

P.O. Box 27404
Los Angeles, CA 90027
www.hillsidefederation.org



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May 4, 2020

Senator Ben Allen
Senate District 26
State Capitol, Room 4076
Sacramento, CA 95814

Senator Anthony Portantino
Senate District 25
State Capitol, Room 3086
Sacramento, CA 95814

Assemblymember Richard Bloom
Assembly District 50
P.O. Box 942849
Sacramento, CA 94249-0050

Assemblymember Adrin Nazarian
Assembly District 46
P.O. Box 942849
Sacramento, CA 94249-0046

Assemblymember Laura Friedman
Assembly District 43
P.O. Box 942849
Sacramento, CA 94249-0043

RE: Hollywood Center Project
Extension of Environmental Public Comment Period

Honorable Assemblymembers and Senators:

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. The Federation would like to bring to your attention a major land use project located in Los Angeles within the boundaries of Assembly District 50 and Senate District 26 that will have far-reaching impacts touching on all of your districts and impacting thousands of your constituents.

The project is the current iteration of a controversial project previously considered by the City of Los Angeles for which approvals were overturned when a Los Angeles Superior Court decision found the environmental impact report failed to fully assess project impacts.¹ Now known as the Hollywood Center, the current project calls for major construction on several sites, with a 46-story, 595-foot tower and 11-story building at the easterly site, and a 35-story, 469-foot tower and second

¹ Rong-Gong Lin II, David Zahniser, Rossana Xia, *Judge halts Millenium Hollywood skyscraper project*, LA Times, April 30, 2015, available at <https://www.latimes.com/local/lanow/la-me-ln-millennium-hollywood-20150430-story.html>.

Assemblymembers Bloom, Nazarian, and Friedman
Senators Allen and Portantino
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11-story building at the westerly site. The project would create 1,005 residential units and 30,000 square feet of retail, totaling almost 1.3 million square feet of development.

We turn to you in hopes that you will join us, on behalf of your many interested and affected constituents, in a request to the City of Los Angeles to extend the time for public comments in light of the extremely unusual circumstance caused by the COVID-19 pandemic. The request says nothing about the merits of the project, but is intended only to allow for fully informed public participation as called for by California law and fundamental principles of fairness.

The Draft Environmental Impact Report (DEIR) for the new Hollywood Center project was released for public review on April 16, 2020 with a public comment deadline of June 1, 2020, only 45 days. The DEIR is well over 12,000 pages long, much of it quite technical in nature. Public comments for such complex projects ordinarily come from many local public interest organizations, homeowners associations, other community-oriented groups, and private individuals. Due to the COVID-19 pandemic none of these organizations are able to operate normally with in-person meetings. Some, including the Hillside Federation, have a sufficient number of members with access to computer and internet technology to allow videoconference meetings for limited purposes, but cannot undertake their usual range of activities.

In addition, stakeholders and their representative organizations often rely on initial review of complex projects by technical experts to allow for informed public comment. Due to the impact of COVID-19, including government-ordered closure of non-essential businesses, organizations and individual stakeholders may not be able to find experts who can undertake that review.

It would be a herculean task to review the almost 12,400 page Hollywood Center DEIR in only 45 days under the best of circumstances. During the COVID-19 pandemic it is impossible. This is especially true for your many constituents who have no internet access, as they can no longer rely on local libraries to provide access to physical documents or computer facilities needed to review digital documents. All of those facilities are closed as a result of the pandemic.² Indeed, stakeholders without internet access may be entirely unaware of the pending deadline.

This was not an unforeseeable problem: in March, weeks before the DEIR for the Hollywood Center was released to the public for review, Sean B. Hecht, UCLA School of Law Professor and Co-Director of UCLA Law's Frank G. Wells Environmental Law Clinic, requested extension of *all* public comment deadlines, citing the negative effect on public participation in review of environmental approvals due to the pandemic.³

A number of community members and other interested persons, including some of our member organizations, have respectfully requested the City extend the review and public comment period for the Hollywood Center DEIR due to the profound impacts of the COVID-19 pandemic, including closure of non-essential businesses, many government offices, and public libraries. The request would be entirely reasonable for a project of this magnitude under even ordinary

² The banner notice presently atop the Los Angeles Public Library home page states: "All libraries are closed until further notice." See <https://www.lapl.org>.

³ Letter from Sean B. Hecht to Mayor Eric Garcetti, et al. (March 23, 2020) (attached).

