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Thursday, March 21, 2012

Ms. Sharon Gin
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Office of the City Clerk
200 North Spring Street, 3rd Floor
Los Angeles, CA 90012

Email: sharon.gin@lacity.org
No copy is faxed or mailed

RE: March 27, 2012 PLUM Committee
Council File #: 12-0303
Hollywood Community Plan

Dear Ms. Gin:

This office has been requested to submit the attached document *Hollywood Community Plan Needs to Consider the Reasonable Alternative of Down-Zoning from the 1988 Standards in Order to Improve Quality of Life and Improve Infrastructure* on behalf of Citizens Coalition Los Angeles [CCL], Hollywoodians Encouraging Logical Planning [HELP], SaveHollywood.Org and other residents living in Hollywood.

This submission is being emailed only as a pdf and no copy is being faxed or mailed. I can also provide a rtf if necessary.

Very truly yours,

Richard MacNaughton

Richard S. MacNaughton

electronically signed

RMN:ra

cc Kevin Keller kevin.keller@lacity.org

THE HOLLYWOOD COMMUNITY PLAN NEEDS TO CONSIDER
THE REASONABLE ALTERNATIVE OF DOWN ZONING FROM
THE 1988 STANDARDS IN ORDER TO IMPROVE QUALITY OF
LIFE AND IMPROVE INFRA-STRUCTURE

This submission explains why the Hollywood Community Plan should have not only considered the Down Zoning Alternative, but it should also have adopted that Alternative. As a result, the entire Hollywood Community Plan needs to start anew based on actual facts and not oriented to maximize the profits of the few at the expense of the many.

1. The Alternatives in the Hollywood Community Plan [HCP]:

The HCP, its DEIR and its FEIR all fail to consider the reasonable Alternative to Down Zone Hollywood [hereinafter sometimes referred to as Alternative #4]. The HCP considered only three alternatives:

- I. Alternative #1 was the proposed increase of population to roughly 250,000
- II. Alternative #2 was called No Project as it kept the 1988 Standards;
- III. Alternative #3 was the SCAG population estimate of 244,000.

2. The Purpose of CEQA:

The purpose of CEQA is protect the "quality environment for the people of this state now and in the future . . ." Pub Res. Code, §21000(a). The purpose is not to enhance the value of investments made by certain real estate developers. When the choice is between protecting the quality of people's lives and maximizing real estate profits, there is no morality in promoting real estate profits over the quality of people's lives.

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CEQA's purpose is not to seek to maximize the size of the population, but rather "to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man." Pub Res. Code, §21000(a) When there are feasible alternatives, which would substantially lessen the significant environmental impact, the proposed plan is not be approved. Public Resources Code, § 21002.

3. Alternative #1 Thwarts the Stated Goals of the HCP:

Furthermore, one of the stated goals of the Hollywood Community Plan was to adjust "the Plan population capacity by modifying land use designations, height districts and zones to accommodate this expected population increase." DEIR 2-3

Thus, the vitality of infrastructure was a prime goal.

Community facilities and **infrastructure play a vital role** in maintaining and improving a **high quality of life for all residents in the Hollywood** Community Plan area. Police and fire stations, libraries, parks and schools deliver essential community services. Water and sewer systems, solid waste treatment systems, drainage facilities and public utilities are also a vital part of necessary urban infrastructure. [**bold added**] Draft HCP p 121

Alternative #1, the proposed plan, had substantial negative impacts on police, fire, libraries, parks, schools, air quality, traffic, water and sewage, and open space. Even the HCP admitted that it had significant adverse impacts which could not be mitigated and hence it had a Statement of Overriding Considerations [SOC].

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4. Alternative #4, Down Zoning, Hollywood: ¹

Alternative #4, Down Zoning Hollywood, is the most realistic way to upgrade the infrastructure and avoid the adverse impacts contemplated under Alternative #1.

When one realizes that the current zoning from 1988 has allowed for so much densification that it has deteriorated the infrastructure, more density is not a solution. Rather the city needs to study the natural population flow to see how a lower population can result in a higher quality of life.

. . . the final location of the business center of any growing city is regulated entirely by its topography and is altogether beyond individual or corporate control. *1915 Traffic Study p 30*

The attempt by Alternative #1 to control where people live by allowing for super density in Hollywood is doomed to failure. As the last 20 years has shown, people merely move away from dense areas to less dense places.

5. Spot and Strip Density:

The current zoning standards already allow Hollywood to accommodate

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The term, "Down Zoning," is used to include changes to the HCP and the various ordinances and regulations which would reduce the 1988 standards so that future projects would not increase density and also include measures which would promote less density in Hollywood. Some of those possible actions are discussed below, but it is the City's duty to take the time to solicit many more ways to Down Hollywood from the 1988 standards.

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235,850 residents. (1-29-2012 memo Hollywood Community Plan Population / Capacity Numbers City Planning Department) Thus, one wonders why does the HCP call for so much up zoning. One has to realize that the HCP, the defunct CRA, and the council offices wanted to create Spot and Strip areas of extreme and super density.

The HCP does not provide for an evenly dispersed residential population, but rather it calls for skyscraper apartments and condos on Hollywood and Sunset Boulevards and North Vine, e.g. around the Capitol Record's building. The Millennium Project plans one million square feet in a few skyscrapers. The HCP plans to create Manhattan-ques canyons along Hollywood and Sunset Boulevards.

