PLANNING AND LAND USE MANAGEMENT COMMITTEE

Tuesday, October 25, 2016

BOARD OF PUBLIC WORKS EDWARD R. ROYBAL HEARING ROOM 350 - 2:30 PM

200 NORTH SPRING STREET, LOS ANGELES, CA 90012

MEMBERS: COUNCILMEMBER JOSE HUIZAR, CHAIR
COUNCILMEMBER MARQUEECE HARRIS-DAWSON
COUNCILMEMBER GILBERT A. CEDILLO
COUNCILMEMBER MITCHELL ENGLANDER
COUNCILMEMBER CURREN D. PRICE, JR.

(Sharon Dickinson - Legislative Assistant - (213)-978-1074 or email Sharon.Dickinson@lacity.org)

Click here for agenda packets

Note: For information regarding the Committee and its operations, please contact the Committee Legislative Assistant at the phone number and/or email address listed above. The Legislative Assistant may answer questions and provide materials and notice of matters scheduled before the City Council. Sign Language Interpreters, Communication Access Real-Time Transcription (CART), Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting/event you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended. For additional information, please contact the Legislative Assistant listed above.

MULTIPLE AGENDA ITEM COMMENT

GENERAL PUBLIC COMMENT

ITEM NO. (1)

07-1175

Director of Planning oral status report relative to ongoing development of City planning policies, work programs, operations, and other items of interest.

ITEM NO. (2)

16-1119

TIME LIMIT: 11/15/16; LAST DAY FOR COUNCIL ACTION: 11/9/16

Communication from the Mayor relative to the appointment of Ms. Pilar Buelna to the Cultural Heritage Commission for the term ending June 30, 2019.

Financial Disclosure Statement: Pending

Background Check Review: Filed.

Community Impact Statement: None submitted.

ITEM NO. (3)

13-1152-S1

Reports from the Department of City Planning and the City Attorney relative to the regulatory controls over well stimulation and a proposed Interim Control Ordinance prohibiting well stimulation treatments.

Fiscal Impact Statement: No

Community Impact Statement: Yes

For: Atwater Village Neighborhood Council
Downtown Los Angeles Neighborhood Council
Empowerment Congress North Area Neighborhood Council
Foothill Trails District Neighborhood Council
Harbor Gateway North Neighborhood Council
Los Feliz Neighborhood Council
Mid City Neighborhood Council
Mid Town North Hollywood Neighborhood Council
Northridge South Neighborhood Council
Northwest San Pedro Neighborhood Council
Pacoima Neighborhood Council

DISPOSITION: REQUEST TO CONTINUE

ITEM NO. (4)

14-1325/14-1325-S1

CONTINUED FROM 9/6/16
Motion (O'Farrell - Huizar) and reports relative to the feasibility of implementing a Value Capture Policy with an analysis regarding three different value capture options. **(Also referred to the Housing Committee)**

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

ITEM NO. (5)

16-1152

CD 11 **TIME LIMIT: 11/11/16; LAST DAY FOR COUNCIL ACTION: 11/9/16**

Environmental Impact Report and related California Environmental Quality Act (CEQA) findings, and an appeal filed by Louis Magur, Law Offices of Louis Magur on behalf of Louis and Wendy Magur and WLMAGUR, LLC, from the determination of the Board of Building and Safety Commissioners in approving an application to import 122,000 cubic yards of earth to the City property located at 15101 Pacific Coast Highway, subject to Conditions of Approval.

Applicant: City of Los Angeles, Bureau of Engineering c/o Robert Hancock

Owner: City of Los Angeles, Department of Recreation and Parks

Board File No. 160089

CEQA No. State Clearinghouse 84091901

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

ITEM NO. (6)

16-1155

CD 11 **TIME LIMIT: 11/12/16; LAST DAY FOR COUNCIL ACTION: 11/9/16**

Mitigated Negative Declaration, Mitigation Measures and related California Environmental Quality Act (CEQA) findings, and an appeal filed by Harel Simon from the determination of the Board of Building and Safety Commissioners in approving an application to export 33,120 cubic yards of earth, for a 54-unit multifamily residential building to be built above two levels subterranean parking, for the property located at 11600 West Dunstan Way, subject to Conditions of Approval.

Applicant: Nakada and Associates

Owner: 11601 Dunstan Partners LP, c/o Moss and Company

Board File No. 160040

CEQA No. ENV-2016-0457-MND

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

ITEM NO. (7)

16-0901

CD 14 **TIME LIMIT AND LAST DAY FOR COUNCIL ACTION: 11/4/16**

Report from the Cultural Heritage Commission relative to the inclusion of the Japanese Hospital located at 101 South Fickett Street in the list of Historic-Cultural Monuments.

Applicant: Michael Okamura, Little Tokyo Historical Society

Owner: Luzviminda Mondonedo

Case No. CHC-2016-1074-HCM

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

(On October 11, 2016 the City Council approved a 15-day extension of the time limit.)

ITEM NO. (8)

16-1048

CD 2 **TIME LIMIT: 11/18/16; LAST DAY FOR COUNCIL ACTION: 11/9/16**

Mitigated Negative Declaration, Mitigation Monitoring Program and related California Environmental Quality Act (CEQA) findings, report from the South Valley Area Planning Commission (SVAPC), and an appeal filed by Valley Village Residents for Fair Government, Friends of Valley Village (FVV), Hollywoodians Encouraging Logical Planning (HELP), San Fernando Valley Neighborhood Coalition (SFVNC), and Valley Village Neighborhood Coalition (WNC) from the entire determination of the SVAPC in sustaining the findings and conditions of the Deputy Advisory Agency, and revising the decision letter to approve Vesting Tentative Tract Map No. 73704-SL, for the construction of a 26-unit Small Lot subdivision with a total of 59,548 square feet of floor area, including a street merger of approximately 100 feet of Weddington Street (west of Hermitage Avenue) as part of the Tract Map, and a portion of the street merger becoming a driveway and fire lane to access the interior unit garages, for the properties located at 5261, 5263, 5303 and 5305 Hermitage Avenue, and 12300, 12301 and 12302 Weddington Street, subject to revised Conditions of Approval.

Applicant: UB Valley Village LLC

Representative: Steve Nazemi, UB Valley Village LLC and Edwards Trust

Case No. VTT-73704-SL-2A

CEQA No. ENV-2015-2618-MND

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

ITEM NO. (9)

16-1112

CD 12 **TIME LIMIT: 10/27/16; LAST DAY FOR COUNCIL ACTION: 10/26/16**

Mitigated Negative Declaration, Mitigation Measures, Mitigation Monitoring Program and related California Environmental Quality Act (CEQA) findings, report from the Los Angeles City Planning Commission (LACPC), and an appeal filed by Paul Edelman, Santa Monica Mountains Conservancy from the entire determination of the LACPC in sustaining the decision of the Advisory Agency in approving Vesting Tentative Tract Map No. 73714-SL, for the construction, use and maintenance of 37 lots for the purposes of 35 Small Lot homes and two Open Space Lots in the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, for the property located at 23200 West Sherman Way, subject to Conditions of Approval.

Applicant: Sherman Way-West Hills Partners, LLC

Representative: Michael Harris

Case No. VTT-73714-SL-1A

CEQA No. ENV-2015-4679-MND

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

ITEM NO. (10)

16-1113

CD 12 **TIME LIMIT: 10/27/16; LAST DAY FOR COUNCIL ACTION: 10/26/16**

Mitigated Negative Declaration, Mitigation Measures, Mitigation Monitoring Program and related California Environmental Quality Act (CEQA) findings, report from the Los Angeles City Planning Commission (LACPC), and an appeal filed by Paul Edelman, Santa Monica Mountains Conservancy from the entire determination of the LACPC in sustaining the decision of the Advisory Agency in approving Vesting Tentative Tract Map No. 73814-SL, for the construction, use and maintenance of 15 lots, including 14 Small Lot homes and one Open Space Lot, and one remainder lot in the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, resulting in the improvement of Woodlake Avenue, for the property located at 7000 North Woodlake Avenue, subject to Conditions of Approval.

Applicant: Sherman Way-West Hills Partners, LLC

Representative: Michael Harris

Case No. VTT-73814-SL-1A

CEQA No. ENV-2015-4679-MND

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

ITEM NO. (11)

14-0366-S4

Discussion with City Attorney relative to the already enacted as well as proposed State legislation regarding medical marijuana.

Fiscal Impact Statement: No

Community Impact Statement: None submitted.

ITEM NO. (12)

16-1011

CD 4 CONTINUED FROM 9/27/16

TIME LIMIT AND LAST DAY FOR COUNCIL ACTION: 11/4/16

Environmental Impact Report and Errata, Mitigation Measures, Mitigation Monitoring Program, Statement of Overriding Considerations and related California Environmental Quality Act (CEQA) findings, report from the Los Angeles City Planning Commission (LACPC), and appeals filed by: Assistant City Manager Stephanie DeWolfe on behalf of the City of West Hollywood (Representative: Beth Collins-Burgard and Dylan Johnson, Brownstein Hyatt Farber Schreck LLP); JDR Crescent LLC and IGI Crescent LLC (Representative: Robert L. Glushon and Kristina Kropp, Luna and Glushon); Susane Manners (Representative: Allan Wilion, Esq.); Fix the City, Incorporated (Representative: Beverly Grossman Palmer, Strumwasser and Woocher LLP); Laurel Canyon Association (Representative: Jamie T. Hall, Channel Law Group LLP) from the entire determination of the LACPC in approving Vesting Tentative Tract Map No. VTT-72370-CN-1A, for a project consisting of one master lot and ten air space lots for the development of 249 residential dwelling units, including 28 units set aside for Very Low Income households and 65,000 square feet of commercial uses, for the properties located at 8148-8182 West Sunset Boulevard, 1438-1486 North Havenhurst Drive, and 1435-1443 North Crescent Heights Boulevard, subject to modified Conditions of Approval.

Applicant: AG SCH 8150 Owner, LP

Representative: Michael Nytzen, Paul Hastings, LLP

Case No. VTT-72370-CN-2A

CEQA No. ENV-2013-2552-EIR

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

ITEM NO. (13)

16-1011-S1

CD 4 **TIME LIMIT: 11/24/16; LAST DAY FOR COUNCIL ACTION: 11/23/16**

Environmental Impact Report and Errata, Mitigation Measures, Mitigation Monitoring Program, Statement of Overriding Considerations and related California Environmental Quality Act (CEQA) findings, report from the Los Angeles City Planning Commission (LACPC), and appeals filed by: Assistant City Manager Stephanie DeWolfe on behalf of the City of West Hollywood (Representative: Beth Collins-Burgard and Dylan Johnson, Brownstein Hyatt Farber Schreck LLP); JDR Crescent LLC and IGI Crescent LLC (Representative: Robert L. Glushon and Kristina Kropp, Luna and Glushon); Susane Manners (Representative: Allan Wilion, Esq.); Fix the City, Incorporated (Representative: Beverly Grossman Palmer, Strumwasser and Woocher LLP); Laurel Canyon Association (Representative: Jamie T. Hall, Channel Law Group LLP) from the entire determination of the LACPC in approving a Master Conditional Use to permit the sale and/or dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with four restaurants/dining uses, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a grocery store; and in approving a Site Plan Review for a mixed-used development with 249 residential dwelling units including 28 units set aside for Very Low Income households, 65,000 square feet of commercial uses and 820 parking spaces within four subterranean and semi-subterranean levels, for the properties located at 8148-8182 West Sunset Boulevard, 1438-1486 North Havenhurst Drive, and 1435-1443 North Crescent Heights Boulevard, subject to modified Conditions of Approval. (On July 28, 2016 the LACPC also approved a Density Bonus.)

Applicant: AG SCH 8150 Owner, LP

Representative: Michael Nytzen, Paul Hastings, LLP

Case No. CPC-2013-2551-MCUP-DB-SPR-1A

CEQA No. ENV-2013-2552-EIR

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

ITEM NO. (14)

16-1074

CD 4 **TIME LIMIT: 12/15/16; LAST DAY FOR COUNCIL ACTION: 12/14/16**

Report from the Cultural Heritage Commission relative to the inclusion of the Lytton Savings located at 8150 West Sunset Boulevard in the list of Historic-Cultural Monuments.

Applicant: Steven Luftman and Keith Nakata, Friends of Lytton Savings

Owner(s): Tyler Siegel and John Irwin; AG-SCH 8150 Sunset Boulevard Owner LP c/o Townscape Management Incorporated

Case No. CHC-2016-2522-HCM

Fiscal Impact Statement: Yes

Community Impact Statement: None submitted.

DISPOSITION: REQUEST TO CONTINUE TO NOVEMBER 22, 2016

If you challenge this Committee's action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

Materials related to an item on this agenda submitted to the committee after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 200 North Spring Street, Room 395, City Hall, Los Angeles, CA 90012 during normal business hours.

ERIC GARCETTI
MAYOR

September 30, 2016

Honorable Members of the City Council
c/o City Clerk
City Hall, Room 395

Honorable Members:

Subject to your confirmation, I have appointed Ms. Pilar Buelna to the Cultural Heritage Commission for the term ending June 30, 2019. Ms. Buelna will fill the vacancy created by Elissa Scrafano, who has resigned.

I certify that in my opinion Ms. Buelna is qualified for the work that will devolve upon her, and that I make the appointment solely in the interest of the City.

Sincerely,

ERIC GARCETTI
Mayor

EG:dlg

Attachment

COMMISSION APPOINTMENT FORM

Name: **Pilar Buelna**
Commission: **Cultural Heritage Commission**
End of Term: 6/30/2019

Appointee Information

1. **Race/ethnicity:** Latina

2. **Gender:** Female

3. **Council district and neighborhood of residence:** 1 - East Los Angeles

4. **Are you a registered voter?** Yes

5. **Prior commission experience:** El Pueblo de Los Angeles Historical Monument Authority

6. **Highest level of education completed:** Master of Social Work, San Diego State University

7. **Occupation/profession:** Divisional Director of Social Services, Salvation Army of Southern California

8. **Experience(s) that qualifies person for appointment:** See attached resume

9. **Purpose of this appointment:** Replacement

10. **Current composition of the commission (excluding appointee)**:

Commissioner	APC	CD	Ethnicity	Gender	Term End
Barron, Richard E.	East LA	1	Caucasian	M	30-Jun-21
Irvine, Jeremy	Central	5	Caucasian	M	30-Jun-20
Kennard, Gail	Central	4	African American	F	30-Jun-18
Milofsky, Barry	East LA	13	Caucasian	M	30-Jun-17

PILAR.BUELNA

SKILLS PROFILE

Highly accomplished Senior Executive for the non-profit sector. A strong, results-driven leader dedicated to maximizing services with 100% commitment to consistent project delivery, excellence and fiscal responsibility. Successes include leading and training reports for increased responsibilities, accountability and performance. Strong community knowledge and involvement. Strong relationships in non-profit and government sectors.

EDUCATION

- San Diego State University, Master of Social Work, 1995
- California State University, Northridge, Bachelor of Arts in English, 1992
- California Board of Behavioral Sciences, Social Work License (LCSW), 2002

EMPLOYMENT HISTORY

Salvation Army Southern California, Long Beach, CA 2016 — current

Divisional Director of Social Services

- Oversee social services in five counties: Los Angeles, Orange, Ventura, Santa Barbara and San Luis Obispo
- Responsible for program planning and monitoring, personnel management, contract compliance, quality assurance, evaluation and budgets
- Interface with community collaboratives, and federal/state councils and committees to maintain visibility for the Army and stay abreast of current trends and needs in human services

Executive Director of Los Angeles Metro Social Services 2010 — 2016

- Oversee department that include nine sites, with over 400 staff and $24 million budget
- Responsible for program planning and monitoring, personnel management, contract compliance, quality assurance and evaluation
- Interface with community collaboratives, and federal/state councils and committees to maintain visibility for the Army and stay abreast of current trends and needs in human services

Associate Executive Director of LA Metro Social Services 2007 — 2010

- Assisted Executive Director of Social Services in the monitoring of programs
- Provided direct supervision to LA County Childcare Director, Family Services Director, Project Coordinator and graduate interns
- Oversaw department's special projects including but not limited to Professional Training, Residential Client Camp, and Seasonal Assistance Program

California State University, Northridge, Northridge, CA 2006 — 2007

Adjunct Professor, Chicano Studies Department

- Developed and managed syllabus materials
- Coordinate coursework and curriculum with academic department chair
- Facilitated class instruction
- Evaluated student performance and final grades

Families In Schools (FIS), Los Angeles, CA 2004 — 2007

Director, Parent Information & Resource Center

- Guided and implemented US Department of Education Federal Grant
- Developed and implemented curriculum for middle and high school transitions to increase parental involvement and student academic achievement in Los Angeles Unified School District (LAUSD) lowest performing schools
- Planned and conducted professional development for teachers, parent educators, and school administrators on topics related to early literacy, parenting, adolescent psychosocial stressors and state accountability systems under the No Child Left Behind (NCLB) legislation

City of Hope National Medical Center, Duarte, CA 1996 — 2003

Medical Social Worker

- Provided direct services to bone marrow transplantation patients and their families, including crisis intervention, grief, bereavement and supportive counseling
- Worked closely with interdisciplinary team consisting of physicians, nurses, hospital staff and community advocates to optimize resources to families
- Assisted in the writing of departmental policies and document formation

Department of Children and Family Services (DCFS), Lancaster, CA 1995 — 1996

Children's Social Worker

- Supervised foster children and prospective adoptive parents
- Provided home studies and adoption recommendation, individual case plan for each child, and court reports
- Collaborated closely with interdisciplinary team of teachers, therapists, foster family agencies, social workers, attorneys and policemen

ACTIVITIES

- Equitas Academy Charter School, *Founding Chair/Board Member*
- El Pueblo de Los Angeles Historic Monument Authority, *Vice President/Commissioner*
- Azusa Pacific University Department of Social Work, *Advisory Board Member*
- Sacred Heart High School Parent Leadership Board, *President*

Biography – PILAR BUELNA

Pilar has extensive experience in the non-profit sector and currently serves as Divisional Director of Social Services for The Salvation Army Southern California. There she provides leadership and direction to social services programs in planning and development, personnel management, contract compliance, budgeting, quality assurance and evaluation. Services under her purview include child care and youth centers, emergency housing for families, transitional housing for veterans, permanent housing for families living with AIDS, mental health, and drug and alcohol rehabilitation.

Prior to her work at The Salvation Army, Pilar worked in the education non-profit sector as the Director of the Parent Information & Resource Center at Families In Schools, with a focus on increasing student achievement through parental involvement. During her tenure there, she worked in partnership with Los Angeles Unified School District (LAUSD) to increase student enrollment in after-school tutoring at schools that did not academically meet Adequate Yearly Progress (AYP). She also led the development and implementation of *Transition to High School*, a program geared to inform parents about the education system and make them partners in the education of their children.

Her experience at Families In Schools made such an imprint, that Pilar continues to be actively involved in education advocacy and is a founding member of Equitas Academy Charter School, located in the Pico Union area where she was raised. Currently, she serves as Equitas' board secretary and is the immediate past founding board chair. Most recently, she joined the Sacred Heart High School Consultative Board and is president of the Parent Leadership Board. This is particularly significant to her because she is an alumna from Sacred Heart where her oldest daughter just graduated from and her other two attend. In September 2013, Los Angeles Major Eric Garcetti, appointed her to El Pueblo de Los Angeles Historic Monument Authority, where she is now vice president of the Commission. In January of 2014, she was asked to join the Azusa Pacific University Department of Social Work Advisory Board.

Pilar began her career as a children's s social worker with the Department of Children and Family Services (DCFS) and at City of Hope National Medical Center as a medical social worker. She received a Masters in Social Work from San Diego State University, a Bachelor's in English Literature from California State University Northridge, and is a licensed psychotherapist in the state of California.

Pilar was raised in Los Angeles where she currently resides with her husband of twenty-four years, Gabriel, and her daughters, Gabriela, 17; Gema, 15; and Paulina, 14.

ERIC GARCETTI
MAYOR

September 30, 2016

Ms. Pilar Buelna

Dear Ms. Buelna:

I am pleased to inform you that I hereby appoint you to the Cultural Heritage Commission for the term ending June 30, 2019. In order to complete the process as quickly as possible, there are several steps that must be taken, many of which require visiting City Hall. If you require parking during these procedures, please call Claudia Luna in my office at (213) 978-0621 to make arrangements for you.

To begin the appointment process, please review, sign and return the enclosed Remuneration Form, Undated Separation Forms, Background Check Release and Information Sheet **within one week** of receiving this letter. These documents are necessary to ensuring the most efficient, open and accountable City government possible. Further, Mayor's Office policy requires you to be fingerprinted as part of the background check that is done on all potential Commissioners. To do so, please bring this letter to the Background Unit of Employment Services Division, Personnel Department Building, 700 East Temple Street, Room 235, Los Angeles, California 90012. The division phone number is (213) 473-9343. Fingerprints must be taken **within three working days** from the **receipt** of this letter.

Under separate cover you will be receiving a packet from the City Ethics Commission containing information about the City's conflict of interest laws and a copy of the State Form 700/Statement of Economic Interests. You are required to complete and return this form **within 21 days** of your nomination to the City Ethics Commission, 200 North Spring Street, City Hall, 24th Floor, Los Angeles, California 90012. Any inquiries regarding this form should be directed to Nicole Enriquez at the Ethics Commission at (213) 978-1960.

As part of the City Council confirmation process, you will need to meet with Gilbert Cedillo, your Councilmember, and Councilmember Jose Huizar, the Chair of the Planning and Land Use Management Committee, to answer any questions they may have. You will be hearing from a City Council committee clerk who will let you know when your appointment will be considered by the Planning and Land Use Management Committee. Sometime thereafter, you will be notified by the committee clerk when your appointment will be presented to the full City Council for confirmation. Once you are confirmed, you will be required to take the oath of office in the City Clerk's Office in Room 395 of City Hall. Claudia Luna will assist you during the confirmation process if you have questions.

Commissioners must be residents of the City of Los Angeles. If you move at any point during your term, have any changes in your telephone numbers, or in the future plan to resign (resignation must be put in writing), please contact my office immediately.

Congratulations and thank you for agreeing to serve the people of Los Angeles.

Sincerely,



ERIC GARCETTI
Mayor

EG:dlg

Attachment I
Ms. Pilar Buelna
September 30, 2016

Nominee Check List

I. Within three days:

_____ **Get fingerprinted to complete a background check.**
No appointment is necessary. Bring the Mayor's letter to: Background Unit of Employment Services Division, Personnel Department Building, 700 East Temple Street, Room 235, Los Angeles, California 90012. Phone: (213) 473-9343.

II. Within seven days:

Mail, fax or email the following forms to: Legislative Coordinator, Office of the Mayor, Office of Intergovernmental Relations, City Hall, 200 N. Spring Street, Los Angeles, CA 90012 or email: Claudia.Luna@lacity.org.

_____ **Remuneration Form**

_____ **Undated Separation Forms**

_____ **Background Check Release**

_____ **Commissioner Information Sheet/Voluntary Statistics**

III. Within 21 days:

File the following forms with the City Ethics Commission. *If you are required to file, you will receive these forms via email from that office.*

_____ **Statement of Economic Interest ("Form 700")**
IMPORTANT: The City Council will not consider your nomination until your completed form is reviewed by the Ethics Commission.

_____ **CEC Form 60**

IV. As soon as possible, the Mayor's Office will schedule a meeting with you and:

_____ **Your City Councilmember Gilbert Cedillo** (contact at (213) 473-7001).

_____ **Councilmember Jose Huizar, Chair of the Council Committee considering your nomination** (contact at (213) 473-7014).

Staff in the Mayor's Office of Intergovernmental Relations will assist you with these arrangements.

DEPARTMENT OF
CITY PLANNING

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT
RENEE DAKE WILSON
VICE-PRESIDENT
ROBERT L. AHN
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VERONICA PADILLA
DANA M. PERLMAN

JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA

ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271
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(213) 978-1274
JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273
KEVIN KELLER, AICP
DEPUTY DIRECTOR
(213) 978-1272

FAX: (213) 978-1275

INFORMATION
http://planning.lacity.org

May 27, 2016

Honorable Jose Huizar, Chair
Planning and Land Use Management Committee
Los Angeles City Council
200 North Spring Street, Room 395
Los Angeles, CA 90012

Attention: Sharon Dickinson, Legislative Assistant

COMMITTEE TRANSMITTAL: FEASIBILITY OF IMPLEMENTING A "VALUE CAPTURE" POLICY" COUNCIL FILE NO. 14-1325

Dear Honorable Members of the City Council:

In light of the worsening housing crisis in Los Angeles and reduced resources available to address it, on September 30, 2014 a motion was introduced (CF 14-1325 - O-Farrell/Huizar) requesting the Department of City Planning (DCP) and the Housing + Community Investment Department (HCID) report on the feasibility of the implementation of a housing "value capture" policy. The Housing Committee and Planning and Land Use Management City Council Committees have both requested a written report on the item.

Specifically, the motion calls for an analysis of potential land use policies that would "establish a nexus between certain discretionary land use entitlements and affordable housing." Planning entitlement types identified in the motion include, but are not limited to, Zone Changes, Zone Variances, Development Agreements and General Plan Amendments (referred to collectively as "zoning changes" in this report). The motion suggests that projects obtaining land use incentive entitlements should provide a percentage of affordable housing in proportion to the land use benefit they accept.

In response to the requests outlined in the motion, this report seeks to describe how value capture is being used in other cities, and provide analysis regarding three different value capture options.

BACKGROUND

The City, in line with its General Plan, aims to direct most new housing to targeted growth areas including centers, transit nodes and mixed-use boulevards. The aim is to produce vibrant complete communities with a mix of commercial, civic and residential uses. A major challenge in maximizing the benefits of smart growth is how to ensure that communities maintain and

promote a diversity of residents over the long term. Preserving and producing housing for a range of household incomes is a critical strategy in minimizing displacement and limiting rent increases in these targeted growth areas.

There is a need for increased housing production across the income spectrum, including market rate housing and affordable housing. Affordability in Los Angeles, defined as the relationship between incomes and housing costs, is the lowest in the country and likely at its lowest point in history. Like all California cities, funding for affordable housing in Los Angeles has declined dramatically in recent years. Also during this period, an important planning and land use tool to address affordable housing - inclusionary zoning (on rental housing) - was found by the courts to be illegal in California.

Overall Housing Production Goals
State law says local governments "have a responsibility to use the powers vested in them to... make adequate provision for the housing needs of all economic segments of the community." (Gov. Code § 65580(a)). This responsibility extends to both the provision of overall housing production at levels commensurate with growth and need, and a responsibility to employ a range of affordable housing strategies to increase the percentage of affordable housing produced. Mayor Garcetti stated his goal of permitting 100,000 new housing units by 2021, importantly meeting and exceeding Los Angeles' regional housing needs allocation as determined by the 2013-2021 adopted Housing Element. As of April 30th of this year, 38,458 residential units have been permitted which places the city on track to achieve this goal.

Any program to require affordable housing as part of market rate development must be carefully balanced with market feasibility and demand so as to not negatively impact the overall rate of housing production. Development fees, exactions and requirements, including potential affordable housing fees and set-aside requirements under certain scenarios, can be an important public policy tool to advance public goals and interests and ensure broad accessibility to market rate development. However, such policies must be carefully balanced and paired with incentives and reasonable regulations to ensure that such public policy aims can be achieved within the operations of the private housing market. Simply put, housing in itself is a value.

There are important opportunities to develop policies to encourage mixed income housing is produced, how existing affordable housing may be preserved and retained, and how significant city incentives to provide or increase the levels of housing production can be paired with reasonable affordable housing provisions. This report explores one significant opportunity, in situations where the City offers significant zoning benefits to projects.

What is Value Capture?
The policies identified in the subject Council Motion (CF 14-1325) are identified as a form of Value Capture. The term Value Capture refers broadly to regulatory requirements that generate funding or actual public improvements when public actions, such as new infrastructure or changes in land use regulation, result in significant increases in land value.

In the realm of land use, Value Capture is often called Land Value Recapture (LVR) or Public Benefit Zoning (PBZ). Value Capture is differentiated from both incentive-based tools like density bonus and blanket requirements like inclusionary zoning, in that it is not already priced into the value of land. Instead, a specific public action creates an increase in land value and a portion of this value is, in turn, recaptured in the form of public benefits.

Value Capture in Light of Existing Policy Proposals

Any discussion of new Value Capture policies must include an assessment of existing and proposed affordable housing policies and development impact fees. For example, currently the Department of City Planning is developing an affordable housing linkage fee study to inform policy options for a linkage fee. Such a fee would be placed on new market rate development to provide some level of related affordable housing funding to offset demonstrated needs for affordable housing created by the type of development. In addition, the Department has developed other proposed development impact fees for park spaces (the proposed Quimby ordinance) and has submitted a proposal for a comprehensive look at all development impact fees to align and standardize such fees in a coordinated manner. All of these proposals further inform and frame the exploration of Value Capture policies.

Value Capture and Public Benefit Zoning Policies in Other Jurisdictions
The Value Capture method discussed in this report would focus on residential and mixed-use projects that receive significant increases in the number of units allowed on a particular site through an entitlement action.

Some cities in the United States (including Chicago, Boston and Honolulu) have instituted similar programs that require the provision of affordable housing (and/or in-lieu fees) in exchange for increased density resulting from a zone change. Though none of the US cities call their programs Value Capture, they fall under the definition used here. In other countries, the concepts are taken much further. The following section summarizes systems used by other cities in the US in order to inform what could be done in Los Angeles.

Chicago - Affordable Housing Requirements Ordinance
Chicago's Affordable Requirements Ordinance (ARO) requires residential developments requesting zoning changes that either increase density, or allow a residential use where it had been prohibited, to provide 10% of units at affordable prices. In 2015, Chicago modified the ARO's in-lieu fee option depending on the neighborhood. Fees now range from $50,000 (per unit) to $175,000.

Boston - Inclusionary Development Program
Boston's Inclusionary Development Program (IDP) applies to residential developments that will either require relief from the Boston Zoning Code or be developed on property owned by the City of Boston. Developers are required to either build affordable units on-site, build or acquire affordable units in an off-site location, or, provide an in-lieu contribution. In most of the city the number of affordable units is 18 percent and the in-lieu contributions are $380,000.

New York City – Mandatory Inclusionary Housing
New York City has recently adopted Mayor DeBlasio's plan to make affordable housing mandatory wherever new housing capacity is approved through land use actions such as zoning changes. The requirements apply whether a property is rezoned as part of a City neighborhood plan or a private rezoning application. The program was developed to include flexibility in terms of the level of affordability required, depending on the particular needs of a community.

Honolulu - Unilateral Agreements Rules
Honolulu's Unilateral Agreement rules require 30% of housing, in projects requesting rezoning, to be affordable at between 80% to 140% of the Area Median Income (AMI). Of this 30%, a minimum 20% of the total units must be affordable to those earning up to 120% AMI, of which 10% of the total units must be affordable to those earning up to 80% AMI. Developments with fewer than 10 units are not subject to the requirements.

San Francisco - Eastern Neighborhoods Plan

The Eastern Neighborhoods Plan, covering the rapidly gentrifying Mission, East SOMA and Potrero Hill neighborhoods, established an incentive-based "Tier" approach to public benefits. The Plan also requires that in areas rezoned from industrial to mixed uses (mostly residential), more affordable housing must be produced than is required under the City's inclusionary program.

New Jersey - Public Law 46 of 2008
The State of New Jersey requires affordable housing on rezonings from non-residentially zoned land to residential use, including any project approved within two years of a rezoning. Local jurisdictions may vary their requirements based on economic feasibility studies.

Current Los Angeles Context
Today, housing developers seeking zoning allowances may have multiple options for requesting them. Most commonly, since the passage of SB 1818 in 2002, developers have requested a Density Bonus (DB), which allows a 35% increase in the number of units as well as additional zoning incentives in exchange for a provision of affordable housing. The other main vehicles for increasing residential density are Zone Changes (ZC) and/or Height District (HD) changes.

Table 1 below shows the number of applicants and proposed units under each of these planning entitlement types for 2014 and 2015. As can be seen, projects requesting Zone or Height District Changes applied to build about 15,000 housing units through that process, compared to 10,000 in Density Bonus projects.

Table 1: Number of Projects Requesting a Zone Change and Density Bonus, Along with the Number of Proposed Units, 2014-2015

	Projects		Proposed Units		
Entitlement Type	2014	2015	2014	2015	Difference
Density Bonus	130	64	5,892	4,392	(-1,500)
Zone Changes/General Plan Amendments	66	60	5,956	9,099	(+3,143)

Zone Changes May Not Align With the Density Bonus Program
In 2014, the state passed AB 2222, which introduced new requirements on Density Bonus projects, including a "one for one" affordable housing replacement and 55 year covenants (rather than 30). After the law went into effect in 2015, the number of Density Bonus cases dropped by almost half from the prior year's total (see Table 1 above). The exact reason for the decline may be linked to market conditions, to the uncertainty of the legislative intent and legislation, or to the additional cost of providing replacement affordable units. At the same time, the number of housing units being proposed through Zone Changes has increased by 53%. It is important to note that many zone change requests reflect a range of zones permitted and anticipated by the General Plan designation for the parcel, and may involve uses or intensities that are not applicable to a Density Bonus program. However, in limited instances, developers desiring zoning increases may decide to file for a Zone Change, where no consistent affordable housing requirements are imposed, instead of pursuing a Density Bonus project, which would require a specific percentage of affordable housing and the replacement of any designated low-income housing on the site.

Multiple Pathways to Achieve Public Benefits
While projects requesting Zone Changes are not specifically required to provide any affordable housing, negotiations over public benefits for major projects requesting multiple entitlements are common in Los Angeles, like other major cities. Discussions over public benefits sometimes occur through a more formal Development Agreement process (established in CA Government

Code Section 65864) or can be negotiated on a more ad-hoc basis through the entitlement process. Affordable housing or other "community benefits agreements" may be volunteered by developers as a good-faith gesture, while other times Development Agreements may be negotiated by the Department of City Planning or other stakeholders as part of the overall entitlement request. Such agreements are voluntary, and normally provide value to both the applicant (normally in terms of legal protection and an extended entitlement term) and the City. To some degree, these case-by-case negotiations may create a less than predictable entitlement climate for both applicants and community members. Policy makers must also attempt to calibrate an appropriate package of public benefits on the basis of available information and coordination with City policy goals and practices on similar projects in other areas of the City.

Existing Applications of the Value Capture Strategy

The City has adopted special zoning districts that in many ways incorporate Value Capture strategies. In particular, these strategies have been employed in locations where the pre-existing zoning was industrial and opportunities for changes to residential or mixed or hybrid uses were considered appropriate. In these situations, the special zoning districts established a base floor area ratio and opportunities to increase the floor area ratio were linked to the provision of affordable housing. Examples of these types of special zoning districts include the Cornfield Arroyo Seco Specific Plan, and the Hybrid Industrial zone. Several community plans under development are also evaluating versions of this approach, linking increased floor area incentives to the provision of affordable housing.

DISCUSSION

Further study of a set of Value Capture policies, as outlined in this report, may provide greater objectivity and transparency to the process of providing public benefits when significant zoning changes are requested. It would also help support the City's most important incentive to produce affordable housing, the Density Bonus program, in relation to the larger land use entitlement process, specifically General Plan Amendments and Zone Changes. Finally, it would ensure that projects that receive significant land use incentives contribute to the provision of affordable housing in the City. There are a number of key policy issues that need to be analyzed in greater detail.

What Types of Projects Could be Included in a Value Capture Policy?

General Plan Amendments, Zone Change, and Height District Changes

The most straightforward class of projects where a Value Capture affordable housing requirement may be useful are General Plan Amendments, Zone Changes and Height District changes. In the residential context, projects receiving these incentives in many instances are able to build more units and larger buildings than would otherwise be allowed. A subset of Zone Change projects also require a General Plan Amendment because the proposed Zone designation lies outside the range permitted by the designated General Plan Land Use designation. These three types of entitlements typically allow for greater zoning benefits than Density Bonus projects, but do not specifically require the provision (or replacement) of any affordable housing. The Department recommends these types of entitlements be included for further study in a Value Capture policy.

Eldercare Facilities

The Eldercare Facilities Ordinance was adopted in 2010 to facilitate the approval process for building new senior housing. In addition to creating a streamlined process for projects that include at least a portion of service-enriched senior units, it also allows for increases in density, height and floor area ratios, etc. if certain findings are made. Through this process, a Zoning Administrator is able to approve larger multifamily projects in single-family or other low-density

zoned property. Despite the zoning concessions being provided, the process is not tied to a specific provision of community benefits. However, the Zoning Administrator must find that the increased density and/or height is needed to serve the citywide housing needs of seniors. The Housing Element describes affordability and accessibility of housing as a top concern. It may be important to consider an affordability requirement as reasonable and appropriate when significant increases in density are approved through an Eldercare project.

Conditional Use Permit / Public Benefit Process for Density Increases More than 35%
The Zoning Code currently allows two ways for applicants to request a density increase greater than the maximum 35% permitted through the density bonus program. The first is a Conditional Use Permit (CUP), which may be requested pursuant to LAMC 12.24 U.26. The CUP process requires basic General Plan conformance and neighborhood compatibility findings. In addition, the decision maker (City Planning Commission) must also find that the project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b). This provision is understood as requiring the same percentage of affordable housing required for a maximum 35% Density Bonus project, even though the applicant may be requesting a 50% or 100% increase in density or floor area.

Alternatively, a developer may apply as a Public Benefit project per LAMC 14.00 A.2 to request greater than 35% density increases. This process is approved by the Director of Planning if certain performance standards are met, including the same affordable housing requirement described above, as well as more specific development standards.

Both of these procedures permit increases in density without a set maximum, but limit specified affordable housing requirements to those required for a maximum 35% Density Bonus increase. Updating affordability requirements beyond this 35% threshold would provide greater consistency across the Zoning Code. The goal would be to have all projects subject to the same affordability requirements, no matter what entitlement process is chosen.

Development Agreements
As mentioned earlier, the Development Agreement process is established in CA Government Code Section 65864 as a way to provide complex, multi-phased projects requesting zoning modifications with greater certainty. The law specifically allows for the inclusion of community benefits including the financing of public facilities. Affordable housing has often been a part of these negotiations. The process for establishing how much affordable housing should be required has not been defined and therefore subject to somewhat divergent expectations among the City, the applicant, and community stakeholders. A Value Capture policy would allow for greater policy consistency and transparency, and in many ways could provide structure for development agreements which could then focus on other types of benefits.

Options for the Structure of Affordable Housing Requirements
There are different ways an affordable housing requirement can be crafted. Most U.S. cities that have similar policies (outlined above) have adopted a fixed requirement for affordable housing that applies the same to all General Plan or zone change projects (such as 18% low-income in Boston). Other cities have provided more detailed, multiple income targets (such as 20% moderate income plus 10% low income in Honolulu). Another option, based on the existing code in California, may be to mirror the affordability percentages in the state density bonus law SB 1818, which increases proportionally as the allowable density on a site is increased. Each of these three policy approaches are outlined below.

The specific affordable housing percentages outlined in the three scenarios below should not be viewed as specific policy recommendations. They are provided as a way to initially evaluate

potential pros and cons of the three different methods requirements offered as options. The Department would conduct further study and analysis to refine the most appropriate level of affordable housing requirements.

a. Fixed Requirement

The advantage of a fixed affordable housing requirement is that it is relatively straightforward. Any General Plan Amendment or Zone Change project (however defined) would trigger the same percentage set-aside regardless of the project size or details. It is important to note that this method does not account for variations in requested zoning modifications. That is, a developer requesting a 50% increase in density or floor area would provide the same affordable housing requirement as someone receiving a 500% increase. The required fixed percentage would, however, scale with the size of the overall project.

A good reference point for determining appropriate affordable housing requirements is the Density Bonus program. Using it, a maximum 35% increase in density is granted if the project includes either 20% low-income or 11% very-low income units in the development, as calculated on the base density. Zone Change requests for residential projects in Los Angeles are required to exceed what may be obtained through the Density Bonus program, pursuant to a October 24, 2012 Department policy memo. A typical Zone Change request may double the allowable number of housing units. Considering the increases normally requested through the entitlements covered by the proposed policy, a requirement of approximately 20% low income or 11% very low income, as calculated on the base density, could be studied for feasibility. Alternatively, a modified percentage could be calculated on the total project density. Any actual requirement would be subject to professional departmental analysis and robust stakeholder input.

b. Fixed Requirements - Multiple Income Targeting

The multiple income targeting option is similar to the fixed requirement above, except it would target more than one income category for each project. Rather than the simple 20% low income requirement described above, a multiple income targeting approach could provide housing for more than one income group in the same project. Requirements could be established to encourage a combination of low and very low income units, or the City could choose to target traditionally underserved categories such as extremely low income (30% AMI) and moderate income (80%-120% AMI).

To continue with the level of affordable housing considered in the fixed requirement example above, a multiple income targeting program could require the provision of both 5% very low income and 15% low income affordable housing, as calculated on the base density. Alternatively, a modified percentage could be calculated on the total project density. If a policy was developed to target underserved income groups, the equivalent requirements would be approximately 15% moderate income and 5% extremely low income.

c. Proportional Requirements (Using the Density Bonus Charts)

A fundamentally different approach from the two above would establish a proportional relationship between the amount of density or residential floor area increases and the requested entitlement. This is the method used by the Density Bonus program, which requires greater amounts of affordable housing as greater density increases are requested according to a series of charts established by state law (GCS 65915). These affordability charts could be extended past today's maximum 35% limit to apply to the types of projects discussed in this report.

An advantage of this approach is that it is more specific to the request of individual projects, and therefore more equitable to the array of projects it would cover. This prevents there from being a disincentive towards requesting smaller modifications and vice-versa. The proportional concept is also already well-established in California and the City of Los Angeles with the Density Bonus program.

To understand how this method would work in practice, the example below models a hypothetical Zone Change request for a 100% increase in density (e.g. a R3 to R4 or C1 to C2) to produce a 200 unit building. Table 2 includes the estimated number of units that would be produced using this method at different income ranges for both the project. The figures in the table below reflect that the Density Bonus program calculates the percentage of required affordable housing based off the *base* number allowable units, not the *total* number of units in the building that actually result from the bonus.

Table 2

Income Range	Affordable % (Total, applied to base)	Estimated Affordable Housing Production
Very Low or	(18.5%)	19 Units
Low Income or	(31.5%)	32 Units
Moderate Income	(50%)	50 Units

As shown in the example above, a Zone Change project would require the equivalent of 18.5% very low, 31.5% low income, or 50% moderate income housing based on extending the Density Bonus charts. These are sizable percentages, well in excess of the types of mixed-income projects seen in Los Angeles (because the Zone Change requests are much larger than what Density Bonus allows). It is also possible to devise a system that results in projects that serve multiple affordable income ranges. To evaluate the feasibility of either of these approaches, further economic study is needed.

It is important to note that Density Bonus programs, under many circumstances, are reviewed and granted at an administrative level, whereas the zone change process requires more extensive public hearings and approval by the City Planning Commission, City Council, and Mayor. To this end, the affordable housing requirements attached to any zone change process should take this extra level of uncertainty and entitlement complexity into account.

Preservation of Rent Stabilized Ordinance (RSO) Housing

Today, as a result of AB 2222 (2014), Density Bonus projects are required to replace in kind all low-income units lost as a result of a project, as well as any units subject to rent control or rent stabilization (like the RSO). Zone Change and the other projects covered by this report are not held to this important standard. A Value Capture policy could also evaluate the feasibility of including a replacement provision for existing affordable, or rent-stabilized units. A policy goal under this scenario would be to ensure there would be no reduction of affordable or rent stabilized units as a result of the project.

Other Options: In-Lieu Fees and Off-Site Units

Policies requiring the provision of affordable housing often allow alternative ways to comply with the requirements, in order to provide some flexibility for developers. A common approach is to allow an in-lieu fee option, whereby the waiver of each required affordable on-site unit is assessed a fee, which can be then allocated towards the city's housing trust fund to build affordable housing in other projects. The fee is normally calculated on the basis of what it typically costs the jurisdiction to create a unit of affordable housing, based on past practice. A fee option will increase complexity, may result in fewer mixed-income projects and may delay the construction of the actual affordable unit. At the same time, a fee option provides greater flexibility to an applicant. Encouraging mixed-income buildings and creating affordable housing

across the City is an important General Plan objective. However, this policy can be a way to provide resources for the Affordable Housing Trust Fund.

Another option is to allow developers to construct the affordable units off-site, or in partnership with another developer, usually within a given radius of the project site. This allows for some added flexibility and creativity in matching needy local affordable housing projects with immediate assistance. Often, there is a greater affordable housing requirement when constructed off-site rather than on-site. The off-site requirements and the distance from the original project are important and complex policy considerations.

Potential Impacts on Housing Production
A significant concern about placing new affordable housing requirements on a category of development is that it will result in fewer of those projects actually being proposed and constructed. When it comes to the production of housing, this potential impact needs to be carefully considered, given the current shortage of housing in the Los Angeles region (2.7% vacancy rate).

A Value Capture policy would seek to establish affordability requirements based on the amount of zoning benefits received, similar to the Density Bonus program. This "proportional" method, when applied correctly, has some level of economic benefit for many developers, evidenced by the fact that it has been a popular way to obtain density increases in recent years, inclusive of the requirement to provide affordable housing. The affordability charts developed by the state, which could be extended under the recommended policy, are structured to meet or exceed the additional costs of providing affordable housing by allowing for greater numbers of market rate units in exchange.

From a developer's point of view, a Value Capture policy increases the cost on overall development, due to the subsidy required for the affordable units. The policy has some value in determining up front what sort of public benefits are required. Today, there is a lack of certainty as to what level of public benefits may be required by the time the project is approved. This transparency allows everyone involved to have realistic expectations about prospective costs before real estate is bought or sold.

As stated above, additional analysis is needed to further evaluate and determine the impact of any proposal in greater detail. Included in that analysis should be the costs of providing affordable housing as well as the planning and zoning benefits obtained through the entitlement requests. In addition, the analysis should include the array of other incentives obtained when building affordable housing, including those provided by state law like parking (AB 744), CEQA (AB 226, SB 375) and the potential other zoning incentives and waivers (SB 1818). It should include an analysis of existing and proposed development impact fees, including any affordable housing impact fees such as the proposed linkage fee. It should also carefully analyze the difference between the types of General Plan Amendment, and zone change projects covered by this report and incentive based programs like the Density Bonus program which do not require legislative approval on a project specific basis. Careful consideration should also be given to particular development scenarios that may become infeasible as a result of any new requirements. Examples may include projects that include other substantial public benefits (such as historic preservation or open space) or that cross into a different construction type (such as high-rise construction).

Impact on Zone Change and General Plan Amendments
All Zone Change and Height District Change requests must be consistent with the City's General Plan. The addition of a Value Capture policy would not change the standards used to evaluate any entitlements. It would consider the addition of a new affordability requirement on

such projects. It is possible that the policy would result in fewer Zone Change and General Plan Amendment requests.

CONCLUSION

At a time when cities like Los Angeles are searching for ways to construct and preserve affordable housing, Value Capture/Public Benefit Zoning is a policy tool to consider. Such a study could explore policy options for the replacement of affordable housing units when units are demolished for large General Plan Amendment or Zone Change projects.

There are important policy questions to be considered as part of any Value Capture policy that seeks to require affordable housing in projects seeking significant zoning changes. Further study will be required to understand the balance between these requirements and market feasibility. The Department of City Planning would prepare a more detailed staff analysis, obtain public input on draft proposals, hold public hearings, and provide the recommendation of the City Planning Commission for later City Council consideration. This analysis would include:

1) What types of projects should be included in the requirements (i.e: Zone Change, Height District Change, Development Agreements, Eldercare Facilities and the CUP and Public Benefit processes to receive density greater than 35%);
2) What type of affordable housing requirement, if any, should be included (fixed, multiple income or proportional);
3) Whether an affordable housing replacement policy should be included;
4) Whether an in-lieu fee or off-site arrangements should be included as an alternative to including units on site.

To support further study, approximately $300,000 in funding would be required for the Department to hire an economic consultant to carry out an economic feasibility assessment as part of the analysis prior to drafting any ordinance.

If you have questions on this matter, please do not hesitate to contact Matthew Glesne in the Department of City Planning at (213) 978-2666.

Sincerely,



Vincent P. Bertoni, AICP
Director of Planning

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

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DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

FRANK M. BUSH
GENERAL MANAGER

OSAMA YOUNAN, P.E.
EXECUTIVE OFFICER

October 12, 2016

BOARD FILE: 160089
C.D.: 11

City of Los Angeles
Department of Recreation and Parks
ATTN: Planning & Land Acquisitions
200 North Main Street, #1290 CHE
Los Angeles, CA 90012

JOB ADDRESS: 15101 WEST PACIFIC COAST HIGHWAY
TRACT: TR10426; TR 9300

The Board of Building and Safety Commissioners, at its meeting of October 4, 2016, gave consideration to the application by the City of Los Angeles to import 122,000 cubic yards of earth from the above-referenced property.

The Board took the following actions:

1. FIND that with the imposition of the mitigation measures described in the Environmental Impact Report (EIR), and incorporated herein as project conditions, there is no substantial evidence that the proposed project will have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act.

2. APPROVE the application subject to all conditions specified in the Department's report dated September 28, 2016.

This action becomes effective and final when ten calendar days have elapsed from the date of the Board's action, unless an appeal is filed to the City Council pursuant to Section 91.7006.7.5 of the Los Angeles Municipal Code.

Van Ambatielos, President
BOARD OF BUILDING AND SAFETY COMMISSIONERS

Action By
the BOARD OF BUILDING AND SAFETY
COMMISSIONERS on
October 4, 2016

NOT VALID WITHOUT STAMP AND SIGNATURE

CJ:mct
160089.fal

c: Sr. Grading Inspector S. Valenzuela
Robert Hancock, City of Los Angeles
Lora Fremont
Louis and Wendy Magur

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

BOARD OF
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ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

FRANK M. BUSH
GENERAL MANAGER

OSAMA YOUNAN, P.E.
EXECUTIVE OFFICER

September 28, 2016

BOARD FILE NO. 160089
C.D.: 11 (Councilmember M. Bonin)

Board of Building and Safety Commissioners
Room 1080, 201 North Figueroa Street

APPLICATION TO IMPORT 122,000 CUBIC YARDS OF EARTH

PROJECT LOCATION: 15101 WEST PACIFIC COAST HIGHWAY

TRACT	BLOCK	LOT(S
TR10426	NONE	LT 4(ARB2), FR LT 5 PT LT 6 (ARBS 1 & 2) FR LT 7 (ARBS 1 - 4)
TR 9300	NONE	PT LT B (ARBS 1–8, 10, 12, 13) PT LT B (ARBS 23, 41, 41-43) PT LT B
RANCHO BOCA DE SANTA MONICA	NONE	PT ALLOTMENT NO. 1 TO R S BAKER ET AL
SANTA MONICA LAND AND WATER CO. TRACT	NONE	PT (ARB 13)

OWNER:

City of Los Angeles
Department of Recreation and Parks
Attn: Planning & Land Acquisitions
200 North Main Street, #1290 CHE
Los Angeles, CA 90012

APPLICANT:

City of Los Angeles
C/O: Robert Hancock
1149 South Broadway
Los Angeles, CA 90015

The Department of Transportation (DOT) and the Department of Public Works (DPW) have reviewed the subject haul route application and have forwarded the following recommendations to be considered by the Board of Building and Safety Commissioners (Board) in order to protect the public health, safety and welfare.

CONDITIONS OF APPROVAL

Additions or modifications to the following conditions may be made on-site at the discretion of the Grading Inspector, if deemed necessary to protect the health, safety, and welfare of the general public along the haul route.

