLAZA DR  
**Tract:** None  
**Map Reference:** NE 1/4 SEC 7 T1S R14W  
**Block:** None  
**Lot:** PT NE 1/4 SEC 7 T1S R14W  
**Arb (Lot Cut Reference):** 162

6.	<b>Habitat for protected species</b> identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).	<b>YES</b>
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## Screenshot of SB Eligibility Criteria Tool for 2275 Sunset Plaza Drive

### SB 9 Eligibility Criteria Checklist

**PIN Number:** 150B169 1650  
**Site Address:** 2275 N SUNSET PLAZA DR  
**Tract:** None  
**Map Reference:** NE 1/4 SEC 7 T1S R14W  
**Block:** None  
**Lot:** PT NE 1/4 SEC 7 T1S R14W  
**Arb (Lot Cut Reference):** 3

<p>the Native Plant Protection Act (Chapter 10 (commencing with Section 1800) of Division 5 of the Fish and Game Code), California Endangered Species Act (Chapter 12 (commencing with Section 3020) of Division 3 of the Fish and Game Code), or protected species or species proposed by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) the</p> <p>the Native Plant Protection Act (Chapter 10 (commencing with Section 1800) of Division 5 of the Fish and Game Code), California Endangered Species Act (Chapter 12 (commencing with Section 3020) of Division 3 of the Fish and Game Code), or protected species or species proposed by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) the</p>	<p>AE2</p>
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A mitigation measure must truly be “infeasible” in order for the City to determine that an impact is “significant and *unavoidable*.” Here, the impact is **avoidable** because the City can determine which ministerial projects should require a biological resource assessment in a “successful manner within a reasonable period of time taking into account economic, environmental, social, technological, and legal factors.”

### Mitigation Measures for Sensitive Natural Communities

The mitigation measures proposed biological resources fail to take into account that mitigation for sensitive natural community takes the form of area when avoidance is not possible. BR-1 and BR-2 do not require this type of mitigation. BR-1, for example, requires that the biological resources assessment require “avoidance, relocation, or safe escape of the sensitive species from the construction activities, as appropriate” if sensitive species or habitat is identified. BR-2 requires the preparation of a “special-status plant relocation plan.” However, “relocation” may be infeasible. The City’s proposed mitigation measure fails to acknowledge and incorporate the area-based mitigation recommended by CDFW (5:1 in area/acreage).

Dr. Travis Longcore has authored a report entitled "*Conservation of California Walnut in the Eastern Santa Monica Mountains*" that is highly relevant<sup>12</sup>. This report details the failings of the City’s current procedures to mitigate for the loss of walnut woodlands.

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<sup>12</sup> This report can be accessed at <https://www.urbanwildlands.org/Resources/ConservationCaliforniaWalnutUWG.pdf>

As noted by Dr. Longcore, meaningful mitigation for impacts to a Sensitive Natural Community should involve on-or off-site permanent protection or restoration of the same habitat type at a specified mitigation ratio. A typical mitigation ratio for loss of a Sensitive Natural Community ranked S3 (all of those with *Juglans californica*) as usually recommended by CDFW would be 5:1 (in area/acreage). Avoidance of significant impacts on rare species and Sensitive Natural Communities is always the most desirable outcome. If impacts are unavoidable, an area-based mitigation scheme is required, with permanent protection, performance criteria, and enforceability, as part of CEQA compliance<sup>13</sup>. The current mitigation measures in the Hollywood Community Plan to not require area-based mitigation.

Without area-based mitigation, sensitive natural communities can slowly disappear or shrink in size. One such example can be found at 9330 Flicker, Los Angeles, CA. The National Park Service mapped this area as a Walnut Woodland (a sensitive natural community per CDFW) in 2006<sup>14</sup>. Today, it has been completely destroyed by luxury development with zero mitigation. The maps below tell a clear story. You can see how lush the woodland was in 2011. By 2017 all you see is multiple developments in the process. The City deemed these projects "exempt" under CEQA and did not impose area-based mitigation.

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<sup>13</sup> A sample letter from CDFW that also includes this mitigation approach is attached hereto as **Exhibit 1**.

<sup>14</sup> The NPS mapping of native woodlands took place in 2006. The data from the mapping is publicly available and can be accessed at <https://gisucla.maps.arcgis.com/apps/instant/basic/index.html?appid=868b0af352f5426c8ecef8d31e0796f9>. The mapping is down to the parcel level. The full NPS report can be accessed at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18243>.

2006 NPS Map of Walnut Woodland



2011 ZIMAS Map Showing Lush Walnut Woodland



2017 ZIMAS Map Showing Destruction of Woodland with Ongoing Construction



The City should also require that the biological resources assessment report be submitted to trustee agencies such as CDFW and the SMMC prior to the issuance of the first permit for the Project. The City should also be required to consult with these agencies regarding the completeness of these reports and the appropriateness of the mitigation recommended by the qualified biologist.

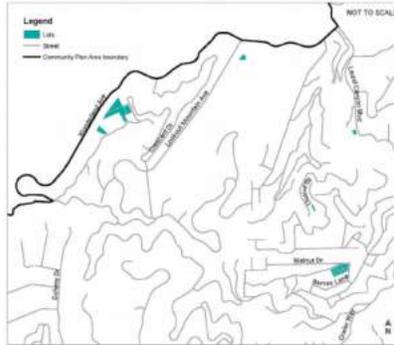
**Open Space Rezoning Procedure**

The Laurel Canyon Association is pleased that the City has rezoned to open space land that was acquired by the Laurel Canyon Land Trust (“LCLT”)<sup>15</sup>, a 501(c)(3) organization. A map of the rezoned properties is contained below:

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<sup>15</sup> The Laurel Canyon Land Trust is the sister organization of the Laurel Canyon Association.

Map of LCLT Properties Rezoned to Open Space



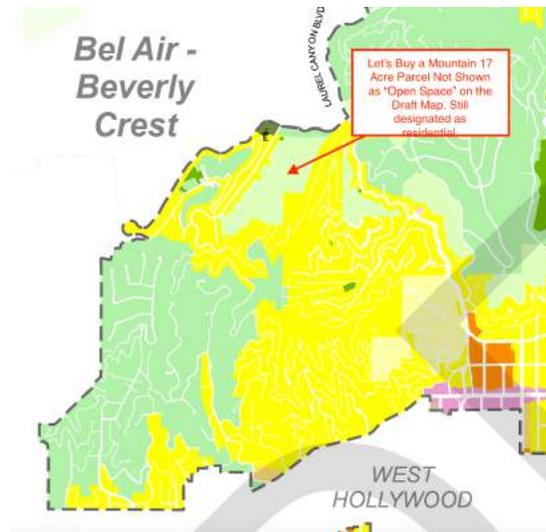
Properties shown are proposed to change from Minimum Residential, Very Low II Residential, and Low II Residential land use, and R1-1-HCR, RE11-1-HCR, and RE40-1-H-HCR zoning designations to Open Space land use, and OS-1XL zoning designation. The properties include the following Assessor Parcel Numbers: 5567018017, 5562001036, 5567029026, 5556011063, 5556011064, 5556011044, 5563005005, 5563005011, 5563005012, 5563005015, 5563005013.

However, since the hearing before the City Planning Commission back in 2021 LCLT has acquired several more parcels, including a 9-acre parcel located at 8516 Lookout Mountain (APN 5567-004-014). A chart showing these additional parcels is shown below:

Additional Parcels Acquired by LCLT Since CPC Hearing

No	Parcel Address	Parcel APN	Square Footage
1	8516 Lookout Mountain	5567-004-014	384634.8
2	8460 Elusive Drive	5567-018-039	3973
3	8464 Elusive Drive	5567-018-040	4372
4	1953 Jewett Drive	5567-018-050	3044
			396023.8

Moreover, the City has not rezoned all of the land acquired by the Mountains Recreation and Conservation Authority (“MRCA”) as part of the Community Plan Update (e.g, the 17 acre Let’s Buy a Mountain parcel located at 8599 W. Appian; APN 5562-006-901). A list of the MRCA land in the Laurel Canyon area that should be rezoned to Open Space is attached hereto as **Exhibit 2**.



The Laurel Canyon Association requests all land acquired by the MRCA and LCLT be rezoned as open space. The Staff Report prepared for this hearing indicates as follows: “The Plan also intends that when a board or governing body of a government agency, nonprofit or conservation and trust officially determines that vacant land user their ownership is to be used as open space, the property may be redesignated and/or rezoned to Open Space (OS).” LCA seeks clarification as to the process by which future acquired lands will be rezoned. Is this an administrative process? Will the City initiate the process of rezoning? Please provide clarity.

### **Requested Changes to the Biological Resource Mitigations**

For ease of use, the mitigation measures proposed by the City have been redlined so that they can be amended by the City prior to adoption of the Plan and certification of the FEIR.

#### **BR-1**

For ministerial projects subject to the Baseline Hillside Ordinance that are located on parcels identified in ZIMAS as containing habitat for protected or sensitive species and for discretionary projects that are in or within 200 feet of Griffith Park, dedicated open space or are required to comply with the City’s

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

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

activities- prior to the issuance of the first permit for the Project. A follow-up report documenting construction monitoring, relocation methods, and the results of the monitoring and species relocation shall also be submitted to DCP and CDFW following construction.

### BR-2

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

### BR-3

During environmental review for projects that are discretionary or in a CPIO District subarea or for ministerial projects subject to the Baseline Hillside Ordinance that are located on parcels identified in ZIMAS as containing habitat

for protected or sensitive species, in areas potentially containing jurisdictional waters or riparian habitat, including streams, wetlands, and other water bodies, affected sites as well as off-site areas that may be directly or indirectly affected by the individual development project shall be surveyed by a qualified biologist for Waters of the U.S. and Waters of the State (e.g., streams, wetlands, or riparian habitat). Whenever possible, individual projects shall be designed and/or sited to avoid disturbance to or loss of jurisdictional resources. If Waters of the U.S. or Waters of the State cannot be avoided and would be affected by the individual project, the regulatory agencies shall be consulted regarding the required permits. Individual project applicants shall demonstrate to DCP, if the lead agency, the regulating agency that the requirements of agencies with jurisdiction over the subject resource can be met prior to obtaining ~~grading permits~~ the first permit for the Project. This will include, but not be limited to, consultation with those agencies, securing the appropriate permits, waivers, or agreements, and arrangements with a local or regional mitigation bank including in lieu fees, as needed.

#### BR-4

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

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

- Monitoring plan
- Contingency measures

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

Implementation of the compensatory plan shall commence prior to issuance ~~of a grading permit~~ the first permit issued for the Project for individual projects. If the compensatory plan involves establishment or restoration activities, these activities shall be implemented over a five-year period. The establishment or restoration activities shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the activities, as necessary, to achieve desired outcomes and meet the success criteria. Five years after initiation of establishment or restoration activities, a final report shall be submitted to the relevant regulatory agencies and DCP, which shall at a minimum discuss the implementation, monitoring, and management of the activities over the five-year period, and indicate whether the activities have, in part, or in whole, been successful based on established success criteria. The establishment or restoration activities shall be extended if the success criteria have not been met to the satisfaction of DCP and relevant regulatory agencies.

#### BR-5

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

drainage is a regulated "streambed", then a Streambed Alteration Agreement shall be entered into with CDFW and any associated conditions shall be agreed to prior to the start of construction in the affected area.

BR-6

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

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## **Conclusion**

The City has not updated the Hollywood Community Plan since 1988. Since that time, much has been learned about the biological resources in the Santa Monica Mountains (as well as the appropriateness of mitigation). The City should take the effort to revise the mitigation measures to ensure that long term protection can be provided in the next 20 years as development occurs within admittedly environmentally sensitive areas.

