



633 West Fifth Street
Suite 5880
Los Angeles, CA 90071
213.557.7222
www.rpnllp.com

Todd Nelson
213.557.7225
Todd@rpnllp.com

August 26, 2024

VIA EMAIL

Chair Marqueece Harris-Dawson and Honorable Members
of the Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street, Room 395
Los Angeles, CA 90012

clerk.plumcommittee@lacity.org

Re: Council File No. 24-0290, Consistency of Artisan Hollywood Project with Government Code Section 65589.5(p)(1)

Dear Chair Harris-Dawson and Honorable Committee Members:

On behalf of Artisan Ventures, the applicant for the Artisan Hollywood mixed-use residential and commercial project ("Project") located at 1520-1542 North Cahuenga Boulevard, 1523-1549 North Ivar Avenue, and 6350 West Selma Avenue ("Site") that your Committee will soon consider, we are submitting this letter regarding the Project's consistency with Government Code Section 65589.5(p)(1), which was recently added to the Government Code pursuant to Assembly Bill ("AB") 1633. AB 1633 amended and strengthened various provisions of the State's Housing Accountability Act ("HAA"), which promotes the approval of housing development projects that help meet the State's housing needs.

As Government Code Section 65589.5(p)(1) provides, upon any motion for an award of attorney's fees in a case challenging a local agency's approval of a housing development project, a court shall consider and give due weight to the degree to which the project approval furthers the policies of the HAA. This same statutory provision states that it is the Legislature's intent that attorney's fees and costs shall rarely, if ever, be awarded if a local agency, acting in good faith, approved a housing development project that meets the criteria described by Government Code Sections 65589.5(h)((6)(D)(i)(I-III) and 65589.5(h)(6)(E)(i-iii).

As set forth by the whole of the administrative record, including but not limited to the environmental review documents prepared for the Project as well as the City's extensive findings made in support of approval of the Project, the Project meets the HAA's definition of a housing development project, and will provide for the development of much-needed market-rate and affordable housing that will help meet the City's housing needs. Moreover, as set forth in Exhibit A, the Project and the Site meet each of the specific locational, use, and density criteria identified by Government Code Section 65589.5(p)(1). Therefore, this statutory provision, and the HAA in general, applies to the Project.

PLUM
August 26, 2024
Page 2

We respectfully request that your Committee grant approval of the Project, and allow its much-needed housing units be developed at the Site. Thank you for your consideration.

Sincerely,



Todd Nelson
Partner
of RAND PASTER & NELSON, LLP

cc: Erin Strellich, Department of City Planning
More Song, Department of City Planning

Exhibit A

As set forth below, the Artisan Hollywood Project meets all required criteria under Government Code Section 65589.5(p)(1), which in turn references Government Code Sections 65589.5(h)((6)(D)(i)(I-III) and 65589.5(h)(6)(E)(i-iii):

Statutory Requirement	Consistent?
<p>Govt. Code § 65589.5(h)(6)(D)(i)(I)/ 65589.5(h)(6)(E)(i). There is substantial evidence in the record before the local agency that the site of the housing development project is not located on either of the following:</p>	
<p>On a site specified in subparagraphs (A) to (C), inclusive, or subparagraphs (E) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.</p>	
<p>Govt. Code § 65913.4(a)(6)(A)(i) An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.</p> <p>(ii) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan.</p> <p>(iii) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government’s coastal hazards vulnerability assessment.</p> <p>(iv) In a parcel within the coastal zone that is not zoned for multifamily housing.</p> <p>(v) In a parcel in the coastal zone and located on either of the following:</p> <p>(I) On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code.</p>	<p>As demonstrated by the City’s ZIMAS system,¹ the Site is not located within the Coastal Zone.</p>

¹ <https://zimas.lacity.org/> (Additional: Coastal Zone – None)

<p>(II) On prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.</p>	
<p>Govt. Code § 65913.4(a)(6)(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.</p>	<p>As demonstrated by the Project’s Initial Study (Agriculture and Forestry Resources section), the Site is not designated as farmland.²</p>
<p>Govt. Code § 65913.4(a)(6)(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).</p>	<p>As demonstrated by the Project’s Initial Study (Biological Resources section), the Site does not contain wetlands.³</p>
<p>Govt. Code § 65913.4(a)(6)(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:</p> <p>(i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.</p>	<p>As demonstrated by the Project’s Initial Study (Hazards and Hazardous Materials section), the Site is not a designated hazardous waste site.⁴</p>

² Artisan Hollywood Project Initial Study, available at https://planning.lacity.gov/odocument/a53219fb-aeba-4694-9451-d3959ee2a6cf/Artisan_Hollywood_Initial_Study.pdf

³ Ibid.

