

THE SILVERSTEIN LAW FIRM*A Professional Corporation*215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504
PHONE: (626) 449-4200
FAX: (626) 449-4205**FACSIMILE TRANSMITTAL SHEET**

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FROM: Bradly S. Torgan, Esq.	CLIENT/MATTER NO.: L1336-020

<i>NAME</i>	<i>FAX NO.</i>	<i>PHONE NO.</i>
Hon. Edward P. Reyes, Chair Hon. Jose Huizar Hon. Mitchell Englander Planning & Land Use Management Committee City of Los Angeles	(213) 978-1040	
Ms. June Lagmay, City Clerk City of Los Angeles	(213) 978-1027	

MESSAGE:

Please see attached for distribution to members of the PLUM Committee. Thank you.

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A Professional Corporation

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PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

BRAD@ROBERTSILVERSTEINLAW.COM
WWW.ROBERTSILVERSTEINLAW.COM

May 4, 2012

VIA FACSIMILE (213) 978-1040

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

Re: Further 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. Please ensure that this
correspondence is placed in Council File 12-0303 and the record of proceedings in this
matter.

If the folly of continuing to use the SCAG projection as the baseline is still not
readily apparent, then a Court of Appeal decision issued the same day that the PLUM
Committee last considered the HCP Update, Neighbors For Smart Rail v. Exposition
Metro Lone Construction Authority, (April 17, 2012, B232655) ___ Cal.App.4th ___
("NSFR"), removes all doubt.¹

The baseline question was slightly different in NSFR than it is here, the use of a
hypothetical future condition as a baseline. The Court held that a hypothetical future
condition could be used as a baseline "when supported by substantial evidence." Slip op.

¹ We note that the City filed an Amicus Curiae brief on behalf of the Authority,
prevailing party in the case.

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at 14. A factor important to the Court's decision was "the reliability of the projections." Slip op. at 18-19.

These concepts, however, apply to *any* baseline. Whatever baseline is used must be grounded in substantial evidence and have some indicia of reliability. See slip op. at 16 ("It is 'illusory' to assume something is happening (and use it for a baseline) when it is not happening and never has..."). As applied here, the SCAG 2005 projection has no substantial evidence to support it and no longer has any indicia of reliability. It has been shown to be illusory. It did not happen. The failure of the EIR to summarily reject it means it still relies on the SCAG 2005 projection as the baseline, even as it creates deliberate ambiguity in order to suggest otherwise.

To claim that the HCP area must be allowed to grow is a red herring. Even though Hollywood has gradually lost population over the last twenty years, no one has challenged the notion that Hollywood should not grow and the existing HCP does provide for growth.² SCAG also projects that 20,176 new residents would move into the HCP area during the plan horizon.³ Using the SCAG estimate with the 2010 census figure of 198,228 as the correct baseline, 218,404 residents will call the HCP area home in 2030.⁴

This correct figure is easily accommodated within the existing Hollywood Community Plan. Providing for that amount of growth also reflects the growth neutral approach required by the General Plan Framework Element. Anything beyond that is growth inducing.

² In one respect, Hollywood has grown over the last decade, even as population has decreased, with at least 110 subdivisions in the zip codes serving Hollywood and Los Feliz approved between 2003 and mid-2011. (Exh. 1). This subdivision activity in the face of decreasing population, though, could be an indicator of an oversupply of housing.

³ The EIR indicates that the Plan is providing for 24,636 more residents during the plan horizon to provide a small cushion. (EIR, p. 6-2).

⁴ Even use of this number may be high. As we pointed out in our correspondence on the Draft EIR dated June 1, 2011, SCAG has a history of overestimating population.

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With the correct baseline, the HCP Update actually provides for 50,834 new residents, more than double the natural growth that SCAG projects. Although the EIR refuses to acknowledge it, this makes the HCP Update growth inducing.

The EIR reaches a contrary conclusion using an incorrect and far too narrow approach to growth inducement and reading of the CEQA Guidelines. It suggests that a project is growth inducing only if it extends infrastructure into an area undeveloped or lacking adequate infrastructure, or provides housing/employment into an area undeveloped or lacking adequate housing/employment. This is not supported by the language of CEQA Guidelines § 15126.2(d):

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.