I may be contacted at 310-380-0845 or at [jhall@laurelcanyon.org](mailto:jhall@laurelcanyon.org) if you have any questions, comments or concerns.

Sincerely,

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

Jamie T. Hall  
Laurel Canyon Association  
President

# **Exhibit 1**



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**APR 17 2020**

## STATE CLEARINGHOUSE

April 17, 2020

Jane Choi  
City of Los Angeles  
City Planning  
200 N. Spring St. Room 621  
Los Angeles, CA 90012  
[jane.choi@lacity.org](mailto:jane.choi@lacity.org)

**Subject: Onyx32 – 32 Small Lot Homes, Mitigated Negative Declaration (MND), SCH #2020039066, Los Angeles County**

Dear Ms. Choi:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Onyx32 – 32 Small Lot Homes Project (Project). The Initial Study's supporting documentation includes a *Biological Assessment* (Assessment) and a *Protected Tree Report* (Tree Report). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Jane Choi  
City of Los Angeles  
Page 2 of 10  
April 17, 2020

## Project Description and Summary

**Objective:** The proposed Project would consist of the subdivision of the existing 186,956 square foot vacant site (four parcels) into 32 parcels that range in area from 1,673 square feet to 15,381 square feet. The development of 32 small lot residences (one per parcel) would also include the construction of related improvements [new public roads, curb and gutters, retaining walls, driveways, common access areas (public access staircases and private pocket parks), and utilities]. Earthwork for the proposed Project would result in approximately 22,474 cubic yards of cut, 4,960 cubic yards of fill, and 17,514 cubic yards of soil export. Project construction would also require removal of 31 Protected Trees (California Black walnut trees), which would be replaced, with review and approval by the Board of Public Works.

**Location:** The subject property is located at 4103 E. Supreme Court, 4108 E. Superior Court, 4102 E. Supreme Court, and 2730 N. Onyx Drive, Los Angeles, California, 90032. The Project site occupies an east-southeast-facing slope within the watershed of the Los Angeles River. Elevation on the property ranges from approximately 965 feet at the northeastern corner of the property to 1,160 feet at the western tip. Forest Park Drive runs roughly north/south through the western part of the property.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City of Los Angeles (City) in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

### Comment #1: Impacts to Sensitive Plant Species

**Issue:** The Initial Study recognizes the need for mitigation for the Southern California black walnut trees due to the required removal of numerous individuals to conduct Project activities. However, Mitigation Measures IV-01 and IV-80 in the Initial Study do not determine a specific replacement ratio for each of the individual Southern California black walnut (*Juglans californica*) trees that will be removed during Project activities.

**Specific impacts:** Mitigation Measure IV-01 states, "California black walnut trees covered under the City's Protected Tree Ordinance and that would be removed, replace them on a 1:1 basis with the same species trees." However, Mitigation Measure IV-80 states, "A minimum of four trees (tree size to be determined by the City) shall be planted for each protected tree that is removed." If the replacement ratio is 1:1, this may not be sufficient when accounting for the temporal loss of mature Southern California black walnut trees. CDFW considers walnut woodlands distinct biological communities, consisting of trees, shrubs, vines, and herbaceous understory vegetation. The MND only considers the value of the trees and does not appear to characterize the value of these unique communities in a biological setting. Removal or thinning of an understory in walnut woodland directly impacts the functions and values of the entire walnut woodland.

Jane Choi  
City of Los Angeles  
Page 3 of 10  
April 17, 2020

**Why impact would occur:** Project implementation includes grading, vegetation clearing, building construction, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

**Evidence impact would be significant:** Southern California black walnut is a sensitive and declining habitat type, is difficult to restore, and takes many years before habitat functions and values in restoration areas are equivalent to impacted areas. The Southern California black walnut is also designated S-3, which is considered vulnerable in the state due to a restricted range with relative few populations. An S-3 ranking indicates there are 21 to 80 occurrences of this community in existence in California, S-2 has 6 to 20 occurrences, and S-1 has less than 6 occurrences. CDFW considers plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). In addition, the Southern California black walnut tree (*Juglans californica*) is covered under the City of Los Angeles Protected Tree Ordinance. Given that these species meet the CEQA definition of Endangered, Rare or Threatened Species that may qualify for listing (CEQA Guidelines, § 15380(d)), impacts to these locally rare resources and adequate mitigation measures that reduce the impacts to less than significant should be described and incorporated into the final environmental document (CEQA Guidelines, § 15125(c)).

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** The Tree Report, which is to be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, City of Los Angeles, should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

For example, larger southern California black walnut trees may be over 100 years old and are not readily replaced, which would be considered significant under CEQA. CDFW recommends the Tree Report clarify the size and number of individuals anticipated to be permanently impacted, analyze the significance of impact within the Project footprint, and provide adequate mitigation, if necessary, to reduce impacts to less than significant. Feasible mitigation could include long-term protection in place; on-site nuts/seed collection for an on- or off-site mitigation enhancement/restoration area suitable to the species; and/or off-site land acquisition of similar or better habitat, all to be preserved in perpetuity with the necessary management and endowment funds.

**Mitigation Measure #2:** CDFW also recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S-3 ranked communities and 7:1 for S-2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. CDFW also recommends 'tree removal' be mitigated at a community-level that has been impacted. This mitigation should include a combination of native trees and/or appropriate understory and lower canopy plantings.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by U.S. Fish and Wildlife Service and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term

Jane Choi  
City of Los Angeles  
Page 4 of 10  
April 17, 2020

management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands pursuant to Assembly Bill (AB) 1094 (2012), which amended Government Code sections 65965-65968.

**Recommendation #3:** Please note, in 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance- and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

### **Comment #2: Impacts to Bat Species**

**Issue:** The Project includes activities that will result in the removal of Southern California black walnut trees and surrounding environment that may provide roosting or foraging habitat for bat species. A review of California Natural Diversity Database (CNDDDB) indicates occurrences of bat species within five (5) miles east of the Project site. In addition, Table A (Special-Status Species) identifies two bat species, both of which are California Species of Special Concern (including pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis* ssp. *californicus*)) as possible likelihood to occur on site.

**Specific impacts:** Project activities include the removal of trees, vegetation, and/or structures that may provide maternity roost (e.g., in cavities or under loose bark) or foraging habitat, and therefore has the potential for the direct loss of bats.

**Why impacts would occur:** The removal of trees and conversion of open space to a residential area will potentially result in the loss of habitat for bats.

**Evidence impacts would be significant:** Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Bat species, such as the western yellow bat, can be found year-round in urban areas throughout the south coast region (Miner & Stokes, 2005). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines, § 15065). Take of California Species of Special Concern could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** To the extent feasible, tree removal or relocation should be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season.

Jane Choi  
City of Los Angeles  
Page 5 of 10  
April 17, 2020

**Mitigation Measure #2:** If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.

**Mitigation Measure #3:** If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and should remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

The bat specialist should document all demolition monitoring activities and prepare a summary report to the City upon completion of tree disturbance and/or building demolition activities.

### **Comment #3: Mitigation Replacement and Landscaping**

**Issue #1:** The Tree Report identified two individuals of *Schinus molle* or Peruvian pepper tree (erroneously called California pepper tree) and one Blue Gum (*Eucalyptus globulus*). These trees were designated as "Significant tree[s]" under the City's Department of Planning policy, due to Diameter at Breast Height (DBH) greater than eight (8) inches. These Significant Trees will be mitigated as such: "The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species." It is unclear if these trees will be replaced with the same species. *Schinus molle* and *Eucalyptus globulus* are designated as an invasive species by the California Invasive Pest Plant Council (Cal-IPC).

**Issue #2:** Landscaping throughout the Project site is indicated in the Initial Study. There does not appear to be a landscaping plan available at this time. It is, therefore, unclear the types of plant species that will be utilized for landscaping purposes on the Project site.

**Specific impact:** Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. Invasive plants reduce native plant species diversity.

**Why impact would occur:** Planting invasive trees or plant species would further degrade natural open space or riparian habitats. In addition, without replacing native trees with similar native tree species, the function and value of the impacted native trees replacement trees would not be fully mitigated.

Jane Choi  
City of Los Angeles  
Page 6 of 10  
April 17, 2020

**Evidence impact would be significant:** Invasive species have contributed to the decline of forty-two percent of U.S. threatened and endangered species (USDA Forest Service 2019). Invasive species compete directly with native species for moisture, sunlight, nutrients, and physical space. Cumulative impacts may result due to the City's tree policy and ordinance recommending an invasive tree be planted throughout areas including sensitive, natural habitat.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends that the Project prohibit the planting of any species contained in the Cal-IPC Invasive Plant Checklist listed for any region.

**Mitigation Measure #2:** CDFW recommends the use of native tree species or non-invasive drought tolerant tree species be used to replace the non-native trees being impacted by the Project.

**Mitigation Measure #3:** CDFW recommends that all open space preservation/mitigation land be protected in perpetuity with minimal human intrusion. This can be accomplished by recording and executing a perpetual conservation easement in favor of an approved agent dedicated to conserving biological resources. In addition, CDFW recommends all mitigation lands be owned or managed by an entity with experience in managing habitat. CDFW has encountered problems with using portions of privately-owned lots as open-space-habitat mitigation under CEQA because homeowners may grade and remove vegetation on their land with little legal recourse to remedy this loss under CEQA. Mitigation lands should be owned or managed by a conservancy or other land management entity to allow for legal remedies should trespass and clearing/damage occur. A management and monitoring plan, including a funding commitment, should be developed for any conserved land, and implemented in perpetuity to protect existing biological functions and values. Permeable wildlife fencing should be erected around any conserved land to restrict incompatible land uses and signage posted and maintained at conspicuous locations communicating these restrictions to the public.

### **Filing Fees**

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

### **Conclusion**

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter and further coordination on these issues should be directed to Felicia Silva, Environmental Scientist, at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov) or (562) 430-0098.

Jane Choi  
City of Los Angeles  
Page 7 of 10  
April 17, 2020

Sincerely,

DocuSigned by:



5991E19EF8094C3...  
Signing for Erinn Wilson  
Environmental Program Manager I

ec: CDFW

Victoria Tang – Los Alamitos  
Felicia Silva – Los Alamitos  
Andrew Valand – Los Alamitos  
Malinda Santonil – Los Alamitos  
Susan Howell – San Diego  
CEQA Program Coordinator - Sacramento

State Clearinghouse

**References:**

Miner, Karen L. & Stokes, Drew C. 2005. Bats in the South Coast Ecoregion: Status, Conservation Issues, and Research Needs. USDA Forest Service General Technical Report PSW-GTR-195.  
[https://www.fs.fed.us/psw/publications/documents/psw\\_gtr195/psw\\_gtr195\\_2\\_13\\_Minier.pdf](https://www.fs.fed.us/psw/publications/documents/psw_gtr195/psw_gtr195_2_13_Minier.pdf)  
Sawyer, J.O., Keeler Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2<sup>nd</sup> ed. ISBN 978 0 943460 49 9.

USDA Forest Service. 2019. Invasive Plants. (see <https://www.fs.fed.us/wildflowers/invasives/index.shtml>).

USDA Forest Service. 2019. Pacific Northwest Research Station. (see <https://www.fs.fed.us/pnw/invasives/index.shtml>).



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 South Coast Region  
 3883 Ruffin Road  
 San Diego, CA 92123  
 (858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



CDFW recommends the following language to be incorporated into a future environmental document for the Project.