The motive behind the Spot and Stripe Densification was identified in the City's 1915 Traffic Study.

but, on the other hand, no municipality is justified in adopting a policy which would tend to retard the removal of business centers to their natural geographical location. Such a policy would be nothing less than a **deliberate exploitation of civic resources for the benefit of the limited number of property owners** enjoying abnormal incomes from rental privileges; and at best, could only serve as a palliative, since the final location of the business center of any growing city is regulated entirely by its topography and is altogether beyond individual or corporate control. [**bold added**]
1915 Traffic Study p 30

Spot and Strip Up Zoning is another "deliberate exploitation of civic resources for the benefit of the limited number of property owners." As the city recognized in 1915, adopting policies to concentrate development in certain core places harms the city as a whole.

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We have facts to support the 1915 observation that densification is a myopic ploy to enrich a limited number of property owners. The Metro Building on the south-east corner of Hollywood and Western has not only one of the world's truly ugly buildings with tiny windows, but ½ of its retail space has remained un-rented throughout the decade of its existence. The current zoning allowed exploitation of this corner. As the city warned in 1915, greedy men will try to control nature and man, but they will fail.

Hollywood has the \$424 Million write down of the CRA Hollywood-Highland Complex which is also on top of a subway, and the W Hotel condos are not selling and it too is on top of a subway station. Thus, developers made money from building financial bad projects, but which concentrated density on to their properties.

The CRA/LA operated as a type of advance bail-out of the developers and their bankers such as Goldman Sachs. The CRA accumulated \$3,028,000,000 in debt and often the City "co-signed" for the other loans to the developers. Thus, the more risk associated with major projects was shifted from the developer to the tax payer.

Thus, we see that the developers are confining themselves to a limited number of spots and strips of extreme density which they load up with foolishly dense projects. The Hollywood Community Plan aggrandizes this densification of a few spots and strips so the alleged population increase would be concentrated on their properties.

The current level of Spot and Strip density appears to have created a real estate bubble as these projects are experiencing bankruptcies, e.g. Boulevard6200, Sunset & Gordon, CRA north side at Hollywood and Western, and projects are seeking unduly long time guarantees for all the special entitlements from the city, e.g. the CBS Project wants 15 years and The Millennium wants

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25 years. Thus, Alternative #1 attempts to reserve future population increases for a few large property owners, who until the death of the CRA/LA planned to build with the City's financial support.

Alternative #4, Down Zoning, would eliminate all vestiges of Spot and Strip Zoning. Such favoritism to a few politically well-connected developers often falls under the rubric of TOD' s [Transit Oriented Districts.]

6. The Facts of Hollywood's Population:

The 2000 and 2010 US Census showed a 20 years decline in population; 2.4% between 1990 and 2000, and 5.97% between 2000 and 2010. ²

The DEIR falsely asserted that Hollywood had 224,426 people in 2005, but in reality after five more years of alleged growth by 2010, Hollywood had only 198,228. That is a discrepancy of 26,198 people.

The DEIR based itself on the unreasonable belief that between 2005 and 2030, Hollywood's population would increase from 224,426 to 244,602 for an increase of 20,176. ³

a. The City Had to Know That it Was Relying on False Data:

The statistics in the DEIR itself do not support the idea that population would have been 224,426 in 2005. The City knew that Hollywood had lost

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That single fact nullifies the Hollywood Community Plan as there is no expected population increase.

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Then, the DEIR hyped that number to just under 250,000 Hollywoodians in 2030.

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population between 1990 and 2000 [213,883 in 1990 down to only 210,794 in 2000]. Simply projecting another 3% loss in the decade between 2000 and 2010, the City's realistic expectation was for only 204,471 people in 2010. The DEIR ignored the downward trend and instead fictionalized a reversal of the decline.

Reverse engineering the city's data, we see that it expected the population to increase by 13,632 between 2000 and 2005. That would have been a 6.5% increase in population in five years. There was no factual support for the belief that a 2.4% decline would reverse itself and become a 6.5% increase in five years. If that hypothetical trend continued, then in 2010, the population should have been 235,647. Rather, the projected population for 2010 should have been no more than 204,471.

However, the City took action based upon data it had to know was wrong in order to intensify the density of Hollywood between 2000 and 2010, and the result was a 400% increase in the exodus rate.

**7. There Was No Rational Reason to Say That
Hollywood's Population Was Increasing**

However, in reality the 2010 population was down to only 198,228. The DEIR's underlying assumption of 235,647 was off by 37,419 people.

The alleged population increase was not merely hypothetical, it was pure fantasy; some could argue it was fraudulent hype to justify on-going, expensive CRA/LA projects which deprived the city of incremental tax dollars and increased the CRA/LA debt to over \$3 Billion (12- 15-2011 CRA Enforceable Obligation Payment Schedule, Per AB 26 - Section 34167 and 34169.)

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**8. Hollywood's Declining Population
Was Part of a National Trend**

There was no rational basis to plan for a significantly larger population. The loss of Hollywood's population is part of a larger shift away from California (65,000 loss in 2011) to less dense states in the sun belt, e.g. Texas (+145,315) and North Carolina (+41,033). *Source Data from US Bureau of the Census* This trend is not new. In its 1993 Telecommunications Study, the City recognized that people move away from density.

The goal in individual household move decisions is to achieve an attractive, affordable, generally low population density residence location. *March 1993 final Report of City of Los Angeles Telecommuting Project p57*

Despite the hype from urban planners and the few land owners who would benefit if people wanted to live in a cramped vertical city, the statistics show the opposite. All across the nation, people who can afford to move to less dense areas are moving away from density. Cities and the Census: Cities Neither Booming Nor Withering, by Joel Kotkin and Wendell Cox 04/07/2011

Furthermore, the 24-35 age group is not rushing to core areas, but rather to less dense suburbs.

