

## Communication from Public

**Name:** Donna Williams

**Date Submitted:** 04/23/2023 03:17 PM

**Council File No:** 21-0934

**Comments for Public Posting:** Planning and Land Use Management Committee Monday, April 24, 2023 Council File No: 21-0934 I have lived in Hollywood since 1979. I knowingly purchased my home in a state identified and registered California Historic District, identified as Afton Square. I am a professional conservator of art and architecture and have had the honor to work on many historic preservation projects in the city of Los Angeles – Hall of Justice, Engine 23, US Courthouse and Hollyhock House. I remember when the Community Redevelopment Agency was created, and Hollywood was identified as a plighted area. I fully supported the use of my tax dollars for the comprehensive study of resources, community, and infrastructure with the intent to provide a plan that identified where housing was needed, infrastructure improvements and how to best protect existing resources and infrastructure in the Community Plan Area. The Hollywood Community Plan (HCP) you have before you does little of that. There are literally hundreds of published comments addressing fundamental problems with the HCP by experts in their respective fields of environmental, infrastructure, housing, and historic preservation, and of course community members. Many of the errors in the HCP have been identified multiple times. Including the correct boundaries of the Hollywood Boulevard National District listed at the National level of significance. The proposed Hollywood Community Plan (HCP) amendments as identified in the Department of City Planning document 21-0934\_misc\_2\_04-18-2023-extract, pgs. 7-8. In essence - 1) Eliminates any protection for non-contributors in an identified historic district. 2) Provides multiple avenues for demolition of non-contributors and potentially eligible properties based on structural condition, cost of rehabilitation, market value of the property in its current condition, and economic feasibility of Rehabilitation. Clear guidelines and standardized qualifications for identified consultants are not identified. The Office of Historic Resources is now placed in the position of evaluating and arbitrating a demolition request based on financial feasibility. One might suggest there is a conflict of interest in this methodology. Owners of identified historic resources may now indulge in demolition by neglect, well documented in my neighborhood with three single family residences made uninhabitable in the 1990's

and now another three purposely unoccupied going on 8 years now. In essence historic resources identified at the National and State level of significance are not provided protections afforded identified Historic Preservation Overlay Zones (HPOZ) or locally designated Historic Cultural Monuments (HCM). The identified National and California Registered historic districts (and neighborhoods) in the community redevelopment area in the Hollywood Community Plan will be disseminated by out of scale and out of character infill development – and now the possibility for outright demolition of contributors of a district. I have read the letter submitted by my Council District 13 representative Hugo Soto-Martinez. I appreciate that he has inherited a deeply flawed community plan, as he himself has stated. I appreciate he has recognized some of the egregious omissions and unresolved problems that have been repeatedly identified since 2012. However, as his constituent, I am deeply disappointed that he did not address the importance of protections for identified cultural and historic resources. I suppose one can hope that he will take advantage of his stated intent to work with City Planning to correct the many flaws in the HCP. While the Downtown Community plan and others reaped the rewards of Council District interest and ReCode zoning the citizens of the Hollywood Community Redevelop Area will face an onslaught of neighborhood crushing development that could be completely avoided with the tools that are available and used in other historic districts. I fully support the recommendations provided by Hollywood Heritage and the Los Angeles Conservancy. Donna Williams 6234 Afton Place Los Angeles, CA 90028



# WILLIAMS ART CONSERVATION

CONSERVATION OF SCULPTURE  
AND ARCHITECTURAL MATERIALS

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22 April 2023

Planning and Land Use Management Committee  
Monday, April 24, 2023  
Council File No: 21-0934

I have lived in Hollywood since 1979. I knowingly purchased my home in a state identified and registered California Historic District, identified as Afton Square. I am a professional conservator of art and architecture and have had the honor to work on many historic preservation projects in the city of Los Angeles – Hall of Justice, Engine 23, US Courthouse and Hollyhock House.

I remember when the Community Redevelopment Agency was created, and Hollywood was identified as a plighted area. I fully supported the use of my tax dollars for the comprehensive study of resources, community, and infrastructure with the intent to provide a plan that identified where housing was needed, infrastructure improvements and how to best protect existing resources and infrastructure in the Community Plan Area. The Hollywood Community Plan (HCP) you have before you does little of that. There are literally hundreds of published comments addressing fundamental problems with the HCP by experts in their respective fields of environmental, infrastructure, housing, and historic preservation, and of course community members. Many of the errors in the HCP have been identified multiple times. Including the correct boundaries of the Hollywood Boulevard National District listed at the National level of significance.

The proposed Hollywood Community Plan (HCP) amendments as identified in the Department of City Planning document 21-0934 misc 2 04-18-2023-extract, pgs. 7-8. In essence -

- 1) Eliminates any protection for non-contributors in an identified historic district.
- 2) Provides multiple avenues for demolition of non-contributors and potentially eligible properties based on structural condition, cost of rehabilitation, market value of the property in its current condition, and economic feasibility of Rehabilitation.

Clear guidelines and standardized qualifications for identified consultants are not identified. The Office of Historic Resources is now placed in the position of evaluating and arbitrating a demolition request based on financial feasibility. One might suggest there is a conflict of interest in this methodology.

Owners of identified historic resources may now indulge in demolition by neglect, well documented in my neighborhood with three single family residences made uninhabitable in the 1990's and now another three purposely unoccupied going on 8 years now.

In essence historic resources identified at the National and State level of significance are not provided protections afforded identified Historic Preservation Overlay Zones (HPOZ) or locally designated Historic Cultural Monuments (HCM). The identified National and California Registered historic districts (and neighborhoods) in the community redevelopment area in the Hollywood Community Plan will be disseminated by out of scale and out of character infill development – and now the possibility for outright demolition of contributors of a district.

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historic resources. I suppose one can hope that he will take advantage of his stated intent to work with City Planning to correct the many flaws in the HCP. While the Downtown Community plan and others reaped the rewards of Council District interest and ReCode zoning the citizens of the Hollywood Community Redevelop Area will face an onslaught of neighborhood crushing development that could be completely avoided with the tools that are available and used in other historic districts.

I fully support the recommendations provided by Hollywood Heritage and the Los Angeles Conservancy.

Donna Williams  
6234 Afton Place  
Los Angeles, CA 90028

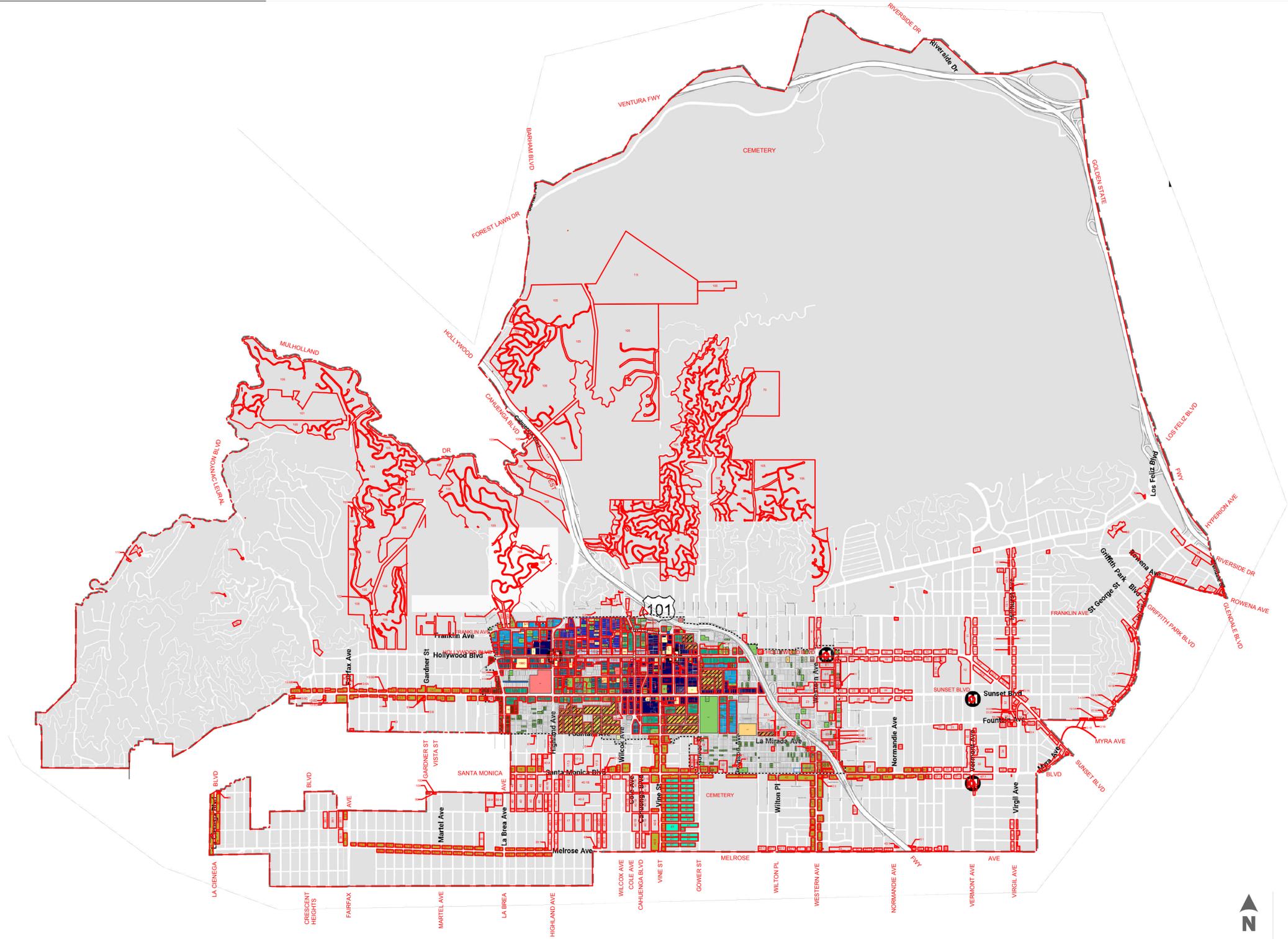
## Communication from Public

**Name:** Bob & Ziggy

**Date Submitted:** 04/23/2023 03:18 PM

**Council File No:** 21-0934

**Comments for Public Posting:** Fix the City, Inc, Hollywoodian's Encourage Logical Planning (HELP), SaveHollywood.org, and the La Mirada Avenue Neighborhood Association were Petitioners on the prevailing side of LA Superior Court Case No. BS 138580 regarding the Hollywood Community Plan Update that was decided and finalized on February 11, 2014. A copy of Judge Alan Goodman's decision is included and part of these comments. Also included is the tentative ruling showing all the plaintiffs. As a stakeholder and a member of two of these organizations in the above referenced case, Fix the City Inc v City of Los Angeles et al. Case # BS 138580 in the Superior Court of California, County of Los Angeles. We object to the Hollywood Community Plan Update and the Environmental Impact documents attached to CF 21-0934. We point to the binding ruling against the City of Los Angeles issued by Judge Goodman, attached here as "Judgement Granting Preemptory Writ of Mandate" February 11, 2014. We also draw your attention to Judge Goodman's Tentative Decision in the case which details the standards from the court by which this 2023 Community Plan Update are reviewed." Thank you, Bob & Ziggy



**M** Metro B Line Station

**Regional Center Subareas**

RC1A	1000	INCENTIVES 4.65:1 FAR IF 100% AFF., 100% RES.DENSITY INCREASE NO REQ'D RES. PARKING	Base FAR= <u>3:1</u>
RC1B	1001	INCENTIVES 6.75:1 FAR IF NO REQUIRED PARKING	Base FAR= <u>3:1</u>
RC2	1002	INCENTIVES 3.75:1 FAR FOR 100% AFF., 100% RES.DENSITY INCREASE NO REQ'D RES. PARKING	Base FAR= <u>2:1</u>
RC3	1003	INCENTIVES 3.75:1 FAR FOR 100% AFF., 100% RES.DENSITY INCREASE NO REQ'D RES. PARKING	Base FAR= <u>2:1</u>

AREAS OF CHANGE VS CPIO FEBRUARY 2021

**Corridors Subareas**

Corridor 1	INCENTIVES 4.25:1 FAR FOR 100% AFF.,	Base FAR= <u>1.5:1</u>
Corridor 2	INCENTIVES 3.75:1 FAR FOR 100% AFF.,	Base FAR= <u>1:1 -1.5:1</u>

**Multi-Family Residential Subareas**

MF1	INCENTIVES 6:1 FAR	Base FAR= <u>4.5:1</u>
MF2	INCENTIVES 4.25:1 FAR FOR 100% AFF.,	Base FAR= <u>3:1</u>
MF3	INCENTIVES 4.25:1 FAR FOR 100% AFF.,	Base FAR= <u>3:1</u>

**Character Residential Subarea**

CR	1004	CHARACTER RESIDENTIAL	Base FAR= <u>2:1-3:1</u>
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**Community Plan Area**



**Hollywood Redevelopment Project Area Designated Resources and 2020 Historic Resources Survey Findings**

**Designated Resources**

- Listed in National Register (NR)
- Listed in California Register (CR)
- Listed as Historic-Cultural Monument (HCM)
- Listed as HCM and in NR
- Listed as HCM and in CR
- National Register/California Register District

**2019 Survey Findings**

- Individual Resource/ Multi-Parcel Resource
- Historic District
- Planning District
- Non-Parcel Resource
- Survey Area Boundary

Does not include designated resources that have been demolished



BASE FARs

**\*EXHIBIT F - CF 21. 0934\***

## Communication from Public

**Name:** Lesley O'Toole-Roque

**Date Submitted:** 04/23/2023 06:46 PM

**Council File No:** 21-0934

**Comments for Public Posting:** Councilmembers Harris-Dawson, Rodriguez, Yaroslavsky, Lee and Hutt: ?We ask the PLUM Committee to revert to LA City Planning's original submission to the CPC that took 12-plus years of community input and work to carefully develop, based on the reasoning in the attached letter. ? Further, we believe the last-minute change by the CPC to condense from five to two corridors is invalid, based on the previously submitted and ignored Ethics complaint, also attached here. ? We have resubmitted this Ethics complaint to LA City Attorney Hydee Feldstein Soto. ?Thank you for your careful attention to this critical issue regarding the future of our historic Hollywood community that runs from Fairfax Ave to Vista Street between Hollywood Blvd and Fountain Ave. ? Lesley O'Toole-Roque Co-Chair, Spaulding Square Neighborhood Assoc. lesleyotooleroque@gmail.com spauldingsquare@gmail.com ?Cheryl Holland President, Sunset Square Neighborhood Org. HollandC@me.com president@sunsetsquarehollywood.org

**TO: City Planning Commission**  
**FROM:** Neighborhood Stakeholders / Sunset Boulevard Corridor 5  
**CC:** Hollywood City Planning Team, CD4, CD5, HHWNC  
**RE: NEW INFORMATION for the March 18, 2021 Meeting on the Hollywood Community Plan**  
**DATE:** March 12, 2021

**Based on the 2/18/2021 meeting, is it the advice of the City Planning Commission to MODIFY the objectives of the Hollywood Community Plan and restart the process?**

**Per the Staff Recommendation Report, the Hollywood Community Plan is intended to achieve the following overarching objectives:**

1. Provide a range of housing and employment opportunities.
2. Promote the vitality and expansion of Hollywood's media, entertainment, and tourism industry.
3. Conserve lower-scale neighborhoods.
4. Safeguard hillside areas.
5. Create a network of safe, multi-modal linkages.
6. Promote sustainable development.
7. Preserve and enhance social, cultural, and historic identity.
8. Improve public space, parks, and open spaces.
9. Conserve neighborhoods, districts, historic/cultural resources, and public rights-of-way.

**The zoning on SUNSET BOULEVARD BETWEEN FAIRFAX AVENUE AND VISTA STREET MEETS PLAN OBJECTIVES #1, #2, #3, #5, #6, #7 and #9.**

**We ask you to approve and recommend adoption of Corridor 5 zoning with our support for an appropriately scaled height increase ONLY for 100% affordable housing.**

**We can meet the plan objectives AND create the desired affordable housing. Up-zoning all main transit corridors uniformly will harm Hollywood irrevocably.**

The City Planning Commission recommended that the five zoning corridors in the CPIO of the Hollywood Community Plan be restructured, potentially down to two corridors. The neighborhood stakeholders ask you to retain Corridor 5 zoning except for allowing an appropriately scaled height increase ONLY for 100% affordable housing. Alternatively, if the five corridors are condensed, we ask that you consider a third, lower zoned corridor for this portion of Sunset for the reasons set forth here in line with the Plan Objectives. Please note that during CPC public comment, there were no requests made to up-zone this corridor; all up-zone requests were directed at the Hollywood Regional Center.

PLAN OBJECTIVE #1

**“PROVIDE A RANGE OF HOUSING AND EMPLOYMENT OPPORTUNITIES.”**

Through years of discussion and support from the two prior CD4 offices and City Planning, the stretch of Sunset from Fairfax Avenue to Vista Street has been envisioned to become the **Sunset Spaulding Square Arts District** focused on retaining our small, local and creative business tenants that currently serve the socio-economically diverse surrounding neighborhood. The stakeholders of our neighborhood (Fairfax Avenue on the west, Hollywood Boulevard on the north, Vista Street on the east, and Fountain Avenue on the south) are a diverse mix of owners and renters of every ethnicity, orientation and income bracket. Our residents live in high and low apartment and condo buildings, bungalow courtyards, ADUs, duplexes and single-family homes. Included in our neighborhood is the **Gardner Street Women’s Bridge Housing Center**, which we proposed to CD4 as a location for homeless housing and demonstrates our community’s commitment to both housing and historic preservation. Another important neighbor is the **Gardner Street Elementary School**, which draws its students from our neighborhood and is a Title 1 school with more than half of the 400-plus students living below poverty level.