<b>Biological Resources</b>			
	<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1- Impacts to Sensitive Plants</b>	<p>The Tree Report, which is to be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, City of Los Angeles, shall provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.</p> <p>The Tree Report shall clarify the size and number of individuals anticipated to be permanently impacted, analyze the significance of impact within the Project footprint, and provide adequate mitigation, if necessary, to reduce impacts to less than significant. Feasible mitigation could include long-term protection in place; on-site nuts/seed collection for an on- or off-site mitigation enhancement/restoration area suitable to the species; and/or off-site land acquisition of similar or better habitat, all to be preserved in perpetuity with the necessary management and endowment funds.</p>	Prior to Construction	<p>City of Los Angeles</p> <p>Project Proponent</p>
<b>MM-BIO-2- Sensitive Natural Communities</b>	<p>Avoid any sensitive natural communities found on the Project. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S-3 ranked communities. This mitigation shall include a combination of native trees and/or appropriate understory and lower canopy plantings.</p> <p>All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be approved by U.S. Fish and Wildlife Service and CDFW prior to any ground disturbance. The restoration</p>	Prior to construction and throughout Project	<p>City of Los Angeles</p> <p>Project Proponent</p>

Jane Choi  
 City of Los Angeles  
 Page 9 of 10  
 April 17, 2020

	plan shall include restoration and monitoring methods; annual success criteria; contingency actions shall success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting.		
<b>MM-BIO-3-Bat Species</b>	To the extent feasible, tree removal or relocation shall be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season.	Prior to Construction	City of Los Angeles
<b>MM-BIO-4-Bat Species</b>	If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Acoustic recognition technology shall be used to maximize detection of bat species to minimize impacts to sensitive bat species. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.	Prior to Construction	City of Los Angeles
<b>MM-BIO-5-Bat Species</b>	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and shall remain in place until it is inspected by a bat specialist.	Prior to Construction	City of Los Angeles

Jane Choi  
 City of Los Angeles  
 Page **10** of **10**  
 April 17, 2020

	Trees that are known to be bat roosts shall not be sawn up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.		
<b>MM-BIO-6-Prohibit Invasive Plants</b>	Prohibit the planting of any species contained in the Cal-IPC Invasive Plant Checklist listed for any region.	Prior to Construction	City of Los Angeles
<b>MM-BIO-7-Nonnative tree replacement</b>	Native tree species or non-invasive drought tolerant tree species be used to replace the non-native trees being impact by the Project.	During Construction	City of Los Angeles
<b>MM-BIO-8-Conserved land</b>	All open space preservation/mitigation land be protected in perpetuity with minimal human intrusion. This can be accomplished by recording and executing a perpetual conservation easement in favor of an approved agent dedicated to conserving biological resources. In addition, all mitigation lands shall be owned or managed by an entity with experience in managing habitat. Mitigation lands shall be owned or managed by a conservancy or other land management entity to allow for legal remedies in the event trespass and clearing/damage occur. A management and monitoring plan, including a funding commitment, shall be developed for any conserved land, and implemented in perpetuity to protect existing biological functions and values. Permeable wildlife fencing shall be erected around any conserved land to restrict incompatible land uses and signage posted and maintained at conspicuous locations communicating these restrictions to the public.	Post Construction	City of Los Angeles  Project Proponent

# **Exhibit 2**

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## Communication from Public

**Name:** Hollywood Media District  
**Date Submitted:** 04/24/2023 12:02 PM  
**Council File No:** 21-0934  
**Comments for Public Posting:** Please find attached a comment letter from the Hollywood Media District BID.



April 21, 2023

Hugo Soto-Martinez, LA City Councilmember District 13  
Emma Howard, Community Development & Planning Director  
200 N. Spring St., Room 480  
Los Angeles, CA 90012

RE: Hollywood Community Plan Update Adoption  
CPC-2016-1450-CPU  
ENV-2016-1451-EIR  
SCH No. 2016041093

Dear Ms. Howard:

I am writing on behalf of the Hollywood Media Business Improvement District (the "BID") regarding the above referenced Hollywood Community Plan Update ("HCPU2"). The members of our PLUM committee raised some of these issues in our meeting with you last week.

The BID submitted comment letters on January 31, 2019 ("First Comment Letter") and December 16, 2019 ("Second Comment Letter") in response to the HCPU2 and associated Draft Environmental Impact Report ("DEIR"). Both comment letters provided critical information about the uses of properties and businesses in the BID that shaped the HCPU2 for the BID area. See letters Exhibits A and B. There have been no public objections to the changes proposed by the BID and incorporated into the HCPU2.

The BID wishes to express its support for the adoption of the HCPU2 with a critical modification to remove the proposed Q condition that will prohibit residential development, including hotel uses and joint living / work quarters, within targeted areas proposed for industrial and commercial uses. As currently proposed in the plan, subareas with a land use designation of Limited Industrial (including 39:4, 40, 40:1B, 40:2) would change to [Q] M1-2D and [Q] M1-2D-SN. Without the Q condition, the proposed M1 zone would still require developers to obtain entitlements such as a zone change in order to develop mixed-use buildings with a residential component. However, including the Q condition would restrict any kind of future residential development throughout the Hollywood Media District, even through an entitlement procedure. The BID previously advocated in the above referenced comment letters and maintains that the flexibility to permit future residential development is vital because:

1. More housing is critically needed in Hollywood in response to the City's extreme housing crisis and rising unhoused population.

2. The Hollywood Media District is located in a key transit corridor served by the Metro Rapid Bus with three stops on Santa Monica Boulevard at Vine Street, Highland Avenue, and La Brea Avenue.
3. The Hollywood Media District is a well-known jobs center for studio and media-related uses and emerging creative office space. Logical urban planning should allow the development of multi-family residential uses in areas with substantial jobs and transit opportunities to shorten vehicle miles traveled, encourage walking, and improve the jobs-to-housing balance.

Preserving a significant portion of Hollywood for industrial uses only is an antiquated urban planning practice. The city should allow the district to maintain and even strengthen its legacy as a jobs center for media related industries while also allowing flexibility for future development of residential uses in order to satisfy an unprecedented demand, easing the housing crisis and supporting the business uses of properties in the BID. The result will undoubtedly be a healthier community where people can live close to where they work, walk to neighborhood serving retail and restaurants, and access public transit options. In the upcoming PLUM and City Council Hearings to adopt the HCPU2, we strongly encourage you to advocate for removal of the Q condition that prohibits residential development in the Hollywood Media District.

Sincerely,



Miguel Padilla  
President, Board of Directors  
Hollywood Media District BID

# EXHIBIT A

January 31, 2019

File Number: 56FW-270531

## VIA HAND DELIVERY AND E-MAIL

Ms. Linda Lou  
City Planner  
City of Los Angeles  
Department of City Planning  
200 N. Spring Street  
Room 667, Mail Stop 395  
Los Angeles, CA 90012  
E-Mail: linda.lou@lacity.org

Re: Comments on the Hollywood Community Plan Update (CPC-2016-1450-CPU) and the Draft Environmental Impact Report (ENV-2016-1451-EIR, SCH No. 2016041093)

Dear Ms. Lou:

We represent the Hollywood Media District Business Improvement District ("HMD BID"). As a key stakeholder in Hollywood, the HMD BID provides the following comments on the draft Hollywood Community Plan Update ("HCPU2") and the associated Draft Environmental Impact Report ("DEIR"), released by the City of Los Angeles ("City") for public review in November 2018.

The area of the HMD BID is bounded by Fountain Avenue to the North, Vine Street to the East, Melrose Avenue to the South, and La Brea Avenue to the West (See Attachment A, Map of HMD BID Boundary). The HMD BID has a robust organizational structure with a diverse group of stakeholders, multiple committees and board members who are actively engaged in matters related to the HMD BID area including land use, marketing, safety, arts, and environmental sustainability. The HMD BID is currently led by David M. Bass, President; Laurie Goldman, Immediate Past President; and Alfredo A. Hernandez, Executive Director.

The HCPU2 repeatedly refers to the HMD BID as an "industrial area" that is at the center of media and entertainment-related uses and limits its potential to a "Industry Retention Area." (See HCPU2, p. 2-2, 2-8, also see Figure 3-3). However, this does not accurately capture the current reality nor the enormous potential of the HMD BID to positively contribute to the future of Hollywood. In fact, the HMD BID is developing into the epicenter of innovation for media and tech. Creative offices are being created and designed to inspire and support the creative talents of tomorrow. The HMD BID is at the heart of an important synergy taking place between the next generation workplace – workplaces that delight, inspire, refresh and advance the creativity of those who work there – and the HMD BID's principles of imagination, community, and expansiveness. Thus, we propose a revised definition of the HMD BID as discussed further to

acknowledge the new types of uses in the area (e.g., “new media”, art and interior galleries) and seamlessly integrate the preservation of industrial uses for job creation with complementary residential and commercial uses.

Based on the land use and zoning proposed in the HCPU2, the HMD BID recommends the City increase the by-right FAR and allow residential uses (including hotel) in the HMD BID area. This letter provides specific recommendations for individual subareas within the HMD BID. The proposed changes will not only allow the HMD BID to act as the center for industrial uses and jobs but also promote the HCPU2’s vision to enable residents and visitors to live, work, play and shop in Hollywood. (HCPU2, p. 3-2). We thank the City for this opportunity to comment.

## **I. Overview of HMD BID Area**

The HMD BID brings together approximately **350** unique property owners and over **400** businesses to enhance the security, cleanliness, beautification and commercial desirability of the area. The area consists of a diverse range of uses including theatres/entertainment, media-related studio uses, creative office space, live/work and residential units, as well as restaurant and retail uses. The periphery of the HMD BID includes commercially-zoned properties with an array of mixed-use developments.

More recently, the HMD BID has seen a growing interest in developing complementary commercial and residential uses to enhance the traditional entertainment and studio uses. As such, this letter proposes changes to the draft HCPU2 for the HMD BID to accommodate these complementary uses and increase FAR for the HMD BID to contribute to the overall goals and projected growth of the HCPU2.

## **II. HCPU2 Vision for HMD BID Area**

### **a. Proposed Uses**

The HCPU2 refers to the HMD BID as one of the key clusters of “low-intensity industrial uses” and as “the center of pre- and post- production, such as set construction, still photography, film and tape editing, film archiving and storage, studio equipment manufacture, rental and storage, sound recording, film projection and screening, prop houses, lumber yards, rehearsal and broadcast studios and production offices.” (HCPU2, p. 2-8). The HCPU2 seeks to “preserve” the industrial uses of the Media District and the theatres of Theatre Row, while allowing a mixture of uses along the edges of the District on La Brea Avenue and Santa Monica Boulevard. (HCPU2, p. 2-2). The HMD BID Area is proposed to include the following twenty-three subareas: 16, 17:1, 17:2, 17:3, 17:4, 19, 19:1, 39:1, 39:3, 39:4, 40, 40:1, 40:1A, 40:1B, 40:1C, 40:2, 40:2B, 40:2C, 40:3, 40:4, 40:4A, 40:5, and 40:6. (See Attachment B, Map of Proposed Subareas for HMD BID).

### **b. Suggested Revisions**

While the HMD BID does include traditional entertainment-related studio and industrial uses, the HCPU2 does not accurately capture the existing uses or the potential of this area to become a

vibrant destination for the City of Los Angeles. Rather, the City's approach will likely stunt the growth in this area. The HMD BID has been working with stakeholders over the last year to develop a vision for the future development of the area. Stakeholders have considered how to thoughtfully incorporate the emergence of new media, commercial and residential uses while balancing the need to sustain this area as a hub for jobs in the entertainment business. For example, the HMD BID developed the Hollywood Media District Presents Hollywood Greens. (See Attachment D). This booklet provides a snapshot of the HMD BID's vision for the area as a walkable, safe, comfortable, sustainable, green, connected and open space.