Failure to comply with any conditions specified in this report may void the Board's action. If the hauling operations are not in accordance with the Board's approval, The Department of Building and Safety (DBS) shall list the specific conditions in violation and shall notify the applicant that immediate compliance is required. If the violations are not corrected or if a second notice is issued by DBS for violations of any of the conditions upon which the approval was granted, said approval shall be void. Inasmuch as Board approval of the import-export operations is a condition precedent to issuing a grading permit in a "hillside" designated area, violation of this condition may result in the revocation of the grading permit issued in reliance of this approval.

A. PERMITS AND BONDS REQUIRED BY THE DEPARTMENT OF PUBLIC WORKS:

PERMIT FEE MUST BE PAID BEFORE THE DEPARTMENT OF BUILDING AND SAFETY WILL ISSUE A GRADING PERMIT.

1. Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:

   a) A total of 122,000 cubic yards of material moved 1.5 miles within the hillside area at a rate of $0.29 per cubic yard per mile results in a fee of $3,000.00.

2. The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, California, 90015, telephone (213) 847-6000.

3. Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of $50,000.00 shall be required from the property owner to cover any road damage and any street cleaning costs resulting from the hauling activity.

4. Forms for the bond will be issued by Susan Sugay, Bond Processor, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 351, Van Nuys, CA 91401; telephone (818) 374-5082.

B. GENERAL CONDITIONS:

1. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times shall provide reasonable control of dust caused by wind, at the sole discretion of the grading inspector.

2. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.

3. The Emergency Operations Division, Specialized Enforcement Section of the Los Angeles Police Department shall be notified at least 24 hours prior to the start of hauling, (213) 486-0777.

4. Loads shall be secured by trimming or watering or may be covered to prevent the spilling or blowing of the earth material. If the load, where it contacts the sides, front, and back of the truck cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area, the load is not required to be covered, pursuant to California Vehicle Code Section 23114 (c) (4).

5. Trucks and loads are to be watered at the export site to prevent blowing dirt and are to be cleaned of loose earth at the export site to prevent spilling.

6. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday.

7. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.

8. The owner/contractor shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth.

9. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.

10. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division prior to effecting any change.

11. No person shall perform any grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request.

12. A copy of this report, the approval letter from the Board and the approved grading plans shall be available on the job site at all times. A request to modify or change the approved routes must be approved by the Board of Building and Safety Commissioners before the change takes place.

13. The grading permit for the project shall be obtained within twelve months from the date of action of the Board. If the grading permit is not obtained within the specified time, re-application for a public hearing through the Grading Division will be required.

14. A log noting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.

15 All hauling vehicles must prominently display a unique placard identifying the project address on the vehicle or in the front windshield.

16. Hauling vehicles shall not stage on any streets adjacent to the project, unless specifically approved as a special condition in this report.

17. Hauling vehicles shall be spaced so as to discourage a convoy affect.

18. This approval pertains only to the City of Los Angeles streets. Those segments of the haul route outside the jurisdiction of the City of Los Angeles may be subject to permit requirements and to the approval of other municipal or governmental agencies and appropriate clearances or permits is the responsibility of the contractor.

19. **A copy of the first page of this approval and all Conditions and/or any subsequent appeal of this approval and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the City's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.**

20. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Owner shall do all of the following:

(i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including <u>but not limited to</u>, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

(ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

(iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the owner and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $25,000. The City's failure to notice or collect the deposit does not relieve the owner from responsibility to reimburse the City pursuant to the requirement in paragraph (iii).

(iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the owner from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the owner within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the owner of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the owner shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the owner of any obligation imposed by this condition. In the event the owner fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the owner otherwise created by this condition.

C. SPECIFIC CONDITIONS

An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public.

1. The hauling operations are restricted to the hours between 7:00 a.m. and 6:00 p.m. on Mondays through Saturdays. No hauling is allowed on Sundays or City Holidays. Haul vehicles may not arrive at the site before the designated start time.

2. Hauling of earth shall be completed within the maximum time limit of 210 hauling days.

3. Staging is allowed on site only.

4. The approved haul vehicles are end and bottom dump trucks.

5. Total amount of dirt to be hauled shall not exceed 122,000 cubic yards.

6. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

7. A minimum of two flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. Additional flag attendants may be required by the LADBS Inspector, LADOT, or BOSS to mitigate a hazardous situation (e.g. blind curves, uncontrolled intersections, narrow portions of roads or where obstacles are present). Flag attendants and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."

8. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along streets in haul route.

9. The recommended route is as follows:

LOADED TRUCKS:

ROUTE 1: Exit export site southbound on Swarthmore Avenue, turn right (west) on Sunset Boulevard, left (south) on Temescal Canyon Road, left (south) on Pacific Coast Highway, left (north) onto the project site at Potrero Canyon Park, located at 15101 Pacific Coast Highway, (Pending Caltrans approval).

ROUTE 2: Exit export site southbound on Swarthmore Avenue, turn left (east) on Sunset Boulevard, right (south) on Chautauqua Boulevard, right (north) on Pacific Coast Highway, right (north) onto the project site at Potrero Canyon Park, located at 15101 Pacific Coast Highway.

ROUTE 3: Exit export site southbound on Swarthmore Avenue, turn right (west) on Sunset Boulevard, left (south) on Temescal Canyon Road, left (south) on Pacific Coast Highway, transition eastbound on I-10 Freeway, exit onto Lincoln Boulevard off ramp, turn left (north) on Lincoln Boulevard, enter westbound I-10 Freeway, transition northbound on Pacific Coast Highway, turn right (north) onto the project site at Potrero Canyon Park, located at 15101 Pacific Coast Highway.

EMPTY TRUCKS:

From the project site, travel northbound on Pacific Coast Highway, turn right (north) on Temescal Canyon Road, right (east) on Sunset Boulevard, left (north) on Swarthmore Avenue and continue to the export site.

10. Prior to hauling, the applicant shall provide the following information to Los Angeles Fire Department Station #23 located at 17281 Sunset Boulevard, Los Angeles, CA 90272; telephone (310) 575-8523:

    A. Contact information for the construction superintendent or contractor.
    B. A copy of this approved staff report.
    C. A map clearly illustrating the approved hauling route and involved street names.
    D. The approved hauling hours.
    E. The estimated completion date of hauling.

11. The applicant shall provide a staked sign at the site containing the contact information for the Senior Street Services Investigator (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor. The letters shall be a minimum of 3 inches in height.

D. ENVIRONMENTAL CONDITIONS

An Environmental Impact Report (EIR) (State Clearinghouse No. 84091901) was previously certified for this project by the Board of Recreation and Parks. Each mitigation measure identified in the EIR is incorporated by reference as though fully set forth herein, and compliance with each is expressly made a condition of this project approval.

E. MANDATORY FINDINGS AND RECOMMENDED ACTIONS

1. FIND under the California Public Resources Code Section 21166 and the State's Environmental Quality Act (CEQA) Guidelines Section 15162, on the basis of substantial evidence contained in the whole record, that since adoption of the above-described EIR (State Clearinghouse No. 84091901) on June 28, 1985 by the Board of Recreation and Parks, there have been no changes to the Project, with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified effects, and therefore none of the conditions of CEQA Guidelines Section 15162 have been met to require further environmental documentation. Documents constituting the record of proceedings in this matter are located in the files of the Department of Recreation and Parks, and in the files of the Los Angeles Department of Building and Safety Commission Office.

CODE:

SEC. 91.7006. CONDITIONS PRECEDENT TO ISSUING A GRADING PERMIT.
Section 91.7006.7. Limitation of Export and Import

5. At the public hearing, the Board of Building and Safety Commissioners shall consider the views of the applicant and all other affected persons. The board shall then grant or conditionally grant approval of export and import operations or, in the event it determines that the grading activity, including the hauling operation, will endanger the public health, safety and welfare, it shall deny the request. Where conditions of the permit are recommended by the Department of Public Works, including the condition that a bond be posted pursuant to Section 62.202 of the Los Angeles Municipal Code, such conditions shall be made a part of any permit which may be issued. The decision of the board shall not be effective until 10 calendar days have elapsed from the date of the board's decision.

6. Any affected person, including the applicant, who is dissatisfied with the decision of the board, may appeal the board decision within 10 days to the City Council by filing an appeal with the city clerk on forms which the city clerk provides. The City Council shall hear and make its determination on the appeal not later than the 30th day after the appeal has been filed. The decision of the City Council on the matter shall be final. If the City Council fails to act on any appeal within the time limit specified in this section, the action of the board on the matter shall be final.

Action By
the BOARD OF BUILDING AND SAFETY COMMISSIONERS on
October 4, 2016

FRANK BUSH
General Manager

Jason Healey, P.E.
Staff Engineer, Commission Office

16-1152

LAW OFFICES OF LOUIS MAGUR
17374 Sunset Boulevard
Pacific Palisades, California 90272
(310) 450-2700 Fax (310) 573-3709
E-Mail lmagur@hotmail.com

October 11, 2016

VIA HAND DELIVERY

The Honorable City Council
c/o Office of the City Clerk
200 North Spring Street, Room 395
Los Angeles, California 90012

RECEIVED
CITY CLERK'S OFFICE
2016 OCT 11 AM 10:34
CITY CLERK
BY _____
DEPUTY

Re: Appeal from Haul Route Approved by
The Board of Building and Safety Commissioner
Of the City of Los Angeles (October 4, 2016)
Board File No. 160089 (Application)

Dear Honorable City Council Members:

This appeal from the approval of the Application to import 122,000 cubic yards of earth to the project site, 15101 Pacific Coast Highway (hereinafter referred to as the "site") on October 4, 2016 by The Board of Building and Safety Commissioner Of the City of Los Angeles (hereinafter referred to as the "Board"). This appeal is submitted on behalf of Louis and Wendy Magur and WLMAGUR, LLC (hereinafter collectively referred to as "Magur"). Please be advised the right to submit supplemental comments once the Board release the Final Decision Letter is reserved.

Louis and Wendy Magur are the current owners of 15245 De Pauw Street, Pacific Palisades, California 90272. Louis and Wendy Magur along with WLMAGUR, LLC. are the current owners of 15232 De Pauw Street, Pacific Palisades, California 90272. Both properties are located adjacent to the site.

We believe that that the Board, erred in approving the Application for the following reasons.

1. There was Inadequate Notice of the Underlying Proceeding.

Section 91.7006.7.4 of the Los Angeles Municipal Code requires a written notice to all property owners within three hundred (300) feet of the site. Additionally, Section 91.7006.7.4 of the Los Angeles Municipal Code also requires a posting. These were not properly performed prior to the hearing. Attached is a copy of Section 91.7006.7.4 of the Los Angeles Municipal Code. The Applicant failed to post as required by the Code.

2. The Environmental Quality of the Site will be Damaged.

The import of dirt that had been under a dry cleaner as well as a gas station poses a significant risk to the environmental quality of the Site. As a result, these potentially harmful chemicals that are present in the soil will be present at the site and pose a significant health and environmental risks to my residence as well as the other property that we own that is adjacent to the site. At very least monitoring and testing of each truckload of dirt taken to the site should be required. Once the dirt is put on the site it could be too late and costly to remediate.

3. The Haul Route Will Result in Traffic Blockages.

The export (from the Swarthmore construction site) and import of dirt to the site is via very heavily used streets in Pacific Palisades at times that would cause an unreasonable burden. As a result, there will be significant traffic blockages and chokepoints in the immediate vicinity of the export and import sites.

4. This Project Requires an EIR Pursuant to CEQA.

The import of dirt that had been under a dry cleaner as well as a gas station pose a significant risk to the environmental quality of the Site. As a result, these potentially harmful chemicals that are present in the soil will be present at the site and pose a significant health risk to our residences adjacent to the site. Consequently, a Environmental Impact Report (EIR") as required by the California Environmental Quality Act ("CEQA") must be required and performed. An EIR is legally required in order to evaluate these potential impacts. CEQA required an EIR whenever a project may have a significant adverse impact on the environment, and reflects a preference for resolving doubts in favor of full environmental review. League for Protection of Oakland's Architectural and Historical Resources v. City of Oakland (1997) 52 Cal. App. 4th 896, 905.

5. Conclusion.

For the reasons set forth above in this appeal letter, as well as any and all supplemental objections filed at a future date and based upon the information presented at The Board of Building and Safety Commissioner Of the City of Los Angeles on October 4, 2016, we respectfully request that the Los Angeles City Council overturn the Board's approval.

If you have any question please do not hesitate to contact the undersigned. Thank you for you courtesy and cooperation in this matter, I remain,

Very truly yours,

By _____
LOUIS MAGUR

LM/wlc
enc.

91.7006.7.4. Special Hillside Conditions. No permit requiring the import or export of more than 1,000 cubic yards (764 m3) shall be issued for areas designated "hillside" except as specified in this section. A fee of $529.00 for the first 1,000 cubic yards and $100.00 additional for each 1,000 cubic yards or portion of 1,000 cubic yards, in addition to the permit fee shall be paid for processing an application for grading under the provisions of this section. **(Amended by Ord. No. 180,868, Eff. 10/22/09.)**

1. The applicant shall submit a proposed method of hauling, which shall include the location of borrow and/or dispersal sites within the hillside area, the truck staging areas, the portion of the haul route within the hillside area and extending to or from a major or secondary highway, the maximum gross weight of haul vehicles when loaded and other information as may be required by the Departments of Building and Safety, Transportation and Public Works. In addition, the applicant shall submit a copy of the soil/geological report approval letter when reports are required pursuant to Section 7006.2, a vicinity map, and a list of affected property owners to be notified of the public hearing pursuant to Item 4. **(Amended by Ord. No. 179,324, Eff. 12/10/07, Oper. 1/1/08.)**

2. The Department shall immediately forward a copy of the hauling proposal to the Department of Public Works which shall review same to determine the effect of the proposed hauling operation on the structural integrity of the public streets, on public safety due to street alignment, width and grade, and on public health and welfare due to noise and vibration as it may affect private property situated on or adjacent to the haul route within the hillside area.

The Department of Public Works shall collect a fee and may require a bond as specified in Article 2 of Chapter VI of the Los Angeles Municipal Code. The Department of Public Works may, within 21 days after receipt of the proposal, recommend conditions to be imposed on the hauling operations to protect the public health, safety and welfare in the respects hereinabove specified.

3. The Department shall also immediately forward a copy of the hauling proposal to the Department of Transportation which shall review same to determine the effect thereof on vehicular and pedestrian traffic in the affected area. The Department of Transportation may, within 21 days after receipt of the proposal, recommend any traffic control measures deemed necessary to protect the public health, safety and welfare.

4. **(Amended by Ord. No. 179,324, Eff. 12/10/07, Oper. 1/1/08.)** The Department shall within 45 days after receipt of the proposed method of hauling, schedule a public hearing before the board provided that any environmental document required pursuant to the provisions of the California Environmental Quality Act has been completed and that the soils/geology report for the project, if required pursuant to Section 91.7006.2, has been reviewed and approved by the Department's Grading Division.

The Department shall give notice of the time, place and purpose of the hearing as follows:

a. by publishing a notice in at least one publication of general circulation in the City, designated for that purpose by the City Clerk, not less than ten days prior to the date of the hearing; and

b. by mailing a written notice at least ten days prior to the date of the hearing to the owner or owners of the property involved, and to the owners of all properties within 300 feet (91 440 mm) of the exterior boundaries of the site for which the grading permit has been requested using, for the purpose of notification, the last known name and address of owners as are shown on the records of the City Engineer or the records of the County Assessor; and **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

c. by the applicant posting notice of the public hearing in a conspicuous place and in clear public view on the property involved at least five days prior to the date of the public hearing.

DEPARTMENT OF
CITY PLANNING

OFFICE OF HISTORIC RESOURCES
200 N. SPRING STREET, ROOM 559
LOS ANGELES, CA 90012-4801
(213) 978-1200

CULTURAL HERITAGE COMMISSION

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PRESIDENT

GAIL KENNARD
VICE PRESIDENT

JEREMY IRVINE
BARRY A. MILOFSKY
ELISSA SCRAFANO

FELY C. PINGOL
COMMISSION EXECUTIVE ASSISTANT
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FAX: (213) 978-1275

INFORMATION
(213) 978-1270

www.planning.lacity.org

Date: AUG 03 2016

Los Angeles City Council
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Attention: Sharon Dickinson, Legislative Assistant
Planning and Land Use Management Committee

CASE NUMBER: **CHC-2016-1074-HCM**
JAPANESE HOSPITAL
101 S. FICKETT STREET

At the Cultural Heritage Commission meeting of **JULY 21. 2016**, the Commission moved to include the above property in the list of Historic-Cultural Monument, subject to adoption by the City Council.

As required under the provisions of Section 22.171.10 of the Los Angeles Administrative Code, the Commission has solicited opinions and information from the office of the Council District in which the site is located and from any Department or Bureau of the city whose operations may be affected by the designation of such site as a Historic-Cultural Monument. Such designation in and of itself has no fiscal impact. Future applications for permits may cause minimal administrative costs.

The City Council, according to the guidelines set forth in Section 22.171 of the Los Angeles Administrative Code, shall act on the proposed inclusion to the list within 90 days of the Council or Commission action, whichever first occurs. By resolution, the Council may extend the period for good cause for an additional 15 days.

The Cultural Heritage Commission would appreciate your inclusion of the subject modification to the list of Historic-Cultural Monuments upon adoption by the City Council.

The above Cultural Heritage Commission action was taken by the following vote:

Moved: Commissioner Kennard
Seconded: Commissioner Milofsky
Ayes: Commissioners Irvine, Scrafano, and Barron

Vote: **5-0**

Fely C. Pingol, Commission Executive Assistant
Cultural Heritage Commission

Attachment: Staff Report with Findings

c: Councilmember Jose Huizar, Fourteenth Council District
Luzviminda Mondonedo
Michael Okamura
Kristen Hayashi
GIS

DEPARTMENT OF
CITY PLANNING

OFFICE OF HISTORIC RESOURCES
200 N. SPRING STREET, ROOM 559
LOS ANGELES, CA 90012-4801
(213) 978-1200

CULTURAL HERITAGE COMMISSION

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PRESIDENT

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COMMISSION EXECUTIVE ASSISTANT
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JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
(213) 978-1270

www.planning.lacity.org

Date: AUG 0 3 2016

Luzviminda Mondonedo
3334 Oakmont View Drive
Glendale, CA 91208

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Luzviminda Mondonedo
2550 Honolulu Avenue, Ste. 108
Montrose, CA 91020

CASE NUMBER: **CHC-2016-1074-HCM**
JAPANESE HOSPITAL
101 S. FICKETT STREET

As you will note from the attached copy of our communication to the Los Angeles City Council, the Cultural Heritage Commission has moved to include the above-referenced property in the list of Historic-Cultural monuments, subject to adoption by the City Council.

In due course, our transmittal will be given a council file number and will be referred to the Council's Planning and Land Use Management Committee for review and recommendation. If you are interested in attending the Council Committee meeting, you should call Sharon Dickinson at (213) 978-1080 for information as to the time and place of the Committee and City Council meetings regarding this matter. Please give Ms. Dickinson at least one week from the date of this letter to schedule this item on the Committee Agenda before you call her.

The above Cultural Heritage Commission action was taken by the following vote:

Moved: Commissioner Kennard
Seconded: Commissioner Milofsky
Ayes: Commissioners Irvine, Scrafano, and Barron

Vote: **5 - 0**

Fely C. Pingol, Commission Executive Assistant
Cultural Heritage Commission

Attachment: CHC Letter to Council and Staff Report

c: Councilmember Jose Huizar, Fourteenth Council District
Michael Okamura
Kristen Hayashi
GIS

CHC-2016-1074-HCM
Declaration Letter Mailing List
MAILING DATE: 08/03/2016

GIS/Fae Tsukamoto
City Hall, Room 825
Mail Stop 395

Council District 14
City Hall, Room 465
Mail Stop 223

Luzviminda Mondeonedo
3334 Oakmont View Drive
Glendale, Ca 91208

Luzviminda Mondonedo
2550 Honolulu Ave, Ste. 108
Montrose, Ca 91020

Little Tokyo Historical Society
Michael Okamura
319 E. Second Street, Ste. 203
Los Angeles, Ca 90012

Little Tokyo Historical Society
Kristen Hayashi
319 E. Second Street, Ste. 203
Los Angeles, Ca 90012

Bill Chin
836 N. Beaudry
Los Angeles, Ca 90012

LA County Board of Supervisors
Lawrence Chu
3400 Aerojet Ave, Ste. 240
El Monte, Ca 91731

Cynthia Abrams
2446 Moreno Drive
Los Angeles, Ca 90039

Eric Harris
3261 Lavender Drive
Yorba Linda, Ca 92886

Ro McCann
40 E. Montecito Ave
Sierra Madre, Ca 91024

Michelle Magalong
2369 Orchard Lane
Corona, Ca 92882

LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801
(213) 978-1300; **planning.lacity.org**

LETTER OF DETERMINATION

Mailing Date: SEP 14 2016

CASE NO.: VTT-73714-SL-1A
CEQA: ENV-2015-4679-MND
Related Case: CPC-2015-4684-ZC

Location: 23200 W. Sherman Way
Council District: 12 – Englander
Plan Area: Canoga Park-Winnetka-Woodland-Hills-West Hills
Request: Vesting Tentative Tract Appeal

Applicant: Sherman Way-West Hills Partners, LLC
Rep.: Michael Harris
Appellant 1: Santa Monica Mountains Conservancy
Rep.: Paul Edelman
Appellant 2: Nicole Thibadeaux

At its meeting of August 11, 2016, the Los Angeles City Planning Commission took the following action:

1. Denied the appeals in-part and granted the appeals in-part.
2. Sustained the Decision of the Advisory Agency for Vesting Tentative Tract Map No. 73714-SL.
3. Denied the appeal and sustained the decision of the Advisory Agency to adopt the environmental analysis, mitigation measures and Mitigation Monitoring Program in Case. No. ENV-2015-4679-MND.
4. Adopted the Findings of the Advisory Agency.
5. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
6. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Dake-Wilson
Seconded: Ambroz
Ayes: Ahn, Choe, Mack, Millman, Padilla-Campos
Absent: Katz, Perlman

Vote: **7 - 0**

James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: **The Los Angeles City Planning Commission's decision is appealable to the Los Angeles City Council within 10 days after the mailing date of this determination letter. Any appeal not filed within the 10-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.**

FINAL APPEAL DATE: SEP 26 2016

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Modified Conditions of Approval, Findings
City Planner: Heather Bleemers
City Planning Assistant: Oliver Netburn

On August 11, 2016, the Los Angeles City Planning Commission approved:

In accordance with provisions of Los Angeles Municipal Code (LAMC) Sections 17.15 and 12.22-C,27, the City Planning Commission approved Vesting Tentative Tract Map No. 73714-SL, located at 23200 Sherman Way for a maximum of **37 lots** for the purposes of **35 Small Lot homes** and **two (2) Open Space Lots** in the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan. This unit density is based on the proposed (T)(Q)RD3-1. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Development Services Center call (213) 482-7077 or (818) 374-5050. The Advisory Agency's approval is subject to the following conditions:

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

Bureau of Engineering approvals are conducted at the Land Development Group, located 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Mr. Georgic Avanesian or by calling (213) 202-3484.

1. That the City Department of Transportation in a letter to City Engineer shall determine that the merger area is not necessary for future public street.

2. That portion of the excess right-of-way area beyond 43-foot measured from the centerline of Woodlake Avenue adjoining the tract and as shown on the vesting tentative map stamp dated December 24, 2015 be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:

   a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.

   b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

   Note: The Advisory Agency hereby finds that the dedications to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.

3. That if necessary arrangement be made with the Los Angeles County Department of Public Works prior to recordation of the final map for any necessary permits with respect to discharge into **Bell Creek** flood control channel adjoining the tract.

4. That if this tract map is approved as "Small Lot Subdivision" then, and if necessary

for street address purposes all the common access to this subdivision be named on the final map satisfactory to the City Engineer.

5. That if this tract map is approved as small lot subdivision then the final map be labeled as "Small Lot Subdivision per Ordinance No. 176354" satisfactory to the City Engineer.

6. That if necessary public sanitary sewer easements be dedicated on the final map based on an alignment approved by the Valley Engineering District Office.

7. That the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.

8. That any fee deficit under Work Order No. EXT00653 expediting this project be paid.

9. That any surcharge fee in conjunction with the street merger request be paid.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

Grading Division approvals are conducted at 201 N. Figueroa Street, 3rd Floor, Counter 24. The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits

10. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

Building and Safety approvals are conducted by appointment only. Contact Laura Duong at (213) 482-0434 to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the City Planning Department Office of the Zoning Administrator.

11. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

    a. Provide a copy of APCSV case APCSV-2015-4684-ZC. Show compliance with all the conditions/requirements of the APC case as applicable.

b. Small Lot Subdivision is not allowed in the A1-1 Zone. Obtain a Zone Change to Proposed RD3 Zone to allow for the Small Lot Subdivision. Zoning Clearance cannot be obtained until the Zone Change Ordinance has been recorded.

c. Provide a copy of the Zone Change Ordinance. Comply with the requirements for the Zone Change.

d. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedications.

e. Obtain approval from Bureau of Engineering for the proposed merger along Woodlake Ave.

f. Show density compliance for 37 lots in the proposed **RD3** Zone after required dedication is taken and merger is approved. 3,000 square-foot of lot area is required for each dwelling unit.

g. Provide a minimum 15-foot front yard setback along Sherman Way for Lots 1 through 10 and along Woodlake Avenue for Lots 21, 22, and 37; and a minimum 5-foot side yard setback along Woodlake Avenue for Lot 1 as required for the proposed **RD3-1** Zone. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning.

h. Provide and dimension the reciprocal private easement for pedestrian and driveway egress and ingress in the final map.

DEPARTMENT OF TRANSPORTATION

Please contact DOT at (818)374-4699 for any questions regarding the following.

12. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:

a. That the applicant complete the traffic study process and be subject to all the requirements contained in the subsequent DOT Traffic Assessment for the project, pursuant to the traffic study requirement made per the DOT Referral Form signed and dated February 16, 2016.

b. That the project shall maintain a two-way internal private street/drive or drive aisle. A one-way internal circulation is not sufficient.

c. A driveway entrance width of w=30 feet is required for residential sites with more than 25 parking spaces. The lots shall take their access from two common driveways to Woodlake Avenue.

d. A minimum of 20-foot reservoir space is required between any security gate or parking stall and the property line, to the satisfaction of the Department of Transportation.

e. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.

f. That the condition clearance fee be paid to the Department of Transportation as required per Ordinance No. 183270 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

FIRE DEPARTMENT

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (818) 374-4351. You should advise any consultant representing you of this requirement as well.

13. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:

a. Access for Fire Department apparatus and personnel to and into all structures shall be required.

b. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

c. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

d. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.

e. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

f. Submit plot plans indicating access road and turning area for Fire Department approval.

g. Private streets shall be recorded as Private Streets, and Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.

h. Private streets and entry gates will be built to City standards to the satisfaction of the City Engineer and the Fire Department.

i. Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.

j. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.

k. Standard cut-corners will be used on all turns.

l. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

m. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.

n. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

o. Private roadways for general access use shall have a minimum width of 20 feet.

p. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

q. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.

r. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

DEPARTMENT OF WATER AND POWER

14. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

    Questions should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, California 90051-5700 or (213) 367-1120.

BUREAU OF STREET LIGHTING

15. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

16. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

17. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

DEPARTMENT OF RECREATION AND PARKS

18. That the Quimby fee be based on the RD3 Zone.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077.

19. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

20. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

    a. Limit the proposed development to a maximum of 37 Small Lots, including 35 Small Lot homes and two (2) Open Space Lots.

    b. Provide a minimum of 2 covered off-street parking spaces per dwelling unit.

    c. Provide a minimum of 13 off-street guest parking spaces.

    d. Lot 21 shall be landscaped with trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette and shall otherwise remain undeveloped. The applicant or subsequent owner or the Homeowner's Association for VTT-73714-SL shall be responsible for maintaining Lot 21 in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted.

    e. The Lot 29 shall be not less than 8,089 square feet and shall include not less than 2,715 square feet of usable open space and not less than 8 off-street guest parking spaces. The 8 off-street guest parking spaces may be a part of the off-street guest parking spaces required in Condition 20.c.

    f. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.

    g. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

    h. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

i. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

j. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

k. A Covenant and Agreement to run with the land shall be recorded that a Homeowner's Association will be formed and that this Association shall own and maintain Lots 21 and 29 and all other common areas. The Homeowner's Association's monthly assessment shall include necessary property taxes for Lots 21 and 29.

l. Copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.

m. For the purposes of this subdivision, the yards abutting a public right-of-way shall be considered the front yard. Note that for Lot 1, the shortest frontage is along Sherman Way and therefore the yard abutting Sherman Way shall be considered the front yard.

Note to City Zoning Engineer and Plan Check. The City Planning Commission has approved the following setback matrix. Such setbacks shall constitute Department of City Planning approval, as required for Condition No. 11.g. Minor deviations to the approved setbacks are allowed in the event that such deviations are necessary in order to accommodate other conditions of approval as required by other City agencies. In no event shall the front, side, and rear yards of the subdivision measure less than 5 feet in width. Approved setbacks are as follows:

1) Setbacks shall be permitted as follows:

Setbacks				
Lot No.	***Front***	***Rear***	***Right Side Yard***	***Left Side Yard***
1	17'	13'	7'	3'
2	17'	13'	3'	3'
3	17'	13'	3'	3'
4	17'	13'	3'	3'
5	17'	13'	3'	3'
6	17'	13'	3'	3'
7	17'	13'	3'	3'
8	17'	13'	3'	3'
9	17'	13'	3'	3'
10	17'	13'	3'	7'
11	24'	12'	6'	4.24'
12	13'	12'	4.34'	4.24'
13	13'	12'	4.34'	4.24'
14	13'	12'	4.34'	4.24'

15	13'	12'	4.34'	4.24'
16	13'	12'	4.34'	4.24'
17	13'	12'	4.34'	4.24'
18	13'	12'	4.34'	4.24'
19	13'	12'	4.34'	4.24'
20	13'	12'	4.34'	4.24'
21	No Small Lot home shall be permitted			
22	3'	5'	20'	12'
23	17'	20'	3'	5.75'
24	15'	20'	.25'	5.75'
25	15'	16'	.25'	5.75'
26	15'	10'	.25'	5.75'
27	15'	10'	.25'	7.89'
28	15'	9'	7'	5'
29	No Small Lot home shall be permitted			
30	13'	15'	5'	4'
31	13'	15'	4'	4'
32	13'	15'	4'	4.5'
33	13'	12'	4.5'	4'
34	13'	17'	2'	4'
35	13'	20'	2'	4'
36	13'	20'	2'	4'
37	7.5'	2'	13'	20'

21. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2015-4684-ZC shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2015-4684-ZC is not approved, the subdivider shall submit a tract modification.

22. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

23. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and

approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).

e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

24. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 25 and 26 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

25. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

MM-1. **Habitat Modification (Nesting Native Birds, Hillside or Rural Areas).**

a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1 - August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.

ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species

(within 500 feet for suitable raptor nesting habitat) until August 31.

iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.

iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

MM-2. **Tree Preservation (Grading Activities).** "Orange fencing" or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (truck diameter of 8 inches or greater) non-protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.

MM-3. **Tree Removal (Non-Protected Trees).**

a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

d. All replacement trees shall be consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette.

MM-4. **Tree Removal (Public Right-of-Way).**

a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.

b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).

c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.

d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

MM-5. **Bell Creek Habitat.**

a. Lot No. 21 as shown on Vesting Tentative Map No. 73714-SL (map stamp-dated December 24, 2015), shall be landscaped with trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette and shall otherwise remain undeveloped. The applicant or subsequent owner or the Homeowner's Association for VTT-73714-SL shall be responsible for maintaining Lot No. 21 in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted.

b. The applicant shall obtain a Revocable Permit from the Bureau of Engineering to allow for the installation of landscaping and pedestrian pathways behind the terminus of the cul-de-sac, between the cul-de-sac and the Bell Creek right-of-way (see attached exhibit). The landscaping shall include trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette. The applicant or subsequent owner(s) or the future associations for VTT-73814-SL and/or VTT-73714-SL shall be responsible for maintaining the area between the cul-de-sac and the Bell Creek right-of-way in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted.

MM-6. **Cultural/Historic Resources.**

a. The historic pilasters on the Canoga Mission Gallery property shall be retained and preserved in situ or in place.

b. Homes abutting the Canoga Mission Gallery Parcel shall not exceed a height of 25 feet.

c. Structures abutting the Canoga Mission Gallery Parcel shall not exceed a height of 25 feet.

d. The house on Lot No. 1 shall be turned to face Woodlake Avenue, allowing an open space on the corner of this property that is not enclosed by fencing to the lot line.

e. Walls abutting the Canoga Mission Gallery parcel shall not exceed five feet in height. Additionally, adjustments to the slumpstone wall's placement were made at Lot No. 2, and small portions of lots Lot Nos. 1 and 3, stepping it back one foot-four inches to the south, to accommodate the Canoga Mission Gallery's wood split-rail fence with stone pilasters that extends in over the parcel line into the subject property.

f. An 8,750 square-foot remainder parcel shall be left undeveloped as to provide a buffer between the monument and the new development. Should the remainder parcel be removed as a result of a Lot Line Adjustment, a Covenant and Agreement that shall run with the land shall be recorded prohibiting any development of that portion of the subject property.

MM-7. **Hydrology and Water Quality.**

a. Lot No. 21, as shown on Vesting Tentative Map No. 73714-SL (map stamp-dated December 24, 2015), shall be used as a bio-swale for the purposes of stormwater management for VTT-73714-SL. With the exception of paving necessary for vehicular and pedestrian circulation across Lot No. 21, the lot shall be entirely permeable, unless otherwise required by the Bureau of Engineering or the Bureau of Sanitation.

b. The area behind the terminus of the cul-de-sac, between the cul-de-sac and the Bell Creek right-of-way (see attached exhibit) shall be used as a bio-swale for the purposes of stormwater management for VTT-73714-SL and VTT-73814-SL. With the exception of paving necessary for sidewalk improvements the area shall be entirely

permeable, unless otherwise required through the Revocable Permit process.

MM-8. **Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

MM-9. **Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

26. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. Aesthetics (Signage on Construction Barriers)

a. The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS". Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.

b. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours.

CM-2. Air Pollution (Demolition, Grading, and Construction Activities)

a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.

c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. Trucks having no current hauling activity shall not idle but be turned off.

CM-3. Seismic. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

CM-4. Erosion/Grading/Short-Term Construction Impact. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

CM-5. Erosion/Grading/Short-Term Construction Impacts (Hillside Grading Areas)

a. The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.

b. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

CM-6. Geotechnical Report. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

CM-7. Asbestos. Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

CM-8. Lead Paint. Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

CM-9. Hillside Construction Staging and Parking Plan: Prior to the issuance of a grading or building permit, the applicant shall submit a Construction

Staging and Parking Plan to the Department of Building and Safety and the Fire Department for review and approval. The plan shall identify where all construction materials, equipment, and vehicles will be stored through the construction phase of the project, as well as where contractor, subcontractor, and laborers will park their vehicles so as to prevent blockage of two-way traffic on streets in the vicinity of the construction site. The Construction Staging and Parking Plan shall include, but not be limited to, the following:

a. No construction equipment or material shall be permitted to be stored within the public right-of-way.

b. If the property fronts on a designated Red Flag Street, on noticed "Red Flag" days, all the workers shall be shuttled from an off-site area, located on a non-Red Flag Street, to and from the site in order to keep roads open on Red Flag days.

c. During the Excavation and Grading phases, only one truck hauler shall be allowed on the site at any one time. The drivers shall be required to follow the designated travel plan or approved Haul Route.

d. Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, or removal of graded soil shall be limited to off-peak traffic hours, Monday through Friday only. No truck deliveries shall be permitted on Saturdays or Sundays.

e. All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time, and that a construction supervisor is present at such time.

f. A radio operator shall be on-site to coordinate the movement of material and personnel, in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.

g. During all phases of construction, all construction vehicle parking and queuing related to the project shall be as required to the satisfaction of the Department of Building and Safety, and in substantial compliance with the Construction Staging and Parking Plan, except as may be modified by the Department of Building and Safety or the Fire Department.

CM-10. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CM-11. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

CM-12. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-13. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

CM-14. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

CM-15. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.

CM-16. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

CM-17. The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

CM-18. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

CM-19. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

SF-2. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan shall prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site and shall include the following features.

a. All areas of the property not covered by buildings, driveways, or walkways shall be landscaped with low-water, drought-tolerant, and non-invasive plant materials and ground cover, in place of turf grass.

b. Any existing natural features and topography shall be incorporated into an proposed landscaping, where appropriate.

c. Any proposed trees shall be shade bearing and spaced between 15- to 20-feet apart from each other.

d. Landscape plans shall organize plants into groupings in accordance to proposed water needs.

e. Landscape plans shall incorporate shade trees and ornamental landscaping that define an edge and increases visual interest in the public and private realms of the development.

f. Shrubs located immediately adjacent to the public sidewalk shall maintain a height of less than four (4) feet.

g. Fences and shrubbery shall be less than 3'6" tall in areas located adjacent to, or within five (5) feet of, the sidewalk and common public areas.

h. Parkways shall be planted with ground cover, low-growing vegetation, or permeable materials that accommodate both pedestrian movement and clearance for car doors.

i. Provide planting areas in private open spaces for residents to maintain.

j. Landscape plans shall exhibit techniques that will be used to maintain privacy among all proposed dwelling units.

k. Trees, shrubs, and vines shall be planted between property lines so as to screen building walls and enhance privacy.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

S-1. a. That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.

b. That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

c. That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.

d. That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

e. That drainage matters be taken care of satisfactory to the City Engineer.

f. That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

g. That any required slope easements be dedicated by the final map.

h. That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.

i. That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

j. That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

k. That no public street grade exceeds 15%.

l. That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

a. Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

b. Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.

c. All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

d. All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

e. Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, construction of public drainage facilities including the repairing or replacing of the existing system deemed necessary will be required to drain the tract to an outlet all satisfactory to the Valley District Engineering.

b. Construct the necessary on-site mainline sewers satisfactory to the City Engineer.

c. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.

d. Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

e. Construct access ramps for the handicapped as required by the City Engineer.

f. Close any unused driveways satisfactory to the City Engineer.

g. Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.

h. Improve Sherman Way adjoining the subdivision by the construction of the following:

i. A concrete curb, a concrete gutter, and a 10-foot Full-width concrete sidewalk with tree wells.

ii. Suitable surfacing to join the existing pavements and to complete a 40-foot half roadway to join the existing 40-foot half roadway adjacent southwesterly tract boundary.

iii. Any necessary removal and reconstruction of existing improvements.

iv. The necessary transitions to join the existing improvements.

i. Improve Woodlake Avenue adjoining the subdivision by the construction of the following:

i. A concrete curb, a concrete gutter, and a 15-foot full-width concrete sidewalk with tree wells.

ii. Suitable surfacing to provide a 28-foot half roadway.

iii. Any necessary removal and reconstruction of existing improvements.

iv. The necessary transitions to join the existing improvements.

v. Construct a 35-foot curb radius cul-de-sac at the southeasterly terminus of Woodlake Avenue.

j. Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

i. Construct three (3) new street lights Sherman Way.

ii. Construct three (3) new street lights Woodlake Avenue.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this density.

Approval from Board of Public Works may be necessary before removal of any street

trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05-N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2015-4679-MND on May 26, 2016. The Department found that potential negative impact could occur from the project's implementation due to:

Biological Resources;
Cultural Resources; and
Public Services.

The Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2015-4679-MND), was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). The MND, mitigation measures, and Mitigation Monitoring program were adopted by the City's Advisory Agency on June 30, 2016 in connection with the City's action in Case No. VTT-73714-SL. On August 11, 2016, an appeal of the Advisory Agency's actions was presented to the City Planning Commission as the appeal body in Case Nos. VTT-73714-SL-1A and ENV-2015-4679-MND.

The City Planning Commission found substantial evidence in the appeal raised by the Santa Monica Mountain Conservancy (SMMC) pertaining to Mitigated Negative Declaration No. ENV-2015-4679-MND to add additional mitigations to ensure project impacts to be less than significant. Therefore, the Commission added Condition Nos. MM-5 and MM-7 as mitigation measures to address habitat along Bell Creek and hydrology and water quality impacts.

The comments submitted by the SMMC do not constitute new information of substantial importance, nor do they present new significant environmental effects or a substantial increase in severity of previously identified significant effects. Instead, they offered guidance by which impacts which had been previously identified could be further mitigated and reduced. Therefore, as the new mitigation measures herein are equivalent to or more effective than previous measures, consistent with Section 15073.5 of the CEQA Guidelines, no recirculation of the MND is required.

On the basis of the whole of the record before the lead agency including any comments received, the City Planning Commission finds, in its independent judgment and analysis, that this project was environmentally assessed in Case No. ENV-2015-4679-MND and that, along with the additional mitigations adopted herein, the project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 25 and 26 of the Tract's approval. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the City Planning Commission has assured that the above identified mitigation measures will be implemented by adopting the attached Mitigation Monitoring Program of ENV-2015-4679-MND.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the appeal and subsequent approval of Vesting Tentative Tract Map No. 73714-SL, the City Planning Commission of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Vesting Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC.

The requested Small Lot Subdivision allows for the subdivision of underutilized land in multi-family and commercial areas into fee-simple homes. Intended as an infill development and a smart-growth alternative to traditional, suburban style

single-family subdivisions, small lot homes have smaller lot areas with compact building footprints and reduced yard setbacks, street frontages, passageways between buildings, and open space. As such, small lot subdivisions oftentimes create parcels with a unique set of design and spatial complexities.

The subject site is located in the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, which designates the subject property for Low Medium I Residential land uses with corresponding zones of R2, RD3, RD4, RZ3, RZ4, RU and RW1. The property is currently zoned A1. The applicant has requested a Zone Change to RD3. The property is not located within a Specific Plan. The property contains approximately 110,394 square-foot (2.53 acres) after required dedications. The applicant proposed to develop 36 small lots homes on a site consisting of 37 small lots and one (1) remainder lot, per the Small Lot Ordinance and the Subdivision Map Act. In conjunction with the appeal of VTT-73714-SL and the approval of Case No. CPC-2015-4684-GPA-ZC, the City Planning Commission limited the development to 37 lots, including 35 Small Lot homes and two (2) Open Space Lots.

The Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, a part of the Land Use Element of the City's General Plan, states the following goal, objectives and policies relevant to the current project:

Goal 1: Safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan area.

Objective 1-1: Achieve and maintain a housing supply sufficient to meet the diverse economic needs of current and projected population to the year 2010.

Policy 1-1.1: Maintain an adequate supply and distribution of multi-family housing opportunities in the Community Plan Area.

Policy 1-1.4: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses.

Objective 1-4: Provide a diversity of housing opportunities capable of accommodating all persons regardless of income, age or ethnic background.

Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.

Policy 1-4.3: Ensure new housing opportunities minimize displacement of the residents.

Policy 1-4.4: Increase home ownership options by providing opportunities for development of townhouses, condominiums, and similar types of housing.

The project would result the construction of 35 Small Lot homes on land designated for Low Medium densities corresponding to the RD3 Zone (1 dwelling unit per 3,000 square feet of lot area). The proposed location of the subdivision is near other low density residential neighborhoods. The proposed Small Lot subdivision will increase the housing stock for the Community Plan without displacing any existing residents while provide a diversity of housing opportunities, including making home ownership more accessible.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). As such, the Advisory Agency concludes that the proposed tract map is consistent with the intent and purpose of the General Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the "design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05-C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). In addition, Section 12.22-C,27 of the Municipal Code requires that requested small lot subdivisions comply with the required minimum lot width of 16 feet; lot area of 600 square feet; lot coverage limitation of 80 percent; and five-foot setback requirements for the boundary of the subdivision. The requested map meets the required components of both a vesting tentative map and a small lot subdivision.

The design and layout of the tentative map are consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including Department of Building and Safety, Bureau of Engineering, and Bureau of

Sanitation) have reviewed the map and found the subdivision design satisfactory. These agencies have imposed improvement requirements and/or conditions of approval. Sewers are available and have been inspected and deemed adequate in accommodating the proposed project's sewerage needs.

Each of the Small Lot homes include a two-car garage. Access to the proposed Small Lot homes is through one (1) two-way common access easement and two (2) driveways off of Woodlake Avenue. Lot 29 contains 8 guest parking spaces; Lot 10 contains three (3) guest parking spaces; and Lot 11 contains two (2) guest parking spaces for a total of 13 guest parking spaces.

The adopted Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan designates the property for Low Medium I Residential land uses with corresponding zones of R2, RD3, RD4, RZ3, RZ4, RU and RW1. The RD3 Zone permits dwelling units subject to lot areas comprised of a minimum of 3,000 square feet (Sections 12.09.1 and 12.22-C,27 of the LAMC). The project provides a net lot area of 110,394 square feet, as indicated on the submitted Tentative Tract Map. The applicant proposed to develop 36 small lots homes on a site consisting of 37 small lots and one (1) remainder lot, per the Small Lot Ordinance and the Subdivision Map Act. In conjunction with the appeal of VTT-73714-SL and the approval of Case No. CPC-2015-4684-GPA-ZC, the City Planning Commission limited the development to 37 lots, including 35 Small Lot homes and two (2) Open Space Lots.

Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with the intent and purpose of the applicable General and Specific Plans.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

A mixture of single- and multi-family development, makes up the general character of the surrounding neighborhood. The properties to the south, west, and east zoned RS and are developed with one- and two-story, single-family dwellings. The properties to the north zoned (Q)RD3 and are developed with condominium buildings ranging from 18 unit to 48 units.

The 110,394 square-foot project site is currently undeveloped. The proposed project is considered an infill development in a neighborhood that has a mix of single- and multi-family development and is consistent with the density and height district of the RD3-1 Zone. The applicant proposed to develop 36 small lots homes on a site consisting of 37 small lots and one (1) remainder lot, per the Small Lot Ordinance and the Subdivision Map Act. In conjunction with the appeal of VTT-73714-SL and the approval of Case No. CPC-2015-4684-GPA-ZC, the City Planning Commission limited the development to 37 lots, including 35 Small Lot homes and two (2) Open Space Lots.

The property is located within an equine keeping area and is 13.2 kilometers from

the Simi-Santa Rosa Fault Zone. The site is not identified as having hazardous waste or past remediation. The site is within Flood Zone Type C, which denotes areas Outside Flood Zone.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

Adjacent land uses consist of single- and multi-family uses. The applicant proposed to develop 36 small lots homes on a site consisting of 37 small lots and one (1) remainder lot, per the Small Lot Ordinance and the Subdivision Map Act. The applicant is permitted to construct 36 apartment units by-right per the proposed RD3 Zone. However, in conjunction with the appeal of VTT-73714-SL and the approval of Case No. CPC-2015-4684-GPA-ZC, the City Planning Commission limited the development to 37 lots, including 35 Small Lot homes and two (2) Open Space Lots.

The proposed project would provide an appropriate infill development within the mixed density neighborhood. The site is currently vacant. With approval of the concurrent Zone Change (Case No. CPC-2015-4684-ZC), the proposed project will comply with all LAMC requirements for parking, yards, and open space in accordance with the Small Lot Ordinance. As conditioned, the proposed tract map is physically suitable for the proposed density of the development.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area are presently vacant and do not provide a natural habitat for fish. The Department of Fish and Wildlife has recommended that mitigation measure regarding nesting native birds be conditioned with the approval of the tract. On May 26, 2016, the City Planning Department issued Mitigated Negative Declaration No. ENV-2015-4697-MND.

The City Planning Commission found substantial evidence in the appeal raised by the Santa Monica Mountain Conservancy (SMMC) pertaining to Mitigated Negative Declaration No. ENV-2015-4679-MND to add additional mitigations to ensure project impacts to be less than significant. Therefore, the Commission added Conditions Nos. MM-5 and MM-7 of the Conditions of Approval as mitigation measures to address habitat along Bell Creek and hydrology and water quality impacts.

The comments submitted by the SMMC do not constitute new information of substantial importance, nor do they present new significant environmental effects or a substantial increase in severity of previously identified significant effects. Instead, they offered guidance by which impacts which had been previously identified could be further mitigated and reduced. Therefore, as the new mitigation measures herein are equivalent to or more effective than previous measures, consistent with Section 15073.5 of the CEQA Guidelines, no recirculation of the MND is required.

This Mitigated Negative Declaration reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level.

The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

(f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet statewide ocean discharge standards.

The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to the recordation of the proposed tract.

(h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s)

to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans, planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 73714-SL.

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: VTT-73714-SL-1A, ENV-2015-4679-MND

Project Address: 23200 Sherman Way

Final Date to Appeal: 09/26/2016

Type of Appeal:
- ☐ Appeal by Applicant/Owner
- ☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
- ☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Santa Monica Mountains Conservancy, PAUL EDELMAN

Company:

Mailing Address: 5750 Ramirez Canyon Road

City: Malibu State: CA Zip: ~~91307~~ 90265

Telephone: (310) 589-3230 E-mail: edelman@smmc.ca.gov

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?
  - ☑ Self ☐ Other:
- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Paul Edelman

Company: Santa Monica Mountains Conservancy

Mailing Address: 5750 Ramirez Canyon Road

City: Malibu State: CA Zip: ~~91307~~ 90265

Telephone: (310) 589-3230 E-mail: edelman@smmc.ca.gov

Applications + 3 page justification

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 9-23-16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for <u>each</u> appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may <u>not</u> file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an <u>individual on behalf of self</u>.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the <u>date of the written determination</u> of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: ~~$~~ 106.80	Reviewed & Accepted by (DSC Planner):	Date: 9/26/16
Receipt No: 0203354168	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

SANTA MONICA MOUNTAINS CONSERVANCY
RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV

September 23, 2016

Appeal of VTT-73714-SL-1A / ENV-2015-4679-MND, 23200 Sherman Way

Appeal To: The Los Angeles City Council

Appeal From: The decision of the Los Angeles City Planning Commission, August 11, 2016

Regarding Case No.: VTT-73714-SL-1A / ENV-2015-4679-MND

Project Address: 23200 Sherman Way

Final Date to Appeal: September 26, 2016

Type of Appeal: Appeal of the entire decision of the City Planning Commission, by an organization other than the project applicant/property owner, claiming to be aggrieved by the Agency's decision.

Appellant Information
The Santa Monica Mountains Conservancy (Conservancy), filing for itself.

Represented by: Paul Edeman, Deputy Director of Natural Resources and Planning

Address: 5750 Ramirez Canyon Road
Malibu, California 90265

Telephone: 310-589-3200, ext. 128

E-mail: edelman@smmc.ca.gov

Purpose of Appeal
This appeal seeks to reverse the entire decision of the Los Angeles City Planning Commission (Commission) regarding the appeal of the Deputy Advisory Agency (DAA) decision regarding the subject proposed Vesting Tentative Tract Map (Tract Map), and Mitigated Negative Declaration (MND). This appeal pertains to the entire decision of

the Commission from the August 11, 2016 hearing and the entire decision of the DAA issued June 30, 2016.

This appeal is also based on the Commission's and DAA's improper approval of an MND which is deficient under the California Environmental Quality Act (CEQA). The MND fails to adequately address significant adverse impacts of the subject project. As approved, the subject project would result in unmitigated significant adverse impacts to public resources.

Reasons for Appeal and Denial of Subject Project

Where, as here, the Appellant, and independent citizens, presented multiple fair arguments that the subject project would result in significant adverse environmental impacts, and significant adverse impacts to public resources, and presented substantial evidence in support of those fair arguments at the subject hearing, and in writing during the public circulation period of the MND.

These arguments, which include recommendations to mitigate the afore-mentioned significant adverse impacts, where made before the Commission on August 11, 2016, and also are represented in the Santa Monica Mountains Conservancy's June 15, 2016 letter addressed to the DAA. The afore-mentioned fair arguments further show that the subject MND is deficient under CEQA.

Grievances

The Planning Commission erred in sustaining the decision of the Deputy Advisory Agency to adopt the environmental analysis, mitigation measures, and Mitigation Monitoring Program in Case No. ENV-2015-4679-MND. The MND and mitigation measures remain inadequate. Both the proposed project and the project and mitigation measures as modified by the Planning Commission would result in significant adverse ecological, visual, and land use impacts. The environmental analysis does not adequately consider less damaging alternatives that also provide a higher level of permanent public benefit.