**RENDERING OF THE SUNSET SPAULDING SQUARE ARTS DISTRICT**

*Corner of Sunset and Gardner looking West toward Sunset and Spaulding Squares*



**We are working to make this neighborhood livable for ALL, therefore it is critical to maintain and grow the socio-economic diversity of our local businesses on Sunset. We want to avoid further displacement of these small businesses for larger corporate chains.** We currently have two five-story mixed-use developments under construction on the south side of Sunset Boulevard between Gardner Street and Curson Avenue (7500 Sunset). We lost the iconic and historically significant treasures Meltdown Comics/NerdMelt Showroom and the Parisian Florist (in the same location since 1924) to the development. Our many small business tenants were forced to leave, such as the Russian grocery and bookstore that served our Russian community. Allowing heights of 67 feet and encouraging the

development of new, taller structures requires corporate retail tenants on the first floor to be financially viable. If you drive along Sunset Boulevard to the west, you will see vacant mixed-use retail space in abundance. Our local businesses cannot afford, nor do they want these characterless spaces. **Retaining our height limit (except for 100% affordable housing) encourages adaptive reuse of buildings and keeps affordable commercial space available for lease to serve the surrounding community in a walkable manner.**

As the Commission rightly raised, we cannot predict the long-term effects of the pandemic on housing needs and street-front retail. **It's critical to also consider and assist small businesses in this environment.** Giving developer incentives to create seven-story structures along all main transit corridors without consideration of the scale and socio-economic diversity of the adjacent neighborhoods will absolutely displace our local, community-serving businesses and cause the community to be less livable and walkable.

PLAN OBJECTIVES #2 AND #7

**“PROMOTE THE VITALITY AND EXPANSION OF HOLLYWOOD’S MEDIA, ENTERTAINMENT, AND TOURISM INDUSTRY.”**

**“PRESERVE AND ENHANCE SOCIAL, CULTURAL, AND HISTORIC IDENTITY.”**

Because of their unique historical character, Sunset and Spaulding Squares are regular filming locations. We host endless tour vans with people eager to see where iconic shows and movies were filmed both now and decades ago. Retaining this important palm tree lined stretch of Sunset with hillside views as a resource for filming in Hollywood and as a popular tourist destination, both huge sources of revenue for the City, should be a priority. **If you paint all main transit corridors in Hollywood with Corridor 2 zoning, you will eliminate the architectural diversity and character of our many special neighborhood destinations.** It will look like any generic stretch of any urbanized city in America, and no one visits Hollywood to see that.

The Sunset Spaulding Square Arts District focuses on what the commercial strip features today and has historically included: independently owned music stores, art studios, services, shops and restaurants along with the guilds and production companies. **The district vision serves our broad range of socio-economic groups, appeals to the creative community, maintains a cohesive connecting point between the adjacent historic resources and apartments, preserves the character of the funky, artistic, local shopping strip and creates another notable and unique destination for Hollywood.**

PLAN OBJECTIVE #3

**“CONSERVE LOWER-SCALE NEIGHBORHOODS.”**

**All main transit corridors do not need to be up-zoned uniformly to create the desired affordable housing.** Per the Plan, height allowances should increase as you move toward the Regional Center. In the past, density bonuses have led to windfalls for property owners without commensurate benefit to the community. There is a current line of thinking that **the private market alone is not capable of delivering affordable housing because the underlying issue is the global increase in land value in urban areas, which drives up the price per square foot.** Using means that go beyond up-zoning and incentivizing developers are going to be necessary, such as putting a vacancy tax in effect immediately, preserving historic housing and exploring non-private housing options.

Hollywood is one of the most creative and internationally renowned places in the world. A ride along Sunset Boulevard is on every tourist’s list, and we should share the full array of its diverse character and creative enclaves—both OLD and NEW. We can’t serve up one long, monotonous La Brea-like corridor with one size fits all zoning. **This 100-plus year-old lower scale, historic neighborhood is an important part of Hollywood’s beginning and its subsequent history, and the proposed height, FAR and density zoning on Sunset Boulevard between Fairfax Avenue and Vista Street should be retained.**

PLAN OBJECTIVE #5

**“CREATE A NETWORK OF SAFE, MULTI-MODAL LINKAGES.”**

The Sunset Spaulding Square Arts District is slated for pedestrian-oriented design guidelines and a streetscape plan in the Hollywood Community Plan. See plan language below.

P24	Create pedestrian-oriented design guidelines including a possible Streetscape Plan for commercial uses that foster pedestrian-oriented scale and character for the following street segments: <ul style="list-style-type: none"><li>•Sunset Boulevard between Fairfax Avenue and Vista Street</li><li>•Melrose Avenue between Highland Avenue and Orlando Avenues, inclusive of Melrose Place</li><li>•Santa Monica Boulevard between Seward Avenue and Hoover Street</li><li>•Hillhurst Avenue between Franklin and Los Feliz Avenues</li></ul>
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See verbiage from the Staff Recommendation Report below:

With respect to Neighborhood Districts, the Framework Element states the following:

Goal 3D: Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles’ neighborhoods.

Objective 3.8: Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.

In accordance with the Framework Element, the clustering of neighborhood-serving uses minimizes automobile trips while encouraging pedestrian-oriented districts in proximity to adjacent residential neighborhoods. **Neighborhood Districts are located at several key areas throughout the Community Plan Area. The Framework identifies Neighborhood Districts at several intersections along Melrose Avenue and Hillhurst Avenue. The Proposed Plan extends an existing portion of Melrose Avenue in the Neighborhood District east to Highland Avenue and designates a portion of Sunset Boulevard generally between Fairfax Avenue and Vista Street as Neighborhood District;** see Exhibit C for more information. The Proposed Plan includes policies that call for encouraging appropriate housing opportunities, limiting incompatible uses, and ensuring that there are a variety of uses that serve the daily needs of adjacent residential areas. The CPIO District implements the policies of the Proposed Plan by establishing pedestrian-oriented design standards that contribute to neighborhood district identity and maintain their function as providing important neighborhood-serving uses. The CPIO District also tailors regulations to meet neighborhood-specific needs. In conformance with the Framework Element, the development standards for the CPIO’s Neighborhood-Serving Subareas strive to enhance the pedestrian and aesthetic appeal of neighborhood district areas.

PLAN OBJECTIVE #6  
“PROMOTES SUSTAINABLE DEVELOPMENT.”

Key findings from a Los Angeles Conservancy study show that “**preservation positively affects housing, affordability, sustainability, density and economics.**” Specifically, “Of the 35 HPOZs that currently exist, 21 have populations where there is a greater share of racial diversity than in the rest of the city.” And, “**As much as 69% of housing in HPOZs has more than one unit, with 39% providing five or more units or apartments. This makes historic neighborhoods more accessible to renters and provides a greater range of rents and significantly higher density uses.**” Historic housing is affordable housing, so preservation should be used as one of our affordable housing tactics. **Zoning should promote adaptive reuse in the appropriate areas.** A 2011 study by the National Trust for Historic Preservation found that, even if a new building is 30% more energy efficient than a historic building, **it takes between 10 and 80 years (depending on the building type) to make up for the carbon emissions expended by demolition and new construction.**

PLAN OBJECTIVE #9  
“CONSERVE NEIGHBORHOODS, DISTRICTS, HISTORIC/CULTURAL RESOURCES,  
AND PUBLIC RIGHTS-OF-WAY.”

The Plan is the product of five years of tedious study of Hollywood by the City Planning team, and we thank them for their dedicated efforts. Most notably, we spent years working with City Planners [Craig Weber, Priya Mehendale, and Linda Lou](#) who took the time to understand the nuances and effect of development on every parcel/street. **Increased zoning on Sunset between Fairfax and Vista without taking into consideration the feasibility, infrastructure and impact is counter to the integrity of the years-long process.** This zone has shallow commercial frontage directly abutting RD zoning thereby requiring transitional heights and making higher zoning impractical. As just one example, a 67-foot building on the NE corner of Gardner and Sunset will negatively impact the Gardner Street Elementary School by blocking all sunlight from the playground and the gardening program, create unsafe traffic conditions, and destroy a significant historical resource (Gardner Junction of the Pacific Electric Railway). Every parcel/street has a story. We need more than two zoning options; it is not a one size fits all solution.

**OUR CURRENT ZONING IS IN COMPLETE ALIGNMENT WITH THE PLAN’S OBJECTIVES.  
We ask you to retain the proposed height, FAR and density zoning on Sunset Boulevard  
between Fairfax Avenue and Vista Street with our support for allowing  
an appropriately scaled height increase ONLY for 100% affordable housing.**

**Thank you for your careful consideration of this important decision for the legacy of Hollywood.**

Respectfully submitted by,

Cheryl Holland, President, Sunset Square Neighborhood Organization: [hollandc@me.com](mailto:hollandc@me.com)

Lesley O’Toole-Roque, Board Member, Spaulding Square Neighborhood Association:  
[lesleyotooleroque@gmail.com](mailto:lesleyotooleroque@gmail.com)

Laura Grenfell, Board Member, Sunset Square Neighborhood Organization: [lbgrenfell@gmail.com](mailto:lbgrenfell@gmail.com)

## Communication from Public

**Name:** Susie Shannon

**Date Submitted:** 04/23/2023 09:43 PM

**Council File No:** 21-0934

**Comments for Public Posting:** Dear Chairman Harris-Dawson and Members of the PLUM Committee: The City of Los Angeles is facing an affordable housing and homelessness crisis that should be addressed in all community plans. While at least two community plans, the Downtown Community Plan and the South Los Angeles Community Plan, have provisions for Inclusionary Zoning (Downtown plan) and tenant protections (South Los Angeles plan), the Hollywood plan is lacking key provisions these other plan areas are afforded. We are requesting that amendments be brought forward to the Hollywood Community Plan to bring it up to similar (or stronger) standards for mandatory affordable housing and tenant protections stipulated in the Downtown and South Los Angeles plans. These include: 1. A motion to study and implement mandatory inclusionary zoning in Hollywood (similar to the Downtown plan) – applied uniformly throughout the HCPU area. 2. One-for-One replacement of affordable units with tenant right to return at rents they were paying prior to displacement. 3. Revocation of building permits when tenants are illegally displaced. 4. Preservation of rent stabilized and government restricted affordable housing. 5. Prioritizing adaptive reuse for affordable housing to preserve historic buildings. Many cities adjacent to Los Angeles were able to enact inclusionary zoning with no long-term studies. With over 41,000 people homeless in the City of Los Angeles and 5 people dying on our streets every day, it is imperative that housing for low-income individuals be prioritized in every community plan. Mandatory inclusionary zoning needs to be one part of achieving our low-income housing goals consistent with Mayor Bass’ emergency homeless declaration. Our organization is a stakeholder in the Hollywood area, with three offices, a clinic and affordable housing for extremely low-income families. We reserve all rights as to the City of Los Angeles adoption of the HCPU, including the adoption of comments of others in the record. Thank you for your time and attention. Warm Regards, Susie Shannon Policy Director, Housing is a Human Right



April 24, 2023

Hon. Marqueece Harris-Dawson  
Chair Planning and Land Use Committee  
Via Email: [clerk.plumcommittee@lacity.org](mailto:clerk.plumcommittee@lacity.org)  
Re: Hollywood Community Plan Update

CF 21-0934; CPC-2016-1450-CPU, ENV-2016-1451-EIR; SCH. No. 2016041093

Dear Chairman Harris-Dawson and Members of the PLUM Committee:

The City of Los Angeles is facing an affordable housing and homelessness crisis that should be addressed in all community plans.

While at least two community plans, the Downtown Community Plan and the South Los Angeles Community Plan, have provisions for Inclusionary Zoning (Downtown plan) and tenant protections (South Los Angeles plan), the Hollywood plan is lacking key provisions these other plan areas are afforded.

We are requesting that amendments be brought forward to the Hollywood Community Plan to bring it up to similar (or stronger) standards for mandatory affordable housing and tenant protections stipulated in the Downtown and South Los Angeles plans.

These include:

1. A motion to study and implement mandatory inclusionary zoning in Hollywood (similar to the Downtown plan) – applied uniformly throughout the HCPU area.
2. One-for-One replacement of affordable units with tenant right to return at rents they were paying prior to displacement.
3. Revocation of building permits when tenants are illegally displaced.
4. Preservation of rent stabilized and government restricted affordable housing.
5. Prioritizing adaptive reuse for affordable housing to preserve historic buildings.

Many cities adjacent to Los Angeles were able to enact inclusionary zoning with no long-term studies. With over 41,000 people homeless in the City of Los Angeles and 5 people dying on our streets every day, it is imperative that housing for low-income individuals be prioritized in every community plan. Mandatory inclusionary zoning needs to be one part of achieving our low-income housing goals consistent with Mayor Bass' emergency homeless declaration.

Our organization is a stakeholder in the Hollywood area, with three offices, a clinic and affordable housing for extremely low-income families.

We reserve all rights as to the City of Los Angeles adoption of the HCPU, including the adoption of comments of others in the record.

Thank you for your time and attention.

Warm Regards,

Susie Shannon  
Policy Director, Housing is a Human Right  
Cell: (213) 880-3065

## Communication from Public

**Name:** Brian Curran

**Date Submitted:** 04/23/2023 09:59 PM

**Council File No:** 21-0934

**Comments for Public Posting:** Hollywood Heritage is submitting our comments in the attached letter. Due to file size attachments for our letter will be submitted separately.

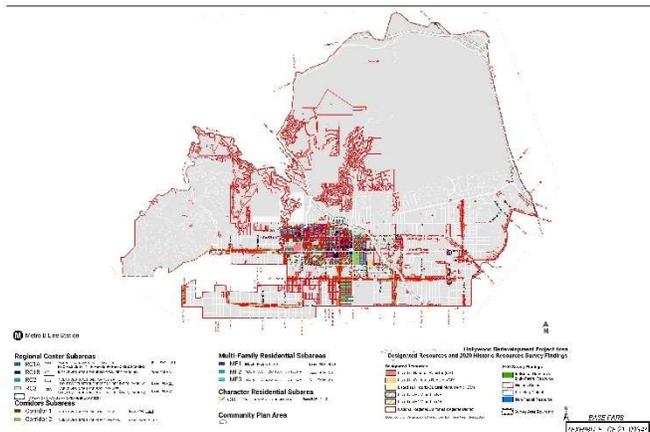


**To:** Mr. Vince Bertoni; Los Angeles City Council PLUM Committee  
**Re:** Hollywood Community Plan Update CF 21-0934 ;  
 ENV 2016-1451-EIR; CPC 2016-1450-CPU  
**Date:** Dec. 29, 2022; rev. 2/17/2023; rev 4/16/2023

In this letter Hollywood Heritage will show how and why Hollywood’s Community Plan Update (HCPU) can and should be withdrawn and/or significantly revised. The errors, inconsistencies, and foundational omissions are too obvious and significant to move forward with it. We see nothing in it to vote FOR. We have proposed important “fixes” which can improve on the Plan.

1. **Pitting housing affordability against historic Hollywood, rather than planning for the great locations for each:** Hollywood Heritage has proven that **all growth in this Community Plan area can happen WITHOUT harming or losing a single historic building or neighborhood,, or demolishing any affordable housing.**

- We invested extensive time, money, and effort in quantitative analysis and mapping of this proposed Plan Update. We repeatedly communicated our findings and concerns. Most strikingly, this Plan made a shocking “about face” after February 11, 2020. Director Bertoni issued a memo shifting the Community Plan Implementation Overlay (CPIO) from the promised “tool” to extend Redevelopment Area planning and preservation tools to 2040 to instead creating this unnecessary conflict. The existing CPIO boundary was recycled to incentivize large scale new construction exactly where our existing landmarks are in central Hollywood.
- The CPIO applies on top of upzoned, landmark rich central Hollywood. Mis-named, it rezones hundreds of National and California Register District buildings, leading to unnecessary demolitions and untrammled, unreviewed, “by right” new or altered buildings throughout landmark-rich central Hollywood. Obvious vacant lots and opportunities were skipped, instead placing incentives and upzoning directly where they should have been avoided.



- Hollywood deserves a sustainable and livable future, with great programs for adaptive re-use, Urban Design Plans, technical assistance, tax incentives, and City programs that have ushered in success in Pasadena, Santa Monica, and Santa Barbara; with improvement and

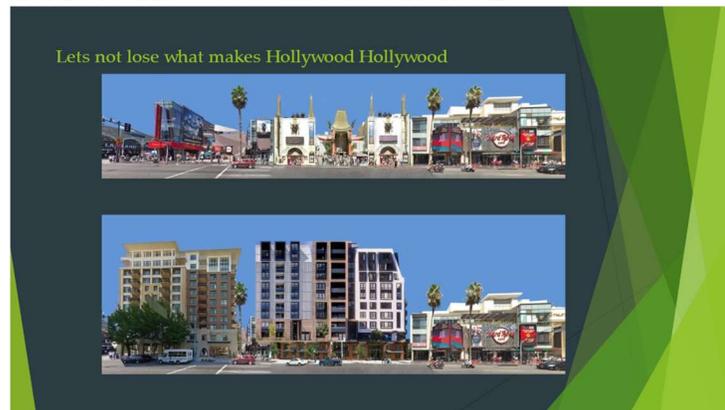


focus on City services; with great economic underpinnings, and with strong culture and infrastructure. This plan is not it.