An analysis of the past decade's Census data by demographer Wendell Cox shows this. Cox looked at where 25- to 34-year-olds were living in 2000 and compared this to where they were living by 2010, now aged 35 to 44. The results were surprising: In the past 10 years, this cohort's presence grew 12% in suburban areas while dropping 22.7% in the core cities. Overall, this demographic expanded by roughly 1.8 million in the suburbs while losing 1.3

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million in the core cities. Why America's Young And Restless Will
Abandon Cities For Suburbs, by Joel Kotkin 07/20/2011

This pattern is harmful to any city because people live in the city apartments during their young, rowdy years, but when they have families and become stable members of a community, they move away. Even if Hollywood had been able to sell its over-priced condos, the people who buy such places have a statistical tendency to move away when they enter their mature years. When they move away in their late 30's to raise families, they are not returning in their 50's or 60's.

In response to this knowledge that the national, the state, and the Hollywood trends were for people to leave dense areas, the CRA authorized high density mixed-use project after high density project, and as one would have predicted from the 1993 Telecommuting Study and the US Census Data, more and more people fled the CRA induced densification. Thus, Hollywood had the paradoxical situation of spending hundreds of millions of tax dollars to build more dense projects which caused more people to leave.

As the CRA/LA diverted more tax dollars away from the city's general fund, the city could not afford to maintain its infrastructure and the increasingly terrible traffic congestion drove more people away from Hollywood.

9. The Duty of the DEIR:

The DEIR had the duty to study those factors which had caused the exodus of people from Hollywood and why the socio-economic status of Hollywoodians was falling. As shown above, the declining population was known to city planners, to the council offices and to the developers. The DEIR did not merely ignore its legal mandate to investigate this situation, it covered up the true state of affairs.

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10. The Deterioration of Hollywood's Infrastructure:

The infrastructure of the entire city is falling into increasing disrepair and Hollywood is particularly hard hit. Alternative #4, Down Zoning, has the best chance of improving Hollywood's infra-structure

a. Fire Protection:

Under Prop F, Hollywood was due a new 2 acre Regional Fire Station. In 2006, Hollywood's two councilmember Eric Garcetti and Tom LaBonge downsized the 2 acre station by 75% to only ½ acre and then moved it from the 2 acre location the city had selected to the extremely congested intersection of Hollywood Boulevard, Van Ness and the Hollywood Freeway.

The April 25, 2006 press release from Councilmember Garcetti's office said that it was too expensive to build a full 2 acre fire station.

The fact that the city was too poor to build a 2 acre fire station after Prop F raised \$532.6 Million is evidence that the City could not sustain its commitment to fire fighting.

In addition, the LAFD is now operating on rotating system where equipment is shifted from different areas of the city, leaving other areas under staffed. Within the last few weeks, citizens with the help of rank and file fire personnel have made public the falsification of the response times. The falsification was deliberate and was done by the City Council to protect the City's funds in its CRA bank accounts from being used for infra-structure such as fire, police, libraries, etc.

For purposes of the HCP, however, it is not so important why the fire protection data is wrong except to take note of the fact that fire preparedness is

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substantially worse than the City has been pretending. As a result of these false data, the HCP never could assess the impact of additional residents on the safety of Hollywoodians.

This subject also highlights the absurdity of moving forward with the HCP based on false population data. No one can form an opinion on the vital questions, to what extent will Hollywood's inadequate fire infra-structure harm Hollywoodians?

If one discusses this question based on the materially false premise that Hollywood will have 250,000 persons in 2030, then one would also have to discuss criminal indictments against the two Hollywood councilmembers who slashed the size of the 2 acre Regional Fire station by 75% in face of a dramatic up-surge of population.

The new 2 acre Fire Station 82 was to replace the present station, ca 1950, at 1800 N. Bronson. In 1950, Hollywood had about 160,000 residents (statistics vary from 159,800 and 160,047 ppl). The HCP anticipates 250,000 persons by 2030, an increase of about 90,000 people over 1950.

When the decision to downgrade Regional Fire Station 82 was made in April 2006, the City was basing its decisions upon the belief that Hollywood would have 257,033 by 2010. By 2006, the City asserted that Hollywood had 224,426 ppl, which would have been 31.5% of the way to the 257,033 goal set forth in the City Wide General Frame Work adopted August 2001. While the false numbers by which the City was operating showed that the 2010 population would be about 236,000 and not 257,000, the councilmembers were dramatically down sizing fire protection while claim significant population increases.

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Then in 2010, the City manufactured false data misleading citizens across the city to believe that the City fire resources were so strong that they could cut \$200 Million from the fire budget.

The HCP's FEIR, however, failed to discuss the impact of fire reduction services on Hollywood. Rather it stated:

Similarly, under the new LAFD Deployment Plan the service delivery area of each fire station is drawn so that fire apparatus can reach any address in that district within a specified response time. By analyzing data from previous years and continuously monitoring current data regarding response times, types of incidents and call frequencies, **LAFD can shift resources to meet local demands** for fire protection, as needed. *Final EIR 10-3- 2011,p 3-9*

Within the last few weeks, starting in February 2012, the false data has come to light. The LAFD has been unable to meet local demand and this statement was based on falsified data. Among other things, the City was falsifying the percent of time emergency services reached the destination within the crucial 5 minute window.

These revelations mean that if it were true that Hollywood is gaining population, immediate steps would need to be taken to slow the population influx. However, the population data like the fire data were bogus, leaving no one in a position to make any realistic plans.

The perpetual false data, however, creates an anomaly. Since the population of Hollywood is falling, then the risk is not as great for Hollywood. Based on US 2000 and 2010 Census data, Hollywood's population is likely to be only 190,000 or less in 2030. That is about the size of Hollywood in 1985.

