

To: PLUM Committee
Date: August 29, 2017
Council File: 17-0531
Case: ZA-2016-1009-PAB
Environmental: ENV-2016-1010-CE-1A

Timeline:

Aug 21-23 – Brown Act noticing error preventing 24-hours access to hearing notice

Aug 23 – improperly noticed hearing held

Sept 18 – last day to act

Sept 19 – loss of jurisdiction

Sept 20 – no extension of time to act requested by applicant in planning file

Sept 21 – letter to cure and correct filed

Nov 29 – action invalidating determination of Aug 23 hearing and hearing held in in excess of jurisdiction over objection by appellant

Jan 13 – determination letter of Nov 29 hearing

Jan 30 – complaint of hearing violation and appeal of Nov hearing filed

There is no provision in the Brown Act or in the LA Municipal Code that allows for an automatic extension of time for the APC to act on an application when a Brown Act cure and correct action is complied with nor is there any case law to support it and the City cannot extend time on its own for that would invalidate the whole purposes of jurisdictional time limits.

This is not technicality for the sake of technicality. A 6th full-line on-site liquor license is unreasonable in close proximity to a residential area on all sides of the project location. Open ended invoking of the “public convenience or necessity” argument is an abuse of the provision. It effectively eviscerates population standards in the state ABC law.

Environmental concern is significant. Multiple high-traffic businesses are located in a 2 block area. There is a theater and 5 restaurants all with valet parking agreements necessitated by inadequate on-site parking. The addition of another valet parking agreement crossing Franklin at Bronson will cause more traffic – it has been not studied. Traffic congestion on Franklin is critical – there are 15-20 min delays to reach the northbound Hollywood Fwy and the street is clogged for hours. Metro route 206 and the Hollywood loop and Beachwood DASH busses can't run on time and frequently have to skip runs cheating residents out of the bus service they deserve and to which they are entitled. A supermarket and one of the two strip malls were built prior to the enactment of CEQA. Subsequent businesses were allowed with only CE's and one MND. The current application CE ignores the problem of all these cumulative effects. If all these projects were applied for at once it would certainly need an EIR. Now that there is another large project proposed at Western and Franklin the problem grows even greater. An EIR is what is needed now.

The traffic situation on Franklin is part of a larger problem of the egregious error of designating Hollywood a Regional Center. That massive error in planning is causing deleterious effects for the entire LA metropolitan area. Hollywood is boxed in on the north and the west by a mountain range with only a few two lane traffic corridors. Two of the freeways that were part of the original 1949 master plan that would have run from the Hollywood Bowl to LAX and from Beverly and Vermont along Melrose through West Hollywood and Beverly Hills to the City of Santa Monica were never built. The Red Line is not a substitute for those missing and inadequate traffic routes. Pass-through commuter traffic of tens of thousands of cars is funneled on aging and narrow surface streets between downtown and the west side and the valley to the south bay. Adding the Hollywood Chamber of Commerce and the City Planning Department drive to create Hollywood as a tourist destination and the many entertainment venues in the area has

created a perfect storm of disaster for Hollywood residents. And so, the community is in a permanent state of war against a Planning Department and mayor who appoints planning commissioners and officers who allow the abuse to occur.

Why are there so many non-applicant appeals? Because the City is putting the interests of developers above the rule of law. If the City would just obey its own laws and put the interests of residents first we wouldn't be having any of the problems I just mentioned.

The only valid action is for the PLUM to rescind the illegal approval of the project by the APC on Nov 29 in excess of its jurisdiction and for the applicant to wait the required amount of time to reapply, this time with an EIR to study the cumulative impacts of this and all the related projects in the area.

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