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Thursday, May 10, 2012

All City Councilmembers
Los Angeles City Hall
Los Angeles, California 90012

Via email only

RE: Hollywood Community Plan, Council File #: 12-0303

Dear Honorable Councilmembers:

This office represents Citizens Coalition - Los Angeles [CCLA], Hollywoodians Encouraging Logical Planning [HELP], Save Hollywood.Org, and other individuals in the Hollywood area with respect to the Hollywood Community Plan.

I am writing in my endeavor to ward off litigation on the Hollywood Community Plan. As some of you know, various community groups are already geared up for litigation. At last Tuesday's PLUM hearing, Chairman Reyes went into closed session to confer with the City Attorney and Planning staff. Such a closed meeting is permitted only when there is "significant exposure to litigation." The possibility of litigation does not merit a closed session. Thus, action of the PLUM Committee and the City Attorney admits that the HCP has created significant exposure to bone fide litigation.

That fact that the City will definitely be sued over the HCP should not in and of itself carry the day, but there factors which strongly favor the Council's returning the Hollywood Community Plan to be redone from scratch.

1. The Plan Diverts Money From Other Council Districts:

Unlike many other land use matters, the Hollywood Plan impacts the entire city. By falsely claiming the need to provide for 250,000 persons in 2030, Hollywood is inflating its need for infrastructure dollars by 60,000 persons.

According to the 1990, 2000 and 2010 US Census data, Hollywood has been experiencing a twenty (20) year decline in population. As of 2010, Hollywood had only 198,228 persons. Nonetheless, CD 13 insists on incorrectly claiming that Hollywood had 224,426 ppl in 2005. Such a proven false number is used to make the falsely projected 250,000 ppl in 2030 seem reasonable. That would only be an additional 1,000 per year over 25 years. That would appear sensible if the population had grown from 210,794 in 2000 to 224,426 five years later in 2005. That would be an increase of 23,000 people in 5 years, making an additional 25,000 ppl in 25 years eminently reasonable. The growth from 210,794 to 224,426 ppl was an illusion, a falsehood, a fictitious condition.

It is “illusory” to assume something is happening (and use it for a baseline) when it is not happening and never has, such as with the NOx emissions in *CBE. Neighbors for Smart Rail v Exposition Metro Line Authority*, April 17, 2012, slip p 16

There has been no population increase in Hollywood over the last twenty years. Rather, US Census has proven that we have had a 7.3% population decline since 1990. The real situation is that there is no factual basis to expect the population decline to stop and certainly no fact to believe that the downward trend will become an upward trend. Down is not Up, no matter how Councilmembers want to spin it.

The City knows that the real population in 2000 was 210,794 and in 2010, the population was down to 198,228. Thus, it is false to use the SCAG 224,426 ppl number for 2005. That makes the Plan based on an illusion.

In planning infrastructure, however, the City uses the numbers in the Hollywood Community Plan in order to misleadingly aggrandize the need for infrastructure dollars for Hollywood. In a broke City, those funds will come

from the other districts, whose populations are increasing. Other parts of the City are in fact legitimately adding population, but their community plans are years in the future. Thus, if the Hollywood Community Plan were to be adopted, it would supersede other plans which are being revised.

Therefore, each councilmember has to decide whether he/she wants to deprive his/her district of future infrastructure by supporting the materially false Hollywood Community Plan.

2. Litigation Will Hold Up Other Community Plans:

When this Plan enters litigation, there will be between one year and 18 months at the trial court level and then it will go to the appellate level for another year to 18 months. No one knows whether there will be a reason for the Supreme Court to take the case. Thus, a reasonable estimate for the litigation is two to three years.

In the meanwhile, the other Community Plans will be in limbo. If the City chooses to defend its practices with the HCP in court, then Planning will have to wait for a judicial determination how it may proceed on the other community plans.

For example, the City failed to follow its own General Plan Framework to annually update forecasts so that the City would base future community plans on facts and not fictitious data. The City failed to make the annual updates. Thus, the court will be asked to decide the impact on a community plan when the City fails to provide any updates. Once in litigation the City will have tied itself to one position – which has an extremely high likelihood of being rejected by the courts.

If, however, the City wisely returns the Hollywood Community Plan to be re-done from scratch, then one of the other community plans will be first in line. Because the City will not be defending the indefensible in court, City Planning will be able to adopt better procedures with these other Plans.

3. The Problem with Stale Data:

After three years of litigation, it will be 2015, half-way to the next census and by the time the Planning Department writes and circulates a new Draft EIR, it will be 2017 or 2018 and once again the population data will be out-dated as the revised Plan is being finalized. It could be 2021 or 2022 before the Hollywood Community Plan comes before the City Council after all the litigation has been exhausted and the Plan has been redone and re-circulated.

Of course, the same delay will occur with all the other community plans as they will not know what way to proceed until the final court ruling on the Hollywood Plan. If the City's actions with the other community plans is consistent with the approach that it will be defending in court, then it is highly probable that all the work done on the other community plans in the next three years will turn out to be a waste.

Therefore, I suggest that the council return the Hollywood Community Plan to begin from scratch at this time. That is the only way the City will make any progress on its community plans in this decade.

Thank for taking the time to consider this matter. While most of the documentation has been added to the Administrative Record, this office would be glad to assist in your locating data to help with your own analysis of this situation.

All City Councilmembers
Thursday, May 10, 2012

Via email only

Very truly yours,

Richard MacNaughton

Richard MacNaughton

electronically signed

RMN:ra