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b. The Police:

The statistics from the LAPD are likewise unreliable. There are two ways to make it appear that the crime rate is decreasing: (1) under report crimes, (2) over estimate population. There is reason to believe that the LAPD is doping both for Hollywood.

For example, if there are 100 burglaries in a population of 235,000, the crime “rate” is much lower than if there are 100 burglaries in a population of only 198,000.

This fact places the HCP in a difficult situation. Either the LAPD has kept track of the true Hollywood population while CD #13 and CD #4 have been misrepresenting the population, or the LAPD has been using the same inflated population data as City Planning.

c. Sidewalk Program \$1.5B:

The city lacks the funds to repair the sidewalks and thus it is turning that cost back to the property owners. The \$1.5 B backlog in sidewalk repairs indicates a significant deterioration in the infrastructure. This current issue needs to be addressed before the City continues to do more of the same.

While the Hollywood Community Plan speaks about making Hollywood more walkable Goal *LU3. 7- 15-2010 Draft HCP p 83*

When the city has \$1.5 Billion outstanding costs to repair sidewalks, adding more pedestrians will aggravate the situation, not ameliorate it. For several years, the City has encountered a budget deficit, laying off thousands of workers, slashing the size of departments, reducing services. The fact is that the city has no funds to improve the sidewalks in Hollywood. Thus, we are faced with no mitigation of a \$1.5 Billion problem. Saying "we will fix sidewalks,"

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when there are no funds to repair them is not a mitigation.

There is an inherent contradiction between the walkability goal and increasing the population goal.⁴

The sidewalk situation again highlights that the HCP lacks substantial evidence.

Repair Scope

The approximate sidewalk damage estimates cited herein have been taken from reports and estimates from the late 1990s. It is presumed that these estimates were based on damage assessment surveys or at least representative sampling and extrapolations, but BSS has not been able to locate any back up information to validate the numbers. In addition, there is no qualitative information available with regard to specific types and respective quantities of substandard conditions. *January 30, 2012 Bureau of Street Service Report on Sidewalk Repairs*

The city has an alleged \$1.5 Billion problem, yet its 2012 decisions are based on estimates from the late 1990's. The City lacks substantial evidence on which to opine it can accommodate any growth.

d. The Role of the Community Redevelopment Agency [CRA/LA]:

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It needs to be noted that drastically increasing the population is the de facto goal of the Hollywood Plan as the data make clear that there will be no population increase unless someone does something to force the population to grow. It is debatable this Plan will accomplish that unstated objective, but what is clear is that increasing the population is NOT a declared objective of the HCP and hence is an illicit objective.

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A major factor in the city's being perpetually short of funds was the CRA/LA which had been diverting incremental tax dollars away from the city's general fund. By the beginning of 2012, the total burden of the CRA/LA was about \$11 Billion. \$3.5 B is lost property tax revenue, \$3+ Billion in debt, and an estimated \$4.5 Billion in interest.

The HCP intended to rely heavily on more CRA/LA projects which would have deprived the city of more and more incremental tax dollars each year, leaving the City with less and less funds to maintain infrastructure. Although this financial situation was well known, the HCP, its DEIR and the FEIR failed to disclose the direct link between CRA/LA projects and less funds for infrastructure. *7-15-2010 Draft HCP, p 21-22*

Now that CRA/LA is dead, Hollywood need not worry about new projects cannibalizing the property tax dollars and that eventually the City should have more funds. Due to the fact that the CRA/LA has \$3 Billion in debt which costs \$422 Million in 2011, it will be some time before those loans are paid off and those incremental tax dollars will return to the city general fund. Thus, it is essential to Down Zone Hollywood so that Hollywood does not experience any additional Spot or Strip Densification by a few land owners.

e. HCP Goal LU4 Parks and Open Space:

The Hollywood Community Plan encompasses a Specific Plan Area which mandated as part of the infrastructure its Parks First Program. The city has not constructed the parks which SNAP requires on the grounds that it lacks the funds.

However, the 1.1. acre on the north west corner of Hollywood and

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Garfield was once owned by the City, but the City sold it to a developer. Although the community wanted a park or a project plus a woonerf, the City approved a five story, CRA mixed-use development with a 3 foot set back along Garfield instead of a park.

This project is a perfect example how the present zoning allows the city to deteriorate the infrastructure. [The HCP ignored SNAP's Parks First program.]

The CRA and CIM Group had planned to add hundreds of condos one block to the East at Hollywood and Western and hundreds across Hollywood. Despite this proposed extreme densification, the City said it had no funds for a park or a woonerf.

If this portion of Hollywood had been down zoned, then the CRA could not have over-burdened this corner with high-rise projects thereby depriving Hollywoodians of a community park.

The way to add parks is not to build more mixed-use projects instead of parks.

f. Additional Off Street Parking:

Developers save money when they do not have to provide adequate off street parking. In a way, city councilmembers who insist that developers need not construct off-street parking are making a type of gift of public property to developers. The over flow parking will be on-street parking. There are many R-1 streets where residents of nearby apartments and condos park 24/7/365. The residents have no choice as they cannot suspect their vehicles from sky hooks.

Rather new projects should be required to provide additional off-street

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parking over and above what they need for their own project. Over the decades, there would be less on-street parking and eventually some major streets could have an extra travel lane in each direction.

g. The Hubris Factor in Visions 2030:

For residents who have attempted to persuade the City not to cater to developers, the hubris of the councilmembers and the CRA has become legendary. The basic philosophy of the Hollywood Plan is to create a vertically dense city, while hypocritically claiming to be preservationist.