Land use plans, through the imposition of land use classifications and zoning, by definition create obstacles to growth. Changing the land use plan in a way that permits an increase in the number of new residents beyond that which is projected removes obstacles for growth. This is not to suggest that this is necessarily beneficial, detrimental, or of little significance to the environment. It is simply a statement of the obvious that the EIR refuses to recognize.

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For this, and all other reasons detailed in prior correspondence, we respectfully request that the Final EIR not be certified and the Hollywood Community Plan Update 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)
Kevin Keller, AICP, Sr. City Planner (via email kevin.keller@lacity.org)
Ms. June Lagmay, City Clerk (via facsimile (213) 978-1027)

Tentative Tract Cases Decided Since 2003
As of August 25, 2011

Date Decided	Address	Proposed Project
02-Apr-2003	1951 N BEACHWOOD DR 90068	1-LOT SUBDIVISION FOR A 21-UNIT RESIDENTIAL CONDOMINIUM
02-Mar-2004	717 N CAHUENGA BLVD 90038	VESTING TENTATIVE TRACT
07-Apr-2004	4801 W LOS FELIZ BLVD 90027	TENTATIVE TRACT
04-May-2004	3619 N REGAL PL 90068	TENTATIVE TRACT
24-May-2004	853 N WILCOX AVE 90038	TENTATIVE TRACT MAP
28-May-2004	6523 W HOLLYWOOD BLVD 90028	TENTATIVE TRACT
01-Jul-2004	1176 N MYRA AVE 90028	43 UNIT LIVE/WORK DEVELOPMENT
07-Sep-2004	7660 W HAWTHORN AVE 90028	TENTATIVE TRACT MAP- 18-UNIT
14-Sep-2004	6014 W BARTON AVE 90038	1-LOT FOR A MAXIMUM OF 5-UNIT CONDOMINIUM.
14-Sep-2004	5937 W WILLOUGHBY AVE 90038	1-LOT FOR A MAXIMUM OF 5 UNIT CONDOMINIUM
20-Sep-2004	2257 N GOWER ST 90068	TENTATIVE TRACT MAP
05-Nov-2004	5806 W WARING AVE 90038	TENTATIVE TRACT MAP TO ALLOW A 15-UNIT RESIDENTIAL CONDOMINIUM.
03-Dec-2004	1455 N BRONSON AVE 90028	VESTING TENTATIVE TRACT- 5-UNIT NEW CONDOMINIUM
09-Dec-2004	1523 N GORDON ST 90028	VESTING TENTATIVE TRACT- 12-UNIT NEW CONDOMINIUM
25-Feb-2005	6735 W YUCCA ST 90028	VESTING TENTATIVE TRACT 62015 FOR 54 CONDOS WITH 135 PARKING SPACES IN THE
04-Mar-2005	2020 N HOLLY DR 90068	A TENTATIVE TRACT MAP TO ALLOW A 16-UNIT RESIDENTIAL CONDOMINIUM PROJECT
07-Mar-2005	1023 N WILCOX AVE 90038	A TENTATIVE TRACT MAP TO ALLOW AN 8-UNIT RESIDENTIAL CONDOMINIUM PROJECT
09-Mar-2005	817 N ALFRED ST 90069	TENTATIVE TRACT
17-Mar-2005	714 N GROFT AVE 90069	VESTING TENTATIVE TRACT
06-May-2005	936 N HUDSON AVE 90038	A TENTATIVE TRACT MAP TO ALLOW AN 8-UNIT RESIDENTIAL CONDOMINIUM PROJECT
25-May-2005	717 N HIGHLAND AVE 90038	VESTING TRACT MAP- 27-UNIT NEW LIVE-WORK PROJECT ON VACANT SITE.
08-Jul-2005	4005 W MONROE ST 90029	12-UNIT CONDOMINIUM
15-Jul-2005	1645 N VINE ST 90028	VESTING TENTATIVE TRACT- 10 AIR SPACE LOTS OF WHICH AIR SPACE LOT #3 TO INCL
09-Aug-2005	928 N GROFT AVE 90069	A TENTATIVE TRACT MAP TO ALLOW A 12-UNIT RESIDENTIAL CONDOMINIUM PROJECT
25-Aug-2005	5420 W HAROLD WAY 90027	TENTATIVE TRACT MAP (TT 62786)
29-Sep-2005	6600 W SUNSET BLVD 90028	NEW 9-UNIT MIXED USE CONDOMINIUM
21-Oct-2005	3341 W ROWENA AVE 90027	SIX DETACHED SINGLE FAMILY UNITS
02-Nov-2005	5821 W GAMERFORD AVE 90038	A TENTATIVE TRACT MAP TO ALLOW A 15-UNIT RESIDENTIAL CONDO PROJECT ON 12,1
07-Nov-2005	812 N HUDSON AVE 90038	8-UNIT CONDO CONVERSION
07-Nov-2005	945 N HUDSON AVE 90038	A TENTATIVE TRACT MAP TO ALLOW AN 8-UNIT RESIDENTIAL CONDOMINIUM PROJECT.

