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June 1, 2020

By Email Only to vince.bertoni@lacity.org & mindy.nguyen@lacity.org

Vincent Bertoni, Director of Planning
Mindy Nguyen, City Planner
City of Los Angeles Dept. of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012

RE: Comments on Draft EIR; Case No. ENV-2018-2116-EIR
Hollywood Center Project

Dear Director Bertoni and Ms. Nguyen:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 44 homeowner and resident associations with approximately 250,000 constituents spanning the Santa Monica Mountains.

This letter supplements previous objections the Hillside Federation has already submitted to the record with respect to the City's stubborn refusal to use its broad discretion and common sense to extend the public comment period for the above-captioned Draft EIR for the Hollywood Center Project. In addition, this letter will serve to underline issues of great concern of several of our constituent member organizations, which we hope the City will adequately address. This letter is obviously not intended to serve as an exhaustive review and analysis of the project. Indeed, because we have not had adequate time or ability to undertake our own detailed review of the project environmental document due to the COVID-19 pandemic, we reserve our right to raise any issue or objection raised in any other submissions to the environmental record as if fully set forth herein.

We also note for the record that our and our members' communications with staff members of Council District 4 show CD4 staff have repeatedly deferred to Council District 13 staff, and presumably Councilmember O'Farrell, with respect to whether the public comment period should be extended. The City of Los Angeles is the lead agency for this project, not CD13 staff, and not Councilmember O'Farrell. We find it highly inappropriate for one Councilmember and his staff to be delegated such an important decision that will cause the City to significantly limit public participation during the highly unusual circumstance of the global COVID-19 pandemic we all are currently living through.

Argyle Civic Assn.
Beachwood Canyon NA
Bel-Air Assn.
Bel-Air Hills Assn.
Bel Air Knolls Property Owners
Bel Air Skycrest Property Owners
Benedict Canyon Association
Brentwood Hills Homeowners
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
Crests Neighborhood Assn.
Dixie Canyon Assn.
Doheny-Sunset Plaza NA
Franklin Ave./Hollywood Bl. West
Franklin Hills Residents Assn.
Highlands Owners Assn.
Hollywood Dell Civic Assn.
Hollywood Heights Assn.
Holmby Hills Homeowners Assn.
Kagel Canyon Civic Assn.
Lake Hollywood HOA
Laurel Canyon Assn.
LFIA (Los Feliz)
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon NA
N. Beverly Dr./Franklin Canyon
Oak Forest Canyon HOA
Oaks Homeowners Assn.
Outpost Estates HOA
Residents of Beverly Glen
Save Coldwater Canyon!
Shadow Hills POA
Sherman Oaks HOA
Silver Lake Heritage Trust
Studio City Residents Assn.
Sunset Hills HOA
Tarzana POA
Torreyson Flynn Assn.
Upper Mandeville Canyon Assn.
Upper Nichols Canyon NA
Whitley Heights Civic Assn.

CHAIRS EMERITI
Shirley Cohen
Jerome C. Daniel
Patricia Bell Hearst
Alan Kishbaugh
Steve Twining
CHAIRS IN MEMORIAM
Brian Moore
Gordon Murley
Polly Ward

Moreover, there appears to be confusion by CD4 staff, and perhaps others, as to whether the City even has discretion to extend. Planner Nguyen has repeatedly asserted in responses to requests for extension that: “Per CEQA Guidelines Section 15105, the public review period for a Draft EIR should not be less than 30 days nor should it be longer than 60 days, except under unusual circumstances.”¹ That states the general rule, but denies that our current circumstance is in any way unusual. But in an email between CD4 Field Deputy Madelynn Taras and Tom Davila, president of Outpost Neighborhood Association, Ms. Taras suggests that both her office and the office of Council District 13 are under the false impression that the City has limited discretion to extend the comment period and even that they have been directed by a state agency not to extend EIR review timeframes. Ms. Taras states:

Given that CD13 is the lead office on this project our office will be deferring to them on the DEIR timeframe. I did speak to my counterpart at CD13 and he indicated that the **directives from the state Planning office is also not to extend EIR review timeframes** so that's what they'll be working off of.²

But there is no evidence that any state agency has so advised or directed the City not to extend this comment period, and such advice would be improper, given that the lead agency has broad discretion in these matters. This was made extremely clear in a communication the Hillside Federation already shared with the City regarding this project on Friday, May 29, 2020. Jeannie Lee, Chief Counsel of the Governor’s Office of Planning and Research, the state agency charged with direct oversight of the California Environmental Quality Act. Ms. Lee wrote to the Hillside Federation to explain:

We agree that public review of projects is an important part of the CEQA process. **CEQA provides a floor and not a ceiling for the deadlines for public review and comments.** Accordingly, **public agencies may use their discretion to extend the time for public review and comment.** We have included language on our website making that clear.³