The emergence of new media, interior design and art galleries are some of the uses within the HMD BID area that call into question the definition and description of the HMD BID within the HCPU 2. The HMD BID is referred to repeatedly as an industrial area that is at the center of media and entertainment-related uses along with the "flourishing equity-waiver theater district, known as Theatre Row." The HCPU2 also refers to a large portion of the HMD BID as a "Industry Retention Area." (HCPU2, p. 2-2, 2-8, also see Figure 3-3).

Examples of these new media uses within the HMD BID include SiriusXM (953 Sycamore) and BuzzFeed (1135 N Highland). Tenants of these new media uses look for modernized campuses with commercial and residential uses to complement job creation. Put differently, new media businesses want a placemaking site for their employees to live, work, and play. Thus, the proposed Industrial designation and prohibition on residential uses for the HMD BID area are not aligned with the emerging model for new media uses. Providing opportunity for residential uses, additional density and FAR in the HMD BID can add more value to the HCPU2's primary objectives to (1) encourage a better balance of jobs and housing with mixed-use development; and (2) accommodate commercial uses for future employment opportunities. (DEIR, p. 3-13).

In addition to these new media uses, the HMD BID has significantly changed in the last ten years, with the conversion of underutilized and vacant industrial uses into new mixed-use development. Examples include 6677 West Santa Monica Boulevard (Case No. CPC-2006-9797-GPA-VZC-HD-CU-SPR-DB) and 1625 N. Schrader Boulevard (Case No. CPC-2016-1083-GPA-VZC-HD-DB-SPR). The City approved these projects with land use and zone changes from manufacturing use to commercial. The HCPU2 acknowledges these types of new developments and continued increase in employment opportunities. (HCPU2, p. 2-11). Similar mixed-use developments have emerged in nearby West Hollywood, which borders the HMD BID and include both residential and ground-floor commercial to support the surrounding employees and visitors.

The HMD BID has also seen the introduction and expansion of art gallery and interior design uses. Some examples include the Kohn Gallery (1227 N. Highland), Gavlak (1034 N. Highland), JF Chen (1000 N. Highland), Regen Projects (6750 Santa Monica Boulevard), and LAXART (7000 Santa Monica Boulevard). These uses continue to enhance the vibrancy of the HMD BID as a prime location for entrepreneurs and a diverse range of artists to work, create and share their ideas. The combination of new media and art gallery spaces further establish the need for the presence of residential uses and hotels. These new uses stimulate a market of local and international travelers who will arrive and stay in the area. Thus, hotel and related

commercial and retail uses are necessary to meet the needs of the growing uses and influx of visitors and possible future residents into the HMD BID.

We propose the City modify the existing description of the HMD BID to reflect the incoming new media uses, art gallery and interior design spaces, and a desire to seamlessly integrate the preservation of industrial uses for job creation with complementary residential and commercial uses. This modification will serve to enhance the vitality of the HMD BID area and promote the HCPU2's overall goal to develop the Hollywood Community Plan Area as a live, work, play destination. Further, we propose the modification of Goal LU8.4 and Program Number 17 to align with this proposed revision to the definition. (HCPU2, p. 3-20, p. 7-6).

These projects represent the desired uses of the HMD BID and demonstrate how services such as hotels, residences, shops and restaurants can complement the studio uses to increase overall vitality and growth for the Hollywood Community Plan Area. As discussed in greater detail below, the HMD BID seeks zoning that permits greater FAR and allows residential uses (including hotels). (See Attachment C, Map of Proposed FAR in HMD BID).

### III. Land Use

#### A. Subarea 40:1B

*Proposed Zoning:* [Q] M1-1-SN

- No residential development permitted, including artist-in-residence or live-work.
- MR-1 uses only along Santa Monica Boulevard between McCadden Place and Lillian Way.
- FAR 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q Condition to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Allow for M1 uses along Santa Monica Boulevard, between McCadden Place and Lillian Way.
- Increase FAR to 4.5:1.

*Assessment/Rationale:*

The City proposes Subarea 40:1B to be designated "Limited Industrial" to "retain/preserve industrial land for jobs." Subarea 40:1B consists of a large portion of parcels from Lillian Way to the East, Citrus Avenue to the West, Santa Monica Boulevard to the North and Warring Avenue to the South. Like other subareas in the HMD BID, this Subarea has traditionally been a focal point for a variety of media-related and industrial uses intended for job creation.

This Subarea includes studio and media-related uses such as the Hollywood Production Center, Sunset Las Palmas Studios, Siren Studios, Red Studios, and Eastman Kodak Company. However, these uses are physically enclosed with no street-facing openings for pedestrian access, not built out to maximum intensities, and do little to contribute to what could otherwise be a vibrant pedestrian district.

The Subarea also includes Theatre Row with renowned theatres such as Harris and Rubble, Blank Theatre Company, and Hudson Theatres. While it is important to preserve the architecture and theatres, the uses are similarly enclosed, underutilized, and do not promote active street frontages and a lively pedestrian experience. Thus, while the media and theatre uses provide jobs and serve as an economic driver for the larger Hollywood Community Plan Area, they do not promote employees or visitors to live and/or engage in other activities within the HMD BID.

In addition, the introduction of new media businesses into the HMD BID (e.g., Buzz Feed and Sirius XM) displays a shift in the desired mix of uses necessary to stimulate productivity and growth. For instance, the recent entitlement request for Sirius XM's new proposed office space (Case No. ZA-2017-2814-CU-CUB) includes a request for a restaurant use. The design features also provide a stark contrast to the surrounding studio spaces and consist of an open floor plan, long glass windows for natural light, and an aesthetically pleasing façade to activate the street below.

This is how the HMD BID envisions the future design and surrounding context of the area. These desires and possibilities for open streets that are pedestrian-oriented and activate the corridors throughout the HMD BID are further illustrated in Hollywood Media District Presents Hollywood Greens ([Attachment D](#)). This vision discusses the potential to attract more visitors and create pockets of welcoming, pedestrian-friendly areas that include green landscapes with plenty of trees, street furniture, and walkable sidewalks. The building design that Sirius XM brings to the HMD BID is a step in this direction and if combined with the additional proposals discussed below can enhance the vibrancy and maximize the potential of this area.

However, simply changing the surrounding zones from MR-1 to M-1 and allowing commercial uses (e.g., restaurant and retail) by-right is not enough to encourage more of these new media uses to come to the HMD BID. Rather, complementary residential uses such as joint-live work and multi-family development will create a built-in network of residents to support the growth of jobs and commercial uses of the HMD BID. Per the Projected Conditions of 2040 Plan, the "Industrial/Mix Subregion" which largely encompasses the HMD BID is expected to absorb the largest employment growth rate of all the other regions at 11% (DEIR, Appendix J, Hollywood Community Plan Model Development Report p. 14). This Subregion is also anticipated to have the second largest population growth percentage after the Regional and Corridor Subregion (directly to the North of the HMD BID) at 36% (DEIR, Appendix J, Hollywood Community Plan Model Development Report p. 14). This will not be feasible with the proposed Q Conditions for this Subarea.

The DEIR states: "The Proposed Plan does not propose any changes to land use designation, zoning, or policies that would promote or support the construction of any barriers that would

physically divide or separate any neighborhood from another in the Project Area.” (DEIR, p. 4.10-16). However, the Industrial designation and M-1 zoning of this particular Subarea isolate it from the commercial corridors proposed at the periphery of the BID (i.e., north of Santa Monica Boulevard, east of Vine Street). The proposed land use along these peripheries is General Commercial and Community Commercial. The permitted uses along these major arterials include residential and commercial uses, isolating the parcels directly across the street that are a part of the HMD BID. In order to create a vibrant district with complementary uses on both sides of the street, the proposed Q Conditions for this Subarea will need to be changed as requested.

Additionally, to support and maximize the desired new uses for the HMD BID and increase the proposed job and household growth, an increase in FAR is greatly needed. At present, the City is proposing no change to the current permissible FAR of 1.5:1. However, this limited FAR is insufficient to promote growth as the existing industrial uses are largely underdeveloped and underutilized. If the current FAR is not increased to complement the commercial uses north of Santa Monica Boulevard in Subarea 40:1B, it will fall behind and be unable to achieve the HCPU2’s vision for job growth in the area.

## **B. Subarea 40**

*Proposed Zoning:* [Q] M1-1

- No residential development permitted, including artist-in-residence or live-work.
- FAR 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q Condition to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Increase FAR to 4.5:1.

*Assessment/Rationale:*

Like Subarea 40:1B, the HCPU2 proposes the “Limited Industrial” designation for Subarea 40 to “retain/preserve industrial land for jobs.” Subarea 40 consists of a large portion of parcels within the HMD BID between Santa Monica Boulevard to the North, Highland Avenue to the East, La Brea Avenue to the West, and Willoughby Avenue to the South. This Subarea has a variety of media-related and industrial uses such as the Hollywood Casting and Film Studios, Mandt Media, and Siren Studios.

These uses (while important) are closed off from the street and not built out to maximum intensities. As a forward-looking document, the HCPU2 should accommodate the changing conditions of the HMD BID area and allow for new media uses, increased FAR and residential uses to encourage economic development of the area. Currently, the City proposes no change

to the existing FAR of 1.5:1. However, this is not enough to continue to maintain existing industrial growth as well as future projected growth for the HMD BID area.

## C. Subareas 40:1C and 40:2

*Proposed Zoning:* [Q] M1-1

- No residential development permitted, including artist-in-residence or live-work.
- FAR 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise the Q Condition to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Increase FAR to 4.5:1.

*Assessment/Rationale:*

Like other areas in the HMD BID, the City proposes a “Limited Industrial” designation for Subareas 40:1C and 40:2 to “retain/preserve industrial land for jobs.”

Subarea 40:1C fronts Willoughby Avenue and encompasses the parcels directly north of Willoughby Avenue between Citrus Avenue and continues until before La Brea Avenue. The proposed zoning is inconsistent with the existing conditions of these parcels which are largely multi-family residential with limited media-related uses scattered in between. Furthermore, new mixed-use development projects are underway immediately adjacent to this Subarea on La Brea Avenue. For example, the approved 7-story mixed-use development at 900 N. La Brea Avenue includes 169 dwelling units and approximately 37,000 SF of ground-floor retail (Case No. CPC-2014-4074-SPA-ZC-HD-ZAA-SPR). Despite existing conditions and future projects, the City seeks to prohibit residential uses in this Subarea. The HMD BID requests the City allow residential uses alongside industrial and commercial uses to further activate this Subarea and the surrounding residential uses.

Similarly, Subarea 40:2 is currently developed with creative office spaces and parking and is between Romaine Street to the North, Barton Street to the South and N Las Palmas Avenue to the West. The parcels directly south of Barton Street are developed with residential uses. Hence, the proposed Q Condition prohibiting residential uses is not consistent with parcels across the street from this Subarea. In fact, allowing for residential uses as a future use can bring together the area as a cohesive whole and provide much-needed housing to support the existing jobs. Subarea 40:2 also includes parcels along Seward Street that primarily include a restaurant, studios, and parking uses. This area is largely underdeveloped and could benefit from an expansion of permitted uses.

Currently, the City proposes no change to the existing FAR of 1.5:1 for Subareas 40:1C and 40:2. The existing FAR is not sufficient to continue to maintain existing industrial growth as well as expect future growth for the HMD BID area.