12-Dec-2005	816 N JUNE ST 90038	TENTATIVE TRACT MAP
12-Dec-2005	6036 W CARLTON WAY 90028	TENTATIVE TRACT MAP- 32-UNIT
13-Dec-2005	837 N HUDSON AVE 90038	A TENTATIVE TRACT MAP TO ALLOW A 25-UNIT RESIDENTIAL CONDOMINIUM IN THE R3
28-Dec-2005	1600 N VINE ST 90028	MIXED USE VESTING TENTATIVE TRACT FOR AIR SPACE LOTS
04-Jan-2006	803 N WILCOX AVE 90038	14-UNIT CONDO
31-Jan-2006	1325 N SYCAMORE AVE 90028	A TENTATIVE TRACT MAP TO ALLOW A 10-UNIT RESIDENTIAL CONDOMINIUM PROJECT
08-Feb-2006	6683 W FRANKLIN AVE 90068	9-UNIT CONDOMINIUM PROJECT
17-Feb-2006	1717 N VINE ST 90028	TENTATIVE TRACT FOR COMMERCIAL/RESIDENTIAL CONDOS
22-Feb-2006	1538 N CAHUENGA BLVD 90028	32 UNIT CONDOMINIUM DEVELOPMENT
22-Feb-2006	1427 N COLE PL 90028	NEW 48-UNIT RESIDENTIAL CONDO'S
10-Mar-2006	5825 W SUNSET BLVD 90028	20 RESIDENTIAL CONDOMINIUM UNITS, 54 APARTMENTS AND 2000 SF OF COMMERCIAL
21-Mar-2006	3450 N CAHUENGA BLVD 90068	A VESTING TENTATIVE TRACT MAP TO ALLOW A 67-UNIT RESIDENTIAL CONDOMINIUM
06-Apr-2006	2271 N BEACHWOOD DR 90068	6 UNIT CONDOMINIUM CONVERSION
11-Apr-2006	5841 W CARLTON WAY 90028	A TENTATIVE TRACT MAP TO ALLOW A 15-UNIT RESIDENTIAL CONDOMINIUM PROJECT
18-Apr-2006	2116 N CAHUENGA BLVD 90068	A VESTING TENTATIVE TRACT MAP TO ALLOW A 21-UNIT RESIDENTIAL CONDOMINIUM
09-May-2006	5827 W CARLTON WAY 90028	12-UNIT NEW RESIDENTIAL CONDO.
11-May-2006	1800 N WHITLEY AVE 90028	A VESTING TENTATIVE TRACT MAP TO ALLOW A 32-UNIT RESIDENTIAL CONDOMINIUM
22-May-2006	1729 N LAS PALMAS AVE 90028	ONE LOT FOR A MIXED-USE 218 UNIT RESIDENTIAL CONDOMINIUMS.
31-May-2006	5842 W HAROLD WAY 90028	12-UNIT NEW RESIDENTIAL CONDO.
06-Jul-2006	6142 W FRANKLIN AVE 90028	NEW 146-UNIT RESIDENTIAL CONDO.
11-Jul-2006	1120 N EL CENTRO AVE 90038	18 RESIDENTIAL CONDOMINIUMS
13-Jul-2006	1900 N KENMORE AVE 90027	RESIDENTIAL CONDOMINIUM CONVERSION OF 16 UNITS
04-Aug-2006	1755 N EL CERRITO PL 90028	A TENTATIVE TRACT MAP TO ALLOW A 25-UNIT RESIDENTIAL CONDOMINIUM CONVERS
14-Aug-2006	5662 W LA MIRADA AVE 90038	28 RESIDENTIAL CONDOMINIUM CONVERSION
24-Aug-2006	920 N WESTERN AVE 90029	36-UNIT RESIDENTIAL CONDO; 4-COMMERCIAL CONDO.
29-Aug-2006	1717 N GRAMERCY PL 90028	4 STORY, 50 UNIT CONDO
07-Sep-2006	7016 W HAWTHORN AVE 90028	NEW 100 UNIT CONDOMINIUM
08-Sep-2006	5831 W SUNSET BLVD 90028	81-UNIT RESIDENTIAL CONDOMINIUM PROJECT
27-Sep-2006	7060 W HOLLYWOOD BLVD 90028	ADAPTIVE REUSE OF AN EXISTING 140 UNIT OFFICE BUILDING WITH 8 COMMERCIAL UN
06-Oct-2006	722 N WILCOX AVE 90038	32 NEW CONDOS
21-Dec-2006	6516 W FOUNTAIN AVE 90038	VESTING TENTATIVE TRACT
27-Dec-2006	5553 W HOLLYWOOD BLVD 90028	90 NEW CONDOS
12-Jan-2007	2775 N CAHUENGA BLVD 90068	VESTING TENTATIVE TRACT MAP FOR A 42-SMALL LOT SUBDIVISION.
29-Jan-2007	5836 W CAMERFORD AVE 90038	NEW 6-UNIT 3-STORY RESIDENTIAL CONDOMINIUM.

