

Communication from Public

Name: Hollywood Heritage

Date Submitted: 11/18/2024 04:24 PM

Council File No: 21-0934

Comments for Public Posting: Hollywood Heritage is commenting on MM CR9 and 10, recently added into the Hollywood Community Plan Update as the first and only aspect of the Plan Update to mitigate the loss of 35 years of historic preservation laws. We have made these comments "long-hand", and look forward to working with City Planning on a "red line" to improve them. Our organization is also looking for a report on when the extensive public outreach will occur pursuant to Councilman Soto-Martinez's budget request for corrective work needed for this Community Plan Update.

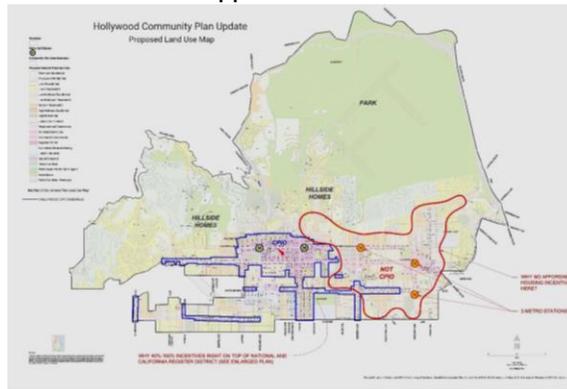


To: Los Angeles City Council PLUM Committee
Re: Newly-provided Mitigation Measures,
Hollywood Community Plan Update CF 21-0934 ;
ENV 2016-1451-EIR; CPC 2016-1450-CPU
Date: PLUM - Nov. 19, 2024

Hollywood Heritage is pleased to see 2 Mitigation Measures uploaded in Nov. 2024 into the Hollywood Community Plan Update Council File, which are the first to address the critical issues of historic preservation. These are MM CR 9 and 10. We agree they should be added into the Plan, and we address these below. We also address our hope for answers for historic Hollywood Boulevard’s revitalization-freing it from the blight brought on by current the real estate speculation and implementing promising techniques for its repositioning and success.

Background: We provided extensive comments to the proposed HCPU during the Council considerations in 2023, and include all those comments again by reference.

- Losing a single historic building is unnecessary: In summary, our comments were that this Community Plan Update creates extensive damage unnecessarily to landmark-rich central Hollywood, by concentrating ALL of the housing density incentives and upzoning right on top of the National Register Commercial and Entertainment Historic District and the California Register residential districts, and leaving all of Hollywood east of the 101 strangely untouched! Nearly 1500 listed landmarks were never mapped or accounted for.



- CPIO needs corrections: We saw that the HR&A economic study confirmed our position that the CPIO high density housing incentives were in the wrong place, and Councilman Soto-Martinez objected that upzoning was counterproductive to housing incentives, as did scores of citizens. Public meetings following May 2023 were promised, which we understand haven’t happened yet.
- Planning housing incentives on top of historic districts is a mistake (and bad for the planet): We showed how this Plan and CPIO creates a false conflict between historic preservation and housing (due to an unfortunate CPIO memo by Vince Bertoni dated Feb 27, 2020 changing the CPIO overlay from one “for” preservation to one “against”). We showed that all of the needed housing



for this RHNA cycle is already built, permitted, under construction, or entitled, using the City's own data. We believe that moving forward with this Community Plan --promoting demolition throughout historic districts and imagining only upzoning and new construction deserves attention while abandoning the 90% that still exists -- remains a mistake.

- Failures of Plan and EIR: City Planning included none of the needed quantitative analysis or mapping to evaluate or quantify their zoning and its effects on landmarks and existing affordable housing. A Community Plan only exists to ensure that the locations where growth is anticipated have adequate infrastructure to support it. And that where growth is planned creates the least adverse environmental effect. Both the Plan and EIR failed at these fundamentals. We look forward to the future correction.

What central Hollywood deserves: Most importantly, Hollywood Heritage has hoped to see a turn-around on the real issues of central Hollywood—helping Hollywood Boulevard economically and making it attractive through planning. We thought that the delay in adopting the rezoning maps and matrix with the upzoning, spot zoning, and misplaced density incentives would open up that promised public process.

We hoped we could use the most modern techniques to address Hollywood's great challenges-- retail declines, failures of City infrastructure and maintenance, and continuing blight. Instead, any creative Main Street revitalization techniques and all of the excellent blueprint in the redevelopment plan, is intentionally squashed by this Update—a critical opportunity lost. While preservation is the greenest answer. the exceptionally wasteful and damaging “demolish and build new” appears to still be the old school approach.