- Proposing repeal of the redevelopment plan standards- On 338-42 of Exhibit D is a hidden repeal of requirements such as accurately identifying where current landmarks are found; using the nationally consistent Secretary of the Interior Standards; reviewing alterations and new construction for compatibility; requiring Urban Design which made roaring successes in Pasadena, Santa Monica, etc. Mysteriously the Plan cancels these obligations, accepted by the City of Los Angeles in Nov 2019, reinforced by Judge Arguelles decision, and sorely needed. Replacement with weak substitutes (3 pages in Exhibit F) which don't address Hollywood and are drafted to apply Citywide is unacceptable.
- Failing to prepare an adequate EIR, failing to find the correct list of current landmarks, repealing environmental mitigations measures, and failing to adopt the environmentally superior alternative:

**EXAMPLES: What are some examples? See exhibits for illustrations**

- **Grauman's Chinese Theatre** (see illustration): World famous, iconic, and central to tourism. Cultural Heritage landmark; National Register District contributor.
  - The Housing Element (adopted by the City Council) recommends rezoning the theater for housing-84 units lower income housing. Fitting that into a windowless IMAX theater? A good guess is that this incentivizes demolition?
  - This property—currently built at about a 1:1 FAR—can be built out commercially by right as a mall or an office building at 3 times its current size. For residential affordable units—6.75 times its current size.



- **Yamashiro**: An iconic National Register and Cultural Heritage Monument property, **now** a footnote hidden in the fine print of page 24 of footnotes Exhibit E shows the hillside property in this Plan as "Limited Commercial". Its current zoning is residential--R3-ID, reflected in ZIMAS, and in Ord 164,721. The "limited" commercial is incorrect. This was intended to be limited to the current restaurant operation and CUP, not the right to build 305,820 sf of commercial space on this steep hill in a fire zone with with tiny substandard streets through a duplex neighborhood: A similar error appears to apply to the Magic Castle
- **Locating the Hollywood Boulevard National Register District wrong**: The Plan texts fails to mention Hollywood Boulevard Commercial and Entertainment National Register

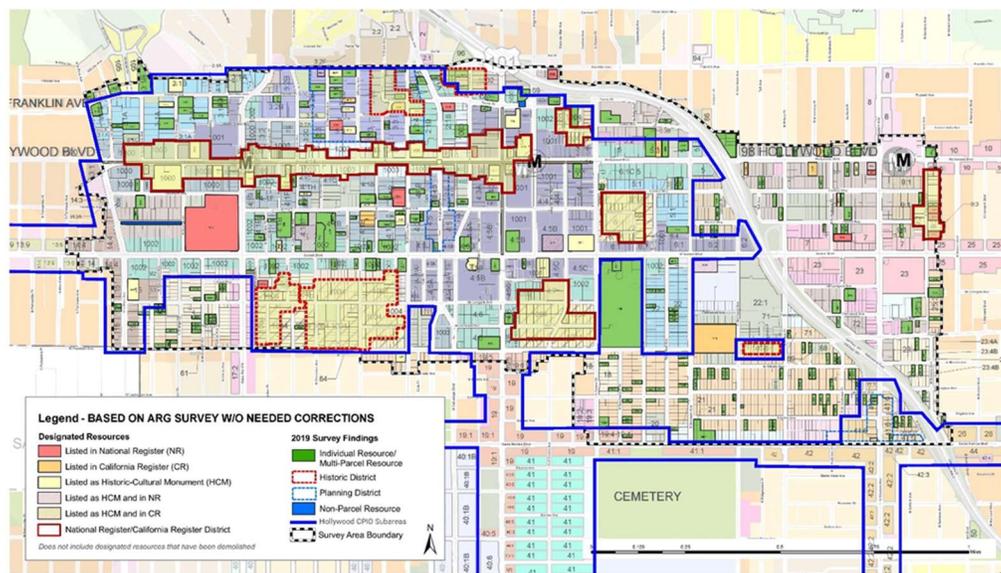


Historic District, listed at the highest level of importance in our nation. Page 4-5 of the CPIO literally locates it wrong-- shrunk down to 1/3 its actual length. America's treasure studiously abandoned by our City. Despite repeated requests to correct this error, it remains in the current Plan draft.



- **Decimating California Register bungalow districts:** These neighborhoods are listed at a higher status level than our local Historic Preservation Overlay Zones, and yet City Planning incentivizes demolition and describes a 3<sup>rd</sup> class treatment in the CPIO.. Every single parcel is either upzoned or subject to density bonus radically increasing development. The “preservation” “tool” in the CPIO is design guidelines for the new building that will replace the demolished one, rather than clever techniques for additions, ADUs, restoration, conversion of homes to units, etc.
- **Survey LA activated in area where it was not conducted** Survey LA—which was not undertaken outside of the Redevelopment area in Hollywood—is only referenced as in effect in the area it was not conducted.
- **CPIO lands density bonus on top of National and California Register Districts**

HOLLYWOOD REDEVELOPMENT PROJECT AREA DESIGNATED RESOURCES AND 2020 HISTORIC RESOURCES SURVEY FINDINGS OVERLAY ON PROPOSED ZONING AND CPIO





2. **Failing to meet minimum OPR Planning standards:** This Community Plan is the roadmap for Hollywood’s future physical land development, reflecting our collective resolve to leave a livable and functioning city for future generations. Despite considerable time and effort going into this Draft, it is both fatally flawed and a march backwards in meeting normal requirements for General/Community Planning.
  - Why a Community Plan?: The Plan’s principal obligation under State law is to guarantee that the City’s infrastructure—its roads, parks, sewers, sidewalks, loading areas, electric grid, water supply and many others—will be adequately provided, coordinated, and consistent to ensure a sustainable, equitable, livable and functioning future.
  - Failing to calculate buildout first: That means a credible population projection, from SCAG, and first a credible build-out projection of the capacity of the existing 1988 Community Plan. Then the effort, before any upzoning, is mandated to synchronize the location and quantity of any proposed zoning change with the infrastructure. This Plan Update fails. The Plan further repeals developer obligations, as the State is also doing, putting a major burden for updating sewers, water, parks, street, etc on current taxpayers and neighborhoods. Buildout in the 1988 Plan was 272,000 persons- more than the 264,000 this Plan seeks. Others have calculated 330,000 and recently a demographer calculated 470,000 persons.
  - Failing to follow LA Zoning Code Sec 11.5.8: Housing affordability mandates for monitoring and “completion of a comprehensive assessment of such proposed changes by the Planning Department” by City Ordinance 184,745 in 2016.
  
3. **Repealing Specific Plan-type planning in favor of “old school” crude upzoning:** This Community Plan repeals advanced planning techniques in favor of “old school” upzoning, and replaces the City’s TOC program with its complicated CPIO unnecessarily. The CPIO is unanalyzed; declared infeasible by the City’s own economist for the places it is being rolled out; and has incalculable damaging effect. Locating a CPIO where it will work is the first job.
  - **EXAMPLES: What are some examples? See exhibits for illustrations.**
    - **Plan repeals Redevelopment Plan:** As discussed above, the “repeal” Ordinance is cutely called an Amendment, but it repeals all of a plan currently in force. This repeals the opportunity NOW available for the single planning tool known nationwide and throughout California to be the essential ingredient for Hollywood Boulevard-type renewal and upgrade—an Urban Design Plan.
    - **Plan repeals current environmental regulations, including repealing current “D” and “Q” conditions:** The 1988 Community Plan Zoning Conformance pursuant to AB 283 crafted detailed “D” and “Q” Conditions to attach to groupings of similar land parcels to improve environmental quality. Principally these were to control developments until the time when traffic mitigations (and maybe linkage fees) were fully studied and adopted; neighborhood protections were fully studied and adopted; and the Hollywood Boulevard Urban Design Plan was fully studied and adopted. Political forces stopped these from being implemented formally, although CRA did partially implement through design review. It appears Ordinances protecting or conditioning 65 large commercial areas and 842 residential areas are being removed in this HCPU..
    - **Extends “Regional Center” designation eastward on Hollywood Blvd:** The



HCPU surprisingly and strangely extends the high density Regional Center designation in a General Plan Amendment in this HCPU into an area with no subway. Discretionary actions have been approved here with far more parking than code requires..

4. **Failing to deliver for affordable housing:** This HCPU appears to actively repeal tenant protections and 1:1 replacement requirements for affordable units. . and the on the City Planning’s Demolishing affordable housing is often demolishing historic housing. Currently only the newly built units are reported, not the demolitions, and currently there is no mechanism to monitor whether the rental are made affordable after the building permit.

**EXAMPLES: What are some examples? See exhibits for illustrations**

- **HR&A economic study for this Plan says CPIO doesn’t work where it is located in central Hollywood..** The City’s own study by HR&A, mistitled “Targeted Financial Feasibility Analysis” in the Council File CF 21- 0934, shows that the proposed CPIO does not work in central Hollywood, where “incentive” affordable units are not feasible in the high density high rise and even midrise housing type on high cost land.
- **CES eviction data** compared to density bonus units in Hollywood from 2016-2021 found evictions from RSO properties exceed units created by “affordable housing incentives” in the same time period.
- **No conflict mapping:** The Housing Element for this Hollywood Community Plan area, approved by City Council, has parcel-by-parcel data for RSO units, showing the proposed upzoning on 6,600 parcels with affordable housing units. Despite having this data, the zoning Matrix does not reflect where the existing affordable housing is located, nor was it mapped.

**WHAT IS OPERATIVE IN THE PLAN, VS WHAT IS “INTENT?”:** “ Goals”, “policies”, “implementation” or “items to “consider” can blind us to seeing what actually will be implemented if this Plan is adopted. The HCPU delivers something very very different, and it is this aspirational part that is reported and reflected erroneously in the Findings. The intent is laudable, but the draft we reviewed does nothing at all to preserve landmarks, prevent evictions, or locate growth equitably. Just the opposite.

**The operative parts of the Plan deliver the opposite of stated Findings:** The Plan “Findings” are deceptive and inaccurate when the four actual main “operative” parts – the parts which are real and will be actually passed as City Ordinances are systematically checked. The 4 central “operative” parts are:

1. Zoning Ordinances (moved for PLUM to Exhibit D and E)
2. Community Plan Implementation Overlay (“CPIO”) (Moved for PLUM to Exhibit F)
3. Environmental Impact Report Mitigation Measures (EIR) ( Moved for PLUM to Exhibit G)
4. Ordinance to Repeal Redevelopment Plan and Amend General Plan (Moved for PLUM to Exhibit D)

**EIR “NO PROJECT” ALTERNATIVE #1 IS SUPERIOR:** A “No Project” Alternative simply means keeping the current 1988 Hollywood Community Plan in force having no repeal of today’s vital environmental protections; no canceling of citizen participation no acceptance of extremely flawed data>>>> When an old Plan is environmentally superior, everyone should pause.

- **This proposed Plan fails miserably on a shocking 13 major environmental criteria.**



This violates the requirement for a Land Use Plan to be consistent with 9 General Plan Elements. The Council adopting a Statement of Overriding Consideration is insupportable.

- **The EIR fails to calculate buildout capacity of the current Plann--** the first and fundamental requirement of a Community Plan. Buildout capacity for housing growth that already in the Plan area.
  - Without accurate quantification of population change; without accurate quantification of how many people per dwelling unit (now reduced to 2 for Hollywood?); and without calculation of the increased number of possible units due to these changes since 1988 , there is no plausible reason for the upzoning, and the absence of infrastructure improvement calculated in concert with that growth is a fatal flaw.
- **The “Finding” that historic preservation loses out in the “No Project” alternative is false.** This Update repeals a 35 year system of targeted qualified historic review; repeals the use of the nationally accepted Secretary of the Interior Standards; repeals “D” and “Q” conditions in **800 parcels**; and misses even what the designated historic resources are in its EIR Appendix L and Plan text. I
  - t instead substitutes Planning Director discretion to automatically demolish widely in historic districts.
  - The CPIO creates 2 highly inadequate cursory sets of cookie cutter design guidelines for the buildings City Planning expects will replace all of the historic buildings. The guidelines don’t even apply to Hollywood’s building types.
- **The current 1988 Plan has needed room for growth- where that is is what is important.**; is proven beyond a doubt to allow generous this is confirmed from City Planning’s own data.
  - Hollywood’s capacity for housing has greatly increased in the Plan area since 1988- housing construction by right should be counted in all commercial areas; ADU’s and SB 9 and 10 must be quantified; TOC density bonus and developer-driven discretionary zoning ‘giveaways” from City Council like Millenium, Crossroads, must be quantified; and the 7,000 vacant units cited by the FEIR included.
    - Data in the Housing Element shows it is better to stay with the current 1988 Plan and put effort into a truly forward-thinking Update, with Specific Plan-like careful planning, which deals with the real “on the ground” issues and sustainability in Hollywood.

**REJECT PLAN OR AMEND:** This Update, as it is presented, allows the hidden, un-analyzed damage from the 2012 Update upzoning to continue in commercial, industrial, and residential areas, with no affordable housing required.

The 2012 Plan was rejected by the Courts. **This was not a an unimportant kerfluffle over dull details of an EIR.** Judge Goodman carefully reviewed the City’s planning methods, in which uncounted upzoning and increases in buildout were proposed against a backdrop of inaccurately quantified growth and infrastructure. The Judge understood that the fundamental Planning obligation can’t be met for a Community Plan without accurate numbers. Talk doesn’t make it real.

**Approving this Plan is supporting a cruel myth of upzoning leading to rent affordability, when it does the opposite:** Increasingly in public discourse, the narrative that “zoning is holding housing back” is repeated. The narrative confuses “housing” with “affordable housing”, and promotes the idea



that rents will go down if developers just keep on building too much luxury housing, and keep building til they lose money. Experience in Hollywood shows that Hollywood has succeeded with explosive housing growth under current 1988 Plan zoning-- far more housing built and entitled than needed for 2040. But its been with a net loss in affordable units with the exception of fully subsidized construction, and the numbers are masking unacceptable levels of evictions. Homelessness has certainly not been ameliorated by the highest density zoning in the City

Perhaps the rents will go down in 30 years. No developer or bank starts an apartment project counting on its value – which solely comes from rents-- going down.

**WHAT IS THE SOLUTION? How can this Plan change from erasing our community to truly equitable and positive?**

**New construction should instead be channeled so that neighborhoods, historic buildings, and rent stabilized housing are not destroyed. This Plan does the opposite. The PLACES where zoning changes are proposed MATTER**

This Plan hasn't a single whisper of positive physical planning for supporting historic Main Streets and neighborhoods. These tools are well known and available. It falls into the trendy trap of imagining that just masses of new construction, demolishing whats here and destroying livable neighborhoods and RSO housing, solves homelessness and housing affordability. For this the Plan has no analysis or factual basis. Great residential growth already has happened, and its not succeeded ending homelessness or unaffordability. Even greater residential growth (25,000 units) is already under permit, under construction, and entitled.

**Summary-- Plan Flaws and Corrective Measures**

		<u>Current HCPU</u>	<u>Requisite Corrective Measure</u>
I	<b>Fatal planning procedure flaws</b>	<b>Redevelopment Plan repeal proposed but hidden, mislabeled, and unanalyzed:</b> Removes City current obligations for infrastructure, historic buildings, design reviews. See attached Chart. Called an “amendment”, but is a repeal	<b>Cancel the repeal of Redevelopment Plan protections (Exhibit D- page 338-342):</b> . Cancel repeal of historic protections; repeal of public benefit requirements; repeal of public involvement requirements. These obligations continue to 2028. What is proposed to replace them is wholly inadequate. Take advantage of the “open basket” of Sec 506 Urban Design Plan requirement to greatly improve Community Plan (see below
b		<b>CPIO creates unacceptable conflict: Feb 2020 Bertoni memo pitting housing against preservation, rather than finding proper locations for each:</b> CPIO boundary was set up to protect central Hollywood landmarks, and sold in meetings and to the public through Feb 2020 as that. CPIO released in Aug 2020 was a “volteface”; it was added AFTER release of EIR and never analyze., It mistakenly locates	<b>Revise CPIO map (CPIO Exhibit F ) If CPIO has merit, MOVE IT to an appropriate location near 3 Metro stops -not necessarily the SNAP</b> Out of historic areas and into lower density areas. .  See discussion below of financial infeasibility of CPIO in high density areas



		residential density bonus on historic parcels such as Grauman's Chinese	
c		<b>HR&amp;A Economic Study says CPIO density bonus will NOT work</b> High density areas where proposed the CPIO density bonus does not work.	<b>Revise CPIO map (CPIO Exhibit F ) If CPIO has merit, MOVE IT to an appropriate location—</b>
d		<b>Failure to calculate buildout capacity. Fatal error.</b> "Reasonable expected growth" methodology is non-compliant with fundamental OPR and standard practice. <ul style="list-style-type: none"> <li>• Failure to quantify current Plan capacity- (aka "Buildout") : Conservative estimate in 1988= 272,000 persons. Current data estimate-320,000 – 470,,000 persons under existing 1988 Community Plan</li> <li>• Failure to calculate increase in buildout capacity since 1988--enormous residential growth possible in commercial zones; ADU's; discretionary actions ; State bills</li> </ul>	<b>Remand FEIR to make compliant (Exhibit G);</b> <b>Revise Plan Text (Exhibit D) ;</b>  <b>Accurately calculate current "Plan Capacity' aka "Buildout"</b>
e		<b>Failure to address current planning issues:</b> Failure to address real "on the ground" issues areas especially on Hollywood Boulevard: to update and improve Adaptive Re-Use; to monitor City progress re parking deficit and garage construction and operation; to marshal City services and improve façade alterations; to analyse Heart of Hollywood for traffic, loading, and other impacts, to address genuine sustainability	<b>Enable/require Specific Plan/Urban Design Plan/ cancel repeal of Redevelopment Plan (Exhibit D p/ 340-342) .</b> <b>Do not repeal known planning tool for economic success:</b> . Urban Design Plan is already required, but HCPU proposes to repeal it as part of misguided Redevelopment Plan repeal. "Specific Plan" (aka Urban Design Plan) needed for Hollywood Boulevard NR District to encourage adaptive reuse; pedestrianize and improve the pedestrian experience; support hard hit commercial areas; deal with remaining parking deficits . City Planning prepared a Specific Plan for Hollywood Boulevard in the mid 1970's(!!!) which was deferred for the Redevelopment Plan.
f		<b>Removal of D and Q conditions from parcel zoning:</b> D and Q conditions were implemented for environmental mitigation and to connect and cement CRA planning to City Planning..	<b>Correct Matrix (Exhibit E) Retain current D and Q Conditions</b> Regional Center Land Use does not guarantee or dictate use of high density zoning. D and Q Conditions instituted for environmental necessity. Removing them without analysis and without evaluation of specific adverse effects
g		<b>Upzones unnecessarily without any numbers to substantiate.</b> Judge Goodman rejected same fatally flawed methodology in 2012.	<b>Condition all changes in the Zone Matrix Exhibit E:</b> Increases only attainable with either specified public benefit or specified