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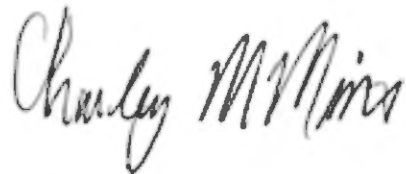
circumstances. Incredibly, the City has summarily denied these requests, finding that the affects of the COVID-19 pandemic do not constitute an “unusual circumstance,” even while agreeing “these are unprecedented times.”⁴

But while the City relies on the CEQA regulations to shield this particular project, it has used its authority to extend public review and comment deadlines for other projects. For example, only recently the City extended the public comment period for its Citywide Sidewalk Draft EIR “[d]ue to the current COVID-19 emergency” by more than 90 days, from an original deadline of February 24, 2020 to May 31, 2020.⁵ Unless extended, the comment period for the Hollywood Center project will end on June 1, the very next day. The 157-day Citywide Sidewalk DEIR comment period is three and a half times the 45-day comment period for the Hollywood Center.

In order for projects to be approved or denied *on their merits*, members of the public must have sufficient time to make informed public comments. This requires they have real opportunity to review crucial project documents, enlist the help of qualified technical and legal advisors when necessary, consider the issues, and then draft and submit comments.

Public participation is a fundamental part of the fair and transparent process required by the California Environmental Quality Act. We hope you will join us in urging the City of Los Angeles to extend the public comment period for the Hollywood Center project.

Sincerely,

A handwritten signature in black ink that reads "Charley Mims". The signature is written in a cursive, flowing style.

Charley Mims
President, Federation of Hillside and Canyon Associations

⁴ See email from Project Planner Mindy Nguyen to Amy Gustincic, President, Los Feliz Improvement Association (attached). LFIA is a member organization of the Hillside Federation.

⁵ See <https://sidewalks.lacity.org/environmental-impact-report> (emphasis added).

SEAN B. HECHT
CO-EXECUTIVE DIRECTOR, EMMETT INSTITUTE ON CLIMATE CHANGE
AND THE ENVIRONMENT
EVAN FRANKEL PROFESSOR OF POLICY AND PRACTICE
CO-DIRECTOR, FRANK G. WELLS ENVIRONMENTAL LAW CLINIC

UCLA SCHOOL OF LAW
BOX 951476
LOS ANGELES, CALIFORNIA 90095-1476
Phone: (310) 794-5272
Email: hecht@law.ucla.edu

March 23, 2020

Via email

Mayor Eric Garcetti
City of Los Angeles
200 N. Spring St.
Los Angeles, CA 90012

City Attorney Mike Feuer
City of Los Angeles
James K. Hahn City Hall East, Suite 800
Los Angeles, CA 90012

Director Vincent Bertoni
Los Angeles City Planning
200 N. Spring St., Suite 525
Los Angeles, CA 9001

Dear Mayor Garcetti, City Attorney Feuer, and Director Bertoni:

I am writing, in my capacity as Co-Director of the Frank G. Wells Environmental Law Clinic, to request that the City take immediate action to address the impact of COVID-19 and the City and State “Safer At Home” orders on public participation in planning processes in the City. I request that the City postpone deadlines for public comment on environmental review of planning matters, including Draft Environmental Impact Reports for projects and land use and zoning plans, and not initiate any more comment periods, until the “Safer At Home” orders are lifted and public libraries and city offices are operating normally again. The California Environmental Quality Act (“CEQA”) provides a legally-mandated and crucial opportunity for public

participation in environmental review processes. The City should provide relief from deadlines and processes where, as here, circumstances block effective public participation.

The serious precautionary measures the City and State have taken to ensure community protection against COVID-19, while necessary, have sharply limited public access to draft EIRs and other documents, and have thus rendered it impossible to have a full, fair, and transparent public review process for projects and plans currently in process. Moreover, the legal notices that the City has issued concerning the availability of documents for public review have been rendered inaccurate, and are therefore legally insufficient, now that the public is not physically able to review paper copies of City draft documents in any of the locations where the City had originally made them available (or indeed in any location at all). Finally, the overall circumstances, which include cancellation of both official and unofficial in-person gatherings, as well as significant unanticipated family and personal hardships for individuals across the city, dramatically limit the public's ability to fully engage in public review and comment on pending City matters, even aside from the City's own precautionary measures.