Comments on Mitigation Measures MM CR 9 and 10: Hollywood Heritage agrees that including these measures in the Community Plan Update is positive. These Mitigation Measures still are the ONLY regulations in the entire Community Plan that implement preservation in this most landmark-rich locale of Los Angeles. As the Community Plan also mistakenly repeals all of the redevelopment plan protections for historic buildings, and as that repeal means a loss of existing plan procedures and Mitigation Measures, the Community Plan still creates unmitigated significant adverse and un-evaluated effects on historic buildings and this still needs work. But these Mitigation Measures, when edited, are a start..

We have 4 comments: We can provide a mark-up of the proposed Mitigation Measures to make this clear. The clarifications needed for these Mitigation measures will carry down into the CPIO:

1. **Offering a helpful substantive justification:** A “justification” for MM CR 9 and 10 appears on page 5-2 of the Amendment to the Hollywood Community Plan Update EIR, Section I “Purpose”. Since SB 330 passed at the State legislature, City Planning felt that no new standards were allowed be adopted. However, factually, the Secretary of the Interior Standards are not new—they have been applied and operational through- out the Hollywood Redevelopment area—including all “Section 511” historic buildings and including non-contributors—for 35 years. As this preceded the adoption of the cited State legislation, implementing and continuing any of those design standards, design reviews, and planning regulations in the redevelopment plan is NOT new and NOT in conflict with Gov Code Sec 66300(b)(1)(C) and (e)(3)D),
2. **MM-CR 9 and 10 , once edited as noted below, should apply to the Community Plan area—not solely the CPIO.**



3. **MMCR-9 invokes the use of the Secretary of the Interior Standards in some instances in the CPIO—this is a favorable start.** Hollywood Heritage believes the use of the Secretary of the Interior Standards does not need to be amended to “pre-approve” demolitions under CEQA. Needed adjustment to the Mitigation Measure and the CPIO text:
- Designated resources do include all resources within the boundary of a designated district. This means the definition of “designated resource” introduced in this Mitigation Measure is incomplete—designated districts include what are mis-named “non-contributors”. Factually, the buildings contribute often in age, massing, etc, and essential in defining a District boundary; demolitions or inappropriate alterations risk damaging District integrity. Alterations and new construction on these sites must be controlled with assessments to determine eligibility as a contributor (often as a result of restoration), and compatibility reviews in the same way as compatibility is reviewed for non-contributors in an HPOZ. This Mitigation Measure together with MM CR-10 must be edited to prevent erroneous treatment of non-contributors.
 - City Planning has no right to alter the composition of these Districts and to risk District integrity, as these Districts are established by a higher level of government. The higher level of government must always be consulted.
 - State density bonus law made clear that demolition of historic resources is prohibited, and the CHIP program also makes that demolition prohibited for State Density Bonus projects here in LA.
 - Los Angeles’ HPOZ Ordinance reviews any demolition of a non-contributor and requires design review of a new building within the District. National Register and California Register Districts cannot be treated in a substandard manner to locally-designated Districts. These Mitigation Measures are a reduction in Mitigation unless they receive editing.
 - This Mitigation Measure, when corrected, should be extended in its application to the entirety of the Community Plan area to protect all designated historic resources,
- **MMCR-9 adds a process to allow “automatic” demolition of a designated historic resource or Contributing Element of a District by this EIR** based on assertions to the Director of Planning “that the owner would be deprived of all economically viable use of the property”.
- The Owner apparently would demonstrate this “estimate of market value of the property in its current condition” with a comparison of its value after expenditures necessary for a Standards-compliant project; or after demolition and a replacement project.
 - If this Mitigation Measure has been inserted in response to the Cultural Heritage commission request to “follow the Downtown Plan”, this is likely following the wrong section of the Downtown Plan—as there were other sections far more favorable to preservation. Has this been reviewed with the Commission?
 - Needed edits: Hollywood Heritage is familiar with these kinds of studies, and suggests that multiple corrections be made so that this “pre-approved demolition of an historic landmark based on a single economic criteria” is valid. The following conditions would be added:
 - a. The process must be publicly notified as required under CEQA and presented to the Cultural Heritage Commission. The Commission should be afforded professional assistance with its review, as this is an economic study.



- b. The conclusion from this evaluation --that the Owner would be deprived of all economically viable use of the property-- shall be done by a qualified appraiser specializing in historic building appraisal and shall be based on an income approach to all viable alternatives to demolition—such as repositioning the tenancies; raising rents; sale of façade easements; transfer of development rights; additions; adaptive re-use; etc . The rehabilitation cost shall be the minimum required to reposition the property.
- c. The process of developing construction estimates shall employ a licensed professional only in their direct professional capacity-- architect for plans and specifications; developer for project proformas; realtors for comparables and sales and leasing data, etc. Construction budgets shall be valid only if prepared from Design Development level plans and technical specifications from an historic architect, with construction budgets prepared only by specialized restoration contractors or by specialized professional construction cost estimators with demonstrated experience in historic restoration estimating.}]
- d. Profits from a replacement project shall not be relevant. The metric for the replacement project shall be whether the residual land value calculated by an appraiser after the demolition and replacement project falls below zero. The plans for the proposed replacement project must also be at Design Development level
- e. CEQA may not recognize this as a valid mitigation. Our guess is State law does define what it takes to prove an owner would be deprived of all economically viable use of the property. If that would be a “no project” alternative, then this MM CR-9 should require that as well.