			affordable housing if demolition of an historic or RSO building is involved.
	h	<b>General Plan Amendment proposed in HCPU to avoid complying with General Plan</b> (Exhibit C ) Violates City of Los Angeles “growth neutral” General Plan Framework.	<b>Withdraw Amendment</b>
2	<b>Nothing new or good for affordable housing</b>	<b>Causes evictions-</b> Evictions 2016-2021 from RSO units exceeded new bonus density units. No attempt to correct. HCPU Matrix fails to identify RSO parcels in the upzoning. Upzoning directly results in demolition and evictions. No planning done. Housing Element identifies 6,000 parcels in Hollywood with RSO housing for upzoning.	<b>Require RSO mapping in Matrix Exhibit D:</b> Require parcel by parcel data to include whether a parcel has RSO units. Map proposed upzoning on RSO parcels as proposed in HCPU, and in Housing Element . <b>Prohibit demolition of RSO housing</b>
	b	<b>Where is required monitoring of affordable housing as required by LAMC 11.5.8?</b>	<b>Add strengthened Ordinance requiring monitoring</b> of affordable units; ensure they maintain affordability- building permit evidence is insufficient. Specifically require data seaparated for HCP area
	c	<b>Where is limit on evictions and displacement</b>	<b>Analyze replacement data and question Plan zoning.</b> Move incentives to area where replacement can work <b>Add anti-displacement language</b> per Harris Dawson?
	d	<b>HR&amp;A Economic Study says replacing RSO units demolished will NOT work</b> s HCPU supports gentrification.	<b>This is a fundamental issue.</b> There are obvious answers- the new construction in high density areas is too expensive; If demolition of RSO housing is wrong, <b>then require the data and mapping in further planning until it is fixed. Don't accept this eviction-promoting Community Plan.</b>
	e	<b>Replaces TOC's by removing union labor requirement, local hiring requirement, etc:</b> City Planning is very committed to ending the TOC program, as revealed in their recent rollout of webinars. Its is unclear why.	<b>Add the union requirement language from TOCs back in (CPIO Exhibit F text- for all projects)</b> This is not our knowledge area. Union canceling may not be the goal, but it is the effect of getting rid of TOCs .
	f	<b>Density bonus program is financially infeasible according to City Planning economist HR&amp;A</b> HR&A study for HCPU shows CPIO financially unfeasible in high density locations such as central Hollywood- owing to inflated land costs, and more expensive building type	<b>Revise CPIO map (CPIO Exhibit F) If CPIO has merit, MOVE IT to an appropriate location where it can work</b> due to lower land costs, lower construction costs (due to lower construction type)



	g	<u>Reduces amenities and infrastructure requirements for luxury housing-moving burden on to taxpayers</u>	<b>Zoning Matrix (Exhibit E)- Condition all zoning increases on provision of affordable housing</b> No more giveaways (Valued from \$20 mil for 1540 Wilcox to \$120mil for Crossroads), landing the burden on the taxpayers, traffic, etc for luxury projects.
3	<b>Historic landmarks targeted for demolition</b>	<u>List of historic buildings and districts in Plan and EIR wrong, incomplete, inconsistent, outdated. Appendix L incomplete, out of date, inconsistent etc.</u>	<b>Remand EIR Sec 4.5 Cultural Resources Remand EIR Appendix L Correct Plan Text Exhibit C, maps 4.9-5f et al:</b> So many errors cannot be cited here. Hollywood Heritage has separately written a white paper on how to correct all the errors.
		<u>Historic building conflicts not made clear</u>	<b>Add to Zoning Matrix Exhibit D-</b> Add a column flagging parcels in historic districts and/or having historic landmarks.
		<u>Repeals longstanding, critical existing historic protections</u> —such as using Secretary of the Interior Standards—and replacing them with verbal “goals “ which have no operative meaning	<b>Cancel the repeal of Redevelopment Plan protections (Exhibit D- page 338-342):</b>
		<u>Locates Hollywood Boulevard National Register District wrong: Despite contacting City Planning repeatedly, their error was not corrected-</u> reducing a national register District listed at the National (highest) level of importance in the country to about 1/3 its actual length	<b>CPIO Exhibit F corrected- both the stated location of the Hollywood Boulevard District, and its treatment</b>
		<u>Targets most historic part of Hollywood for demolition--</u>	<b>Footnote Matrix Exhibit E Retain D Conditions specifically for sites of National and California Register properties, including all District properties;</b> require Urban Design Plan and Transportation coordination
		<u>Prohibit demolition without investigation within National Register boundary</u>	<b>CPIO (Exhibit F) – Delete Director Authority to override CEQA; require investigation of all non-contributors in Districts</b>
		<u>Prepare District character-defining features</u> to assist Planning Department staff in evaluating proposed entitlements and permits within National and California Register Districts	<b>CPIO (Exhibit F) – Insert District character-defining features prepared by Hollywood Heritage</b>
		<u>SurveyLA properties identified as “eligible” in EIR, with no attached protection</u>	<b>Plan footnote add: Apply to all SurveyLA-identified properties:</b> All permits and entitlements affecting parcels with SurveyLA identified properties shall be referred to OHR
		<u>TDRs incomplete</u>	<b>Add full development of a TDR system, not limited only to CPIO.</b> Clarify donor



			and receiver zones; clarify donor zones are not receiver zones., etc
4	<b>EIR – real impacts avoided and concealed</b>	<b>Fatal flaw: EIR defaults to “significant adverse effect” for 13 Plan Elements without ever assessing data:</b> I. 13 elements – of which land use is REQUIRED to be coordinated and consistent with housing AND with traffic, conservation, open space, noise, safety, environmental justice, and air quality II. These are not clarified or quantified III. Jumping to “significant adverse effect” without analyzing what effect the Plan causes and why is fatal flaw	<b>Remand EIR back to City Planning</b>
	b	<b>EIR circulated PRIOR to CPIO-</b> new complex density bonus system no environmental review of key section of HCPU	<b>Remand EIR back to City Planning-</b> Automatic failure
	c	<b>Outdated- 2016 data-fails :</b> Failure to calculate actual growth from ADUs, housing built in commercial areas since 1988, housing entitled thru discretionary actions , TOCs,	<b>Remand EIR back to City Planning</b>
	d	<b>Failure to include current Mitigation Measures now in force-</b> - Redevelopment Area EIR mitigations cannot be eliminated without notice of specific adverse effect, as these are in force now	<b>Remand EIR back to City Planning</b>
	e	<b>FEIR failure to update from 2016: 7,000 already-built housing units discounted as “vacant” to make effects “go away”.</b> FEIR says no change from 2016 data to present because 7,000 housing unit as are vacant	<b>Remand EIR back to City Planning</b>
	f	<b>Failure to meet fundamental obligation of a Community Plan-- calculate infrastructure and public services:</b> Water supply, power supply, waste removal. Emergency preparedness, stormwater, street lighting, parks and libraries. Failure to calculate	<b>Remand EIR back to City Planning</b>
	g	<b>Population methodology fails :</b> Errors in methodology and last minute justifications as in 2012	<b>Remand EIR back to City Planning</b>
	h	<b>Failure to quantify housing already entitled, built, or under construction:</b> <ul style="list-style-type: none"> <li>All housing unit growth envisioned by the City Planning (264,000 persons) ALREADY built, permitted, or entitled since 2016 data in the Plan</li> </ul>	<b>Remand EIR to make compliant (Exhibit G);</b> <b>Revise Plan Text (Exhibit D) :</b> Include data from 2016-2022-calculate all housing already in pipeline relative to RHNA goals- RHNA goal already met for Community



			Plan area under 1988 Plan- HCPU upzoning growth-inducing and unnecessary RHNA- Hollywood Heritage has calculated this.
	i	<b><u>Failure to use data: Housing Element data does not corroborate City Planning HCPU land use plan.</u></b> Housing Element includes 6X upzoning needed, as revealed in the Housing Element. Proportional requirement for Hollywood CP not revealed.	<b><u>Release Housing Element data separated out for Hollywood Community Plan area-- separated from Citywide data:</u></b> -  Hollywood Heritage performed this data disaggregation analysis and submitted it to City Planning
	j	<b><u>Failure to quantify needed commercial and industrial growth</u></b>	<b><u>Revise Plan text (Exhibit B).</u></b> Add quantitative data to show how and whether commercial and industrial upzoning is supportable and consistent with all other Plan Elements
	k	<b><u>Appendix M-wholly fails:</u></b> Calling 35 year laws “inefficient” not a reason to skip known Mitigation Measures and measures currently in force. Appendix is inexcusable	<b><u>Remand EIR back to City Planning</u></b>
	l	<b><u>Appendix L wholly fails:</u></b> inaccurate data, inconsistent between text and EIR; out of date-	<b><u>Remand EIR back to City Planning</u></b>
	m	<b><u>Public infrastructure and public services not coordinated with growth-moves burdens over to taxpayers:</u></b> Water supply, power supply, waste removal. Emergency preparedness, stormwater, street lighting, parks and libraries	<b><u>Remand EIR back to City Planning</u></b>  <b><u>Calculate, monitor, mitigate:</u></b> Water supply, power supply, waste removal. Emergency preparedness, stormwater, street lighting, parks and libraries
5	<b><u>Public silenced and public benefits removed</u></b>	<b><u>CPIO cuts out public reviews--- leaves decisions up to City Planning—current neighbors cut out of decision-making</u></b>	<b><u>CPIO (Exhibit F)- Delete sections granting authority to Director and add sections requiring public review.</u></b> Hollywood Heritage has a separate analysis of these
	<b><u>b</u></b>	<b><u>Lowered quality of everything-</u></b> remove requirements for parks, sidewalks, parking	<b><u>Require detailed annual inventory of public infrastructure..</u></b>
	<b><u>c</u></b>	<b><u>Removal of traffic improvements responsibility for developers</u></b> to provide traffic amelioration to offset effects of project’s construction	<b><u>Enforce Sec 506 and 518 of Redevelopment Plan-</u></b> traffic improvements and avoiding gridlock integral to that plan. Developments responsible for traffic mitigation Complete traffic analysis as required for Regional Center FAR 2.0, using LOS analysis Hollywood has through traffic- putting on blinders to it is unhelpful

Hollywood Heritage has a compelling and valid interest in the future of Hollywood. This Plan pays lip service to celebrating and preserving our world-renowned historic buildings as a central goal. But in fact, it proposes crude and obvious land use actions making it a blueprint for wholesale loss, even failing to accurately identify where and what the landmarks are. Hidden in the Plan and mislabeled as a “clarification” is the repeal of 35 years of existing laws identifying and protecting over 1,000 landmarks in



central Hollywood..

**Historic resources are known.** Housing, commercial, and other quantities are known. Housing numbers are known. RSO apartment locations are known. Mapping of conflicts created by this plan are possible- as attached on page I of this letter.

Hollywood Heritage has invested extraordinary time and resources investigating the large and detailed parts of this Draft Plan, to show precisely how a robust Community Plan can equitably address all of our local issues, including housing and historic preservation. What has been produced to date is more old 2012 rejected zoning with a CPIO replacing TOCs, but creating an unnecessary battle between heritage and housing.

This Community Plan should be withdrawn and revised.

Respectfully submitted:  
HOLLYWOOD HERITAGE INC

Brian Curran Jr., President

**EXHIBITS:-- attached to this letter**

**BACKGROUND SECTION under separate cover**

1. Hollywood is Unique for this Community Plan Update
2. Community Plans Follow Rules: Comply with General Plan; First Calculate Current Buildout Capacity Remaining; Make Seven Mandatory Plan Elements Consistent and Coordinated
3. Recent State intervention has upended certain local Planning, creating a new and unfunded burden for housing production, but it has caused our Housing Element to make needed housing data available
4. Housing Element data confirms Hollywood Heritage conclusions on evictions and the facts of adequate housing in Hollywood

**ATTACHMENTS: under separate cover**

**A. Action Items for HCPU**

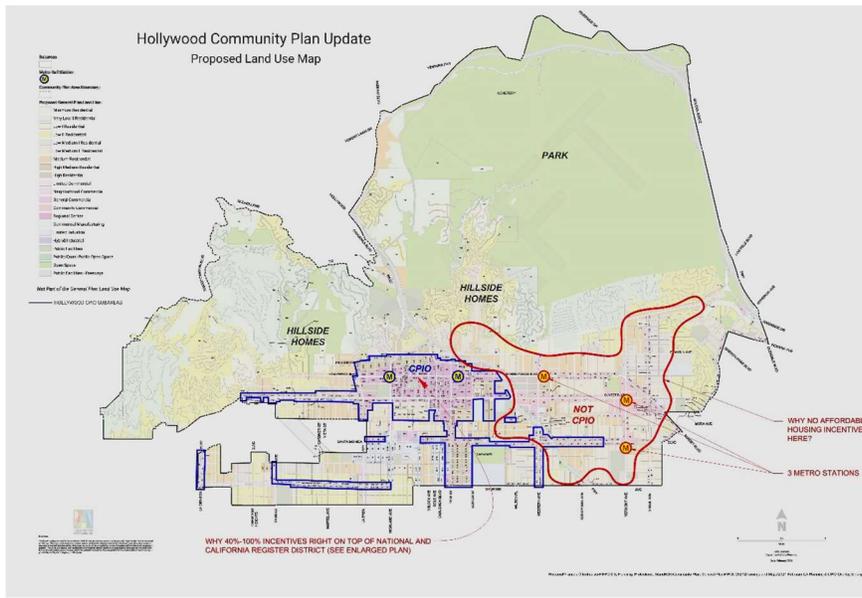
1. Correct historic buildings and districts maps and lists -Corrections to HCPU and FEIR, See also Section B- Charts- Chart #1
2. Implement planning and protections for historic buildings and districts
3. Proactively prioritize restoration and re-use, while making zoning support a new economy, rather than induce blight and abandonment
4. Actions for HCPU to include specific planning now for making Hollywood attractive-economically, physically, rather than eliminating successful normal planning tools
5. Correct HCPU and CPIO quantitative facts that underlie the proposed Hollywood Community Plan,;



**B. Charts (under separate cover**

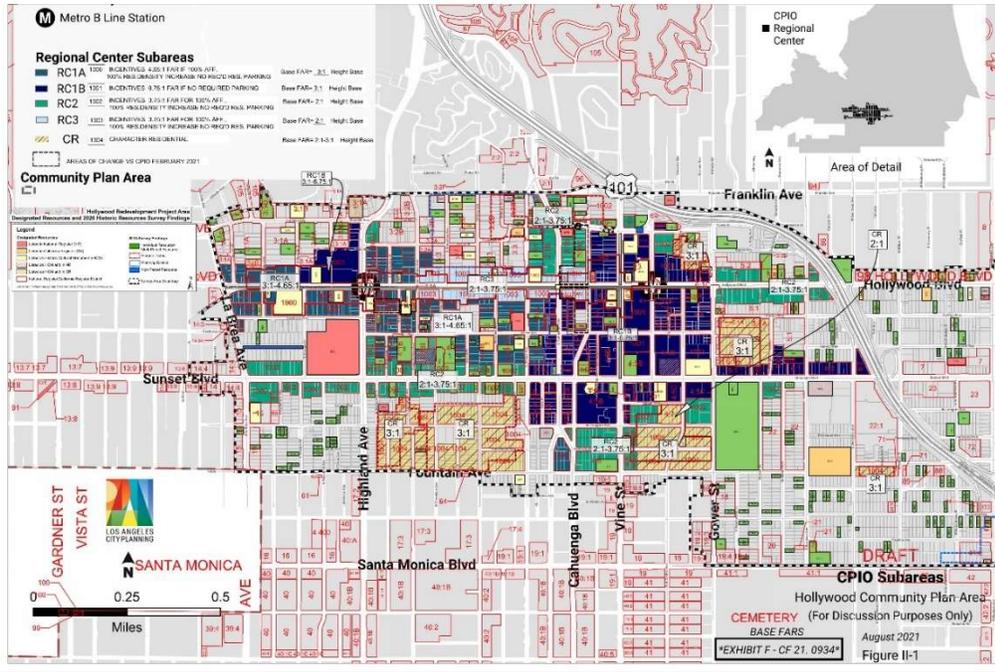
1. Finding Hollywood Historic Resources using City Planning and other Databases (Chart #1)
2. Current Historic Buildings Protections Proposed to be Removed by HCPU (Chart #2)
3. District Architectural Character-Defining Features for National Register and California Register Properties- (Chart #3)
4. Comparison: Proposed HCPU Repeal of Longstanding Historic Protections compared with New Same Proposed Implementations (Chart #4):

**CPIO “affordable housing incentives” ONLY in historic center -(blue) not in -(red)**



**Subareas conflict map—Upzoning proposed in central Hollywood- any red-marked subarea are re-zoned. Colored area CPIO**

# Hollywood® HERITAGE INC.



3 out of 4 of these are new buildings- design review in UrbN Design Plan made this area a success

New buildings can fit in. Why can't we have better?