A Vision for Hollywood 2030

The Hollywood Community Plan envisions a compact city that is **growing vertically**, mixing residential, commercial and industrial uses in new and interesting ways. *Draft HCP p 14*

This vision is not shared by the residents who showed up at hearing after hearing after hearing expressing their opposition to changing Hollywood's nature to a compact vertical city. Councilmembers Garcetti and LaBonge paid zero heed to the residents and approved dense CRA project after dense CRA project as if the new Plan were already adopted. At some meetings, members of Garcetti's office admitted that they were ignoring the current standards as the new Plan will change all that.

They asserted that there was no need for off-street parking within ½ mile of a Metro Station as the people would use the subway. Thus, extra density without adequate parking was okayed. Deficient off-street parking requires the new residents to seek a place to park on the streets — in effect Garcetti and LaBonge were giving away a public resource, on-street parking, to developers who saved hundreds of thousands by not constructing off street parking.

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This type of hubris made existing neighborhoods less desirable, but the favored developers saved millions of dollars.

If Hollywood's zoning standards had required more off street parking, then these new projects could not have been crowded into Hollywood. Thus, Hollywood needs to down zone its current standards.⁵

The current standards which allow almost anything a developer wants are based on the falsity that there is less need for parking near a subway or major bus route. These areas are called TOD's for Transit Oriented Districts. As the 2001 San Jose Transit Study proved, people who live in a TOD's need more parking. People who will use a subway or bus for some purposes usually also have cars. Because they leave their cars at home rather than drive to work, their need for secure, off-street parking is significantly greater than someone who drives to work.

Thus, the current off-street parking standards are not designed to improve the quality of life of people who live in TOD's, but to save money for the developers so that they can use those funds to build additional density.

The current standards attract Default Tenants, people who cannot afford to live in better areas. Worse than attracting Default Tenants, the dense TOD's are contributing to the exodus. By making neighborhoods unliveable or at the very least arduous places to live, the current standards have resulted in the net

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Down zone current standards also means requiring significantly more off street parking. Down zoning means to make the neighborhoods more liveable for current residents and that requires the City to require extra off-street parking in order to provide parking for residents living in apartments where the City had allowed gross deficient on-site parking in order to lower the costs to developers.

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outflow of population while those who move into Hollywood, the Default Tenants, have a lower socio-economic status. The 2010 US Census supports this analysis.

For more than five (5) years, residents have supplied the City with multi-copies of the 2001 San Jose Transit Study, and yet HCP mentions it nowhere. That is because the HCP cherry picks data to support its objective to maximize developers' profits to the detriment of the Quality of Life.

11. Summary of Quality of Life Under Current Standards:

For a variety of reasons, the current standards have allowed the quality of life to deteriorate significantly in Hollywood, resulting in an antiquated infrastructure, an inability to provide basic services, especially the 75% down sizing of the Regional fire station and lack of community parks, and an escalating financial burden to repair the infrastructure. Thus, the current standards are not protecting Hollywood, and like 1988, Hollywood needs to down zone again. The HCP, its DEIR and its FEIR ignore this Alternate.

12. The Legal Requirement to Consider Reasonable Alternatives:

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 . . . [bold added] Public Resources Code, § 21002.

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

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significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. **[bold added]** Public Resources Code, § 21002.

The Alternative has to be feasible. Down zoning is feasible, requiring more off-street parking is feasible, reducing spot and strip density is feasible. No part of down zoning from the current standards is *a priori* infeasible. While developers would be aghast to the prospect of studying an Alternative that placed the Quality of Life ahead of Magnitude of Developers' Profits, such an Alternative based on valid facts and statistics is a very real Alternative.

13. The No Project Alternative is Not the Same As the Down Zoning Alternative

The No Project Alternative #2 essentially says, "Let the deterioration continue." That Alternative does not enhance the Quality of Life. Alternative #4, down Zoning, however, can improve the Quality of Life, which is CEQA's objective, by a variety of measures. The following list is illustrative and the City has the duty to undertake an in depth study in the best way to implement Alternative #4.

(1) Reduce Density To Improve Traffic:

The HCP admits that it cannot mitigate the Adverse Traffic Impacts. Hollywood, however, does not have a Traffic Problem. Hollywood has a density problem. The less dense an area, the fewer people, and the fewer people, the less traffic. Thus, any plan to increase density is a plan to increase traffic congestion. Reducing density mitigates the alleged Traffic Problems, but it takes additional steps to implement.

(2) More Off Street Parking:

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When all new construction must provide off-street parking not only to accommodate all its residents but also to accommodate 20% additional off-street parking sites, Hollywood can begin a process which takes more and more parked cars off the streets. As time passes, such a "down zoning" would free up two lanes on many streets.

For example, if Franklin Avenue did not need to house cars virtually 24/7/365, but in fact did not need any on-street parking Hollywood would have two extra travel lanes — without spending one tax dollar.

Before the new down zoning 20% additional off-street parking requirement removed enough cars to add extra travel lanes, it would start freeing up more and more on-street parking spaces so that residents would not have to park blocks away from their homes. That is a significant improvement in the Quality of Life for Hollywoodians.

(3) Landscaped Parking Lots in Front of Commercial Buildings:

When the standards require landscaped parking in front of the commercial structures, it forces the new construction not to hug the curb and crowd out air, light, and spaciousness. The current standards promote nightmares like the Borders Building on the north-west corner of Sunset and Vine.

Before the Border's Building was constructed, this corner had a low retail mall set on a small knoll. It left the entire intersection open and airy without the hemmed in feeling.

