

December 5, 2011

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Fix The City

Los Angeles Planning Commission  
City Hall Council Chambers- Room 340  
200 N. SPRING STREET, LOS ANGELES, CALIFORNIA 90012  
Attention: James.K.Williams@lacity.org

RE: CPC-2005-6082-CPU, CEQA: ENV-2005-2158-EIR  
Related Case: CPC-1997-43-CPU

Dear Commissioners,

We would like to highlight several fatal flaws in the proposed Hollywood Community Plan Update (HCP) Final Environmental Impact Report (FEIR).

While the growth-inducing policies contained in the HCP are certainly a matter of opinion, our comments do not address the policy aspects of the HCP. Rather, we focus on the insufficiencies of the environmental review provided in the FEIR.

The FEIR flaws can be roughly summarized as follows:

**1. Improper Mitigations**

The FEIR relies on mitigations which are unfunded, contingent on third party actions or are simply not mitigation in that they encourage an action rather than take an action. This is the same class of issue that caused the original General Plan Framework to be rejected by the courts. (TIMP unfunded and depended on third parties).

**2. Mitigation Phases Inconsistent**

Many mitigations are designated to occur and be monitored in the "pre-construction" phase of the HCP – namely pre-implementation. Many of those mitigations would appear to be essential to the FEIR's conclusions of reduced impact over the long term.

**3. Baseline Issues**

The FEIR uses an out-of-date and irrelevant baseline year of 2005. This date is before the economic meltdown and before the City was forced to make substantial and material cuts to virtually all public services, including first-responder services. The FEIR also fails to take into account the newly-disclosed deficiencies in infrastructure of the City, including streets, water, power, sewers, and sidewalks. (Including deferred maintenance which LADWP deemed "unsustainable.")

**4. Inconsistency With The General Plan**

The General Plan Framework Element contains clear mandatory direction to the City on how Community Plan Updates are to proceed. It states:

*“The Department of City Planning shall periodically review the need to either revise or update the citywide elements, including the Citywide General Plan Framework Element, and the Community Plans. The results of this periodic review, when conducted, shall be reported to the City Planning Commission, the City Council, and the Mayor through the Annual Growth Report. The Annual Growth Report shall recommend which citywide element or Community Plans should be amended and why. These recommendations shall be based on an evaluation of changing circumstances, trends, and other information provided by the Department of City Planning’s monitoring system...”*

The City has failed to report on the periodic review in its Annual Report as that report has not even been attempted since 2001. This alone is a violation of policy 3.3.2 which forms the key mitigation for the General Plan.

Had the City, as required, properly implemented its mitigation and monitoring as mandated by the General Plan FEIR, the HCP FEIR would have had access to the latest information instead of out-of-date information. It would also have had access to trends for that data. The General Plan states:

*“This monitoring system shall be kept up to date by City staff through inputs from the applicable departments within the City of Los Angeles.”*

A Community Plan that does not result from the process mandated in the General Plan is inconsistent with the General Plan.

#### **5. Monitoring Deficiencies**

The monitoring program provided is flawed. It does not provide frequency, funding, metrics to be used and most importantly mitigating action to be taken based on the monitoring. Given the City’s complete failure to implement the mitigation and monitoring program for its General Plan, no reasonable assumption can be made that monitoring will be done by the City absent a clearly defined and transparent process.

#### **6. Reliance On Development Impact Fees**

The HCP and FEIR state that some form of impact fee may be employed to provide funding for many of the mitigations. Aside from being contingent on future actions therefore wholly speculative, several key issues exist with regard to impact fees which may prevent their implementation and therefore use as a mitigation. They are:

##### **Environmental Justice.**

A key issue with a development impact fee to fund enhanced local services is that it implies that areas with development/resources would receive extra/enhanced public services. This seems inherently discriminatory. Use of a development impact fee to pay for key services such as first-responder services has the potential to create multiple classes of City services based on the relative wealth of an area. This type of resource allocation would also appear to be

inconsistent with LAFD and LAPD policy of allocating resources based on need instead of economic status.

### **Conflict with Proposition 218**

Per documents on the State website

(<http://ceres.ca.gov/planning/financing/chap4.html>), reliance on impact fees appears to be misguided. The document states in part:

- *Proposition 218 has amended the State Constitution to state that "property related" fees and all standby charges may be imposed only upon voter approval.*
- *Proposition 218 prohibits levying property related fees to pay for general governmental services, such as police, fire, ambulance, or library service which are available to the public at large;*

### **7. Flawed Study Area**

As a result of the interrelated nature of core City services such as first-responder services, any guarantee of coverage levels in one Community Plan area necessarily decreases availability to other areas of the City. Absent a funding mechanism for Citywide core services, impacts on Citywide availability of core services resulting from increased growth in the HCP area should have been studied. (Note RA92 was 'pre-deployed' to Station 41 in the HCP area during the evenings on October 29, 30 and 31, 2011. This deprived the Station 92 service area of LAFD transport capability due to a presumed need eight miles away in the HCP area. It also proves not only the interrelated nature of core services but also speaks to the current threat to core services).

The flawed nature of the FEIR renders each of its conclusions baseless and without merit. Per State CEQA guidance a Statement of Overriding Consideration must be based on substantial evidence which it defines as follows:

- *Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinions supported by facts.*
- *Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment.*

The "facts" used by the FEIR are out-of-date and are not as specified in the General Plan Framework. Speculation abounds throughout the FEIR and its mitigations.

For each of the reasons listed above, there can be no properly grounded Statement of Overriding Consideration and certainly no basis for approval of the FEIR.

The attached document details many of the flaws listed above. We urge the City to reject this flawed document, repair it, and recirculate it prior to considering it for approval. Any other action is not only “municipal malpractice,” but it invites prompt legal action.