The approved private Home Owners Association open space lot along the Bell Creek channel has no permanent open space protection, nor any legal public access, including visual access, or access by native animals.

There are no assurances that the Bureau of Engineering-owned land between the proposed Woodland Lake Avenue cul-de-sac will be maintained in a manner beneficial and inviting to the public. The City has no satisfactory remedy for non-compliance with conditions related to this proposed public area.

The basis for this appeal is not limited to the reasons and grievances given above. Our agency will provide additional information in advance of the appeal hearing date.

Representative Information

Paul Edelman, Deputy Director of Natural Resources and Planning
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LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801
(213) 978-1300; **planning.lacity.org**

LETTER OF DETERMINATION

Mailing Date: SEP 14 2016

CASE NO.: VTT-73814-SL-1A
CEQA: ENV-2015-4679-MND
Related Case: CPC-2015-4680-GPA-ZC

Location: 7000 N. Woodlake Avenue
Council District: 12 – Englander
Plan Area: Canoga Park-Winnetka-Woodland-Hills-West Hills
Request: Vesting Tentative Tract Appeal

Applicant: Sherman Way-West Hills Partners, LLC
Rep.: Michael Harris
Appellant 1: Santa Monica Mountains Conservancy
Rep.: Paul Edelman
Appellant 2: Nicole Thibadeaux

At its meeting of August 11, 2016, the Los Angeles City Planning Commission took the following action:

1. Denied the appeals in-part and granted the appeals in-part.
2. Sustained the Decision of the Advisory Agency for Vesting Tentative Tract Map No. 73814-SL.
3. Denied the appeal and sustained the decision of the Advisory Agency to adopt the environmental analysis, mitigation measures and Mitigation Monitoring Program in Case. No. ENV-2015-4679-MND.
4. Adopted the Findings of the Advisory Agency.
5. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
6. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Dake-Wilson
Seconded: Ambroz
Ayes: Ahn, Choe, Mack, Millman, Padilla-Campos
Absent: Katz, Perlman

Vote: **7 - 0**

James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: **The Los Angeles City Planning Commission's decision is appealable to the Los Angeles City Council within 10 days after the mailing date of this determination letter. Any appeal not filed within the 10-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.**

FINAL APPEAL DATE: SEP 26 2016

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Modified Conditions of Approval, Findings
City Planner: Heather Bleemers
City Planning Assistant: Oliver Netburn

On August 11, 2016, the Los Angeles City Planning Commission approved:

In accordance with provisions of Los Angeles Municipal Code (LAMC) Sections 17.15 and 12.22-C,27, the City Planning Commission approved Vesting Tentative Tract Map No. 73814-SL, located at 7000 Woodlake Avenue for a maximum of **15 lots**, including **14 Small Lot homes** and **one (1) Open Space Lot**, and **one (1) remainder lot** in the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan. This unit density is based on the proposed RD5-1 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Development Services Center call (213) 482-7077 or (818) 374-5050. The Advisory Agency's approval is subject to the following conditions:

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

Bureau of Engineering approvals are conducted at the Land Development Group, located 201 N. Figueroa Street, Suite 200. Any questions regarding these conditions should be directed to Mr. Georgic Avanesian or by calling (213) 202-3484.

1. That the City Department of Transportation in a letter to City Engineer shall determine that the merger area is not necessary for future public street.

2. That portion of the excess right-of-way area beyond 43-foot measured from the centerline of Woodlake Avenue adjoining the tract be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:

   a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.

   b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

      Note: The Advisory Agency hereby finds that the dedications to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.

3. That a Covenant and Agreement be recorded stating that no vehicular or pedestrian access will be allowed onto or from VTT-73814-SL to Vose Street.

4. That if this tract map is approved as "Small Lot Subdivision" then, and if necessary

for street address purposes all the common access to this subdivision be named on the final map satisfactory to the City Engineer.

5. That if this tract map is approved as small lot subdivision then the final map be labeled as "Small Lot Subdivision per Ordinance No. 176354" satisfactory to the City Engineer.

6. That if necessary public sanitary sewer easements be dedicated on the final map based on an alignment approved by the Valley District Engineering District Office.

7. That the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.

8. That arrangements be made with the Los Angeles County department of Public Works prior to recordation of the final map for any necessary permits with respect to discharge into the Bell Creek Flood Control Channel.

9. That the tract be approved by the Los Angeles County Department of Public Works with respect to channel flood hazard, channel improvements and alignment of the Bell Creek Flood Control Channel prior to recordation of the final map.

10. That a Lot Line Adjustment be processed and completed to exclude the portion of the tentative map showing as "Remainder" to adjoining parcels prior to the redecoration of the final map and a revised map be submitted showing the new Tentative Tract Map Boundary all satisfactory to the City Engineer and the City Planning Department.

11. That any fee deficit under Work Order No. EXT00652 expediting this project be paid.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

Grading Division approvals are conducted at 201 N. Figueroa Street, 3rd Floor, Counter 24. The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits

12. That prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

Building and Safety approvals are conducted by appointment only. Contact Laura Duong at (213) 482-0434 to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any

construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the City Planning Department Office of the Zoning Administrator.

13. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

    a. Provide a copy of affidavit AF-12-1313052-COC and AF-12-1313054-COC to establish the existing tract boundary.

    b. Provide a copy of CPC case CPC-2015-4680-GPA-ZC. Show compliance with all the conditions/requirements of the APC case as applicable.

    c. Small Lot Subdivision is not allowed in the **A1-1 Zone**. Obtain a Zone Change to Proposed **RD5 Zone** to allow for the Small Lot Subdivision. Zoning Clearance cannot be obtained until the Zone Change Ordinance has been recorded.

    d. Provide a copy of the Zone Change Ordinance. Comply with the requirements for the Zone Change.

    e. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedications.

    f. Obtain approval from Bureau of Engineering for the proposed merger along Woodlake Ave.

    g. Provide a minimum 20-foot front yard setback along Woodlake Ave. for Lots 3, 4, 10, and 11; a minimum 5-foot side yard setback along the South side for Lots 1, 2, and 3; a minimum 5-foot side yard setback along the East side for Lots 1, 6, 7, and 15; and a minimum 5 ft. side yard setback along the North side for Lots 11, 12, 13, 14, and 15 as required for the proposed **RD5-1** Zone. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning.

    h. Provide and dimension the reciprocal private easement for pedestrian and driveway egress and ingress in the final map.

DEPARTMENT OF TRANSPORTATION

Please contact DOT at (818)374-4699 for any questions regarding the following.

14. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:

a. A minimum 20-foot reservoir space is required between any security gate or parking space and the property line, to the satisfaction of DOT.

b. A driveway width of w=28 feet is required for residential sites with between 5 and 25 parking spaces. The lots shall take their access from two common driveways to Woodlake Avenue.

c. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.

d. That the condition clearance fee be paid to the Department of Transportation as required per Ordinance No. 183270 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

FIRE DEPARTMENT

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (818) 374-4351. You should advise any consultant representing you of this requirement as well.

15. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:

a. Access for Fire Department apparatus and personnel to and into all structures shall be required.

b. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

c. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.

d. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

e. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or

where fire hydrants are installed, those portions shall not be less than 28 feet in width.

f. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.

g. Submit plot plans indicating access road and turning area for Fire Department approval.

h. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".

i. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.

j. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.

k. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

l. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.

m. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

o. A valid Division 5 Fire Department permit is required prior to installation for all private fire hydrant systems.

p. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

DEPARTMENT OF WATER AND POWER

16. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

Questions should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, California 90051-5700 or (213) 367-1120.

BUREAU OF STREET LIGHTING

17. If new street light(s) are required, then prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

18. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

19. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

DEPARTMENT OF RECREATION AND PARKS

20. That the Quimby fee be based on the RD5 Zone.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

All protected tree removals must be approved by the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077.

21. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree plantings, the sub divider or contractor shall notify the Urban Forestry Division (213-847-3077) upon completion of construction to expedite tree planting.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

22. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

a. Limit the proposed development to a maximum of 15 Small Lots, including 14 Small Lot homes and one (1) Open Space Lot, and one (1) remainder lot.

b. Provide a minimum of two (2) covered off-street parking spaces per dwelling unit.

c. Provide a minimum of 6 off-street guest parking spaces.

d. Lot 3 shall be landscaped with trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette and shall otherwise remain undeveloped. The applicant or subsequent owner or the Homeowner's Association for VTT-73814-SL shall be responsible for maintaining Lot 3 in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted. No guest parking shall be permitted on Lot 3.

e. Prior to the recording of the final map, a revised map shall be submitted providing the setback matrix and reflecting the setbacks approved by the Advisory Agency.

f. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high slumpstone or decorative masonry wall shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.

g. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

h. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

i. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

j. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

k. A Covenant and Agreement to run with the land shall be recorded that a

Homeowner's Association will be formed and that this Association shall own and maintain Lot 3 and all other common areas. The Homeowner's Association's monthly assessment shall include necessary property taxes for Lot 3.

l. Copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.

m. For the purposes of this subdivision, the yards abutting a public right-of-way shall be considered the front yard.

Note to City Zoning Engineer and Plan Check. The City Planning Commission has approved the following setback matrix. Such setbacks shall constitute Department of City Planning approval, as required for Condition No. 13.g. Minor deviations to the approved setbacks are allowed in the event that such deviations are necessary in order to accommodate other conditions of approval as required by other City agencies. In no event shall the front, side, and rear yards of the subdivision measure less than 5 feet in width. Approved setbacks are as follows:

1) Setbacks shall be permitted as follows:

Setbacks				
Lot No.	***Front***	***Rear***	***Right Side Yard***	***Left Side Yard***
1	15'	20'	12'	6'
2	12'	20'	6'	4'
3	No Small Lot home shall be permitted			
4	17'	25'	6'	22'
5	18'	15'	6'	6'
6	25'	20'	6'	10'
7	18'	20'	20'	5.75'
8	18'	20'	5.75'	5.75'
9	18'	20'	5.75'	5.75'
10	5.75'	15'	20'	18'
11	10'	9'	24'	20'
12	15'	17'	7'	7'
13	15'	17'	7'	7'
14	19'	19'	7'	7'
15	13'	19'	7'	10'

23. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2015-4680-GPA-ZC shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2015-4680-GPA-ZC is not approved, the subdivider shall submit a tract modification.

24. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

25. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).

e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not

relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

26. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 27 and 28 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

27. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

MM-1. **Habitat Modification (Nesting Native Birds, Hillside or Rural Areas).**

a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:

i. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a Qualified Biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.

ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.

iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.

iv. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

MM-2. **Tree Preservation (Grading Activities).** "Orange fencing" or other similarly highly visible barrier shall be installed outside of the drip line of locally protected and significant (truck diameter of 8 inches or greater) non-protected trees, or as may be recommended by the Tree Expert. The barrier shall be maintained throughout the grading phase, and shall not be removed until the completion and cessation of all grading activities.

MM-3. **Tree Removal (Non-Protected Trees).**

a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

c. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.

d. All replacement trees shall be consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette.

MM-4. **Tree Removal (Public Right-of-Way).**

a. Removal of trees in the public right-of-way requires approval by the Board of Public Works.

b. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).

c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.

d. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

MM-5. **Bell Creek Habitat.**

a. Lot No. 3 as shown on Vesting Tentative Map No. 73814-SL (map stamp-dated December 24, 2015), shall be landscaped with trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette and shall

otherwise remain undeveloped. The applicant or subsequent owner or the Homeowner's Association for VTT-73814-SL shall be responsible for maintaining Lot No. 3 in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted.

b. The applicant shall obtain a Revocable Permit from the Bureau of Engineering to allow for the installation of landscaping and pedestrian pathways behind the terminus of the cul-de-sac, between the cul-de-sac and the Bell Creek right-of-way (see attached exhibit). The landscaping shall include trees, shrubs and groundcover consistent with the Los Angeles River Master Plan Landscaping Guidelines and Plant Palette. The applicant or subsequent owner(s) or the future associations for VTT-73814-SL and/or VTT-73714-SL shall be responsible for maintaining the area between the cul-de-sac and the Bell Creek right-of-way in a manner that provides adequate habitat for migratory wildlife and native bird species. The installation of an irrigation system shall be permitted.

MM-6. **Cultural/Historic Resources.**

a. The historic pilasters on the Canoga Mission Gallery property shall be retained and preserved in situ or in place.

b. Homes abutting the Canoga Mission Gallery Parcel shall not exceed a height of 25 feet.

c. Structures abutting the Canoga Mission Gallery Parcel shall not exceed a height of 25 feet.

d. The house on Lot No. 1 shall be turned to face Woodlake Avenue, allowing an open space on the corner of this property that is not enclosed by fencing to the lot line.

e. Walls abutting the Canoga Mission Gallery parcel shall not exceed five feet in height. Additionally, adjustments to the slumpstone wall's placement were made at Lot No. 2, and small portions of lots Lot Nos. 1 and 3, stepping it back one foot-four inches to the south, to accommodate the Canoga Mission Gallery's wood split-rail fence with stone pilasters that extends in over the parcel line into the subject property.

f. An 8,750 square-foot remainder parcel shall be left undeveloped as to provide a buffer between the monument and the new development. Should the remainder parcel be removed as a result of a Lot Line Adjustment, a Covenant and Agreement that shall run with the land shall be recorded prohibiting any development of that portion of the subject property.

MM-7. **Hydrology and Water Quality.**

a. Lot No. 3, as shown on Vesting Tentative Map No. 73814-SL (map stamp-dated December 24, 2015), shall be used as a bio-swale for the purposes of stormwater management for VTT-73814-SL. With the exception of paving necessary for vehicular and pedestrian circulation across Lot No. 3, the lot shall be entirely permeable, unless otherwise required by the Bureau of Engineering or the Bureau of Sanitation.

b. The area behind the terminus of the cul-de-sac, between the cul-de-sac and the Bell Creek right-of-way (see attached exhibit) shall be used as a bio-swale for the purposes of stormwater management for VTT-73714-SL and VTT-73814-SL. With the exception of paving necessary for sidewalk improvements the area shall be entirely permeable, unless otherwise required through the Revocable Permit process.

MM-8. **Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

MM-9. **Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

28. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. Aesthetics (Signage on Construction Barriers)

a. The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS". Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.

b. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours.

CM-2. Air Pollution (Demolition, Grading, and Construction Activities)

a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.

c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. Trucks having no current hauling activity shall not idle but be turned off.

CM-3. Seismic. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

CM-4. Erosion/Grading/Short-Term Construction Impact. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All

grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

CM-5. Erosion/Grading/Short-Term Construction Impacts (Hillside Grading Areas)

a. The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.

b. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

CM-6. Geotechnical Report. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

CM-7. Asbestos. Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.

CM-8. Lead Paint. Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

CM-9. Hillside Construction Staging and Parking Plan: Prior to the issuance of a grading or building permit, the applicant shall submit a Construction Staging and Parking Plan to the Department of Building and Safety and the Fire Department for review and approval. The plan shall identify where all construction materials, equipment, and vehicles will be stored through the construction phase of the project, as well as where contractor, subcontractor, and laborers will park their vehicles so as to prevent blockage of two-way traffic on streets in the vicinity of the construction site. The Construction Staging and Parking Plan shall include, but not be limited to, the following:

a. No construction equipment or material shall be permitted to be stored within the public right-of-way.

b. If the property fronts on a designated Red Flag Street, on noticed "Red Flag" days, all the workers shall be shuttled from an off-site area, located on a non-Red Flag Street, to and from the site in order to keep roads open on Red Flag days.

c. During the Excavation and Grading phases, only one truck hauler shall be allowed on the site at any one time. The drivers shall be required to follow the designated travel plan or approved Haul Route.

d. Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, or removal of graded soil shall be limited to off-peak traffic hours, Monday through Friday only. No truck deliveries shall be permitted on Saturdays or Sundays.

e. All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time, and that a construction supervisor is present at such time.

f. A radio operator shall be on-site to coordinate the movement of material and personnel, in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.

g. During all phases of construction, all construction vehicle parking and queuing related to the project shall be as required to the satisfaction of the Department of Building and Safety, and in substantial compliance with the Construction Staging and Parking Plan, except as may be modified by the Department of Building and Safety or the Fire Department.

CM-10. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CM-11. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

CM-12. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-13. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

CM-14. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

CM-15. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.

CM-16. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours.

CM-17. The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

CM-18. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

CM-19. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

SF-2. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan shall prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency in accordance with CP-6730. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site and shall include the following features.

a. All areas of the property not covered by buildings, driveways, or walkways shall be landscaped with low-water, drought-tolerant, and non-invasive plant materials and ground cover, in place of turf grass.

b. Any existing natural features and topography shall be incorporated into any proposed landscaping, where appropriate.

c. Any proposed trees shall be shade bearing and spaced between 15- to 20-feet apart from each other.

d. Landscape plans shall organize plants into groupings in accordance to proposed water needs.

e. Landscape plans shall incorporate shade trees and ornamental landscaping that define an edge and increases visual interest in the public and private realms of the development.

f. Shrubs located immediately adjacent to the public sidewalk shall maintain a height of less than four (4) feet.

g. Fences and shrubbery shall be less than 3'6" tall in areas located adjacent to, or within five (5) feet of, the sidewalk and common public areas.

h. Parkways shall be planted with ground cover, low-growing vegetation, or permeable materials that accommodate both pedestrian movement and clearance for car doors.

i. Provide planting areas in private open spaces for residents to maintain.

j. Landscape plans shall exhibit techniques that will be used to maintain privacy among all proposed dwelling units.

k. Trees, shrubs, and vines shall be planted between property lines so as to screen building walls and enhance privacy.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

S-1. a. That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.

b. That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

c. That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.

d. That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

e. That drainage matters be taken care of satisfactory to the City Engineer.

f. That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

g. That any required slope easements be dedicated by the final map.

h. That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.

i. That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

j. That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

k. That no public street grade exceeds 15%.

l. That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

a. Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

b. Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.

c. All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

d. All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

e. Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

a. After submittal of hydrology and hydraulic calculations and drainage plans for review by the City Engineer prior to recordation of the final map, construction of public drainage facilities including the repairing of the

existing catch basin may be required satisfactory to the Valley District Engineering.

b. Construct the necessary on-site mainline sewers satisfactory to the City Engineer.

c. Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.

d. Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

e. Construct access ramps for the handicapped as required by the City Engineer.

f. Close any unused driveways satisfactory to the City Engineer.

g. Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.

h. Improve Woodlake Avenue in accordance with **LA Mobility Plan AVENUE II** Standards and adjoining the subdivision by the construction of the followings:

i. A concrete curb, a concrete gutter, and a 15-foot full-width concrete sidewalk with tree wells or a 5-foot concrete sidewalk and landscaping of the parkway.

ii. Suitable surfacing to join the existing pavements and to complete a 28-foot half roadway.

iii. Any necessary removal and reconstruction of existing improvements.

iv. The necessary transitions to join the existing improvements.

l. Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

i. Construct two (2) new street lights Woodlake Avenue.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this density.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05-N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The Department of City Planning issued Mitigated Negative Declaration No. ENV-2015-4679-MND on May 26, 2016. The Department found that potential negative impact could occur from the project's implementation due to:

Biological Resources;
Cultural Resources; and
Public Services.

The Mitigated Negative Declaration (MND), along with mitigation measures and a Mitigation Monitoring Program (ENV-2015-4679-MND), was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA). The MND, mitigation measures, and Mitigation Monitoring program were adopted by the City's Advisory Agency on June 30, 2016 in connection with the City's action in Case No. VTT-73814-SL. On August 11, 2016, an appeal of the Advisory Agency's actions was presented to the City Planning Commission as the appeal body in Case Nos. VTT-73814-SL-1A and ENV-2015-4679-MND.

The City Planning Commission found substantial evidence in the appeal raised by the Santa Monica Mountain Conservancy (SMMC) pertaining to Mitigated Negative Declaration No. ENV-2015-4679-MND to add additional mitigations to ensure project impacts to be less than significant. Therefore, the Commission added Condition Nos.

MM-5 and MM-7 as mitigation measures to address habitat along Bell Creek and hydrology and water quality impacts.

The comments submitted by the SMMC do not constitute new information of substantial importance, nor do they present new significant environmental effects or a substantial increase in severity of previously identified significant effects. Instead, they offered guidance by which impacts which had been previously identified could be further mitigated and reduced. Therefore, as the new mitigation measures herein are equivalent to or more effective than previous measures, consistent with Section 15073.5 of the CEQA Guidelines, no recirculation of the MND is required.

On the basis of the whole of the record before the lead agency including any comments received, the City Planning Commission finds, in its independent judgment and analysis, that this project was environmentally assessed in Case No. ENV-2015-4679-MND and that, along with the additional mitigations adopted herein, the project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 27 and 28 of the Tract's approval. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by adopting the attached Mitigation Monitoring Program of ENV-2015-4679-MND.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 73814-SL, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Vesting Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC.

The requested Small Lot Subdivision allows for the subdivision of underutilized

land in multi-family and commercial areas into fee-simple homes. Intended as an infill development and a smart-growth alternative to traditional, suburban style single-family subdivisions, small lot homes have smaller lot areas with compact building footprints and reduced yard setbacks, street frontages, passageways between buildings, and open space. As such, small lot subdivisions oftentimes create parcels with a unique set of design and spatial complexities.

The subject site is located in the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, which designates the subject property for Very Low Residential Low Residential land uses with corresponding zones of RE20, RA, RE15, RE11, RE9, RS, R1, RU, RD6 and RD5. The property is currently zone A1. The applicant has requested a General Plan Amendment from Very Low Residential land uses to Low Residential land uses and a Zone Change from A1-1 to RD5-1. The property is not located within a Specific Plan. The property contains approximately 84,709 square feet of lot area (1.95 acres) after required dedications. The applicant proposed to develop 15 small lots homes on a site consisting of 15 small lots and one (1) remainder lot, per the Small Lot Ordinance and the Subdivision Map Act. In conjunction with the appeal of VTT-73814-SL and the approval of Case No. CPC-2015-4680-GPA-ZC, the City Planning Commission limited the development to 15 lots, including 14 Small Lots and one (1) Open Space Lot, and one (1) remainder lot.

The Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, a part of the Land Use Element of the City's General Plan, states the following goal, objectives and policies relevant to the current project:

Goal 1: Safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan area.

Objective 1-1: Achieve and maintain a housing supply sufficient to meet the diverse economic needs of current and projected population to the year 2010.

Policy 1-1.1: Maintain an adequate supply and distribution of multi-family housing opportunities in the Community Plan Area.

Policy 1-1.4: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential and other incompatible uses.

Objective 1-4: Provide a diversity of housing opportunities capable of accommodating all persons regardless of income, age or ethnic background.

Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.

Policy 1-4.3: Ensure new housing opportunities minimize displacement of the residents.

Policy 1-4.4: Increase home ownership options by providing opportunities for development of townhouses, condominiums, and similar types of housing.

The project would result the construction of 14 Small Lot homes on land designated for Low Residential densities corresponding to the RD5 Zone (1 dwelling unit per 5,000 square feet of lot area). Access to the proposed location of the subdivision is near other low density residential neighborhoods. The proposed Small Lot subdivision will increase the housing stock for the Community Plan without displacing any existing residents while providing a diversity of housing opportunities, including making home ownership more accessible.

The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). As such, the Advisory Agency concludes that the proposed tract map is consistent with the intent and purpose of the General Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the "design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

Section 17.05-C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). In addition, Section 12.22-C,27 of the Municipal Code requires that requested small lot subdivisions comply with the required minimum lot width of 16 feet; lot area of 600 square feet; lot coverage limitation of 80 percent; and five-foot setback requirements for the boundary of the subdivision. The requested map meets the required components of both a vesting tentative tract and a small lot subdivision.

The design and layout of the tentative map are consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including Department of Building and Safety, Bureau of Engineering, and Bureau of Sanitation) have reviewed the map and found the subdivision design satisfactory. These agencies have imposed improvement requirements and/or conditions of approval. Sewers are available and have been inspected and deemed adequate in accommodating the proposed project's sewerage needs.

Each of the Small Lot homes include a two-car garage. Access to the proposed Small Lot homes is through two (2) separate driveways off of Woodlake Avenue. The northerly driveway provides access to nine (9) homes and three (3) guest parking spaces. The southerly driveway provides access to six (6) homes and three (3) guest parking spaces. No guest parking spaces shall be provided on Lot 3.

The Vesting Tentative Tract Map would result in one (1) substandard, land-locked remainder lot. Condition No. 10 requires that prior to the recordation of the final map a Lot Line Adjustment be filed for and obtained, upon the approval of which the remainder lot will cease to be substandard or land-locked.

The applicant has requested a General Plan Amendment from Very Low Residential land uses to Low Residential land uses and a Zone Change from A1-1 to RD5-1. Upon adoption of the General Plan Amendment, the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan would designate the property for Low Residential land uses with the corresponding zones of RE9, RS, R1, RU, RD6 and RD5. The RD5 Zone permits dwelling units subject to lot areas comprised of a minimum of 5,000 square feet (Sections 12.09.1 and 12.22-C,27 of the LAMC). The project provides a net lot area of 84,709 square feet, as indicated on the submitted Vesting Tentative Tract Map. The applicant proposed to develop 15 small lots homes on a site consisting of 15 small lots and one (1) remainder lot, per the Small Lot Ordinance and the Subdivision Map Act. In conjunction with the appeal of VTT-73814-SL and the approval of Case No. CPC-2015-4680-GPA-ZC, the City Planning Commission limited the development to 15 lots, including 14 Small Lots and one (1) Open Space Lot, and one (1) remainder lot.

Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with the intent and purpose of the applicable General and Specific Plans.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

A mixture of single- and multi-family development, makes up the general character of the surrounding neighborhood. The properties to the south, west, and east zoned RS and are developed with one- and two-story, single-family dwellings. The properties to the north zoned (Q)RD3 and are developed with condominium

buildings ranging from 18 unit to 48 units.

The project site, which is underutilized and consisting of 84,709 square feet of land, is currently vacant. The proposed project is considered an infill development in a neighborhood that has a mix of single- and multi-family development and is consistent with the density and height district of the RD5-1 Zone. The applicant proposed to develop 15 small lots homes on a site consisting of 15 small lots and one (1) remainder lot, per the Small Lot Ordinance and the Subdivision Map Act. In conjunction with the appeal of VTT-73814-SL and the approval of Case No. CPC-2015-4680-GPA-ZC, the City Planning Commission limited the development to 15 lots, including 14 Small Lots and one (1) Open Space Lot, and one (1) remainder lot.

The property is located within an equine keeping area and is 13.2 kilometers from the Simi-Santa Rosa Fault Zone. The site is not identified as having hazardous waste or past remediation. The site is within Flood Zone Type C, which denotes areas Outside Flood Zone.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

Adjacent land uses consist of single- and multi-family uses. The applicant proposed to develop 15 small lots homes on a site consisting of 15 small lots and one (1) remainder lot, per the Small Lot Ordinance and the Subdivision Map Act. The applicant is permitted to construct 15 apartment units by-right per the proposed RD5 Zone. However, in conjunction with the appeal of VTT-73814-SL and the approval of Case No. CPC-2015-4680-GPA-ZC, the City Planning Commission limited the development to 15 lots, including 14 Small Lots and one (1) Open Space Lot, and one (1) remainder lot.

The proposed project would provide an appropriate infill development within the mixed density neighborhood. The site is currently undeveloped. Abutting the subject property is the Canoga Mission Gallery, City of Los Angeles Historic-Cultural Monument No. 135, and a plant nursery, which will both be preserved as part of the project. The project site was part of a 250-acre ranch, as early as 1936 and in 1964 until the present, has been operating as an art gallery and non-profit arts organization.

The proposed project will comply with all LAMC requirements for parking, yards, and open space in accordance with Ordinance No. 176,354. As conditioned, the proposed tract map is physically suitable for the proposed density of the development.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area are presently vacant and does not provide a natural habitat for fish. The Department of Fish and Wildlife has recommended that mitigation measure regarding nesting native birds be conditioned with the approval of the tract. On May 26, 2016, the City Planning Department issued Mitigated Negative Declaration No. ENV 2015-4697-MND.

Mitigation Measure MM-5.f has be modified by the Advisory Agency to allow for a Lot Line Adjustment to occur with the remainder lot without resulting in a significant adverse impact to Canoga Mission Gallery.

The City Planning Commission found substantial evidence in the appeal raised by the Santa Monica Mountain Conservancy (SMMC) pertaining to Mitigated Negative Declaration No. ENV-2015-4679-MND to add additional mitigations to ensure project impacts to be less than significant. Therefore, the Commission added Conditions Nos. MM-5 and MM-7 of the Conditions of Approval as mitigation measures to address habitat along Bell Creek and hydrology and water quality.

The comments submitted by the SMMC do not constitute new information of substantial importance, nor do they present new significant environmental effects or a substantial increase in severity of previously identified significant effects. Instead, they offered guidance by which impacts which had been previously identified could be further mitigated and reduced. Therefore, as the new mitigation measures herein are equivalent to or more effective than previous measures, consistent with Section 15073.5 of the CEQA Guidelines, no recirculation of the MND is required.

This Mitigated Negative Declaration reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level.

The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

(f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet statewide

ocean discharge standards.

The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to the recordation of the proposed tract.

(h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans, planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 73814-SL.

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: VTT-73814-SL-1A, ENV-2015-4679-MND

Project Address: 7000 Woodlake Avenue

Final Date to Appeal: 09/26/2016

Type of Appeal:
- ☐ Appeal by Applicant/Owner
- ☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
- ☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Santa Monica Mountains Conservancy / PAUL EDELMAN

Company:

Mailing Address: 5750 Ramirez Canyon Road

City: Malibu State: CA Zip: 90265

Telephone: (310) 589-3230 E-mail: edelman@smmc.ca.gov

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other:

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Paul Edelman

Company: Santa Monica Mountains Conservancy

Mailing Address: 5750 Ramirez Canyon Road

City: Malibu State: CA Zip: 90265

Telephone: (310) 589-3230 E-mail: edelman@smmc.ca.gov

Application + 3 page Justification Letter

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 9-23-16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for <u>each</u> appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may <u>not</u> file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an <u>individual on behalf of self</u>.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the <u>date of the written determination</u> of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $106.80	Reviewed & Accepted by (DSC Planner):	Date: 9/26/16
Receipt No: 0203354147	Deemed Complete by (Project Planner):	Date:
☒ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

SANTA MONICA MOUNTAINS CONSERVANCY
RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV

September 23, 2016

Appeal of VTT-73814-SL-1A / ENV-2015-4679-MND, 7000 Woodlake Avenue

Appeal To: The Los Angeles City Council

Appeal From: The decision of the Los Angeles City Planning Commission, August 11, 2016

Regarding Case No.: VTT-73814-SL-1A / ENV-2015-4679-MND

Project Address: 7000 Woodlake Avenue

Final Date to Appeal: September 26, 2016

Type of Appeal: Appeal of the entire decision of the City Planning Commission, by an organization other than the project applicant/property owner, claiming to be aggrieved by the Agency's decision.

Appellant Information
The Santa Monica Mountains Conservancy (Conservancy), filing for itself.

Represented by: Paul Edeman, Deputy Director of Natural Resources and Planning

Address: 5750 Ramirez Canyon Road
Malibu, California 90265

Telephone: 310-589-3200, ext. 128

E-mail: edelman@smmc.ca.gov

Purpose of Appeal
This appeal seeks to reverse the entire decision of the Los Angeles City Planning Commission (Commission) regarding the appeal of the Deputy Advisory Agency (DAA) decision regarding the subject proposed Vesting Tentative Tract Map (Tract Map), and Mitigated Negative Declaration (MND). This appeal pertains to the entire decision of

the Commission from the August 11, 2016 hearing and the entire decision of the DAA issued June 30, 2016.

This appeal is also based on the Commission's and DAA's improper approval of an MND which is deficient under the California Environmental Quality Act (CEQA). The MND fails to adequately address significant adverse impacts of the subject project. As approved, the subject project would result in unmitigated significant adverse impacts to public resources.

Reasons for Appeal and Denial of Subject Project

Where, as here, the Appellant, and independent citizens, presented multiple fair arguments that the subject project would result in significant adverse environmental impacts, and significant adverse impacts to public resources, and presented substantial evidence in support of those fair arguments at the subject hearing, and in writing during the public circulation period of the MND.

These arguments, which include recommendations to mitigate the afore-mentioned significant adverse impacts, where made before the Commission on August 11, 2016, and also are represented in the Santa Monica Mountains Conservancy's June 15, 2016 letter addressed to the DAA (see attached). The afore-mentioned fair arguments further show that the subject MND is deficient under CEQA.

Grievances

The Planning Commission erred in sustaining the decision of the Deputy Advisory Agency to adopt the environmental analysis, mitigation measures, and Mitigation Monitoring Program in Case No. ENV-2015-4679-MND. The MND and mitigation measures remain inadequate. Both the proposed project and the project and mitigation measures as modified by the Planning Commission would result in significant adverse ecological, visual, and land use impacts. The environmental analysis does not adequately consider less damaging alternatives that also provide a higher level of permanent public benefit.

The approved private Home Owners Association open space lot along the Bell Creek channel has no permanent open space protection, nor any legal public access, including visual access, or access by native animals.

There are no assurances that the Bureau of Engineering-owned land between the proposed Woodland Lake Avenue cul-de-sac will be maintained in a manner beneficial and inviting to the public. The City has no satisfactory remedy for non-compliance with conditions related to this proposed public area.

The basis for this appeal is not limited to the reasons and grievances given above. Our agency will provide additional information in advance of the appeal hearing date.

Representative Information

Paul Edelman, Deputy Director of Natural Resources and Planning
Santa Monica Mountains Conservancy
5750 Ramirez Canyon Road
Malibu, California 90265
310-589-3200, ext. 128
edelman@smmc.ca.gov

MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R16-0225
JUL 08 2016

REPORT RE:

MEDICAL MARIJUANA LEGISLATION

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 14-0366-S4

Honorable Members:

Pursuant to the request of your Honorable Body, this Office is transmitting a confidential report regarding already enacted as well as proposed state legislation regarding medical marijuana.

If you have any questions regarding this matter, please the undersigned at (213) 978-8393.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By
HEATHER AUBRY
Deputy City Attorney

HA/pg

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PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
VTT-72370-CN-2A	ENV-2013-2552-EIR	CD4 - RYU

PROJECT ADDRESS:

8148 – 8182 W. SUNSET BOULEVARD
1438 – 1486 N. HAVENHURST DRIVE
1435 – 1443 N. CRESCENT HEIGHTS BOULEVARD

APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
AG SCH 8150 OWNER, LP REP.: MICHAEL NYTZEN, PAUL HASTINGS, LLP 515 S. FLOWER STREET 25TH FLOOR LOS ANGELES, CA 90071	213-683-6000	michaelnytzen@paulhastings.com

☐ New/Changed

APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
FIVE (5) APPEALS. SEE ATTACHED.		

PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
William Lamborn	(213) 978-1470	William.lamborn@lacity.org

APPROVED PROJECT DESCRIPTION:

On July 28, 2016 the City Planning Commission denied in part and granted in part the appeals on the overall project (VTT-72370-CN-1A) consisting of one master lot and 10 air space lots.

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

On July 28, 2016 the City Planning Commission:

1. Found that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report, Environmental Clearance No. ENV-2013-2552-EIR, (SCH. No. 2013091044), in its determination of the proposed project and Affirm that the EIR was certified by the Deputy Advisory Agency on June 23, 2016 and that the EIR was prepared in compliance with the California Environmental Quality Act and reflects the independent judgment of the lead agency and Adopt the EIR for use in reviewing the approved project. The City Planning Commission actions confirm that the Deputy Advisory Agency:
   a. Certified that the EIR has been prepared in compliance with CEQA and reflects the City's (Lead Agency) independent judgment and analysis; and,
   b. Adopted the Statement of Overriding Considerations setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may occur; and
   c. Adopted the Mitigation Measures, Mitigation Monitoring Program; and,
   d. Adopted the related Environmental Findings;
2. Advised the Applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring; and, that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing;
3. Denied in part and granted in part the appeals on the overall project (VTT-72370-CN-1A) consisting of one master lot and 10 air space lots.
4. Adopted the modified Conditions of Approval.
5. Adopted the Findings.

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

1. Appeals of the City Planning Commission's determination on Vesting Tentative Tract VTT-72370-CN-2A, consisting of one master lot and 10 air space lots.

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

1. Appeals of the City Planning Commission's determination on Vesting Tentative Tract VTT-72370-CN-2A, consisting of one master lot and 10 air space lots.

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
☑ Letter of Determination	☐	☐ Categorical Exemption	☐
☑ Findings of Fact	☐	☐ Negative Declaration	☐
☑ Staff Recommendation Report	☐	☐ Mitigated Negative Declaration	☐
☑ Conditions of Approval	☐	☑ Environmental Impact Report	☐
☐ Ordinance	☐	☐ Mitigation Monitoring Program	☐
☐ Zone Change Map	☐	☐ Other	☐
☐ GPA Resolution	☐		
☐ Land Use Map	☐		
☐ Exhibit A - Site Plan	☐		
☑ Mailing List	☐		
☐ Land Use	☐		
☐ Other	☐		

NOTES / INSTRUCTION(S):

FISCAL IMPACT STATEMENT:

☑ Yes ☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

☑ City Planning Commission (CPC)
☐ Cultural Heritage Commission (CHC)
☐ Central Area Planning Commission
☐ East LA Area Planning Commission
☐ Harbor Area Planning Commission
☐ North Valley Area Planning Commission
☐ South LA Area Planning Commission
☐ South Valley Area Planning Commission
☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
JULY 28, 2016	6 - 0
LAST DAY TO APPEAL:	**APPEALED:**
AUGUST 29, 2016	YES
TRANSMITTED BY:	**TRANSMITTAL DATE:**
JAMES K. WILLIAMS	September 9, 2016

LOS ANGELES CITY PLANNING COMMISSION

List of Appellants

CASE NO.: VTT-72370-CN-2A

APPELLANT 1. Stephanie DeWolfe, City of West Hollywood
Rep.: Beth Collins-Burgard, Dylan Johnson, Brownstein Hyatt Farber Schreck, LLP
djohnson@bhfs.com

APPELLANT 2. JDR Crescent, LLC, IGI Crescent, LLC
Rep.: Robert L. Glushon, Kristina Kropp, Luna & Glushon
rglushon@lunaglushon.com

APPELLANT 3. Susanne Manners
Rep.: Allan Wilion, Esq.
aew@aewlaw.net

APPELLANT 4. Fix the City, Inc.
Rep.: Beverly Grossman Palmer, Strumwasser & Woocher, LLP
bpalmer@strumwooch.com

APPELLANT 5. Laurel Canyon Association
Rep.: Jamie T. Hall, Channel Law Group, LLP
Jamie.hall@channellawgroup.com

LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801
(213) 978-1300; **planning.lacity.org**

LETTER OF DETERMINATION

Mailing Date: AUG 17 2016

CASE NO.: VTT-72370-CN-1A
CEQA: ENV-2013-2552 EIR, SCH#2013091044
Related Case: CPC-2013-2551-MCUP-DB-SPR

Location: 8148-8182 W. Sunset Boulevard
1438-1486 N. Havenhurst Drive
1435-1443 N. Crescent Heights Boulevard
Council Districts: 4 – Ryu
Plan Area: Hollywood
Requests: Vesting Tentative Tract Appeal

Applicant: AG SCH 8150 Owner, LP
Representative: Michael Nytzen, Paul Hastings, LLP

Appellant 1: Fix the City
Representative: Laura Lake

Appellant 2: JDR Crescent, LLC, IGI Crescent, LLC
Representative: Robert Glushon, Luna & Glushon

Appellant 3: City of West Hollywood
Representative: Scott Lunceford, Community Development Dept.

Appellant 4: Susanne Manner
Representative: Allan Wilion, ESQ

At its meeting of July 28, 2016, the Los Angeles City Planning Commission took the following action:

1. **Found** that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report, Environmental Clearance No. **ENV-2013-2552-EIR**, (SCH. No. 2013091044), in its determination of the proposed project and Affirmed that the EIR was certified by the Deputy Advisory Agency on June 23, 2016 and that the EIR was prepared in compliance with the California Environmental Quality Act and reflects the independent judgment of the lead agency and Adopt the EIR for use in reviewing the approved project. The City Planning Commission actions confirm that the Deputy Advisory Agency:
   a. Certified that the EIR has been prepared in compliance with CEQA and reflects the City's (Lead Agency) independent judgment and analysis.
   b. Adopted the Statement of Overriding Considerations setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may occur.
   c. Adopted the Mitigation Measures, Mitigation Monitoring Program.
   d. Adopted the related Environmental Findings.
2. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring; and, that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing;

3. **Denied in part** and **granted in part** the **appeals** on the overall project (VTT-72370-CN-1A) consisting of one master lot and 10 air space lots.
4. **Adopted** the attached modified **Conditions of Approval**.
5. **Adopted** the attached **Findings**.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved:	Dake-Wilson
Seconded:	Ambroz
Ayes:	Ahn, Mack, Millman, Padilla-Campos
Recused:	Katz
Absent:	Choe, Perlman

Vote: **6 - 0**

James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: The action of the Los Angeles City Planning Commission will be final within 10 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, CA 90012, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

FINAL APPEAL DATE: AUG 29 2016

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

The Statement of Environmental Impacts, Findings and Mitigation Measures; Statement of Overriding Considerations, Mitigation Monitoring Program are located in administrative files ENV-2013-2552-EIR, VTT-72370-CN and CPC-2013-MCUP-DB-SPR, and are available upon request.

Attachments: Conditions of Approval and Findings
Senior City Planner: Luciralia Ibarra
Planning Assistant: William Lamborn

VTT-72370
Appellant 1

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: CPC-2013-2551-MCUP-DB-SPR, VTT-72370-CN-1A, ENV-2013-2552-EIR

Project Address: 8148-8182 W. Sunset Blvd., 1438-1486 N. Havenhurst Dr., 1435-1443 N. Crescent Heights Blvd.

Final Date to Appeal: 08/29/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): ~~City of West Hollywood~~ (Stephanie DeWolfe, Assistant City Manager)

Company: City of West Hollywood

Mailing Address: 8300 Santa Monica Blvd.

City: West Hollywood State: CA Zip: 90069

Telephone: (323) 848-6476 E-mail: sdewolfe@weho.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☐ Self ☑ Other: City of West Hollywood

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Beth Collins-Burgard & Dylan Johnson

Company: Brownstein Hyatt Farber Schreck, LLP

Mailing Address: 2049 Century Park East, Suite 3550

City: Los Angeles State: CA Zip: 90067

Telephone: (805) 882-1413 E-mail: djohnson@bhfs.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 8-25-16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
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- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
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- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89.00	Reviewed & Accepted by (DSC Planner): Tracy Williams T. Wil	Date: 8/26/2016
Receipt No: 0203346351	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Application - Documents received 18 pages (Two) ar

Brownstein Hyatt Farber Schreck

Beth Collins-Burgard
Attorney at Law
Brownstein Hyatt Farber Schreck, LLP
2049 Century Park East, Suite 3550
Los Angeles, CA 90067
310.500.4600 tel
310.500.4602 fax
BCollins@bhfs.com

August 26, 2016

Appeal of the City Planning Commission's Decision Affirming the Advisory Agency's Approval of the 8150 Sunset Boulevard Project and Certification of the EIR

Case Nos. CPC-2013-2551-MCUP-DB-SPR and VTT-72370-CN-1A
CEQA Case No. ENV-2013-2552 EIR

Dear Honorable Council Members:

Brownstein Hyatt Farber Schreck, LLP submits this appeal letter on behalf of the City of West Hollywood ("West Hollywood"). On July 28, 2016, the City Planning Commission considered appeals filed by West Hollywood and three other appellants of the Advisory Agency's approval of the project located at 8150 Sunset Boulevard ("Project") and certification of the Environmental Impact Report ("EIR").[1] At the appeal hearing, the Planning Commission: (1) affirmed certification of the EIR, (2) approved a Master Conditional Use permitting sale of alcohol, (3) approved a density bonus, (4) approved Site Plan Review, (5) adopted conditions of approval, and (6) adopted findings (collectively, the "Project Approvals"). (See City Planning Commission Letters of Determinations for Case Nos. CPC-2013-2551-MCUP-DB-SPR and VTT-72370-CN-1A, mailing date of August 17, 2016.)

The Project is located on the border of City of West Hollywood, directly adjacent to a multi-family residential district within the City. The massive scale and intensity of the Project (5 structures composed of 249 residential units, 65,000 square feet of commercial space, two towers up to 15 stories high, a seven-story decorative architectural projection, 820 parking spaces all on a parcel of 96,328 square feet, with a FAR of 3:1 on a site zoned for 1:1 FAR) will have significant direct impacts on residents of West Hollywood and its infrastructure, as addressed herein and in previous public comments on the EIR submitted by West Hollywood and its residents. The EIR does not adequately address and mitigate the wide range of significant effects of the Project. West Hollywood is therefore compelled to submit this appeal to protect the public health, safety, and welfare of its citizens.

I. Request for Relief

West Hollywood respectfully requests that the Los Angeles City Council overturn the certification of the EIR and vacate the Project Approvals with direction that the deficiencies set forth in this appeal letter be corrected prior to reconsideration of the Project.

West Hollywood also requests that the hearing on this appeal be delayed until after the Cultural Heritage Commission and City Council have made a final determination as to the historic status of the Lytton Savings Building, which is currently under consideration for designation as a Monument.

II. Argument: The EIR for the Project Does Not Satisfy Requirements of Law

[1] The term "EIR," as used herein, encompasses the Draft EIR ("DEIR"), Recirculated DEIR ("RDEIR"), and Final EIR ("FEIR"), as well as all corrections, additions, attachments, and appendices thereto.

The EIR for the Project contains errors, is not supported by substantial evidence, fails to address significant impacts of the Project, and generally violates the California Environmental Quality Act ("CEQA").

A. The Council Should Not Approve the Project Until a Final Determination Is made on the Historic Status of the Lytton Savings Building

The approved project alternative – Alternative 9 – calls for demolition of the existing bank building on the site known as the Lytton Savings building, which is currently occupied by Chase Bank. The EIR recognizes that the Lytton Savings building may be eligible for designation under the Los Angeles Administrative Code ("LAAC") as a Historic-Cultural Monument. Several project alternatives included in the EIR would have preserved the Lytton Savings building. The EIR even states that Alternative 6 would meet or partially meet all of the project objectives. (DEIR, p. 5-180 to 5-182.) Nevertheless, the Planning Commission found that all preservation alternatives were infeasible based mainly on aesthetic concerns. (PC Letter of Determination, Case No. VTT-72370-CN-1A, p. 140.)

On August 4, 2016, six days after the City Planning Commission hearing on the appeals, the Los Angeles Cultural Heritage Commission considered an application to designate the Lytton Savings building as a Historic-Cultural Monument pursuant to provisions of the LAAC. The Cultural Heritage Commission decided by unanimous vote to take the application under consideration, with one Commissioner noting it was a "no brainer."

If the Lytton Savings building is designated as a Historic-Cultural Monument, Alternative 9 cannot be approved. The Cultural Heritage Commission is required to "take all steps necessary to preserve" a Monument, including assisting in establishment of private funds for acquisition and recommendations for government acquisition. (LAAC, § 22.171.11.) The Code also mandates that the Commission "shall take all steps within the scope of its powers and duties as it determines are necessary for the preservation of the Monument...." (LAAC, § 22.171.15.) No permit for demolition may be issued for a Monument under consideration by the Commission. (LAAC, § 22.171.12.) After designation, no Monument may be demolished without first referring the matter to the Commission and the Commission making a determination based on a report "regarding the structural soundness of the building or structure and its suitability for continued use, renovation, restoration or rehabilitation." (LAAC, § 22.171.14.)

The plain implication of the LAAC provisions is that a Monument cannot be demolished unless it is structurally unsound and unsuitable for continued use, renovation, restoration or rehabilitation. There is no evidence that the Lytton Savings building is in any way structurally unsound or that it is unsuitable for use. In fact, it is currently being used as a bank.

The Cultural Heritage Commission will make a report and recommendation to the City Council within 75 days of the August 4 hearing and the City Council must act on the recommendation within 90 days of the hearing before the Commission on the proposed designation, with an option to extend for a maximum of 15 days. (LAAC, §§ 22.171.10(e), 22.171.10(f).) The City Council should delay this appeal hearing until a final determination is made with regard to the historic status of the Lytton Savings building. Alternative 9 cannot be approved if the Lytton Savings building is designated as a Monument.

B. The EIR Fails to Demonstrate that the Historic Preservation Alternatives Are Infeasible and Fails to Include Adequate Mitigation for Impacts to Historic Resources

The Planning Commission approved Alternative 9 despite the inclusion of environmentally superior alternatives that would preserve the Lytton Savings building, which it assumes is eligible for designation under the LAAC as a Monument. The Planning Commission found that the preservation alternatives would not achieve project objectives such as providing an attractive retail face along street frontages,

redeveloping and revitalizing a commercial site, providing high quality commercial uses, improving the visual character of the area, and enhancing pedestrian activity. (PC Letter of Determination, Case No. VTT-72370-CN-1A, p. 140.) Yet the EIR provides that Alternative 6 would achieve substantially all of these stated objectives. (See DEIR, p. 5-181.) The Draft EIR states that the only objective Alternative 6 would not at least partially meet is the objective to provide more commercial use. Alternative 6 reduces the commercial use to 62,231 sq. ft. (DEIR, p. 5-150.) Yet the selected Alternative 9 provides only slightly more commercial use, providing 65,000 sq. ft. (RDEIR, p. 2-1.)

An agency's findings that alternatives are infeasible must be supported by substantial evidence in the record. (Pub. Res. Code, § 21081.5.) The evidence in the record contradicts the Planning Commission's finding that the bank preservation alternatives are infeasible.

Additionally, the only relocation mitigation measure included in the EIR calls for conducting a study to determine the feasibility of relocation and then advertising the availability of the building on historic preservation websites. (DEIR, p. 4.C.2-27.) The relocation feasibility study must be completed prior to EIR certification and project approval so that the decision-makers are fully informed when deciding whether to approve an alternative that calls for demolition. Furthermore, the study may reveal that it would be feasible for the developer to relocate the building, rather than seeking a third party to do so, in which case relocation by the developer should be included as a mitigation measure in the EIR.

The decision to approve Alternative 9 should be overturned because the finding that Alternative 6 is infeasible, an alternative that is environmentally superior, is not supported by substantial evidence. A relocation feasibility study should also be conducted prior to completion of the EIR and, if determined feasible, the EIR should be revised to include a mitigation measure requiring the developer to relocate the building in the event that an alternative is approved that would require removal or demolition.

C. The Traffic Analysis Fails to Address Impacts, Does Not Include Required Mitigation, and Relies on Invalid Assumptions

1. Failure to Consider Feasible Mitigation

CEQA includes a clear mandate to mitigate significant impacts. "Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Res. Code, § 21002.1(b).) In contravention of this clear mandate, the Planning Commission affirmed certification of the EIR and approved the Project despite the lack of a feasible mitigation measure to mitigate significant traffic impacts to the Fountain Avenue/Havenhurst Drive intersection.