## **D. Subarea 40:1**

*Proposed Zoning:* [Q] C2-1VL-SN

- No residential development permitted, including artist-in-residence or live-work.
- FAR 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q Condition to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Increase FAR to 4.5:1.
- Increase FAR to 4.5:1 for the following properties: 848 N. Citrus Avenue and 856 N. Citrus Avenue.

*Assessment/Rationale:*

Subarea 40:1 is proposed to be designated “Commercial Manufacturing” to “retain/preserve industrial land for jobs.” Existing conditions are largely commercial in nature with various office spaces and storefronts concentrated on Highland Avenue between Willoughby Avenue and Melrose Avenue. However, there are recently developed and future residential uses in the pipeline. These projects include an affordable housing project proposed at the intersection of Melrose Avenue and Highland Avenue filed on October 5, 2018 (Case No. PAR-2018-5795-TOC). There is also an existing 27-unit live work project already developed at 717 N. Highland Avenue developed in 2005 (Case No. VTT-61795). Hence, proposing a Q Condition to prohibit residential development is inconsistent with the existing and desired uses for this Subarea.

Like the other subareas in the HMD BID area, the City proposes no change to the existing FAR of 1.5:1. This limited FAR is not forward looking and does not provide the HMD BID area with the ability to become a driver of jobs and the economy of the area, as expected in the HCPU2. The existing residential development along Highland Avenue suggests the potential for an increase in FAR to further facilitate this development in conjunction with industrial and commercial uses that facilitate job creation.

Additionally, the properties along Citrus Avenue are adjacent to proposed Subareas within the HMD BID. In order to accommodate the future intensity of uses in the area, it is essential for these properties to obtain a higher FAR. While these properties are directly outside the HMD BID boundary, the FAR will directly impact the desired growth of the areas within and around the HMD BID. Therefore, in order to seamlessly integrate future uses and encourage complementary uses at the same scale, these properties are also proposed to have an FAR of

4.5:1. Please note that we are not asking the City to include these properties in Subarea 40:1, as the zoning already permits residential and commercial uses.

## **E. Subareas 40:3, 40:4, and 40:4A**

*Proposed Zoning:* Subareas 40:3 and 40:4A, [Q] CM-1VL; Subarea 40:4: [Q] CM-1VL-SN

- No residential development permitted, including artist-in-residence or live-work.
- FAR 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q Condition to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Increase FAR to 4.5:1.

*Assessment/Rationale:*

Subareas 40:3, 40:4 and 40:4A are proposed to be designated “Commercial Manufacturing” to “retain/preserve industrial land for jobs.” These Subareas largely consist of existing commercial and industrial uses, but also have scattered residential uses throughout the area. Thus, in order to facilitate the creation of future residential uses and the ability for residents, patrons and employees of the HMD BID to live, work and play in the area, the proposed Q Condition should be removed. This request seems particularly reasonable given the fact that the parcels directly south of Subarea 40:4A are zoned residential. While these parcels are not a part of the BID, these developments would be further complemented if surrounding areas were permitted to also pursue residential, commercial and industrial uses.

Like the other subareas, the City proposes no change to the existing FAR of 1.5:1. However, this is not sufficient to continue to maintain existing industrial and residential growth as well as future projected growth for the HMD BID area.

## **F. Subareas 40:2C**

*Proposed Zoning:* [Q] MR1- 1VL

- No residential development permitted, including artist-in-residence or live-work.
- FAR 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q Condition to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Increase FAR to 4.5:1.

*Assessment/Rationale:*

Subarea 40:2C is proposed to be designated “Limited Industrial” to “retain/preserve industrial land for jobs.” Subarea 40:2C largely consists of existing commercial and industrial uses, but also has scattered residential uses within the area. Thus, as discussed above, to facilitate the creation of future residential uses and continued economic growth in the HMD BID area, the proposed Q Condition should be removed.

Currently, the City proposes no change to the existing FAR of 1.5:1. However, as mentioned, this is not enough to continue to maintain existing industrial and residential growth as well as future projected growth for the HMD BID area.

**G. Subarea 40:6**

*Proposed Zoning:* [Q] C2-2D

- No residential development permitted.
- FAR 3:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q Condition to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Modify subdivision 1 of the D Limitation to increase FAR to 4.5:1.

*Assessment/Rationale:*

Subarea 40:6 is proposed to be designated “Limited Industrial” to “retain/preserve industrial land for jobs.” However, this designation is inconsistent with the proposed zoning as C2. Thus, we request the City to change the land use designation to “Community Commercial” in order to maintain consistency with the underlying zoning and to match the proposed use being proposed across the street for Subarea 40:5.

Existing uses include a historic-cultural monument (“HCM”) for the Musicians Union of Hollywood (CHC-2017-4331-HCM) and an ongoing construction of creative office space and parking adjacent to the HCM. The opportunity to develop residential uses in this Subarea at a greater FAR could add additional value to the already proposed development. While the City proposes an increase in FAR to 3:1 from the existing 1.5:1, this is not a sufficient increase to support the current and projected growth of the area.

Thus, in order to maintain consistency with the existing conditions and immediately surrounding projects, the proposed change to this Subarea includes: (a) removal of Q Condition 1 which prohibits residential development to allow for residential development including artist-in-

residence, live-work conversion, multi-family residential developments and hotels; (b) increase FAR to 4.5:1; and (c) change the land use designation to “Community Commercial.”

## H. Subareas 17:1 and 17:3

*Proposed Zoning:* Subarea 17:1, [Q]C2-2D-SN; Subarea 17:3, [Q]CM-2D-SN

- No 100% residential development permitted.
- Residential uses shall only be permitted with 0.7:1 FAR dedicated to targeted media related uses.
- FAR 3:1 (with 0.7 FAR for targeted media related industrial uses) otherwise 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q Condition to permit 100% residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Modify subdivision 1 of the D Limitation to increase FAR to 4.5:1.
- Expand boundary of Subarea 17:1 to include 1125 N. McCadden Place, 1119 N. McCadden Place, 1145 – 1155 N. McCadden Place, 6762 Lexington Avenue, 6769 Lexington Avenue, 1136 N. Highland Avenue and 1204 N. Highland Avenue.

*Assessment/Rationale:*

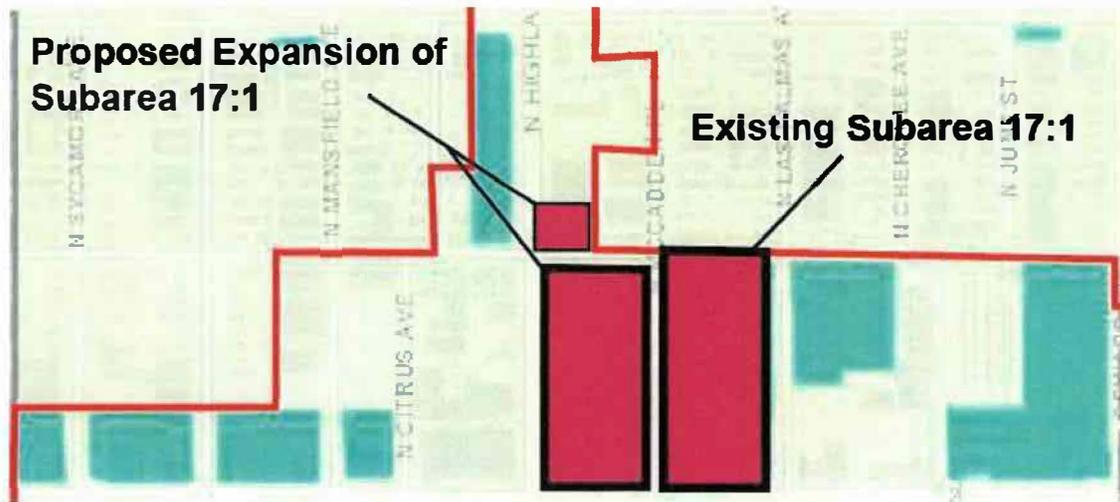
Both Subareas 17:1 and 17:3 are intended to promote targeted media-related uses and jobs. Subarea 17:1 is proposed to be designated as “Community Commercial” and Subarea 17:3 is proposed to be designated as “Hybrid Industrial.”

Existing uses largely include studio-related uses. However, an existing project approved on Santa Monica Boulevard and McCadden Place within Subarea 17:1 includes a 100% residential project with affordable housing (Case No. CPC-2016-1083-GPA-VZC-HD-DB-SPR). Thus, the existing Q Condition for this Subarea is inconsistent with an already-approved project and the demand for development in this area. Additionally, these Subareas include targeted media-related uses so limiting targeted FAR to only media-related uses may be infeasible for future growth and development. Rather, facilitating opportunities for additional commercial uses (e.g., restaurant and retail) is more consistent with the new media uses anticipated for the area.

In addition, the proposed 3:1 FAR is not sufficient for the current and projected for the area. Further, limiting this FAR to 1.5 FAR for projects that do not incorporate targeted-media related uses are not in line with existing 100% residential projects being proposed in the area (Case No. CPC 2016-1083-GPA-VZC-HD-DB-SPR). Similar to other Subareas being proposed in the HMD BID, a lower FAR does not stimulate growth for the region.

Further, we are proposing an expansion of Subarea 17:1 to include the properties as shown in the figure below. A portion of these properties are zoned M1-1VL-SN. However, this Subarea is rapidly changing with the introduction of residential uses and existing commercial uses.

Hence, a change to C2 zoning would unify these parcels and make them consistent with existing and future uses. We are proposing this expansion subject to the approval of the above proposed changes.



## I. Subareas 16, 19, 19:1, 40:5

*Proposed Zoning:* Subareas 16, 19, and 40:5, [Q] C2-2D; Subareas 19:1: [Q] C2-2D-SN

- FAR of 3:1 Hotel or Mixed-Use Projects ( non-residential uses not to exceed 1.5:1 FAR).
- FAR of 1.5: 1 for 100% residential or commercial uses only (non-residential uses not to exceed 0.5:1 FAR).

### *Suggested Revisions:*

- Modify subdivision 1 of the D Limitation to increase FAR to 4.5:1 for all uses with no additional restrictions.

### *Assessment/Rationale:*

Subareas 16, 19, 19:1, and 40:5 are proposed to be designated as “Community Commercial” to “promote housing development and jobs creation, maintain neighborhood compatibility, pedestrian-oriented design, and protect historic resources.” Existing uses include a combination of commercial and residential uses. However, in order to maintain a vibrant commercial district that is compatible with increased growth, a higher FAR without further restrictions is critical. These commercial properties work in tandem to establish a commercial corridor along Santa Monica Boulevard and along Vine Street. These areas will need to have increased FAR and development options to inspire a range of high-density uses including residential and commercial to flow into the HMD BID. At present, the existing FAR and further restrictions do not encourage the types of uses or intensities that are ideal for the HMD BID.

## **J. Subarea 39:1**

*Proposed Zoning:* [Q] C2-1XL

- FAR 1.5:1.

*Suggested Revisions:*

- Increase FAR to 4.5:1.

*Assessment/Rationale:*

Subarea 39.1 is proposed to be designated as “Neighborhood Commercial” to “promote housing development and jobs creation, maintain neighborhood compatibility, pedestrian-oriented design, and protect historic resources.” Existing uses include commercial and studio-related uses. The proposed FAR of 1.5:1 does not support the desire of uses intended for this area. While only a small portion of this Subarea falls within the HMD BID, the Subarea’s presence along Melrose Avenue would be better leveraged and maximized with a greater FAR.

Thus, in order to facilitate the desired uses, the proposed change to this Subarea includes an increase in FAR to 4.5:1.

## **K. Subareas 39:3 and 39:4**

*Proposed Zoning:* Subarea 39:3, [Q] MR1-2D; Subarea 39:4: M1-2D

- FAR 3:1 (with 0.7 FAR for targeted media related industrial uses) otherwise 1.5:1.

