

June 18, 2012

Los Angeles City Council  
Honorable Herb Wesson, Council President  
200 North Spring Street  
Los Angeles, CA 90012

***Sent Via Email***

Subject: Hollywood Community Plan and  
Hollywood Community Plan Update  
LA City CF No. 12-0303  
EIR No. 2005-2158 (EIR), CPC No. 97-0043 (CPU), and  
Related actions before the City Council

Dear Council President Wesson and Councilmembers:

I am submitting objections to Council File No. 12-0303 which is scheduled to be heard on Tuesday, June 19, 2012 under the City Council Regular Agenda Item No. 4. Please ensure they are placed into the record of proceedings in this matter.

Significant information was added to the EIR and Draft EIR as "Addition to the EIR" and "Second Addition to the EIR" dated May 18, 2012 and June 14, 2012 respectively.

Both of these additions are part of the administrative record and were added after the May 8, 2012 Planning and Land Use Management (PLUM) Committee meeting and after public hearing was closed on this item.

The Second Addition to the Hollywood Final EIR includes the following components:

- 1) Additional Responses to correspondence received since publication of the Final EIR that address environmental issues. These comments were submitted after the close of the 90-day Draft EIR circulation and comment period.
- 2) Additional Corrections and Additions to further clarify the Draft and Final EIR
- 3) Revised Mitigation Monitoring Program (MMP)

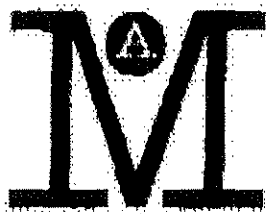
Adding significant new CEQA content without recirculation is a failure to proceed in the manner required by law. This error cannot be fixed in a Final EIR because it forecloses meaningful public review and comment. (Mountain Lion Coalition v. Fish & Game Com. (1989) 214 Cal.App.3d 1043, 1052.)

Sincerely,

*Robert Blue*

Robert Blue

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● **McQUISTON ASSOCIATES**

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June 18, 2012

CF12-0303

ITEM 4, COUNCIL 6/19/12

P. Lattimore

**STATEMENT of J.H. McQUISTON on  
HOLLYWOOD PLAN AMENDMENTS**

Honorable President and Members of the Council:

**Please observe that the PLUM Committee passed this matter to the Council without a final recommendation.**

**Please observe that the PLUM "report" contains amendments proposed by others than the City Planning Department but not approved by the City Planning Commission, and not approved by anyone to-date.**

**1. McQuiston Statement on Record**

My Statement to the PLUM Committee dated May 6, 2012 and in this Council File warned the Committee:

"March 27, the Planning Department published a list of proposals for changes to the Amended Plan, after the Planning Commission had finished its work and publicized coincident with the earlier PLUM hearing.

One proposal was submitted by a CD5 Deputy regarding a zone change he personally-wanted, for one industrial block between Romaine and Willoughby on La Brea Avenue (West side only) [i.e., "PLUM 'Submittal' Item 4 g: Revise Subarea 39.4 from MR1-2D to M1-2D"].

**The CD5 deputy is a Defendant in a Federal Civil Rights action regarding one property on that block. Two of the PLUM Members are also Defendants in the Federal Civil Rights action hereinbefore stated. The above Defendants are being sued in their personal capacities, with also the Mayor and the City itself. A separate action is also underway in State Court regarding their tortious acts about this same property.**

The actions arise because of their affirmative acts to give "permission", to use a LaBrea property in violation of State Constitution and Laws and Federal Constitution and Laws.

**\* \* \* I suggest that the better approach is to lay the CD5 Deputy's proposal on the table until both Court actions are final, regarding that block. The remaining Hollywood Plan amendments may be processed by PLUM and moved to the Council without further risk of liability from the above Court actions."**

**This matter is now before the Council without PLUM Recommendation, and open for initial decision by this Council after public comment.**

**2. McQuiston's Recommendation to the Council**

This block is *interior to, and an important part of, the Council's prior allocation of a small area to its exclusive use for the support of Los Angeles' "Hollywood Industry"*.

**Without "MR-1" preservation, the area used to support "Hollywood Industry" was converted into high-priced "Commercial Uses" which was driving-away Los Angeles' primary job-creator and tourism.**

It is not legally-justifiable to overturn the prior City deliberation which created the MR-1 zoning restriction **without substantial reasoning set forth in the EIR. To the contrary, the EIR and its predecessors and Planning Studies set forth substantial reasoning why this block and all others similarly-zoned MR-1 must be preserved as-is.**

And, the City Planning Commission supported the MR-1 retention.

### 3. Prior litigation of a similar situation

Several Courts of Appeal have established the rule that a zoning restriction is required to be supported by reasonable evidence in order to take away an economic "right" of a property owner. In the case of this City's 1976 "down-zoning" of a part of Hollywood's M-zoned area to MR-1, the City's written Purpose was to stop further degradation and loss of critical parcels required to retain the "Hollywood" Industry for Los Angeles, after considerable conversions "by-right" from Industrial to Commercial occurred.

It is certain that Courts of Appeal support the City's designation of MR-1 as a legitimate action to protect the City.

Several cases illustrate that *it is not correct to carve-out a piece of a protected subarea for non-conforming use*. See, e.g., *Buckles v King County*, 191 F3d 1127 (9<sup>th</sup> Cir 1999); *Dale v City of Mountain View*, 55 Cal App 3d 101 (C A 1 1976); *Agins v City of Tiburon*, 447 U.S. 255 (S Ct 1980).

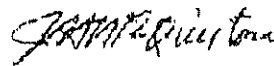
**I agree, and I support retention of MR-1 for Subarea 39.4.**

### CONCLUSION

The prudential option for this Council is to remove from current approval the proposition of the CDS Deputy, per Item 4 g of suggestions not approved by the City Planning Commission, but otherwise incorporated "by privilege" in the PLUM "non-Report".

The limited and already too-small subarea restricted to "Hollywood Media Support" must not be further reduced without periling Los Angeles' major industry and the City's source of substantial tourist income.

Respectfully submitted,



c: Interested parties

J. H. McQuiston  
Concerned Owner of Media-restricted property