The EIR provides only one mitigation measure to mitigate impacts to the Fountain/Havenhurst intersection. Mitigation Measure TR-1 requires the developer to guarantee the necessary funds to enable West Hollywood to install a signal at the intersection of Fountain/Havenhurst. (See PC Letter of Determination, Case No. VTT-72370-CN-1A, p. 146.) The Planning Commission did not find that there were no other feasible mitigation measures capable of mitigating the impact to Fountain/Havenhurst. (See PC Letter of Determination, Case No. VTT-72370-CN-1A, pp. 146-147.) In fact, at the Planning Commission's July 28 hearing, staff stated, for the first time, that it had explored other feasible mitigation measures and TR-1 was determined to be the "most appropriate...." Yet no other mitigation measures were identified in the EIR. West Hollywood has sole jurisdiction over the impacted intersection and West Hollywood has made clear since at least January 2015 that its traffic engineers and staff do not believe it is appropriate to install a traffic light at that location. West Hollywood has stated unequivocally on numerous occasions that it will not install a light in that location. The EIR states, without any evidence in support, that no other feasible improvements to the intersection have been identified. (DEIR, p. 4.J-66.) Even if this were supported by

any evidence in the record, which it is not, it appears that staff has considered other feasible measures that would mitigate impacts to Fountain/Havenhurst, but failed to include them in the EIR.

In fact, to call TR-1 a mitigation measure is illusory. TR-1 is not and never has been a feasible mitigation measure because it is solely within the control of West Hollywood, which has informed the City of Los Angeles on numerous occasions that it will not implement TR-1. To rely solely on this mitigation measure without disclosing or discussing other feasible mitigation confounds CEQA's purpose. A mitigation measure must be enforceable through permit conditions, agreements, or other legally binding instruments. (CEQA Guidelines, § 15126.4(a)(2).) An EIR must identify feasible mitigation measures for each significant impact and when the legal feasibility of a mitigation measure is uncertain, the EIR should suggest substitute mitigation measures that can be implemented in its place. (Kostka and Zischke, Practice Under the California Environmental Quality Act (2d ed. Cal CEB) §§ 14.2, 14.26; see also *Madera Oversight Coal., Inc. v. Cty. of Madera* (2011) 199 Cal.App.4th 48, 83, disapproved of on other grounds by *Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal.4th 439 and *Clover Valley Found. v. City of Rocklin* (2011) 197 Cal.App.4th 200, 244 [finding that EIRs must identify feasible mitigation measures for each significant impact].) The City of Los Angeles has no authority to enforce TR-1 and therefore has not satisfied CEQA's clear mandate to identify enforceable mitigation measures for each impact.

West Hollywood has good reason to refuse to install the signal at Fountain and Havenhurst – the intersection is not capable of accommodating the addition of a left-turn lane and the equipment necessary to make this a feasible option. In addition, as stated previously, the proposed signal at Sunset Boulevard and Havenhurst Drive, along with the signal proposed by TR-1, would result in cut-through traffic on Havenhurst. Speed humps and mistiming the two signals, as proposed by City of Los Angeles staff, would only have the effect of slowing the traffic on Havenhurst and would not deter cut-through traffic.

Instead of identifying alternative feasible mitigation measures, the Planning Commission assumed that the impact to the Fountain/Havenhurst intersection would remain significant because West Hollywood may "determine that it does not wish to install the signal" and adopted a statement of overriding considerations to override the impact. (See PC Letter of Determination, Case No. VTT-72370-CN-1A, p. 198.) This is precisely the type of action that the Supreme Court has disapproved. An agency may disclaim the responsibility for mitigating a significant impact "only when the other agency said to have responsibility has exclusive responsibility." (*City of San Diego v. Bd. of Trustees of California State Univ.* (2015) 61 Cal.4th 945, 957.) An EIR that incorrectly disclaims the power and duty to mitigate identified environmental effects is not sufficient as an informative document. (See *Id.* at 956, citing *City of Marina v. Bd. of Trustees of the California State Univ.* (2006) 39 Cal.4th 341, 356.) West Hollywood does not have exclusive responsibility to mitigate this impact. As the lead agency for the Project, the City of Los Angeles has responsibility to mitigate this impact. "CEQA does not allow agencies to approve projects after refusing to require feasible mitigation measures for significant impacts." (*Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 690, as modified on denial of reh'g (May 11, 2007).)

City of Los Angeles staff has apparently considered feasible measures to mitigate the impacts to the Fountain/Havenhurst intersection and nevertheless neglected to include these in the EIR. The City of Los Angeles may not disclaim responsibility to mitigate a significant impact caused by a project within its jurisdiction. The EIR must be revised to include feasible mitigation measures to mitigate impacts to the Fountain/Havenhurst intersection.

2. Use of Invalid Assumptions Not Supported by Substantial Evidence

Many unfounded assumptions are utilized in the Traffic Impact Analysis ("TIA") to reduce the amount of trips for the proposed Project.

a. Pass-By Trips for the Project Are Overstated

For example, the TIA provides that retail and restaurants will experience 10% of their patronage from Project residents, the supermarket will experience 15% of its patronage from Project residents, and the bank and health/fitness facilities will experience 5% of its patronage from Project residents without explaining the basis for these percentages. (See DEIR, Appx. H, p. 13.) Conclusions and determinations reached in an EIR, including the methodology used to study an impact, must be supported by substantial evidence. (*City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, 839.)

The TIA also applies a substantial reduction for pass-by trips. Projected trips for the restaurant component are reduced by 10%, projected trips for the dance/yoga uses and bank are reduced by 20%, projected trips for the supermarket are reduced by 40%, and projected trips for the retail/commercial component are reduced by 50%. (RDEIR, Appx. A, "Trip Generation Calculations.") The reduction totals 1,277 trips, which amounts to a 25% reduction in overall trips.

In contrast, the majority of the pass-by trips applied in calculating trips for the existing project are trips for the fast food restaurants, totaling 2,190 trips. (RDEIR, Appx. A, "Trip Generation Calculations.") It makes sense that a fast food restaurant would attract a large number of pass-by trips as people do not typically make a single trip to seek out a specific fast food restaurant, but rather integrate it into another trip. The proposed Project does not include any fast food restaurants that would merit a similarly large reduction.

The substantial reductions granted for pass-by trips are not merited for this proposed Project. The Project is likely to be a destination due to the high-end and unique nature of the complex (explained further below). The application of a 25% total reduction for pass-by trips is not supported by substantial evidence in the context of this unique Project.

The trip calculation in the TIA also fails to account for other important factors, including the fact that the Project will provide a large amount of commercial public parking (494 spaces). The TIA does not provide a comparison of proposed parking to existing parking in order to allow a determination of the degree to which the proposed Project would increase the number of spaces provided. Sunset Boulevard is a destination area for local residents and visitors. Parking in the area is scarce. The site is located nearby several popular destinations such as Bar Marmont and the Laugh Factory, in addition to numerous other bars and restaurants. With its ample parking, the proposed Project will undoubtedly attract a number of trips completely unassociated with the Project itself. This has not been accounted for in the traffic analysis.

The traffic analysis also fails to account for the likelihood that a building designed by Frank Gehry will attract architecture buffs and others interested in unique designs. The proposed Project is certain to be a destination in and of itself, regardless of the uses. The TIA does not account for this unique aspect of the Project that will generate additional trips.

b. The TIA Appears to Use an Improper Traffic Baseline

The EIR states that the "baseline conditions for the project are at the time that that the project NOP is filed." (FEIR, p. 2.B-182.) However, the EIR does not clearly state or provide evidence to support exactly what the occupancy level was at the time the NOP was filed. The TIA calculates baseline traffic levels using trips for a fully leased and occupied project. (See FEIR, Appx. A, "Trip Generation Calculations.") According to the Response to Comments, the reasoning for this seems to be that the use of existing conditions at the time the NOP was filed would not account for factors such as "current economic conditions that could result in 'underperforming uses, or seasonal variations in the operations of the uses.'" (FEIR, p. 2.A-29.) However, the FEIR fails to provide evidence to support the conclusion that the "existing use over time" for the site was in fact a fully leased and occupied shopping center. To the contrary, if there

are in fact underperforming uses or seasonal variations, which is to be expected, the statements in the FEIR support a conclusion that the Project was not fully leased at any time in recent history, let alone at the time the NOP was issued. Without such evidence, there is no support for the use of a fully leased and occupied center as the baseline. The EIR cannot use a baseline of hypothetical conditions. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 316.)

The Responses to Comments also state that when an assumed vacancy of 4,637 square feet of retail use is incorporated into the analysis, the change in trips when compared to the fully occupied Project would be a reduction of 99 net total projected trips. (FEIR, p. 2.A-30.) The Responses to Comments state that this reduction in baseline traffic conditions would not lead to a change in the impacts analysis. Yet when the additional 99 trips are added to the other improperly credited trips, the impacts may very well increase. Most importantly, there is no evidence in the record to demonstrate that these additional trips would not create new significant impacts.[2]

D. The Greenhouse Gas Analysis Relies on Invalid Assumptions, Fails to Address Impacts, and Does Not Include Required Mitigation

The Greenhouse Gas ("GHG") analysis relies in part on the traffic analysis as a basis for evaluating GHG impacts. Therefore, like the traffic analysis, the GHG analysis assumes an inflated number of baseline traffic trips and a deflated number of traffic trips related to the proposed Project. Therefore, the EIR understates the amount of GHG emissions. The EIR also does not quantify the additional GHG emissions that would be associated with the 99 additional trips disclosed in the Responses to Comments (discussed above). The GHG analysis takes credit for planting new trees, but does not consider impacts associated with removal of existing trees. In short, the GHG analysis is not supported by substantial evidence and must be revised and corrected.

E. The Analysis of Impacts to Sewer Infrastructure Fails to Address Potential Impacts from Constructing a New Connection

The Project site is served by a 12-foot long City of Los Angeles sewer line which conveys the sewage directly into and through lines owned and operated by West Hollywood and ultimately to the Hyperion Treatment Plant. (RDEIR, p. 3-26.) The EIR originally included a requirement for the Project developer to contribute fair share payments to West Hollywood for use of its sewer lines. (FEIR, p. 3-4.) But on the day of the Planning Commission hearing, staff recommended that the Planning Commission remove this requirement, claiming that West Hollywood had been unable to identify any impacts to its sewer infrastructure. (July 28, 2016 letter from William Lamborn to City Planning Commission.) This assertion of course defies logic. Use of infrastructure inevitably takes capacity, increases risk of spillage, increases the potential volume of spill, and causes wear and tear. The Project's contribution of wastewater to West Hollywood's sewer system will have a proportionate effect on the system, requiring maintenance and repair. Without that maintenance and repair, the system risks causing environmental impacts. These factors all can result in environmental impacts associated with wastewater and sewer usage.

Added sewage from the Project therefore would result in impacts to West Hollywood's sewer infrastructure, associated environmental impacts, and may result in growth inducing impacts. A person utilizing West Hollywood's sewer services must pay an annual sewer service charge, which is levied on properties within

[2] West Hollywood also expressly incorporates in this appeal letter additional traffic and circulation issues included in its appeal to the Planning Commission provided under the heading "Additional Issues." (Appeal to the Planning Commission is attached as Exhibit A.) The Additional Issues were not adequately addressed by staff responses provided in the Appeal Recommendation Report to the Planning Commission.

its jurisdiction. (West Hollywood Municipal Code, § 15.12.010.) Since the Project is located outside of West Hollywood's boundaries, West Hollywood has no authority to levy the charge and no duty to serve the Project. If the Project developer refuses to voluntarily agree to pay the standard charge for utilization of West Hollywood's sewer system and Los Angeles refuses to fairly compensate West Hollywood for use of its sewer system, West Hollywood may determine that it cannot provide sewer service to the property. The developer should not be permitted to have free use of West Hollywood's sewer system simply because it is located outside of West Hollywood's boundaries. If West Hollywood is forced to refuse sewer service to the Project site because the developer and Los Angeles refuse to pay a fair share contribution for use of the sewer system, Los Angeles will be required to construct a new connection to the property. The process of constructing a new sewer connection could have several potential significant impacts not considered in the EIR, including impacts to air quality, traffic, GHG, noise, cultural resources, and geology and soils. The addition of new infrastructure may also have growth inducing effects that must be analyzed. Unless the Project Approvals require the developer to pay its fair share for use of the West Hollywood sewer system, the Project may lead to further environmental impacts not analyzed in the EIR.

The Project Approvals should be revised to require the developer to pay a fair share fee as determined by West Hollywood based on its use of the sewer system or the EIR must be revised to include analysis of impacts from constructing new infrastructure to serve the property. If Los Angeles agrees to compensate West Hollywood for the added burden imposed on its sewer facilities through serving a project within Los Angeles' jurisdiction, such agreement must be executed prior to Project approval to ensure that the Project will not result in additional impacts.

F. The Alternatives Analysis Is Inadequate Because it Does Not Address Alternative Locations

The alternatives analysis in the EIR does not include a detailed consideration of an alternative location for the Project. While it is true that an EIR need not always consider alternative locations, in this case where the Project presents several unmitigatable impacts caused by its location it is not reasonable to exclude consideration of alternative locations. (See *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1179.) As noted by many commenters, the scale and intensity of this Project is inappropriate for the area. This Project is more suited to downtown Los Angeles or another area with large multi-story complexes.

The EIR should be revised to include a detailed consideration of an alternative location.

G. The Scale of the Project is Incompatible with the Area, Inconsistent with Applicable Policies, and Creates Significant Shading Impacts

While Alternative 9, the approved Project, attempted to address objections to the bulk, scale, and density of the development, the Project remains incompatible with the scale and character of the adjacent buildings and surrounding neighborhood. The existing high rise elements along Sunset Boulevard in the vicinity of the Project are generally ten stories at the highest. The Project includes towers one to six stories higher than the tallest surrounding buildings. Other towers in the Project's vicinity are located on smaller sites and interspersed among low rise elements. The overall bulk and scale of the Project elements taken together, including the 11 and 15 foot towers with a five-story element between them, and another building with a seven story architectural projection, is incompatible with even the other towers in the area. The Project also is located adjacent to a multi-family residential zone and in close proximity to a number of small scale multi-family residential structures. In contrast to determinations made in the EIR, the bulk, scale, and density of the Project make it inconsistent with numerous policies directing that projects be designed to be compatible with the scale and character of adjacent uses. (See, e.g., DEIR, pp. 4.F-21, 4.F-31 [discussing compatibility policies].)

The Hollywood Community Plan also requires that the intensity and density of projects shall be limited in accordance with the ability of the local streets and highways to accommodate the project. (Hollywood Community Plan, pp. HO-2, HO-4.) As noted above, the traffic impacts caused by the Project, in particular the significant impact to the Fountain/Havenhurst intersection, mean that the Project is inconsistent with policies of the Hollywood Community Plan.

Appendix G to the CEQA Guidelines asks whether the project would conflict with any applicable land use plan, policy, or regulation. The LA CEQA Thresholds Guide (2006) states that the analysis should consider (1) whether the proposal is inconsistent with the adopted land use/density designation in the existing Community Plan, Redevelopment Plans, or Specific Plans for the Site; and (2) whether the proposal is inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans. As discussed above, the Project would be inconsistent with applicable land use policies and plans. Furthermore, the EIR failed to address the inconsistencies with the intensity/density policies related to transportation in the Hollywood Community Plan. The EIR for the Project must be modified to address the inconsistencies by reducing the overall scale to make it compatible with the surrounding neighborhood.

In addition, while the EIR does not identify the users of Sunset Boulevard as sensitive receptors in its analysis of shading impacts, the development will in fact shade over 300 feet of Sunset Boulevard for most of the day according to Figure 2-6 of the RDEIR. Under the City of Los Angeles thresholds of significance, this shading would have a significant adverse impact on users on Sunset Boulevard. (See DEIR, 4.A.-17.) This significant impact must be addressed through mitigation measures or modifications to the design.

III. Conclusion

For the reasons set forth above, West Hollywood respectfully requests that the City Council overturn the certification of the EIR and vacate the Project Approvals with the direction that the deficiencies set forth in this appeal letter be corrected prior to reconsideration of the Project.

West Hollywood also requests that the hearing on this appeal be delayed until after the Cultural Heritage Commission and City Council have made a final determination as to the historic status of the Lytton Savings Building, which is currently under consideration for designation as a Monument.

Sincerely,

Beth Collins-Burgard

Beth Collins-Burgard

Attachments:

Exhibit A – West Hollywood Letter of Appeal to Planning Commission

EXHIBIT A

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☒ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: ENV-2013-2552-EIR, VTT-72370-CN

Project Address: 8148-8182 W. Sunset Blvd., 1438-1486 N. Havenhurst Dr., 1435-1443 N. Crescent Heights Blvd.

Final Date to Appeal: 07/05/2016

Type of Appeal:
- ☐ Appeal by Applicant/Owner
- ☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
- ☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Community Development Department (Attn: Scott Lunceford)

Company: City of West Hollywood

Mailing Address: 8300 Santa Monica Blvd.

City: West Hollywood State: CA Zip: 90069

Telephone: (323) 848-6427 E-mail: slunceford@weho.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☐ Self ☑ Other: City of West Hollywood

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Scott Lunceford

Company: City of West Hollywood

Mailing Address: 8300 Santa Monica Blvd.

City: West Hollywood State: CA Zip: 90069

Telephone: (323) 848-6427 E-mail: slunceford@weho.org

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☐ Entire ☑ Part

Are specific conditions of approval being appealed? ☑ Yes ☐ No

If Yes, list the condition number(s) here: Mitigation Measure TR-1 & PDF-WW-1

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 07/05/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89-	Reviewed & Accepted by (DSC Planner): LFS	Date: 7/5/16
Receipt No: 0102602598	Deemed Complete by (Project Planner):	Date:
☒ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

City of West Hollywood
California 1984

CITY OF WEST HOLLYWOOD

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COMMUNITY
DEVELOPMENT
DEPARTMENT

July 5, 2016

RE: Appeal of the Advisory Agency decision to approve the Certification of the Final Environmental Impact Report for the 8150 Sunset Boulevard Mixed-Use Project
Case Numbers: VTT-72370-CN, CPC-2013-2551-CUB-DB-SPR
CEQA Number: ENV-2013-2552-EIR

The City of West Hollywood appeals the Advisory Agency decision to certify the Final Environmental Impact Report (FEIR) for the 8150 Sunset Boulevard Mixed-Use Project (Project) given the following outstanding issues regarding key items within the Letter of Determination (LOD):

MITIGATION MEASURE TR-1

Mitigation Measure TR-1, involving the signalization of the intersection of Fountain Avenue and Havenhurst Drive, must be removed from the list of mitigation measures in the FEIR and must be replaced with a substitute feasible mitigation measure to eliminate the traffic impact at this intersection. The City of West Hollywood objects to the installation of a traffic signal at this location and has reported to the City on numerous occasions that it will not approve the installation of a traffic signal at this intersection under any circumstances.

Including this mitigation measure in the Final EIR and CEQA Findings in the Letter of Determination (LOD) is misleading to the public, the applicant and the City's decision makers and therefore violates CEQA's mandate to provide a meaningful analysis of the project's impact on the environment. The vast majority of the EIR and CEQA findings suggest that the traffic impact at Fountain and Havenhurst will be mitigated through installation of the new traffic signal. One has to read through hundreds of pages and find buried in the statement of overriding consideration that there will be an un-mitigatable impact at this intersection if West Hollywood does not approve the signal.

There is evidence in the record that this mitigation measure will never be completed. Thus it is misleading to the public to maintain this as a required mitigation measure and to suggest that the impact is capable of being mitigated to a level of insignificance. This error is fatal to the EIR and deprives the public, applicant and decision makers of a meaningful description of the project impacts. It also leaves the applicant in an untenable situation of being required to comply with a condition for which it cannot comply. Including the mitigation measure as a condition of approval in several sections of the CEQA findings in the Letter of Determination, (including the references in public safety, emergency response times and traffic) also creates an ambiguity that obfuscates the Project's traffic impacts relative to future project review and implementation.

Pursuant to CEQA Section 15126.4.a.2, mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments in order to be viable. Given that the City of West Hollywood does not support and will not approve said traffic signal installation, mitigation measure TR-1

shop WEST HOLLYWOOD

is unenforceable. Therefore, the FEIR inadequately addresses a known significant traffic impact, and the EIR should not be certified without revision.
Additionally, the City of Los Angeles has a duty to identify all feasible mitigation measures that could mitigate or reduce this impact. 14 Cal. Code Regs. 15126. With the knowledge that MM TR-1 is infeasible and unenforceable through permit conditions, the City has not met its burden to mitigate the identified impact under CEQA. Further, the City's finding XI.6 in the Letter of Determination is not supported by substantial evidence because the traffic impact at Havenhurst and Fountain has not been mitigated to the extent feasible. There is no evidence that the City has explored any other feasible means of mitigating this impact to the environment, notwithstanding that the West Hollywood has repeatedly reported that the traffic signal is objectionable and will not be approved. Contrary to the statement in Los Angeles' response letter dated June 21, 2016, it is not the City of West Hollywood's role to identify feasible mitigation measures for this project.

PROJECT DESIGN FEATURE PDF-WW-1

Although the City of Los Angeles has acknowledged that the Project must be subject to the same fair-share contribution as other projects which use City of West Hollywood sewers, the language as written for PDF-WW-1 is vague and ambiguous and does not address the City's main concern. Specifically, the measure must make clear that the applicant is responsible for its fair share of operation and maintenance of the sewer system. As drafted, PDF-WW-1 suggests that the developer must pay for a proportional share of future sewer upgrades. However, this is not the case; the developer must pay its fair share for costs for ongoing operation and maintenance of the existing sewer system.

If this was an identical project within West Hollywood, the property owner would be paying an annual City Sewer Service charge on their property tax bill that is not applicable to this project in the City of Los Angeles. Since West Hollywood does not have a mechanism to collect sewer usage fees on properties outside of the City boundary, we recommend the developer make a one-time payment to cover the equivalent of 50 years of City Sewer Service charge. The City Sewer Service Charge is based on the concept of the Equivalent Sewer Unit (ESU). A single family residential property's City Sewer Service Charge is 1 ESU. The City Sewer Service Charge rates for all other land uses are based on the proportional use of the sewer system, in multiples of the ESU. The formula for calculation of the City Sewer Service Charge remains unchanged from the method of calculation adopted by the City Council in 1997. Per the table below, based on the Project land uses listed in the FEIR, the sewer usage by the proposed development is 270 Equivalent Sewer Units (ESU).

Land Use	Quantity	Unit	Factor	GPD (gallons per day)	ESU (equivalent sewer unit)
Studio Unit	54	Residential Units	156.00	8,424	32
One Bed Unit	134	Residential Units	156.00	20,904	80
Two Bed Unit	35	Residential Units	156.00	5,460	21

Three Bed Unit	24	Residential Units	260.00	6,240	24
Four Bed Unit	2	Residential Units	260.00	520	2
Retail	11,937	Square Feet	0.10	1,194	5
Restaurant	23,158	Square Feet	1.00	23,158	89
Supermarket	24,811	Square Feet	0.15	3,722	14
Bank	5,094	Square Feet	0.10	509	2
			Total	70,131	270

The annual City Sewer Service Charge rate for Fiscal Year 2016-17 is $40.91 per ESU. Considering the proposed project of 270 ESU, the City Sewer Service Charge for FY 2016-17 would be $11,034.80. The City Sewer Service Charge is adjusted by the CPI-LA on July 1 of each year. For example, the CPI-LA which has been applied for calculation of the 2016-17 assessment rates is 3.266%. Assuming a 50-year term for calculation of the developer's obligation for funding their fair-share of costs for on-going operation and maintenance of the City of West Hollywood sewer system, as well as an annual CPI-LA of 3% per year for the next 50 years, the amount the developer would need to pay the City of West Hollywood is $1,244,691.30. Again, this dollar amount would need to be paid to the City of West Hollywood prior to issuance of the Building Permits.

Therefore, the City of West Hollywood requests the language of PDF-WW-1 be revised as follows:

- **PDF-WW-1:** In order to address ~~potential future improvements to~~ the operation and maintenance costs for sewage conveyance facilities within the City of West Hollywood that serve the project site, prior to issuance of Building Permits the applicant shall pay to the City of West Hollywood a lump sum amount of $1,244,691.30 which is the amount equal to the West Hollywood City Sewer Service Charge to be paid by an identical project generating 270 Equivalent Sewer Units (ESU) located in the City of West Hollywood for 50 years. ~~the project shall contribute fair share payments to the City of West Hollywood commensurate with the project's incremental impact to affected facilities. Prior to the issuance of building permits, the applicant shall enter into an agreement with the City of West Hollywood determining the project's specific fair-share contribution for West Hollywood sewage system upgrades. The fair share contribution shall be calculated in the same manner used to calculate the fair share contribution for development projects within the City of West Hollywood, and the project's specific contribution shall be determined at such a time that the necessary improvements and associated capital costs are known, and shall be proportional to the project's contribution to total wastewater flows in each affected West Hollywood owned sewer. The applicant shall guarantee (by bond, cash or irrevocable letter of credit, subject to the approval of the City of West Hollywood) the necessary funding to enable the City of West Hollywood to design and install the necessary improvements~~.

There is a less expensive alternative to paying the above stated $1,244,691.30 to the City of West Hollywood. The City of Los Angeles could require the developer to design and construct a new 8-inch diameter sewer to be aligned in Crescent Heights

Boulevard. The proposed sewer would flow south from the project site to connect to an 8-inch diameter sewer in Crescent Heights Boulevard, just south of Santa Monica Boulevard. This new 8-inch diameter sewer would be owned and maintained by the City of Los Angeles, similar to other sewers owned and maintained by City of Los Angeles that pass through West Hollywood elsewhere. The construction would need to be completed prior to issuance of the certificate of occupancy for the proposed development. The City of West Hollywood would be willing to issue the necessary Encroachment Permits for construction of the new sewer. By building this new sewer, the proposed project would no longer utilize the City of West Hollywood sewer system, and would not need to pay for their fair-share of the cost of on-going operation and maintenance of the City of West Hollywood sewer system.

Under either approach, the language of PDF-WW-1 is incorrect and must be revised to more accurately reflect how the project will address its impact on the West Hollywood sewer system.

Additional Issues:

The City raised the following issues in its comment letter dated May 23, 2016 and the planning staff and Advisory Agency did not resolve these issues.

Elimination of Site Access on Havenhurst Drive

The current version of the Project proposes removal of driveway access to the site along Sunset Boulevard. The LOD has conditioned the project such that all residential traffic access the site on Havenhurst Drive and all commercial traffic to access the site on Crescent Heights Boulevard. However, the LOD and FEIR state commercial delivery and service trucks will also access the site from Havenhurst Drive. The City of West Hollywood requests that the LOD and FEIR be revised, and preclude all commercial traffic (including delivery and service trucks) from accessing the site from Havenhurst Drive.

Traffic Impacts Along Fountain Avenue

On Fountain Avenue, the level of service calculations show worsening conditions at all intersections studied. Although the signalized intersections of Fountain/Olive and Fountain/Laurel were not included in the analysis, they too will be impacted. To mitigate the worsening of conditions at these intersections, the developer should be required to fund the upgrade of the traffic signal controller equipment, replacing existing 170 controllers with 2070 controllers, as well as fund installation of battery back-up systems for the following City of West Hollywood signalized intersections: Fountain/La Cienega; Fountain/Olive; Fountain/Sweetzer; Fountain/Crescent Heights; and Fountain/Laurel (Fountain/Fairfax is not included, as that intersection already has an upgraded 2070 controller and has a battery back-up system).

Traffic Impacts Along Havenhurst Drive

The proposed traffic signal at Sunset Boulevard and Havenhurst Drive along with the proposed signalizing the intersection at Fountain Avenue and Havenhurst Drive would effectively make Havenhurst Drive a cut-through route, generating additional traffic congestionand noise impacts to the residential neighborhood along this portion of Havenhurst Drive. In Response No. A9-10, the FEIR erroneously states that the

installation of new signals at both ends of the segment of Havenhurst Drive between Sunset Boulevard and Fountain Avenue will not result in any significant cut-through traffic because there are already a series of speed humps along this segment of Havenhurst Drive, and the two new traffic signals could be intentionally "mis-timed" to delay and deter cut-through traffic. To the contrary, this will only slow down the increased traffic going through this segment of Havenhurst Drive and cause more traffic congestion, rather than lessen the anticipated impacts. Thus, the FEIR must be revised to address these impacts, and have an added project alternative with no vehicular access off Havenhurst Drive.

Safe Pedestrian Access

The proposed project will increase both vehicular and pedestrian traffic in the surrounding area, and this increase in pedestrian traffic levels warrants an upgrade to the existing mid-block crosswalk located south of the project site on Crescent Heights Boulevard. In Response No. A9-11, the FEIR states there is no nexus between the proposed Project and any significant pedestrian related impacts on Crescent Height Boulevard to justify upgrading the existing mid-block crosswalk, because development in the surrounding area will create more traffic in the area and contribute much more toward possible increases in conflicts between vehicles and pedestrians than the proposed Project itself. However, this reasoning is flawed in that it does not recognize the increase in pedestrian traffic caused specifically *by the proposed Project*.

Therefore, the City of West Hollywood requests the project be condition to upgrade the current crosswalk to a mid-block pedestrian signal. Pedestrian visibility enhancements should also be incorporated into the signalization of this crosswalk (i.e. sidewalk bulb-outs, refuge island, reflective markings, etc.).

The above comments in this appeal are related to the certification of the EIR. The City of West Hollywood reserves the right to, and will, raise additional issues pertaining to the project at subsequent public hearings.

Sincerely,

Scott Lunceford, AICP
Associate Planner
Current and Historic Preservation Planning
City of West Hollywood

VTT-72370
Appellant 2

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: VTT-72370-CN-1A; ENV-2013-2552-EIR

Project Address: 8148-8182 W. Sunset Blvd.; 1438-1486 N. Havenhurst Dr.; 1435-1443 N. Crescent Heights Blvd.

Final Date to Appeal: 08/29/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): JDR Crescent, LLC; IGI Crescent, LLC

Company: JDR Crescent, LLC; IGI Crescent, LLC

Mailing Address: 420 Lexington Avenue, Suite 1610

City: New York State: NY Zip: 10170

Telephone: _____ E-mail: _____

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Robert L. Glushon; Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd. Suite 950

City: Encino State: CA Zip: 91436

Telephone: (818) 907-8755 E-mail: rglushon@lunaglushon.com; kkropp@lunaglushon.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Robert L Thurston Date: 8/29/16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89	Reviewed & Accepted by (DSC Planner): Daniel Skolnick	Date: 8/29/16
Receipt No: 0202346687	Deemed Complete by (Project Planner): Daniel Skolnick	Date: 8/29/16
☑ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

ATTACHMENT TO APPEAL

VTT-72370-CN-1A

ENV-2013-2552-EIR

Appellants: JDR Crescent, LLC; IGI Crescent, LLC

Appellants are the property owners of the three story apartment building at 1425 N. Crescent Heights Boulevard, immediately to the south of the proposed 16-story, 333,903 sq. foot mixed-use development at 8150 Sunset Boulevard ("Proposed Project"), thus immediately impacted thereby.

1. **The required findings pursuant to the Subdivision Map Act cannot be made with substantial supporting evidence.**

   A. The Proposed Map and the design and improvement of the Proposed Subdivision are not consistent with the City's General Plan, Land Use Element, and the Hollywood Community Plan

General Plan

The City of Los Angeles' General Plan Framework Element and each of the 35 Community Plans promote architectural and design excellence in buildings, landscape, open space, and public space. They provide that preservation of the City's character and scale, including its traditional urban design form, shall be emphasized in consideration of future development. To this end, the Citywide Design Guidelines have been created to carry out the common design objectives that maintain neighborhood form and character, promoting design excellence and creative infill development solutions.

The City's Residential Citywide Design Guidelines for Multi-Family Residential Projects, provide for the following principles, goals and objectives:

i. To *nurture neighborhood character* (p. 4);

ii. To *encourage projects appropriate to the context* of the City's climate and urban environment; facilitate safe, functional, and attractive development; and foster a sense of community and encourage pride of ownership (p. 4);

iii. To *establish height and massing transitions* from multi-family uses to commercial uses or less dense single-family residential (p. 7);

iv. To highlight the role that quality building design can play in creating visually interesting and attractive multi-family buildings by *contributing to existing neighborhood character* and creating a "sense of place" (p. 7);

v. To *consider neighborhood context* and linkages in building and site design (p. 8);

vi. To *ensure that new buildings are compatible in scale, massing*, style, and/or architectural materials with existing structures in the surrounding neighborhood (p. 15);

vii. In older neighborhoods, to *respect the character of existing buildings with regards to height, scale*, style, and architectural materials (p. 15);

Here, the Proposed Project consists of a "maxed-out," over-height, out-of-scale, and over-dense building inconsistent with all of the above design guidelines. It proposes, as an "Off-Menu" Density Bonus item, a 3:1 Floor Area Ratio ("FAR") in lieu of the 1:1 FAR imposed by the "D" limitation on the Subject Property. Simply stated, the Applicant, without a variance process, is asking the City allow a density that is *three times* what the zoning designation otherwise allows.

The Proposed Project seeks to replace an 80,000 square foot, three-level structure with a 333,903 sq. foot, 16-story megaplex all of which will be built directly adjacent to 2-3 story residential dwellings with which it is completely inconsistent.

Hollywood Community Plan

The Proposed Project is further inconsistent with the following Hollywood Community Plan purposes and objectives:

i. To promote an arrangement of land use, circulation, and services which will *encourage and contribute* to the economic, social and physical health, safety, welfare, and convenience of the Community (*not* further exacerbate the existing problems);

ii. To *balance growth and stability* (not introduce a large over-massed high-rise next to multi-residential housing);

iii. To encourage the *preservation and enhancement* of the varied and distinctive *residential character* of the Community;

iv. To *promote economic well-being and public convenience* through allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns *based on accepted planning principles and standards*;

v. To encourage the preservation of open space consistent with property rights when privately owned and to *promote the preservation of views*.

The Proposed Project's mass, scale, height and density, along with location directly abutting 2-3 story residential dwellings puts it at odds with these Hollywood Community Plan purposes and objectives.

B. The design of the subdivision and proposed improvements are likely to cause substantial environmental damage

The Environmental Impact Report ("EIR") for the Proposed Project is inadequate for the reasons stated below. Therefore, the Proposed Project is likely to cause substantial environmental damage.

2. The EIR is inadequate

The purpose of an EIR is "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided," before a project is built. *Cal. Pub. Res. Code* § 21002.1(a).

An EIR must provide the decision-makers, and the public, with *all* relevant information regarding the environmental impacts of a project. If a final EIR does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and a final EIR is inadequate as a matter of law. An EIR may not ignore or assume solutions to problems identified in that EIR. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 286; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82-83.

The proposed EIR fails as an informational document for the following reasons (as more fully set forth in Luna & Glushon's letter to the Advisory Agency and City Planning Commission dated June 7, 2016, as well as Luna & Glushon's separate letter to the City Planning Commission dated July 20, 2016):

A. It fails to provide information/context regarding the imposition of the "D" limitation on the Property Site;

B. It fails to analyze inconsistencies with applicable land use and environmental plans/policies in violation of *CEQA Guidelines Section 15125(d);*

C. It fails to analyze at the existing environment (including the "D" Limitation) as the applicable baseline when evaluating land use impacts;

D. It fails to analyze consistency with the land use policy/plan impacts it identifies, instead it provides conclusory statements with no evidence to substantiate them;

E. It fails to analyze consistency with the City's Mobility Plan 2035;

F. It fails to analyze compatibility with respect to the entire multi-residential community immediately to the south of the Proposed Project Site;

G. It fails to provide why and how the use of general traffic thresholds, where traffic at all nearby intersections is already at LOS of D or lower, is an appropriate measure of transportation impacts for the Proposed Project;

H. It fails to provide why and how the use of general noise thresholds is an appropriate measure of noise impacts for a Proposed Project of this scale;

I. It skews and ignores the plain words of thresholds, including Threshold TR-6;

J. It proposes unenforceable mitigation measures including Mitigation Measure TR-1, installation of a traffic signal at Fountain/Havvenhurst, which is entirely in the City of West Hollywood; and "phantom" Mitigation Measures TR-3 and TR-4 which are not in the EIR or Mitigation Monitoring Plan;

K. It proposes illusory Mitigation Measures which do not actually mitigate the impact they are intended to mitigate, including Mitigation Measures TR-1 and TR-2 and the Project's TDM Program, which are supposed to mitigate the potential impacts to inadequate emergency vehicle response times, but all which have to do with traffic circulation on-site and along Havenhurst;

L. It relies on a January 8, 2014 Preliminary Alquist-Priolo Earthquake Fault Zone Map which is outdated. A subsequent map shows the Site on the active fault line. What's more, there is no way to accurately tell how close the fault line is to the site without sampling the entire site, which the Applicant has failed to do. If a property is located in an earthquake zone, a geologic fault hazard investigation is necessary before any development may be permitted. Therefore, the Applicant has not met the requirements of the Alquist Priolo Act;

M. It improperly requires adoption of mitigation measures from *future* studies (e.g. Mitigation Measure GS-1), deferring environmental assessment;

N. It fails to address the fact that a discretionary Street Vacation process will be necessary and analyze its impacts.

VTT-72370
Appellant 3

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: ~~VTT-72370-3VN-1A~~ VTT 72370 CN HA

Project Address: 8150 Sunset Blvd et al.

Final Date to Appeal: 08/29/2016

Type of Appeal:
☑ Appeal by Applicant/Owner
☐ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Susane Manners

Company:

Mailing Address: 1229 N. Olive Drive

City: West Hollywood State: Calif Zip: 90046

Telephone: (310) 666-1800 E-mail: mannersgroup@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other: and Manners Trust owner of the Property as Sole Trustee

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Allan Wilion, Esq.

Company:

Mailing Address: 8383 Wilshire Blvd.,

City: Beverly Hills State: Calif. Zip: 90211

Telephone: (310) 435-7850 E-mail: aew@aewlaw.net

APPEAL BY MANNERS RE VTT

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 08/29/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- ✓ Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
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  - Justification/Reason for Appeal
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- NA A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
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This Section for City Planning Staff Use Only		
Base Fee: $89.00	Reviewed & Accepted by (DSC Planner): Anna M. Vidal	Date: 8/29/16
Receipt No: 0201346821	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

APPEAL BY MANNERS FROM VTT 727230CN 1A

ALLAN E. WILION, ESQ.
Attorney at law
8383 WILSHIRE BLVD., #800
Beverly Hills, CALIF. 90211
310-435-7850 PHONE; AEW@AEWLAW.NET

August 29, 2016

City Council Los Angeles

Hn. Jose Huisar Chair
City Council Planning and Land Use Committee

RE: APPEAL TO CITY COUNCIL OF LOS ANGELES RE 8150 Sunset Blvd. (short term "8150") Hearing 7-28-16 Planning Commission RE VTT727230CN 1A

Vesting Tract MapNo: VTT 72730-CN;
Related: CPC-2013-2551-MCUP-DB-SPR;
CEQA: ENV-2013-2552-EIR, SCH No. 2013091044
ADDRESSES:
8148-8182 West Sunset Blvd., Los Angeles
1438-1486 N. Havenhurst Drive, Los Angeles
1435-1443 N. Crescent Heights Blvd., Los Angeles

APPELLANT: SUSANNE MANNERS OWNER OF 1477-79 HAVENHURST DRIVE LOS ANGELES AN 8 UNIT APARTMENT BUILDING SITUATED DIRECTLY ACROSS THE STREET FROM THE 8150 MONSTROSITY PROJECT AND MOST NEGATIVELY AFFECTED PROPERTY

1 of 49 ans

PART 1:

APPELLANT STANDING

Appellant Susanne Manners ("Appellant") has standing both as a member of the public and as the owner of the Apartment Building located at 1477-79 Havenhurst Drive which is located directly across the street from the Monstrosity Project. It is approximately 70 feet away. (See **Exhibit 1a, 1b** for photos). Havenhurst is 38 feet across not 60 as represented in the Decision. **(Exhibit 1a).** Manners is the sole trustee and beneficiary of the Manners Trust that owns the 8 unit apartment building ("Appellant's Property" or "Apartment Building") **(Exhibit 1a-1b)**. **FN 1**

The key fact is that Apartment Building is located within the 1905 Crescent Heights Tract Map Book 6, pages 92-93 ("1905 Tract Map" or "Tract Map" or Map") **(See Exhibit 3a)**. Her property will be the most negatively affected by the MONSTROSITY Project along with the Andalusia a world famous historical property next door, and the Senior Citizens Home of West Hollywood located to the south of the Andalusia and literally across the street from the proposed exits to be located on Havenhurst. A photo of the right turn from the exits onto Havenhurst to Sunset is attached as **Exhibit 1c**). Havenhurst one of the most beautiful streets in Los Angeles is about to ruined. The demarcation line between Los Angeles and West Hollywood is at the Senior Citizens Home of WEHO **(Exhibit 1d)** which is directly across the street on Havenhurst from the proposed exits for the Monstrosity Project, and the remainder from that point south is located within City of West Hollywood (WEHO). **(Exhibit 1e)**. The street is pinched at this location just south of the proposed exits at the demarcation lines between the City of LA and the City of WEHO and one lane is removed approx. **(Exhibit 1c1, 1e, and 1d3; and 1D4 photo of Fire Department Truck and the narrow area). FN 2**

The Planning Commission illegally approved the VTT which includes a 234 foot Monstrosity that the Developer claims is 15-16 stories but in fact is close to 22 stories, and it is out of touch with the area. **(Exhibit 2; and 1h2)**.

FN 1: All References are to the LD Decision regarding the CPC 2013-2551-MCUP-DB. The VTT is referred to as VTTetc.
FN 2: The City of WEHO is not insane and opposes the project. It is categorically opposed to it. See discussion infra.

The closest buildings that are 22 stories are located in Hollywood and Century City and/or Wilshire Blvd with one exception. There is one 31 story condominium known as the Sierra Towers that was constructed by the same architect that constructed the Apartment Building and it is located on Doheny North of Sunset in the City of WEHO. It is about a mile or so away. The largest building in the area is the La Ronda Apartment (4 stories and 45 feet) and the Colonial House (7 stories and 80 feet) both of which are historical monuments. **(Exhibit 2d). The Monstrosity is the royal finger to the residents of Los Angeles and West Hollywood.**

Under the Decision Letter of Determination, the Developer part of a bait and switch plan engaged in by the City of LA without notice wherein they surreptiously and illegally changed the project completely and called for inter alia: (i) illegal vacation of a dedicated right turn lane on Sunset south onto Crescent Heights, and vacation of the traffic island (known as traffic island) which is located in the middle of Crescent Heights; (ii) changed exits to Havenhurst drive which is a 38 foot (not 60) small little street with a pincher right at the exits (**Exhibit 1e and 1d1**); (iii) increased the amount of dirt to be hauled from 58,000 to 136,000 cy of dirt and 13,600 truck semi truck loads of 10 cy each to be removed by exiting right on Havenhurst north to Sunset (**Exhibit 1b and 1c1**), and then right turn east on Sunset (Exhibit 1f-1g, ; (iv) the post hauling truck deliveries and all business invitee exists and resident exits would be right on Havenhurst and then right on Sunset. The area will be a sig alert; (v) a 234 foot Monster Project which is 22 stories. (**Exhibit 2**)

Appellant objects to the entirety of the Monstrosity Project which is illegal for many reasons including that the current version illegally interferes with her Private Easement. The City of LA is completely unaware of the fact that the Appellant's Property falls within the 1905 Crescent Heights Tract Map and has a Private Easement over all property designated in the Map. Appellant **and everyone else in the area** who falls under the Tract Map has a Private Easement over the streets designated which include Havenhurst and Sunset as well as the dedicated right hand turn lane which the City seeks to vacate, and the traffic island, and other areas.

There is a dedicated right hand turn lane that has existed from Sunset east to south on Crescent Heights since at least 1905 (**Exhibit 3a-3b**) which the City seeks to vacate and give away for nothing, as well as the island in the

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middle of Crescent Heights. **(Exhibit 1g1-1g3, 3b).** There is an identical dedicated right hand turn lane east onto Sunset from Crescent Heights. Laurel Canyon ends at Sunset and curves on the other side of the Island to the south and becomes Crescent Heights.

The Decision is illegal since it seeks to interfere with a Private Easement. The law is clear that a vacation does not affect a private easement. (CSHC 8352). See discussion infra.

In addition, even in the absence of a Private Easement, the Monstrosity Project interferes with her rights as a citizen of Los Angeles. It significantly negatively impacts the entire community, and destroys the beauty of Havenhurst as one of the most beautiful streets in Los Angeles, and specifically negatively impacts affects Appellant's Property, and the tenants use of the streets, and quiet enjoyment of their homes. The most impacted properties include Appellant's Property, the Andalusia a historical apartment and now condominium, as well as the Senior Home of the City of WEHO which is located directly across from truck hauling exit and 13,600 trips as well as the Monstrosity Construction, and in the future the proposed exits on Havenhurst and the truck hauling exit. These four properties will be referred to collectively as the "Abused Properties by the City of Los Angeles" and have in effect been condemned.

All residents and properties in the area will negatively impacted due the insane nature of the Project, the traffic, the noise, the fumes, the vibration, the hauling, and drunks, the bums, and then later the truck deliveries, and the business invitees exiters, and the elimination of the one of the best things on Sunset to wit the dedicated right hand turn lane and the traffic island, and the proposed placement of an insane hard right hand turn at Crescent Heights which had to have been developed by three stooges. However, the Abused Properties are especially negatively impacted inter alia because all the 13,600 truck loads of semi trucks will haul right past, and stand in line to make the right hand turn, while their motors eliminate diesel fuel, and fumes, and vibrations, and with the construction right across the street.

The City of LA claims that it is not vacating the dedicated right hand turn, and the traffic island, and instead is changing it to off site open public space and the open space is for pedestrians. This position is ludicrous and illegal since street use (does not matter amount type or degree) is being eliminated. This is a per se violation of the California Street and Highways Code

("CSHC") Section 8308-8308, 8324, 8352-8353 as well as D700 issued by the City of LA to incorporate State law. **(Exhibit 6).** In addition, Appellant submits that the City of LA is unlawfully giving away public property to the Developer.

The Hollywood Earthquake **fault runs directly under the proposed project (**the City claims it is 100 feet but the new maps show it is under about 75% of the subject property and the City does not care.)

The Approval permits the construction of a 235 which 22 stories tall not 15, Monstrosity on top of an earthquake fault which will totally out of touch with the neighborhood.

SPECIFIC BASIS FOR STANDING BY APPELLANT

The areas of negative impact will be discussed separately infra. The following is a list:

ADVERSE IMPACT ON APPELLANT'S PROPERTY AND TENANTS OF THE APARTMENT BUILDING. THE PROJECT WILL SUBSTANTIALLY INTERFERE WITH THE QUIET ENJOYMENT OF THE APPELLANT'S PROPERTY

Illegal Taking of Property that is Subject to a Private Easement and Its Elimination Which is Illegal. See discussion infra.

=(i) Appellant has a private easement right for passage over the curved right hand turned lane and Sunset east as the feeder lane and all other streets in the area under the 1905 Crescent Heights Tract. **(Exhibit 3a).** The elimination of the dedicated right hand turn lane from Sunset south onto Crescent Heights (**See Exhibit 1g, and 3b** for diagrams of area) is illegal and violates the Private Easement owned by Appellant and other owners of property that are in 1905 Crescent Heights Tract. **(Exhibit 3a).**

In addition the attempted vacation of the traffic island in the middle of Crescent Heights in conjunction with the dedicated right hand turn lane (total of 9134 feet) is illegal as well and violates the Private Easement. **(Exhibit 3ba-c, 1g1-1g3).**

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=(ii) Separate and apart from interference with the Private Easement, there is wrongful and illegal vacation of the 9134 (VTTLD114) feet of the dedicated right hand turn lane and the island in the middle of Crescent Heights in violation of the California Streets and Highways Code Section 8308-8309, 8324, and 8352 and 8353 et. al. The traffic island is a bizaare piece of property and has its own address 8181 and zoned for affordable housing although it has been a traffic island since the mid 1960s when the Pandora's box was torn down.

=(iii) Illegal and wrongful removal of the traffic island and area 9134 feet (VTTLD 114) apprx from street use to off site open public space for pedestrian use for the exclusive benefit of the Developer. This also constitutes a violation of California Streets and Highways Code noted since it is also a vacation of a street which is illegal.

Blockage of Havenhurst North with 13,600 Trucks Semi Trailers Hauling 136,000 cy of dirt, and de facto closure of Havenhurst north post hauling as trucks try to use Havenhurst which is a small street, and residents and invitees exiting on Havenhurst try to go North and then east on Sunset in the dedicated feeder lane on Sunset without a dedicated curved right turn land which now exists.

=(iv) Wrongful and illegal blockage of Havenhurst north for removal of 136,000cy of dirt (which is enough to fill the Los Angeles Coliseum) by 13,600 trucks (LD9) by way of Havenhurst and east on Sunset. The 2 trucks exits part of the bait and switch campaign promulgated the Developer in conjunction with the City of LA proposed on Havenhurst will substantially and de facto block use of Havenhurst. (**Exhibits 1b, 1c1, and 1d1and 1d4)** This will force traffic of 13,600 semi trucks. All of the above will go by Appellant's Property and the other Abused Properties north on Havenhurst and east on Sunset and will result in the defacto closure of Havenhurst at times 6 days a week during the 13,600 trucks hauling, and during most of the time when the project is opened. This is a de facto closing of Havenhurst and is illegal.

A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

Hauling of Dirt on Saturday Also. It is Not Enough for the Capitalists to Interfere on M-F but now Also Saturday.

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=(v) Hauling dirt on Saturday as well as M-F. (LD9)

Post Hauling Truck Usage and Business Invitee Usage and Resident Usage with Exit North on Havenhurst Past Appellant's Property, and east on Sunset.

Noise, Horns, Fumes, Vibration from Trucks 13,600 Trips.

=(vi) Can you imagine 13,600 semi trucks hauling 136,000 cy of dirt past your house. Perhaps we should do this and schedule a haul past each of your houses to demonstrate the noise, the vibration, and negative impact of one truck, let alone 13,600 truck loads, and then deliveries. The trucks will stand idle and there will be toxic fumes, and noise, and vibration. It is a nightmare scene.
=(v) The noise level generated by the construction and the trucks as mitigated to 58 (VTTLD) will be about 85-90 is which the equivalent of a motorcycle charging by (**Exhibit 11**), and continued use by drunk and alcoholic patrons including amplification noise of 86 which is again in motorcycle range.

Traffic Jams, and Total Chaos.

=(via) Sunset currently is completely jammed most mornings for several hours west on Sunset as cars empty from Laurel Canyon which is the main pass route from the Valley where it joins in with Sunset and becomes Crescent Heigths with a name change, and east every day M-F for several hours in the morning; and both east and west especially in the afternoon from 230pm onward til 730pm at least; and east and west late on Friday (Saturday and some days on Sunday) past Havenhurst

=(vib) There is also traffic on Sunset on Saturday east and west mainly from 11:00 am and during light hours and then virtual massive traffic nearly total blockage Friday night and Saturday night, and at times on Sunday as well.
=(vic) There is massive traffic south over Laurel Canyon which becomes Crescent Heights M-F in the morning for hours,
=(vid) There is also massive traffic north on Crescent Heights, and Sunset over Laurel Canyon from about 230pm to 8:00pm M-F.
=(vie) There is also morning Laurel Canyon traffic on Saturday morning south, and heavy traffic from 3:00pm thru the night depending on what is

going on with heavy traffic usually at night as cars pour into the Sunset Strip.
=(vif) There is also traffic north on Laurel Canyon Saturday during the afternoon and into the evening. It becomes heavier in the afternoon and heavy into the evening as vehicles pour into the Sunset Strip.
=(vig) The same is true as to Sunday.

=(vih) Traffic on Fountain is also heavy most of the time in the afternoon all the time. (**Exhibit 15** taken from Santa Monica and Crescent Heights intersection as there is traffic backed up to Melrose in afternoon)

=(vii) Traffic on Havenhurst will become unpassable at most times. A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

=(vij) Throw in 38 other projects and you have the 405 freeway and gridlock.

And this insane project wants to dump 13,600 truck loads onto Sunset Blvd., east, and business invitees, and remove the dedicated right hand turn lane etc. that will create a standstill on Sunset and Crescent Heights and a sig alert in the area.