First, the public availability of crucial documents, including those documents under public review, has been impaired dramatically. The closure of the City's libraries and the implementation of the "Safer At Home" order have rendered the City's EIRs and other documents inaccessible in paper form. City notices reference the availability of documents at the public Planning Department location and at library branches where the documents are either not, in fact, available¹, or where members of the public may not appear because of the "Safer At Home" order, which generally prohibits people from engaging in nonessential activities outside their homes.² The many members of the public without internet access, without bandwidth

¹ See, e.g., Notice of Completion and Availability of Draft Environmental Impact Report for 2800 Casitas Avenue Project (referencing DEIR availability at currently-closed locations), *available at* https://planning.lacity.org/eir/2800CasitasAve_formerlyTheBowTieLofts/deir/2800%20Casitas%20DEIR%20Extension%20Notice.pdf:

The Draft EIR and the documents referenced in the Draft EIR are available for public review at the City of Los Angeles, Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90012 during office hours Monday- Friday, 9:00a.m. - 4:00p.m. Please contact the Staff Planner listed below to schedule an appointment.

The Draft EIR is also available at the following Library Branches:

- 1) Los Angeles Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- 2) Silver Lake Branch Library, 2411 Glendale Boulevard, Los Angeles, CA 90039
- 3) Atwater Village Branch Library, 3379 Glendale Boulevard, Los Angeles, CA 90038
- 4) Cypress Park Branch Library, 1150 Cypress Avenue, Los Angeles, CA 90065

²See City of Los Angeles, Public Order Under City of Los Angeles Emergency Authority (March 19, 2020), *available at*

https://www.lamayor.org/sites/g/files/wph446/f/article/files/SAFER_AT_HOME_ORDER2020.03.19.pdf (detailing prohibitions on travel and activity within the City of Los Angeles); City of Los Angeles, What you should know about coronavirus, <https://corona-virus.la/updates> (detailing closures of all City of Los Angeles libraries previously

sufficient to download massive documents, or otherwise needing paper copies to review, are simply unable to access the documents. For example, as the City has noted, “[t]he Central Library and the 72 branch libraries will be closed through March 31.” While the Planning Department staff may still be available by appointment for document review (a situation that is unclear from the public notices), the “Safer At Home” order discourages this; moreover, people who are immunocompromised, are caring for such people, or have household members who are, cannot safely appear in person at City facilities anyway to review paper documents.

Second, these same developments have also rendered the City’s public notices about the availability of documents for public review, including Notices of Completion and Availability of Draft Environmental Impact Reports, inaccurate and legally inadequate, since the documents are not available in the noticed locations.³ The actions referenced above, including library closures together with the City and State “Safer at Home” orders, make it unrealistic if not practically impossible for residents to access documents. Thus, these city notices are technically and legally deficient.

Third, the COVID-19 situation and the State and City orders to limit activities also impair public participation in other significant ways, warranting postponement of these deadlines. Official and unofficial in-person gatherings are now forbidden, making it difficult to gather input or coordinate about responses to the City’s environmental review documents. Residents are experiencing massive disruption, including significant unanticipated family and personal hardships, that as a practical matter impairs their ability to participate in public comment processes now. LAUSD schools are closed, residents are struggling to ensure they have needed food and medication and are facing significant financial instability, and social distancing limits residents’ ability to gather and communicate. Even basic public services are limited. Under these conditions, it is impossible to ensure robust public participation.

Finally, I just learned of a new City order, dated March 21, 2020, that apparently directs that “[a]ll deadlines prescribed in the Los Angeles Municipal Code ... pertaining to public hearings and decisions made by legislative bodies, zoning administrators, the Director of Planning, the General Manager of the Department of Building and Safety...including expiration dates for utilization of existing approvals, shall be tolled and suspended until further notice.”⁴ The Order lists four specific categories of suspensions, none of which appear to toll or suspend public

serving as public repositories for Draft EIRs and other City public review documents [“The Central Library and the 72 branch libraries will be closed through March 31”], and explaining limitations on travel and activity within the City of Los Angeles) (last visited March 21, 2020); State of California, Stay home except for essential needs, <https://covid19.ca.gov/stay-home-except-for-essential-needs/> (detailing State of California-imposed limitations on travel and activity) (last visited March 21, 2020).

³ See CEQA Guidelines 15085(b) (“The notice of completion shall include ... [an] address where copies of the draft EIR are available”).

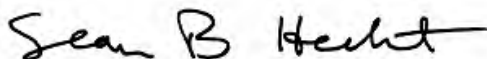
⁴ I cannot currently find this document on any City website, but I saw yesterday that Councilmember Cedillo posted a copy of the order, on Mayor’s stationery, on his Instagram feed.

comment periods. It is inappropriate for the City to suspend project applicant deadlines under the Municipal Code without similarly doing so for public participation deadlines. This new Order clearly warrants a similar tolling or suspension of public comment periods, and makes clear the lack of prejudice that would result for project applicants from any such tolling or suspension.