Area	Description
<b>BASELINE</b>	<p><b>Underlying study is flawed</b></p> <ul style="list-style-type: none"> <li>The FEIR states that it uses a 2005 baseline, but then fails to compare the baseline conditions to baseline+project. Instead, the FEIR compares the baseline to projected 2030 data with and without the project. This analysis is impermissible.</li> </ul> <p><b>A 2005 baseline is flawed</b></p> <ul style="list-style-type: none"> <li>Use of a six year old baseline is not acceptable and does not reflect actual baseline conditions.</li> </ul> <p><b>The EIR failed to study new information of substantial importance</b>  The EIR failed to study new information of substantial importance, specifically the deteriorating financial condition of the City and marked decreases in numerous public services. (See CEQA Guidelines Section 15162).</p>
<b>TIMP</b>	<p><b>No basis for mitigating effect</b></p> <ul style="list-style-type: none"> <li>The TIMP relies on Regional Improvement Plans/LRTP which are speculative.</li> <li>The TIMP relies on funding to implement ATSAC/ATCS.</li> <li>The TIMP relies on the concept that “traffic signal upgrades will be proposed as a mitigation ...for development.” The existence of development is speculative. That mitigations will be suggested provide no certainty of implementation.</li> <li>The TIMP relies on funding for special traffic operations.</li> <li>The TIMP parking restriction section contains speculative elements.</li> <li>Transit Improvements are speculative and discretionary in the TIMP and cannot be relied upon for mitigation.</li> <li>Public Transportation relied on by the TIMP involves third parties and contains speculative and discretionary language and cannot be relied upon for mitigation.</li> <li>The TIMP relies on non-motorized transportation plans which have not received environmental clearance.</li> <li>The TIMP relies on third-party TDM strategies and contains speculative and contingent language.</li> </ul> <p><b>Contingent mitigation</b></p> <ul style="list-style-type: none"> <li>The TIMP is comprised of “<i>recommended policies to improve mobility and access in Hollywood.</i>” No mitigating effect can be assumed from discretionary policies and recommendations. The City has made this argument in recent litigation.</li> </ul> <p><b>Contingent mitigation</b>  The TIMP contains the following mitigation measure:</p> <p style="text-align: center;"><i>“Implement development review procedures to ensure that the applicable Mobility policies of the Hollywood Community Plan are applied and implemented by individual development projects when they are considered for approval in the plan area.”</i></p> <p>The City has not made a “clear commitment” to take any mitigating action nor have they identified the specific</p>

	<p>monitoring that will occur as required by CEQA.</p> <p><b>Contingent Mitigation/TIMP is unfunded as is therefore speculative</b>  The TIMP admits it is unfunded. It states:</p> <p><b>4.2.7 Funding</b>  <i>The City typically relies on existing local and regional funding programs and the private sector to implement transportation policies and programs such as those in the TIMP. In order to develop a new source of funding that would assess part of the costs of transportation improvements to new developments through a development impact fee program, the City would need to conduct a nexus study that clearly establishes the nexus between the trips generated by new development and the costs associated with the transportation improvements required to reduce the impacts of those developments.”</i></p> <p>Mitigations that are dependent on third parties or on future potential fees are impermissible. Any reliance on the TIMP for mitigation is flawed (Cite Hillside Federation)</p>
<p><b>MONITORING</b></p>	<p><b>Undefined Impacts/No Funding</b>  No new funding source has been identified for the cost of monitoring. The City has an operating deficit. By definition, if funding is shifted to monitoring the Hollywood Plan, resources will be diminished elsewhere. Those impacts have not been studied.</p> <p><b>Monitoring Process Undefined</b>  The method, frequency and mechanisms for monitoring must be disclosed so that the public can understand and access the monitoring data. CEQA requires that each public agency adopt objectives, criteria, and specific procedures to administer its responsibilities under the Act and the CEQA Guidelines (Section 21082).</p> <p>The GOVERNOR'S OFFICE OF PLANNING AND RESEARCH provides the following in its document titled: “Tracking CEQA Mitigation Measures Under AB3180:</p> <p><i>“Monitoring” can be described as a continuous, ongoing process of project oversight. Monitoring, rather than simply reporting, is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise of the local agency to oversee, which are expected to be implemented over a period of time, or which require careful implementation to assure compliance.</i></p> <p><i>A program for monitoring the implementation of mitigation measures should contain at least the following components:</i></p> <p><i>(1) A list of the mitigation measures or revisions and related conditions of approval which have been adopted for the project by the agency.</i></p> <p><i>(2) A schedule for regularly checking on the project's compliance with the mitigation measures or project revisions and related conditions of approval, including progress toward meeting specified standards, if any. The program</i></p>

may set out the stages of the project at which each mitigation measure must be implemented (*Christward Ministry v. County of San Diego* (1993) 13 Cal.App.4th 31, 49).

(3) A means of recording compliance at the time of each check.

(4) A statement assigning responsibility for monitoring implementation of the mitigation measures and related conditions of approval to specific persons or agencies, public or private.

(5) If monitoring duties are contracted to private individuals or firms, provisions for ensuring that monitoring reflects the independent judgment of the public agency. Such provisions might include requiring the submittal of regular progress reports to the agency, establishing a mechanism for appealing actions of the contractor to the agency for decision, or selection of the contractor by the agency (as opposed to solely by the applicant). Regardless of whether monitoring is performed by the agency or a contractor, the agency retains the ultimate legal responsibility for satisfying the requirements of section 21081.6.

(6) Provisions for funding monitoring activities, including the imposition of fees.

(7) Provisions for responding to a failure to comply with any required mitigation measure (including conditions of approval). This might include "stop work" authority, permit revocation proceedings, or civil enforcement procedures. This can also include administrative appeal procedures. "

#### **The City Does Not Properly Monitor Mitigations. Assumptions That It Can Are Flawed**

Any assumption that the City can properly administer a proper mitigation monitoring, reporting and enforcement program is without merit.

Controller Laura Chick stated the following in a March 23, 2009 report to the City Council:

*"Ever since the mid 1990s when I was a City Councilmember. I wondered what actually happened with the conditions we imposed when approving development projects. The City often sets requirements to shape and improve a project, promote safety and mitigate negative impacts to communities.*

*Now as Controller, I have circled back to answer the question: "**Who ensures that the requirements attached to these developments are followed,?**" **The answer is: "No one."** We are actually often relying on voluntary compliance by the developers. My report found that, in general, there is no single Department in charge of development projects from beginning to end. The Planning Department is indeed the lead agency in imposing conditions. However other Departments, such as Building and Safety, can add or change conditions without including the Planning Department. The Planning Department's new data management system was intended to be a central database that tracked conditions for approval. However, this is not the cure-all it was intended. Instead we have ended up with three stand-alone systems that are neither integrated nor coordinated. Further, a new computer system alone won't solve the problems in the current development process, unless accompanied by key changes in our business processes. It is clear some significant changes must be made here. If projects are*

*approved with conditions attached, is it not in the City's best interest to ensure those conditions are met? Certainly that is what the public expects."*

The monitoring plan does not specify a frequency for monitoring.