02-Feb-2007	1258 N GOWER ST. 90038	NEW 12-UNIT RESIDENTIAL CONDOMINIUM
23-Feb-2007	1759 N NEW HAMPSHIRE AVE 90027	A TENTATIVE TRACT MAP TO ALLOW AN 8-UNIT RESIDENTIAL CONDOMINIUM PROJECT
28-Feb-2007	755 N SWEETZER AVE 90069	15-UNIT RESIDENTIAL CONDO-CONVERSION.
28-Feb-2007	1420 SIERRA BONITA AVE N	51-UNIT RESIDENTIAL CONDO-CONVERSION.
27-Mar-2007	6001 W CARLTON WAY 90028	42 NEW CONDOS
29-Mar-2007	1250 N KINGSLEY DR. 90029	20 UNIT RESIDENTIAL CONDOMINIUM CONVERSION
16-Apr-2007	855 N CROFT AVE 90069	DEMOLITION OF FOUR APARTMENT BUILDINGS AND THE MERGER AND SUBDIVISION C
17-Apr-2007	2218 N BEACHWOOD DR 90068	RES CONDO CONV - 18 UNITS
30-Apr-2007	1540 N VINE ST 90028	MIXED USED WITH 306 CONDOMINIUM UNITS AND 67,500 GROUND FLOOR.
30-Apr-2007	5661 W SANTA MONICA BLVD 90038	437 RESIDENTIAL CONDOMINIUM UNITS WITH 263,780 SF OF COMMERCIAL SPACE
02-May-2007	6140 W CARLOS AVE 90028	COMMERCIAL/RESIDENTIAL/JOINT LIVE-WORK CONDOS
18-Jun-2007	5843 W GREGORY AVE 90038	5 NEW CONDOS
11-Jul-2007	1426 N SERRANO AVE 90027	10-UNIT NEW RESIDENTIAL CONDOMINIUM.
14-Aug-2007	4454 W AVOCADO ST 90027	5 UNIT NEW RESIDENTIAL CONDO.
16-Aug-2007	1245 N NEW HAMPSHIRE AVE 90029	10 RESIDENTIAL CONDOMINIUMS
16-Aug-2007	1763 N LAS PALMAS AVE 90028	24-UNIT NEW RESIDENTIAL CONDOMINIUM.
13-Sep-2007	937 N WILCOX AVE 90038	7-UNIT RESIDENTIAL CONDO-CONVERSION.
28-Sep-2007	5633 W CARLTON WAY 90028	TENTATIVE TRACT MAP NO. 66205
15-Oct-2007	5636 W LEXINGTON AVE 90038	7-UNIT NEW RESIDENTIAL CONDOMINIUM.
19-Nov-2007	5663 W MELROSE AVE 90038	MIXED USE DEVELOPMENT WITH 96 RESIDENTIAL CONDOMINIUMS AND 3,350 SF OF GR
30-Nov-2007	6143 W FOUNTAIN AVE 90028	5 RESIDENTIAL CONDOMINIUMS
07-Dec-2007	5958 W CARLTON WAY 90028	DEMOLITION OF A 8 UNIT MULTI-FAMILY RESIDENTIAL AND 4 SINGLE FAMILY HOMES F
27-Dec-2007	1846 N CHEROCKEE AVE 90028	15 NEW RESIDENTIAL CONDOMINIUMS
12-Feb-2008	829 N CROFT AVE 90069	15 NEW CONDOS
29-Feb-2008	6740 W FRANKLIN PL 90028	11 RESIDENTIAL CONDOMINIUM CONVERSION
29-Feb-2008	1853 N GARFIELD PL 90028	6-UNIT NEW RESIDENTIAL CONDO.
11-Mar-2008	6516 W SELMA AVE 90028	50 NEW COMMERCIAL CONDOS.
20-Mar-2008	752 N WILCOX AVE 90038	TENTATIVE TRACT MAP
01-Apr-2008	6230 W YUCCA ST 90028	MIXED USE DEVELOPMENT, 95-RESIDENTIAL CONDOMINUMS WITH 10-COMMERCIAL CC
04-Apr-2008	1830 N WILCOX AVE 90028	36 NEW RESIDENTIAL CONDOMINIUMS
09-Apr-2008	1152 N BEACHWOOD DR 90038	DEMO (E) DUPLEX AND CONSTRUCT AN 8-UNIT, 5-STORY, 45' HIGHT CONDOMINIUM WI
21-Apr-2008	5401 W LA MIRADA AVE 90029	5 SMALL LOT SUBDIVISION
30-Apr-2008	5823 W LEXINGTON AVE 90038	9 NEW CONDOS
01-May-2008	6290 W SUNSET BLVD 90028	ADAPTIVE REUSE