⁴ Ibid.

<p>(ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.</p>	
<p>Govt. Code § 65913.4(a)(6)(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.</p>	<p>As demonstrated by the Project’s Initial Study (Geology and Soils section), the Site is not within a delineated fault zone.⁵</p>
<p>Govt. Code § 65913.4(a)(6)(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this</p>	<p>As demonstrated by the Project’s Initial Study (Hydrology and Water Quality section), the Site is not within a special flood hazard area.⁶</p>

⁵ Ibid.

⁶ Ibid.

<p>subparagraph if either of the following are met:</p> <p>(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.</p> <p>(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.</p>	
<p>Govt. Code § 65913.4(a)(6)(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.</p>	<p>As demonstrated by the Project’s Initial Study (Hydrology and Water Quality section), the Site is not within a regulatory floodway.⁷</p>
<p>Govt. Code § 65913.4(a)(6)(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game</p>	<p>As demonstrated by the Project’s Initial Study (Biological Resources section), the Site is not subject to a natural community conservation plan.⁸</p>

⁷ Ibid.

⁸ Ibid.

<p>Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.</p>	
<p>Govt. Code § 65913.4(a)(6)(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).</p>	<p>As demonstrated by the Project’s Initial Study (Biological Resources section), the Site does not contain habitat for protected species.⁹</p>
<p>Govt. Code § 65913.4(a)(6)(K) Lands under conservation easement.</p>	<p>As demonstrated by the Project’s Initial Study (Biological Resources section), the Site is not under a conservation easement.¹⁰</p>
<p>(II) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.</p>	<p>As demonstrated by the City’s ZIMAS system,¹¹ the Site is not located within a high fire hazard severity zone.</p>
<p>Govt. Code § 65589.5(h)(6)(D)(II)/ 65589.5(h)(6)(E)(ii). The housing development project is located on a legal parcel or parcels within an urbanized area and meets one or more of the following criteria:</p>	<p>The Site is located within the Hollywood neighborhood of the City and is therefore located within an urban area as designated by the U.S. Census Bureau.¹²</p>
<p>(I) The housing development project is located within one-half mile walking distance to either a</p>	<p>As demonstrated by the Project’s Initial Study (Aesthetics section), the Site is within one-half mile of a major transit stop.¹³ Accordingly, the</p>

⁹ Ibid.

¹⁰ Ibid.

¹¹ <https://zimas.lacity.org/> (Additional: Very High Fire Hazard Severity Zone – None)

¹² 2020 Census Urban Areas Map, available at https://www2.census.gov/geo/maps/DC2020/UA20/UA_2020_WallMap.pdf.

¹³ Ibid.

<p>high-quality transit corridor or a major transit stop.</p>	<p>additional criteria below need not be met for purposes of demonstrating consistency with Government Code § 65589.5(p)(1).</p>
<p>(II) The housing development project is located in a very low vehicle travel area.</p>	<p>As a supplemental measure of consistency, as demonstrated by the City’s ZIMAS system,¹⁴ the Site is located in a very low vehicle travel area.</p>
<p>(III) The housing development project is proximal to six or more amenities pursuant to subclause (IV) of clause (ii) as of the date of submission of the application for the project.</p>	<p>As a supplemental measure of consistency, as demonstrated by Google Maps, the Site is proximal to six or more of the identified amenities.¹⁵</p>
<p>(IV) Parcels that are developed with urban uses adjoin at least 75 percent of the perimeter of the project site or at least three sides of a four-sided project site. For purposes of this clause, parcels that are only separated by a street or highway shall be considered to be adjoined.</p>	<p>As a supplemental measure of consistency, the Site is bounded on all sides by qualifying urban uses, including but not limited to retail, restaurant, office, educational, and entertainment uses.</p>
<p>Govt Code 65589.5(h)(6)(E)(iii) The density of the housing development project meets or exceeds 15 dwelling units per acre.</p>	<p>As demonstrated by the Project’s Initial Study (Project Description section) as well as the whole of the administrative record, the Project proposes to develop 260 dwelling units on the approximately 1.55-acre Site, resulting in a per-acre density of approximately 167 units.¹⁶</p>

¹⁴ <https://zimas.lacity.org/> (Planning and Zoning: AB 2334 Very Low VMT – Yes)

¹⁵ <https://www.google.com/maps/place/1525+Ivar+Ave,+Los+Angeles,+CA+90028/@34.09882,-118.3314503,17z>.

¹⁶ Ibid.