In addition to these general concerns, my law clinic is working with residents who are affected by a specific project, the proposed 2800 Casitas Avenue Project. While this is not the only public review affected by COVID-19, it is an especially urgent one to address, since the comment period is set to close on March 30—just one week from today, and well within the Safer At Home limitation period. The local neighborhood council meetings have been canceled, even further limiting residents’ ability to express concerns about the project, or even to learn about the project, in formal and informal ways.

Currently, the City’s “extraordinary measures to safeguard the health and safety of us all have resulted in the postponement of all regularly scheduled Commission and Board meetings, as well as community meetings, from now until at least April 16.”⁵ The City’s Safer At Home order extends until at least April 19, while the State order appears to be indefinite. Under the circumstances, I recommend that any public comment periods be extended, and new public review documents such as draft and final EIRs, not be released until at least an additional 45 days after City business resumes as usual.

Sincerely,



Sean B. Hecht

cc: Ms. Barbara Romero, Deputy Mayor of City Services
Mr. William Chun, Deputy Mayor of Economic Development
Mr. Nicholas Maricich, Director, Planning and Real Estate Development

⁵ Los Angeles City Planning, Important Notices Regarding the Novel Coronavirus (COVID-19), <https://planning.lacity.org/resources/p41a-covid-19> (last visited March 21, 2020).

From: Mindy Nguyen <Mindy.Nguyen@lacity.org>
Sent time: 04/28/2020 05:49:30 PM
To: LFIA President <president@lfia.org>
Cc: Eric Garcetti <mayor.garcetti@lacity.org>; Mitch O'Farrell <councilmember.ofarrell@lacity.org>; David Ryu <david.ryu@lacity.org>; Vince Bertoni <vince.bertoni@lacity.org>; Kevin Keller <kevin.keller@lacity.org>
Subject: Re: LFIA Objection to 45 Day Comment Period DEIR ENV-2018-2116-EIR

Hi Amy,

Thank you for your email.

The City has received your request, together with other requests, for an extension of the Hollywood Center Project Draft Environmental Impact Report (Draft EIR) comment period in light of COVID-19.

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. While we agree that these are unprecedented times, as indicated in the Notice of Completion and Availability (NOA) for the Hollywood Center Project Draft EIR, the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file, are available for public review on our website at the following location: <https://planning.lacity.org/development-services/eir/hollywood-center-project-1>.

If you are having difficulty accessing the document in any way (i.e. if links are not working or the attachments cannot be viewed) please let us know immediately, as we are committed to making the document as accessible as possible from the safety of your own homes, and in compliance with the "Stay at Home" Order. In addition, and as also indicated in the NOA, the Draft EIR can be made available on CD-ROM, USB flash drive or hard copy for anyone who requests one.

While we understand that the "Stay at Home" Order prevents neighborhood groups from meeting in person, please be advised that CEQA does not require people to meet and confer on the EIR, and should not preclude anyone from reviewing the EIR and providing comments.

Furthermore, pursuant to the Governor's [Executive Order N-54-20](#), signed April 22, 2020, deadlines for filing, noticing, and posting of CEQA documents with county clerk offices have been suspended for 60 days. However, deadlines for public review and comment periods for CEQA documents, such as for draft EIRs, have not been suspended and the provisions governing public review remain unchanged.

As such, please be advised that, as the Draft EIR remains accessible to all individuals, the comment period will not be extended at this time. We understand your concern regarding this Project, and ask that you let us know if you have any difficulty accessing the Draft EIR or if you need additional accommodations to be able review it offline.

Please also be reminded that all comments must be provided in writing, and may be submitted electronically via email, or hard copy via mail. Submittal of comments in person is not required, nor recommended.

Let me know if you have any further questions.

On Tue, Apr 28, 2020 at 2:20 PM LFIA President <president@lfia.org> wrote:

Please see attached letter.

Thank you.

--

Amy Gustincic

President, LFIA

Advocacy and Action for Los Feliz

LFIA.org

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LOS ANGELES
CITY PLANNING

Mindy Nguyen

City Planner

Los Angeles City Planning

221 N. Figueroa St., Suite 1350

Los Angeles, CA 90012

Planning4LA.org

T: (213) 847-3674



E-NEWS