Post Hauling: Noise, Horns, Fumes, Lights, Sounds, from Tenants, and Business Invitees Using Havenhurst, North to Sunset, Let Alone at Night from the Bars and Drunken Hell Holes

=(viii) Post Hauling of 136000 cy, the vehicles exiting the project on Havenhurst by residents of the multi million dollar condos, and the mass business invitees visitors to the commercial project with the restaurants. It appears that the vehicles will be required to turn right north on Havenhurst etc. and then east on Sunset. **(Exhibits 1b and 1c1).** Most drivers at night will be drunken fools especially after sleeping hours while the alcholics drink and could care less about the residents.

=(ix) The drunken invitees will have to wait in line along Havenhurst to get to Sunset. They will honk their horns, yell, and there will be fumes and loud music playing, and at night the lights will flash all over the place. Alcohol, horns, lights==a formula for disaster. It will materially interfere with the sleep of the residents as late nights drunks will exit and create havoc.

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It is clear from the past that new liquor licenses will attract alcoholics, drunkers, drug addicts, bums, and others especially after closing hours and late at night who urinate, try to have sex, and or sleep in the area.

It will act as an attractive nuisance like a bee to honey for drunken drivers and limousine and Uber drivers who are insensitive and will have lights on and honk their horns because they could care less, and play loud music, and wake people up, especially while waiting in line to exit on Havenhurst to traverse to Sunset to make a right turn..

=(x) The noise level generated by the trucks and vehicles as mitigated will be about 85-90 (**Exhibit 11)** is which the equivalent of a motorcycle charging by, and continued use by drunk and alcoholic patrons including amplification noise of 86 which is again in motorcycle range. This is like having a hells angel gang living in the area. They should be directed to the areas where you live.

Post Hauling: Noise, Horns, Fumes, Lights, Vibration, Sounds, from Delivery Trucks Using Havenhurst, North to Sunset Especially in Morning.

=(xi) The trucks deliveries will have substantial problems making a right turn on Havenhurst and will block the street, and create traffic, and noise, and vibration and fumes and will substantially impact everyone along Havenhurst north and a degree south as well. A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck. It is going to be almost impossible to traverse the turn.

The trucks with the vehicles mixed at times with vehicles will all go north past the Apartment Building, and then east on Sunset. The City of WEHO has refused to permit any access exit or otherwise by trucks on Havenhurst.

Lies about the Height of the Project Which is 234 feet or 22 Stories NOT 16. This will create shadows, and blockage of sunlight let alone business invitees who will pollute the area.

=(xii) The proposed project **falsely states that it will be 15 stories** when it is 234 feet (LD38 and VTTC1) or 21.6 stories which will interfere with the

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light, heat, shadow, on her property which will be directly across the street (when they try to tear down the Lytton building which is a historical building). See **Exhibit 2a-2d** for photos of the proposed building. The Building is gigantic and overwhelms anything except buildings in Hollywood, Century City and the Sierra Towers on Doheny and Sunset at 31 stories.

Substantial Interference with Ability to Travel in Area with 38 Projects on the Board for Approval. Total Traffic Stoppage.

= (xiii) The Project would substantially interfere with the ability to travel in the area with the Monstrosity Project, and the cumulative impact of 38 other projects. There will be long line for cars and trucks going north on Havenhurst and then right or east on Sunset without the ability to turn on a dedicated right hand turn lane at Crescent Heights etc. The idea of a hard turn lane at Crescent Height is insane. **(Exhibit 1g2-1g3, 1h1-1h2).**

Construction Noise, Fumes, Vibration of 234 Foot Monstrosity

=(xiv) The construction will interfere with the quiet enjoyment of the tenants and everyone in the area. The noise, the fumes, vibration, and blockage of Havenhurst.

The Project Would Impact Noise Sensitive Receptors.

It is admitted that the project would increase noise levels at adjacent noise sensitive receptors. (LD87;(VTTF5)

Removal of 136,000 cy of dirt In a Project that is Within an Earthquake Fault is Not Only Illegal, but Insane, and Could Well Trigger an Earthquake. The vibration impacts alone are enormous.

=(xv). The Montrosity is located directly on top of an earthquake Hollywood Fault. As best as one can deteremine, at least 75 of it is under the fault. **(Exhibit 7).** The removal of 136,000 cy of dirt which is enough to fill the coliseum and 13,600 trips will cause massive vibration and threat to trigger an earthquake.

=(xvi) Vibration impact which is significant, and the threat of earthquake trigger due to the removal of 136,000 cubic yards dirt and 13,600 truck trips.

Fire Department Impact is Enormous and Police.

=(xvii) Delay of Fire Department and Police response time which will be almost impossible during certain hours of the day. See traffic concerns. The City has issued a Statement of Overriding Conditions due to the traffic. (LD5; 29, 129, 198-199; VTTF8, VTTF143)). A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

Illegal Removal of a Historical Building, Now the Chase Building.

=(xviii) The Lytton building now Chase is a historical building and cannot be torn down. There is currently a hold on any tear down action and it is highly likely that the building will be designated a historical modern building. The issue is that the Chase is utilized by residents on Havenhurst.

In summary, Appellant has standing and is aggrieved to file this appeal due to the illegal action by the City.

PART 2:

OBJECTION TO THE ENTIRE CITY OF LOS ANGELES FRAUDUELNT ACTIVITY IN REGARD TO THIS PROJECT

As Set forth below, the entire City of LA is in a conflict position and is acting contrary to their role mandated under law and should be disqualified, especially the City Attorney who cannot represent the City Council, and the Planning Commission, and also render legal advice.

The City of Planning Commission violated the Brown Act in this matter. They (and the hearing office, and the entire staff) had no clue that there is a Private Easement. They stated that the Monstrosity Project was 15 or 16 stories which is a patent lie when in fact it is 234 and 22 stories. They claim that Havenhurst is 60 feet when in fact it is 38 feet. They are oblivious to the fact that there is a Senior Home of WEHO across from the exits as proposed. They permitted fraudulent notice as part of a joint bait and switch campaign. They fraudulently claim that they are not vacating the dedicated right hand turn lane, and the traffic island which is per se violation of the CSHC 8308 et. Seq, They claim that the Project is 100 from an Hollywood Earthquake fault when in fact they are relying on an OLD MAP. The refiled application in 2016 mandates a new Map be used, and it is clear cut to a blind person that at least 75pc of the Project falls DIRECTLY ON TOP OF THE FAULT. In addition, there was no testing at all done in conformity with the law. The City claims it can get away with this outrageous conduct because the Tract Map is used with a B Permit. Well the City again can't read, because the Tract Map cannot apply to commercial property, and the B Permit does not facially apply.

In addition the Decision by the Planning Commission conveniently omits (Appellant believes that this is another example of an intentional omission or fraudulent nondisclosure or outright fraud perpetrated let alone illegality and invalidity) this important critical point since the entire decision is predicated on a mitigation factor MTR1 which calls for a street light at Fountain and Havenhurst (south of the Monstrosity).The City of WEHO categorically **refuses** to install one and OPPOSES the PROJECT. The City of LA has been aware of this since mid May. (**Exhibit 4).**

It is also omitted that the City of WEHO will not permit hook up to the sewer line unless City of LA meets its standards and the City of LA refuses to do so. (See **Exhibit 4).**

In addition, the City is cloaked with ELDP duty to act as the lead agency to verify and mandate compliance with all mitigation measures, and changes that are made to make sure it falls under the ELDP. (Here, the ELDP was fraudulently obtained as well). The City has refused to exercise its duty after a materially changed Alternative 9 was dumped with no legal Notice that failed to disclose material items such as the fact that there would be 2.3 times the dirt hauled away, that it would be hauled on Havenhurst, and that the dedicated right hand turn lane and the traffic island (9134 feet) would be given away and removed as part of the street system. In addition, the City failed to take action when it learned that the project would be reduced from 111,000 commercial to 58,000 and there would be no high paying jobs which is the legal hook or sine qua non to falling under the ELDP and the representations made. As such, the City is under a mandatory duty to remove the Project from ELDP and deny it. It has refused to do so.

The City claims that it has issued a statement of overriding consideration about the fact the key Mitigation measure cannot be met (MTR1; VTTC23-24; F19 & F26, F154-155) and the sewer line has not been resolved, and that the traffic will be gridlock. Yet, there is alternatives which the City completely failed to review and in fact totally failed to have any review of Alternative number 9. It is totally missing from the LD.

The City claims that the reduction from 111000 to 58000 sq feet and 192 jobs is not a material change in the ELDP. Appellant challenges the City to find one high paying job other than retail and restaurant that was created. There are none.

The entire process reflects that the City has acted in a conflict situation and is not neutral and the entire judgment and decision of everyone involved by the City is challenged. This failure to disclose the position of the City of WEHO is particularly shameful and is another glaring example of the non objectivity of the City and the failure to act in a neutral manner in violation of CEQA and the ELDP (discussed infra).

PART 3

PART 1 OF APPEAL: PRIVATE RIGHTS OF APPELLANT

APPEAL RE INTERFERENCE WITH APPELLANT'S PRIVATE EASEMENT RIGHTS TO USE THE DEDICATED RIGHT TURN LANE, AS WELL AS SUNSET AND ALL STREET IN THE1905 CRESCENT HEIGHTS MAP, AND THE STREETS.

=1. THE CITY IS ILLEGALLY INTERFERING WITH THE PRIVATE EASEMENT RIGHTS OF APPELLANT AND ALL OWNERS OF PROPERTY THAT FALL WITHIN THE 1905 CRESCENT HEIGHTS TRACT. THE CITY CANNOT ELIMINATE THE CURVED RIGHT HAND TURN LANE FROM SUNSET ONTO CRESCENT HEIGHTS BACKGROUND RE 8150 AND THE LANE ON SUNSET LEADING TO IT.

AND IT CANNOT TRANSFER THE SUBJECT AREA FROM STREET USE INTO OPEN SPACE, LET ALONE FOR THE SPECIFIC USE OF THE APPLICANT WHICH ARE PROJECT ISSUES DICUSSED INFRA.

SEPARATELY, THE CITY CANNOT APPROVE DE FACTO BLOCKAGE PUBLIC STREETS FOR 13,600 TRUCK LOADS BY SEMI TRUCKS OF 136,000CY OF DIRT ON SUNSET FEEDER LANE AND THE CURRENT DEDICATED RIGHT HAND TURN LANE SOUTH ONTO CRESCENT HEIGHTS, AND BLOCK HAVENHURST.

The statement in the LD206 that there are no easements known to exist:

> "(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract."

Obviously, this is statement is dead wrong. As set forth herein, the 1905 Crescent Heights Tract Map contains inherent easements across all roads including the dedicated right hand turn lane and Sunset east leading to it.

A. INTERFERENCE WITH PRIVATE EASEMENT OWNED BY APPELLANT AND OTHERS IS ILLEGAL AND INVALID BY REASON OF VACATION OF CERTAIN STREETS INCLUDING THE DEDICATED RIGHT HAND TURN LAND, AND THE ISLAND, AND OTHER PARTS OF THE STREETS IN THE AREA

The area underlying the 8150 property is located within the 1905 Crescent Heights Tract and Appellant's Apartment Building, and so are the streets. **(See Tract Map 1905 Exhibit 3a).** As one can see, the 1905 plan included two curved intersections and lanes on Sunset Blvd. (east and west on Crescent Heights), with one providing a right turn off from Sunset south onto Crescent Heights, and the other north on Crescent Heights and eastbound on Sunset Blvd. There is symmetry on the other side with a right turn lane from Crescent Heights east onto Sunset. This was the intent.

The law is clear since the old days that the 1905 Map is sufficient to impose a private easement with regard to the streets by reference to a Tract Map. **(Danielson v. Sykes,** 157 Cal. 686, 109 P. 87; Neff v. Ernst, 48 Cal. 2d 628 (1957). See **Exhibit 5** for a copy of the **Ernst** case.). It creates a Private Easement in the owners of property within the Tract Map. Appellant holds such rights as a successor which is transferred to the renters in its Apartment Building, as well as all the other members to wit owners of property within the 1905 Tract Map. **FN 3**

A copy of the current situation is set forth in the documents attached as **Exhibit 3b and 1g1-1g3).**

FN 3: Appellant is suing and such suit will be joined by others who own land in the Tract, and if not, a class action will be filed.

The City of Los Angeles is totally oblivious to the easement in the LD206 claiming none exist.

The City of Los Angeles intends to do away (eliminate) the subject existing dedicated curved right hand turn lane south on Sunset to Crescent Heights. It also seeks to eliminate the traffic island in the middle of Crescent Heights which together with the dedicated right hand turn lane totals 9134 feet. It claims that it will turn it into non site open space and sidewalk (LD161), and it claims it will build a new hard right turn lane somewhere in the area. It also claims it is not vacating the Street but rather will be transmuting the area of the right turn lane into a pedestrian zone and making it public use but giving it to the Developer which is illegal.

The City cannot remove the dedicated right hand turn lane nor the traffic island, and and cannot interfere with the private easement of Appellant and all members of the Tract Map 1905. In effect, the City is vacating the part of the street which is illegal. See infra violation of California Streets Highways Code. Part 4 infra.

The California Supreme Court in **Ernst v. Neff,** 48 Cal. 2d 628 (1957)(**Exhibit 5**) made it clear that even though a public use ceases on a vacation of a street, the rights acquired by the owners who have rights to a private easement in such streets are **not affected**. (See California Streets Highway Code 8352; 8324; see also 8350-8353; and all other sections; see also City of LA D700 adopting State Law). As the Court ruled:

> "No relinquishment of the private easements in these streets by the plaintiffs or the grantor was shown, and the private rights of these parties therefore continued". (Id. 637)

Thus, the City may not approve removal of the dedicated right hand turn lane from Sunset south onto Crescent Heights nor the use of feeder lane on Sunset or any other streets in the area or engage in any interference with the easements by overburdening them with semi trucks, and increase traffic intentionally that will cause blockage.

It claims it will be adding a new hard right turn lane. This is insane. The photos reflect that it would be a three stooges turn. **(Exhibit 1h)**. Laurel

Canyon empties into Crescent Heights but it makes a sharp turn and the area is curved in nature. The hard right turn would be impossible let alone for a truck and it cause massive road blockage west on Sunset.

=B. INTERFERENCE WITH PRIVATE EASEMENT BLOCKING USE OF PART OF HAVENHURST AND THE DEDICATED LANE ON SUNSET THAT TURNS INTO THE DEDICATED RIGHT HAND TURN LANE SOUTH ONTO CRESCENT HEIGHTS CAUSED BY HAULING OF 13,600 SEMI TRUCK TRIPS CARRYING 136,000 CY OF DIRT, AND POST HAULING BY TRUCK DELIVERIES, AND BY BUSINESS INVITEES ALL MAKING RIGHT HAND TURNS OUT THE EXITS ONTO HAVENHURST NORTH TO SUNSET, AND THEN RIGHT ON SUNSET.

This is discussed above. The City's approval substantially interferes with the Private Easement and in effect blocks a city street Havenhurst north to Sunset, and then right on Sunset with the hauling of 13,600 truck trips by semi trucks; and post hauling by business invitees, and residents and others including delivery truck blocking Havenhurst north. It will materially negatively impact use of Havenhurst for all time.

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PART 4

PART 2 OF APPEAL REGARDING PUBLIC RIGHTS OTHER THAN THE PRIVATE EASEMENT OWNED BY APPELLANT. THE CITY CANNOT VACATE THE DEDICATED RIGHT TURN LANE AND ANY OTHER PART OF THE STREETS INCLUDING THE ISLAND, BECAUSE IT VIOLATES CALIFORNIA STREETS HIGHWAYS CODE. THIS IS RAISED BY APPELLANT AS A MEMBER OF THE PUBLIC (AND PRIVATE EASEMENT HOLDER).

Under California law, Appellant holds a private easement over the subject streets by reference to the recorded 1905 Tract map including use of the public streets which includes inter alia the subject right hand turn lane which commences on the south side of Sunset closest to the sidewalk and becomes the subject right turn lane. This subject right turn lane cannot be eliminated nor transmuted into off site open space, nor to pedestrian easement.

Even in the absence of the Private Easements,

In terms of State law, elimination of any **portion of or right in a** public street or highway requires a formal vacation procedure and to try to vacate the private easement which would be illegal to do. (California Streets Highways Code Sections 8308-8309, 8324, and 8353; See **Exhibit 6).** (Also a violation of D700 of the LA City Regulations). Section 8308 is clear that one cannot interfere with any rights connected with a street including the **right of access**, easements.

The de facto illegal attempted vacation of the dedicated right hand turn violates the California Streets Highways Code 8324 and the City can never establish that the area is totally unnecessary for present or future public use.

Furthermore, State law requires a hearing procedure under Section 8320-8325 with due process and notice to the public, separate dedicated hearings, findings, etc. No notice was given and no hearings were noticed nor held. **Under no circumstances would the City be able to meet the proper standard for vacation of the curved right hand turn lane which is that it will never be reasonable necessary for its current use. This mickey mouse attempt to circumvent the Code is illegal.**

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In any event as separately discussed infra, it cannot do so since it is subject to a private easement held by Appellant and others.

=B. Tract Map Argument Raised by City is Facially Illegal and Patently Fraudulent

The City also claims that a vacation is not required because the subject curved right hand turn property and the island property which both total about 9134 feet (and which has its own address 8181 Sunset) and which is in the middle of Crescent Heights and is part of the street, would become non site open space and sidewalk and merged through the tract map (merger and resubdivision). This misses the point.

The City cannot eliminate the area because it is subject to a private easement(s), and it cannot do so in any event.

And even if arguendo they could which they can't, a Tract Map only **encompasses private property and does NOT cover the public streets,** and thus use of a subdivision to take away City property subject to a private easement is illegal and invalid. The only proper procedure is vacation of a part of a street and the required notice etc and the very difficult standard which the City will never ever be able to overcome.

Even with a formal vacation under Section 8308 et al if that were possible somewhere in the universe (which it is not), Appellant's private easement and that of the other owners of property in the Tract Map 1905 cannot be interfered with and cannot be extinguished. (CHSC 8350-8353).

All private easement owners in the 1905 Tract are required to be notified that their private easement rights are being interfered with and the City is conspiring to take away private property rights. No such notice has been given by the City and nay notice that was given was fraudulent. See infra.

=C. The City claims with a straight face that it is not vacating the street merely changing its use to open public space for pedestrian usage. However, it is seeking to **totally eliminate vehicular use of a street to wit the heavily used subject** dedicated right turn lane (through a Ministerial B permit and a revocable permit.) This it cannot do as well. It cannot eliminate

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vehicular use of the subject dedicated right turn lane, nor can it transmute it into a hard right turn lane, and it cannot vacate it without compliance with the applicable code sections noted.

In any event, the City cannot seek to circumvent the applicable State law by means of a mickey mouse ministerial B permit and a revocable permit which interferes with the private easement and is illegal. A "B" permit is for a massive construction project, and transmutation of any property into open space is a devious attempt to try to circumvent the law re compliance with the vacation law. (See **Exhibit 12**):

> "5.1 B Permit Description and Purpose
>
> The B Permit is required for major street construction in the public right of way. This includes widening of streets, the changing of existing street grade, and the installation of sewers, storm drains, street lights, and traffic control signals. Street widening generally includes . . . .B Permit construction plans are often complex and prepared by an Engineer hired by the B Permit Applicant."

And

> "The primary purpose of a BC-Permit is to mangae the City's inspection of major street construction work."

And:

> "The B Permit is frequently issued for major street improvements **adjacent to land under private development."**

A B permit is not used to steal public property and give it to a Developer. It has nothing to do with changing use, let alone vacation of part of a public street. The position by the City is condoning theft by the City. Use of a B Permit to try to cover up the illegal give away of public property would not be valid even if there had been no private easement. (LAMC 62.106(b). It is for extensive public work improvements. The City knows this and the attempted giving away of property with a B Permit is an intentional wrongful act and is illegal.

In regard to the last fraudulent ludicrous argument by the City about an encroachment permit, that the City will issue an encroachment permit which is revocable, try moving a building that is constructed. It is an insane argument as a last ditch effort by the City to permit a fraud to take place and to steal public property subject to Private Easements. In any event, it cannot encroach into an area that is a street covered by private easement, and it cannot be given away. There is no encroachment. The City is giving away its land that is street use and vacating vehicular use of the streets.

=D. An EIR is Required with Full Disclosure Re the Scam Merger Argument by the City.

In addition, the attempted removal of the curved right hand turn lane also requires evaluation under in the EIR since it is a discretionary approval. It must be fully disclosed which never took place here. There was no notice. **The Notice, and the EIR, the Staff Reports, and the Letters of Determination failed to disclose that the dedicated right hand turn lane and that the 9123 feet would be given to the Developer consisting of the island and the dedicated right had turn lane and used by the Developer for in effect for nothing.**

III: POST HAULING INTERFERENCE WITH PRIVATE EASEMENT BLOCKING USE OF PART OF HAVENHURST AND THE DEDICATED LANE ON SUNSET THAT TURNS INTO THE DEDICATED RIGHT HAND TURN LANE SOUTH ONTO CRESCENT HEIGHTS

This is discussed above. The City's approval substantially interferes with the Private Easement and in effect blocks a city street Havenhurst north to Sunset, and then right on Sunset with the hauling of 13,600 truck trips by semi trucks; and post hauling by business invitees, and residents and others including delivery truck blocking Havenhurst north. It will materially negatively impact use of Havenhurst for all time.

Accordingly, demand is made that the City has no right to eliminate the subject right turn nor change the island a total of 9134 feet, without approval of the Appellant and other holders of similar rights under the Tract Map. Demand is made that City must reject the Monstrosity the Project and that the appeals filed be granted to avoid the City facing lawsuits. There are other

options that do not call for removal of the island and the dedicated right hand turn lane that can be considered perhaps.

PART 5

FRAUDULENT AND ILLEGALITY RE APPROVAL OF 8150. THE APPROVAL PROCESS FOR VESTING TT IS ILLEGAL AND THE BASIS FOR APPROVAL IS EITHER ILLEGAL OR INVALID.

The Letters of Determination (LD for CPC, and VTTLD) were issued on 8-17-16. The LD was illegally and ultra vires granted and is replete with illegality invalidity, and outright fraud. Certain of these impact the private easement legal rights of Appellant and others are public in nature. The following is the appeal based on non private easement rights which are set forth above to separate them.

=1. The PC Violated the Ralph Brown Open Meetings Act (Government Code Section 54950 et. seq) By Holding Ex Parte Meetings and/or Conversations by a Majority of the Commissioners in a Serial Scheme to Violate the Brown Act

The approval by the City is illegal. There were several ex parte communications held by several meetings or conversations or discussions with the Developer and the project architectural firm. This was disclosed and admitted in open discussion at the PC hearing. They are ex parte communications and serial meetings and they violate the Brown Act. (Government code Section 54952.2b(1) et. seq; **Stockton Newspapers Inc. v. Redevelopment Agency,** 171 Cal. App 3d 95 (1985). Therefore the vote taken by the PC is illegal and unlawful and impeaches the entire City of LA and all of its personnel. **FN 4**

FN 4: The only PC commissioner who recused himself was Richard Katz. The other four commissioners all held ex parte communications. Appellant believes that there were other ex parte communications and wants to conduct discovery regarding the nature of such contacts in this regard.

In addition, the City Attorneys office which has represented the City is now caught in a conflict itself due to this, and due to the City's failure to act as the lead agency and remove the Project from the ELDP list. Since it has failed to do so, the City is not neutral and is biased.

=2. The ELDP Designation Was Fraudulent, and the Material Bait and Switch Change Re Alternative 9 is also Fraudulent and Illegal and Does Not Fall Under the ELDP, and the City of LA is Obligated to Verify the Same. As a Result, the City of LA is in a Conflict Position and Needs to Delegate that Review to an Independent Body other than the City of LA Which Must Take Place Before Review of the Appeal. The DECISION IS ILLEGAL Because There was No Recertification of the Alternative 9 That Was the Bait and Switch Scam Perpetrated which Materially Changed the Plan and Compliance with the ELDP

This Project received fast tract approval under the ELDP based on false promises of high paying jobs. (See LD45):

> "In certifying the original Project, the Governor determined that the original project would result in a minimum investment of $100 million, **would create high wage jobs, .** . ..." (LD45).

The certification was not based on construction jobs

This was a total lie and a fraud.

After the total material changes in the Alternative 9 which is the bait and switch scam that was perpetrated, there was no effort to seek reapproval by the City of Los Angeles who is charged to do so with regard to the Environmental Leadership Development Project.

The Alternative 9 lowered the square footage commercial by 40pc from 111,000 to 65,000 and there are no high paying jobs or high tech jobs just menial workers in retail and restaurants. (LD46). It now claims there are only 192 full and part time positions which is a euphemism for low paid employees. They are no high wage high skill jobs in the amended ELDP Alternative 9 required by the Code Section 21183(d) and 21178.

> "7. CEQA requires the Lead Agency approving a project to adopt a

Mitigation Monitoring Program ("MMP") or (sic?) **the changes to the project which it has adopted or made a condition of project** approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all mitigation measures and project design features adopted by the City in connection with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of **Public Resources Code Section 21081.6,** the City hereby adopts the MMP."

The City of Los Angeles is obligated to enforce any changes or mitigation requirements as the lead agency. (LD195) It failed to do so.

The City claims that this does not constitute a material change. If this is not a material change then nothing is. I dare the City to show one high paying job that is not a manager of a restaurant or retail store.

Appellant contends that it does and the City has no authority to proceed with any review because it is violated its duty. Appellant objects to any further interaction by the City until it acts to disqualify the project from ELDP.

=3a. The Approval Fraudulently States that the Project is 15 or 16 Stories When In Fact it is 234 feet which is 21.6 Stories. The Monstrosity Is Totally Not Consistent with the Community. The Tallest Building is the Sierra Towers at Sunset and Doheny a long way away.

It is claimed that the project will be 16 stories, but this is false, it will be 234 feet high (LD38; VTTC1) which is the equivalent of 21.6 stories or 22 stories. (See **Exhibit 2 and 1h1,** group for photos of the Monstrosity). It is completely out of touch with the community. The closest structure of this height is in Hollywood and or Century City; the Sierra Towers on Doheny north on Sunset which has been there for 30 plus years is also present at 31 stories condo non mixed project. The La Ronda is 4 stories and 45 feet, and

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the Colonial House is 7 stories and 80 feet. Both are historical buildings, along with the Andalusia (next to Appellant's Property and Mia Casa (south)

Furthermore, the Monstrosity is totally out of touch with the low level nature of the Community let alone Havenhurst which is a historical street and masterpiece which will be ruined by this Monstrosity Project.

=3b. The Approval Fraudulently States that Havenhurst is 60 Feet Wide When in Fact It is 38 Feet, and the South Side is Pinched AT the Demarcation Point Between LA and WEHO.

The Approval again misleads when it states that Havenhurst is 60 feet wide. (LD204). In fact, it is a little more than half of that size at 38 feet. See **Exhibit 1a and 1b**. Obviously no one has been out there to walk the street.

=4. The Notice for the Hearing on May 26, 2016 Is Invalid and Thus The Entire Hearing Process is Illegal and Must be Set Aside. It is Part of a Fradulent Scheme Engaged in by the City of LA.

=A. Nothing Was Disclosed About the Bait and Switch with Regard to the Vacation of the Island and the Dedicated Right Turn Lane etc. and the Alleged Change to Non Site Public Use.

The Monstrosity Project is predicated on a bait and switch participated in by the City of Los Angeles by failure to give Notice to the public that a new Alternative 9 which changed everything would be considered which called for exits on Havenhurst and the end of the curved right hand turn lane on Sunset, and the fraudulent and illegal giveaway by the City of the island and the curved right hand turn lane over 9134 square feet to the Developer for a few pieces of Silver, and that the amount of dirt hauled away would be increased by 2.3x. (See LD37 re no notice given, rather a recirculated DEIR or RP-DEIR; and LD67).

The hearing notice of May 24, 2016 hearing states that that there is an off menu item called "lot area including any **land to be set aside for street purposes to be included in calculating the maximum foor area. . . .** " (**Exhibit 8**). There is no indication that a portion of the street to wit the dedicated right hand turn lane from Sunset onto south on Crescent Heights, and the lane on Sunset would be given away and removed for vehicular use. This language used intentionally fraudulent, confusing, and misleading and

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states that land will be set aside for **street purposes** not removal of it. **The exact opposite**. This violates California Streets and Highway Code Section 8324(b), and 8353(b). (See **Exhibit 6**) and LAMC 12.37. (**Exhibit 10)**

The tract map was silent regarding the proposed closure and the give away of the median island and the dedicated right hand turn lane area , let alone a gift to the Developer of 9123 square feet of City Property for off site open space. (LD161).

There was no indication that there would be off menu incentives granted. Moreover, it failed to disclosure that certain discretionary approvals were required for FAR as well as the following:

"1. Elimination of vehicular access on the dedicated right hand turn lane area etc.

2. Street vacation of part of a street in conjunction with the Tract Map and the City Engineer's Report

3. Height District change from 1-1 to 3-1 since it is in a 1-1 zone and violates the Hollywood General Community Plan

4. General Plan Amendment to the HCP to amend MP2035 to show that the island and dedicated right turn lane are closed. The Map for the intersection of Crescent Heights and Sunset in MP2035 conflict with the changes and would require hearings. "

In closing, **the EIR, the Staff Reports, and the Letters of Determination failed to disclose that the dedicated right hand turn lane and that the 9123 feet would be given to the Developer consisting of the island and the dedicated right had turn lane and used by the Developer for in effect for nothing. The Notice is evidence of a fraud.**

=B. The Notice is Fraudulent and Fails to Disclose that a Change from 58,000 cy to 136,000 cy and 13,600 Would Exit on Havenhurt and go North to Sunset.

The Notice is also fraudulent it states that there would be removal of **58, 500 cubic yards of dirt NOT 136,000 cy THAT IS PART OF A BAIT AND**

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SWITH THAT TOOK PLACE. Actual fraud took place by the Developer with approval by the City.

=C. No Disclosure in the Notice that the Private Easements of Owners in the 1905 Crescent Heights Tract Was Being Attacked.

Finally, there was no disclosure that there were private easement rights of dozens of owners of Property within the 1905 Crescent Heights Tract.

=5a. Failure to Disclose in the Decision by the PC that the City of WEHO Has Refused to Permit a Light at Fountain and Havenhurst which is the key mitigation factor under TR1, and Refuses to Permit Sewer Hookup. Thus, the entire Project falls.

TR1 is the key mitigation measure. It calls for a traffic light at Sunset and Fountain. The City of WEHO who controls the light **refuses to permit it and refuses to permit any exits on Havenhurst. It also refuses to permit sewer** hookup. (LD34; 128). This **is not disclosed in the LD** as best one can determine but the City of WEHO advised the City that this is the case in July early. (See **Exhibit 4** for latest letter from City of WEHO) (LD9, 29, 129,133,145, 198; VTTC23-24, F96, F155).

The most outrageous point is that:
=(i) the City designated the City of WEHO as the enforcing agency when it knew that WEHO would not enforce it because it refused to grant approval to TR1. This was all part of a fraudulent attempt by the City to seek to enforce use of alternative exits such as the obvious one Crescent Heights. The City did not do so. The City never evaluated this scenario.
=(ii) The City violated the ELDP which granted them a mandatory duty to review changes and to enforce compliance with any mitigation measures. (See ELDP 4(2) supra). It failed to do so and to disclose it in the LD.

The City is now attempting to circumvent violation of the law by claiming that this calls for a Statement of Overriding Considerations. (LD198; VTTF8, F55) This is illegal and improper and it must be disqualified from acting any further in this matter since it has violated its duty and requiring Mitigation TR1 compliance and it cannot circumvent it by undermining its own duty by issuance of a fraudulent Statement of Overriding Considerations because the City of WEHO refused to approve a light at

Fountain and Havenhurst and permit sewer hook up except on its terms, and the City of LA refuses to do so.

It is illegal to utilize the term unavoidable when it is not unavoidable, since the problem would be reduced if the exits are placed on Crescent Heights, as well as the dirt removal..

=5b. Reduction in Response Time by the Fire Department.

See 15a infra.

It is admitted that it would reduce the time for the fire department to reach the area:

> "Furthermore, if the City of West Hollywood elects not to implement Mitigation Measure TR-1, project related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain **significant** and unavoidable." (Emp. Added).(LD129)(See also LD 29, 129,145, 198; VTTF96, F155; C23-24).

New emergency responses times by the Police and Fire must be recalculated due to the non implementation of the TR1 all thanks to the City of LA.

A photo of the Fire Truck dealing with the narrow street south of the demarcation is attached as **Exhibit 1d4**).

=6. NO CEQA Review by the Hearing Officer of the PC of Alternative 9. This was Skipped over.

There is no analysis in the Decision by the hearing officer, nor in the LD about Alternative 9. It does not exist. (LD 183; VTT137). There is no compliance with CEQA. The City abdicated its duty to conduct a proper CEQA review. The Decision goes from 1-8 and 10, and the Decision by the PC stops at 8. (LD178; VTT137). Unbelievably Alternative 9 is not discussed as required under CEQA.

=7. The Monstrosity Project Falls Apprx 75% plus In the Hollywood Earthqauke Fault. As Such It is Illegal to Approve the Project.

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=A. At Least 75Pc of the Property Lies over the Fault as Reflected in the Latest Map. Only 1 Bore Location Took Place and There is No Way to Be Sure Where the Fault is Exactly Without Borings On All Sides Especially the Southern Side.

The CPC was revised in April 2016. Thus, the new earthquake maps are applicable. The PC had to make a finding that there is no public safety threat. It is also a CEQA issue. The PC adopted the argument by the Developer hook line and sinker and failed to make any independent analysis.

The Monstrosity Project falls within the Hollywood Earthquake Fault Zone. (LD75;125;VTTF51). In fact, at least 75pc of the project and perhaps more falls inside the Zone and is over the Fault according to the latest maps. (**Exhibit 7**). The latest map is 11-14.

The City claims that the fault is 100 feet away, and requires a 50 foot setback from the edge of the fault according to their outdated map. This is no valid. There is no way to know where the exact fault lies but the latest map shows it under at least 75pc of the 8150 property. **FN 5 The Applicant ONLY tested ONE LOCATION.**

The only way to be sure is to test all sides of the property which was not done. It could be at the Southern end where the residences were moved. The borings provided do not answer the question needed to make a determination if it under the site, if it active, and/or how far away the fault is from the line.

It should be noted that the fault if it is not part of the Raymond Fault, will trigger every 1600 years at 5.8 to 6.5. If it is part of the Raymond Fault it will trigger every 3,000 to 5,000 year at up to 7.0.

FN 5: Government Code Section 3603 prohibits construction over an active fault.

=B. There Is No Analysis Regarding the Removal of 136,000 cy of dirt and 13,600 Trip Loads of Dirt Over the Area, Plus Construction Will Have.

There is also no analysis regarding removal of 136,000 cubic yards of dirt and 13,600 huge semi trucks impact on Havenhurst and Sunset. The City claims that no analysis is needed because it has been determined that removal of 136,000 of a project sitting on an earthquake fault with 13,600 truck trips it is not significant impact (LD125; VTTF51). This position standing alone impeaches the credibility of the entire City of Los Angeles Review staff and they should be disqualified from further review of this case.

=8. The City Cannot Remove the Dedicated Right Hand Turn Lane from Sunset south onto Crescent Heigths, nor the feeder lane on Sunset Because It violates the Private Easement Rights.

See supra.

=9. The City Cannot Remove the Dedicated Right Hand Turn from Sunset south onto Crescent Heights, nor the feeder lane on Sunset Because it Violates the California Streets and Highways Code Sections 8308, 8309, 8324, 8353, and D700 of the City of LA Provisions Adopting State Law, and all other related Sections.

See supra.

The improvement of the intersection also violates LAMC 12.37.A.3 which provides that no additional improvement shall be required on such a lot where "complete roadway, curb, gutter and sidewalk" exist.

=10. The City Cannot Interfere With the Private Easement Rights Re Use of Havenhurst and Cause De Facto Blockage of Havenhurst north to Sunset By Reason of the 13,600 Truck Loads of Dirt, and the Post Hauling Use by Business Invitees and Residents and Delivery Trucks, All of Whom Will be

See Supra.

=11. The City Cannot Violate the State Streets and Highways Colde Section 8308-8309, 8324, and 8353 et al. (Exhibit 6) and Interfere With the Rights Re Use of Havenhurst and Cause De Facto Blockage of Havenhurst north to Sunset By Reason of the 13,600 Truck Loads of Dirt, and the Post Hauling Use by Business Invitees and Residents and Delivery Trucks, All of Whom Will be Required to Travel North On Havenhurst and then right or east on Sunset.

See Supra.

=12. The City Cannot Change the Use of the Dedicated Right Hand Turn Lane and the Island in the middle of Crescent Heights Which Totals 9123 Feet From Street Use into Open Space Since it Also Violates the Private Easement Rights of Appellant et. al.

See Supra. The 9134 square feet of the island, plus the dedicated right hand turn lane, as non site open space and sidewalk. (LD161).

=13. The City Cannot Remove 9134 Feet from Street Usage, and Transform It into Open Space. Let Alone Give it to the Developer for Peanuts.

The City cannot giveway of 9134 feet of its property which covers the island and the dedi-cated right hand turn lane as non site open space and sidewalk. (LD161). It is illegal to do so by reason of the Street Highways Code vacation Sections discussed supra, 8308-8309, and 8353, and 8324.

=14. There is No Cumulative Analysis of the Impact of 38 Other Projects. This is Illegal. The City Should be Disqualified For Abdicating Their Mandatory Duty.

There are 38 other projects going up in the vicinity and the claim is there is no significant impact from this project. (LD128; VTTF42, F95) As noted, this is another example of a false claim and the insanity of the City of LA and how desperate they are to approve this Monstrosity. This position further impeaches the credibility of the entire City of Los Angeles Review staff and they should be disqualified from further review of this case.

The issuance of the Statement of Overriding Considerations at LD 196 et seq **IMPEACHES THE FRAUDULENT ANALYSIS IN THE DECISION** and clearly shows that there is a significant adverse impact from this Project (traffic (LD198-199; VTTF8, F154-155, F96) and emergency response time(LD198; VTTF95) and noise and vibration. (LD197;F8, F154, F107), let alone during construction.(LD198F8).

There is no cumulative traffic analysis re 38 projects and the added congestion of MP2035.

=15a. The City Ignores the Impact of the Traffic on Fire and Police Response.

The City again claims that the impact on Fire and Police is less than significant with the horrific gridlock on Sunset and Crescent Heights virtually all morning, and most of the afternoon, and at night on weekends. (LD129); (See also traffic LD29; 129; 145). Yet they issue a statement of overriding consideratins. (VTT154-155; F1-9, F96, F8) Laurel Canyon empties into Crescent Heights and there is bumper to bumper traffic most of the mornings in the week, and down Crescent Heights and on Sunset. In the afternoon, there is bumper to bumper traffic north on Crescent Heights to Laurel Canyon, and both directions on Sunset. In addition, Fountain is busy most of the afternoon as well and into the early evening. On weekends, Sunset is bumper to bumper, and so is parts of Fountain. The notion that there is less than a significant impact in the area for FD and Police is patently absurd.

There is also no analysis of the impact on the elimination of the dedicated right hand turn lane etc. on fire trucks. There is no chance they can make a right turn without it. Response time is more than 5 minutes 90 pc of the time per the Fire Department. Fire response is a key element of the HCP.

It is admitted that it would reduce the time for the fire department to reach the area:

> "Furthermore, if the City of West Hollywood elects not to implement Mitigation Measure TR-1, project related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain **significant** and unavoidable." (Emp. Added).

The City issued a Statement of Overriding Considerations (LD29, 129, 145, 198-199); VTTF8, F154-155)

It is illegal to utilize the term unavoidable when it is not unavoidable, since the problem would be reduced if the exits are placed on Crescent Heights, as well as the dirt removal. The City never evaluated this scenario.

=15b. The Building Will Be Over 150 Feet from the Street and Thus It is Illegal to Approve Under the Fire Department Rules.

The Fire Rules provide that a building may not be more than 150 feet from the edge of a roadway. (LD5) This is the case here without the free gift of 9134 feet. A cursory walk of the area reveals that any building will be more than 150 feet from the edge of the roadway especailly because of the addition of the alleged 9134 feet.

=16. Blank

=17. The Decision Regarding Noise Level Is Not Valid. It States that a Standing Truck Has a dba of 58. Wrong. The level is 80-90.

The findings regarding noise level are fraudulent. It is noted that a standing truck has a dba of 58. (VTT58) Perhaps in fairy land. A review of any sound chart reflects that the noise of a standing truck let alone hauling diesel truck is in the 80-90 range which is motorcycle range. (LD87; VTT58). In addition, it permits amplification noise of 86 which again is in motorcycle noise range. (LD24). See Chart Noise Level **Exhibit 11).**

=18. The Decision Conveniently Seeks to Disregard the Fact That the 50 Trip standard is Violated and applies a Net Theory to try to circumvent it. (LD103, 145).

All of the figures utilized by the City re traffic are wrong let alone take into account 38 new projects. (VTTF42, F95)However, the fact is that any increase over 50 is a problem. Here, the 50 trip standard was violated.

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However, the City ignores this and tries to apply a net theory of averaging which is illegal. (LD103, 145; VTTF51); VTTF129

=19. The Decision Totally Fails to Comply with the Hollywood Community Plan.

There is a total failure to comply with the Hollywood Community Plan. (Housing Standards and Criteria, page 2; **Exhibit 14**) and traffic, sewer, drainage fire protection etc, and hauling of 136,000 cy dirt, and 13,600 truck trips.

As noted, there is no compliance with section 3, to with no compliance with the General Plan and the Community Plan and is illegal. The project would be non compliant with the street map in the HCP and MP2035.

All of it is incompatible with the HCP. Not one thing is compatible.

=20. There was no Height District change from 1-1 to 3-1 under LAMC 12.32F and thus the Decision is Illegal.

A Height District change is mandatory from 1-1 to 3-1. See infra re FAR. Right now the Decision is illegal and violates the Hollywood General Community Plan. The failure to request a Height District amendment and General Plan Amendment means that the land use element would be inconsistent and not accurately reflect the tripling of FAR from 110,000 to an insane 330,000 feet. The Project would show a 1-1 FAR but the Project would have a 3-1 FAR.

In addition, the Project did not qualify for the off menu incentive bonus items because there are specific adverse impacts as documented by the Statement of Overriding Considerations.

=21. A General Plan Amendment to the HCP to amend MP2035 Is Required and Without It the Approval Is Illegal.

The Map for the intersection of Crescent Heights and Sunset in the MP2035 conflict with the approval and would require a hearing(s). MP 2035 must be amended to show that the island is gone and the dedicated right turn lane are closed forever.

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=22. The Approval of a CUP Even Though it Does Not Appear One was Requested and Noticed for Alcohol Which Violates the Maximum Number of ABC licenses Issued in the District 1942. It Will Negatively Materially Impact the Residents of the Apartment Building, and Others Including the Senior Home of WEHO, and the Buddhist Temple All Within 100 Feet.

=a. The Maximum Number of 5 On Site Licenses Has Been Exceeded And No New Licenses Can Be Issued.

The Decision purports to grant a liquor license upon application with the ABC. (VTTC3-C6)

There is a limit on alcoholic licenses that can be issued. Unless the owners of any restaurants who want to use liquor can obtain an existing license, no new license may be issued. The material disclosed is that there is an over concentration of on site liquor licenses in Census Tract 1942 which covers 8150 eastward and northward. There is a limit of 5 on site and 4 off site licenses in the Tract 1942. It has 13 on site, and 4 off site. Within 600 feet, there are 12 on site and 2 offsite. This does **not** include the Census Tract that starts at Havenhurst and goes West and South and there are many licenses in that Tract.

Therefore no new license can be issued since it exceeds the maximum permitted.

=B. No new License Can Be Issued Since It will Materially Impact the Residents of Appellant's Apartment, the Senior Home of WEHO, and the Buddhist Temple.

A liquor license or renewal etc. also cannot be granted (shall not be approved) if it will materially impact residents within 100 feet if it will interfere with the quiet enjoyment of the residents. (Government Code 23789, and Rule 61.4). The burden is on the Applicant to demonstrate no material impact of quiet enjoyment of the residents. The Applicant must fill out a form and list all residents within 100 feet. (See **Exhibit 13)** The distance is measured by a direct line from the closest edge of the residential structure to the closest edge of your structure or parking lot. Here, the Apartment Building is about 50-60 from the property. (Havenhurst is 38 feet

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(not 60 feet as set forth by the City) plus the sidewalk of about 10 feet on either side. `

In addition, a license can be refused if it is within 600 feet of a church. (Section 23789(a). Here, the Buddhist Temple is 90 feet away.

The grant of ABC licenses will materially impact the residents in the area including the residents of Appellant's Apartment Building directly across the street which is 38 feet in width Havenhurst, and the residents in the Senior Home of WEHO directly across the street from the exits on Havenhurst, and the Buddhist Temple which is 90 feet away.

It is clear from the past that new liquor licenses will attract alcoholics, drunkers, drug addicts, bums, and others especially after closing hours and late at night who urinate, try to have sex, and or sleep in the area.

It will act as an attractive nuisance like a bee to honey for drunken drivers and limousine and Uber drivers who are insensitive and will have lights on and honk their horns because they could care less, and play loud music, and wake people up, especially while waiting in line to exit on Havenhurst to traverse to Sunset to make a right turn. This is a recipe for a disaster.

PART 6 IS INCORPORATED INTO THE VTT APPEAL AS WELL. ALL OF THE SECTIONS LISTED BELOW.

PART 6

SECOND APPEAL RE FAR RULING
CPC-2013-2551-MCUP-DB-SPR
ALSO PART OF THE VTT APPEAL

FAR 3-1 APPEAL

=A. THE GRANT OF FAR 3-1 IS ILLEGAL AND INVALID FOR MANY REASONS. SUMMARY

Appellant also objects to the ridiculous and illegal density bonus (FAR 3 from 111,000 sq ft to 333,000 square feet which is insane) and incentives granted by the CPC on 7-28-16 with a letter issued on 8-17-16. (LD202;). The FAR Decision is also illegal and invalid.

The City illegally seeks to give away a FAR 3-1 ration in a 1-1 zone because of use of the scam 1818 provision by reason of including of some inclusionary low income housing.

Since there were other discretionary requests, it is illegal to grant additional non menu requests under 12.22A, g(iii). **(Exhibit 9)**

In addition, the project is more than 1500 feet from a major traffic stop it is illegal to use a **non menu** FAR increase item especially in a 1-1 zone within a Height District Change. **FN6**

FN 6: 27. At the outset, a CUP is needed under Cp-3251-DB for an off menu FAR incentive. (See LAMC 12.24 U.26 Density Bonus which exceed the maximum permitted under 12.22 A.25). There is none.

=A. The Grant of a Density Bonus of 3-1 Is Illegal Because It is an Off Menu Item

=25. The request for a FAR density bonus of **3-1 FAR** is invalid and illegal. The Applicant requested the following incentives: (**Exhibit 8**).

"3. Pursuant to LAMC Section 12.22-A.25©, {1} a 22% density bonus to provide 45 additional units**, in lieu of the 35% density bonus**, where 11% (28 units of the total units will be set aside for Very Low income Households, **and** {2} the utilization of Parking Option 1 to allow one onsite parking space for each Residential Unit of zero to one bedrooms, two onsite parking spaces for each Residential Unit . . . . " {brackets added}

"The Applicant is requesting two Off Menu Affordable Housing Incentives as follows:

a. Pursuant to LAMC Section 12.22-A,25(g)(3), an Off Menu Incentive to allow the lot area including any land to be set side for street purposes to be included in calculating the maximum allowable floor area, in lieu of as otherwise required by LAMC Section 17.05; and

b. **Pursuant to LAMC Section 12.22-A, 25(g)(3), an Off Menu Incentive to allow a 3:1 Floor Area Ratio for a Housing Development Project located within 1560 feet of a Transit Stop, in lieu of the 1,500 foot distance specified in LAMC Section 12.22-A,(f)(4)(ii)" (Emp. Added) FN 7**

FN 7: See Exhibit 9 for a copy of the Section 25 of Subsection A of 10.01 of the LAMC re Density Bonuses.

Thus a 3-1 FAR on menu incentive is based on ministerial approval and must meet the standards and it fails to legally do so. There is no discretion.

=1. It must be adjacent to a highway

=2. It must be in height district 1, 1XL, 1VL, 1L, with a FAR of 1.5:1 (as noted below it is not in a 1.5-1 FAR district but in a 1-1 FAR district);

=3. It must be within 1500 feet of a major transit stop. (as noted it is not)

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The Applicant asked for

i. Parking reduction
ii. 22 pc extra units from 204 to 249

iii. 3-1 FAR for the entire project which includes half public streets as lot area for FAR which is improper

Numbers 1 and 2 are permitted under what is called the 1818 low income housing rules but not 3 (LD202).

Thus, the Decision granting the FAR 3-1 pathetically fails to comply with a 3-1 FAR standard and the City had NO discretion and could not grant it since it is ILLEGAL.

=B. The Grant of FAR 3-1 Is Also Illegal Because Applicant Already Used Other Discretionary Applications.

=26. Here, Applicant was also subject to other discretionary applications (under CP 3251-DB, 5-19-16, p.3) which include:

"a. Partial street vacation required in conjunction with the Tract Map Merger;
b. Height District change from 1-1 to 3-1 {LAMC 12.32F}
c. General Plan Amendment to amend MP 2035 to show the island and the dedicated right hand turn lane etc. closed to vehicular traffic.
d. Inclusion of property beyond the middle of the street Crescent Heights in calculating FAR
e. Off menu incentives require a Variance with substantial evidence that the bus service on the streets qualify for FAR increase **for housing** only, not commercial. This is a mixed use project and thus it is illegal to do so.
f. Changes from HD1D to HD1 for FAR purposes

=C. It is Illegal to Grant 3-1 Because The Property Must be in a HD-1D Zone which is 1.5-1

39

=28. In addition, LAMC 12.22 Section 25 Affordable Housing Incentives—Density Bonus (f)(4)(ii) specifically requires that the property be within an HD-1D with a FAR of 1.5-1 not 3-1. This project is in a HD-1D with a far of 1-1 (**Exhibit 3c**) and thus it illegal to have granted the 3-1 FAR.

=D. The Project Admittedly Lies Outside the 1500 Foot Limit for a Non Menu Item.

=29. The project lies outside the 1500 feet. (LD44, 199, 202, 206; (VTTF11)). It is 1560 feet away from a major Metro Stop. (See (f)(4)(ii)(b); **Exhibit 9**). The City cannot rewrite State law to wit Government Code Section 65915-65918 which mandates it be within 1500 feet.

=E. A 35pc Increase In Bonus Was Not Requested. Since the City is In Bed with the Developer It Can Easily Switch Gears. This is Submitted in the Event it Tries to Do So. A 35PC Bonus Was Not Requested and Cannot be Added, and Would Degrade the Neighborhood And Would Violate the Hollywood HCP

=30. The Applicant did not ask for a 35pc bonus but since the City is a joint conspiracy with the Applicant it may seek to give it to him A CUP which calls for an increase of 35 pc or more in density as bonus requires an additional finding that the approval would not adversely affect or further degrade the adjacent properties, and the surrounding neighborhood.

"3. Pursuant to LAMC Section 12.22-A.25©, a 22% density bonus to provide 45 additional units, **in lieu of the 35% density bonus**, where 11% (28 units of the total units will be set aside for Very Low income Households, and the utilization of Parking Option"

(Housing Incentives in HCP, page 3, Conditional Use Permit for Greater than 35 pc). The following is required under the HCP:

1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide

40 of 44 and

a service that is essential or beneficial to the community, city, or region;

2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;

3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan. (Emp. Added)

. . .

- Public Benefit Project: LAMC 14.00 A.2 – Density increase requests for a Housing Development Project to provide for additional density in excess of that permitted in LAMC Section 12.22 A.25 shall find that the proposed project substantially meets the purposes of the performance standards set forth in LAMC Section 14.00 A.2. If utilizing this process, also complete the Public Benefit Projects form (CP-7766)."