The monitoring plan does not specify the metrics that will be used during monitoring, the thresholds that will trigger a mitigating action or what mitigating action will be taken once the thresholds are exceeded.

**MITIGATION/GENERAL**

The GOVERNOR'S OFFICE OF PLANNING AND RESEARCH provides the following in its document titled: "Tracking CEQA Mitigation Measures Under AB3180:

*"Here are some suggestions for preparing mitigation measures:*

*(1) Certainty: Avoid using the words "may" or "should" when the intent is to direct some required action. "Will" or "shall" are much better. Avoid measures that are conditioned on feasibility (i.e., required "where feasible") rather than applied directly or at a specified stage in the project.*

*Measures should be written in clear declaratory language. Specify what is required to be done, how is to be done, when it must be done, and who is responsible for ensuring its completion.*

*(2) Performance: Include specific minimum, measurable performance standards in all quantitative measures, and if possible, contingency plans if the performance standards are not met.*

*(3) Authority: CEQA does not provide independent authority to carry out mitigation (Section 21004). Measures which are not based on some other authority (i.e., zoning code, tree preservation ordinance, development agreement, impact fee ordinance, subdivision ordinance, etc.) are unenforceable. Monitoring or reporting on their implementation would clearly be problematic.*

*(4) Continuity and Consistency: To the extent possible, integrate measures with existing policy and regulatory systems, and inspection or review schedules. Where the mitigation measures are regulatory in nature, for example, design them as conditions of approval within the context of the zoning, subdivision, or other ordinances. Further, mitigation measures must take applicable general plan and specific plan policies into account and not conflict with those policies.*

*(5) Feasibility: Above all, measures must be feasible to undertake and complete. Avoid the trap of imposing mitigation measures that are based upon future activities of uncertain outcome. For example, the court in Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296 overturned the county's negative declaration for a motel project because the county required a study of potential sewage disposal methods rather than actions which would mitigate sewage impacts. A measure that did not mitigate the impact could not be the basis for a finding that impacts were mitigated. "*

The Plan MMRP lists numerous mitigations as occurring during the "pre-construction" phase of the Plan. The City must

	<p>clarify the mitigation and monitoring period for any mitigation which implies ongoing mitigation after plan implementation.</p> <p>There is extreme conflict between the answers provided to the public in response to DEIR comments and the final MMRP. In numerous cases, the DEIR responses indicate a reliance on a mitigation that has been removed from the MMRP. This can only lead to confusion on the part of the public as to what mitigations will actually exist.</p>
<b>CONTINGENT MITIGATION</b>	<p>Mitigations which rely on discretionary policies are not mitigation as the outcome and mitigating impacts cannot be determined.</p> <p>Mitigations which are dependent on future discretionary approvals are contingent by definition and cannot be used as mitigation.</p> <p>Mitigation which is dependent on adoption of future legislation, programs or policies is not mitigation as the contents, impact and implementation is not a certainty.</p> <p>A mitigation measure that recommends a future study without identification of when the study would occur or what the outcomes could lead to would be impermissible under CEQA (deferred mitigation).</p>
<b>NOT MITIGATION</b>	<p>Mitigations which only refer to promoting an action, encouraging an action/behavior, seeking review of an action or reporting on an action without mandating specific triggers, thresholds and mitigating actions cannot be relied on for mitigation as promotion and encouragement are not mitigation. Further, the level of mitigation is subjective and cannot be determined.</p>
<b>UNFUNDED MITIGATION</b>	<p>Mitigations which are unfunded and/or contingent on grants or discretionary funds from third parties cannot be used as mitigation (cite Hillside)</p>
<b>RELIANCE ON CURRENT LOS</b>	<p>Any reliance on the current level of service for any City-provided service is unfounded. The City has repeatedly cut back services including fire protection and others. Absent a balanced City budget, the FEIR cannot rely or depend on current service levels in its analysis unless it identifies specific funding sources to guarantee a level of service.</p>

<p><b>LAND USE</b></p> <p>The Proposed plan uses a strategy for targeted growth that also reduces traffic congestion and improves air quality. These multiple objectives are addressed by encouraging mixed-use development along commercial corridors well served by public transit. To make the height districts in Hollywood’s commercial areas consistent with those in other community plans, the Proposed Plan includes removing the development limitations that were imposed by the 1988 Plan.</p> <p><b>UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS</b></p> <p>With implementation of the above mitigation measures, impacts would be less than significant.</p>	<ol style="list-style-type: none"> <li>1. Implement the Urban Design Policies, Guidelines, and Standards included in the Proposed Plan.</li> <li>2. Implement Specific Plans and/or Community Design Overlay (CDO) Districts to address proposed development standards.</li> <li>3. Implement Transit Oriented Districts (TODs) and/or Pedestrian Oriented Districts (PODs) to mitigate the impacts of increased residential and commercial intensity where appropriate.</li> <li>4. The City shall ensure that review of individual discretionary projects shall address aesthetic concerns as appropriate to minimize site-specific aesthetic impacts, including impacts to views, scenic resources, lighting, and shading.</li> </ol>	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>• No funding is identified to implement the mitigations.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>• The mitigations listed depend on speculative ordinances and/or plans including development of Specific Plans, CDOs and TODs.</li> <li>• The Plan lists policies as optional. Optional policies provide no certainty and cannot be relied upon for mitigation.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>• Ensuring the review of aesthetic concerns does not ensure that the concerns will be mitigation.</li> </ul> <p><b>See master comment: TIMP</b></p>
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<b>Population, Employment and Housing</b>	There would be no significant impact and mitigation measures are not required. The Proposed Plan includes policies and zoning controls to address any potential impacts.	<b>See master comment: Unfunded Mitigation</b> <ul style="list-style-type: none"><li>• There is no funding source specified for the Plan policies and zoning controls. No mitigating impact can be assumed.</li></ul> <b>See master comment: Contingent Mitigation</b> <ul style="list-style-type: none"><li>• There is no certainty which policies and zoning controls the City will choose to implement. Any assumption of mitigating effect which is dependent on discretionary policies is flawed.</li></ul> <b>See master comment: Not Mitigation</b> <ul style="list-style-type: none"><li>• The proposed policies contain conditional statements and often refer to goals, not specific measureable and objective criteria.</li></ul> <b>See master comment: TIMP</b>
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<p><b>PUBLIC SERVICES</b> Fire Protection Services</p>	<p>1. "Identify areas of the Hollywood CPA with deficient fire protection facilities and/or services and prioritize the order in which the areas should be upgraded to established fire protection standards to ensure acceptable fire protection at all times."</p>	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>• There is no funding source identified for the study listed in the mitigation.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>• The proposed mitigation measure is dependent on the design and implementation of a future undisclosed study.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>• Identification of areas with deficient fire service does not mitigate deficient fire service. It merely identifies it.</li> </ul>
	<p>2. "Continue to require, in coordination with the Fire Department, adequate fire service capacity prior to the approval of proposed developments in areas currently located outside of the service areas or capability of existing city fire stations."</p>	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>• There is no funding source identified for the study listed in the mitigation.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>• The mitigation assumes that no statement of overriding consideration will be provided for future project approvals.</li> <li>• The mitigation assumes that the fire department will restrict personnel and equipment funded by CPA projects to the CPA area. This is contrary to LAFD policy which manages resources across the entire City based on call volume.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <p><b>No basis for assuming implementation.</b></p> <ul style="list-style-type: none"> <li>• The City has a poor track record of ensuring adequate fire protection for new development. This is further exacerbated by recent budget cuts and service cutbacks.</li> </ul>
	<p>3. "Promote continued mutual assistance agreements with neighboring cities, the County of Los Angeles, and other applicable agencies for the provision of fire protection services</p>	<p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>• Promoting an action does not guarantee that the action will take place. No mitigation can</li> </ul>