The slender high rise which was catty corner was likewise, set way back from the street. The current standards allow the first floor to come right out to the sidewalk creating a cramped space where people are trapped between Vine Street and the building. This change was most likely financially profitable for CIM

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Group, but degraded the environment.

The proposed Target at Sunset and Western proposes to replicate the mistake of Sunset and Vine. It is building right out to the sidewalk, whereas this huge lot has always had a huge parking lot with the stores set back about 200 feet. The intersection is open and airy as the Osh Store on the north side of Sunset likewise has an expansive parking lot between it and Sunset.

Landscaping would enhance the visuals of the parking lots, but moving the stores right to the sidewalk will crowd pedestrians between the building and Sunset Boulevard.

Thus, new down zoning standards that required significant set backs and the front portion to be landscaped parking lots would enhance the openness of the city while making the commercial facility more accessible.

(4) No New Project Could Increase Density on That Property:

It is a developers' ploy to say that the better use of property is the more dense use. That does not even make sense. What the developer believes is that the more square footage he can cram onto his lot, the more money he will make. As the city warned in 1915, we have to beware of such exploitation.

After Hollywood was previously down zoned, the renaissance in the residential areas was remarkable. Once people knew that their properties were not going to be seized and that no developer would be able to build a 5 unit condo next to the R-1 home, people began to invest like wild in Hollywood.

This principle is already recognized in the anti-Mansionization Ordinance. Bigger is often worse and that principle applies to commercial. The present standards allowed the Hollywood Highland Complex and The W Hotel.

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Ironically, the excessive building for density appears to have back fired and the current standard have allowed a significant real estate bubble to form. Real estate bubbles are bad for everyone. Until February 1, 2012, the councilmembers hoped that the CRA's would bail out the developers. Without a bailout, the market forces will sort out the disasters, unless they can arrange a different type of government bailout.

For the down Zoning Alternative, however, not allowing any project to increase the density means that this type of real estate speculation cannot occur. Owners will realize that their economic advantage comes from making their properties better, not larger.

(5) Prohibit Spot and Strip Densification:

The new standards need to provide that density may not be dumped in a concentrated spot or strung out along a particular boulevard. The problem with Spot and Strip Densification is that it allows a few favored land owners to aggrandize the value of their lots by loading it up with residents. In addition to favoring those who are politically connected, it creates areas of super-density which can clog up the infra-structure, especially traffic. For this reason, TOD's, which are a favorite form of strip densification along several blocks of a main street, are detrimental and should not be allowed.

The real function of TOD's is to shift tax dollars to private developers who then claim that the City must construct subways, and after the subway is constructed and people refuses to use it, the developers claim that the City needs to build high density projects in the TOD's so that the subway will have more ridership. As we have seen, however, people move away from TOD's which is why the population exodus accelerated as more CRA mixed-use project were constructed. The census tracts surrounding Hollywood's five (5) subway stops lost over 4,000 residents. Nonetheless, the HCP claims the solution is to repeat

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the mistake over and over by constructing more and more mixed-used projects.

If no increased density per lot were allowed, this problem would be solved.

(6) Property Tax Incentives For Lower Density:

The city has provided billions of dollars in tax dollars to encourage more density. Without this subsidy, Hollywood would have developed in a more rational fashion as developers would have had their own funds at risk. When they can make a profit by using tax dollars, they build whatever the politicians wants. Tax incentives could also have been used for lower density.

However, tax incentives have to be used very carefully as they are especially prone to the Law of Unintended Consequences. This area requires considerable expertise, but tax policy is a major tool for a government to encourage certain behavior.

(7) Set Backs and Stepped Back Buildings:

Set backs and stepped back buildings can enhance the quality of life.

(I) They prevent canyons of wind and lack of light

Because large set-backs on both sides of a boulevard make a much greater distance between the buildings on opposite sides of a street, they are less able to create their own windy weather. Also, more sunshine can reach the street level.

(ii) The allow for a view of the Hollywood Sign and the
Hills

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Both the Sign and the Hills are major features of Hollywood and contribute to our aesthetics and our recognition world wide. When buildings cannot crowd the sidewalk and have to be stepped back, they provide less obstruction of the Sign and the Hills. This is especially true for buildings on the north side of the street. A building with sufficient set backs not only creates open space on the buildings' terraces, it also enhances the line of sight for people on the south side of the street as they look north.

Similarly, as people look north on the north-south streets, buildings which are set back and with step backs allow people to see more of the Hills. The city has to physically go to the boulevards and avenues and measure the various angles and sight lines in order to determine the ordinance changes to protect this aspect of Hollywood.

14. The Citizen is Not Responsible for Writing the Alternative:

The citizen, however, is not responsible for providing all the facts and for writing the complete Alternative which the EIR should have studied.

In gathering the data and writing the omitted Alternative #4 of Down Zoning, however, the City has to accept the facts, data and statistics from the public and provide them a reasonable investigation.

In writing an Alternative #4, the City must avoid retaining consultants and law firms which have a Conflict of Interest. Consultants and law firms who represent developers with an interest in super-sizing Hollywood should be barred from the process — including behind the scenes work. In fact, the City should expressly adopt such an ordinance so that consultants and law firms who represent developers no longer write the EIR' s.

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**INADEQUACY OF THE CITY'S
STATEMENT OF OVERRIDING CONSIDERATIONS**

The City may not rely on a Statement of Overriding Considerations when it has ignored a reasonable alternative.

When a reasonable Alternative eliminates or significantly reduces the adverse impacts over and above the mitigations in the adopted Alternative, the City may not adopt a Statement of Overriding Consideration for its Alternative. Public Resources Code, § 21002. Furthermore, when the adopted Alternative's benefits are either illusory or without substantial evidence, the City must explain why it adopted an Alternative with more significant adverse impacts and/or fewer or no benefits. Furthermore, the City has to explain why it persists in relying on "facts" which have been proven to be material false.