Appellant will be greatly adversely affected and impacted by traffic, and noise and vibrations, and lack of fire response because there is a Statement of Overriding Considerations on these issues. (LD29, 198-199).

The Decision and grant of FAR 3-1 is totally incompatible with the HCP.

In particular, the concept of removal of 136,000 cy dirt and 13,600 truck loads by huge double semi trucks for months which enough dirt to fill the Coliseum would damage any community let alone this one which is lovely tree lined residential with a bottleneck.

=E. The Approval Also Violates MP2035 and the HCP Since the Street Map Does Not Match.

41 4/44 GW

As noted, there is no compliance with section 3, to with no compliance with the General Plan and the Community Plan and is illegal. The project would be non compliant with the street map in the HCP and MP2035.

Nor does the 9134 feet show up as off site open pace in the HCP. It is designated partially as street to with the dedicated right hand turn lane, and partially the island as affordable housing for the island even though it is in the middle of the street. The island has been present since the late 1960s when the Pandora's Box was wrongfully closed by the City of La during its tyrannical days which are continuing.

=F. THE ISLAND HAS ITS OWN ADDRESS AND IS ZONED FOR AFFORDABLE HOUSING EVEN THOUGH IT IS IN THE MIDDLE OF CRESCENT HEIGHTS AND IS NOW DE FACTO PART OF THE STREET (CRESCENT HEIGHTS AND SUNSET) SINCE THE LATE 1960s. THE 9123 FEET CONSISTING OF THE ISLAND AND THE DEDICATED RIGHT HAND TURN LANE WHICH IS BEING VACATED IS ILLEGALLY BEEN USED AS FAR 3-1 BECAUSE ONE CANNOT MERGE A C4-1 INTO A HD-1D WITH A FAR OF 1-1.

=31. The island is 8118 Sunset and it has a separate address even though it is part of the street area. The island is zone C4-1. It is zoned for affordable housing even though it is part of the street since late 1960s when the Pandoras Box was closed and torn down, and the island was placed in the middle of Crescent Heights as part of the street.

The Housing Element shows the island as a potential site for affordable housing. Assuming R-4 density (400 sf lot area of 9134 sq feet) in the C4 Zone, 22 units could be developed for low cost housing and eligible for 1818 incentives.

This area which is part of the 9134 feet which also includes the dedicated right hand turn lane has been improperly added to the FAR area, and it is illegal to try to merge C4-1 into HD-1D with a FAR of 1-1. The City contends it has not illegally been vacated and converted into off site open space. This is false but even if true, sorry City you can't have it both way.

42 4444

c. Pursuant to LAMC Section 12.22-A,25(g)(3), an Off Menu Incentive to allow the lot area including any land **to be set side for street purposes to be included in calculating the maximum** allowable floor area, in lieu of as otherwise required by LAMC Section 17.05; and (Emp added.)

If it was for street purposes it could be included but not if it is for off site open space which the City claims it is. (Another example of the City's manipulation of the situation.)

=G. THE ENTIRE PROCESS REFLECTS SPOT ZONING WHICH IS ILLEGAL

The grant of a FAR 3-1 out of the blue which violates the law reflects spot zoning which is illegal.

The ILLEGAL approval of FAR 3-1 is like giving the keys to the inmates in an insane asylum and unfettered right to regulate density bonuses. The City has abdicated its duties and instead has rolled over like a dog waiting to have its head rubbed by a Developer.

CONCLUSION

The entire process is wrought with fraud and conflict by the City of Los Angeles, and illegality. The Decision must as a law be reversed on so many grounds.

=1. It illegally interferes with the Private Easement rights of Appellant and others,
=2. It violates the Brown Act,
=3. Fraudulent lack of notice,
=4. Illegal violation of the ELDP and the Project does not qualify for ELDP and must be removed;
=5. Illegal attempt to vacate the dedicated right hand turn lane and the traffic island,
=6. Illegal mickey mouse attempt re the use of the Tract Map maneuver and the B Permit,
=7. Illegal giving away of 9134 feet of property,
=8. Illegal grant of a FAR 3-1.
=9. Illegal grant of liquor license

43 of 44 cmw

In addition, there is the blatant abdication of a mandatory duty and the failure to follow and comply with CEQA re notice, and resolution of issues and alternatives.

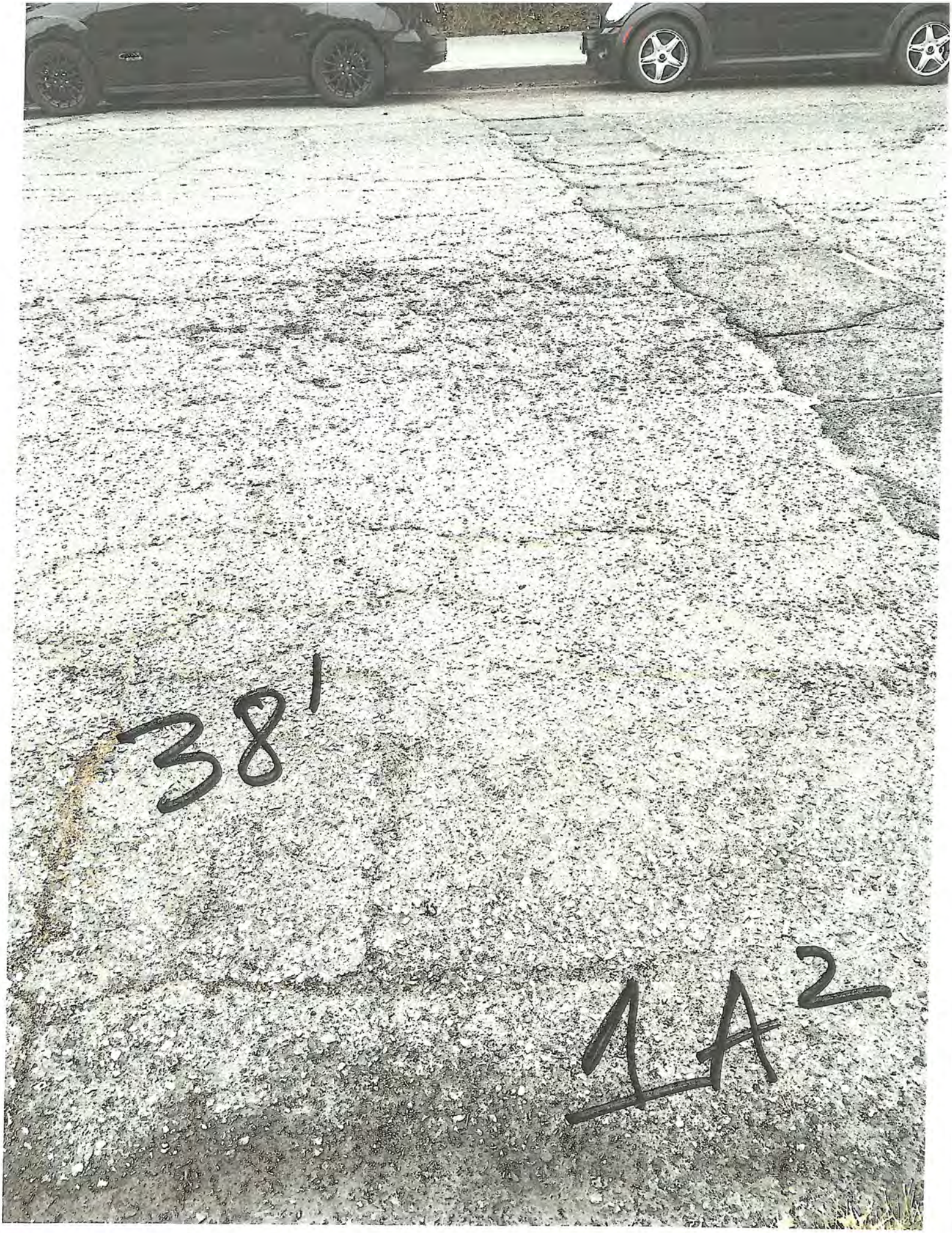
Very Truly Yours,

Allan E. Wilion, Esq.
Attorney for Appellant
Susanne Manners

Cc:
Councilman Ryu
FixTheCity
All Appellants

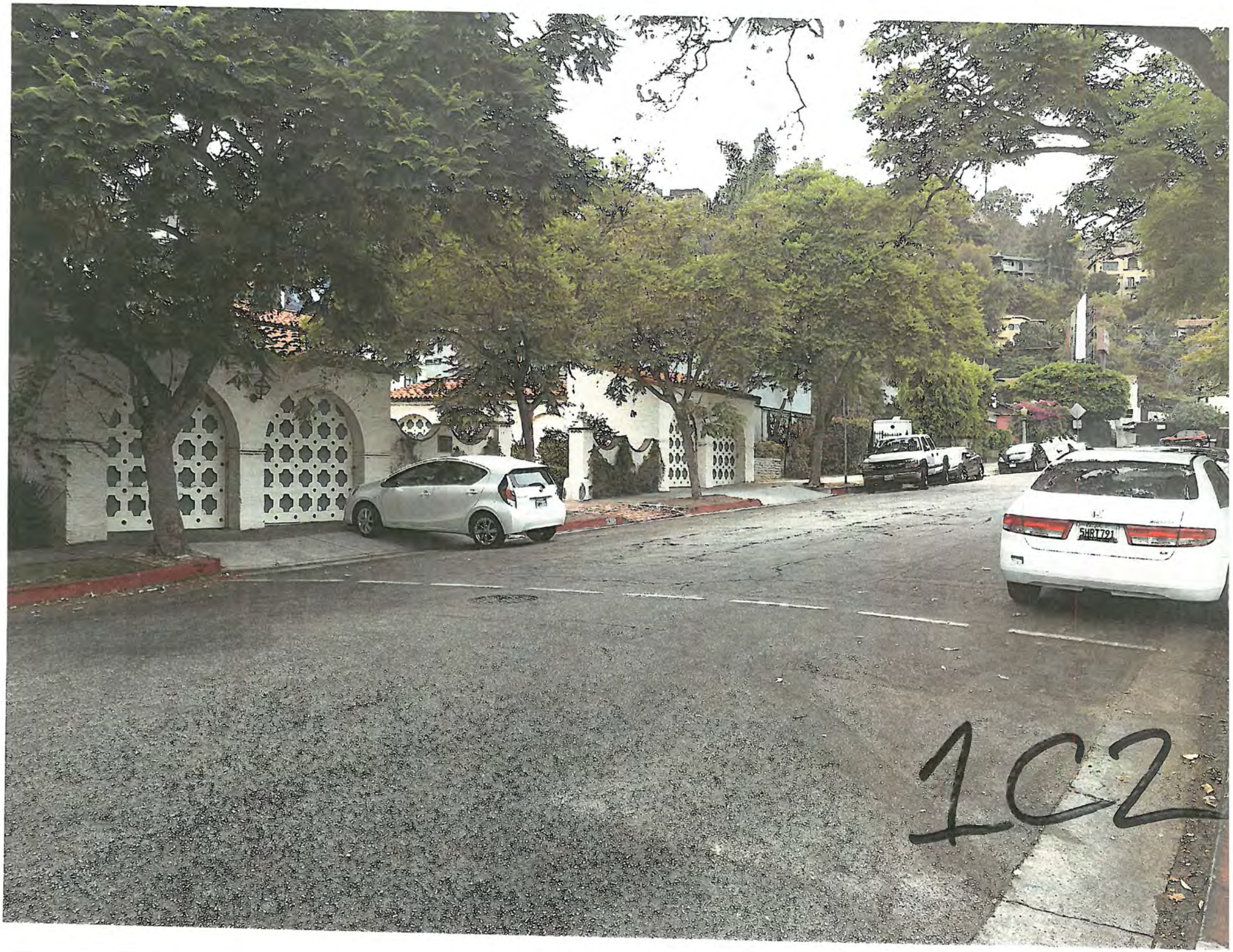
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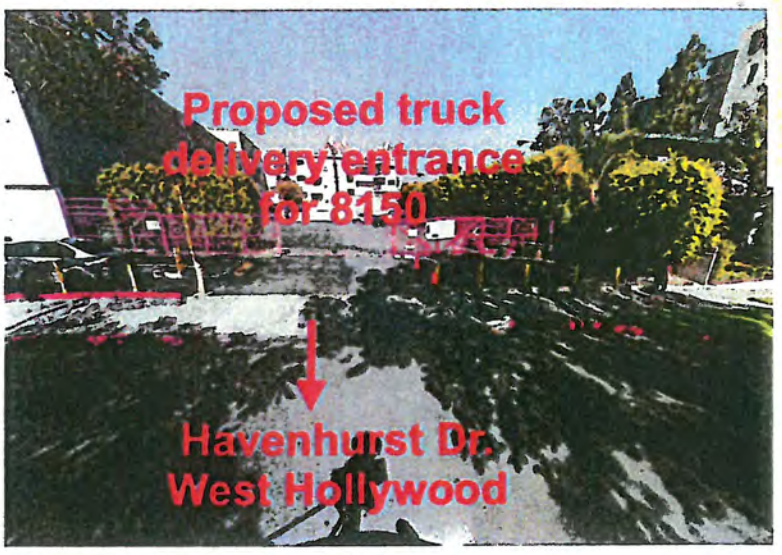
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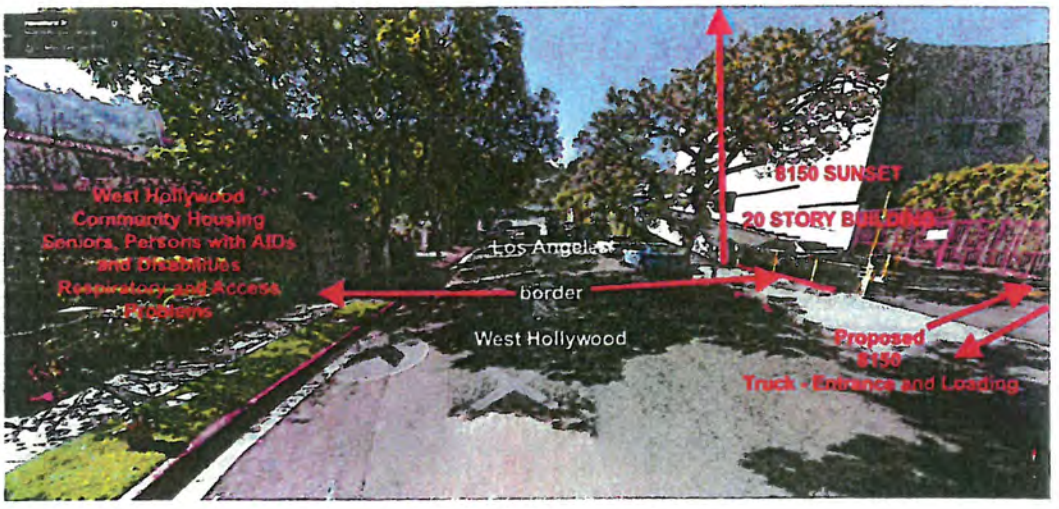
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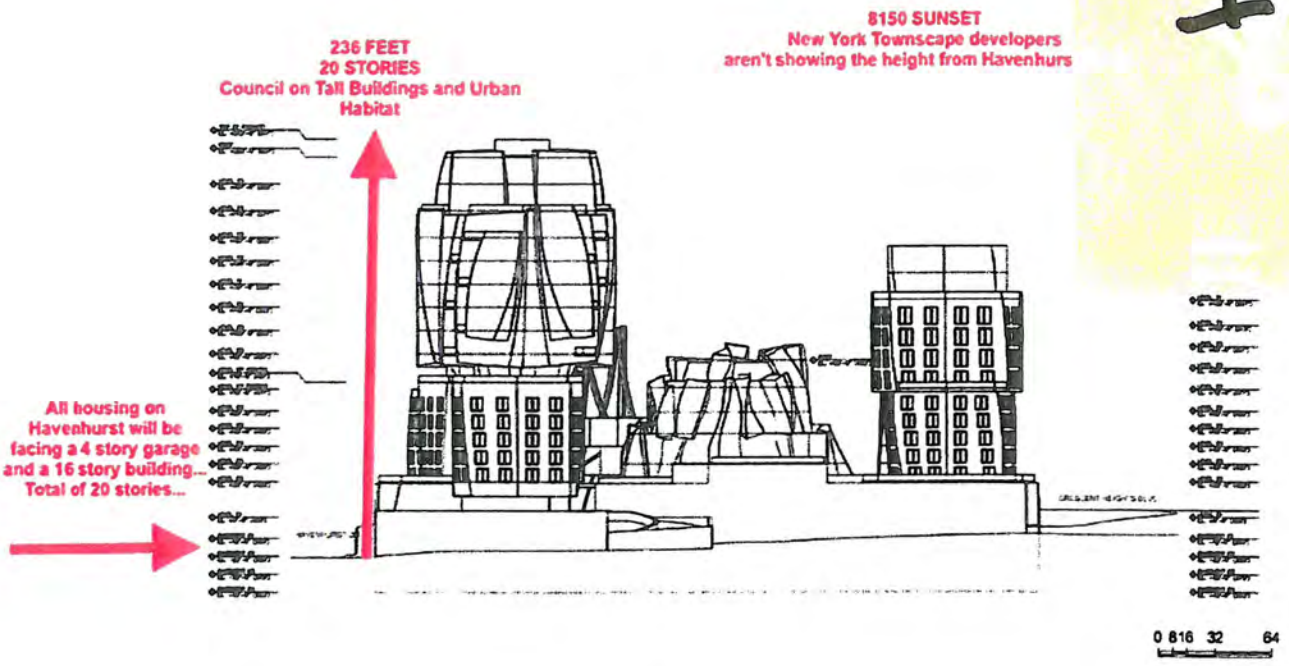
Truck Entrance on Havenhurst Drive

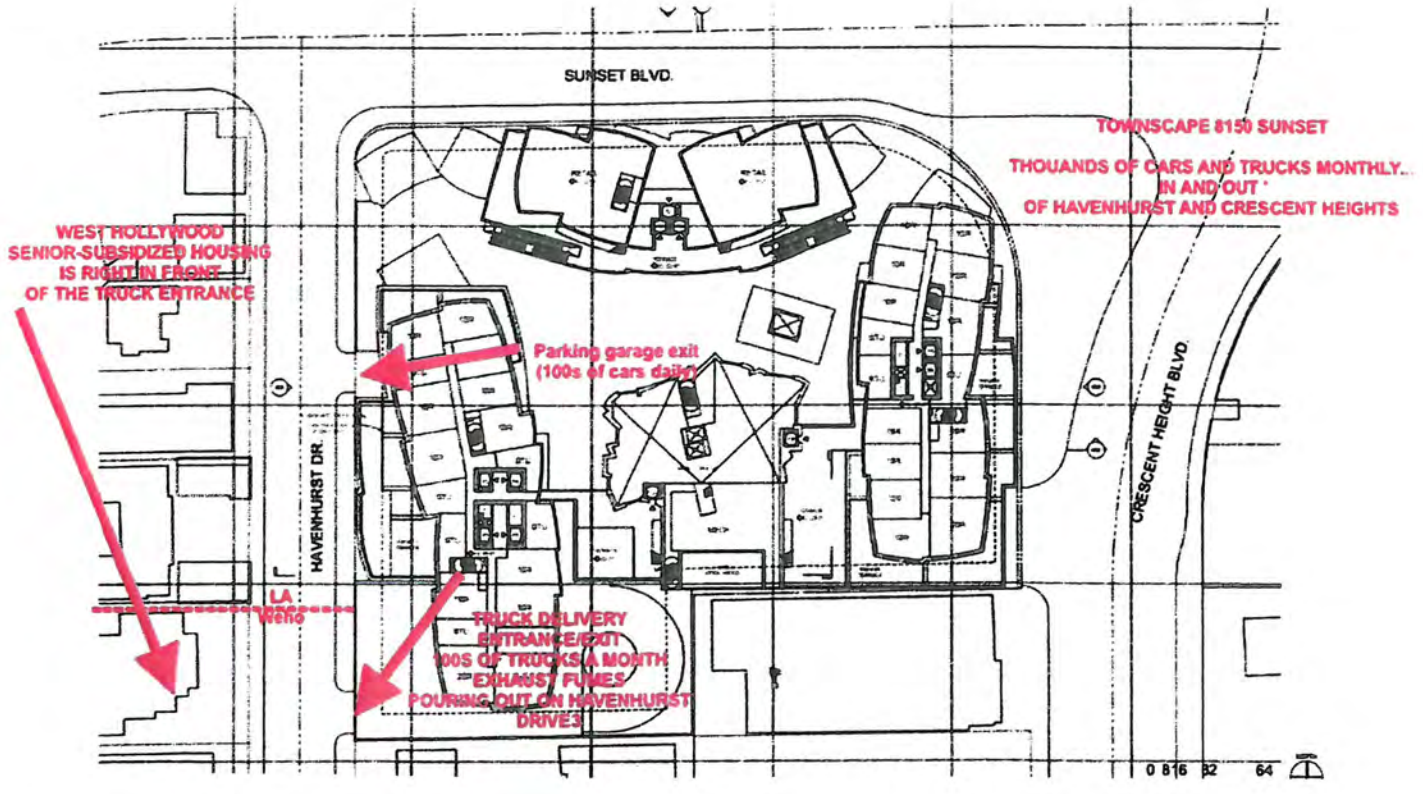




Townscape's media photo of Havenhurst Drive presenting the architect's design for the proposed 8150 Sunset apartment complex. The photo distorts the street to make 8150 Sunset look much smaller than the actual height and size.

1D2





1435'

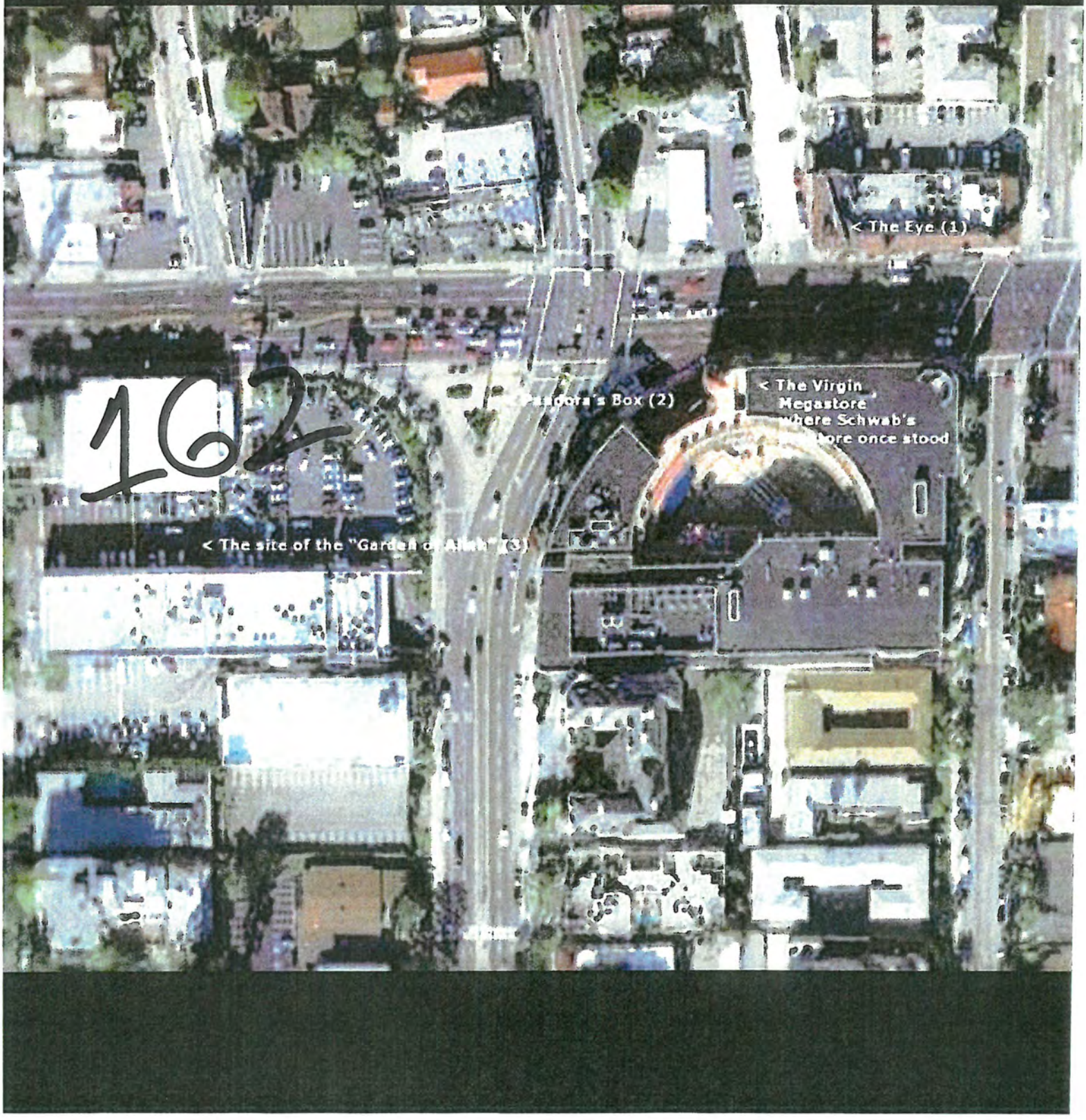

1D4

AVE


PARKIN
MON - FRI
9AM TO 4PM
7PM TO 9PM
8 AM TO 9 PM
SPEECH
Hollywood
PASSENGER LOADING ONLY
4PM
UNITED STATES POSTAL SERVICE
1F

PET GROOMING
OASIS RELAX SPA
Foot Massage
El Pollo Loco
Johnnie's
BOX & SHIP
The UPS Store

161


< The Eye (1)
< The Virgin
Megastore
here Schwab's
ore once stood
< The site of the "Garden

162


pandora's box sunset strip
Pandora's Box
of the "Garden of Allah" (3)

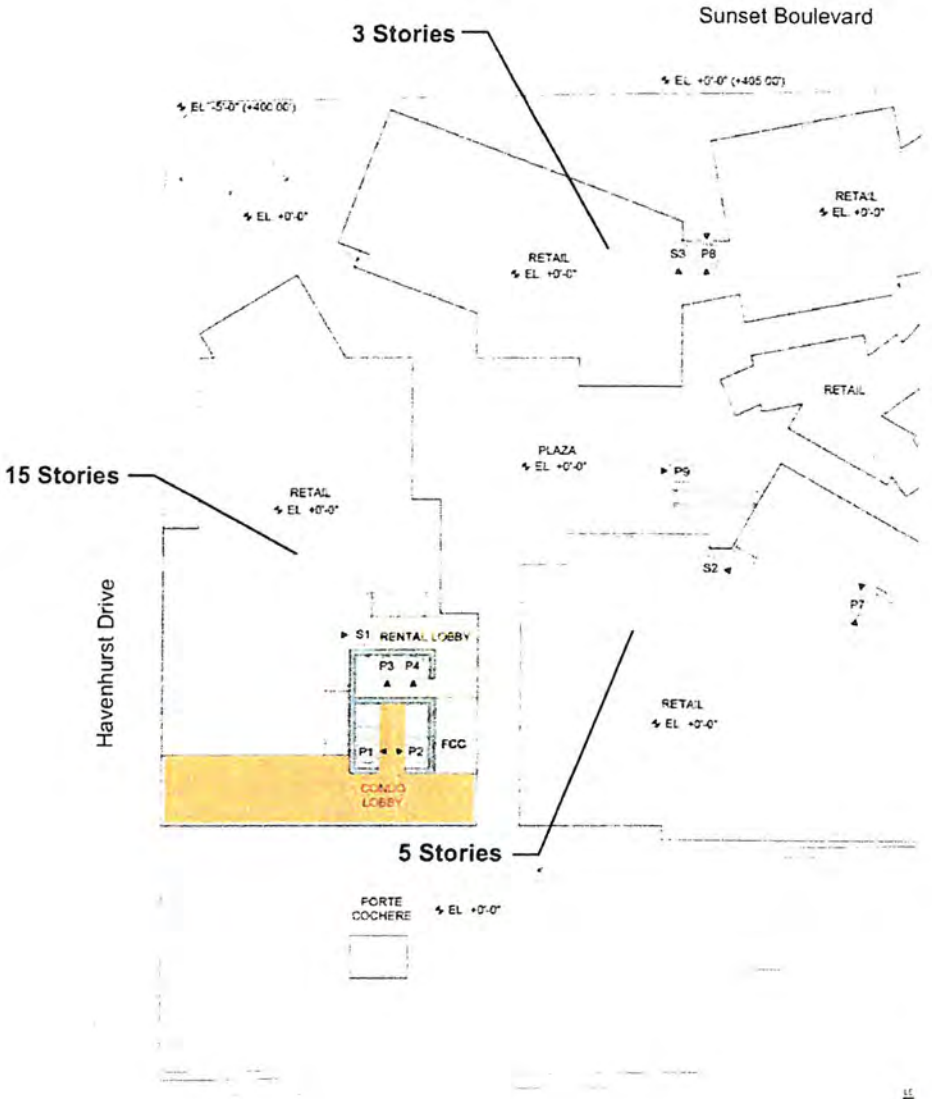
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1H1



4H2

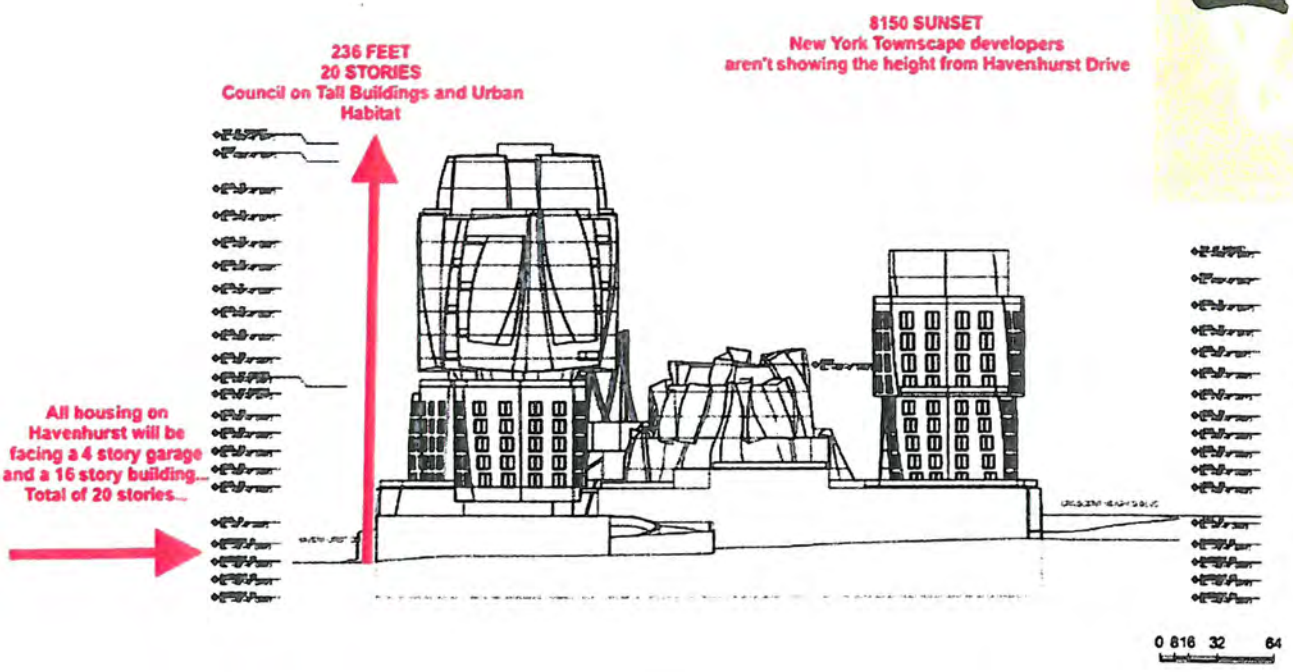


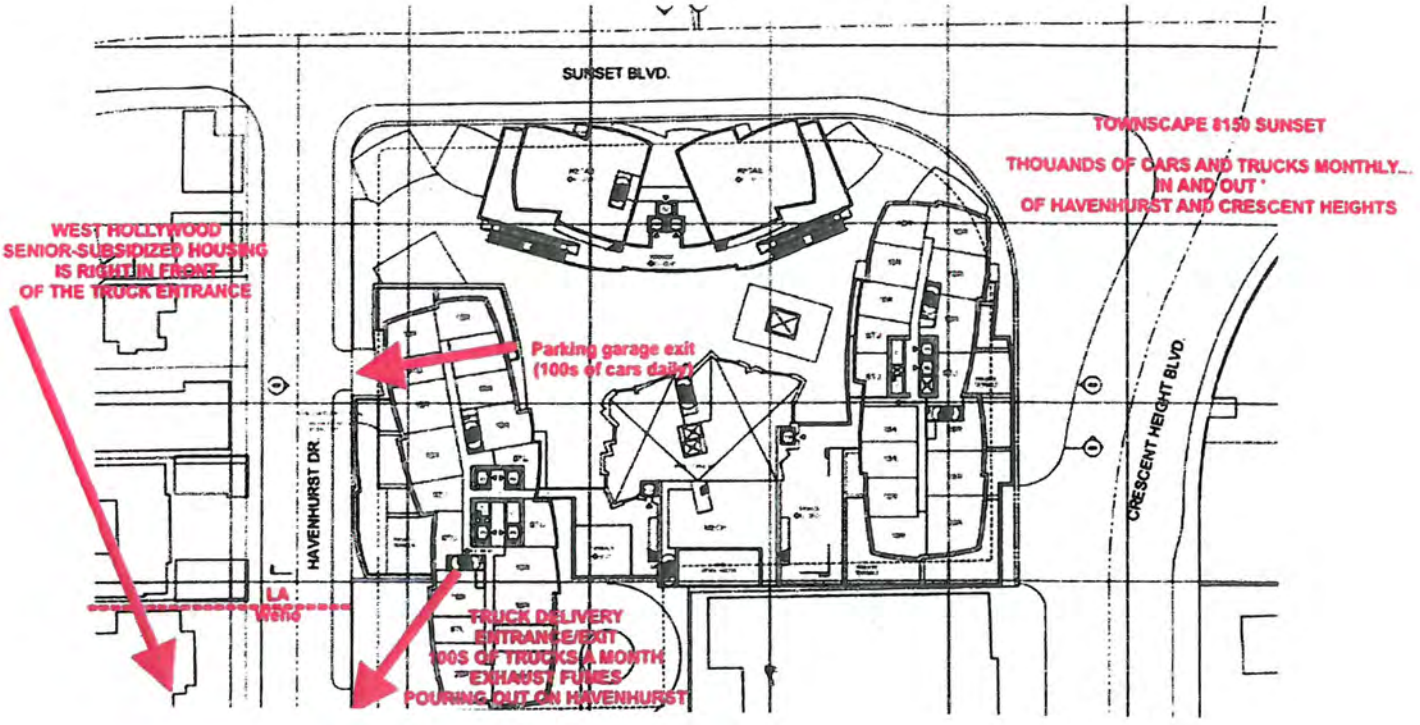
2.0 Alternative 9: Enhanced View Corridor and Additional Underground Parking Alternative

2A

Townscape's media photo of Havenhurst Drive presenting the architect's design for the proposed 8150 Sunset apartment complex. The photo distorts the street to mak 8150 Sunset look much smaller than the actual height and size.

2A1

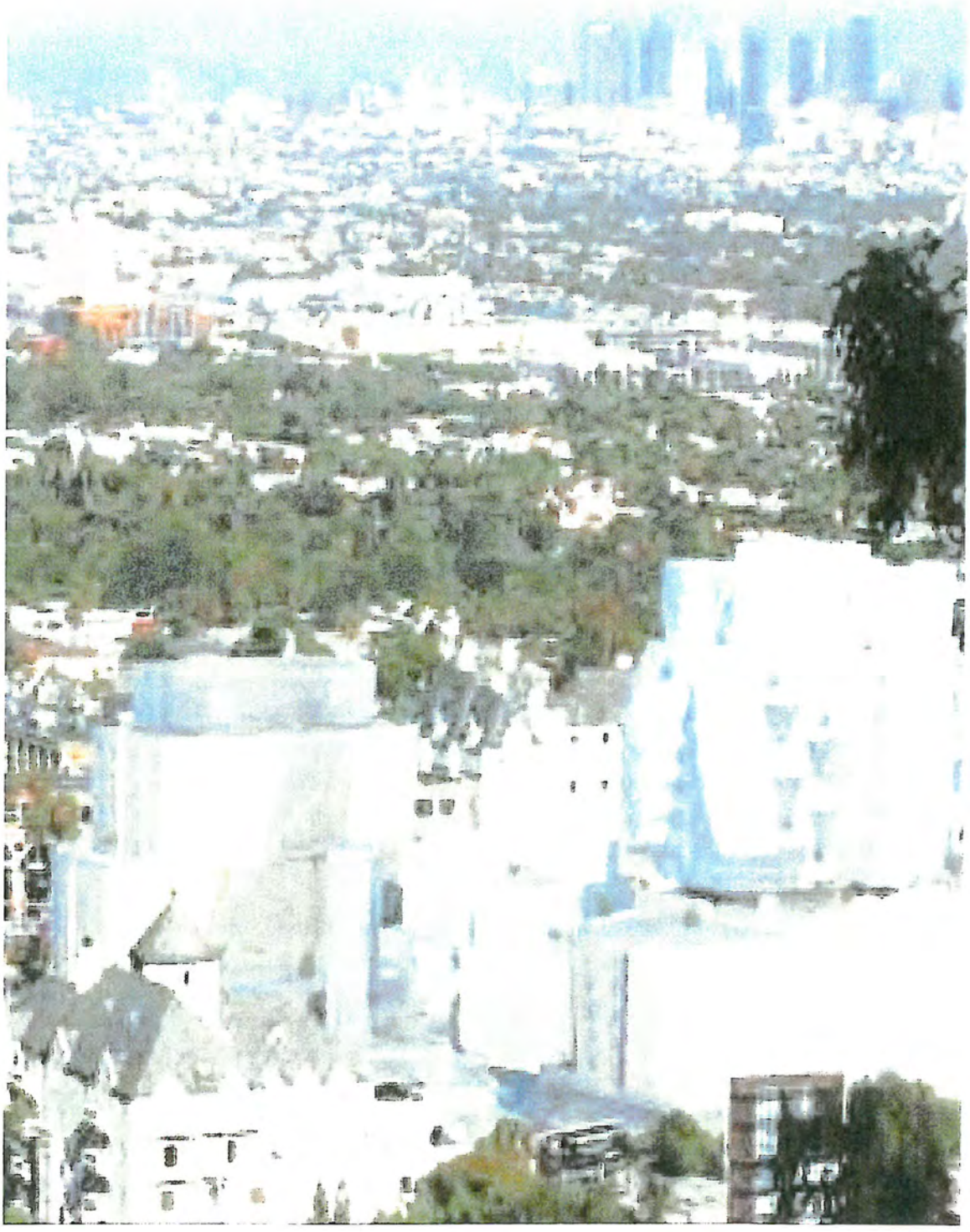




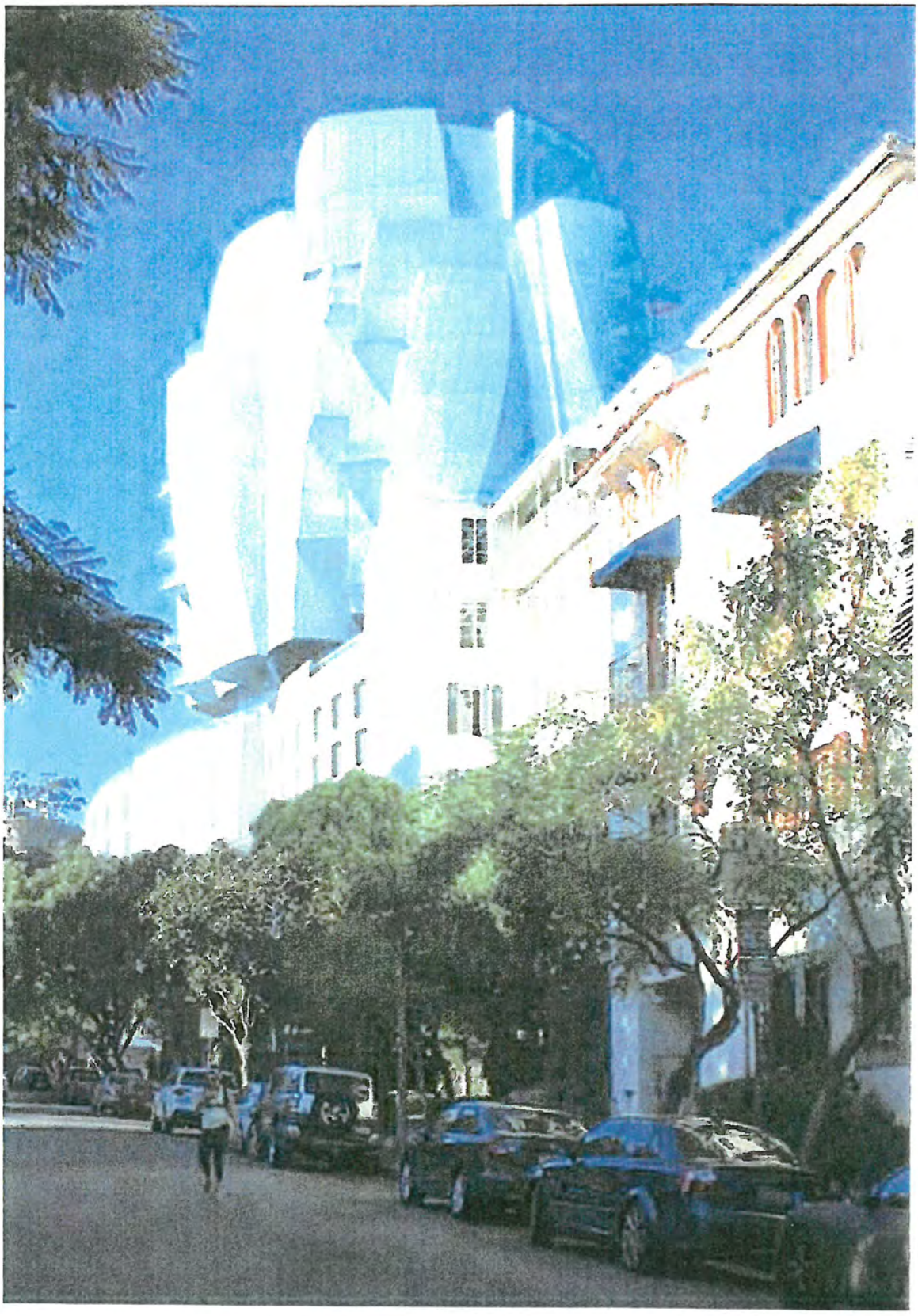


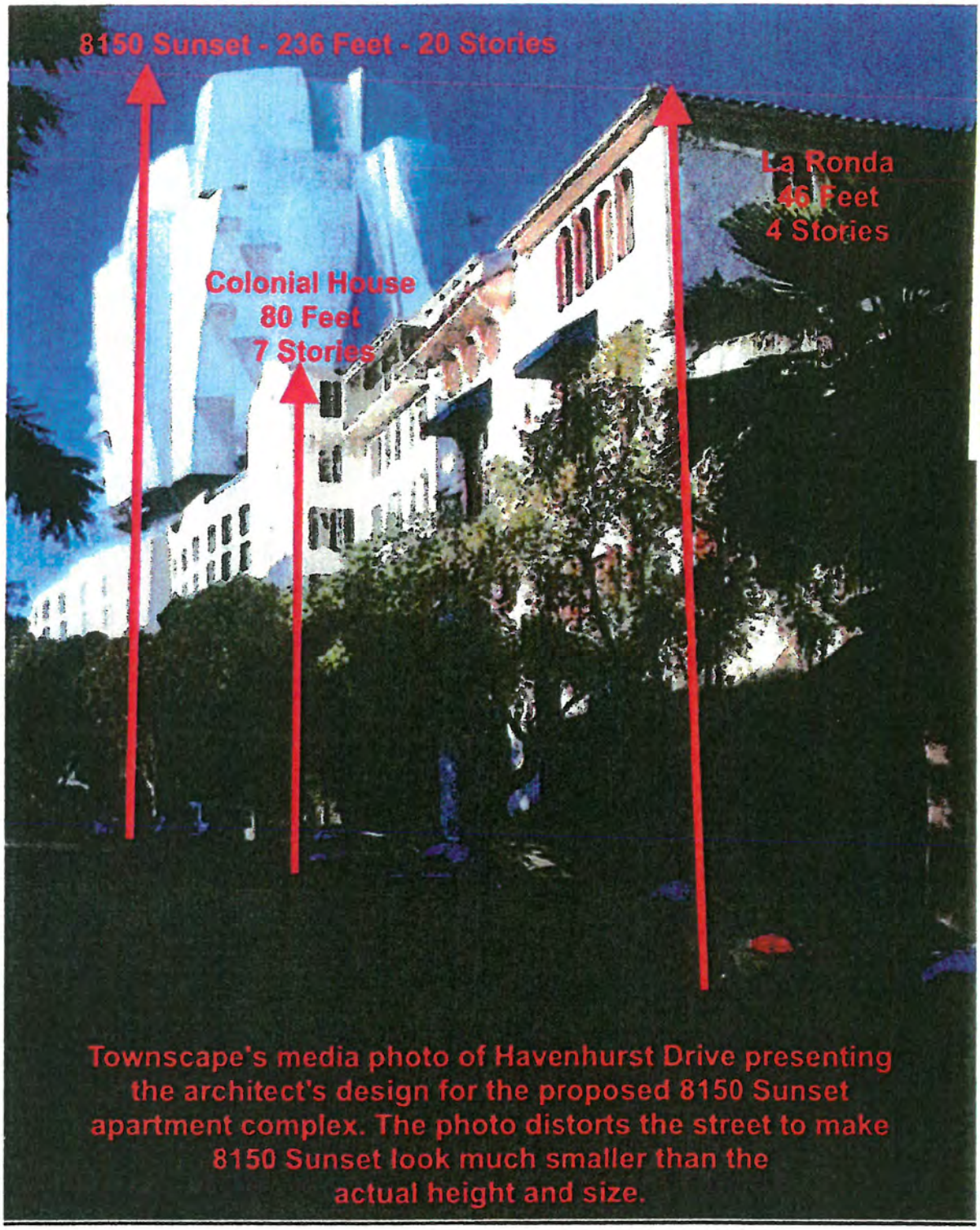
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2B2



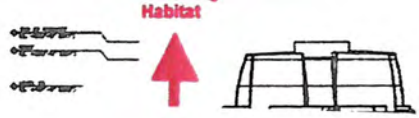
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Townscape's media photo of Havenhurst Drive presenting the architect's design for the proposed 8150 Sunset apartment complex. The photo distorts the street to make 8150 Sunset look much smaller than the actual height and size.

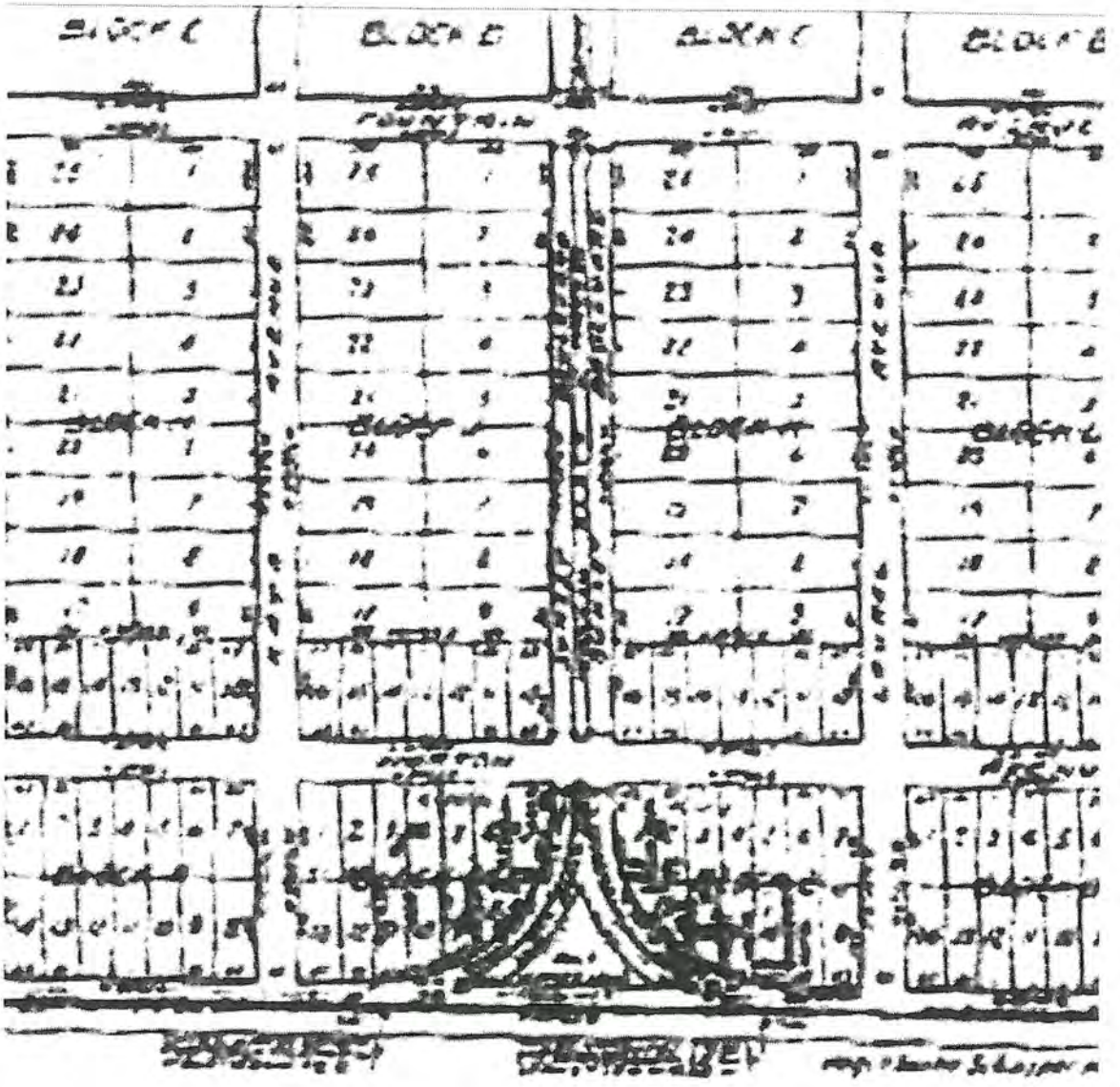
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8150 SUNSET
New York Townscape developers aren't showing the height from Havenhurst Drive

34

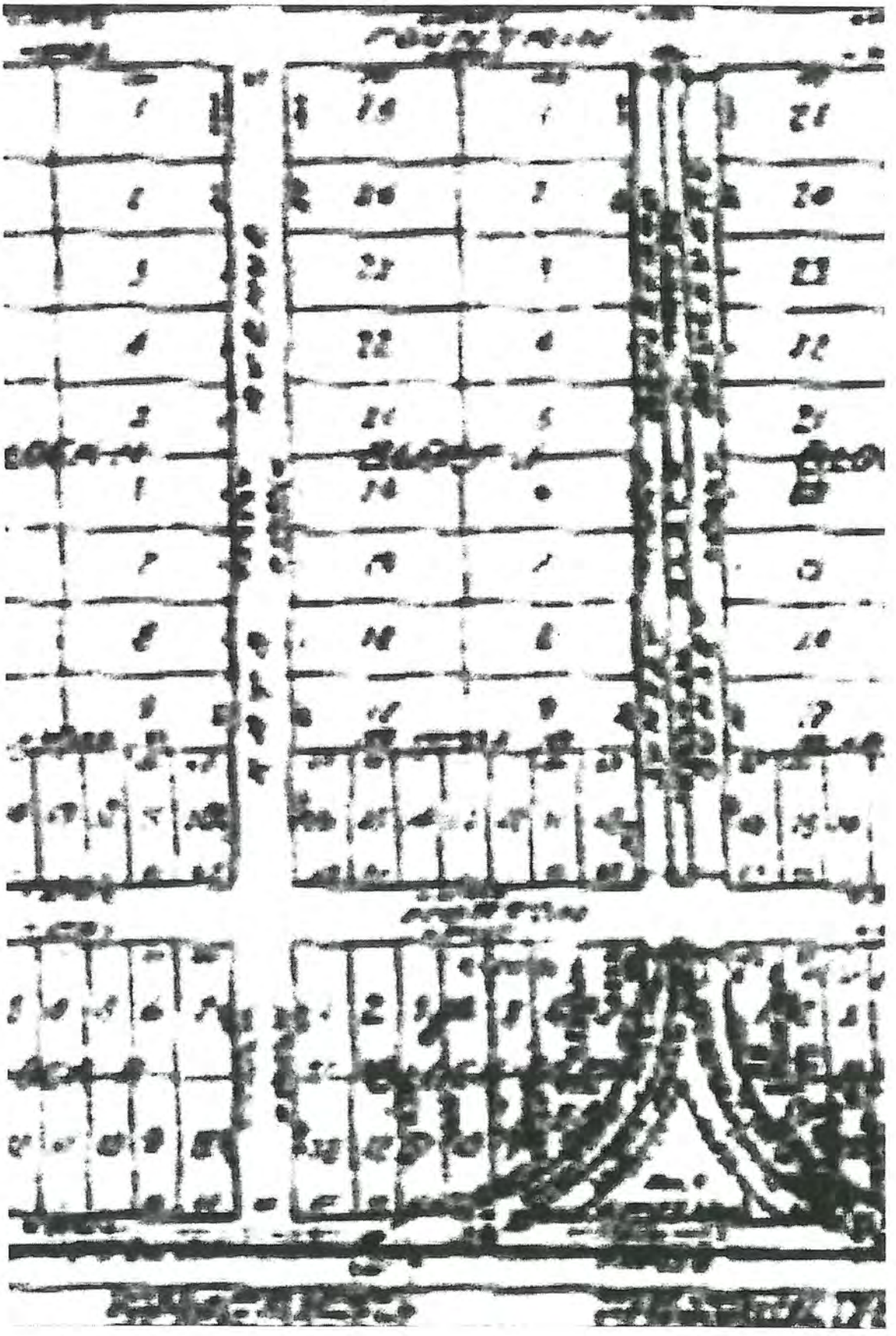
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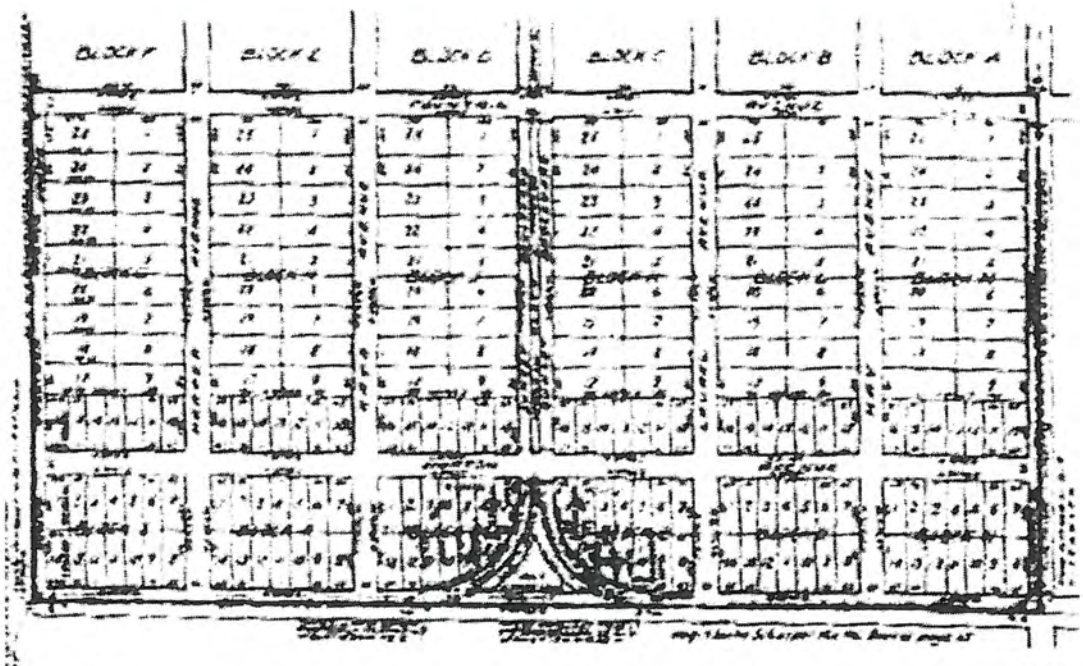


Sunset Blvd changed to Crescent Heights Ave - Hollywood

Owner Title Insurance & Trust Co. by C.E. Grant Vice Pres. & C.O. Block Sec.