**Table 2-1  
Population, Housing and Employment**

	Existing (2016 Estimate) <sup>1, 2</sup>	2040 Projection <sup>1</sup>	Plan's Reasonable Expected Development <sup>2</sup>
Population (persons)	206,000	226,000	243,000 - 264,000
Housing	104,000	113,000	121,000 - 139,000
Employment (jobs)	101,000	119,000	124,000 - 130,000

<sup>1</sup> Based on SCAG estimates (2016-2040 SCAG RTP/SCS).

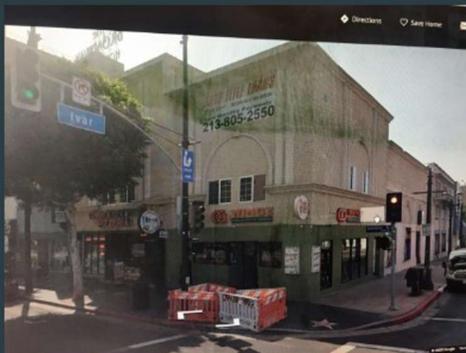
<sup>2</sup> City of Los Angeles Department of City Planning  
Numbers are rounded to the nearest thousand.

**Community Plan promotes demolition of historic buildings hiding under bad remuddling**

**Key #1 –  
Identify and Protect Historic Districts**

**IMPORTANT!!!**

Hollywood Boulevard has many hidden gems





**RHNA TARGETS – CITYWIDE**

	2013-2021 City Target Units	2013-2021 OR 2009-2020 Actual Units	2021-2029 City Target Units
Very Low Income and Low Income	32,861	12,300* OR 15,886	184,451
Moderate and Market	49,140		271,922
<b>TOTAL</b>	<b>82,002</b>	<b>117,088</b>	<b>456,643</b>

\* "Affordable"- Housing Element page 13; PLUM Committee report Page 22 15,886 2009-2020; May 2021 PLUM report CR 19-0416 Citywide 25% of "affordable" housing fully subsidized

**TARGETS IN HOUSING ELEMENT- CITYWIDE**

	Appendix 4.1 "Adequate Sites" Units (includes 44,832 expected; 144,070 pipeline; 45,340 ADU; 21914 on public lands; 10,491 Warner Center)	2021-2029 City Target Units
<b>TOTAL</b>	<b>266,647</b>	<b>486,379</b>

**RHNA TARGETS APPLIED TO HOLLYWOOD CPU**

	2013-2021 Hollywood Target*	2009-2020 Hollywood Actual	2021-2029 City Target Units
Very Low Income and Low Income	2,237	1,392**	12,786
Moderate and Mkt	3,444		19,153
<b>TOTAL</b>	<b>5,740</b>		<b>31,965</b>

\* Citywide x Hollywood proportion of whole at 7%

\*\* PLUM Comm Report Page 21 "Affordable Housing units produced by Community Plan area. 62% fully subsidized. According to Heritage Properties submitted as evidence for Housing Element,

**HOLLYWOOD COMMUNITY PLAN (Ch 2 "Community Background" August 2021**

**Table 2-1 "Population, Housing, and Employment" published excerpt**

	Existing (2016 estimate)	2040 Required SCAG Projection	Plan's "Expected" Dev't
<b>Housing Units</b>	104,000	113,000	121,000-129,000
<b>Increase from previous</b>		<b>9,000</b>	<b>17,000-25,000</b>

Note 1: Based on SCAG estimate (2016-2040)

Note 2: City of Los Angeles Department of City Planning

**HOUSING ELEMENT – Data for HOLLYWOOD COMM PLAN AREA**

	(2016 estimate)	2016- 2021-	Entitled (Apdx 4.3)	2029 Sites (Apdx 4.1)	2029 Upzoning Apdx 4.7	TOTAL
<b>Housing increase</b>	104,000	*9,595	**4,537 **14,355	***6,279	****75,274	*****110,040

\* This is an undercount- HCPU- 7,000 vacant units + Housing Element Appendix 4.3 2,595 permits issued and in process

\*\*Housing Element Appendix 4.3 Entitled and Entitlement Applications 9,184 + 5,171 = 14,355 plus projects with demolitions and other entitlements not shown in Apdx 4.3 at minimum 4,537

\*\*\* Housing Element Appendix 4.1 Adequate Sites- sites found through Turner Center algorithm to be probable developments by 2029.\*\*\* \*- This is a huge undercount, and ADUs etc were counted elsewhere

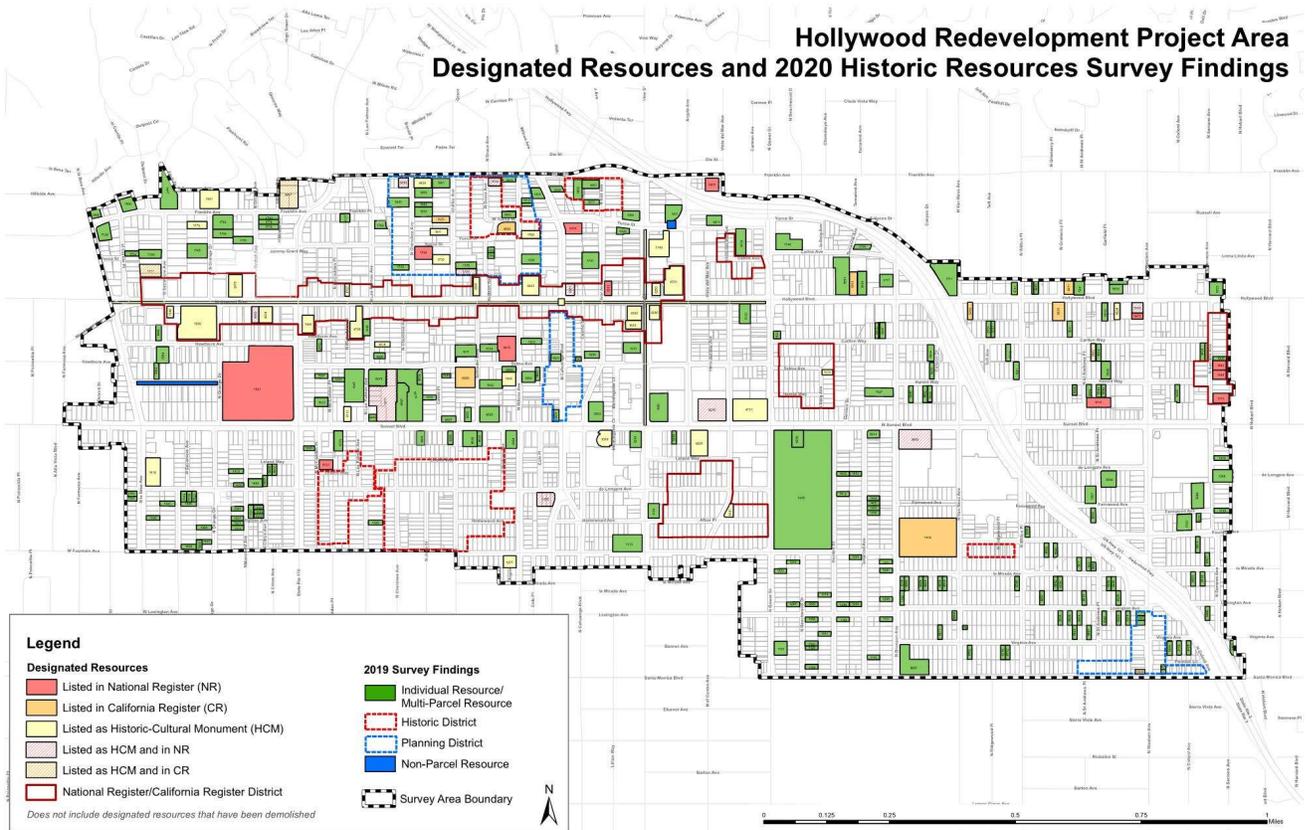
\*\*\*\* Housing Element Appendix 4.1—current Hollywood units in the 4.1 table FYI 36,508

\*\*\*\*\*Housing Element Appendix 4.7 – recommended upzoning

**Conclusion-** No upzoning needed. Conflict created by upzoning historic properties can be avoided. . 34,7866 units already built or entitled for RHNA and Community Plan



This accurate map of historic resources ON City Planning website omitted from EIR



## Communication from Public

**Name:** Casey Maddren  
**Date Submitted:** 04/23/2023 10:12 PM  
**Council File No:** 21-0934  
**Comments for Public Posting:** I would like to submit the attached comments on the EIRs for the Downtown Community Plan Update/New Zoning Code and the Hollywood Community Plan Update.

April 23, 2023

Los Angeles City Council  
Los Angeles City Hall  
200 N. Spring St.  
Los Angeles, CA 90068

Re: Downtown Community Plan Update & New Zoning Code EIR, Council File: 22-0617  
Hollywood Community Plan Update EIR, Council File: 21-0934  
Concerns Regarding Compliance with CA PRC Sec. 21166

Members of the Los Angeles City Council,

As the City moves toward adoption of the Downtown Community Plan Update, the New Zoning Code, and the Hollywood Community Plan Update, along with their corresponding Environmental Impact Reports, it seems important to call attention to potential deficiencies with regard to the environmental review process. CA PRC Sec. 21166 states that, once an EIR has been prepared, no subsequent or supplemental environmental impact report shall be required, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

It appears that sub-sections (b) and (c) apply to both EIRs under consideration, specifically to the chapters on Utilities & Services Systems and their analyses of water supply and wastewater.

The Council is certainly aware of the increasing impacts of climate change, and of the effects of the recent multi-year dry conditions which led to restrictions on water use. No doubt Councilmembers are also aware of the devastating spill at the Hyperion Treatment Plant on July 11, 2021, which resulted in the overflow of untreated wastewater into Santa Monica Bay.

What Councilmembers may not be aware of is that these two events are linked in the way in which they'll impact the City of LA's future water resources. While the actual amounts vary from year to year, the City imports 80% to 90% of its water annually, relying on the Los Angeles Aqueduct (LAA) and the Metropolitan Water District (MWD). The MWD relies mostly on water from the Colorado River Aqueduct (CRA) and the State Water Project (SWP). LADWP is fully aware that these resources have been declining in recent years and are likely to decline further. Aside from conservation, LADWP is relying heavily on a new initiative, Operation NEXT/ Hyperion 2035, to meet the City's future water needs. This program aims to maximize the supply of purified recycled water from the Hyperion Treatment Plant to replenish the city's groundwater basins through indirect potable reuse.

Unfortunately, at this point there are few details on Operation NEXT/ Hyperion 2035. The environmental review process is just beginning. A Notice of Preparation was issued in 2021, but the Draft Program EIR will not be released until summer 2024. The NOP describes the

program's goals, but offers very little in the way of details. There are no specifics regarding the actual design of the program, which the NOP states is still at a conceptual level. No budget has been published for public review, and there is no way of knowing what the final cost of the program will be, nor whether funding will be available to complete the project. Furthermore, the success of Operation NEXT/Hyperion 2035 relies on the construction of an advanced treated recycled water (ATRW) infrastructure system that would maximize recycled water production at the Hyperion Treatment Plant.

This is crucial, because the 2021 sewage spill at the Hyperion Treatment Plant has raised important questions about whether the Plant can even process the amount of wastewater currently produced by the City. Recently the LA Regional Water Quality Control Board issued an Administrative Civil Liability Complaint detailing monitoring failures, water quality standard exceedances and air quality issues from August 2021 through January 2023 related to the Hyperion Treatment Plant spill. The Board has proposed penalties of over \$21 million for alleged violations. In January of this year, 18 months after the event occurred, the City of El Segundo sent a letter to the SCAQMD complaining about ongoing air quality problems related to the Hyperion spill. For these reasons there is good cause for concern about the City's ability to supply the additional water which would be needed to implement the Downtown CPU/NZC and the Hollywood CPU.

But the problems with the EIRs for the Downtown CPU/NZC and the Hollywood CPU run even deeper. Both EIRs rely on the LADWP's 2015 Urban Water Management Plan, a document that is now seven years old. The 2015 UWMP was finalized at a time when LADWP believed it could rely for the most part on traditional supplies from LAA and MWD. While the City had experienced some dry years, the impacts were nowhere near as severe as they would become in 2021 and 2022. There is no discussion of the drastic reductions in deliveries from the SWP that would be seen in coming years, and no hint of the crisis that would unfold at Hoover Dam in 2022, when the Department of the Interior was considering massive reductions in deliveries from the Colorado River. With the recent heavy rains in February and March, these crises have receded into the background, but only for the time being. Climate scientists agree that the Southwest US appears to be going through a process of aridification that will continue for the foreseeable future. And it's now clear that the Colorado River has been over-allocated, and can't continue to supply the same levels of water that it did throughout the 20<sup>th</sup> century.

The 2015 UWMP's discussion of recycled water gives no hint that it will become a major part of the City's plan for meeting the population's future water needs. It does not appear to even mention Operation NEXT/Hyperion 2035. But even if the EIRs for the Downtown CPU/NZC and the Hollywood CPU had been updated to rely on the 2020 UWMP, their conclusions would still be problematic. As explained above, Operation NEXT/Hyperion 2035 is still only in the conceptual planning stages. The PEIR won't be released until 2024. Its reliance on the conversion of the Hyperion Treatment Plant to an advanced water purification facility appears to throw doubt on the program's chances of success. If Hyperion was still struggling to meet regulatory standards 18 months after the 2021 spill, this does not bode well for Operation NEXT/Hyperion 2035.

For these reasons, I believe it may be necessary to prepare a supplemental EIR for both the Downtown CPU/NZC and the Hollywood CPU, pursuant to CA PRC Sec. 21166. Both EIRs conclude that there will be no significant impacts and no need for mitigation in the sections on Water Supply and Wastewater. The fact that they were prepared before the onset of the extreme dry conditions at the beginning of this decade, and also before the 2021 Hyperion spill throws these conclusions into doubt. By relying on the 2015 UWMP, neither EIR can credibly

claim to assess the current hydrologies for their respective community plan areas. The EIR for the Downtown CPU/NZC does not appear to even attempt to assess the New Zoning Code's potential impacts on Downtown's water supply. And while both EIRs conclude that additional wastewater resulting from their implementation will have no significant impacts on the City's wastewater infrastructure, the 2021 spill has made it clear that the Hyperion Treatment Plant is struggling just to meet current needs.

I'm including a list of links below that offer background on the points made above. As you consider the adoption of the Downtown CPU/NZC and the Hollywood CPU, I urge you to consider the preparation of a supplemental EIR to address the existing deficiencies with regard to the sections on water supply and wastewater.

Thank you for your time.

