

12-0303-53

TO CITY CLERK FOR PLACEMENT ON NEXT  
REGULAR COUNCIL AGENDA TO BE POSTED

#52

MOTION

TUESDAY  
PLANNING & LAND USE MANAGEMENT

RULE 16

FEB 14 2014

On June 19, 2012, the City Council unanimously adopted the Hollywood Community Plan Update (the HCPU), as well as its policies, regulations, and vision. The HCPU embodies sustainable planning principals and policies and is an effective document that responsibly plans for the future. Consideration and ultimate adoption of the HCPU was preceded by extensive public outreach and as a result, the HCPU garnered wide-spread support from community stakeholders.

Despite this wide-spread support, on December 10, 2013, the Los Angeles County Superior Court issued a tentative decision ordering the City to set aside the HCPU and its associated Environmental Impact Report (the EIR)(Council File No. 12-0303-S2). The tentative decision was made final on January 15, 2013. The City will have sixty days after receiving notice of entry of judgment to decide whether to appeal the trial court decision.

The trial court's decision will significantly impact future development projects in Hollywood regardless of whether or not the City decides to appeal. Economic development, the creation of new housing stock and increasing employment opportunities are the City's primary objectives and clear land use policies are essential to enable this activity.


While the Council is considering the various legal challenges relative to the adoption of the HCPU and its associated Environmental Impact Report, some immediate land use policy actions are necessary to provide certainty for development in the Hollywood community and Citywide.

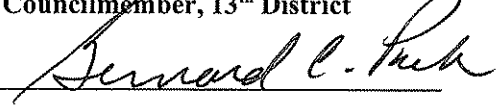
**I THEREFORE MOVE** that the Council instruct the Planning Department, in consultation with the City Attorney's Office, to initiate the process of amending the General Plan's Framework Element to make clear that the Framework Element does not require, and was never intended to require, Community Plans themselves to contain monitoring policies or programs, and that the Framework Element's monitoring programs are discretionary, not mandatory, and that they are contingent on the availability of resources and competing priorities, as the Court of Appeal held in *Saunders v. City of L.A.*, Case No. B232415.


**I FURTHER MOVE** that the Council instruct the Planning Department, in consultation with the City Attorney's Office, to prepare the resolutions and ordinances necessary to "rescind, vacate and set aside all actions approving the [HCPU] and all actions certifying [the EIR] adopted in connection therewith, as well as all related approvals issued in furtherance of the HCPU," as described in the trial court's February 11, 2014 Judgment. As stated in the Judgment, the phrase "all related approvals" refers only to those "quasi-legislative actions necessary to carry out the HCPU and the related California Environmental Quality Act ("CEQA") documents" and does not refer to "those adjudicatory approvals not challenged which the City may have made under the HCPU after its adoption by the City."

**I FURTHER MOVE** that the resolutions and ordinance described in the paragraph above contain a provision stating that it is the City Council's intent that vacating the quasi-legislative acts above shall, by operation of law, revive the Hollywood Community Plan and the zoning ordinances that existed immediately prior to adoption of the HCPU.

**I FURTHER MOVE** that the Council instruct the Planning Department, in consultation with the City Attorney's Office, to initiate the process of revising the Environmental Impact Report for the HCPU; and that the Council instruct the Planning Department, with the assistance of the City Administrative Officer, to report back to the Council within 30 days on any necessary budgetary resources, work scopes, and timelines for these policy actions.

PRESENTED BY:   
MITCH O'FARRELL  
Councilmember, 13<sup>th</sup> District

SECONDED BY: 

  
February 14, 2014

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