

METHODOLOGICAL FLAWS OF THE PROPOSED UPDATE OF THE HOLLYWOOD COMMUNITY PLAN

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FLAW 1) IMPROPER SEQUENCING: To meet the State of California requirements of General Plan timeliness and comprehensiveness, an accurate update of a locally focused Community Plan must be based on a city's General Plan, or in the case of Los Angeles, the citywide General Plan Framework Element, adopted in 1996. This document, the backbone of the Los Angeles General Plan, should be totally revised and updated based on current demographic and infrastructure data. Only when this essential and overdue planning process is completed, should the General Plan's Land Use element, Los Angeles's 35 local Community Plans, including Hollywood, be updated, based on the same demographic and infrastructure data bases utilized to update the General Plan Framework Element. But, at this point, to implement an outdated General Plan – which essentially expired in 2010 -- at the local level, much less with different base and horizon years, defies both State of California planning guidelines, professional standards, and common sense.

After all, changes in local conditions are part of a mosaic, which when completed, must replicate the most current and accurate version of the citywide General Plan. If either is out-of-date, this is impossible, and there is no way to locate, on a citywide basis, the locations mostly like to have the best combination of likely population growth with sufficient zoning and secured funding for adequate infrastructure capacity and public services.

This is the reason why California cities are required to have General Plans prior to local plans and local implementation ordinances.

If at all possible, the Alternate Vision would only be finalized when the Update of the General Plan Framework Element was prepared and adopted.

FLAW 2) FAILURE TO BE CONSISTENT WITH THE GENERAL PLAN

FRAMEWORK ELEMENT: To comply with State of California planning codes and Los Angeles City Charter requirements, the Update of the Hollywood Community Plan must be consistent with the General Plan Framework Element. Consistency between these plans is, therefore, required and unavoidable. This is clearly spelled out in Los Angeles City Charter Sections 556 and 558.

Los Angeles City Charter Section 556. General Plan Compliance.

When approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. If the Council does not adopt the City Planning Commission’s findings and recommendations, the Council shall make its own findings.

Los Angeles City Charter Section 558. Procedure for Adoption, Amendment or Repeal of Certain Ordinances, Orders and Resolutions.

(a) The requirements of this section shall apply to the adoption, amendment or repeal of ordinances, orders or resolutions by the Council concerning:

- (1) the creation or change of any zones or districts for the purpose of regulating the use of land;
- (2) zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances;
- (3) private street regulations;
- (4) public projects.

Nevertheless, despite this City Charter requirement, the Proposed Update turns the General Plan Framework Element on its head. Even though the Framework is explicitly growth neutral, the Proposed Update’s implementation program of extensive up-zoning and up-planning is growth inducing and unabashedly presented as so. Its purpose is to promote large real estate projects that are claimed to meet secondary Framework goals, in particular transit use and housing. This is an approach that mocks LA's growth neutral General Plan Framework Element and in no way is consistent with its purposes, intent, and provisions. According to the General Plan, the purpose of transit is to meet the

mobility needs of the public, at present and during the life of the plan, for the Framework from 1990 to 2010, and for the Proposed Update, between 2005 and 2030. Instead the Proposed Update offers a zoning and planning program to dramatically increase density in Hollywood with the express purpose of locating more people near transit lines, to, presumably, increase transit ridership. This approach clearly conflicts with the intent and purposes of the General Plan. Based on its growth neutral approach, transit should serve real and likely mobility needs. It should not be used as a pretext for real estate speculators to build large new buildings in profitable locations that happen to be near subway stations and bus stops.

In the case of housing, the arguments for increasing density through zone changes and General Plan amendments in order to meet General Plan Framework Element goals is even flimsier and more contradictory. The rationale is that Hollywood will have a population boom during the 20-year life of the plan, and new housing is necessary to meet the demands of that future population. This is in stark contrast to reality, in which existing market rate housing in Hollywood continues to have high vacancy rates. The construction of even more market rate housing – with a few units set aside for low-income tenants -- is intended to lure people to the community. This housing is not being constructed to meet the unmet housing needs of existing residents, which only applies to low-income individuals and families priced out of market housing. Instead, the purpose is to attract new, better off tenants into the new, by-right apartment and condo buildings encouraged by the Proposed Update and permitted by its extensive zoning ordinances and General Plan amendments.