	to the residents of the Hollywood CPA.”	<p>be assumed.</p> <ul style="list-style-type: none"> <li>The proposed mitigation depends on third parties not under the control of the City.</li> </ul>
	<p>4. Implement the Hollywood Transportation Improvement and Mitigation Program (TIMP) contained in <b>Section 4.5</b> of the DEIR (Transportation) to improve traffic conditions thereby improving fire and life safety in the community.</p>	<p><b>See master comment: TIMP</b></p> <p><b>See master comment: Baseline</b></p> <ul style="list-style-type: none"> <li>The City’s new deployment plan represents new material information. The baseline data used for fire service does not reflect the current deployment plan of the LAFD.</li> </ul> <p><b>Undefined Impacts/Resources</b></p> <ul style="list-style-type: none"> <li>As demonstrated by the recent planned redeployment of RA92 to Station 41 for four nights in October 2011, the Hollywood Plan Area clearly does not have sufficient resources to handle its own needs and the City does not have the ability to allocate “surplus” resources. Instead resources are taken from other areas of the City. The FEIR fails to study the wider city-wide impacts of the Plan.</li> <li>The TIMP cannot be used to mitigate traffic impacting fire/ems service sourced from outside the Plan area.</li> </ul>
<p><b>PUBLIC SERVICES</b> POLICE PROTECTION</p>	<p>1. Hire and deploy additional police officers and civilian personnel to accommodate growth or development generated by the implementation of the Proposed Plan pursuant to LAPD hiring and deployment procedures.</p>	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>The City does not have sufficient funding for its current police department. Assuming an increase in police service is without merit.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation depends on unknown and unknowable future hiring and deployment procedures.</li> </ul> <p><b>See master comment: Reliance on Current LOS</b></p> <ul style="list-style-type: none"> <li>The mitigation assumes that the current LOS of the LAPD can be maintained. Given the City’s budget problems, this is an unsupported conclusion.</li> </ul>

	<p>2. Expand and/or upgrade existing police protection equipment and/or facilities in areas of the CPA that do not receive adequate police protection services.</p>	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>No funding source is identified for the mitigation.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The definition of “adequate” is not provided.</li> <li>The mitigation assumes that the police department will restrict personnel and equipment funded by CPA projects to the CPA area. This is contrary to LAPD policy which manages resources across the entire City based on call volume..</li> </ul>
	<p>3. Pursue State, Federal and other nonconventional funding sources to expand the number of sworn police officers.</p>	<p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation is dependent on unspecified and uncertain funding sources. No mitigating effect can be assumed.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>The pursuit of an action does not guarantee that the action will occur. No mitigating effect can be assumed.</li> </ul>
	<p>4. Promote the establishment of police facilities that provide police protection at a neighborhood level.</p>	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>No funding source is provided for establishing new facilities.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation is dependent on undefined polices and metrics.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>“Promoting” an action does not guarantee the action. No mitigating effect can be assumed.</li> </ul>
	<p>5. Implement the Hollywood Transportation Improvement and Mitigation Program (TIMP) contained in <b>Section 4.5</b> of the DEIR (Transportation), to improve traffic conditions thereby improving police response times in the community.</p>	<p><b>See master comment: TIMP</b></p> <ul style="list-style-type: none"> <li>The TIMP cannot be used to mitigate traffic impacting police service sourced from outside the Plan area.</li> </ul> <p><b>See master comment: Baseline</b></p> <ul style="list-style-type: none"> <li>The FEIR does not revise its impact assessment</li> </ul>

		given the new prisoner release demands placed on the police department.
<b>UTILITIES -WATER</b>	<p>1. As part of review of individual projects, the Planning Department shall work with LADWP to ensure appropriate expansion, upgrade and/or improvement of the local water distribution system within the CPA as may be necessary to accommodate anticipated growth.</p> <p>2. Individual projects that are consistent with the UWMP, undertake a Water Supply Analysis as required by State Law and/or comply with recommendations as appropriate identified on a site by site basis by the Department of Water and Power will be considered to not result in a cumulatively considerable contribution to this potential cumulatively significant impact unless project specific impacts are found to be significant.</p>	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>No funding source for the Planning Department is identified.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation is dependent on the policies and budget of the LADWP. No mitigating effect can be assumed.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>“Working with LADWP” does not ensure a mitigating action. No mitigating effect can be assumed.</li> </ul> <p><b>See master comment: Monitoring</b></p> <ul style="list-style-type: none"> <li>No monitoring process is clearly identified.</li> </ul>
<b>UTILITIES- ELECTRICITY</b>	<p>1. Promote energy conservation and efficiency to the maximum extent that are cost effective and practical.</p>	<p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The condition language “to the maximum extent that are cost effective and practical” renders the mitigation wholly uncertain. No mitigating effect can be assumed.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>“Promoting” an action does not guarantee the action. No mitigating effect can be assumed.</li> </ul> <p><b>See master comment: Monitoring</b></p> <ul style="list-style-type: none"> <li>No process for monitoring the promoting efforts is defined.</li> </ul>
	<p>2. Encourage and provide incentives for the development and use of alternative sources of energy.</p>	<p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>“Encouraging” an action does not guarantee the action. No mitigating effect can be assumed.</li> </ul>
	<p>3. Adopt and implement a program to provide technical assistance and incentives to property owners and developers on building design and/or the use of energy-efficient systems in new residential, commercial and</p>	<p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation depends on an undefined program that is both undefined and not funded. No mitigating effect can be assumed.</li> </ul>