Since the apparent basis for the City’s refusal to extend the comment period appears to be based on the delegation of this decision to the Council District 13 office, and the CD13 office decision is apparently based on the legally specious premise that a state agency directed the City that it could or should not extend the comment period here, as part of the City’s responses to public comment in the Final EIR for this project we demand to know which Council District 13 staff member(s) received advice from a state agency directing it not to extend the period for review and comment, which agency issued the advice, and the specific language of the advice or

¹ See, e.g., email from Mindy Nguyen to Mary Ledding, May 5, 2020, available at: [https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/\(H\)%20Remainder%20of%20Administrative%20Record/Public%20Comments/Public%20Correspondence/20200511%201819%20M.%20Ledding%20HC%20Request.pdf](https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(H)%20Remainder%20of%20Administrative%20Record/Public%20Comments/Public%20Correspondence/20200511%201819%20M.%20Ledding%20HC%20Request.pdf).

² See email exchange between and among Tom Davila (President Outpost Neighborhood Association), Madelynn Taras (CD4), and Marian Dodge, Chairperson of the Hillside Federation, May 31, 2020 and June 1, 2020, attached as an exhibit to this letter.

³ The email from Ms. Lee is found in the Hillside Federation’s May 29, 2020 submission.

directive received. It is nonsensical and outrageous that such a massive project, with a more than 12,000-page Draft EIR would not have a period for review and comment longer than 45 days.

The remainder of this letter is intended to underline issues of concern raised by some of our member organizations and other community groups concerned about the obvious significant environmental impacts of this project.

Several member organizations and other community groups have expressed concern that the DEIR is inadequate in determining that impacts on police and fire services will not be significant. The Beachwood Canyon Neighborhood Association is extremely concerned, due to its proximity to brush and wildland areas of the eastern Santa Monica Mountains, that emergency response times will be negatively impacted by the project and current evacuation planning for their community will no longer be adequate due to the project. The DEIR does not adequately address those issue.

The submission made by United Neighborhoods for Los Angeles raises the concern that the population estimates used by the DEIR are not accurate. The City has variously used 165,000 and 300,000 as the population number for this part of the City. Any public services impacted by this broad discrepancy must be addressed in the Final EIR so that members of the public and City decision makers understand the significant project impacts to police, fire, and other services.

Transportation planning for the project clearly raises potentially significant environmental impacts, and our affected members and other community organizations do not believe they are adequately addressed. There are several impacted intersections with significant impacts, on- and off-ramps to the 101 Freeway are significantly impacted, and as a traffic report submitted by KOA on behalf of our member Oaks Homeowners Association shows, there are at least two projects that were listed on the cumulative impact list for the DEIR whose contributions to the roadway analysis were apparently elided, causing that analysis to be insufficient. Beachwood Canyon Neighborhood Association has noted there is already parking overflow in the lower part of its canyon neighborhood from existing projects, and their local expert opinion is that this project will exacerbate parking demand and cause an even greater impact than at current. This will especially be true during the project construction period when it is unclear where temporary parking for the Capitol Records building and parking lot will be located. The DEIR should be revised to address these concerns.

Many of our member organizations are understandably concerned that the City is repeating the catastrophic mistake of allowing residential and other structures to be built directly atop an existing earthquake fault with this new project iteration. We believe the information provided in the DEIR regarding this issue is inadequate to conclude that it is safe to allow construction of massive buildings atop the fault zone. Since the previous project at this site by the same developer should be considered as part of the record of this case, we draw your attention to any and all objections made with respect to the earthquake fault zone issue in that record, and also to any comments that may be submitted by others on this topic now.

Several of our members raised the concern that the environmental documents shared with the public are corrupted and illegible and they have therefore been unable to understand the record

June 1, 2020

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sufficient to make intelligible comments. In particular, we note that all of the plates in the Appendix G-1 related to project-site Geology are corrupted and unclear. On this basis alone, the DEIR must be corrected and recirculated since the earthquake issue above relies heavily on this appendix.

We also note that the project is not consistent with the Hollywood Community Plan. It requests an almost 7:1 Floor Area Ratio, when the local planning permits at most a 6:1 ratio. Some members have expressed concern that the calculations used to determine the actual Floor Area Ratio do not comply with normal City procedures. The DEIR should make the process by which it determined the FAR clear, and it should conform precisely to required City procedures.

In addition, member organizations have pointed out that the D Limitations currently imposed at the site are being improperly removed, since they were put in place as an environmental mitigation. This may require further study and consideration by the City in a revised DEIR to ensure the City and applicant are complying with all legal requirements.


Based on all of the above and on review of several submissions to the project and the project DEIR, it is our conclusion that it is premature for the environmental process to move forward toward a Final EIR while there are so many significant procedural concerns and where additional public comment at this early stage would provide for a better decision making process. The Draft EIR should be revised and re-circulated taking into account the many concerns raised above as well as those raised in other submissions. Such an approach would be more consistent with the highest standards of public participation in the environmental review process than the rushed review and comment period that has been provided to this point.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Charley Mims". The signature is written in dark ink and is positioned above the printed name and title.