Done CRESCENT HEIGHTS TRACT_1908....





Sunset Blvd changes to Crescent Heights Blvd D13 20
Kous Ave " " Hollywood Drive D13 20

Title Insurance & Trust Co
by E E Brent Asst Sec
C O Clark Asst Sec

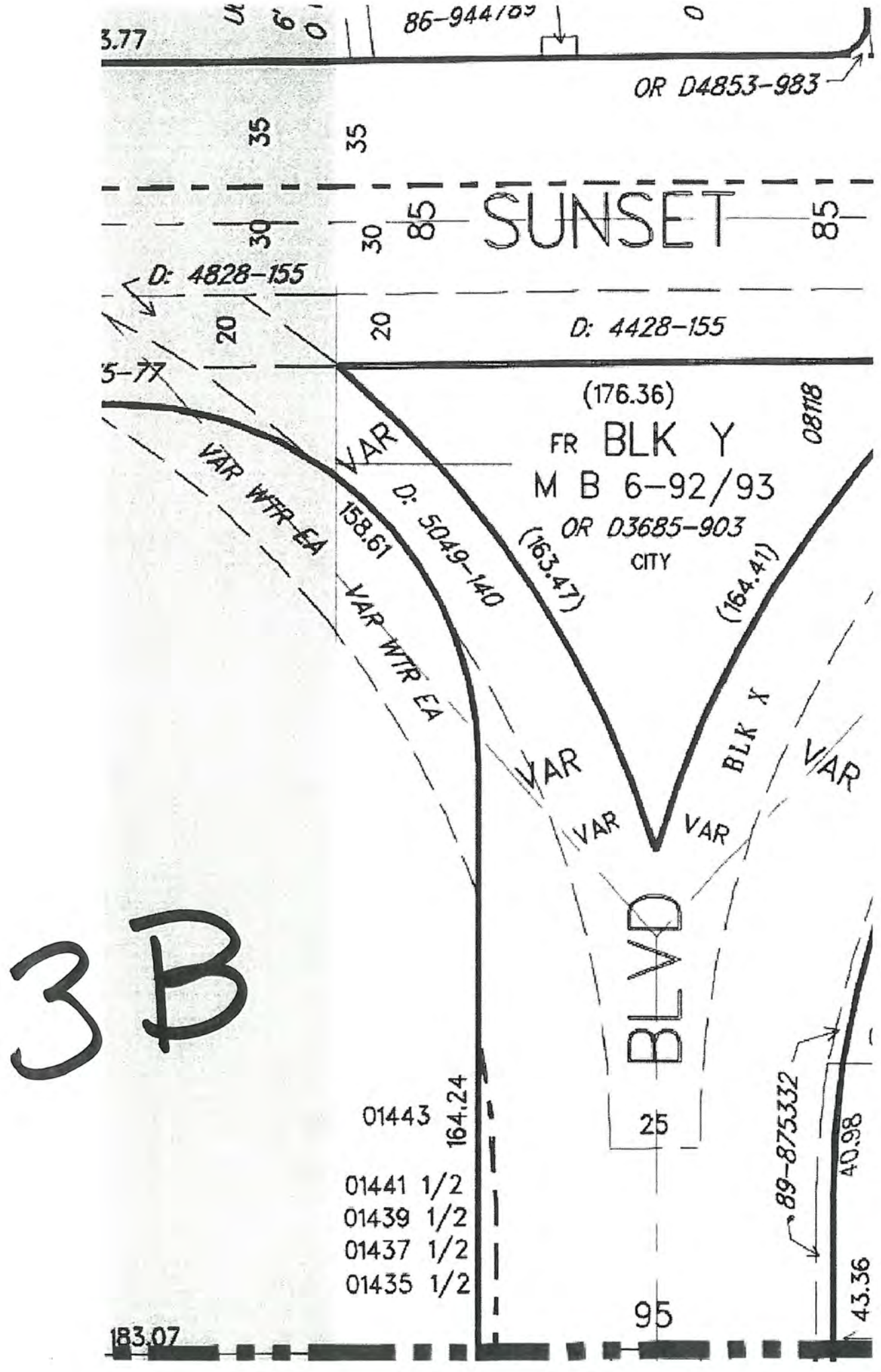
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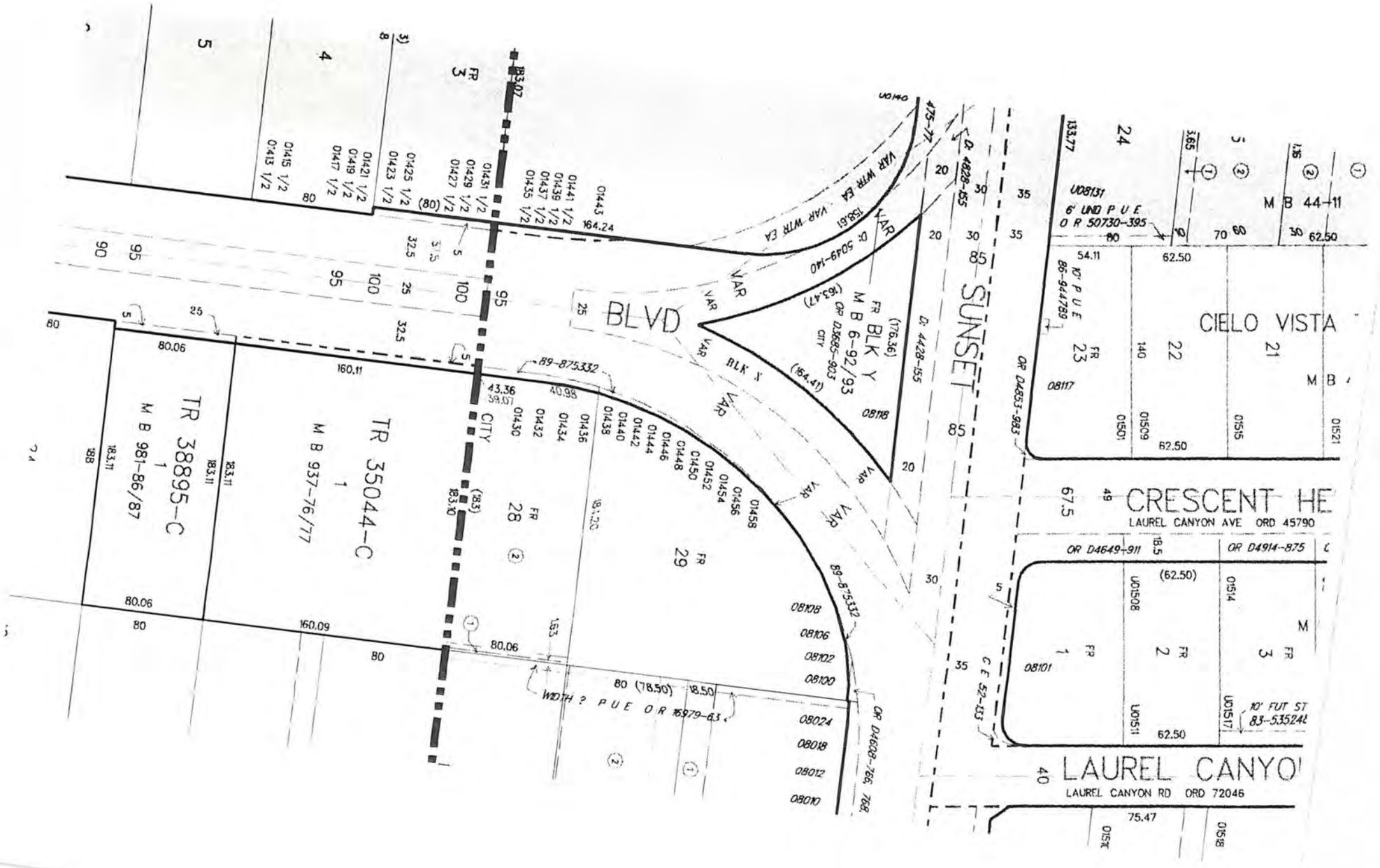
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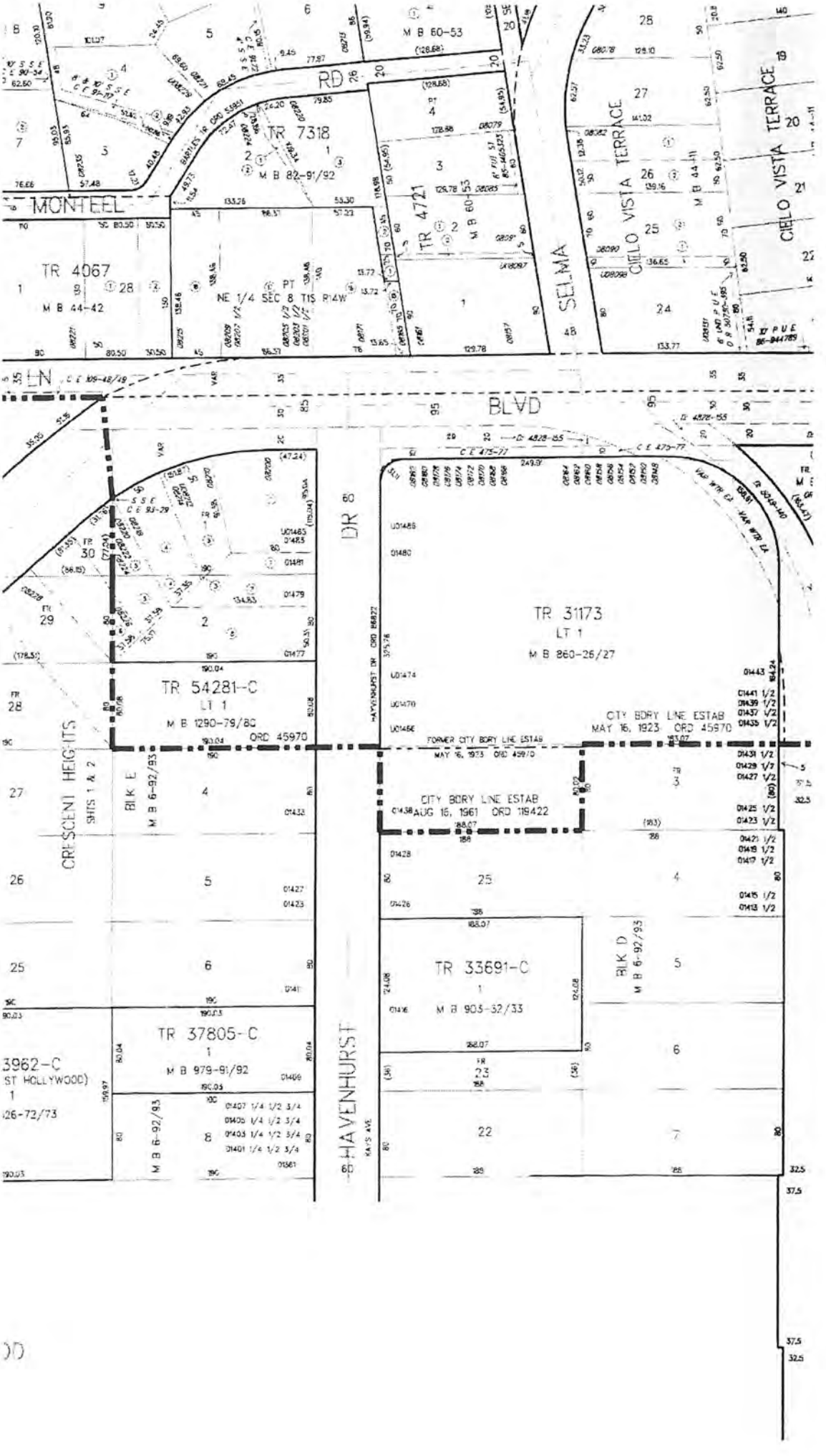

PET GROOMING
OASIS RELAX SPA
Foot Massage
Pollo Loco
Johnnie's
BOX&SHIP
OVER 8000 POUNDS
RIGHT LANE ENDS
The UPS Store
Cadogan Tate Fine Art

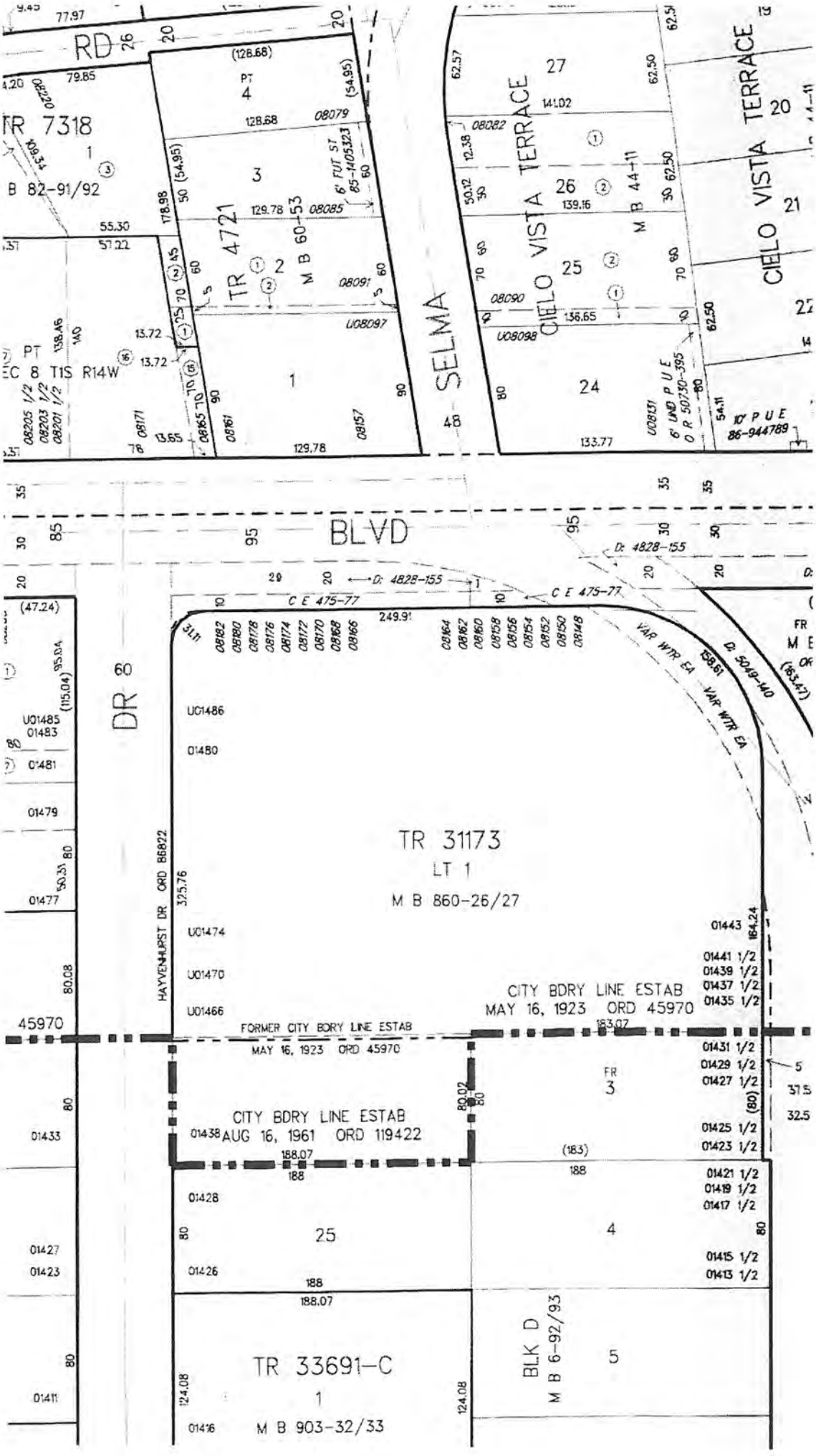

PET GROOMING
OASIS RELAX SPA
Foot Massage
El Pollo Loco
Johnnie's
BOX & SHIP
OVER 6000 POUNDS
RIGHT LANE ENDS
The UPS Store
Cadogan Tate Fine Art


3.77
86-944103
OR D4853-983
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85
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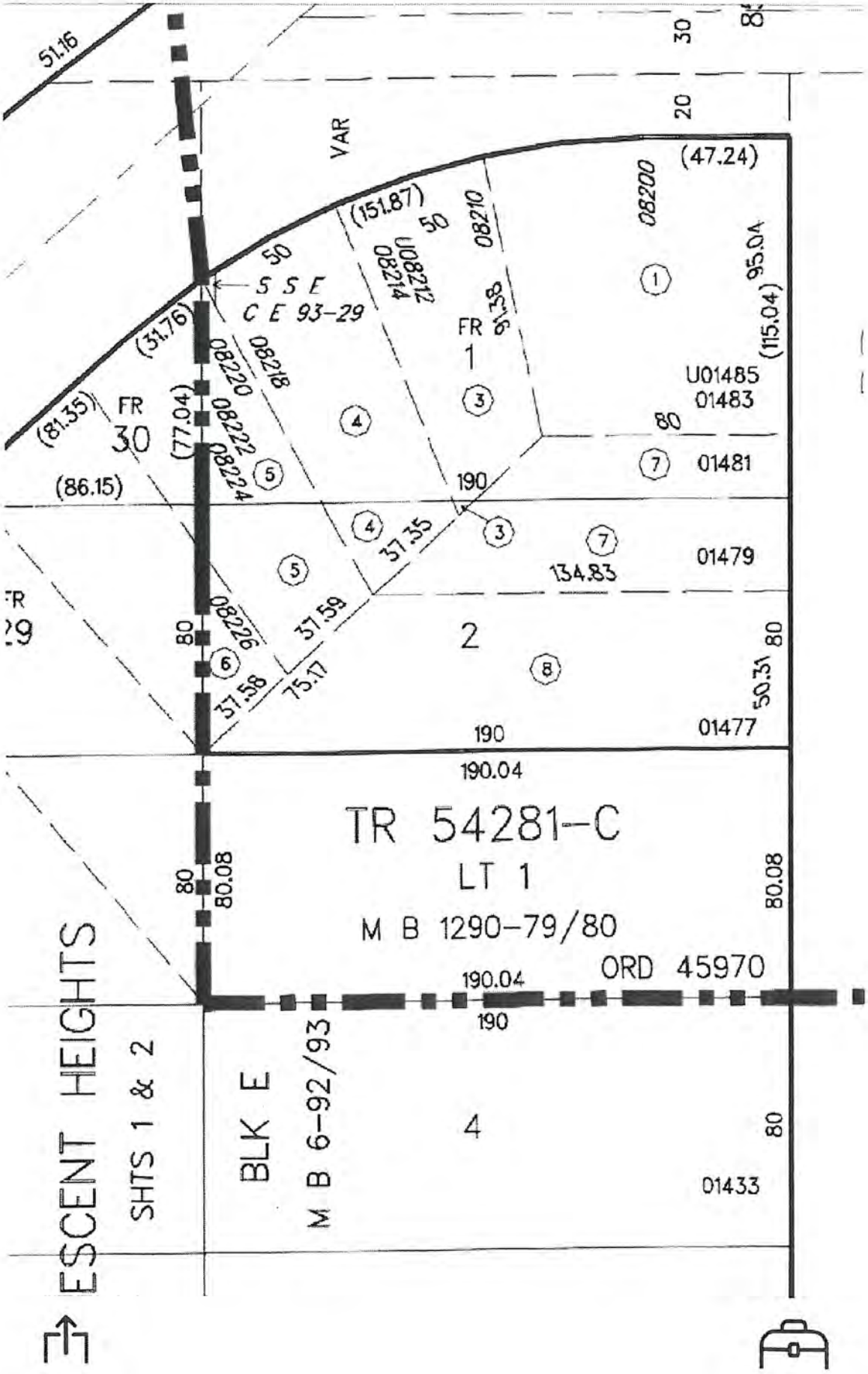
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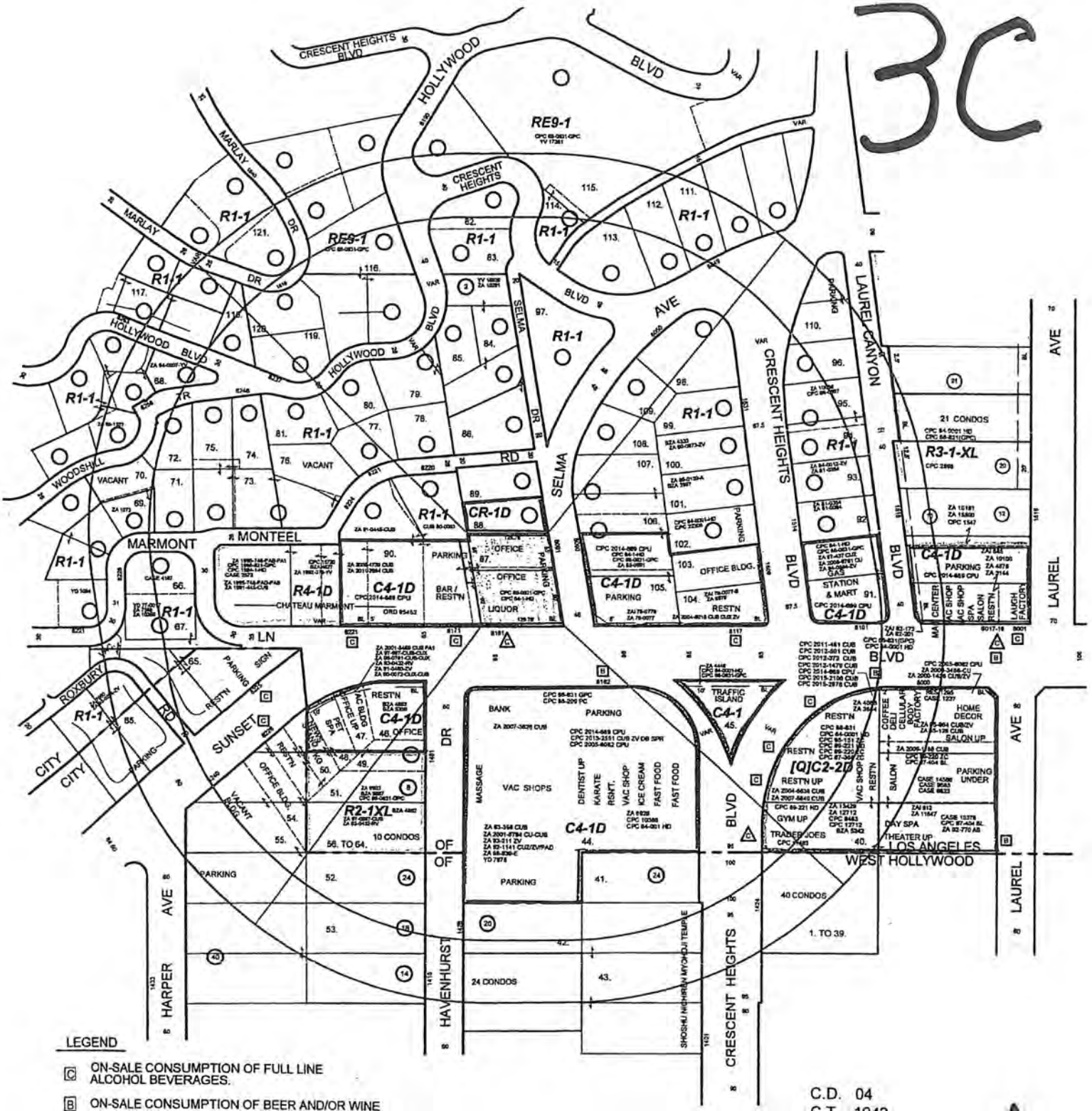

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CITY
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BLK X
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CRESCENT HE
LAUREL CANYON AVE ORD 45790
LAUREL CANYO
LAUREL CANYON RD ORD 72046
M B 44-11
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O R 50730-395
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SELMA
CIELO VISTA TERRACE
BLVD
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45970

Done 8150 project map with lot cuts.pdf





LEGEND

- [C] ON-SALE CONSUMPTION OF FULL LINE ALCOHOL BEVERAGES.
- [B] ON-SALE CONSUMPTION OF BEER AND/OR WINE
- [C.] OFF-SALE CONSUMPTION OF FULL LINE ALCOHOL BEVERAGES
- [B.] OFF-SALE CONSUMPTION OF BEER AND/OR WINE

C.D. 04
C.T. 1942
P.A. HOLLYWOOD
N.C. HOLLYWOOD HILLS WEST

N

CONDITIONAL USE - ALCOHOL BEVERAGES & ZONE VARIANCE

0.44 NET AC.

RADIUS MAPS ETC.
3544 PORTOLA AVENUE
LOS ANGELES CA 90032
TEL/OFF: (323) 221-4555
radiusmapsetc@sbcglobal.net

SITE LOCATION:
8091 W. SELMA AVENUE
LOS ANGELES CA 90046

LEGAL DESCRIPTION:
LOT 1 AND LOT 2 (ARB 1 & 2),
TRACT NO. 4721. M.B. 60-53.

CASE NO.:

DATE: 12 - 31 - 2015
SCALE: 1" = 100'
USES: FIELD
D.M.: 147 B 173
T.B. PAGE: 593 GRID: A-4,5

City of West Hollywood
California 1984

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COMMUNITY DEVELOPMENT DEPARTMENT

July 5, 2016

RE: Appeal of the Advisory Agency decision to approve the Certification of the Final Environmental Impact Report for the 8150 Sunset Boulevard Mixed-Use Project
Case Numbers: VTT-72370-CN, CPC-2013-2551-CUB-DB-SPR
CEQA Number: ENV-2013-2552-EIR

The City of West Hollywood appeals the Advisory Agency decision to certify the Final Environmental Impact Report (FEIR) for the 8150 Sunset Boulevard Mixed-Use Project (Project) given the following outstanding issues regarding key items within the Letter of Determination (LOD):

MITIGATION MEASURE TR-1

Mitigation Measure TR-1, involving the signalization of the intersection of Fountain Avenue and Havenhurst Drive, must be removed from the list of mitigation measures in the FEIR and must be replaced with a substitute feasible mitigation measure to eliminate the traffic impact at this intersection. The City of West Hollywood objects to the installation of a traffic signal at this location and has reported to the City on numerous occasions that it will not approve the installation of a traffic signal at this intersection under any circumstances.

Including this mitigation measure in the Final EIR and CEQA Findings in the Letter of Determination (LOD) is misleading to the public, the applicant and the City's decision makers and therefore violates CEQA's mandate to provide a meaningful analysis of the project's impact on the environment. The vast majority of the EIR and CEQA findings suggest that the traffic impact at Fountain and Havenhurst will be mitigated through installation of the new traffic signal. One has to read through hundreds of pages and find buried in the statement of overriding consideration that there will be an un-mitigatable impact at this intersection if West Hollywood does not approve the signal.

There is evidence in the record that this mitigation measure will never be completed. Thus it is misleading to the public to maintain this as a required mitigation measure and to suggest that the impact is capable of being mitigated to a level of insignificance. This error is fatal to the EIR and deprives the public, applicant and decision makers of a meaningful description of the project impacts. It also leaves the applicant in an untenable situation of being required to comply with a condition for which it cannot comply. Including the mitigation measure as a condition of approval in several sections of the CEQA findings in the Letter of Determination, (including the references in public safety, emergency response times and traffic) also creates an ambiguity that obfuscates the Project's traffic impacts relative to future project review and implementation.

Pursuant to CEQA Section 15126.4.a.2, mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments in order to be viable. Given that the City of West Hollywood does not support and will not approve said traffic signal installation, mitigation measure TR-1

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is unenforceable. Therefore, the FEIR inadequately addresses a known significant traffic impact, and the EIR should not be certified without revision.

Additionally, the City of Los Angeles has a duty to identify all feasible mitigation measures that could mitigate or reduce this impact. 14 Cal. Code Regs. 15126. With the knowledge that MM TR-1 is infeasible and unenforceable through permit conditions, the City has not met its burden to mitigate the identified impact under CEQA. Further, the City's finding XI.6 in the Letter of Determination is not supported by substantial evidence because the traffic impact at Havenhurst and Fountain has not been mitigated to the extent feasible. There is no evidence that the City has explored any other feasible means of mitigating this impact to the environment, notwithstanding that the West Hollywood has repeatedly reported that the traffic signal is objectionable and will not be approved. Contrary to the statement in Los Angeles' response letter dated June 21, 2016, it is not the City of West Hollywood's role to identify feasible mitigation measures for this project.

PROJECT DESIGN FEATURE PDF-WW-1

Although the City of Los Angeles has acknowledged that the Project must be subject to the same fair-share contribution as other projects which use City of West Hollywood sewers, the language as written for PDF-WW-1 is vague and ambiguous and does not address the City's main concern. Specifically, the measure must make clear that the applicant is responsible for its fair share of operation and maintenance of the sewer system. As drafted, PDF-WW-1 suggests that the developer must pay for a proportional share of future sewer upgrades. However, this is not the case; the developer must pay its fair share for costs for ongoing operation and maintenance of the existing sewer system.

If this was an identical project within West Hollywood, the property owner would be paying an annual City Sewer Service charge on their property tax bill that is not applicable to this project in the City of Los Angeles. Since West Hollywood does not have a mechanism to collect sewer usage fees on properties outside of the City boundary, we recommend the developer make a one-time payment to cover the equivalent of 50 years of City Sewer Service charge. The City Sewer Service Charge is based on the concept of the Equivalent Sewer Unit (ESU). A single family residential property's City Sewer Service Charge is 1 ESU. The City Sewer Service Charge rates for all other land uses are based on the proportional use of the sewer system, in multiples of the ESU. The formula for calculation of the City Sewer Service Charge remains unchanged from the method of calculation adopted by the City Council in 1997. Per the table below, based on the Project land uses listed in the FEIR, the sewer usage by the proposed development is 270 Equivalent Sewer Units (ESU).

Land Use	Quantity	Unit	Factor	GPD (gallons per day)	ESU (equivalent sewer unit)
Studio Unit	54	Residential Units	156.00	8,424	32
One Bed Unit	134	Residential Units	156.00	20,904	80
Two Bed Unit	35	Residential Units	156.00	5,460	21

Three Bed Unit	24	Residential Units	260.00	6,240	24
Four Bed Unit	2	Residential Units	260.00	520	2
Retail	11,937	Square Feet	0.10	1,194	5
Restaurant	23,158	Square Feet	1.00	23,158	89
Supermarket	24,811	Square Feet	0.15	3,722	14
Bank	5,094	Square Feet	0.10	509	2
			Total	70,131	270

The annual City Sewer Service Charge rate for Fiscal Year 2016-17 is $40.91 per ESU. Considering the proposed project of 270 ESU, the City Sewer Service Charge for FY 2016-17 would be $11,034.80. The City Sewer Service Charge is adjusted by the CPI-LA on July 1 of each year. For example, the CPI-LA which has been applied for calculation of the 2016-17 assessment rates is 3.266%. Assuming a 50-year term for calculation of the developer's obligation for funding their fair-share of costs for on-going operation and maintenance of the City of West Hollywood sewer system, as well as an annual CPI-LA of 3% per year for the next 50 years, the amount the developer would need to pay the City of West Hollywood is $1,244,691.30. Again, this dollar amount would need to be paid to the City of West Hollywood prior to issuance of the Building Permits.

Therefore, the City of West Hollywood requests the language of PDF-WW-1 be revised as follows:

- **PDF-WW-1:** In order to address ~~potential future improvements to~~ the operation and maintenance costs for sewage conveyance facilities within the City of West Hollywood that serve the project site, prior to issuance of Building Permits the applicant shall pay to the City of West Hollywood a lump sum amount of $1,244,691.30 which is the amount equal to the West Hollywood City Sewer Service Charge to be paid by an identical project generating 270 Equivalent Sewer Units (ESU) located in the City of West Hollywood for 50 years. ~~the project shall contribute fair share payments to the City of West Hollywood commensurate with the project's incremental impact to affected facilities. Prior to the issuance of building permits, the applicant shall enter into an agreement with the City of West Hollywood determining the project's specific fair share contribution for West Hollywood sewage system upgrades. The fair share contribution shall be calculated in the same manner used to calculate the fair share contribution for development projects within the City of West Hollywood, and the project's specific contribution shall be determined at such a time that the necessary improvements and associated capital costs are known, and shall be proportional to the project's contribution to total wastewater flows in each affected West Hollywood-owned sewer. The applicant shall guarantee (by bond, cash or irrevocable letter of credit, subject to the approval of the City of West Hollywood) the necessary funding to enable the City of West Hollywood to design and install the necessary improvements~~.

There is a less expensive alternative to paying the above stated $1,244,691.30 to the City of West Hollywood. The City of Los Angeles could require the developer to design and construct a new 8-inch diameter sewer to be aligned in Crescent Heights

Boulevard. The proposed sewer would flow south from the project site to connect to an 8-inch diameter sewer in Crescent Heights Boulevard, just south of Santa Monica Boulevard. This new 8-inch diameter sewer would be owned and maintained by the City of Los Angeles, similar to other sewers owned and maintained by City of Los Angeles that pass through West Hollywood elsewhere. The construction would need to be completed prior to issuance of the certificate of occupancy for the proposed development. The City of West Hollywood would be willing to issue the necessary Encroachment Permits for construction of the new sewer. By building this new sewer, the proposed project would no longer utilize the City of West Hollywood sewer system, and would not need to pay for their fair-share of the cost of on-going operation and maintenance of the City of West Hollywood sewer system.

Under either approach, the language of PDF-WW-1 is incorrect and must be revised to more accurately reflect how the project will address its impact on the West Hollywood sewer system.

Additional Issues:

The City raised the following issues in its comment letter dated May 23, 2016 and the planning staff and Advisory Agency did not resolve these issues.

Elimination of Site Access on Havenhurst Drive

The current version of the Project proposes removal of driveway access to the site along Sunset Boulevard. The LOD has conditioned the project such that all residential traffic access the site on Havenhurst Drive and all commercial traffic to access the site on Crescent Heights Boulevard. However, the LOD and FEIR state commercial delivery and service trucks will also access the site from Havenhurst Drive. The City of West Hollywood requests that the LOD and FEIR be revised, and preclude all commercial traffic (including delivery and service trucks) from accessing the site from Havenhurst Drive.

Traffic Impacts Along Fountain Avenue

On Fountain Avenue, the level of service calculations show worsening conditions at all intersections studied. Although the signalized intersections of Fountain/Olive and Fountain/Laurel were not included in the analysis, they too will be impacted. To mitigate the worsening of conditions at these intersections, the developer should be required to fund the upgrade of the traffic signal controller equipment, replacing existing 170 controllers with 2070 controllers, as well as fund installation of battery back-up systems for the following City of West Hollywood signalized intersections: Fountain/La Cienega; Fountain/Olive; Fountain/Sweetzer; Fountain/Crescent Heights; and Fountain/Laurel (Fountain/Fairfax is not included, as that intersection already has an upgraded 2070 controller and has a battery back-up system).

Traffic Impacts Along Havenhurst Drive

The proposed traffic signal at Sunset Boulevard and Havenhurst Drive along with the proposed signalizing the intersection at Fountain Avenue and Havenhurst Drive would effectively make Havenhurst Drive a cut-through route, generating additional traffic congestionand noise impacts to the residential neighborhood along this portion of Havenhurst Drive. In Response No. A9-10, the FEIR erroneously states that the

installation of new signals at both ends of the segment of Havenhurst Drive between Sunset Boulevard and Fountain Avenue will not result in any significant cut-through traffic because there are already a series of speed humps along this segment of Havenhurst Drive, and the two new traffic signals could be intentionally "mis-timed" to delay and deter cut-through traffic. To the contrary, this will only slow down the increased traffic going through this segment of Havenhurst Drive and cause more traffic congestion, rather than lessen the anticipated impacts. Thus, the FEIR must be revised to address these impacts, and have an added project alternative with no vehicular access off Havenhurst Drive.

Safe Pedestrian Access

The proposed project will increase both vehicular and pedestrian traffic in the surrounding area, and this increase in pedestrian traffic levels warrants an upgrade to the existing mid-block crosswalk located south of the project site on Crescent Heights Boulevard. In Response No. A9-11, the FEIR states there is no nexus between the proposed Project and any significant pedestrian related impacts on Crescent Height Boulevard to justify upgrading the existing mid-block crosswalk, because development in the surrounding area will create more traffic in the area and contribute much more toward possible increases in conflicts between vehicles and pedestrians than the proposed Project itself. However, this reasoning is flawed in that it does not recognize the increase in pedestrian traffic caused specifically *by the proposed Project*.

Therefore, the City of West Hollywood requests the project be condition to upgrade the current crosswalk to a mid-block pedestrian signal. Pedestrian visibility enhancements should also be incorporated into the signalization of this crosswalk (i.e. sidewalk bulb-outs, refuge island, reflective markings, etc.).

The above comments in this appeal are related to the certification of the EIR. The City of West Hollywood reserves the right to, and will, raise additional issues pertaining to the project at subsequent public hearings.

Sincerely,

Scott Lunceford, AICP
Associate Planner
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Neff v. Ernst , 48 Cal.2d 628

[L. A. No. 23988. In Bank. May 31, 1957.]

DENNIS S. NEFF et al., Respondents, v. CLEMENT L. ERNST, as Administrator, etc., Appellant.

COUNSEL

Caryl Warner for Appellant.

William G. Bolton and John A. Michael for Respondents. [48 Cal.2d 631]

OPINION

SHENK, J.

The defendant appeals from a judgment entered April 20, 1955, declaring that the plaintiffs have a private right of way and easement in, to and across the vacated portion of Bard Street adjoining their property in Hermosa Beach. The defendant also appeals from a judgment entered on June 10, 1955, pursuant to section 662 of the Code of Civil Procedure on the denial of his motion for new trial, which adjudicated that the plaintiffs have a fee title interest in one-half of vacated Bard Street and in one-half of vacated Oak Street which adjoins their property, and that they have easements in the other one-half of these streets. The defendant contends that the trial court had no jurisdiction to modify the first judgment while his appeal therefrom was pending; that it erred in construing the plaintiffs' deed to grant by implication either a fee title or a private easement in these vacated streets, and that it erred in holding that the noncompliance by the plaintiffs with the recordation requirements of section 812 of the Civil Code did not extinguish any easement they might own in these streets.

The common predecessor in title of the property involved in this action was the California Bank which acquired title in 1932 from Benjamin Hiss, the original subdivider. In 1938 the bank conveyed a portion of this property to the plaintiffs by a deed referring to a recorded subdivision map. This map showed that this parcel was bounded by public streets designated thereon as Pier Avenue (to the south), Bard Street (to the west), Oak Street (to the north), and Railroad Street (now Valley Drive) to the east; that Bard and Oak Streets terminated at their common intersection; and that a public alley bisected this parcel in an east-west direction between Bard and Railroad Streets. The surrounding property to the west and the north was then owned by the bank and is the property now owned by the defendant. fn. *

The deed to the plaintiffs stated that it was made "subject to ... matters of record." There was of record at that time the vacation in 1926 of the public easements in Oak Street, in the northerly portion of Bard Street, and in the alley above mentioned. A visual inspection at the time the plaintiffs acquired this property indicated that the whole of Bard Street was a continuous public street; that it had a hard dirt surface which had been oiled from time to time, and that it [48 Cal.2d 632] was being used for purposes of ingress and egress to this property and to the building located thereon. This building had been erected by Hiss in 1927, after the vacation of these streets. It had three garage doors which opened out over vacated Bard Street and a loading dock in the rear which abutted on vacated Oak Street, and it spanned the westerly portion of the alley. The plaintiffs' deed specifically conveyed to them the title to the "vacated alley" but made no reference to the vacated streets. After they acquired this property it

was necessary for them to use both of these vacated streets, but principally Bard Street, for access to their property and these streets have been continuously so used by them, their friends, licensees and invitees.

In 1943 the defendant acquired title to the remaining Hiss property by a deed which specifically conveyed to him the fee title to "vacated Oak Street" and "vacated Bard Street." In June, 1953, he commenced the construction of a permanent building and a six foot wall along the westerly line of the plaintiffs' real property which interfered with their access to the garages on vacated Bard Street and to the loading dock on vacated Oak Street. Their objections to this construction proved futile and they commenced this action, seeking preliminary and permanent injunctions, damages and other relief. Their application for a temporary injunction was denied and the defendant continued with the construction pending the outcome of this suit.

The deeds by which the parties acquired title were in evidence at the trial. There was substantial evidence that the construction commenced by the defendant interfered with the plaintiffs' use of vacated Bard and vacated Oak Streets for purposes of access to their property, and also that it had resulted in an impairment of the normal flow of surface waters from the northwesterly corner of their land. Judgment was entered permanently enjoining interference by the defendant with these easements and awarding $650 damages for the temporary loss of use by the plaintiffs of their garages.

On the motion for new trial there was raised for the first time the question whether under the language of the plaintiffs' deed the fee title to the center of the vacated streets had been conveyed to them in addition to the easements claimed at the trial. On May 31 the court took the motion under submission, including the determination whether, pursuant to the provisions of section 662 of the Code of Civil Procedure, the pleadings, findings and judgment could be amended without [48 Cal.2d 633] reopening the proceedings to adjudicate the issue of fee title. On June 5 the defendant filed a notice of appeal from the judgment. On June 10 the court ordered the plaintiffs to amend their pleadings to conform to the proof. The court revised its findings and conclusions of law, entered a modified judgment adjudicating the issue of fee title in favor of the plaintiffs, and directed the clerk not to perform any further function in perfecting the prior appeal. The defendant appealed from this modified judgment.

The question is: which appeal is properly before this court. Obviously it is one or the other and cannot be both. Section 662 provides: "In ruling on ... [a motion for new trial] in a cause tried without a jury, the court may, on such terms as may be just, change or add to the findings, modify the judgment, in whole or in part, vacate the judgment, in whole or in part, and grant a new trial on all or part of the issues, or, in lieu of granting a new trial, may vacate and set aside the findings and judgment and reopen the case for further proceedings and the introduction of additional evidence with the same effect as if the case had been reopened after the submission thereof and before findings had been filed or judgment rendered. Any judgment thereafter entered shall be subject to the provisions of section 657 and 659 of this code [referring to motion for new trial]."

It is the position of the defendant that after he filed his notice of appeal from the original judgment the trial court was divested of jurisdiction to later modify its judgment, even though the modification came about as a part of the proceedings in ruling on a motion for new trial. In this he is supported by the rule stated in Wagner v. Shapona (1954), 123 Cal.App.2d 451, 464 [267 P.2d 378]. An opposite result was reached in Rutledge v. Rutledge (1953), 119 Cal.App.2d 112, 113 [259 P.2d 78], upon which the trial court relied in directing the clerk to disregard the prior appeal. This question has not heretofore been determined by this court and, as appears by the Wagner and Rutledge cases, a conflict appears in the decisions of the District Courts of Appeal.

Prior to 1929, when section 662 was enacted, the trial court had no power to make substantial modifications in its findings or in its judgment after judgment was entered. This section grants new and specific powers to that court in the new trial proceedings. [1] A duly perfected appeal usually divests the trial court of further jurisdiction in the cause and of the power to act other than with respect to specified excepted or [48 Cal.2d 634] collateral matters. (Sacks v. Superior Court, 31 Cal.2d 537, 540 [190 P.2d 602].) [2] A motion for new trial is recognized to be a matter collateral to the judgment and the trial court retains jurisdiction to hear and determine a motion for new trial

after an appeal has been taken from the judgment. (City of Vallejo v. Superior Court, 199 Cal. 408 [249 P. 1084, 48 A.L.R. 610]; Estate of Waters, 181 Cal. 584, 585, 588 [185 P. 951].) It is not inconsistent nor improper to file both a notice of appeal and a motion for a new trial. The time limit prescribed by law for each of these motions is jurisdictional. (Code Civ. Proc. § 936; rules 2, 3, Rules on Appeal.) [3] If the motion for new trial be granted the judgment is vacated and the appeal therefrom becomes ineffective. (Lantz v. Vai, 199 Cal. 190 [248 P. 665].) An appeal may of course be taken from the order granting a new trial (Code Civ. Proc. § 963, subd. 2). [4] When the court denies a motion for new trial and, as authorized by section 662 of the Code of Civil Procedure, enters a substantially modified judgment, that judgment becomes the final judgment of that court and the appeal from the prior judgment becomes ineffective. The conclusion reached in Rutledge v. Rutledge, supra, 119 Cal.App.2d 112, 113, appears to be in accordance with the intended purpose of section 662 and is approved. Anything to the contrary in Wagner v. Shapona, supra, 123 Cal.App.2d 451, 464, is disapproved. The appeal from the judgment of April 20, 1955, is therefore nonoperative. The appeal from the judgment of June 10, 1955, entered pursuant to the court's powers under section 662 in ruling on the motion for new trial, is properly before us.

[5] The defendant urges that the judgment embraces an issue upon which there was neither pleading nor proof at the trial, and that under principles of due process he is entitled to a jury trial on the issue of fee simple title and on various affirmative defenses including estoppel, mutual boundary agreement and adverse possession. A review of the record indicates that the original pleadings raise the general issue that the defendant was interfering or threatening to interfere with the plaintiffs' "property rights, easements and rights of way described in paragraph IV" of the complaint. While paragraph IV refers specifically to the rights of the parties in vacated Bard Street, there was evidence before the court upon which it could adjudicate the rights of the parties in vacated Oak Street. There was also evidence upon which findings adverse to the defendant could be made on the affirmative [48 Cal.2d 635] defenses of estoppel, mutual boundary agreement and adverse possession asserted on this appeal. It does not appear that the proceedings should be reopened for the taking of further evidence on these issues.

The plaintiffs' deed was in evidence and the determination whether by its terms a fee simple title or an easement was conveyed to the plaintiffs was properly before the court.

[6] The transfer of land, bounded by a highway, passes the title of the person whose estate is transferred to the soil of the highway in front to the center thereof, unless a different intent appears from the grant. (Civ. Code, § 1112; Moody v. Palmer, 50 Cal. 31.) In case of doubt, the deed must be construed in favor of the grantee. (Civ. Code, § 1069.) [7] It is the general rule that it will be presumed that where property is sold by reference to a recorded map the grantee takes to the center of the street or streets shown on the map as bounding the property, even though the streets shown therein appear to have been vacated or abandoned or the deed itself refers to the streets as having been vacated or abandoned. The presumption continues to apply in the absence of a clear expression in the deed not to convey title to the center line. (Anderson v. Citizens Sav. etc. Co., 185 Cal. 386 [197 P. 113]; Pinsky v. Sloat, 130 Cal.App.2d 579 [279 P.2d 584].) [8] Here the reference in the deed to "matters of record" is sufficient to give constructive notice of the vacation of the public easements in the streets shown on the map. However, it is not sufficient, of itself, to indicate that the grantor intended to convey title only to the side and not to the center line of those streets.

[9] An ambiguity may be said to appear on the face of the deed as to the intention of the grantor by reason of the express conveyance of title to the vacated alley, and the failure to expressly convey title to the vacated streets. Evidence of the circumstances under which the agreement was made could be considered by the court in determining this ambiguity and parol evidence was admissible for that purpose. [10] There was evidence as to the appearance of Bard as a public street and as to the use made of both Bard and Oak Streets for access to the plaintiffs' property. This evidence would support the determination that the presumption should apply that the grantor intended to convey title to the center of the street, and that the grantor and those claiming through him should be estopped to claim otherwise.