	industrial developments to exceed existing State of California Energy Code standards	
	4. Promote the responsible use of natural resources in consonance with City environmental policies	<p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>• “Promoting” an action does not guarantee the action. No mitigating effect can be assumed.</li> </ul>
	5. Expand, upgrade or improve local distribution lines and facilities within the community plan area whenever necessary to accommodate increased demand for energy.	<p><b>See master comment: Reliance on Current LOS</b></p> <ul style="list-style-type: none"> <li>• The mitigation relies on the current level of water availability.</li> </ul> <p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>• No funding is provided to expand service.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>• The mitigation depends on the undefined term “whenever necessary.” Absent defined thresholds and metrics the mitigation language is meaningless. No mitigating effect can be assumed.</li> </ul>
<p><b>WASTEWATER</b></p> <p>With the implementation of the proposed plan, the Hollywood CPA would generate approximately 5.8% of the wastewater generated Citywide in 2020. This is an increase of 0.2% over the existing 2005 levels. This percentage of increase would not be considered to be significant.</p>	1. Continue to implement existing water conservation measures, including ultra low flush installation and, school educational, public information, and residential programs, and develop new ones as needed.	<p><b>See master comment: Baseline</b></p> <ul style="list-style-type: none"> <li>• The Plan’s use of a six year old baseline renders the conclusions inoperable.</li> </ul>
	2. Adopt a comprehensive water reuse ordinance that will establish, among other things, goals on reuse of reclaimed water	<p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>• The mitigation depends on an undefined future ordinance.</li> <li>• An ordinance that establishes goals does not ensure success in achieving the goals.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>• “Establishing.. goals” does not guarantee mitigation.</li> </ul>
	3. Establish water reuse demonstration and research programs and implement educational programs among consumers to increase the level of acceptance of reclaimed water.	<p><b>See master comment: Contingent Mitigation</b></p> <p><b>The mitigation depends on the establishment of a future unfunded and undefined program.</b></p>

		<p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation provides for demonstration, research and education, not mitigating action.</li> </ul>
	4. Provide incentives for the development of new markets and uses for reclaimed water.	<p><b>See master comment: Unfunded Mitigation</b>  <b>No funding source is provided for the incentives.</b></p> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation is dependent on the development of an incentive program.</li> <li>There is no assurance of the effectiveness of the incentives.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>Providing incentives does not guarantee that the incentives will be sufficient to alter consumer behavior.</li> </ul>
	5. Rehabilitate existing sewers in poor structural condition and construct relief sewers to accommodate growth whenever necessary.	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>There is no funding provided for the mitigation or even the determination of which sewers are in poor condition.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation contains the condition statement “whenever necessary” which renders the mitigation language meaningless absent specific thresholds and metrics.</li> </ul> <p><b>See master comment: Monitoring</b></p> <ul style="list-style-type: none"> <li>No monitoring frequency or metrics are provided.</li> </ul>
	6. Expand or upgrade existing local sewers in the community plan area to accommodate increased wastewater flow whenever necessary.	<p><b>See master comment: Unfunded Mitigation</b></p> <ul style="list-style-type: none"> <li>There is no funding provided for the mitigation.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>The mitigation contains the condition statement “whenever necessary” which renders the mitigation language meaningless absent specific thresholds and metrics.</li> </ul>

		<p><b>See master comment: Monitoring</b></p> <ul style="list-style-type: none"> <li>No monitoring frequency or metrics are provided.</li> </ul>
<p><b>SOLID WASTER</b></p> <p>The Proposed Plan land uses would result in the generation of up to 2,745,927 lbs. of solid waste per day. This level of solid waste generation amounts to 13.73% of the 2006 Citywide generation rate of 20,000,000 lbs. per day. Therefore, with the implementation of the Proposed Plan, the Hollywood CPA would generate 13.73% of the solid waste generated Citywide (using the 2006 Citywide generation data). This is an increase of 2.16% over the existing 2005 levels. This is a significant adverse impact.</p>	<p>1. Implement the Solid Waste Integrated Resources Plan to maximize source reduction and materials recovery and minimize the amount of solid waste requiring disposal with the goal of leading the City to achieve zero waste by 2025.</p>	<p><b>See master comment: Contingent Mitigation</b></p> <p><b>See master comment: Not Mitigation</b></p>
	<p>2. Encourage and provide incentives for the processing and marketing of recyclable items.</p>	<p><b>See master comment: Contingent Mitigation</b></p> <p><b>See master comment: Not Mitigation</b></p>
	<p>3. Accelerate on-going efforts to provide alternative solid waste treatment processes and the expansion of existing landfills and establishment of new sites.</p>	<p><b>See master comment: Unfunded Mitigation</b></p> <p><b>See master comment: Contingent Mitigation</b></p> <p><b>See master comment: Not Mitigation.</b></p>
<p><b>TRANSPORTATION</b></p> <p>The Proposed Plan compared to 2005 conditions would result in an unavoidable significant adverse transportation impact. The percentage of links at LOS E or F would increase significantly and the weighted V/C ratio would increase from 0.939 to 1.000. There would also be increases in vehicle miles</p>	<p>In order to provide an additional source of funding for transportation improvements, beyond the local and regional funds typically available to the City of Los Angeles, it is recommended that a <b>nexus study</b> be conducted to determine the transportation impact of development accommodated by the 2030 Proposed Plan, estimate the cost of implementing the transportation mitigation measures recommended by the Hollywood Community Plan</p> <p>Update, and develop a means of allocating the cost of such measures to individual development</p>	<p><b>See master comment: Unfunded Mitigation</b></p> <p><b>See master comment: Contingent Mitigation</b></p> <p><b>See master comment: Not Mitigation</b></p> <p><b>See master comment: TIMP</b></p> <p><b>See master comment: Monitoring</b></p> <p><b>See master comment: Baseline</b></p>