*Suggested Revisions:*

- Modify subdivision 1 of D Limitation to increase FAR to 4.5:1 with no additional restrictions.
- Retain proposed zoning but revise to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.

*Assessment/Rationale:*

Subareas 39:3 and 39:4 are proposed to be designated as “Limited Industrial” with the intent to “promote targeted media-related uses.” Existing uses are largely commercial with some studio-related uses. However, commercial developments in the nearby vicinity along La Brea Avenue include more intense uses. For example, the West Hollywood Gateway development directly to the North on Santa Monica Boulevard as well as the creative office, commercial, and studio spaces to the South bordering Willoughby Avenue represent uses at a greater scale and intensity. Subareas 39:3 and 39:4 fall in between these adjacent uses and hence would need a higher FAR in order to remain consistent with and support future development.

As the MR1 and M1 zoning limits residential uses to watchman or caretaker units, residential uses are needed to facilitate the types of development required to support the anticipated future development of the area. Thus, in order to remain consistent with the surrounding area and maximize development potential, the proposed change to this Subarea includes: (1) removal of Q Condition limiting FAR to 3:1 with 0.7 FAR for targeted media related uses and otherwise 1.5:1; (2) increase FAR to 4.5:1 with no additional restrictions; and (3) permit residential uses including artist-in-residence, live-work conversion, multi-family residential developments, and hotels.

## **L. Subarea 17:2**

*Proposed Zoning: C2-1-SN*

- FAR 1.5:1.

*Suggested Revisions:*

- Expand boundary to include parcels as shown below.
- Change zoning to C4-2D.
- Increase FAR to 4.5:1, with FAR up to 6:1 subject to CPC approval.

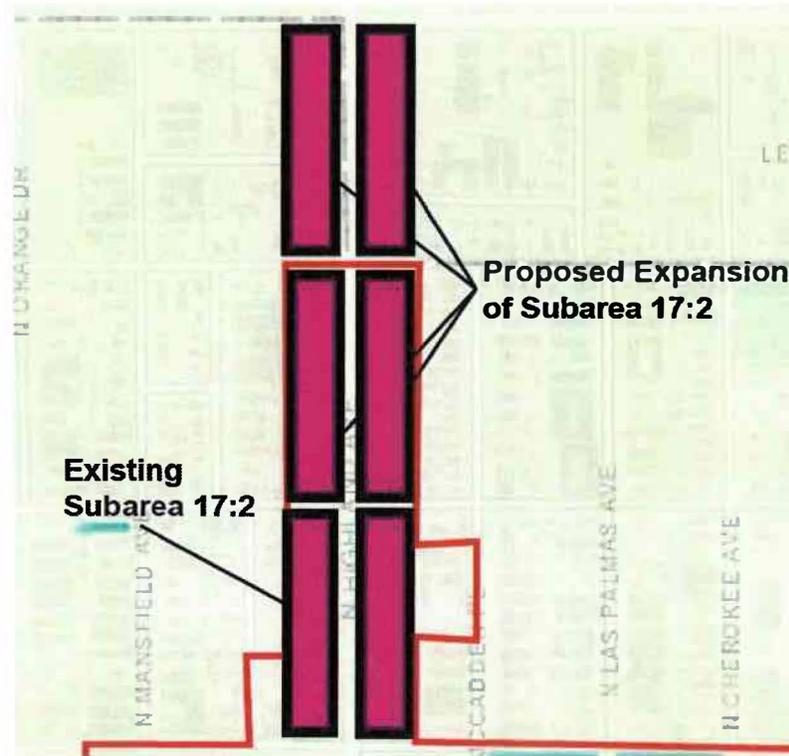
*Assessment/Rationale:*

Subarea 17:2 is proposed to be designated “General Commercial” to “promote housing development and jobs creation, maintain neighborhood compatibility, pedestrian-oriented design, and protect historic resources.” Existing conditions primarily include commercial uses with some scattered residential uses. However, in order facilitate the development of housing and pedestrian-oriented design as the HCPU2 mentions, the uses need to be intensified and permitted at a larger scale. This is supported by recent development in this Subarea including the Highland Apartments, which permitted at 76-unit apartment complex at an FAR of 3:1 (Case No. CPC-2012-2405-VZC-ZAA-SPR).

In addition, the expansion of this Subarea leads into the Regional Center area of the Hollywood Community Plan Area, which is proposed to have intensification of uses and higher FAR. This Subarea is proposed to increase in FAR from the existing 0.5:1 to 1.5:1. However, this is not enough to support the level of growth and development expected of this region because it does not adequately complement the intensification of uses along the commercial corridor on Highland Avenue leading to the Regional Center corridor to the North. Highland Avenue serves as a connecting corridor within Hollywood and particularly within the HMD BID. As existing approved developments already indicate, Highland Avenue is capable of and in a prime location to support and encourage a high intensity of uses. Thus, an FAR of 4.5:1 with discretionary approval for up to 6:1 FAR would complement and enhance the potential uses along this prime corridor along Highland Avenue.

Thus, in order to facilitate the creation of new development and establish consistency with the commercial corridor, the proposed change to this Subarea includes a change in zoning to C4-

2D with an FAR of 4.5:1 and up to 6:1 with CPC approval and an expansion of the boundary of this Subarea to include additional parcels as illustrated in the figure below.<sup>1</sup>



## M. Subarea 40:1A

*Proposed Zoning:* [Q] M1-1

- No residential development permitted, including artist-in-residence or live-work.
- FAR 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q Condition to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Increase FAR to 4.5:1.

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<sup>1</sup> While a portion of the proposed expansion for this Subarea falls outside of the HMD BID boundary, it still impacts the vitality and uses within the BID. Hence, allowing for the same zoning and uses to apply across the boundary will enhance the vibrancy of the area and encourage complementary uses.

*Assessment/Rationale:*

Subarea 40:1A is currently developed with a Public Storage facility and surface parking lot at the intersection of Mansfield Avenue and Santa Monica Boulevard. The proposed Q Condition (subdivision 2) specifically allows for storage building and laundry related uses. While this Q Condition considers the present use of this Subarea, it does not contemplate possible future uses. Subdivision 1 of the Q Condition in fact prohibits residential uses. This is inconsistent with the anticipated future uses of this Subarea and also of the surrounding properties. For example, Subarea 16, located directly across the street from Subarea 40:1A, contemplates and allows for mixed-use, hotel, and/or other residential and commercial uses. The burgeoning film production and art gallery related uses both across from and directly adjacent to this Subarea (e.g., FotoKem – 6855 Santa Monica Boulevard, Steve Turner Gallery – 6830 Santa Monica Boulevard) already create a demand for residential land mixed-use development to cater to the existing employees and visitors.

**N. Subarea 40:2B**

*Proposed Zoning:* C4-1

- FAR 1.5:1.

*Suggested Revisions:*

- Increase FAR to 4.5:1.

*Assessment/Rationale:*

Subarea 40:2B is currently developed with Deluxe Hollywood, a studio use. Adjacent uses to the North include additional studio uses (e.g., Sunset Las Palmas Studios) and residential uses directly across the way to the west and south. In order to continue developing uses that are complementary to existing uses and with desired future uses for the HMD BID, a greater FAR is necessary.

Thus, the proposed change to this Subarea includes an increase in FAR from 4.5:1.

**O. Subarea 17:4**

*Proposed Zoning:* [Q] M1-1VL-SN

- FAR 1.5:1

*Suggested Revisions:*

- Retain proposed zoning but revise to permit residential development, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.

- Increase FAR to 4.5:1.

*Assessment/Rationale:*

Subarea 17:4 is currently developed with the Metropolitan Animal Specialty Hospital and surface parking lot. Adjacent uses include a combination of studios, commercial uses, and surface parking lots. The future uses of the HMD BID will likely include a combination of studio and entertainment-related uses and residential in order to accommodate the anticipated growth of the area and in order to develop into a vibrant district. The current FAR of 1.5:1 is not sufficient to attain these uses.

Thus, the proposed change to this Subarea includes permitting of residential development including artist-in-residence, live-work conversion, multi-family residential developments and hotels and an increase in FAR from 4.5:1.

## **P. Properties on Seward Street and Hudson Avenue**

*Suggested Revision:*

- Increase FAR to 4.5:1 for the following properties: 1110, 1122, 1130, 1146-1148, 1150 Seward Street; 1125-1131 Hudson Avenue.

*Assessment/Rationale:*

The properties listed above are adjacent to proposed Subareas within the HMD BID. While these properties are outside of the HMD BID boundary, the future intensity of uses permitted will greatly impact the properties within the HMD BID. Therefore, in order to seamlessly integrate future uses and encourage complementary uses at the same scale, these properties are also proposed to have an FAR of 4.5:1.

## **Q. Automotive Uses**

*Suggested Revision:* Expand Prohibition of Automotive Uses to all Subareas in HMD BID.

*Assessment/Rationale:*

The HMD BID currently has a significant number of auto-related uses. While the HCPU2 proposes a Q Condition in most of the subareas to prohibit auto-related uses, the Q Condition should be expanded to include the entirety of the HMD BID.

Auto-related uses have continued to expand in the HMD BID area. When potential commercial and residential uses are unable to actualize their potential due to constrained zoning and limited FAR, auto-related uses have taken the front seat in numerous parcels throughout the HMD BID. These uses are not representative of the future potential and desired uses for the HMD BID as discussed extensively in the discussion of the Subareas above. Rather, these auto-related uses

are a hindrance to bringing new and much-needed commercial and residential uses to drive growth.

Thus, in order to provide consistency throughout the HMD BID, the proposed change to these Subareas includes the addition of a Q Condition which prohibits automotive uses as already included for the remainder of the HMD BID.

## **R. Storage Facilities**

*Suggested Revision:* Prohibit additional public storage facilities in HMD BID.

### *Assessment/Rationale:*

The HMD BID currently has a significant number of public storage facilities. Like the auto-related uses, public storage facilities are not representative of the future potential and desired uses for the HMD BID as discussed above. Public storage facilities are a hindrance to bringing new and much-needed commercial and residential uses to drive growth.

## **IV. Open Space and Pedestrian-Oriented Development**

*Suggested Revision:* Create policies to promote pedestrian-friendly design and pedestrian-oriented uses within the HMD BID area.

### *Assessment/Rationale:*

As mentioned above, the zone change to M1 along with an increase in FAR to 4.5:1 and inclusion of residential uses will promote revitalization of this emerging area while preserving and encouraging new studio and entertainment uses. The HMD BID is surrounded by commercial uses and has seen numerous new residential, commercial and mixed-use developments over the last ten years. While the HMD BID welcomes these new projects, the area is in desperate need of additional pedestrian-oriented uses (e.g., restaurants) and pedestrian-friendly design (e.g., street furniture, through-block pedestrian connections, open space, etc.) to serve the new employees, visitors and residents of the area.

Additionally, many of the existing uses are physically enclosed with no street-facing openings for pedestrian access and not built out to maximum intensities. The HMD BID wants development within the area to be cohesive and forward-looking. As such, the HCPU2 should include requirements for street-facing, pedestrian-friendly developments to activate the emerging commercial corridors in this area. While a 4.5:1 FAR and inclusion of residential uses will promote pedestrian-oriented development, the HMD BID also wants the area to have street furniture, wider sidewalks, requirements for open space, through-block connections to break up large developments, public plazas, and outdoor sidewalk cafes.