FLAW 3) THE PROPOSED UPDATED FAILED TO CALCULATE BUILD-OUT:

The Los Angeles City Charter, Section 556 and 558, excerpted above, requires that all plan amendments and zone changes must be consistent with the City's General Plan, even if its horizon year has already been reached. This translates into consistency with the methodology and policies of the General Plan Framework Element, despite the weakness of its data.

The General Plan Framework Element was adopted in 1995-6 and is clearly growth neutral, based on the finding that existing General Plan designations and existing zones could support a citywide population in Los Angeles of 8 million people.

This theme is widely repeated throughout the Framework, and the objective of growth neutrality means that the city's population could be doubled without any

increase in underlying densities. What is required, instead, is the steady, upgrading of public infrastructure and public services to meet the changing needs of this growing population. In this approach, zoning, which is already sufficient for all growth scenarios, is not the critical variable. Instead, infrastructure and services are critical because of increases in user demand resulting from both local population growth, as well as growing number of employees, visitors, and pass through traffic in Hollywood.

In rare cases, however, where population growth has exceeded locally permitted zoned capacities, the Framework would allow local increases in density through Zone Changes and, when necessary, also General Plan Amendments. For these legislative actions to occur, the applicant, whether the City or a private party, would need to demonstrate a minimum of three thresholds:

1. The build out capacity of a local area based on the full utilization of adopted zones and General Plan land use designations has been reached.
2. The local area's population is overcrowded, and there is no more remaining private land that could be developed to meet their needs for housing and employment.
3. The local area has and will continue to have sufficient, carefully monitored public infrastructure and public services to meet the housing and employment needs of the current and anticipated population.

Despite this clear requirement, the Proposed Update's Final Environmental Impact Report (FEIR) does not present a planning rationale for the Proposed Update's 105 pages of up-planning, up-zoning, and changes in Height Districts, consistent with the "growth neutrality" theme of the General Plan Framework Element. Los Angeles, according to the General Plan Framework, has enormous untapped capacity for population and housing growth based on the legally adopted plan designations and zones that existed when the Framework was prepared and adopted in the mid-1990s. Since then, Hollywood has modest increases in zoned capacity through discretionary actions. To exceed these expanded local densities in the Hollywood Community Plan area, the Department of City Planning would, therefore, need to present a clear demonstration of documented increases in population growth and housing demand that have exceeded Hollywood's expanded build-out capacity.

This is a substantial requirement; yet the Proposed Update does not present a calculation or an analysis of the remaining build out capacity of the privately zoned

parcels in the Hollywood Community Plan area. It also fails to demonstrate that these private parcels do not have enough undeveloped capacity to meet the future housing and employment needs of the population they project by 2030 in Hollywood.

This is the exact approach of the General Plan Framework Element, and for the Proposed Plan to be consistent with the Framework, which is required by the Los Angeles City Charter, it must follow the Framework's methodology. This is not an optional requirement. Until the Charter is amended, it is mandatory.

FLAW 4) VIOLATION OF TIMELY REQUIREMENT OF STATE OF

CALIFORNIA GENERAL PLAN GUIDELINES: The Proposed Update of the Hollywood Community Plan ignores 2010 census data, and, instead, is based on outdated census data from previous decades. As a result, it does not meet the State of California's legal requirement that all planning documents be timely. California State planning laws and guidelines require General Plans, including their land use elements (e.g., the Hollywood Community Plan) to be current and internally consistent among their required and optional elements. In this case the General Plan Framework Element was based on 1990 census data. This data, was in turn, was extrapolated to the Framework's 2010 horizon year. When these forecasts were compared to real 2010 data, they were substantially higher, by about 12 percent or 400,000 people. The Update of the Hollywood Community Plan is supposed to apply the Framework to local communities, but it is based on year 2000 census data, augmented by a 2005 "guestimate," and then extended to the year 2030 based on long-term trend data rooted in LA's boom decades of the 1970s and 1980s.

