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April 16, 2012

VIA FACSIMILE (213) 978-1040
AND HAND DELIVERY

Hon. Edward P. Reyes, Chair
Hon. Jose Huizar
Hon. Mitchell Englander
Planning & Land Use Management Committee
c/o Los Angeles City Clerk
City Hall, Room 395
200 North Spring Street
Los Angeles, CA 90012

Re: Comments on the Hollywood Community Plan and Hollywood Community Plan Update Final EIR, EIR No. 2005-2158 (EIR), State Clearinghouse No. 2002041009, CPC No. 97-0043 (CPU), and related actions before and by the City Planning Commission

Dear Councilmembers Reyes, Huizar, and Englander:

These supplemental comments and objections are submitted on behalf of the La Mirada Avenue Neighborhood Association of Hollywood.

The EIR for the Hollywood Community Plan is fatally defective on any one of numerous grounds that have previously been outlined in detail by this firm and numerous members of the public. They do not all need to be recounted here, save one. It is apparent that staff still does not have it right with respect to the alternatives analysis.

According to CEQA Guideline § 15126.6(a), “[a]n EIR shall describe a range of reasonable alternatives to *the project* . . .” (emphasis added). The EIR purports to provide three alternatives; however, none of them are alternatives, leaving the EIR with no alternatives whatsoever.

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The first claimed “alternative” is the Project. A project, though, cannot be an alternative to itself. Pub. Res. Code § 21100(b)(4) (An EIR must contain a “detailed statement setting forth . . . alternatives to the proposed project.”)

The second “alternative” is the no-Project alternative. “The purpose of describing and analyzing a no project alternative is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” CEQA Guideline § 15126.6(e)(1). The description of what happens should the status quo continue, however, is not an alternative for the purpose of establishing and analyzing the reasonable range of alternatives, as required CEQA. Planning and Conservation League v. Department of Water Resources (2000) 83 Cal.App.4th 892, 917-18.

That leaves only what the EIR calls Alternative #3, the SCAG 2030 Forecast alternative, which assumes a marginally smaller population, dwelling unit count, and commercial/industrial square footage. ***This is not an alternative to the Project.***

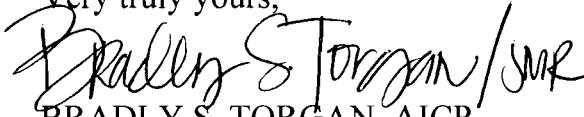
A project “means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. . . .” Pub. Res. Code § 21065. An alternative to the Project must also be an activity which may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

The Hollywood Community Plan, the Project here, consists of policies, a land use map, and a matrix of land uses, amongst other things. ***Nowhere*** in the EIR are there any alternative policies, land use maps or matrices identified, let alone analyzed. All Alternative #3 does is take the Project – unchanged – and assumes that the number of people who move to, shop, or work in Hollywood will be a little bit less than the number of people who will do the same if the Project projections come to fruition. ***This is not an alternative to the Project.*** An alternative projection itself is not an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Rather, it is the outcome of that activity.

As a result, the EIR fails to provide the reasonable range of alternatives as required by CEQA. For this, and all other reasons detailed in prior correspondence, we

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respectfully request that the Final EIR not be certified and the Hollywood Community Plan be rejected.

Very truly yours,

BRADLY S. TORGAN, AICP
FOR
THE SILVERSTEIN LAW FIRM

BST:jmr

cc: Sharon Gin, PLUM Committee Leg. Asst. (via email Sharon.Gin@lacity.org)