<p>travelled (VMT) and vehicle hours travelled (VHT) in 2030 compared to 2005 conditions.</p> <p>The Proposed Plan would result in similar impacts as compared to 2030 conditions under the Existing Plan. ratio would increase from 0.939 to 1.000. There would also be increases in vehicle miles travelled (VMT) and vehicle hours travelled (VHT) in 2030 compared to 2005 conditions.</p> <p>The Proposed Plan would result in similar impacts as compared to 2030 conditions under the Existing Plan.</p>	<p>projects. Community Plan as compared to 2005 conditions. The percentage of roadway segments projected to operate at <b>LOS E or F would be increased, as would the weighted V/C ratio in Hollywood</b>. Total vehicle miles of travel and vehicle hours of travel also would be <b>significantly increased</b>.</p>	
<p><b>AIR QUALITY</b></p> <p>Implementation of the Plan could incrementally provide new sources of regional air emissions but they would not conflict with or obstruct implementation of the Air Quality Management Plan.</p> <p>Construction of development projects that would be allowed under implementation of the Proposed Plan would result in substantial criteria pollutant emissions.</p> <p>Increased development allowed under the Proposed Plan would significantly increase criteria pollutant emissions in the area.</p> <p>Motor vehicle trips generated by the Proposed Plan would affect carbon monoxide concentrations at intersections in the area, however, on-going emission controls would offset any impacts.</p>	<p>The City, as a condition of approval of all discretionary projects, shall require contractors building projects within the Hollywood CPA to:</p> <ul style="list-style-type: none"> <li>i) use properly tuned and maintained equipment. Contractors shall enforce the idling limit of five minutes as set forth in the California Code of Regulations</li> <li>ii) use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible</li> <li>iii) use heavy duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is readily available and feasible</li> <li>iv) use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible</li> <li>v) maintain construction equipment in good operating condition to minimize air pollutants.</li> <li>vi) use building materials, paints, sealants, mechanical equipment, and other materials that yield low air pollutants and are nontoxic.</li> <li>vii) Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.</li> <li>viii) Provide dedicated turn lanes for movement of construction trucks and equipment on-and off-site.</li> <li>ix) Reroute construction trucks away from congested streets or</li> </ul>	<p><b>See master comment: Monitoring</b></p> <ul style="list-style-type: none"> <li>• No mechanism is set forth for assuring compliance with each mitigation.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>• There is no basis to assume that traffic flow can be improved via signal synchronization.</li> </ul>

<p><b>Implementation of the Proposed Plan could expose sensitive receptors to substantial pollution concentrations in excess of the established LST.</b></p> <p><b>Implementation of the Proposed Plan could expose sensitive receptors to elevated health risks from exposure to airborne toxic air contaminants.</b></p> <p>Implementation of the Proposed Plan would result in increased Greenhouse gas (GHG) emissions that would <b>contribute significantly to global climate change.</b></p>	<p>sensitive receptor areas.</p> <p>x) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.</p> <p>xi) Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.</p> <p>xii) Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113.</p> <p>xiii) Construct or build with materials that do not require painting.</p> <p>xiv) Require the use of pre-painted construction materials.</p> <p>xv) Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).</p> <p>xvi) During project construction, all internal combustion engines/construction, equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:</p> <p style="padding-left: 40px;">Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <p style="padding-left: 40px;">January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <p style="padding-left: 40px;">Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices</p>	
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	<p>certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <p>A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.</p> <p>Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website:  <a href="http://www.aqmd.gov/tao/implementation/soonprogram.htm">http://www.aqmd.gov/tao/implementation/soonprogram.htm</a>.</p> <p>xvii) Other measures as applicable on a project by project basis and as may be recommended by SCAQMD on their web site or elsewhere:  <a href="http://www.aqmd.gov/ceqa/handbook/mitigation/MMintro.html">http://www.aqmd.gov/ceqa/handbook/mitigation/MMintro.html</a>.</p>	
	<p>2. The City, as a condition of approval for all discretionary projects, shall require developers to implement applicable GHG reduction measures in project design and comply with regulatory targets.</p> <p>3. In the event that future projects under the Community Plan cover areas greater than 5 acres, appropriate analysis and modeling would be required for CO, NOx, PM10 and PM2.5.</p> <p>4. Require health risk assessments to be conducted for discretionary residential projects located within 500 feet of the 101 Freeway. Mitigation measures shall be required as necessary to reduce health risk (for indoor and outdoor uses) to an acceptable level. These health risk assessments shall be circulated to SCAQMD for review and comment.</p> <p>5. In order to comply with the California Air Resources Board</p>	<p><b>See master comment: Monitoring</b></p> <ul style="list-style-type: none"> <li>• No mechanism is set forth for assuring compliance with each mitigation.</li> </ul>

Air Quality and Land Use Handbook (June 2005) and achieve an acceptable interior air quality level for sensitive receptors, appropriate measures, shall be incorporated into project building design. The appropriate measures shall include one of the following methods:

- a. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the California Air Resources Board and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to stationary air quality pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Lead Agency for review and approval. The applicant or implementation agency shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
- b. The applicant shall implement the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and ongoing.
- c. Do not locate sensitive receptors near distribution center's entry and exit points.
- d. Do not locate sensitive receptors in the same building as a perchloroethylene dry cleaning facility.
- e. Maintain a 50' buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year).
- f. Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets the efficiency standard of the MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter-to-filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.
- g. Retain a qualified HV consultant or HERS rater during