Charley Mims
President, Federation of Hillside and Canyon Associations

From: Marian A Dodge chairman@hillsidefederation.org 
Subject: Re: OUTPOST - Response to Hollywood Center Project
Date: June 1, 2020 at 9:49 AM
To: Madelynn Taras madelynn.taras@lacity.org
Cc: Tom Davila tom@rarepropertiesinc.com, Thomas Davila tomdavila@me.com

MD

Dear Madelynn,

Apparently you did not see this email from the Governor's Office of Planning & Research. It very clearly states that public agencies – that's the City – may extend the time to comment:

From: Jeannie Lee <Jeannie.Lee@OPR.CA.GOV>
Date: May 27, 2020 at 10:03:57 PM PDT
To: "president@hillsidefederation.org" <president@hillsidefederation.org>
Subject: Letter re: CEQA public comment deadlines

Hi Mr. Mims,

I am responding to your May 4 letter regarding CEQA's public comment deadlines and the need for the public to have sufficient ability to make informed public comment. We agree that public review of projects is an important part of the CEQA process. CEQA provides a floor and not a ceiling for the deadlines for public review and comments. Accordingly, public agencies may use their discretion to extend the time for public review and comment. We have included language on our website making that clear.

Thank you,
Jeannie

Jeannie Lee, AICP
Chief Counsel
Governor's Office of Planning and Research
1400 10th Street
Sacramento CA 95814

The City has the right to extend. You should exercise that right especially since the current rioting has further complicated the ability of communities to respond.

Thank you very much for considering our request.

Best regards,

Marian Dodge, Chairman
Federation of Hillside and Canyon Associations, Inc.
www.hillsidefederation.org



On Jun 1, 2020, at 8:00 AM, Madelynn Taras <madelynn.taras@lacity.org> wrote:

Hi Tom,

Thanks for the email.

From our Planning Team:

Our office absolutely understands the concerns. Given that CD13 is the lead office on this project our office will be deferring to them on the DEIR timeframe. I did speak to my counterpart at CD13 and he indicated that the directives from the state Planning office is also not to extend EIR review timeframes so that's what they'll be working off of. He did also note the project will have 4 public hearings, which suggests to me there will be additional comment window time given that many public hearings are being delayed at the moment, and you can submit additional comments on the EIR to the case planners as part of the public hearing commentary, so hopefully there still will be a lot of extra time for review.

For any more questions about this project, please email our Planning team at cd4.planning@lacity.org

You can also see a letter the Councilman wrote which I am attaching. If you'd like the contacts at CD13, please let me know.

Thanks!

On Sun, May 31, 2020 at 12:32 PM Tom Davila <tom@rarepropertiesinc.com> wrote:

May 29th, 2020

Councilmember David Ryu

Dear Councilmember David Ryu:

As President of the Outpost Neighborhood Association representing over 400 homeowners, I'm writing to express our strong concerns over the lack of time we have been allowed to publicly review and provide comments about the Hollywood Center project.

We stand with the Hillside Foundation that all parties have not had sufficient time to review such a lengthy 12,400 page document, especially in lieu of a major health pandemic that has affected all of our lives for the past 3 months. We feel the pandemic constitutes unusual circumstances.

We need more than 45 days to present our concerns. In fact, in the past, we have been given a longer period of time to review other matters, including the Citywide Sidewalk DEIR, and that was not during a pandemic or "unusual circumstances".

We are also concerned that traffic studies that were performed did not take in account the current and ongoing traffic issues during Hollywood Bowl and Hollywood Boulevard events.

We urge you to take the appropriate action to provide us an appropriate amount of time for concerned parties who would be directly impacted by the Hollywood Center project to make meaningful public comments and be heard.

Thank you.

Sincerely,

Tom Davila
President
Outpost Neighborhood Association

DAVID RYU
L.A. CITY COUNCILMEMBER



Madelynn Taras

Field Deputy

Hollywood District Office:

323-957-6415

<http://davidryu.lacity.org>

- Immediate life threatening police, fire or medical emergency: **9-1-1**
- Parking enforcement (blocked driveway, parking violation, locate impounded vehicle): **213-485-4184**
- Police non-emergency: **877-ASK-LAPD (877-275-5273)**
- Sanitation (missed trash pick-up, broken container): **800-773-2489**
- Traffic control (signal light out): **213-485-4184**
- Dept. of Water & Power: **800-342-5397**
- To assist with outreach services for people experiencing homelessness: **LA HOP**
- Other City issues: **3-1-1**

<Hollywood Millennium Project DEIR Extension Letter_CM Ryu.pdf>