When one looks at the HCP 's Statement of Overriding Considerations [SOC], one sees that the Down Zoning Alternative, the proposed Alternative #4, has fewer adverse impacts and greater benefits than the adopted Alternative.

1. The Major False Premise Underlying the SOC:

The SOC was based on a false premise, i.e. the need to construct for 249,092 persons in Hollywood.

The CEQA Guidelines define "**substantial evidence**" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, **evidence which is clearly erroneous** or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence." (Guidelines, § 15384, subd. (a).)

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Additionally, "[s]ubstantial evidence shall include **facts**, reasonable assumptions **predicated upon facts**, and expert opinion supported by **facts**." (Guidelines, § 15384 (b).) Pfeiffer v. City of Sunnyvale City Council, 200 Cal.App. 4th 1552 [**bold added**]

For example, in comparing the No Project Alternative #2 (No change from 1988 Standards) to the Proposed Plan Alternative #1, the city stated:

Public Services: Alternative #2 is anticipated to result in a lesser growth potential than the Proposed Plan, the proposed Project, and would not accommodate the growth in population anticipated by the **SCAG Forecast for 2030**. [**bold added**] *3-3-2011 Draft Environmental Impact Report §5, p 5-6*

Adopting the HCP, its DEIR and its FEIR would constitute an abuse of discretion due to their reliance on the SCAG population forecast which the US 2000 Census and the US 2010 Census have been proven materially wrong. Not only was SCAG wrong in the projected population in Hollywood, it had the trend dramatically wrong. SCAG was predicting a 15% increase, while the last decade had a 6% decrease.

It should be noted that SCAG was not wrong just once. It has a track record of being wrong. It was materially wrong for 2005 as well as for 2010 and was unable to even discern a significant population trend away from areas that were constructing more dense mixed-use projects. Furthermore, the entire nation was experiencing a similar trend of people moving away from density. SCAG operates more as a special interest group or a lobbyist for the developers than as an objective analyst of land use needs.

Thus, the major reason to accept substandard Public Services is absolutely, totally and irredeemably false. The US Census data shows that there is no reasonable basis to extrapolate from a 20 year trend of declining population and

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the trend is accelerating (2.4% from 1990 to 2000 and 6% from 2000 to 2010) to a 26% population increase in the next 18 years.

The CEQA Guidelines forbid the use of "evidence which is clearly erroneous or inaccurate." *Guidelines, § 15384, subd. (a)*.

Thus, all the significant adverse impacts are being accepted by the SOC based upon clearly erroneous evidence, making the SOC fatally defective.

The DEIR repetitively states, "Alternative #2 (No Project) is anticipated to result in a lesser growth potential than the Proposed Plan." Thus, the facts show that the No Project Alternative was superior to the Proposed Alternative since it was consistent with the facts that the population was not increasing. The Down Zoning, Alternative #4, which was not considered, was the only Alternative consistent with the facts that the population is significantly declining. Thus, the City had an affirmative duty to investigate the Down Zone Alternative.

2. SOC's Benefits Are Illusory:

Similarly, all the alleged benefits are illusory as the entire HCP, EIR and FEIR are based on clearly erroneous evidence. The February 27, 2012 Findings of the City Planning Commission discussed the FEIR's Statement of Overriding Considerations (SOC) p 38-42

(1) Smart Growth Principles:

The Proposed Plan would protect the quality of life for existing and future residents and confer citywide benefits through goals and policies designed to incorporate smart growth principles, including concentrating growth in areas of the city that have transit infrastructure to support it, thereby reducing new trip generation and

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emissions from new development and promoting sustainable development in support of AB 32 and SB 375. *Findings p 39*

Any new construction may adopt the newest procedures and the greenest approaches. There is no need to Super Size Hollywood in order for improvements to the existing properties to be smart.

However, the suggestion that TOD' s are smart lacks factual support, and there is considerable data that the subway has contributed to the decline by encouraging density in certain areas.

(2) Help Local Economy:

The Proposed Plan would guide the City in expanding the local economy, including the media and entertainment industry, which provides jobs, attracts and retains businesses, supports diverse and vibrant commercial areas, and generates sufficient revenue to support various local programs and services. *Findings p 40*

There is no rational basis for this nebulous benefit. Facts show that people are leaving as these denser areas are built. The Hollywood-Highland Complex lost \$454 Million, the W Hotel condos are not selling, one-half the retail at the Metro Building at Hollywood-Western has been empty for 10 years.

Furthermore, incorrectly saying that the HCP attracts the entertainment industry in the face of contrary information is not a benefit. The alleged Entertainment building at 1601 N. Vine has never been able to secure a single tenant since it was first planned and it is supposed to have 60% entertainment tenants signed on the dotted line before the project is funded. We are seven years later with no tenant.

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One reason for the abject failure to attract entertainment companies is in the nature of structures which innovative entertainment companies desire. They shun office buildings with limited square footage per floor for low rise horizontal buildings with expansive areas on a single level. The HCP proposes to make Hollywood a vertical city. The state goal and the alleged benefit are inherently contradictory.

When Steve Jobs of Apple fame took over Pixar, he used large horizontal spaces where people would be forced to come to a central Atrium several times a day. That type of sprawling structure allowed Jobs to create an environment where people with different backgrounds had to interact with each other thus promoting "cross-pollination" which is vital for creative enterprises.