	<p>the design phase of the project to locate the HV system based on exposure modeling from the mobile and/or stationary pollutant sources.</p> <p>h. Maintain positive pressure within the building.</p> <p>i. Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.</p> <p>j. Achieve a performance standard of at least 4 air exchanges per hour of recirculation</p> <p>k. Achieve a performance standard of .25 air exchanges per hour of in unfiltered infiltration if the building is not positively pressurized.</p> <p>l. Project applicant shall maintain, repair and/or replace HV system or prepare an Operation and Maintenance Manual for the HV system and the filter. The manual shall include the operating instructions and maintenance and replacement schedule. This manual shall be included in the CC&amp;R's for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate Homeowners Manual. The manual shall contain the operating instructions and maintenance and replacement schedule for the HV system and the filters. It shall also include a disclosure to the buyers of the air quality analysis findings.</p>	
<p><b>NOISE</b></p> <p>The Proposed Plan would result in significantly increased noise levels during construction activities. The Proposed Plan could expose people and/or structures to significant ground-borne vibration levels.</p> <p>Some land uses included in the Proposed Plan could generate noise that could affect sensitive receptors; project specific review and mitigation as appropriate should reduce this impact to less than significance.</p>	<ol style="list-style-type: none"> <li>1. Re-route truck traffic away from residential streets, if possible. If no alternatives are available, route truck traffic on streets with the fewest residences.</li> <li>2. Site equipment on construction lots as far away from noise-sensitive sites as possible.</li> <li>3. When construction activities are located in close proximity to noise-sensitive sites, construct noise barriers, such as temporary walls or piles of excavated material between activities and noise sensitive uses.</li> <li>4. Avoid use of impact pile drivers where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives where geological conditions permit their use. Use noise shrouds when necessary to reduce noise of pile drilling/driving.</li> <li>5. Use construction equipment with mufflers that comply with manufacturers' requirements.</li> <li>6. Consider potential vibration impacts to older (historic)</li> </ol>	<p><b>See master comment: Monitoring</b></p> <ul style="list-style-type: none"> <li>• No mechanism is set forth for assuring compliance with each mitigation.</li> </ul> <p><b>See master comment: Not Mitigation</b></p> <ul style="list-style-type: none"> <li>• "Avoiding" use of a piece of equipment is not analogous to prohibiting use.</li> </ul> <p><b>See master comment: Contingent Mitigation</b></p> <ul style="list-style-type: none"> <li>• The mitigation contains the condition statement "whenever necessary" which renders the mitigation language meaningless absent specific thresholds and metrics.</li> <li>• "Considering" impacts does not equate to avoiding impacts.</li> </ul>

<p>Increased traffic in the Plan area could significantly increase noise levels at sensitive receptors. The Proposed Plan could result in cumulatively considerable periodic and/or temporary noise levels above levels existing without the project.</p>	<p>buildings in Hollywood as part of the approval process.  7. Commercial rooftop discretionary uses within 500 feet of residentially zoned areas shall be subject to noise analyses; mitigation shall be required to ensure that noise levels in residential areas will not result in a significant impact.  8. For all newly proposed entertainment venues requiring discretionary approval, noise abatement plans shall be required as conditions of approval.</p>	
<p><b>Public Utilities:</b> Public Libraries</p> <p>“There would be no significant impact and mitigation measures are not required. The Proposed Hollywood Community Plan includes policies that help mitigate potential significant adverse impact.”</p> <p><b>FROM DEIR</b>  <u>Implementation of the Proposed Plan without additional library facilities, with its concomitant population increases, would worsen existing deficiencies in library services in the community.</u></p> <p><b><u>IMPACT ASSESSMENT</u></b>  <b><u>Threshold of Significance</u></b>  <u>Based on the 2007 Branch Facilities Plan's guidelines, the size of branch libraries, which generally serve a two-mile radius, are based on the size of the resident population. In general, the recommended sizes are 12,500 square foot facilities for communities with less than 45,000 population and 14,500 square foot facilities for communities with more</u></p>	<p><b>Relevant Policies of the Proposed Community Plan</b>  CF.5.20: Maintain adequate library facilities and services that meet the needs of residents and businesses.  CF.5.21: Implement the Los Angeles Public Library Strategic Plan.  CF.5.22: Support construction of new libraries and the retention, rehabilitation and expansion of existing library sites as required to meet the changing needs of the community.  CF.5.23: Study the development of a funding system to finance the construction of new branch libraries or the expansion and maintenance of existing facilities, the acquisition of equipment, books and other material.  CF.5.24: Encourage flexibility in siting libraries in commercial centers, office buildings, pedestrian-oriented areas, community and regional centers, transit stations, on mixed-use boulevards, and similarly accessible facilities.  CF.5.25: Continue to support joint-use opportunities when the City of Los Angeles Library Department and decision-makers review and approve new library sites.  CF.5.26: Establish a volunteer program in the operation and maintenance of branch libraries.  CF.5.27: Expand non-traditional library services, such as book mobiles and other book sharing strategies, where permanent facilities are not available or adequate.  CF.5.28: Encourage Wi-Fi networks as an alternative means of providing public access to information.  CF.5.29: Encourage safe and well-maintained pedestrian and bicycle access to library facilities.</p>	<p><b>See master comment: Unfunded Mitigation</b>  <b>See master comment: Contingent Mitigation</b>  <b>See master comment: Not Mitigation</b>  <b>See master comment: Monitoring</b>  <b>See master comment: Baseline</b>  <b>See master comment: Reliance on Current LOS</b></p>

<p><u>than 45,000 population, with regional branches being up to 20,000 square feet. In addition, it is recommended that when a community reaches a population of 90,000, an additional branch library should be considered for that area.</u></p> <p><u>The State of California standard for public libraries requires 0.5 square foot of library space and two volumes of permanent collection per resident.</u></p> <p><u>Exacerbating the failure to meet either or both of these guidelines and standards would result in an adverse impact on the availability of library services.</u></p>		
<p><b>PUBLIC UTILITIES</b></p> <p><b>Public Parks:</b></p> <p>The Proposed Hollywood Community Plan incorporates programs and policies that help mitigate potential significant adverse impacts.</p> <p>In addition to these programs and policies, the following mitigation policies are proposed:</p>	<ol style="list-style-type: none"> <li>1. Develop City or private funding programs for the acquisition and construction of new Community and Neighborhood recreation and park facilities.</li> <li>2. Prioritize the implementation of recreation and park projects in parts of the CPA with the greatest existing deficiencies.</li> <li>3. Establish joint-use agreements with the Los Angeles Unified School District and other public and private entities that could contribute to the availability of recreational opportunities in the CPA.</li> <li>4. Monitor appropriate recreation and park statistics and compare with population projections and demand to identify the existing and future recreation and park needs of the Hollywood CPA.</li> <li>5. The City shall ensure that individual discretionary projects within the Hollywood Planning Area comply with the Los Angeles Municipal Code with respect to provision of open space and recreational facilities. Compliance with this measure shall be sufficient to mitigate project-specific and cumulative impacts to Parks and Recreation.</li> </ol>	<p><b>See master comment: Unfunded Mitigation</b></p> <p><b>See master comment: Contingent Mitigation</b></p> <p><b>See master comment: Not Mitigation</b></p> <p><b>See master comment: Monitoring</b></p> <p><b>See master comment: Baseline</b></p> <p><b>See master comment: Reliance on Current LOS</b></p>
<p><b>Public Schools:</b></p> <p>The Proposed Plan would result in a</p>	<ol style="list-style-type: none"> <li>1. Develop plans to address issues relating to siting and the joint use of facilities. To this end, identify strategies for the</li> </ol>	<p><b>See master comment: Unfunded Mitigation</b></p> <p><b>See master comment: Contingent Mitigation</b></p>