The two plans – the General Plan Framework Element and the Hollywood Community Plan Update -- are not only inconsistent with each other, but neither is based on current census data. The new 2010 census data has been available for over one year and should have been used for all plan reviews and updates, including the General Plan Framework Element, the General Plan Land Use Element (i.e., Los Angeles's 35 Community Plans, including Hollywood), and for related implementation ordinances. It also should have been used for long neglected General Plan monitoring of the demographic and infrastructure trends that shape the General Plan.

If 2010 census data had been used for the Hollywood Community Plan, including its DEIR and FEIR, they would have demonstrated that Hollywood had a serious population decline from 2000 to 2010 of about 15,000 people, on top of a slightly

declining population between 1990-2000. This means that the Framework's original projects, as well as the DEIR's population projections, obtained from the Department of City Planning and from the Southern California Association of Governments, are highly inflated, inaccurate, and therefore not acceptable for preparing a Community Plan Update with a horizon year of 2030.

Had more realistic trend data, based on the past two stagnant decades, been used to update both the Framework and the Hollywood Community Plan, there would have been no extravagant claims of burgeoning population growth in Hollywood. At best, there would be extremely modest growth, and at worse, the significant population decline from 1990 to 2010 would be extended for twenty more years, resulting in major population loss, not gain, in Hollywood.

Nevertheless, even if these outdated and inflated population numbers were accepted for a planning exercise, such as a DEIR scenario, there is absolutely no evidence in the Proposed Update or its support documents that Hollywood's existing General Plan designations and zones are not capable of meeting the inflated population's needs for housing and employment at any point in the plan's 2005 – 2030 time period.

FLAW 5) FAILURE TO MONITOR INFRASTRUCTURE: According to the Proposed Update's Final Environmental Impact Report, most categories of public infrastructure and services are not capable of meeting the needs of the residents, employees, and customers that the Proposed Plan hopes to attract to Hollywood through its program of up-zoning and up-planning. These astounding revelations of a future low-amenity Hollywood are not surprising considering that citywide concerns over public services and infrastructure are barely detectable at City Hall. For example, the City of Los Angeles, in particular the Department of City Planning, despite state and local mandates, has not monitored local public services or infrastructure construction and maintenance since 1999. Changes in the intervening 12 years, which could be dramatic in an era of budget cutbacks, are unknown, but nevertheless set the context for the Proposed Update of the Hollywood Community Plan.

Furthermore, in some categories, there has been no formal planning for public infrastructure in Los Angeles through the General Plan process in over 45 years. The adopted General Plan Elements addressing infrastructure were prepared and adopted in the late 1960s. In the intervening decades they have not been updated, replaced, or rescinded. They have, however, been ignored, even though EIRs, such as that for the Proposed Update, concede that the city's infrastructure

cannot handle existing user demand, much less the anticipated demands of the larger population resulting from extensive up-planning and up-zoning in Hollywood ushering in extensive by-right construction.

According to the General Plan Framework Element, there should be no increases in permitted density without adequate public services and infrastructure. Furthermore, there does not appear to be any proposal in the FEIR or the Proposed Update to monitor local public services or infrastructure conditions, including changes in demographics and related user demand, as well as the effectiveness of the updated Plan's policies and programs. Considering that the Proposed Update's FEIR's Statement of Overriding Considerations adopted by the City Planning Commissions is clear that Proposed Update will overwhelm the following environmental categories: public services, utilities, water resources, transportation, air quality (including construction and emission of greenhouse gases), noise, and cultural resources, these are astounding predictions of a low amenity future. Few Hollywood residents will accept the reduced quality of life in Hollywood resulting from the Update, even in the unlikely case that the promised jobs and transit ridership appear. To not even monitor these categories, as well as the other categories that the FEIR asserts will be mitigated, such as emergency services, is an extraordinary lapse in responsible local municipal governance.

This is why the Proposed Plan is based on a combination of low amenities and low regulation.

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