The changing character of the HMD BID must be taken into consideration in the HCPU2 to ensure growth, future livability and pedestrian-friendly streets. The HCPU2 already recognizes the potential promise of this area, including Theater Row as a potential commercial corridor yet

does not provide this area with the FAR, land use designation or zoning to substantively redevelop the area and provide the pedestrian-oriented development and community benefits needed.

## **V. Cultural Resources**

*Proposed Zoning:* C2 with D Limitation restricting development subject to “historic preservation review” that exceeds FAR 0.5:1 to receive approval from the Office of Historic Resources (“OHR”).

*Suggested Revision:* Delete subdivision 2 of the D Limitation in Subareas 16, 19, 19.1 and 40:5.

### *Assessment/Rationale:*

The HMD BID applauds the City’s recognition of and desire to preserve designated and eligible historic resources within the Hollywood Community Plan Area and we recognize how difficult it is to balance future growth in areas with existing historic resources. The HMD BID has a commitment to both the history and future of its district. The City, however, has taken the proposed development limitations a step too far. The HCPU2 includes unclear and overly restrictive D Limitations on several of the C2-zoned parcels proposed for re-zoning within the HMD BID area. Namely, the City is requiring approval by OHR for development within Subareas 16, 19, 19.1 and 40:5 that is subject to historic preservation review and which exceeds an FAR of 0.5:1.

The proposed D Limitations are problematic. First, none of the parcels within these Subareas contain listed or eligible historic properties subject to historic preservation review. The properties are not under consideration as HCMs or within a designated Historic Preservation Overlay Zone. Each parcel even has a “No” under the “Historic Preservation Review” category in Zimas. Yet, the proposed D Limitation severely restricts future development at these sites with no essential nexus to the existing conditions of the Subareas. The City reasons in the Hollywood Land Use and Zone Change Matrix that this change will “protect historic resources,” but there are no historic resources in these Subareas.

Second, the City has provided no guidance on the required approval by OHR, or whether the approval would be a ministerial or discretionary process. This does not provide property owners, stakeholders or future project proponents with the ability to understand the proposed zoning limitations or how it will impact their property. It is unclear how the City would even implement this provision given that none of the properties are subject to historic preservation review at this time.

## **VI. Conclusion**

The HMD BID urges the City to reconsider the proposed zoning and land use designations for the area. While the HMD BID wishes to preserve and encourage traditional entertainment and studio uses, it has witnessed substantial change over the last ten years that must be accounted

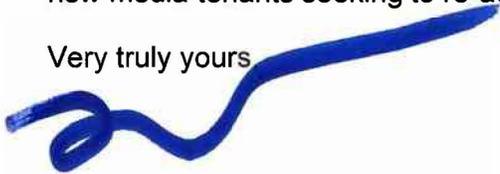
# SheppardMullin

Linda Lou  
January 31, 2019  
Page 20

for in the HCPU2. The proposed zoning in the HCPU2 will hinder the future development and potential of the HMD BID areas for years to come.

To close, please consider permitting residential uses and allowing a greater FAR for the area. These forward-looking revisions will allow the HMD BID to not only become an employment and economic driver in the Hollywood Community Plan area, but an attractive area for additional new media tenants seeking to re-activate the area.

Very truly yours



Alfred Fraijo Jr.  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:488864652.14

CC: Council Member David Ryu, CD 4  
Council Member Paul Koretz, CD 5  
Council Member Mitch O'Farrell, CD 13  
Deputy Mayor Barbara Romero

# EXHIBIT B

December 16, 2019

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afraijo@sheppardmullin.com

File Number: 56FW-270531

## VIA HAND DELIVERY AND E-MAIL

Ms. Linda Lou  
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City of Los Angeles  
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Los Angeles, California  
linda.lou@lacity.org

Re: Comments on the Partially Recirculated Draft Environmental Impact Report (ENV-2016-1451-EIR, SCH No. 2016041093) for the Hollywood Community Plan Update (CPC-2016-1450-CPU)

Dear Ms. Lou:

We represent the Hollywood Media District ("HMD BID"). As a key stakeholder in Hollywood, the HMD BID would like to provide the following comments on the partially Recirculated Draft Environmental Impact Report ("RDEIR") released by the City of Los Angeles ("City") for public review on October 31, 2019.

We would like to express our appreciation for the City's review and partial incorporation of the HMD BID's suggested revisions to the draft Hollywood Community Plan Update ("HCPU2"), submitted (attached as Exhibit A) to the City on January 31, 2019 ("First Comment Letter"), in response to the HCPU2 and the associated Draft Environmental Report ("DEIR").

As a reminder, the First Comment Letter requested the following:

- Increase in FAR in the HMD BID area from the proposed 1.5:1 or 3:1 to 4.5:1.
- Permit mixed-use residential projects, including hotel uses within targeted areas proposed for industrial and commercial uses.
- Prohibit automotive and storage uses in the HMD BID area.
- Update the definition of the HMD BID to better reflect the changed conditions of this developing area as one incorporating innovation and media/tech-related uses, other office or commercial uses, gallery spaces, and design firms rather than exclusively industrial uses. Examples of new media uses include the recent creative office spaces developed in the area for companies such as BuzzFeed, SiriusXM, Quibi, WndrCo as

well as significant art galleries such as the Kohn gallery, the Jeffrey Deitch Gallery. In addition, in a space that previously served as a small plating factory, there is an office for Kaiser Permanente that also serves patient needs.

As discussed in more detail below, this letter emphasizes the requests articulated in the First Comment Letter and highlights new information that has developed since the comment period closed in January 2019. This letter also supplements the updated Vehicle Miles Traveled ("VMT") methodology presented in the RDEIR by demonstrating that our request to allow mixed-use residential projects in the subareas (e.g., Subareas 40, 40:1B, 40:1, 40:2, 39:3, 39:4, etc.) south of Santa Monica Boulevard within the Limited Industrial zones is consistent with the objectives of the HCPU2 and will not cause a significant environmental impact related to VMT.

### **I. VMT Methodology**

The prohibition of residential uses in a large portion of the HMD BID is a missed opportunity for the City for three reasons: proximity to transit, jobs, and growth potential. An area with transit, jobs and growth potential is exactly the area where housing should be permitted from a transportation (and planning) perspective because the addition of housing and locally-serving retail uses will shorten trips, reduce VMT, and not cause significant VMT impacts. As discussed in more detail below, Gibson Transportation has prepared a VMT sensitivity analysis ("Gibson VMT Analysis") at representative intersections in the HMD BID that demonstrates this point. (See Exhibit B, Sensitivity VMT Analysis Summary.)

A major transit corridor cuts through the middle of the HMD BID, which means that the HMD BID is almost entirely within a Transit Priority Area.<sup>1</sup> The Metro Rapid Bus Line on Santa Monica Boulevard serves the most riders south of Sunset Boulevard and west of the U.S. 101 in Hollywood. (See Figure 4.15-5, RDEIR; Figure 6-2, HCPU2.) Throughout the DEIR, RDEIR, and HCPU2, the City recognizes this area as a "key transit corridor" yet prohibits housing and only permits mixed-use development in certain, very limited areas north of Santa Monica Boulevard.

The area has unequivocally moved away from its industrial past and has changed – and is quickly changing – into the epicenter of new media and next generation workplaces in Hollywood. The HCPU2 recognizes this potential and even projects the HMD BID to absorb the largest employment growth rate of all the other regions at 11%. (DEIR, Appendix J, Hollywood Community Plan Model Development Report p. 14.) And, despite the fact that the City has not permitted housing in most of the HMD BID area, this subregion is anticipated to have the second largest population growth percentage after the Regional and Corridor Subregion (directly to the North of the HMD BID) at 36%. (DEIR, Appendix J, Hollywood Community Plan Model Development Report p. 14.)

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<sup>1</sup> Transit Priority Area means an area within one-half mile of a major transit stop that is existing or planned. A "major transit stop" is a site that contains an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. (See Section 21099(d)(1) and ZI No. 2451.)

The Transportation and Traffic chapter in the RDEIR incorporates the VMT methodology and concludes that impacts related to VMT would be less than significant for the HCPU2 area. To reach this conclusion, the analysis relies heavily on the fact that certain transit-rich corridors near Metro subways and bus lines are slated for dense, mixed-use development. The analysis relies on the macro-level, service population projections from Southern California Association of Governments ("SCAG") rather than specific projects or intersections within the HCPU2 area. And the analysis specifically calls out subways and bus lines as "focal points and activity centers" supporting new development that "accommodates a variety of uses." While the chapter does not identify specifically which bus lines it is referring to, the Gibson VMT Analysis is based on the recently adopted *Transportation Assessment Guidelines* (LADOT, July 2019) and the *City of Los Angeles VMT Calculator Version 1.2* (November 2019), with per capita thresholds at intersections in the HMD BID near the Metro Rapid Bus Line on Santa Monica Boulevard.

The Gibson VMT Analysis assumes a hypothetical, mixed-use project with 300 dwelling units and 50,000 square feet of commercial office space at six representative intersections in the HMD BID, (1) Orange Drive and Romaine Street; (2) Sycamore Avenue and Santa Monica Boulevard; (3) Vine Street and Santa Monica Boulevard; (4) Highland Avenue and Melrose Avenue; (5) Seward Street and Santa Monica Boulevard; and (6) Cahuenga Boulevard and Willoughby Avenue.<sup>2</sup> The hypothetical project also incorporates typical project-design features, including additional bicycle parking, pedestrian improvements in and around the site, residential unbundling of parking, etc. As expected, none of the hypothetical projects trigger a significant VMT impact because mixed-use residential projects near transit typically generate fewer vehicle trips and shorter trip distances due to the interaction between land uses that encourage walking or short-distance travel and the availability of alternative transportation modes that reduce dependence on private vehicles.

In other words, in the HMD BID area, the addition of residential dwelling units actually shortens trips and improves the jobs-to-housing balance because of the abundance of employment opportunities in the area. The HMD BID's request to permit residential uses alongside commercial and industrial uses is also consistent with the goals of the Framework Element and the HCPU2 to place residential dwelling units and mixed-use corridors near transit.

## II. Land Use

### A. Subareas 40, 40:1B, 40:2

*Proposed Zoning:* [Q] M1-2D; [Q] M1-2D-SN

- No residential development, including artist-in-residence or live-work conversion.
- Maximum FAR of 3:1 with 0.7 FAR for targeted media-related uses.
- For Subarea 40:1B, the maximum FAR of 3:1 is permitted only for developments on lots that are located within a minimum distance of 150 feet south of Santa Monica Boulevard.

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<sup>2</sup> See [Exhibit C](#), Map of Intersections in Gibson VMT Analysis.

- For Subarea 40:1B, MR-1 uses only along Santa Monica Boulevard between McCadden Place and Lilian Way and within 150 feet of the property line along Santa Monica Boulevard.

### *Suggested Revisions:*

- Retain proposed zoning but revise the Q condition to permit mixed-use residential developments, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Increase FAR to 4.5:1.
- Permit M1 uses along Santa Monica Boulevard between McCadden Place and Lilian Way and permit an FAR of 4.5:1 on lots that are located within a minimum distance of 150 feet south of Santa Monica Boulevard.
- Remove 36 feet height limit within 150 feet of the property line along Santa Monica Boulevard.

### *Assessment/Rationale:*

While the City has incorporated our request to increase FAR within Subareas 40, 40:1B and 40:2, there is still a perfect planning opportunity that should be considered and incorporated into the HCPU2. Specifically, and as explained in detail in this letter and in the First Comment Letter, there remains fundamental additions that should be incorporated into the HCPU2 (including the addition of residential uses) that will promote the current and long-term development goals of the City.