Casey Maddren

### **Links to Supporting Resources**

Large contribution from anthropogenic warming to an emerging North American megadrought  
A. Park Williams, Edward R. Cook, Et. Al., 2020  
<https://science.sciencemag.org/content/368/6488/314.abstract>

#### **Abstract**

*Global warming has pushed what would have been a moderate drought in southwestern North America into megadrought territory. Williams et al. used a combination of hydrological modeling and tree-ring reconstructions of summer soil moisture to show that the period from 2000 to 2018 was the driest 19-year span since the late 1500s and the second driest since 800 CE (see the Perspective by Stahle). This appears to be just the beginning of a more extreme trend toward megadrought as global warming continues.*

Growing fears of 'dead pool' on Colorado River as drought threatens Hoover Dam water  
LA Times, December 16, 2022  
[https://drive.google.com/file/d/1zeZdKUpid\\_lqmOD0btSlvtyTtn0IRMYX/view?usp=share\\_link](https://drive.google.com/file/d/1zeZdKUpid_lqmOD0btSlvtyTtn0IRMYX/view?usp=share_link)

Interior Department Announces Next Steps to Protect the Stability and Sustainability of Colorado River Basin  
Department of the Interior, April 11, 2023  
<https://www.doi.gov/pressreleases/interior-department-announces-next-steps-protect-stability-and-sustainability-colorado>

#### **Excerpt:**

*Action Alternative 1: Action Alternative 1 models potential operational changes to both Glen Canyon Dam and Hoover Dam. Action Alternative 1 includes modeling for reduced releases from Glen Canyon Dam, as well as an analysis of the effects of additional Lower Colorado River Basin shortages based predominately on the priority of water rights. Action Alternative 1 models progressively larger additional shortages as Lake Mead's elevation declines, and larger additional shortages in 2025 and 2026, as compared with 2024. The total shortage*

*contributions in 2024, including those under existing agreements, are limited to 2.083 million-acre-feet because this is the maximum volume analyzed in the 2007 Interim Guidelines final environmental impact statement.*

*Action Alternative 2: Action Alternative 2 is similar to Action Alternative 1 in how it models potential operational changes to both Glen Canyon Dam and Hoover Dam. Action Alternative 2 includes modeling for reduced releases from Glen Canyon Dam, as well as an analysis of the effects of additional Lower Colorado River Basin reductions that are distributed in the same percentage across all Lower Basin water users under shortage conditions.*

Governor Newsom Signs Order to Build Water Resilience Amid Climate-Driven Extreme Weather

Office of Gov. Gavin Newsom, Feb. 13, 2023

[https://drive.google.com/file/d/1tAHxQ\\_jyDj\\_NfE2yCieGmUDUSW7UtzA/view?usp=share\\_link](https://drive.google.com/file/d/1tAHxQ_jyDj_NfE2yCieGmUDUSW7UtzA/view?usp=share_link)

'We've lost the aqueduct': How severe flooding threatens a Los Angeles water lifeline

LA Times, March 23, 2023

[https://drive.google.com/file/d/1sU2ZZy3PO65HL7KTGsa1hLfCI7hpWEtd/view?usp=share\\_link](https://drive.google.com/file/d/1sU2ZZy3PO65HL7KTGsa1hLfCI7hpWEtd/view?usp=share_link)

L.A. water recycling imperiled after beach sewage spill

LA Times, August 11, 2021

[https://drive.google.com/file/d/1yXrm-5bFG5Ob9ZJ4pm3SeX2bYZ3AofhE/view?usp=share\\_link](https://drive.google.com/file/d/1yXrm-5bFG5Ob9ZJ4pm3SeX2bYZ3AofhE/view?usp=share_link)

Letter Re Ongoing Air Quality Problems in El Segundo Resulting from Hyperion Spill

From El Segundo City Manager, January 23, 2023

[https://drive.google.com/file/d/1OkJluE5ZDYNs4fST5RWZIJ1gRyMctP\\_v/view?usp=share\\_link](https://drive.google.com/file/d/1OkJluE5ZDYNs4fST5RWZIJ1gRyMctP_v/view?usp=share_link)

*Excerpt:*

*The City of El Segundo has submitted prior letters on March 18, 2022, September 6, 2022, and December 14, 2022, to the Hearing Board regarding this matter, and is once again writing to express its continued frustration and concerns regarding the ongoing health and odor issues that are being caused by the City of Los Angeles' failures to properly maintain and operate the Hyperion wastewater treatment facility. These letters also contained requested action items, some of which are repeated below. Despite the hearing boards activities and the notices of violations that have been issued, the Hyperion Plant was the source of continuous odors and gasses being released in El Segundo over the past two months, including the holiday season. In short, nothing is changing regarding the problems with the plant.*

Administrative Civil Liability Complaint No. R4-2023-0007 in thr Matter of City of LA, Hyperion Treatment Plant, City of El Segundo

Los Angeles Water Board, March 29, 2023

[https://drive.google.com/file/d/1qKDbW8ZRqmB1ZmS8PsTKWxELZZWi2L6g/view?usp=share\\_link](https://drive.google.com/file/d/1qKDbW8ZRqmB1ZmS8PsTKWxELZZWi2L6g/view?usp=share_link)

*Details monitoring failures, water quality standard exceedances and air quality issues*

*from August 2021 through January 2023 related to Hyperion Treatment Plant spill.*

## Communication from Public

**Name:** Frances Offenhauser

**Date Submitted:** 04/24/2023 09:47 AM

**Council File No:** 21-0934

**Comments for Public Posting:** Because I receive confirmations from this portal but unless my comment appears, I am again sending a letter submitted to the portal last Friday and titled Heritage Properties letter HCPU FEIR with attachments 4MB

# HERITAGE ■ PROPERTIES

April 21, 2023

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

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

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

Dear Chairman Harris-Dawson and Members:

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

## **A. TIMELINE OF THE HCPU CEQA PROCESS**

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

- The City of Los Angeles (“City”) issued the Notice of Preparation (“NOP”) for the EIR<sup>1</sup> for the Hollywood Community Plan Update (“Project” or “Plan”) on April 29, 2016.
- The City published the Draft EIR (“DEIR”) for the proposed Project on November 15, 2018, approximately two years and seven months after issuance of the NOP.

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

- On October 2019, the City published a partially re-circulated DEIR. The re-circulated sections were Section 4.15 – Transportation and Chapter 5.0 – Alternatives, as well as new Appendix N – Air Quality and Health Effects.
- On February 18, 2021 and March 18, 2021, the City Planning Commission held hearings on the proposed Plan, Community Plan Implementation Ordinance, Zoning Changes, and a never before disclosed Hollywood Redevelopment Plan Repeal Ordinance.
- The City of Los Angeles issued the FEIR for the proposed Hollywood Community Plan Update on August 17, 2021.<sup>2</sup>
- The Letter of Determination (“LOD”) of the Planning Commission recommending approval of the FEIR was issued the following day, on August 18, 2021 memorializing decisions taken five months before the completion of the FEIR, during the Planning Commission’s March 18, 2021 meeting.
- On August 18, 2021 the Planning Commission’s action was transmitted to the Mayor.<sup>3</sup>
- From August 18, 2021 until April 2023, the City failed to take the Hollywood Community Plan and FEIR to the Los Angeles City Council for consideration.

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

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<sup>2</sup> Notice of Preparation available at:

[https://planning.lacity.org/eir/Hollywood\\_CPU/Deir/files/Appendix%20A%20NOP%20and%20Comments%20Received.pdf](https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/Appendix%20A%20NOP%20and%20Comments%20Received.pdf)

NOA 2018 DEIR available at: [https://planning.lacity.org/eir/Hollywood\\_CPU/Deir/files/NOA.pdf](https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/NOA.pdf)

2018 DEIR available at:

[https://planning.lacity.org/eir/Hollywood\\_CPU/Deir/Hollywood%20Community%20Plan%20Update%20Index.html](https://planning.lacity.org/eir/Hollywood_CPU/Deir/Hollywood%20Community%20Plan%20Update%20Index.html)

October 2019 Partially Recirculated EIR available at:

[https://planning.lacity.org/eir/Hollywood\\_CPU/deir\\_PartiallyRecirculated/Hollywood%20Community%20Plan.html](https://planning.lacity.org/eir/Hollywood_CPU/deir_PartiallyRecirculated/Hollywood%20Community%20Plan.html)

NOA FEIR available at: [https://planning.lacity.org/eir/Hollywood\\_CPU/feir/files/NOA.pdf](https://planning.lacity.org/eir/Hollywood_CPU/feir/files/NOA.pdf)

FEIR available at:

[https://planning.lacity.org/eir/Hollywood\\_CPU/feir/Hollywood%20Community%20Plan.html](https://planning.lacity.org/eir/Hollywood_CPU/feir/Hollywood%20Community%20Plan.html)

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

<sup>3</sup> [http://clkrep.lacity.org/onlinedocs/2021/21-0934\\_misc\\_1\\_08-19-21.pdf](http://clkrep.lacity.org/onlinedocs/2021/21-0934_misc_1_08-19-21.pdf)

### **Significant Unmitigated Impacts**

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

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

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

### **Impacts Listed as Less Than Significant With Mitigation**

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

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<sup>4</sup> [https://planning.lacity.org/eir/Hollywood\\_CPU/Deir/files/2.0%20Summary.pdf](https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/2.0%20Summary.pdf)

### **Impacts Listed as Less Than Significant Without Mitigation**

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

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

**Issue Areas Listed as Resulting in No Impact**

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

**B. SUMMARY OF FATAL FLAWS IN THE FEIR AND PARTICIPATION**

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

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

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

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

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

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

Between the issuance of the DEIR and FEIR, the proposed project was changed in significant ways which increased the amount of development that would be allowed in the Plan area, resulting in the admitted potential for an additional 7,000 housing units<sup>5</sup> and higher buildings, yet the FEIR concludes these significant changes would do nothing to alter the impacts of the proposed project, a conclusion that defies common sense and is not supported by substantial evidence.

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

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

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<sup>5</sup> See FEIR Chapter 2.0.

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

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

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

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

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

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

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

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

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

**15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>6</sup> See LOD Attachment 1.

<sup>7</sup> Exhibit C, page 3. Exhibit C to the LOD is available at: [https://planning.lacity.org/odocument/d605d81d-3d27-4232-9b7c-27c0c454353c/Exhibit\\_C\\_-\\_General\\_Plan\\_Amendment\\_Resolution.pdf](https://planning.lacity.org/odocument/d605d81d-3d27-4232-9b7c-27c0c454353c/Exhibit_C_-_General_Plan_Amendment_Resolution.pdf)

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

CEQA Guidelines Section 15089 requires:

**15089. PREPARATION OF FINAL EIR**

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

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

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

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

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

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<sup>8</sup> LOD page 2. The LOD is available at: [https://planning.lacity.org/odocument/ccda3a8e-cceb-4ce1-afa2-94b331ba8dd7/CPC-2016-1450\\_DL.pdf](https://planning.lacity.org/odocument/ccda3a8e-cceb-4ce1-afa2-94b331ba8dd7/CPC-2016-1450_DL.pdf)

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

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

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

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

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

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

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<sup>9</sup> LAMC Section 11.5.8 General Plan Review

<sup>10</sup> LAMC Section 11.5.6 General Plan

unlikely to read and consider the EIR prior to taking action is further evidenced by the fact that Council meetings are typically agendized the Friday before the Tuesday meeting of the City Council land use subcommittee (PLUM) that recommends land use approvals to the full Council. That timeframe is even shorter for the HCPU. In this case, the Department of City Planning issued an announcement on April 19, 2023 stating that the HCPU would be considered at “a Special Meeting of the Planning and Land Use Committee on Monday, April 24, 2023 at 1 p.m. The agenda for the PLUM Committee’s meeting can be accessed 24 hours prior to the meeting online. . . “ As shown in the following screenshot of the Council file, the EIR placed in the Council file on 3/30/23 and a supplement, which includes both additional environmental analysis and additional proposed modifications to the HCPU was added to the Council file on 4/18/23.<sup>11</sup> Thus, the City has engaged in a CEQA process that violates the basic principle of CEQA that requires that an FEIR be reviewed, certified and considered before project approval.

**Council File: 21-0934**

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

<sup>11</sup> See: [http://clkrep.lacity.org/online/docs/2021/21-0934\\_misc\\_2\\_04-18-2023.pdf](http://clkrep.lacity.org/online/docs/2021/21-0934_misc_2_04-18-2023.pdf)

See also the following link for a list of the additional material submitted to PLUM:  
[http://clkrep.lacity.org/online/docs/2021/21-0934\\_misc\\_3-4-19-23.pdf](http://clkrep.lacity.org/online/docs/2021/21-0934_misc_3-4-19-23.pdf)

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

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

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

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

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

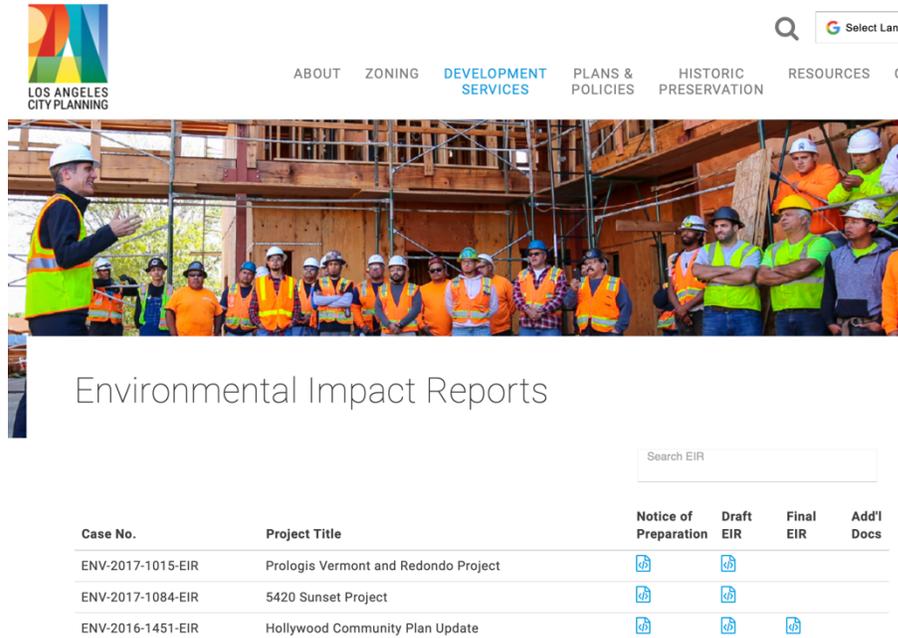
The FEIR for the proposed Project has not been prepared in a manner that will be meaningful and useful to decision makers and to the public. The FEIR for project consists of three documents, the FEIR, the DEIR, and the recirculated portions of the DEIR, as well as some additional environmental analysis embedded in the Director of Planning's Memo to PLUM.<sup>12</sup> However, the Notice of Availability<sup>13</sup> for the project

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<sup>12</sup> See: [http://clkrep.lacity.org/online/docs/2021/21-0934\\_misc\\_2\\_04-18-2023.pdf](http://clkrep.lacity.org/online/docs/2021/21-0934_misc_2_04-18-2023.pdf)

<sup>13</sup> Available at: [https://planning.lacity.org/eir/Hollywood\\_CPU/feir/files/NOA.pdf](https://planning.lacity.org/eir/Hollywood_CPU/feir/files/NOA.pdf)

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



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

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

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

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

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

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

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

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

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

<sup>15</sup> City of Los Angeles Transportation Assessment Guidelines, July 2020, available at: [https://ladot.lacity.org/sites/default/files/documents/2020-transportation-assessment-guidelines\\_final\\_2020.07.27.pdf](https://ladot.lacity.org/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27.pdf)

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

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

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

As further explained by the courts:

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

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

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

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

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

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

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

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

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

Changes to the policy document include but are not limited to:<sup>21</sup>

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

Changes to the proposed CPIO District Ordinance including but not limited to:<sup>23</sup>

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

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

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

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

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

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

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<sup>21</sup> FEIR page 2-1.

<sup>22</sup> FEIR page 2-2.

<sup>23</sup> FEIR page 2-3.

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

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

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

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

However, FEIR Chapter 2.0 fails to disclose that the CPIO has been completely rewritten since the November 2018 version of the CPIO included as Appendix E to the DEIR. This is clear from the simple fact that the November 2018 version of the CPIO<sup>24</sup> was only 9 pages in length. The Updated August 2021 version of the CPIO<sup>25</sup> included as Appendix E to the FEIR is 87 pages long, and is significantly different than what was disclosed to the public as part of the DEIR's project description.

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

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

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<sup>24</sup> The 2018 CPIO appended to the DEIR is available at:  
[https://planning.lacity.org/eir/Hollywood\\_CPU/Deir/files/Appendix%20E%20Proposed%20CPIO.pdf](https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/Appendix%20E%20Proposed%20CPIO.pdf)

<sup>25</sup> The August 2021 version of the CPIO which appended to the FEIR is available at:  
[https://planning.lacity.org/eir/Hollywood\\_CPU/feir/files/Appendix%20E%20Updated%20CPIO.pdf](https://planning.lacity.org/eir/Hollywood_CPU/feir/files/Appendix%20E%20Updated%20CPIO.pdf)

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

### **F.1. Hollywood Redevelopment Plan Modifications**

The description of the proposed Project in the EIR is not accurate, complete or stable. Neither the DEIR or Chapter 2.0 of the FEIR disclose that the proposed Project would result in significant modifications to the Hollywood Redevelopment Plan (HRP) under the Modified Project. The HRP was prepared by the Community Redevelopment Agency of the City of Los Angeles, California (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code, Section 33000 et seq.), the California Constitution, and all applicable local codes and ordinances. An FEIR for the HRP was prepared prior to its adoption along with a Mitigation Monitoring Program. The HRP does not expire until 2028.<sup>26</sup>

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

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

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

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

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

<sup>27</sup> [https://planning.lacity.org/eir/Hollywood\\_CPU/Deir/files/3.0%20Project%20Description.pdf](https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/3.0%20Project%20Description.pdf)

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

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

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

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

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

Second Amended Hollywood Redevelopment Plan.

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

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

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

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

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

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

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

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

## **F.2. Increase Densification of the HCP Area**

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

### **Regional Center**

- Change in proposed zoning from C4 to C2.

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

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

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

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

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

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

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

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

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

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

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

### **Transit Corridors**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Multi-family Residential**

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

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

### **Media/Entertainment**

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

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

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

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

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

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

#### **Administrative Changes**

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

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

#### **Hillside Construction Regulation (HCR) Supplemental Use District**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CEQA guidelines Section 15126 requires (emphasis added):

**15126. CONSIDERATION AND DISCUSSION OF ENVIRONMENTAL IMPACTS**

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

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

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

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

**15126.2 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As noted on DEIR page 3-9:

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

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

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

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

<sup>32</sup> Current Context: Demographics and Growth Forecast, Technical Report, adopted on September 3, 2020, SCAG at page 2, available at: [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_demographics-and-growth-forecast.pdf](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf)

<sup>33</sup> Available at: [https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-sourcesofsupply/a-w-sos-uwmpln;jsessionid=2KhyhDNW1BGMjrn5Lh1bVZPHd6QhkG2KJ1T0WyLkcQYyjn2x3ndG!445887547?\\_afLoop=543005083155130&\\_afWindowMode=0&\\_afWindowId=null#%40%3F\\_afWindowId%3Dnull%26\\_afLoop%3D543005083155130%26\\_afWindowMode%3D0%26\\_adf.ctrl-state%3D1cufv53rnt\\_4](https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-sourcesofsupply/a-w-sos-uwmpln;jsessionid=2KhyhDNW1BGMjrn5Lh1bVZPHd6QhkG2KJ1T0WyLkcQYyjn2x3ndG!445887547?_afLoop=543005083155130&_afWindowMode=0&_afWindowId=null#%40%3F_afWindowId%3Dnull%26_afLoop%3D543005083155130%26_afWindowMode%3D0%26_adf.ctrl-state%3D1cufv53rnt_4)

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

As similarly explained on page ES-6 of the 2015 UWMP:<sup>34</sup>

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

The SCAG forecasts are also input to the City's water and sanitation planning efforts. They were input to the City's 2006 Integrated Resources Plan (IRP), which contained the City's Planning for wastewater, recycled water and stormwater management through 2020.<sup>35</sup> As explained in the Executive Summary for the IRP:

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

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

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

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<sup>34</sup> The 2015 UWMP is available at:

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

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

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

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

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

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

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

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

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

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<sup>36</sup> The Summary Report for the One Water LA 2040Plan is available at: [https://www.lacitysan.org/cs/groups/sg\\_owla/documents/document/y250/mdi2/~edisp/cnt026188.pdf](https://www.lacitysan.org/cs/groups/sg_owla/documents/document/y250/mdi2/~edisp/cnt026188.pdf)

<sup>37</sup> The One Water LA 2040Plan Executive Summary, April 2018 is available at: [https://www.lacitysan.org/cs/groups/sg\\_owla/documents/document/y250/mdmx/~edisp/cnt031540.pdf](https://www.lacitysan.org/cs/groups/sg_owla/documents/document/y250/mdmx/~edisp/cnt031540.pdf)

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

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

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

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

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

Granada Hills-Knollwood was updated in 2015

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

San Pedro was updated in 2017

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

South Los Angeles was updated in 2017

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

Southeast Los Angeles was updated in 2017

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

Sylmar was updated in 2015

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

West Adams – Baldwin Hills – Leimert was updated in 2016

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

<sup>39</sup> See FEIR Chapter 2.0 pages 2-2 to 2-4.