<p>student population of 32,862 in the Hollywood CPA in 2030, as compared to 29,052 students in 2005. Student enrollments have been below operating capacities in previous years. It is assumed that there will continue to exist a percentage of the student population who do not attend the public schools in the area. Therefore, it is anticipated that the existing operating capacity of the public schools have sufficient capacity to accommodate the increase in student population under the Proposed Plan through 2030. However, should the projected increase in the student population in the Hollywood CPA during the planning period not be accommodated by the public school system, then, there would be a significant adverse impact and steps would need to be taken to mitigate this impact.</p>	<p>expansion of the school facilities, including:</p> <ul style="list-style-type: none"> <li>a. Siting of schools and other community facilities (libraries, parks, etc.) within transit stations, centers or mixed-use areas so that they can complement each other and make the most use of the land provided for these services;</li> <li>b. Locating middle schools and high schools close to transit stations and key centers, where possible, so that students can use the transit system to get to and from school;</li> <li>c. Encouraging private redevelopment of existing schools sites in the immediate vicinity of transit station and centers so that the existing site (a low intensity site) would be replaced by a high intensity mixed-use development that would incorporate school facilities.</li> </ul> <p>2. Work cooperatively with LAUSD and other entities to facilitate construction of schools where necessary to accommodate increased student population.</p> <p>3. The City shall ensure that prior to issuance of a building permit, project developers shall pay to LAUSD the prevailing State Department of Education Development Fee to the extent allowed by State law. School fees exacted from residential and commercial uses would help fund necessary school service and facilities improvements to accommodate anticipated population and school enrollment within the LAUSD service</p>	<p><b>See master comment: Not Mitigation</b>  <b>See master comment: Monitoring</b>  <b>See master comment: Baseline</b>  <b>See master comment: Reliance on Current LOS</b></p>
<p><b>Geology and Soils</b></p>	<p>The incremental additional seismic risks to the population and impacts associated with the implementation of the Proposed Plan would be minimal and do not represent a significant change from current levels of risk. Compliance with applicable Building Code requirements and standard conditions of approval would reduce impacts to a less than significant level.</p>	<p><b>See master comment: Monitoring</b></p>
<p><b>Safety/Risk of Upset</b>  The Proposed Plan land use designation changes would result in approximately 281.16 acres (1.84% of the CPA) being</p>	<p>As part of the review of individual projects, the City shall ensure that all pertinent safety/mitigation standards in the City’s Building Code, Fire Code and Planning and Zoning Code are met, the City shall prohibit the construction of any building where there is potential for methane gas hazards; and for</p>	<p><b>See master comment: Unfunded Mitigation</b>  <b>See master comment: Monitoring</b></p>

<p>designated as Industrial, a decrease of 10.99 acres, with a corresponding reduction of 0.08% in the area of the total CPA being designated for industrial land use. The Proposed Plan would not encourage a large increase in population immediately adjacent to oil or gas contamination, or adjacent to an industrial facility containing acutely hazardous materials.</p> <p>The Proposed Plan includes design guidelines for new industrial developments when they are located adjacent to residentially-zoned neighborhoods to mitigate impacts from the storage of hazardous materials.</p> <p>While the Proposed Plan may encourage greater redevelopment of older potentially contaminated sites, there are strict regulations in place to control how potentially contaminated materials are to be handled and disposed of.</p>	<p>instances where there is significant methane gas detected, the developer must immediately notify the City's Building and Safety Department and the Southern California Air Quality Management District.</p> <p>2. As part of the discretionary review of individual projects, the City will require mitigation measures prior to approval of residential or public facility projects within 1,000 feet of a designated hazardous site/condition. These measures should address considerations of setbacks and buffers, barriers, risk of upset plans and safety evacuation plans.</p>	
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Relevant case law:

- (Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1255.)
- (DeVita v. Napa (1995) 9 Cal.4th 763, 773.) A general plan is the "constitution for future development."
- (deBottari v. City Council (1985) 171 Cal.App.3d 1204, 1213.) Since all land use approvals must be consistent with the general plan, it has "the force of law."
- (Lincoln Place Tenants Assn. v. City of Los Angeles (2005) 130 Cal.App.4th 1491, 1508 ( Lincoln Place ).) Mitigating conditions are not mere expressions of hope.
- (Scott v. Common Council of San Bernardino (1996) 44 Cal.App.4th 684, 697.) A public agency may not fail to perform a mandatory duty based upon budgetary shortfalls.
- Sunnyvale West Neighborhood Ass'n. v. City of Sunnyvale City Council (2010) 190 Cal.App.4th 1351 (holding that the use of hypothetical, future conditions as the environmental baseline results in illusory comparisons and misleading the public, thereby contravening CEQA's intent).
- Citizens Committee to Save Our Village v. City of Claremont (1995) 37 Cal.App.4th 1157, 1170. "Speculation and conjecture" regarding a project's potential environmental impacts do not amount to substantial evidence, even when presented by an expert.

- Madera Oversight Coalition, Inc. v. County of Madera (Sept. 13,2011, F059153) \_Cal.App.4th\_ lead agencies do not have the discretion to adopt a baseline that uses conditions predicted to occur on a date subsequent to the certification of the EIR

Sincerely:

James O'Sullivan

Michael Eveloff

Fix The City

Cc: Michael J. LoGrande, Director

Eva Yuan-McDaniel, Deputy Director

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