22-May-2008	5933 W SUNSET BLVD 90028	MIXED-USE DEVELOPMENT (305 RESIDENTIAL CONDOS, 26 COMMERCIAL CONDOS, 1 P
22-May-2008	929 N HYPERION AVE 90029	12 SMALL LOTS
19-Jun-2008	1225 N VERMONT AVE 90029	MIXED USE: 24 UNIT-NEW RESIDENTIAL CONDOMINIUM AND 7 COMMERCIAL UNITS
29-Jul-2008	1321 N HOBART BLVD 90027	6 NEW CONDOS
30-Sep-2008	914 N HOOVER ST 90029	10 SMALL LOTS AND 11 UNITS
26-Nov-2008	6527 W LELAND WAY 90028	CONSTRUCTION OF AN 11-UNIT RESIDENTIAL CONDOMINIUM COMPLEX OVER 3-LEVEL
15-Jan-2009	4875 W LEXINGTON AVE 90029	9 NEW CONDOS
16-Jan-2009	2247 N HYPERION AVE 90027	11 NEW RESIDENTIAL CONDOS
27-Jan-2009	5546 W HOLLYWOOD BLVD 90028	6 STORY MIXED USE 5-UNIT COMMERCIAL CONDOMINIUM AND 216 RESIDENTIAL COND
17-Feb-2009	1850 N CHEROKEE AVE 90028	39 NEW RESIDENTIAL CONDOMINIUMS
23-Jun-2009	6915 W MELROSE AVE 90038	13 RESIDENTIAL CONDOMINIUMS WITH 7,503 SF OF COMMERCIAL SPACE
17-Jul-2009	5007 W MARATHON ST 90029	18 UNIT RESIDENTIAL CONDOMINIUM CONVERSION
29-Sep-2009	810 N GROFT AVE 90069	6-UNIT, NEW RESIDENTIAL CONDOMINIUM
19-Feb-2010	7089 W HAWTHORN AVE 90028	56-NEW CONDOS AND 9,000 SQUARE FEET OF COMMERCIAL SPACE
15-Jul-2010	6121 W SUNSET BLVD 90028	MIXED USE PROJECT: OFFICE, HOTEL, COMMERCIAL/RETAIL INCLUDING BAR/RESTAUF
11-Aug-2010	817 N ALFRED ST 90069	CONSTRUCT 18 UNIT NEW CONDOS WITH GUEST PARKING.
14-Oct-2010	6100 W HOLLYWOOD BLVD W 90028	MIXED USE (176 RESIDENTIAL CONDOMINIUM UNITS&6,200SQ FT OF COMMERCIAL SPAK

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