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

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

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

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

County	City	Date	POPULATION			HOUSING UNITS							Vacancy Rate	Persons per Household
			Total	Household	Group Quarters	Total2	Single Detached	Single Attached	Two to Four	Five Plus	Mobile Homes	Occupied		
Los Angeles	Los Angeles	4/1/10	3,792,621	3,704,409	88,212	1,412,006	557,441	86,515	125,584	632,386	10,080	1,316,244	6.8%	2.81
Los Angeles	Los Angeles	1/1/11	3,819,073	3,731,078	87,995	1,414,842	557,495	86,567	126,066	634,634	10,080	1,318,717	6.8%	2.83
Los Angeles	Los Angeles	1/1/12	3,851,990	3,762,185	89,805	1,418,581	557,523	86,682	126,525	637,770	10,081	1,321,498	6.8%	2.85
Los Angeles	Los Angeles	1/1/13	3,884,674	3,793,046	91,628	1,425,372	557,318	86,733	127,217	644,923	10,081	1,324,997	7.0%	2.95
Los Angeles	Los Angeles	1/1/14	3,912,494	3,819,435	93,059	1,432,553	557,077	86,784	127,865	650,746	10,081	1,330,978	7.1%	2.87
Los Angeles	Los Angeles	1/1/15	3,938,939	3,844,621	94,318	1,440,779	556,754	86,935	128,406	658,603	10,081	1,338,416	7.1%	2.87
Los Angeles	Los Angeles	1/1/16	3,968,803	3,865,595	93,208	1,453,271	556,927	87,030	129,067	670,166	10,081	1,347,121	7.3%	2.87
Los Angeles	Los Angeles	1/1/17	3,984,916	3,880,396	94,520	1,469,845	557,395	87,144	129,838	685,387	10,081	1,358,813	7.6%	2.86
Los Angeles	Los Angeles	1/1/18	3,996,298	3,900,887	95,411	1,483,697	557,999	87,903	130,497	697,216	10,082	1,370,239	7.6%	2.85
Los Angeles	Los Angeles	1/1/19	3,985,031	3,889,858	95,173	1,500,222	558,735	91,475	131,368	708,564	10,082	1,384,736	7.7%	2.81
Los Angeles	Los Angeles	1/1/20	3,975,234	3,878,879	96,355	1,517,755	560,432	88,926	137,109	721,206	10,082	1,400,960	7.7%	2.77
Los Angeles	Los Angeles	1/1/21	3,923,341	3,847,606	75,735	1,535,606	562,721	88,926	140,936	732,939	10,084	1,417,063	7.7%	2.72

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>42</sup> FEIR page 3-34.

<sup>43</sup> FEIR page 3-37

<sup>44</sup> FEIR page 3-30

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

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

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

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

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

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<sup>45</sup> FEIR page 3-32.

<sup>46</sup> FEIR page 3-32.

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

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

As noted in Master Response No. 4:

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

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

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<sup>47</sup> DEIR page 3-14.

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

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

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

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

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

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

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

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

## **H. FAILURE TO ADEQUATELY IDENTIFY CUMULATIVE IMPACTS**

As noted on DEIR page 4.0-5:

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

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

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

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

**I.1. Aesthetics**

According to page 2-5 of the FEIR:

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

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<sup>49</sup> See FEIR pages 2.5 to 2.12.

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

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

## **I.2. Air Quality**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **I.3 Cultural Resources**

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

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

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

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

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

#### **I.4 Greenhouse Gas (GHG) Emissions**

According to page 2-8 of the FEIR:

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

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

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

### **I.5. Land Use and Planning**

According to page 2-9 of the FEIR:

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

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

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

## I.6. Noise

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

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

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

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

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

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

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

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

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

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

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

### **I.7. Population, Housing and Employment**

According to page 2-10 of the FEIR:

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

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

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

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<sup>51</sup> The updated CEQA Thresholds in the CEQA Checklist are:

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

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

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

#### **I.8. Public Services**

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

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

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

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

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

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

### **I.8. Utilities and Service Systems**

According to page 2-12 of the FEIR:

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

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

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

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

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

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

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

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

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

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

### **J.1. Significant Inducement of Population Growth**

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

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

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

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

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<sup>52</sup> DEIR page 4.13-17.

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

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

### **Setting**

There is an acknowledged affordable housing<sup>54</sup> crisis in the City of Los Angeles and the State of California. This makes it difficult for displaced renters to find affordable housing elsewhere.

Currently the City has a Rent Stabilization Ordinance (RSO) which has been in place since April 21, 1979.<sup>55</sup> As explained in the Ordinance:

#### **SEC. 151.01. DECLARATION OF PURPOSE.**

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

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<sup>53</sup> DEIR page 4.13-18.

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

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

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

<sup>55</sup> See LAMC Chapter XV available at: [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-195151](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-195151)

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

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

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

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

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

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

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

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

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

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

As noted in the City’s Housing Element:

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

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<sup>56</sup> LAMC beginning at Section 151.22.

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

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

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

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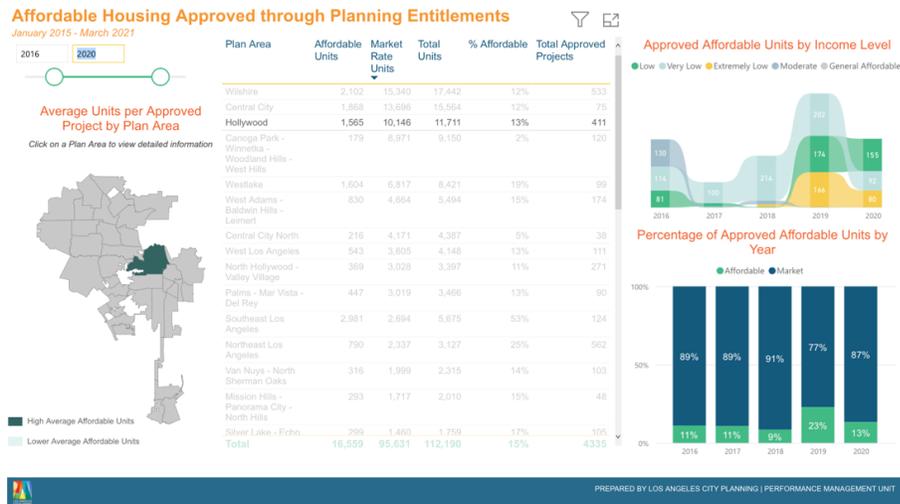
<sup>57</sup> Chapter 1, page 115 available at: <https://planning.lacity.org/plans-policies/housing-element-update#draft-plan>

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

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

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

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

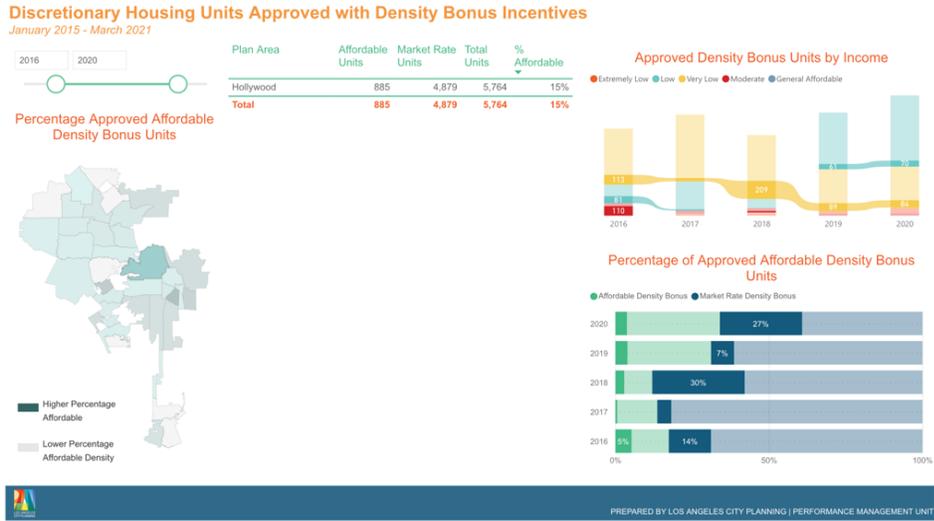


**FIGURE 1 – Affordable Housing Approved Through Entitlements in the Plan Area 2016-2020**

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

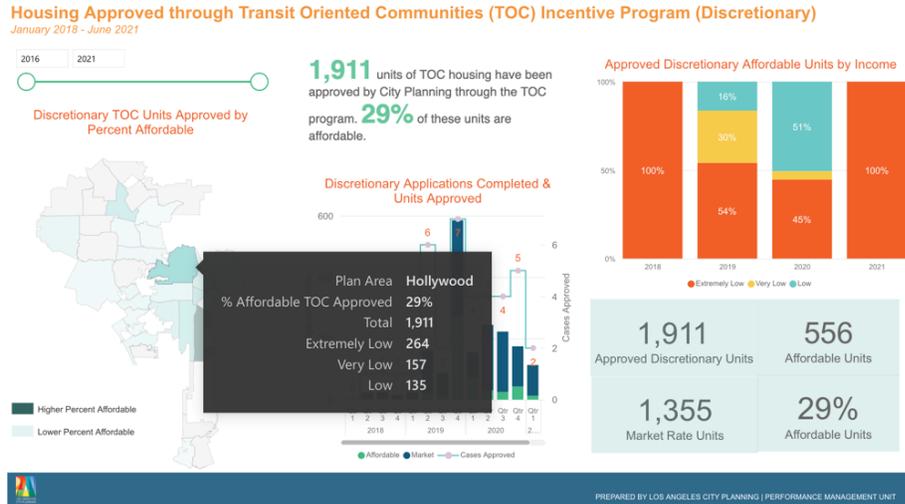
<sup>61</sup> If Ellis Act displacements are subtracted from the total number of affordable units approved, the net increase in affordable units represents 4.28% of the total units approved between 2016-2020.  $(1,565 - 1057) / 11,897 = 4.28\%$

<sup>62</sup> See Section G of this letter.



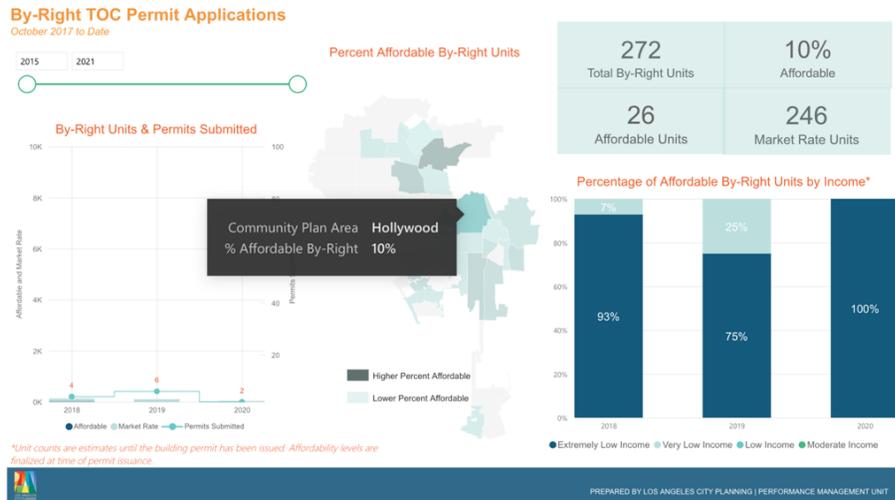
**FIGURE 2 –Discretionary Housing Units Approved With Density Bonus Incentives in the Plan Area 2016-2020**

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



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

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



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

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

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

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

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

<sup>63</sup> See page 4, available at: [https://clkrep.lacity.org/onlinedocs/2021/21-0934\\_misc\\_4\\_8-20-21.pdf](https://clkrep.lacity.org/onlinedocs/2021/21-0934_misc_4_8-20-21.pdf)

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

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

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

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

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

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

As further noted by HR&A:

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

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

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<sup>64</sup> Page 5: [https://clkrep.lacity.org/online/docs/2021/21-0934\\_misc\\_4\\_8-20-21.pdf](https://clkrep.lacity.org/online/docs/2021/21-0934_misc_4_8-20-21.pdf)

<sup>65</sup> Available at: [https://planning.lacity.org/odocument/1ba61788-8379-4260-9d6e-8e70c7df612a/Chapter\\_5\\_-\\_Review\\_of\\_the\\_2013-2021\\_Housing\\_Element.pdf](https://planning.lacity.org/odocument/1ba61788-8379-4260-9d6e-8e70c7df612a/Chapter_5_-_Review_of_the_2013-2021_Housing_Element.pdf)

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

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

Source: LAHD, DCP.

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

**TABLE 3 – New Housing Units by Income Category, 2014**

Source: [https://planning.lacity.org/odocument/1ba61788-8379-4260-9d6e-8e70c7df612a/Chapter\\_5\\_-\\_Review\\_of\\_the\\_2013-2021\\_Housing\\_Element.pdf](https://planning.lacity.org/odocument/1ba61788-8379-4260-9d6e-8e70c7df612a/Chapter_5_-_Review_of_the_2013-2021_Housing_Element.pdf)

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

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

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

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



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

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

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

From 2014-2020 according to the City’s RHNA numbers only 11,566 affordable units<sup>68</sup> were produced. Adjusting for the loss of affordable units only 9,099 new affordable units were created of the net total of 114,610 total units. Net affordable unit creation thus accounted for only 7.95% of the net new units constructed in the City during this time period.

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

<sup>68</sup> Affordable = very low income, low income and moderate income units.

on data in Table 1-3 in the City’s current Housing Element<sup>69</sup>, according to 2010 census data, 45.9% of Los Angeles City households are very-low to moderate income renters:

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

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

\*Income categories are defined in relation to the County Median Household Income (CMHI).  
Source: U.S. Census Bureau, 2010 ACS 1-year estimates: Tenure by Household Income in the past 12 months (in 2010 inflation-adjusted dollars)  
\*Proportions of income falling above and below each census income category were used to derive the total percentages. All percentages are thus estimates. Income categories for income distribution is different from overall and by tenure; thus cannot compare.

**TABLE 4 – Household Income by Housing Type**  
Source: City of Los Angeles Housing Element  
Available at: [https://planning.lacity.org/odocument/0167d499-88fd-4f23-bf3d-d2579c1477ac/HousingElement\\_20140321\\_HR.pdf](https://planning.lacity.org/odocument/0167d499-88fd-4f23-bf3d-d2579c1477ac/HousingElement_20140321_HR.pdf)

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

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

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

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

<sup>69</sup> Available at: [https://planning.lacity.org/odocument/0167d499-88fd-4f23-bf3d-d2579c1477ac/HousingElement\\_20140321\\_HR.pdf](https://planning.lacity.org/odocument/0167d499-88fd-4f23-bf3d-d2579c1477ac/HousingElement_20140321_HR.pdf)

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

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

Two of the purposes of the new Updated CPIO are:

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

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

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

- The CPIO Community Benefits programs which establishes a tiered incentive structure tailored to the context of each Subarea to support the development of mixed-income housing projects. All CPIO affordable housing projects are eligible to receive the Bonus Incentives set forth for each Subarea, which include:
  - The Regional Center and Corridor Subareas – see CPIO Section II-4.<sup>70</sup>
  - Corridors Subareas – see CPIO Section III-2.<sup>71</sup>
  - Multi-Family Residential Subareas – see CPIO Section IV-2.<sup>72</sup>
  - Character Residential Subareas – see CPIO Section V-1.<sup>73</sup>
- Superseding the Citywide Transit Oriented Communities (TOC) Guidelines to extend the life of the TOC density bonus program beyond the timeframe approved

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<sup>70</sup> FEIR Appendix E, pages 28-42.

<sup>71</sup> FEIR Appendix E, pages 49-57.

<sup>72</sup> FEIR Appendix E, pages 63-71.

<sup>73</sup> FEIR Appendix E, pages 76-82.