Vertical buildings harm creative businesses which need to force interaction between people from various parts of the company. Tall vertical structures segregate creative people and reduce their interactions, and hence narrow vertical buildings are the opposite to the type structures which entertainment companies need.

(3) Accommodate a Non - Existent Population Growth:

The Proposed Plan promotes development that would accommodate **anticipated population growth** and guide physical development towards a desired image that is consistent with the social, economic and aesthetic values of the City. *Findings p 40*

Building for a non-existent population boom is not a benefit. Furthermore, the aesthetic claim is false. A major attraction of Hollywood is the view of not only the Hollywood Sign, but of the Hollywood Hills themselves.

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The proposed Alternative would obliterate the view of the Sign and the Hills for anyone south of Hollywood Boulevard and most likely for most people south of the Hollywood Freeway. Destroying a world famous view is not an aesthetic benefit.

(4) There Are No Funded Mitigations:

The Final EIR provides a programmatic mitigation framework to guide development projects in order to reduce environmental impacts of future plans and projects. *Findings p 40*

There are no funded mitigations, but this alleged benefit is meaningless when the population is declining.

(5) The Grand Daddy of Misstatements:

The Proposed Plan supports the policies and goals of the most recent Housing Element adopted by the City in 2009, and allows the City to meet future housing needs for the growth in population projected for the year 2030 by the Southern California Association of Governments. *Findings p 40*

In other words, the proposed Alternative supports illusory needs based on totally discredited data which is completely false.

(6) Transit Misinformation:

The Proposed Plan would improve local mobility through development of a balanced, multi-modal transportation network, encouraging residential and workplace development near transit centers. *Findings p 40*

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The subway has about ½ the projected ridership.

The projects built on top of the subway stations are all financial failures.

TOD's in general do not work and in order to function, they need significantly more off-street parking than non-TOD areas.

(7) Truthiness Personified:

The Proposed Plan would guide the preservation and protection of historical and cultural resources, while recognizing the need for continued investment, development, and jobs and housing growth, and would improve the quality of the built environment, and maintain the character and identity of communities. *Findings p 40*

This is a nice example of Stephen Colbert's Truthiness.

(8) Sustainable Communities and Climate Protection Act of 2008:

The Proposed Plan is consistent with SB 375. While increasing vehicle miles traveled and greenhouse gases in the immediate area, the Proposed Plan implements a condensed development pattern adjacent to transit, consistent with SB 375 and the upcoming Sustainable Communities Strategy, and therefore would be expected to contribute to decreasing regional vehicle miles traveled and greenhouse gas emissions. *Findings p 40*

Again, the population is not increasing, but if it were, it is an illusion that people will live in TOD's when they have other options. Planning for a significant population increase and attempting to attract more people to a small area increases density.

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We do not have a transit problem; we have a density problem. A city does not solve the problems of excessive density by making the city more dense. As this city noted in 1915, there is a nature growth pattern for cities with Los Angeles' geography and that is dispersal away from the core. The reason we have our bad air quality and our traffic jams is that the city allowed a few landowners to create super dense areas like Bunker Hill to maximize their real estates values.

The HCP attempts to replicate the folly of Bunker Hill and all its attendant social and health ills in order to maximize the real estate profits of a few landowners who have properties along Sunset, Hollywood, and Vine.

The proposed Alternative seeks to bring upon Hollywood all the ills which AB 375 sought to avoid — bad air, congested traffic, and poor health.

(9) Repetition Does Not Turn Fiction into Fact:

The Proposed Plan would support and benefit the region by protecting and preserving entertainment and media districts in Hollywood that sustain jobs in related industries, and that reinforce tourism as a major source of revenue and employment and a vital sector of the regional economy. *Findings p 40*

This nebulous benefits merely repeats prior alleged benefits.

(10) Platitudes without Meaning:

The Proposed Plan would support the policies and goals of the General Plan Framework Element by allowing the City to grow strategically and allow for the conservation of existing low-scale residential neighborhoods throughout the City. *Findings p 40*

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The list of alleged benefits of the proposed Alternative ends with meaningless platitudes.

3. Contrast with the Down Zoning Alternative:

The Down Zoning Alternative is consistent with the proven 20 year trend and would implement strategies to improve Hollywood by taking advantage of a declining number of people.

By HCP's admission that the No Project would have less adverse impacts in Public Services, Transportation, Air quality, Noise, the Down Zoning Alternative would ameliorate all the negative impacts more than Alternative 1, 2 or 3.

The Down Zoning Alternative which alters the current standards adopt in 1988 would provide further benefits as it would create standards that improve Hollywood as the city downsizes. The current 1998 standards have proven to allow for too much density.

One can easily see why the developers who own land on Vine and want to construct an additional one million square feet do not want the proposed Alternative to be compared with the Down Zoning Alternative. The Down Zoning Alternative would provide far, far more mitigation for each adverse impact while simultaneously providing the substantial benefits of living in a small city that is less impacted by negative forces.

SUMMARY:

The HCP, its DEIR and its FEIR had the duty to consider an Alternative 4, Down Zoning, as it was consistent with the facts and provided for an better Quality of Life for Hollywoodians.

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HCP failed to be expeditious and efficient, Pub.Res.Code, §§ 21003(f) Pub Res Code, § 21003.1 (b) The information to study the proposed Alternative #4 should be made available to the public as soon as possible. This step, however, may be impossible to achieve in the near future since recent evidence shows that the City has falsified data in some instances and in others it has simply failed to retain data.

Hollywood is in a twenty year population decline with a deteriorating infrastructure and the HCP, its DEIR and its FEIR need to study the Down Zoning Alternative #4 as it is a reasonable approach to improving the quality of life for Hollywoodians.

HP:HZC:HZC-1045