4. **MMCR-10 creates good demolition and alteration reviews, but has a flaw to correct:**

This Mitigation Measure invokes the use of the Secretary of the Interior Standards (for rehabilitation) positively in some instances in the CPIO areas-- both for alterations (“non-demolitions”), and for demolitions. Hollywood Heritage believes the Mitigation Measures are needed and positive, but require the following adjustments here and in the CPIO text:

Needed edits:

- Sec (a) (1) and (b) (i) must be rewritten and corrected. The Director of LA City Planning has no authority to use an Historic Assessment to ‘de-list’ a listed resource as “not an historical resource”.
- Sec (a), (b), and (c): .. This Community Plan and its EIR cannot “pre-clear” demolitions based on future Historic Assessments without public involvement and alternatives review. In order to allow demolition (or improper alteration) of historic resources listed by higher governments (federal and state), the Director of LA City Planning must consult with the higher authority, publicly and formally. If these are in HPOZ or are CHMs , this Mitigation Measure should refer to following those specific procedures In fact, the City of Los Angeles signed an agreement with Hollywood Heritage to stop doing this.
- Sec (c): The Mitigation Measure text (c) must be corrected: It is not in the Director’s power to allow demolition administratively (ministerially) to short-circuit the required public notice and the required study of alternatives to demolition. This can be done with a focused EIR or perhaps some equivalent process, but can never be ministerial.



- Sec ©: This Community Plan Update is removing the current allowance for a 180 day delay of demolition (which can be extended to 360 days) in roughly the CPIO geographic area. This should be added back in to this MM CR 10 or there are more unmitigated effects of the redevelopment repeal.
- Section ©: Demolition or improper alteration cannot be “allowed” by this Mitigation Measure by first “de-listing” with an Historic Assessment. The proper procedure is to require the Assessment to discern the conformance of the project with the Secretary of the Interior Standards, by requiring a description of the character-defining features of the individual building, or of the District itself and of and the building’s architectural features, and reporting the treatment proposed (the kind of alterations or demolition).
- Definition of “eligible historic resource”: This definition does answer the long-awaited issue of how our City Planning Department will implement and include the CRA 2020 ARG Historic Survey in its planning protections: the CRA survey findings are treated as “eligible” . This definition creates 2 confusions that must be cleared up.
 - The definition must be clarified that the published CRA survey on the Planning Department website did not re-survey all the listed individual State and National resources or Districts, and as published does report these already-listed resources, and they cannot be redefined for the purposes of “de-listing”
 - Non-contributors in listed Districts cannot be downgraded to “eligible” by this Mitigation Measure. They are listed. City Planning has no right to alter the composition of these Districts and to risk their integrity for Districts established by a higher level of government.
- “Phase I Historic Assessment” contents should be defined.
- Status Code 5’s. Both the LA Conservancy and the Cultural Heritage Commission requested Status Code 5’s to be protected by this Community Plan. Craig Weber answered PLUM Chair Harris Dawson that “the Commission requests “had been taken care of”. Is the action taken here that Status Code 5’s fall under “eligible?”

Adjust Base FARS in the Regional Center Subareas. Hugo Soto-Martinez submitted this to PLUM: “To promote affordable housing production incentive the analysis provided by H&A Advisors indicates that de facto increases to the RC subarea base FARs will reduce the feasibility of overall production of onsite affordable housing even to below the current TOC requirement levels today. Therefore I request that base FARs in the Regional Center Subareas not be increased as recommended by the City Planning Commission. While I believe that the core of Hollywood would benefit from increased bonus density and I make this recommendation reluctantly, I cannot support FAR increases that would undercut the amount of onsite affordable housing possible for market rate projects until such time as incentive based affordable housing programs are replaced by mandatory inclusionary programs. “

Hollywood Heritage requests that the PLUM be notified publicly—so we can hear also—what has been done as a follow up to the Councilman’s request. The last item at Council was a Resolution from Councilman Hugo Soto-Martinez in Sept. 2023 for budgeting for further work on the Hollywood Community Plan—with “Expand targeted demolition controls to prevent the loss of tenants and historic resources.” The resolution included a mandate to “engage in any associated studies and community outreach required to accomplish this program”.



Respectfully Submitted:
HOLLYWOOD HERITAGE

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Brian Curran, President