As mentioned above, these subareas are in a key transit corridor served by the Metro Rapid Bus with three stops on Santa Monica Boulevard at Vine Street, Highland Avenue, and La Brea Avenue. These subareas are also well-known job centers for studio and media-related uses, Theatre Row, and emerging creative office spaces. Gibson's VMT Analysis demonstrates that a medium to large-scale, mixed-use project at representative intersections in these subareas (i.e., Sycamore/Santa Monica, Sycamore/Orange, Highland/Santa Monica, Vine/Santa Monica,<sup>3</sup> Seward/Santa Monica, Cahuenga/Willoughby) would not trigger a significant impact related to VMT because the addition of housing actually shortens trips, encourages walking, and improves the jobs-to-housing balance. The City should place residential uses in areas with jobs and transit opportunities to complement the existing uses in the area.

Furthermore, given the City's extreme housing crisis and increasing homeless population, it would be proper to allow mixed-use residential developments in these areas, particularly since, as proposed, the other commercial uses will remain and not be displaced by the proposed, critically-needed residential uses. Additionally, the City is far behind the Regional Housing Needs Assessment ("RHNA") developed by SCAG. Specifically, RHNA requires the City to provide zoning that accommodates approximately 82,000 housing units between October, 2014

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<sup>3</sup> The Vine Street and Santa Monica Boulevard intersection is one block east of Subarea 40:1B.

and October, 2021 (“5th Cycle”). Of the 82,000 units, approximately 46,590 units are to be reserved for low-income, very low-income, and moderate-income housing (collectively “affordable units”). However, per the City’s 5th Cycle Housing Element RHNA Progress Chart, only 7,280 affordable units were constructed between 2014 and 2018 – resulting in approximately 1,450 affordable units per year. If affordable housing growth continues at this rate through the remainder of the 5th Cycle, Los Angeles will miss its target for affordable units by approximately 75%.

Housing needs in Los Angeles are expected to increase materially in the coming years, exacerbating the need for market-rate and affordable units. SCAG is currently developing the RHNA housing allocation for the period between October 2021 through October 2029 (“Draft 6th Cycle Allocation”). The Draft 6th Cycle Allocation will require 463,682 housing units to be developed in the City over the next eight years, of which 263,956 units are to be affordable units. This is nearly six times the (yet unmet) needs identified for the 5th Cycle. Revising the HCPU2 to increase the FAR and expanding permitted residential uses can help accommodate this growth and assist the City in reaching its housing targets.

Additionally, a large portion of these subareas is under-developed and not built out to full development capacity. An expansion of permitted uses to include residential and additional FAR could accommodate future projected growth. New proposed development in the area is consistent with the suggested revisions and the development potential of the area. For example, the approved mixed-use project with 231 dwelling units and 15,000 square feet of retail space at 6901 Santa Monica Boulevard is under construction (Case No. CPC-2015-4611-GPA-VZC-HD-DB-MCUP-WDI-SPR) and the 787 unit mixed-use development at 6677 West Santa Monica Boulevard (Case No. CPC-2006-9797-MPR-CUB) is nearing completion. These projects are north of Santa Monica Boulevard and consistent the HMD BID’s request to provide residential uses and greater FAR as they are across the street from Subareas 40 and 40:1B. Complementary residential uses along both sides of Santa Monica Boulevard, a major transit corridor, makes sense from a planning perspective and is consistent with the nearby new development, RHNA housing goals, and opportunity to reduce VMT impacts.

## **B. Subarea 17:2**

*Proposed Zoning:* C2-1-SN

- FAR 1.5:1.

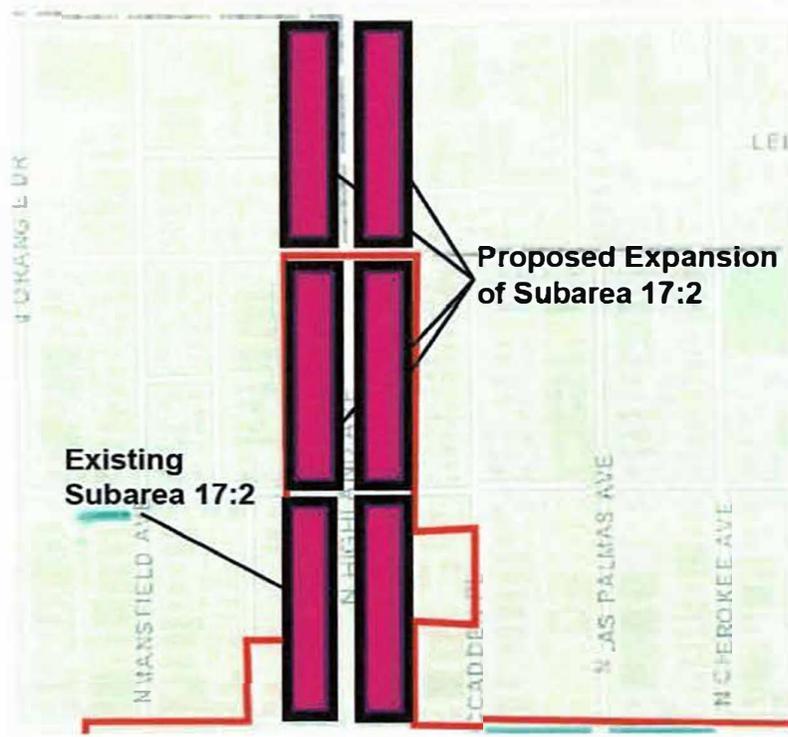
*Suggested Revisions:*

- Expand boundary to include parcels as shown below.
- Change zoning to C4-2D.
- Increase FAR to 4.5:1, with FAR up to 6:1 subject to CPC approval.

## Assessment/Rationale:

We reiterate the suggested revisions we made in the First Comment Letter and further emphasize the need for more-intensive development standards in Subarea 17:2. Our request to increase FAR to 4.5:1 is supported by the fact that Highland Avenue between Sunset Boulevard and Santa Monica Boulevard is an existing commercial corridor that connects the HMD BID to the Regional Commercial Center area of Hollywood. The corridor is also close to both rail and bus transit, which is consistent with the City's VMT methodology to focus growth in higher-intensity commercial centers close to transportation and services. There is a Metro Rapid Bus stop at Highland Avenue and Santa Monica Boulevard and a Metro Rail stop at Hollywood Boulevard and Highland Avenue.<sup>4</sup>

Additionally, expanding Subarea 17:2 (see map below) and revising the zoning could accommodate additional housing units to serve the City's goal of facilitating additional housing units in pedestrian-oriented neighborhoods next to job hubs and transit centers. This subarea is proposed to be designated as "General Commercial," which will allow mixed-use development and additional job-creating uses. As stated in our First Comment Letter, recent projects in the area, including the Highland Apartments, a 76-unit residential development approved for a maximum FAR of 3:1, (Case No. CPC-2012-2405-VZC-ZAA-SPR) support increased densities and FAR. Our request is further supported by a recently approved project on 6753 W Selma Avenue (Case No. DIR-2018-4525-TOC), which proposes a 7-story, 51-unit mixed-use TOC development with a maximum FAR of 4.25:1.



<sup>4</sup> See [Exhibit D](#), Metro Rapid Bus 704 Route Map.

**C. Subareas 17:1 and 17:3**

*Proposed Zoning:* Subarea 17:1 [Q] C2-2D-SN; Subarea 17:3: [Q] CM-2D-SN

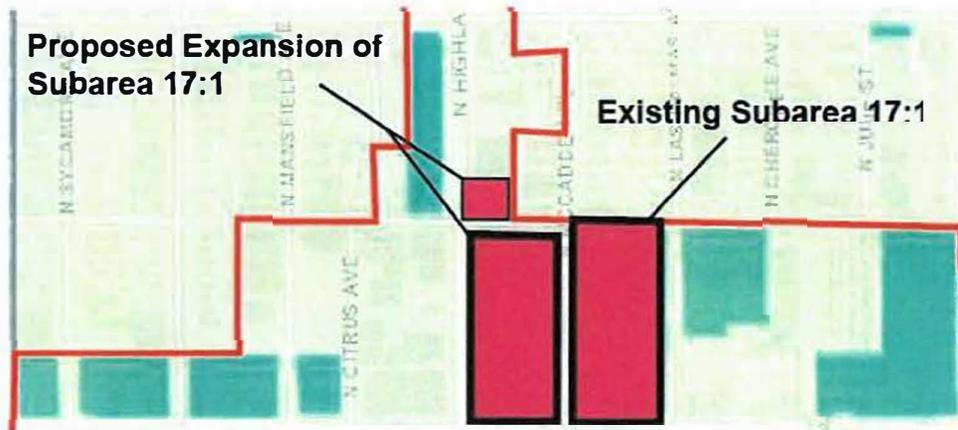
- No 100% residential developments permitted.
- Residential uses only permitted with 0.7:1 FAR dedicated to targeted media related uses and/or community serving benefits.
- FAR 3:1 (with 0.7 FAR for targeted media related industrial uses) otherwise 1.5:1.

*Suggested Revisions:*

- Retain proposed zoning but revise subdivision 1 of the Q condition to permit 100% residential developments, including artist-in-residence, live-work conversion, multi-family residential developments and hotels.
- Modify subdivision 1 of the D limitation to increase FAR to 4.5:1.
- Expand boundary of Subarea 17:1 to include 1125 N. McCadden Place, 1119 N. McCadden Place, 1145-1155 N. McCadden Place, 6762 Lexington Avenue, 6769 Lexington Avenue, 1136 N. Highland Avenue and 1204 N. Highland Avenue.

*Assessment/Rationale:*

Recent projects in the vicinity of Subareas 17:1 and 17:3 support our request to increase FAR to 4.5:1. Most notably, the Los Angeles LGBT Center located within Subarea 17:1 recently opened its new campus with services and housing for youth and seniors to include 100% affordable, 100-unit senior housing and an additional five-story, 35-unit affordable housing building within a maximum FAR of 3:1. (See Case No. CPC 2016-1083-GPA-VZC-HD-DB-SPR.) Another approved project located at 6677 West Santa Monica Boulevard immediately adjacent to Subarea 17:3 is slated to include 787 residential units and 21,000 square feet of retail space within a maximum FAR of 3.5:1. (See Case No. CPC-2006-9797-MPR-CUB.) These projects support the need for residential development at a greater density and FAR within these subareas. For similar reasons as discussed above, granting these requests and expanding the boundary of Subarea 17:1 as shown below will allow for the creation of additional housing as well as reduce VMT.



### III. HMD BID Definition

As discussed in our First Comment Letter, the existing HCPU2 text defines the HMD BID throughout as an industrial-only area. There are numerous examples of projects included in this letter and within the First Comment Letter, which demonstrate the changed conditions of the area and the emergence of new media, general office, interior design, art galleries, and mixed-use developments that go beyond the scope of industrial-only uses – while maintaining and improving the HMD BID as a jobs-focused area. The HMD BID is positioned to integrate complementary residential and commercial uses with the existing industrial spaces in order to provide additional housing for the City and reduce impacts related to VMT.

In closing, the HMD BID has great untapped potential to support the housing demands of the City. The HMD BID has seen an increased interest in mixed-use development, including studios, creative office space, housing, and community-serving retail. Permitting these uses with mixed-use residential development is critical to achieving the City's housing goals and reducing VMT impacts. As such, the City should incorporate our requests for residential development and additional FAR into the updated HCPU2.

Very truly yours,

Alfred Fraijo Jr.  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4813-4036-5486.11

cc: David M. Bass, HMD BID, President  
Council Member David Ryu, CD 4  
Council Member Paul Koretz, CD 5  
Council Member Mitch O'Farrell, CD 13  
Deputy Mayor Barbara Romero