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

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

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

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

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

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<sup>74</sup> See also page 6 HR&A memorandum available at: [https://clkrep.lacity.org/online/docs/2021/21-0934\\_misc\\_4\\_8-20-21.pdf](https://clkrep.lacity.org/online/docs/2021/21-0934_misc_4_8-20-21.pdf)

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

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

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

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

**SEC. 163.05. AMOUNT OF RELOCATION BENEFITS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. **Review Procedures for Projects Involving Designated Historic Resources.** Projects involving properties designated as historic resources at the local, state or national level shall be reviewed by the Office of Historic Resources (OHR) for compliance with the Secretary of the Interior’s Standards where applicable; the Cultural Heritage Ordinance; LAMC Section 91.106.4.5. Permits for Historical and Cultural Buildings; or other applicable ordinance(s). “Projects” shall include any activity that would occasion historic review, a building, grading, alteration, or other permit, a zoning entitlement, environmental review unless the activity consist solely of interior tenant improvements or repairs that do not affect interior character-defining features as determined by a formal Office of Historic Resources review e.g. any project that will have an effect on historic resources.
  
7. **Eligible Historic Resource Evaluation.** Prior to any other CPIO Approval being issued, a Project that involves an Eligible Historic Resource shall comply with the following and with the Secretary of the Interior’s Standards:
  - (a) **Non-Demolitions (Alterations and Infill).** For any Project that does not involve the demolition of an Eligible Historic Resource, no CPIO Approval shall be issued until one of the following occurs:
    - (i) Not an Historical Resource: The Director, in consultation with the Office of Historic Resources, determines, based upon an ~~Phase 1~~ Historic Resource Assessment by a preparer meeting the qualifications of the Secretary of the Interior and retained by the City, and substantial evidence, determines that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1. In the event that the resource is included in the CRA 1988 list only, and for addresses covered by ZI 145-5223, concurrence is required from the Cultural Heritage Commission. In the event that the resource has been determined eligible for or listed on the California Register of Historical Resources, concurrence from the State Historic Preservation Officer (SHPO) shall be required with the Director determination following a formal State delisting process. In the event the resource has been determined eligible for or listed on the National Register, concurrence with the Director determination shall be required from the National Park Service (NPS) following the NPS formal delisting process;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As detailed earlier in this letter, the FEIR identified 18 significant unmitigated impacts of the proposed Project and 6 categories of impacts that were significant, prior to mitigation. As detailed Chapter 2.0 of the DEIR<sup>79</sup> and the Mitigation Monitoring Program for the proposed Project contained in Chapter 5.0 of the FEIR, despite the sheer magnitude of the Project’s impacts, the FEIR contains only 22 Mitigation Measures, and has thus failed to adequately mitigate air quality, biological resource, historical resource, vibration, noise, parks and recreation, and transportation impacts. In fact, the City has not even tried to identify mitigation measures to address the Project’s significant cumulative net increase in air pollutants impacts, historical resources impacts, or degradation of existing parks and recreation facilities impacts, simply stating that “no feasible mitigation measures have been identified.”<sup>80</sup> The City’s failure to identify any mitigation measures to address the significant (and unmitigated) impacts of the proposed Project on historic resources, is particularly striking, given that one of the four primary objectives of the proposed Project is to: “Protect historical and cultural resources.”<sup>81</sup>

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

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

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

<sup>79</sup> [https://planning.lacity.org/eir/Hollywood\\_CPU/Deir/files/2.0%20Summary.pdf](https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/2.0%20Summary.pdf)

<sup>80</sup> See DEIR Table 2-2: Summary of Project Impacts and Mitigation Measures.

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

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

CEQA Guidelines Section 15126.4 reads, in part:

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

(a) Mitigation Measures in General.

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

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

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

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

The Hollywood Redevelopment Plan<sup>82</sup> (Redevelopment Plan or HRP) was adopted by the former Redevelopment Agency, and pursuant to a City oversight ordinance, enacted by City Council into law via Ordinance No. 175236 in May of 2003. and became effective July 12, 2003.<sup>83</sup> The Redevelopment Plan does not expire until

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

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

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

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

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

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

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

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

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

<sup>85</sup> See DEIR Appendix M and **Attachment B** to this letter.

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

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

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

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

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

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

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

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

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

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

### **DISTRICT**

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

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<sup>86</sup> National Register Bulletin – How to Apply the National Register Criteria for Evaluation available at: [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf)

## **CONCENTRATION, LINKAGE, & CONTINUITY OF FEATURES**

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

## **SIGNIFICANCE**

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

## **TYPES OF FEATURES**

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

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

## GEOGRAPHICAL BOUNDARIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>88</sup> <http://historicplacesla.org>

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

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

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

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

- BR1 – “For discretionary projects that are in or within 200 feet of Griffith Park, dedicated open space or are required to comply with the City’s Baseline Hillside Ordinance”
- BR2 – “If indicated as appropriate by the biological resources assessment report required in BR1”
- BR3 – “During environmental review for projects that are discretionary or in a CPIO District subarea, in areas potentially containing jurisdictional waters or riparian habitat, including streams, wetlands, riparian habitat, and other water bodies, affected sites as well as off-site areas that may be directly or indirectly affected by the individual development project”
- BR4 – “At the discretion of the regulatory agencies, including DCP, if applicable, discretionary development projects resulting in the modification, change, and/or loss of Waters of the U.S. and Waters of the State (e.g., streams, wetland, or riparian habitat) under jurisdiction of the regulatory agencies”

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<sup>89</sup> See FEIR Chapter 5.0 – Mitigation Monitoring Program.

- BR5 – “For projects that are discretionary or in a CPIO District subarea, prior to construction activities on properties that contain seasonal or perennial streams, year-round or intermittent wetlands, riparian habitat, or the Los Angeles River”
- BR6 – “For discretionary projects that are in or within 200 feet of Griffith Park, dedicated open space, or are required to comply with the City’s Baseline Hillside Ordinance”
- CR1 – “For all discretionary projects or projects in a CPIO District Subarea, that involve disturbance of previously undisturbed soils”
- CR4 – “At the time of application for discretionary projects or project in a CPIO District Subarea that involve grading, trenching, or other new ground disturbance in areas with high paleontological resource sensitivity”
- CR7 - “For all discretionary projects or projects in a CPIO District Subarea where excavation could extend below previously disturbed levels”
- HM1- “Discretionary projects or projects in a CPIO Subarea District that involve construction related soil disturbance located on land that is currently or was historically zoned as industrial or, previously had a gas station or dry-cleaning facility on-site”
- N1- “The following Vibration Control Plan shall apply to all projects within the Community Plan Implementation Overlay (CPIO) District Subarea, and discretionary projects outside the CPIO subarea, that would include operational heavy-duty construction (e.g., large bulldozer or excavator equipment within 25 feet of a historical resource”
- N4 – “A Noise Study, prepared by a qualified noise expert and reviewed and approved by DCP to meet the requirements herein, shall be required for all projects within the CPIO subarea and discretionary projects outside the CPIO subarea located within 500 feet of noise-sensitive land uses (e.g., residences, schools, hospitals, and recording studios) and have one or more of the following characteristics: two or more subterranean levels or more than 20,000 cubic yards of more of excavated material; construction duration (excluding architectural coatings) of 18 months or more; use of large, heavy-duty equipment rated 300 horsepower or greater; or the potential for impact pile driving.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

certified new guidelines for transportation impacts under the California Environmental Quality Act (CEQA). The CEQA guidelines were updated in response to Senate Bill (SB) 743 which directed the Office of Planning and Research (OPR) to establish criteria for determining the significance of transportation impacts by a metric other than level of service (LOS) or similar measures of vehicular capacity or traffic congestion.<sup>1</sup> In response to SB743 and the new CEQA Guidelines Section 15064.3, Determining the Significance of Transportation Impacts, the City of Los Angeles adopted new transportation thresholds for CEQA in July of 2019.<sup>2</sup>

<sup>1</sup>SB 743, 2013-2014 CA State Cong. § 386 (2013)

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

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

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

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

Moreover, the NOP for the proposed Project was issued on April 29, 2016 when LOS analysis was still required. The FEIR should therefore include both VMT and LOS-based impact determinations as well as impact determinations consistent with the guidance in the City’s CEQA Threshold Guide<sup>93</sup> in effect at the time the NOP was issued. The FEIR must be corrected to recognize these transportation-related impacts and the Mitigation Monitoring Program must be corrected to include the transportation mitigations specified in the DEIR.

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

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

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

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

**O. THE EIR MUST BE CORRECTED AND RECIRCULATED**

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

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

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

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



Frances Offenhauser

**Attachments:**

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

**ATTACHMENT A**  
**ELLIS ACT EVICTIONS 2016-2020**

Hollywood Community Plan Area

Source: CES Anti-Eviction Mapping Project

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

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**ATTACHMENT B**

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

## **APPENDIX M**

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### Inventory of Mitigation Measures

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

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

**Critique of Reasoning Provided in Blue**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Communication from Public

**Name:** Fix The City  
**Date Submitted:** 04/24/2023 09:51 AM  
**Council File No:** 21-0934  
**Comments for Public Posting:** Please accept this Fix The City submission including comment that GPF EIR was clear in its meaning and intent.

## FIX THE CITY

Via Email: [LACouncilComment.com](http://LACouncilComment.com), Councilmember.Yaroslavsky@lacity.org; [Dylan.sittig@lacity.org](mailto:Dylan.sittig@lacity.org), [Councilmember.Raman@lacity.org](mailto:Councilmember.Raman@lacity.org), Councilmember.Soto-Martinez@lacity.org;

**TO: PLUM COMMITTEE**

**FROM: FIX THE CITY**

**RE: CF 21-0934 HOLLYWOOD COMMUNITY PLAN UPDATE, GENERAL PLAN FRAMEWORK**

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Dear PLUM Committee Members:

Director Bertoni's April 18, 2023 letter to PLUM is yet another example of the City believing it is above the law and need not comply with court orders. The PLUM committee and the council should reject this insult to the courts and to public policy. PLUM and the council should follow the court-proscribed process for complying with the writ issued by the court.

The simple reality is that the proposed Hollywood Community Plan Update (HCPU) fails to address the court's ruling regarding the HCPU in substance as well as with regard to procedure. It is also inconsistent with the General Plan Framework (GPF) including the city's own definition of the policies of the GPF.

To avoid the inconsistency, you are being asked to (again) amend the GPF despite the court's ruling. The original amendment made clear its contempt for the court in its 2014 action (later voided by the court) which stated its purpose as follows:

"This amendment is intended to overrule and supersede the trial court's decision in Fix the City, Inc. v. City of Los Angeles, et al., LASC Case No. BS138580)"

Now, Director Bertoni wishes to try again. He seems to want to re-litigate matters **already brought before and ruled on by the court**. ("As to the Court's reference to Charter Sections 556 and 558 as a basis to find the 2014 FE Amendment is in conflict with City law, that too is in error.") ("Finally, to the extent the court found the 2014 FE Amendment violated the 2014 Judgement and Order because the City did not appeal that decision, the City disagrees."). The city already made that argument to the court – and lost. The city is not above the law.

The attempt to resurrect a motion to improperly amend the GPF will fail again just as it failed before. It is unfortunate that the city and its planning director are attempting to violate the court's orders yet again.

And, from the court's 'Ruling And Order on Matters Submitted', June 24, 2014 it is clear that the court did not look favorably on the city's previous attempt to circumvent the law. The court stated that:

"A "whereas" clause preceding this addition makes clear that Respondents expressly and unequivocally adopted the change to "overrule and supersede" this Court's Judgment and Writ. In addition to ignoring that Respondents failed to appeal from the Judgment in this action filed on February 11, 2014, Respondents appear also to have omitted from their consideration in adopting this questioned resolution certain provisions of the Charter of the City of Los Angeles, requirements of state law-- as well as Respondents' long-standing practice of including monitoring elements in other community plans."

What Director Bertoni fails to tell PLUM is WHY he is trying to amend the GPF. It is because he knows that it was the City that explicitly stated that "Policy 3.3.2...requires that type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services".

In briefs related to the original HCPU, the city acknowledged the mechanism of Police 3.3.2: "What became clear was that a crucial feature of dealing with growth impacts was contained in the General Plan Framework – its program for

timing allowable development with available infrastructure...” The city went further in defending the GPF, stating: “Other alternatives were rejected because there weren’t land use distribution policies or triggering mechanisms to time growth to infrastructure.”

The city also stated that the alternative ultimately selected (GPF) was “particularly helpful because it informed the City that a triggering mechanism should be included so that increases in density **“would not occur until infrastructure and its funding was available.”**

The GPF EIR was clear in its meaning and intent:

2.10 FIRE/EMERGENCY MEDICAL SERVICES

2.10.5 Mitigation Measures

2.10.5.1 Mitigation through Framework Policy

Policies 3.3.2, 7.10.1, 9.17.1, 9.18.1 through 9.18.4, 9.19.1, 9.20.1 through 9.20.3 contained in the General Plan Framework represent measures that would serve to lessen impacts relative to fire/EMS.

Policy 3.3.2 directs monitoring of infrastructure and public service capacities to determine need within each CPA for improvements based upon planning standards. This policy also directs determinations of the level of growth that should correlate with the level of capital, facility, or service improvement that are necessary to accommodate that level of growth. In addition, the policy directs the establishment of programs for infrastructure and public service improvements to accommodate development in areas the General Plan Framework targets for growth. Lastly, the policy requires that type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services.

Policy 7.10.1 focuses available implementation resources in targeted areas or “communities in need.” Policy 9.17.1 addresses the monitoring and forecasting of demand for existing and future fire facilities and service for the purpose of assuring that every neighborhood would have the necessary level of fire protection service and infrastructure.

There is no doubt as to the nature of the GPF and its mitigations. You can read it above. This is why you are being asked to (improperly) amend the GPF. There simply is a desire by the city to ignore the law, ignore their own self-imposed mitigations and ignore public safety. The city cannot simply wish away the adopted mandatory mitigations.

It is important to note that the court adopted FTC’s arguments concerning increases in density without findings of adequacy:

“Fix the City, in particular, cogently sets forth the reasons (summarized above). The fundamental inconsistency between the Framework and the HCPU on the failure of the HCPU monitoring policy is completely contrary to the Framework’s essential component of continuous monitoring of development activity.) “The [HCPU] is inconsistent with the Framework Element because it does not include any mechanism to ensure that the state of infrastructure will be assessed or to provide for controls on development in the event that infrastructure is insufficient to support the level of development permitted by the [HCPU]”

Further, it seems that the Director is attempting misdirection by stating that the GPF does not require community plans to contain certain monitoring policies or programs. Even if so, which the court found to be false, this does not and would not relieve the city from complying with the mandatory mitigations contained within the GPF itself.

The court stated the requirements for the city with regard to a new HCPU:

“In the event that the RESPONDENT CITY OF LOS ANGELES exercises its discretion to amend the Hollywood Community Plan, its shall do so in a manner that conforms to the policies and objectives of the General Plan of the City of Los Angeles and the requirements of CEQA.”

The court also required that "...legally adequate findings of consistency are made as required pursuant to the Charter of the City of Los Angeles and other applicable laws." There can be no statement of consistency with the GPF absent compliance by the HCPU with those policies labeled as "Mitigation Through Framework Policy."

We also caution that the city cannot approve the EIR until and unless they file a final return with the court which include the proposed documents and provide FTC an opportunity to challenge their sufficiency as a valid return on the writ. This too was ordered by the court after the city had attempted to take unilateral action. The court stated:

"Once a court has made an order that a respondent in an action pending before that court must reconsider, e.g., its community plan and the related EIR, the respondent[s] in such case must submit to that court as part of the Final Return any new community plan and EIR which are prepared." Those "new" documents prepared and submitted in expected compliance with the writ of mandate issued are not effective until that court has "approved" them;"

The court goes on to state:

"There is a clear policy reason why this is so: To apply those limitations to such EIR or other determinations would have the potential of depriving the court at whose order the action was taken of the very jurisdiction it has exercised, and of its continuing jurisdiction --and obligation --to ensure that its orders are *properly* carried out. While a court does not tell an agency how to exercise its discretion, it has the obligation to assure that what is done in response to its writ is lawful and within that discretion."

The court cautioned:

"Underlying the matters before the Court is a fundamental procedural error on the part of Respondents. Once a court has issued its writ of mandate, the entire matter remains subject to the jurisdiction of that court until the court finally reviews and rules on the actions taken by the respondent to comply with the writ."

The City and its counsel are urged to carefully read the GPF, its EIR, FTC's comments on the new HCPU and each of the court's rulings before taking an action that will certainly result in protracted litigation.

In addition to the above, FTC offers the following:

- The City has seen its police force drop to staffing levels that are 1,000 officers fewer than in 2013 – when the FTC case was brought.
- At the same time, the fire department has seen its staffing levels drop and response times worsen.
- New Alquist-Priolo maps have issued since the EIR which need new study.
- 1. There is a defined process for general plan amendments. The proposed GPF amendment does not appear to have complied with LAMC 11.5.6.
- The procedures used to determine RSO affordable replacements can result in a loss of affordable housing as developers are not required to replace RSO units prior to counting affordable units. This is unacceptable.
- The EIR project description does not contain sufficient detail with regard to the amendment of the GPF and no study was done on the amendment.
- To remove a mandatory mitigation measure in a certified EIR requires a showing that the mitigation is no longer necessary. No evidence has been provided to reach that conclusion. See the NOD, SOC and Certification for the Framework Element by the Council in 2001.

## FIX THE CITY

- Limiting attachments to 5MB is an infringement on first amendment rights to submit substantial evidence to support our argument that infrastructure and city services are inadequate. With only 24 hours' notice, timely delivery of our submissions is impossible.

By virtue of its own adopted mitigations, prior to adopting increases in allowable density, the city must, through substantial evidence, make findings that the infrastructure in general and specifically public safety infrastructure is adequate. It is not the public's responsibility to prove inadequacy.

We urge you and the rest of the city to abide by the court's orders. We urge you to understand the reason behind the GPF's critical mitigations: To provide for public safety.

Sincerely,

Fix The City, Inc.

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