[11] In determining the intent of the parties, consideration [48 Cal.2d 636] may be given not only to actual uses being made at the time of the grant, but also to such uses as the facts and circumstances show were within the reasonable contemplation of the parties at the time of the conveyance. (Fristoe v. Drapeau, 35 Cal.2d 5, 10 [215 P.2d 729].) [12] It was reasonable to conclude that the grantor intended that the fee title should pass to the center of the street and as appurtenant thereto that there should pass to the plaintiffs easements in these streets for use as private ways. (Danielson v. Sykes, 157 Cal. 686 [109 P. 87, 28 L.R.A. N.S. 1024]; Prescott v. Edwards, 117 Cal. 298 [49 P. 178, 59 Am.St.Rep. 186]; Day v. Robison, 131 Cal.App.2d 622, 624 [281 P.2d 13].)

The amendments ordered and made by the court were therefore within the general issues framed by the pleadings and the proof, and the adjudication of fee title was properly made without reopening the proceedings for further evidence.

One further question remains to be considered. That is the applicability of section 812 of the Civil Code. This section, enacted in 1949, provides: "The vacation or abandonment, pursuant to law, of streets ... shall extinguish all private easements therein claimed by reason of the purchase of any lot by reference to a map or plat upon which such streets ... are shown, other than a private easement necessary for the purpose of ingress and egress to any such lot from or to a public street ... except as to any person claiming such easement who, within two years from the effective date of such vacation or abandonment or within two years from the date of the enactment of this section, whichever is later, shall have recorded in the office of the recorder of the county ... a verified notice of his claim to such easement. ..." It is not disputed that the plaintiffs did not file a verified claim to a private easement in either vacated Bard Street or vacated Oak Street. The court concluded, insofar as the plaintiffs' easement in vacated Bard Street was concerned, that it came within the exception stated in section 812 but also concluded that if the section were given retroactive effect and be deemed applicable to any easement theretofore vested in the plaintiffs it was void in contravention of a vested right and an impairment of a contract right as prohibited by sections 13 and 16 of article I of the state Constitution.

[13] The rule has always been that although the public use ceases on the vacation of a public street, rights acquired by grant or otherwise by an abutting owner to a private easement in such streets are not affected. (See Danielson v. Sykes, [48 Cal.2d 637] supra, 157 Cal. 686; Leverone v. Weakley, 155 Cal. 395 [101 P.304]; Severo v. Pacheco, 75 Cal.App.2d 30 [170 P.2d 40]; Cohn v. San Pedro etc. R. R. Co., 103 Cal.App. 496, 501 [284 P. 1051]; 39 C.J.S., p. 1064, 150 A.L.R. 652.) No relinquishment of the private easements in these streets by the plaintiffs or their grantor was shown, and the private rights of these parties therefore continued. Section 812 obviously is not designed nor could it be applied to divest the plaintiffs of their fee title to one-half of vacated Bard Street or to one-half of vacated Oak Street. The easements enjoyed by the plaintiffs in the one-half of these vacated streets owned by the defendant are not only necessary to their use of their property, and so come within the exception stated in section 812, they are also private easements appurtenant to their property of which they could not be divested except by purchase or agreement or by compensation from the sovereign. The trial court properly refused to hold that the noncompliance by the plaintiffs with the recording provisions of section 812 divested them of their rights in these vacated streets and the section is not applicable to them under the circumstances here shown.

The appeal from the judgment of April 20, 1955, is dismissed. The judgment of June 10, 1955, is affirmed.

Gibson, C.J., Carter, J., Traynor, J., Schauer, J., Spence, J., and McComb, J., concurred.

FN *. During the progress of this action the defendant Daniel L. Ernst died and an administrator with the will annexed was substituted as defendant- appellant. The decedent will be referred to as the defendant.

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Neff v. Ernst , 48 Cal.2d 628

[L. A. No. 23988. In Bank. May 31, 1957.]

DENNIS S. NEFF et al., Respondents, v. CLEMENT L. ERNST, as Administrator, etc., Appellant.

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Caryl Warner for Appellant.

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OPINION

SHENK, J.

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The common predecessor in title of the property involved in this action was the California Bank which acquired title in 1932 from Benjamin Hiss, the original subdivider. In 1938 the bank conveyed a portion of this property to the plaintiffs by a deed referring to a recorded subdivision map. This map showed that this parcel was bounded by public streets designated thereon as Pier Avenue (to the south), Bard Street (to the west), Oak Street (to the north), and Railroad Street (now Valley Drive) to the east; that Bard and Oak Streets terminated at their common intersection; and that a public alley bisected this parcel in an east-west direction between Bard and Railroad Streets. The surrounding property to the west and the north was then owned by the bank and is the property now owned by the defendant. fn. *

The deed to the plaintiffs stated that it was made "subject to ... matters of record." There was of record at that time the vacation in 1926 of the public easements in Oak Street, in the northerly portion of Bard Street, and in the alley above mentioned. A visual inspection at the time the plaintiffs acquired this property indicated that the whole of Bard Street was a continuous public street; that it had a hard dirt surface which had been oiled from time to time, and that it [48 Cal.2d 632] was being used for purposes of ingress and egress to this property and to the building located thereon. This building had been erected by Hiss in 1927, after the vacation of these streets. It had three garage doors which opened out over vacated Bard Street and a loading dock in the rear which abutted on vacated Oak Street, and it spanned the westerly portion of the alley. The plaintiffs' deed specifically conveyed to them the title to the "vacated alley" but made no reference to the vacated streets. After they acquired this property it

was necessary for them to use both of these vacated streets, but principally Bard Street, for access to their property and these streets have been continuously so used by them, their friends, licensees and invitees.

In 1943 the defendant acquired title to the remaining Hiss property by a deed which specifically conveyed to him the fee title to "vacated Oak Street" and "vacated Bard Street." In June, 1953, he commenced the construction of a permanent building and a six foot wall along the westerly line of the plaintiffs' real property which interfered with their access to the garages on vacated Bard Street and to the loading dock on vacated Oak Street. Their objections to this construction proved futile and they commenced this action, seeking preliminary and permanent injunctions, damages and other relief. Their application for a temporary injunction was denied and the defendant continued with the construction pending the outcome of this suit.

The deeds by which the parties acquired title were in evidence at the trial. There was substantial evidence that the construction commenced by the defendant interfered with the plaintiffs' use of vacated Bard and vacated Oak Streets for purposes of access to their property, and also that it had resulted in an impairment of the normal flow of surface waters from the northwesterly corner of their land. Judgment was entered permanently enjoining interference by the defendant with these easements and awarding $650 damages for the temporary loss of use by the plaintiffs of their garages.

On the motion for new trial there was raised for the first time the question whether under the language of the plaintiffs' deed the fee title to the center of the vacated streets had been conveyed to them in addition to the easements claimed at the trial. On May 31 the court took the motion under submission, including the determination whether, pursuant to the provisions of section 662 of the Code of Civil Procedure, the pleadings, findings and judgment could be amended without [48 Cal.2d 633] reopening the proceedings to adjudicate the issue of fee title. On June 5 the defendant filed a notice of appeal from the judgment. On June 10 the court ordered the plaintiffs to amend their pleadings to conform to the proof. The court revised its findings and conclusions of law, entered a modified judgment adjudicating the issue of fee title in favor of the plaintiffs, and directed the clerk not to perform any further function in perfecting the prior appeal. The defendant appealed from this modified judgment.

The question is: which appeal is properly before this court. Obviously it is one or the other and cannot be both. Section 662 provides: "In ruling on ... [a motion for new trial] in a cause tried without a jury, the court may, on such terms as may be just, change or add to the findings, modify the judgment, in whole or in part, vacate the judgment, in whole or in part, and grant a new trial on all or part of the issues, or, in lieu of granting a new trial, may vacate and set aside the findings and judgment and reopen the case for further proceedings and the introduction of additional evidence with the same effect as if the case had been reopened after the submission thereof and before findings had been filed or judgment rendered. Any judgment thereafter entered shall be subject to the provisions of section 657 and 659 of this code [referring to motion for new trial]."

It is the position of the defendant that after he filed his notice of appeal from the original judgment the trial court was divested of jurisdiction to later modify its judgment, even though the modification came about as a part of the proceedings in ruling on a motion for new trial. In this he is supported by the rule stated in Wagner v. Shapona (1954), 123 Cal.App.2d 451, 464 [267 P.2d 378]. An opposite result was reached in Rutledge v. Rutledge (1953), 119 Cal.App.2d 112, 113 [259 P.2d 78], upon which the trial court relied in directing the clerk to disregard the prior appeal. This question has not heretofore been determined by this court and, as appears by the Wagner and Rutledge cases, a conflict appears in the decisions of the District Courts of Appeal.

Prior to 1929, when section 662 was enacted, the trial court had no power to make substantial modifications in its findings or in its judgment after judgment was entered. This section grants new and specific powers to that court in the new trial proceedings. [1] A duly perfected appeal usually divests the trial court of further jurisdiction in the cause and of the power to act other than with respect to specified excepted or [48 Cal.2d 634] collateral matters. (Sacks v. Superior Court, 31 Cal.2d 537, 540 [190 P.2d 602].) [2] A motion for new trial is recognized to be a matter collateral to the judgment and the trial court retains jurisdiction to hear and determine a motion for new trial

after an appeal has been taken from the judgment. (City of Vallejo v. Superior Court, 199 Cal. 408 [249 P. 1084, 48 A.L.R. 610]; Estate of Waters, 181 Cal. 584, 585, 588 [185 P. 951].) It is not inconsistent nor improper to file both a notice of appeal and a motion for a new trial. The time limit prescribed by law for each of these motions is jurisdictional. (Code Civ. Proc. § 936; rules 2, 3, Rules on Appeal.) [3] If the motion for new trial be granted the judgment is vacated and the appeal therefrom becomes ineffective. (Lantz v. Vai, 199 Cal. 190 [248 P. 665].) An appeal may of course be taken from the order granting a new trial (Code Civ. Proc. § 963, subd. 2). [4] When the court denies a motion for new trial and, as authorized by section 662 of the Code of Civil Procedure, enters a substantially modified judgment, that judgment becomes the final judgment of that court and the appeal from the prior judgment becomes ineffective. The conclusion reached in Rutledge v. Rutledge, supra, 119 Cal.App.2d 112, 113, appears to be in accordance with the intended purpose of section 662 and is approved. Anything to the contrary in Wagner v. Shapona, supra, 123 Cal.App.2d 451, 464, is disapproved. The appeal from the judgment of April 20, 1955, is therefore nonoperative. The appeal from the judgment of June 10, 1955, entered pursuant to the court's powers under section 662 in ruling on the motion for new trial, is properly before us.

[5] The defendant urges that the judgment embraces an issue upon which there was neither pleading nor proof at the trial, and that under principles of due process he is entitled to a jury trial on the issue of fee simple title and on various affirmative defenses including estoppel, mutual boundary agreement and adverse possession. A review of the record indicates that the original pleadings raise the general issue that the defendant was interfering or threatening to interfere with the plaintiffs' "property rights, easements and rights of way described in paragraph IV" of the complaint. While paragraph IV refers specifically to the rights of the parties in vacated Bard Street, there was evidence before the court upon which it could adjudicate the rights of the parties in vacated Oak Street. There was also evidence upon which findings adverse to the defendant could be made on the affirmative [48 Cal.2d 635] defenses of estoppel, mutual boundary agreement and adverse possession asserted on this appeal. It does not appear that the proceedings should be reopened for the taking of further evidence on these issues.

The plaintiffs' deed was in evidence and the determination whether by its terms a fee simple title or an easement was conveyed to the plaintiffs was properly before the court.

[6] The transfer of land, bounded by a highway, passes the title of the person whose estate is transferred to the soil of the highway in front to the center thereof, unless a different intent appears from the grant. (Civ. Code, § 1112; Moody v. Palmer, 50 Cal. 31.) In case of doubt, the deed must be construed in favor of the grantee. (Civ. Code, § 1069.) [7] It is the general rule that it will be presumed that where property is sold by reference to a recorded map the grantee takes to the center of the street or streets shown on the map as bounding the property, even though the streets shown therein appear to have been vacated or abandoned or the deed itself refers to the streets as having been vacated or abandoned. The presumption continues to apply in the absence of a clear expression in the deed not to convey title to the center line. (Anderson v. Citizens Sav. etc. Co., 185 Cal. 386 [197 P. 113], Pinsky v. Sloat, 130 Cal.App.2d 579 [279 P.2d 584].) [8] Here the reference in the deed to "matters of record" is sufficient to give constructive notice of the vacation of the public easements in the streets shown on the map. However, it is not sufficient, of itself, to indicate that the grantor intended to convey title only to the side and not to the center line of those streets.

[9] An ambiguity may be said to appear on the face of the deed as to the intention of the grantor by reason of the express conveyance of title to the vacated alley, and the failure to expressly convey title to the vacated streets. Evidence of the circumstances under which the agreement was made could be considered by the court in determining this ambiguity and parol evidence was admissible for that purpose. [10] There was evidence as to the appearance of Bard as a public street and as to the use made of both Bard and Oak Streets for access to the plaintiffs' property. This evidence would support the determination that the presumption should apply that the grantor intended to convey title to the center of the street, and that the grantor and those claiming through him should be estopped to claim otherwise.

[11] In determining the intent of the parties, consideration [48 Cal.2d 636] may be given not only to actual uses being made at the time of the grant, but also to such uses as the facts and circumstances show were within the reasonable contemplation of the parties at the time of the conveyance. (Fristoe v. Drapeau, 35 Cal.2d 5, 10 [215 P.2d 729].) [12] It was reasonable to conclude that the grantor intended that the fee title should pass to the center of the street and as appurtenant thereto that there should pass to the plaintiffs easements in these streets for use as private ways. (Danielson v. Sykes, 157 Cal. 686 [109 P. 87, 28 L.R.A. N.S. 1024]; Prescott v. Edwards, 117 Cal. 298 [49 P. 178, 59 Am.St.Rep. 186]; Day v. Robison, 131 Cal.App.2d 622, 624 [281 P.2d 13].)

The amendments ordered and made by the court were therefore within the general issues framed by the pleadings and the proof, and the adjudication of fee title was properly made without reopening the proceedings for further evidence.

One further question remains to be considered. That is the applicability of section 812 of the Civil Code. This section, enacted in 1949, provides: "The vacation or abandonment, pursuant to law, of streets ... shall extinguish all private easements therein claimed by reason of the purchase of any lot by reference to a map or plat upon which such streets ... are shown, other than a private easement necessary for the purpose of ingress and egress to any such lot from or to a public street ... except as to any person claiming such easement who, within two years from the effective date of such vacation or abandonment or within two years from the date of the enactment of this section, whichever is later, shall have recorded in the office of the recorder of the county ... a verified notice of his claim to such easement. ..." It is not disputed that the plaintiffs did not file a verified claim to a private easement in either vacated Bard Street or vacated Oak Street. The court concluded, insofar as the plaintiffs' easement in vacated Bard Street was concerned, that it came within the exception stated in section 812 but also concluded that if the section were given retroactive effect and be deemed applicable to any easement theretofore vested in the plaintiffs it was void in contravention of a vested right and an impairment of a contract right as prohibited by sections 13 and 16 of article I of the state Constitution.

[13] The rule has always been that although the public use ceases on the vacation of a public street, rights acquired by grant or otherwise by an abutting owner to a private easement in such streets are not affected. (See Danielson v. Sykes, [48 Cal.2d 637] supra, 157 Cal. 686; Leverone v. Weakley, 155 Cal. 395 [101 P.304]; Severo v. Pacheco, 75 Cal.App.2d 30 [170 P.2d 40]; Cohn v. San Pedro etc. R. R. Co., 103 Cal.App. 496, 501 [284 P. 1051]; 39 C.J.S., p. 1064; 150 A.L.R. 652.) No relinquishment of the private easements in these streets by the plaintiffs or their grantor was shown, and the private rights of these parties therefore continued. Section 812 obviously is not designed nor could it be applied to divest the plaintiffs of their fee title to one-half of vacated Bard Street or to one-half of vacated Oak Street. The easements enjoyed by the plaintiffs in the one-half of these vacated streets owned by the defendant are not only necessary to their use of their property, and so come within the exception stated in section 812, they are also private easements appurtenant to their property of which they could not be divested except by purchase or agreement or by compensation from the sovereign. The trial court properly refused to hold that the noncompliance by the plaintiffs with the recording provisions of section 812 divested them of their rights in these vacated streets and the section is not applicable to them under the circumstances here shown.

The appeal from the judgment of April 20, 1955, is dismissed. The judgment of June 10, 1955, is affirmed.

Gibson, C.J., Carter, J., Traynor, J., Schauer, J., Spence, J., and McComb, J., concurred.

FN *. During the progress of this action the defendant Daniel L. Ernst died and an administrator with the will annexed was substituted as defendant-appellant. The decedent will be referred to as the defendant.

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STREETS AND HIGHWAYS CODE
SECTION 8300-8309

8300. This part may be cited as the Public Streets, Highways, and Service Easements Vacation Law.

8301. Unless the provision or context otherwise requires, the definitions in this chapter shall govern the construction of this part.

8302. "Adoption" of a resolution includes passage or enactment of a resolution.

8303. "Clerk" includes a person or officer who is the clerk of a legislative body.

8304. "Legislative body" means:
(a) In the case of a county or city and county, the board of supervisors.
(b) In the case of a city, the city council or other body which, by law, is the legislative body of the government of the city.
(c) In the case of the California Transportation Commission, the commission.

8305. "Local agency" means a county, city, or city and county.

8305.5. "Public entity" means a local agency or the California Transportation Commission.

8306. "Public service easement" includes all or part of, or any right in:
(a) A right-of-way, easement, or use restriction acquired for public use by dedication or otherwise for sewers, pipelines, polelines, electrical transmission and communication lines, pathways, storm drains, drainage, canal, water transmission lines, light and air, and other limited use public easements other than for street or highway purposes.
(b) An easement or right of a type described in Section 8340.

6

8306.5. "Public utility" means a public utility as defined in

Section 216 of the Public Utilities Code.

8307. "Resolution" includes an ordinance.

8308. "Street" and "highway" include all or part of, or any right in, a state highway or other public highway, road, street, avenue, alley, lane, driveway, place, court, trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway.

8309. "Vacation" means the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement.

STREETS AND HIGHWAYS CODE
SECTION 8320-8325

8320. (a) The legislative body of a local agency may initiate a proceeding under this chapter in either of the following ways:

(1) On its own initiative, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(2) Upon a petition or request of an interested person, at the discretion of the legislative body, except as provided in subdivision (e) of Section 8321, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(b) The notices required by this chapter shall contain both of the following:

(1) A description of the street, highway, or public service easement proposed to be vacated and a reference to a map or plan, that shows the portion or area to be vacated and includes a statement that the vacation proceeding is conducted under this chapter. In the case of a street or highway, the description shall include its general location, its lawful or official name or the name by which it is commonly known, and the extent to which it is to be vacated. In the case of a public service easement, the description shall identify it with common certainty. The map or plan showing the location of the street, highway, or public easement proposed to be vacated is sufficient compliance with this paragraph.

(2) The date, hour, and place for hearing all persons interested in the proposed vacation. The date shall not be less than 15 days after the initiation of proceedings.

8321. (a) Ten or more freeholders may petition the board of supervisors to vacate a street or highway under this chapter. At least two of the petitioners shall be residents of the road district in which some part of the street or highway proposed to be vacated is situated and shall be taxable therein for street or highway purposes.

(b) Five or more freeholders may petition the board of supervisors to vacate a public service easement under this chapter. At least one of the petitioners shall be a resident of the township in which the public service easement proposed to be vacated is situated.

(c) The residence address of each petitioner shall be set forth in the petition.

(d) The board of supervisors may require the payment of a fee for filing a petition to defray the expenses of investigations, mailings, publications, and postings under this chapter.

(e) Upon the filing of a petition and the making of the deposit, if any, required under this section, the board of supervisors, by order, shall fix the date, hour, and place of the hearing on the petition. At least two weeks before the day set for the hearing, the clerk of the board shall mail a notice of the date, hour, and place of the hearing to each of the petitioners at the address set forth in the petition.

(f) Nothing in this section shall affect the right of a legislative body to initiate a proceeding under this chapter upon its own initiative, or upon petition or request of an interested person, or prevent the board of supervisors from vacating a street, highway, or public service easement without charging costs if the board determines it is in the public interest to do so.

8322. (a) Except as provided in subdivisions (b) and (c), notice of the hearing on the proposed vacation shall be published for at least two successive weeks prior to the hearing in a daily, semiweekly, or weekly newspaper published and circulated in the local agency conducting the proceeding and which is selected by the legislative body for that purpose or by the clerk or other officer responsible for the publication where the legislative body has not selected any newspaper for that purpose.

(b) If the proceeding is conducted by a city and there is no daily, semiweekly, or weekly newspaper published and circulated in the city, the notice shall be published in some newspaper published in the county in which the city is located.

(c) Notice need not be published under this section where there is no daily, semiweekly, or weekly newspaper published and circulating in the county in which the local agency conducting the proceeding is located.

8323. At least two weeks before the day set for the hearing, the legislative body shall post conspicuously notices of vacation along the line of the street, highway, or public service easement proposed to be vacated. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted. If the line of the street, highway, or public service easement proposed to be vacated exceeds one mile in length, the legislative body may, in lieu of posting not more than 300 feet apart, post notices at each intersection of another street or highway with the street, highway, or public service easement to be vacated and at one point approximately midway between each intersection, but at least three notices shall be posted.

8324. (a) At the hearing, the legislative body shall hear the evidence offered by persons interested.

(b) If the legislative body finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement. The resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied.

8325. (a) The clerk shall cause a certified copy of the resolution of vacation, attested by the clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the office of the recorder of the county in which the property is

STREETS AND HIGHWAYS CODE
SECTION 8350-8353

8350. Except as provided in Chapter 5 (commencing with Section 8340), the vacation of a street, highway, or public service easement extinguishes all public easements therein.

8351. Except as otherwise provided in Chapter 5 (commencing with Section 8340) or in this chapter, upon the vacation of a street, highway, or public service easement:

(a) If the public entity owns only an easement for the street, highway, or public service purpose, title to the property previously subject to the easement is thereafter free from the easement for use for street, highway, or public service purposes, but not from any easement for vehicular or nonvehicular trail use that the public entity has previously granted to any other state or local public agency. If the easement is abandoned by resolution of the state or local public agency that was granted an easement for vehicular or nonvehicular trail use, the title to the property previously subject to the vehicular or nonvehicular easement is thereafter clear of the easement.

(b) If the public entity owns the title, the legislative body may dispose of the property as provided in this chapter.

8352. (a) Except as provided in Section 8353, vacation of a street, highway, or public service easement pursuant to this part does not affect a private easement or other right of a person (including, but not limited to, a public utility, the state, a public corporation, or a political subdivision, other than the local agency adopting the resolution of vacation) in, to, or over the lands subject to the street, highway, or public service easement, regardless of the manner in which the private easement or other right was acquired.

(b) A private easement or other right described in subdivision (a) is subject to extinguishment under the laws governing abandonment, adverse possession, waiver, and estoppel.

8353. (a) Except as provided in subdivision (b), the vacation of a street or highway extinguishes all private easements therein claimed by reason of the purchase of a lot by reference to a map or plat upon which the street or highway is shown, other than a private easement of ingress and egress to the lot from or to the street or highway.

(b) A private easement claimed by reason of the purchase of a lot by reference to a map or plat upon which the street or highway is shown is not extinguished pursuant to subdivision (a) if, within two years after the date the vacation is complete, the claimant records a verified notice that particularly describes the private easement that is claimed in the office of the recorder of the county in which the vacated street or highway is located.

(c) Nothing in this section shall be construed to create a private easement, nor to extend a private easement now recognized by law,

nor to make the rights of the public in or to a street or highway subordinate to a private easement. Nothing in this section affects the right of the owner of property that was subject to the vacated street or highway to commence an action to quiet title as against any claim of a private easement of any type, whether before or after recordation of a verified notice pursuant to this section.


HOLLYWOOD
CRESCENT HEIGHTS

FAULT
HOLLYWOOD
WEST HOLLYWOOD

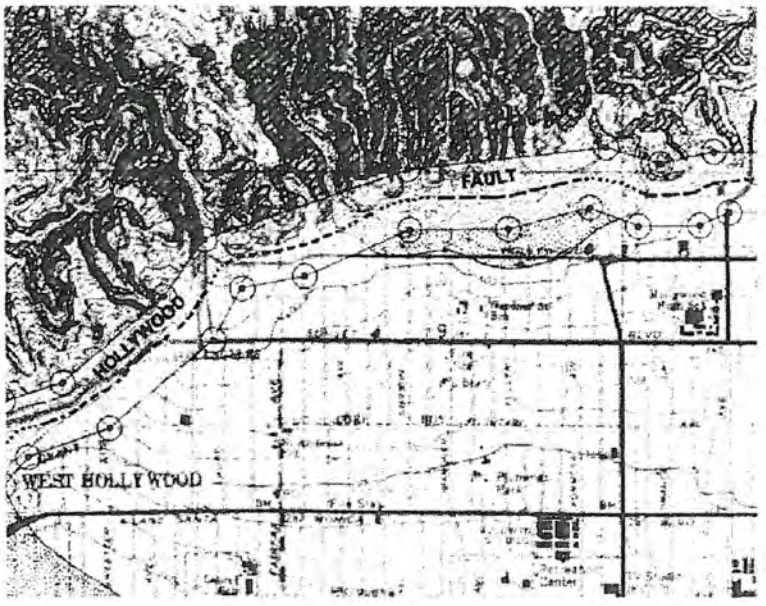
AVE
HOLLYWOOD

4 Foods to never eat :
Cut down a bit of your belly every day by never eating these 4 foods. Best Just Nutrition
Never eat

1 Rule of a flat stomach :
Cut down a bit of stomach fat every day by using this 1 weird old tip.
Tip

State Map Shows Sunset Boulevard Projects Along Active Earthquake Fault

Wed, Jan 08, 2014 By Stevie St. John 3 Comments



Maps released today by the California Geologic Survey show an active earthquake fault running along Sunset Boulevard in West Hollywood from North La Cienega Boulevard on the west to Sunset's intersection with Havenhurst and North Kilkea drives on the east. The fault moves north of Hollywood Boulevard after its intersection with La Cienega.



Sunset La Cienega project design

The earthquake fault zone identified by the map lies beneath or near several major projects approved or under construction in Hollywood and West Hollywood. The fault zone covers about 500 feet around the fault line. Developers in established fault zones must do studies to ensure they don't build directly on a fault. Since the new map is preliminary, and won't be officially adopted until around early July, the City of West Hollywood doesn't have to require these studies.

In West Hollywood, the biggest project potentially affected by the fault is the Sunset LaCienega, formerly known as the Sunset Millenium project, on which construction is underway.

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The project was approved by the City Council in 1999 but lay fallow because of problems the original owner of the property, Sunset Millennium Associates, had in funding it. In 2011, Sunset Millennium sold the land to CIM Group, which also owns the Lot movie studio on Formosa Avenue and the Hancock Lofts at 901 Santa Monica Blvd. at Hancock.

It spans three pieces of land – the southeast corner of Sunset and La Cienega, the southwest corner of Sunset and La Cienega and the southwest corner of Sunset and Alta Loma. The Sunset / Alta Loma corner project has been completed and consists of 100,000 square feet of retail space and a 10-story office building. CIM plans to build two 10-story towers with 296 hotel rooms and 15,000 square feet of retail space on the southeast corner of Sunset and La Cienega. The middle parcel will have two eight-story towers with 190 residential units and 55,000 square feet of retail space.

Another major project in the at-risk area is one at 8150 Sunset Blvd. at Crescent Heights, on the fringe of West Hollywood. It is being developed by Townscape Partners, developers of the controversial 8899 Beverly project in West Hollywood. Townscape plans one nine-story and one 16-story building with a total of 249 apartment units along with 111,000 square feet of commercial space to house restaurants, a grocery store, retail shops, a fitness center and a bank.

Residents of adjacent West Hollywood neighborhoods objected to the project at a public meeting in September, with some raising questions about its location near the 10-mile earthquake fault. California law bans building directly on top of active earthquake faults capable of rupturing the surface, but until today state geologists hadn't mapped the Hollywood fault, leaving officials to rely on older, less-detailed maps.

The map issued today shows the fault stretching beyond West Hollywood, stoping abruptly just before La Cienega on the west and just before San Fernando Road on the east. The La Cienega boundary indicates not the end of the fault area but merely the end of the mapped area. The area to the west of the newly mapped zone—i.e., the map that would show where the fault is to the west of La Cienega—is the next one the California Geologic Survey wants to map.

Whether CGS proceeds or not depends on funding, Tim McCrick of the California Geologic Survey explained. He hopes that the governor's budget will allocate enough general fund money for a person to work on that map this year. *(UPDATE 1/10: Jerry Brown wants more funding to go toward mapping, the L.A. Times has reported; the governor's proposed budget includes about $1.5 million in new funding for for the next fiscal year.)*

"It's been pretty tough economic times for a lot of us. We're doing what we can with what we've got," McCrick said.

Since the map is preliminary, its implications for Sunset Strip developments isn't clear. Its release sets into motion a 90-day review process, during which members of the public (and particularly those with expertise on earthquakes) can submit feedback. The review process will be followed by a 90-day revision process. Finally, the process will culminate with the release of an official area map in about six months (circa July 8).

Only after the map is finalized will cities be compelled to require developers within the zone to do seismic studies. However, the cities in question —including West Hollywood—could mandate these studies right away.

"That seems like the prudent thing to do," McCrick said.

He noted that the purpose of fault line mapping is avoiding or mitigating earthquake dangers. Within a fault zone, that can mean developing building codes that address the risk of shaking. But if a proposed development is right on the fault line, it means not building at all. If an earthquake tears apart the ground beneath a structure, McCrick said, it might collapse and endanger the lives of those inside.

"It's very much a life safety issue," he said.

John Keho, West Hollywood's assistant community development director, declined to comment on whether West Hollywood would take any specific action as a result of the map. He said that the city contracts with a geologist, who needs time to review the information.

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About Stevie St. John
Stevie St. John, a freelance writer and publicist, is the editor of www.SpectrumLosAngeles.com.

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WeHo Seeking Changes in 8150 Sunset Blvd. Project



LA Councilmember David Ryu Raises Questions about 8150 Sunset Project



WeHo Launches Seismic Retrofit Initiative to Prepare for an Earthquake



Group Organized to Lobby for Integrated Affordable Housing in WeHo

3 Comments

Larry Block Thu, Jan 09, 2014 at 9:36 am

A disaster waiting to happen. its not a question or if but when a large earthquake occurs.. all these development.. if the world trade center can burn down and collagse we can have a few of those also in a large earthquake..... imagine trying to get emergency vehicles in or out .. or have an evacuation with all the cars backed up on the streets.. thanks for the article. I hope the public can speak up against building at the expense of public safety and our quality of life. There is so much building going on the city had to create a new position in planning to handle all this construction .. so we have a bulging bureaucracy... in a city built out.. so they can only go up up up... years ago we had a moratorium on issuing construction permits.. maybe its time to do the same and slow down the building so we can absorb the results of what is already in process

luca d Mon, Jan 20, 2014 at 4:04 pm

you are so right larry, tear it all down and we can start with your underpants emporium.
enough already.
I get the point about overbuilding west hollywood. I agree. and yes, you want to be a councilmember. but to piggyback on this state report and play chicken little, is a bore. if and when the big one comes, we all better be prepared to go it alone and thus, all the encouragement about preparedness.
larry, how about using your underpants store to sell earthquake preparedness kits, promoting awareness.
a basic kit would have seven days of boy panties, in rainbow colors and a bottle of water.
I can hear your poem now about bulging bureaucracy,
or panties, or something like that.
good luck with the fear mongering.



John Mackey Tue, Mar 25, 2014 at 12:49 pm

The Creative City Should Build Parks On Roofs. I promoted that notion in 1984 & I'm still for it. Sunset Blvd is up on rock foundations, as opposed to Beverly, which trails through a Swamp (La Cienega means: The Swamp). All that below Melrose will simply subside, while the Towers on Sunset will merely sway.

Leave a Comment

Enter your comment here...

ORDINANCE NO. 179681

An ordinance amending Sections 12.22, 12.24, 14.00 and 19.01 of the Los Angeles Municipal Code to implement a Density Bonus program, as required by State law.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Subdivision 25 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

25. Affordable Housing Incentives – Density Bonus

(a) **Purpose.** The purpose of this subdivision is to establish procedures for implementing State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, and to increase the production of affordable housing, consistent with City policies.

(b) **Definitions.** Notwithstanding any provision of this Code to the contrary, the following definitions shall apply to this subdivision:

Affordable Housing Incentives Guidelines – the guidelines approved by the City Planning Commission under which Housing Development Projects for which a Density Bonus has been requested are evaluated for compliance with the requirements of this subdivision.

Area Median Income (AMI) – the median income in Los Angeles County as determined annually by the California Department of Housing and Community Development (HCD) or any successor agency, adjusted for household size.

Density Bonus – a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and/or specific plan granted pursuant to this subdivision.

Density Bonus Procedures – procedures to implement the City's Density Bonus program developed by the Departments of Building and Safety, City Planning and Housing.

Disabled Person – a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of an impairment or, anyone who has a record of having that type of an impairment.

Floor Area Ratio – The multiplier applied to the total buildable area of the lot to determine the total floor area of all buildings on a lot.

Housing Development Project – the construction of five or more new residential dwelling units, the addition of five or more residential dwelling units to an existing building or buildings, the remodeling of a building or buildings containing five or more residential dwelling units, or a mixed use development in which the residential floor area occupies at least fifty percent of the total floor area of the building or buildings. For the purpose of establishing the minimum number of five dwelling units, Restricted Affordable Units shall be included and density bonus units shall be excluded.

Incentive – a modification to a City development standard or requirement of Chapter I of this Code (zoning).

Income, Very Low, Low or Moderate – annual income of a household that does not exceed the amounts designated for each income category as determined by HCD or any successor agency.

Residential Hotel – Any building containing six or more Guest Rooms or Efficiency Dwelling Units, which are intended or designed to be used, or are used, rented, or hired out to be occupied, or are occupied for sleeping purposes by guests, so long as the Guest Rooms or Efficiency Dwelling Units are also the primary residence of those guests, but not including any building containing six or more Guest Rooms or Efficiency Dwelling Units, which is primarily used by transient guests who do not occupy that building as their primary residence.

Residential Unit – a dwelling unit or joint living and work quarters; a mobilehome, as defined in California Health and Safety Code Section 18008; a mobile home lot in a mobilehome park, as defined in California Health and Safety Code Section 18214; or a Guest Room or Efficiency Dwelling Unit in a Residential Hotel.

Restricted Affordable Unit – a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Very Low, Low or Moderate Income households, as determined by the Los Angeles Housing Department.

Senior Citizens – individuals who are at least 62 years of age, except that for projects of at least 35 units that are subject to this subdivision, a threshold of 55 years of age may be used, provided all applicable City, state and federal regulations are met.

Senior Citizen Housing Development – a Housing Development Project for senior citizens that has at least 35 units.

Specific Adverse Impact – a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Transit Stop/Major Employment Center – Any one of the following:

(1) A station stop for a fixed transit guideway or a fixed rail system that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency; or

(2) A Metro Rapid Bus stop located along a Metro Rapid Bus route or, for a Housing Development Project consisting entirely of Restricted Affordable Units, any bus stop located along a Metro Rapid Bus route; or

(3) The boundaries of the following three major economic activity areas, identified in the General Plan Framework Element: Downtown, LAX and the Port of Los Angeles; or

(4) The boundaries of a college or university campus with an enrollment exceeding 10,000 students.

(c) **Density Bonus.** Notwithstanding any provision of this Code to the contrary, the following provisions shall apply to the grant of a Density Bonus for a Housing Development Project:

(1) **For Sale or Rental Housing with Low or Very Low Income Restricted Affordable Units.** A Housing Development Project that includes 10% of the total units of the project for Low Income households or 5% of the total units of the project for Very Low Income households, either in rental units or for sale units, shall be granted a minimum Density Bonus of 20%, which may be applied to any part of the Housing Development Project. The bonus may be increased according to the percentage of affordable housing units provided, as follows, but shall not exceed 35%:

Percentage Low Income Units	Percentage Density Bonus
10	20

11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(2) **For Sale or Rental Senior Citizen Housing (Market Rate).** A Senior Citizen Housing Development or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Sections 798.76 or 799.5 shall be granted a minimum Density Bonus of 20%.

(3) **For Sale or Rental Senior Citizen Housing with Low or Very Low Income Restricted Affordable Units.** A Senior Citizen Housing Development or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Sections 798.76 or 799.5 and includes at least 10% of the total units for Low Income households or 5% of the total units for Very Low Income households shall be granted an additional Density Bonus of 15% more than that permitted in Subparagraph (2) of this paragraph, to a maximum of 35%.

(4) **For Sale Housing with Moderate Income Restricted Affordable Units.** A for sale Housing Development Project that includes at least 10% of its units for Moderate Income households shall be granted a minimum Density Bonus of 15%. The bonus may be increased according to the percentage of affordable housing units provided, as follows, but shall not exceed 35%:

Percentage Moderate Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(5) **Land Donation.** An applicant for a subdivision, parcel map or other residential development approval that donates land for housing to the City of Los Angeles satisfying the criteria of California Government Code Section 65915(h)(2), as verified by the Department of City Planning, shall be granted a minimum Density Bonus of 15%.

(6) **Child Care.** A Housing Development Project that conforms to the requirements of Subparagraphs (1), (2), (3), (4) or (5) of this paragraph and includes a child care facility located on the premises of, as part of, or adjacent to, the project, shall be granted either of the following:

(i) an additional Density Bonus that is, for purposes of calculating residential density, an increase in the floor area of the project equal to the floor area of the child care facility included in the project.

(ii) An additional Incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(7) **Fractional Units.** In calculating Density Bonus and Restricted Affordable units, any number resulting in a fraction shall be rounded up to the next whole number.

(8) **Other Discretionary Approval.** Approval of Density Bonus units shall not, in and of itself, trigger other discretionary approvals required by the Code.

(9) **Other Affordable Housing Subsidies.** Approval of Density Bonus units does not, in and of itself, preclude projects from receipt of other government subsidies for affordable housing.

(10) **Additional Option for Restricted Affordable Units located near Transit Stop/Major Employment Center.**

In lieu of providing the requisite number of Restricted Affordable Units in a Housing Development Project located in or within 1,500 feet of a Transit Stop/Major Employment Center that would otherwise be required under this subdivision, an applicant may opt to provide a greater number of smaller units, provided that:

(i) the total number of units in the Housing Development Project including Density Bonus units does not exceed the maximum permitted by this subdivision;

(ii) the square footage of the aggregate smaller Restricted Affordable units is equal to or greater than the square footage of the aggregate Restricted Affordable Units that would otherwise be required under this subdivision;

(iii) the smaller Restricted Affordable units are distributed throughout the building and have proportionally the same number of bedrooms as the market rate units; and

(iv) the smaller Restricted Affordable Units meet the minimum unit size requirements established by the Low Income Housing Tax Credit Program as administered by the California Tax Credit Allocation Committee (TCAC).

(11) **Common Interest Development with Low or Very Low Income restricted Affordable Units for Rent.**

In a common interest development as defined in California Government Code Section 1351, such as a condominium, Restricted Affordable Units may be for sale or for rent.

(12) **Condominium Conversion.**

A Housing Development Project that involves the conversion of apartments into condominiums and that includes 33 percent of its units restricted to households of Low or Moderate income or 15 percent of its units restricted to households of Very Low Income shall be granted a Density Bonus of 25 percent or up to three incentives as provided in Paragraph (e) of this subdivision.

(d) **Parking in a Housing Development Project.** Required parking spaces for a Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: applicable parking provisions of Section 12.21 A 4 of this Code, or Parking Option 1 or Parking Option 2, below. Required parking in a Housing Development Project that qualifies for a Density Bonus may be sold or rented separately from the dwelling units, so that buyers and tenants have the option of purchasing or renting a unit without a parking space. The separate sale or rental of a dwelling unit and a parking space shall not cause the rent or purchase price of a Restricted Affordable Unit (or the parking space) to be greater than it would otherwise have been.

(1) **Parking Option 1.** Required parking for all residential units in the Housing Development Project (not just the restricted units), inclusive of handicapped and guest parking, shall be reduced to the following requirements:

(i) For each Residential Unit of 0-1 bedroom: 1 on-site parking space.

(ii) For each Residential Unit of 2-3 bedrooms: 2 on-site parking spaces.

(iii) For each Residential Unit of 4 or more bedrooms: 2½ on-site parking spaces.

(2) **Parking Option 2.** Required parking for the Restricted Affordable Units only shall be reduced as set forth in Subparagraphs (i) and (ii) below. Required parking for all other non-restricted units in the Housing Development Project shall comply with applicable provisions of Section 12.21 of this Code.

(i) One parking space per Restricted Affordable Unit, except:

a. 0.5 parking space for each dwelling unit restricted to Low or Very Low Income Senior Citizens or Disabled Persons; and/or

b. 0.25 parking space for each Restricted Affordable Unit in a Residential Hotel.

(ii) Up to 40% of the required parking for the Restricted Affordable Units may be provided by compact stalls.

(e) **Incentives.**

(1) In addition to the Density Bonus and parking options identified in Paragraphs (c) and (d) of this subdivision, a Housing Development Project that qualifies for a Density Bonus shall be granted the number of Incentives set forth in the table below.

Number of Incentives	Required Percentage* of Units Restricted for Very Low Income Households		Required Percentage* of Units Restricted for Low Income Households		Required Percentage* of Units Restricted for Moderate Income Households (For Sale Only)
One Incentive	5%	or	10%	or	10%
Two Incentives	10%	or	20%	or	20%
Three Incentives	15%	or	30%	or	30%

* Excluding Density Bonus units.

(2) To be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse project) shall comply with the following:

(i) The facade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the facade is not a flat surface.

(ii) All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street-facing elevations.

(iii) The Housing Development Project shall not be a contributing structure in a designated Historic Preservation Overlay Zone and shall not be on the City of Los Angeles list of Historical-Cultural Monuments.

(iv) The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of this Code.

(f) **Menu of Incentives.** Housing Development Projects that meet the qualifications of Paragraph (e) of this subdivision may request one or more of the following Incentives, as applicable:

(1) **Yard/Setback.** Up to 20% decrease in the required width or depth of any individual yard or setback except along any property line that abuts an R1 or more restrictively zoned property provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(2) **Lot Coverage.** Up to 20% increase in lot coverage limits, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(3) **Lot Width.** Up to 20% decrease from a lot width requirement, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(4) **Floor Area Ratio.**

(i) A percentage increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35%; or

(ii) In lieu of the otherwise applicable Floor Area Ratio, a Floor Area Ratio not to exceed 3:1, provided the parcel is in a

commercial zone in Height District 1 (including 1VL, 1L and 1XL), and fronts on a Major Highway as identified in the City's General Plan, and

a. the Housing Development Project includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, and

b. 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center.

A Housing Development Project in which at least 80% of the units in a rental project are Restricted Affordable Units or in which 45% of the units in a for-sale project are Restricted Affordable Units shall be exempt from the requirement to front on a Major Highway.

(5) **Height.** A percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible. This percentage increase in height shall be applicable over the entire parcel regardless of the number of underlying height limits. For purposes of this subparagraph, Section 12.21.1 A 10 of this Code shall not apply.

(i) In any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units.

(a) No additional height shall be permitted for that portion of a building in a Housing Development Project that is located within fifteen feet of a lot classified in the R2 zone.

(b) For each foot of additional height the building shall be set back one horizontal foot.

(ii) No additional height shall be permitted for that portion of a building in a Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.

(iii) No additional height shall be permitted for any portion of a building in a Housing Development Project located on a lot sharing a common lot line with or across an alley from a lot classified in an R1 or more restrictive zone. This prohibition shall not apply if the lot on which the Housing Development Project is

located is within 1,500 feet of a Transit Stop but no additional height shall be permitted for that portion of a building in the Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.

(6) **Open Space.** Up to 20% decrease from an open space requirement, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(7) **Density Calculation.** The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the underlying zone in which the project is located.

(8) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A Housing Development Project that is located on two or more contiguous parcels may average the floor area, density, open space and parking over the project site, and permit vehicular access from a less restrictive zone to a more restrictive zone, provided that:

(i) the Housing Development Project includes 11% or more of the units as Restricted Affordable Units for Very Low Income households, 20% of the units for Low Income households, or 30% of the units for Moderate Income households; and

(ii) the proposed use is permitted by the underlying zone(s) of each parcel; and

(iii) no further lot line adjustment or any other action that may cause the Housing Development Project site to be subdivided subsequent to this grant shall be permitted.

(g) **Procedures.**

(1) **Density Bonus and Parking.** Housing Development Projects requesting a Density Bonus without any Incentives (which includes a Density Bonus with only parking requirements in accordance with Paragraphs (c) and (d) of this subdivision) shall be considered ministerial and follow the Affordable Housing Incentives Guidelines and the Density Bonus Procedures. No application for these projects need be filed with the City Planning Department.

(2) **Requests for Incentives on the Menu.**

(i) The applicant for Housing Development Projects that qualify for a Density Bonus and that request up to three Incentives on the Menu of Incentives in Paragraph (f) of this subdivision, and which require no other discretionary actions, the following procedures shall apply:

a. **Application.** The request shall be made on a form provided by the Department of City Planning, as set forth in Section 11.5.7 B 2(a) of this Code, accompanied by applicable fees.

b. **Director's Authority.** The Director shall have the initial decision-making authority to determine whether an application for Density Bonus is consistent with this subdivision and the Affordable Housing Incentives Guidelines.

c. **Action.** The Director shall approve a Density Bonus and requested Incentive(s) unless the Director finds that:

(i) The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units; or

(ii) The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low-, Low- and Moderate-Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

d. **Transmittal of Written Decision.** Within three business days of making a decision, the Director shall transmit a copy by First Class Mail to the applicant and to all owners of properties abutting, across the street or alley from,

or having a common corner with the subject property, and to the local Certified Neighborhood Council.

e. **Effective Date of Initial Decision.** The Director's decision shall become effective after an elapsed period of 15 calendar days from the date of the mailing of the written decision unless an appeal is filed to the City Planning Commission.

f. **Appeals.** An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may appeal the decision to the City Planning Commission pursuant to applicable procedures set forth in Section 11.5.7 C6 of this Code that are not in conflict with the provisions of this paragraph (g)(2)(i). The appeal shall include a filing fee pursuant to Section 19.01 B of this Code. Before acting on any appeal, the City Planning Commission shall set the matter for hearing, with written notice of the hearing sent by First Class Mail at least ten days prior to the meeting date to: the applicant; the owner(s) of the property involved; and interested parties who have requested notice in writing. The appeal shall be placed on the agenda for the first available meeting date of the City Planning Commission and acted upon within 60 days from the last day of the appeal period. The City Planning Commission may reverse or modify, in whole or in part, a decision of the Director. The City Planning Commission shall make the same findings required to be made by the Director, supported by facts in the record, and indicate why the Director erred making the determination. The appellate decision of the City Planning Commission shall be final and effective as provided in Charter Section 245.

(ii) For Housing Development Projects that qualify for a Density Bonus and for which the applicant requests up to three Incentives listed in Paragraph (f), above, and that require other discretionary actions, the applicable procedures set forth in Section 12.36 of this Code shall apply.

a. The decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Program Determination."

b. The decision-maker shall approve a Density Bonus and requested Incentive(s) unless the decision-maker,

based upon substantial evidence, makes either of the two findings set forth in Subparagraph (2)(i)(c), above.

(3) **Requests for Waiver or Modification of any Development Standard(s) Not on the Menu.**

(i) For Housing Development Projects that qualify for a Density Bonus and for which the applicant requests a waiver or modification of any development standard(s) that is not included on the Menu of Incentives in Paragraph (f), above, and that are not subject to other discretionary applications, the following shall apply:

a. The request shall be made on a form provided by the Department of City Planning, accompanied by applicable fees, and shall include a pro forma or other documentation to show that the waiver or modification of any development standard(s) are needed in order to make the Restricted Affordable Units economically feasible.

b. Notice and Hearing. The application shall follow the procedures for conditional uses set forth in Section 12.24 D of this Code. A public hearing shall be held by the City Planning Commission or its designee. The decision of the City Planning Commission shall be final.

c. The City Planning Commission shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the Commission, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)(c), above.

(ii) For Housing Development Projects requesting the waiver or modification of any development standard(s) not included on the Menu of Incentives in Paragraph (f) above, and which include other discretionary applications, the following shall apply:

a. The applicable procedures set forth in Section 12.36 of this Code shall apply.

b. The decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Program Determination."

c. The decision-maker shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the decision-maker, based upon

substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)(c), above.

(h) **Covenant.** Prior to issuance of a Building Permit, the following shall apply:

(1) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Senior Citizens, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction to Senior Citizens shall be observed for at least 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.

(2) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Low or Very Low Income households, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.

(3) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Moderate Income households for sale, a covenant acceptable to the Los Angeles Housing Department and consistent with the for sale requirements of California Government Code Section 65915(c)(2) shall be recorded with the Los Angeles County Recorder guaranteeing that the affordability criteria will be observed for at least ten years from the issuance of the Certificate of Occupancy.

(4) If the duration of affordability covenants provided for in this subdivision conflicts with the duration for any other government requirement, the longest duration shall control.

(5) Any covenant described in this paragraph must provide for a private right of enforcement by the City, any tenant, or owner of any building to which a covenant and agreement applies.

(i) **Fee Deferral.** At the option of the applicant, payment of fees may be deferred pursuant to Sections 19.01 O and 19.05 A 1 of this Code.

(j) **Applicability.** To the extent permitted under applicable State law, if a conflict arises between the terms of this subdivision and the terms of the City's Mello Act Settlement Agreement, Interim Administrative Procedures for

Complying with the Mello Act or any subsequent permanent Mello Ordinance, Procedures or Regulations (collectively "Mello Terms"), the Mello Terms preempt this subdivision.

Sec. 2. The title of Section 12.24 U 26 of the Los Angeles Municipal Code is amended to read:

26. **Density Bonus for a Housing Development Project in which the density increase is greater than the maximum permitted in Section 12.22 A 25.**

Sec. 3. Subparagraph (4) of Paragraph (a) of Subdivision 2 of Subsection V of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(4) that the developer has agreed, pursuant to Government Code Sections 65915-65918, to construct the development with the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, pursuant to Section 12.22 A 25 of this Code.

Sec. 4. The title of Subdivision 2 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended to read:

2. **Density increase for a Housing Development Project to provide for additional density in excess of that permitted in Section 12.22 A 25.**

Sec. 5. Subsection O of Section 19.01 of the Los Angeles Municipal Code is amended to read:

O. **DENSITY INCREASE/AFFORDABLE HOUSING INCENTIVES.**

Type of Application	**Filing Fee**
Application for a Density Bonus including a request for one or more Incentives included in the Menu of Incentives pursuant to Section 12.22 A 25(e).	$1,065.00*
Application for a Density Bonus pursuant to Section 12.22 A 25 including a request for an Incentive not included in the Menu of Incentives pursuant to Section 12.22 A 25(e).	$3,742.00*
Application for a density increase in excess of that permitted by Section 12.22 A 25 pursuant to Section 12.24 U 25 and Section 14.00 A 2.	$3,742.00*

Payment of the filing fee may be deferred until prior to the issuance of any Certificate of Occupancy, or until two years after the City's final decision granting or denying the application, whichever comes first. Moreover, the payment may be deferred only if a covenant and agreement is recorded with

the County Recorder, to the satisfaction of the Housing Department, which covenant and agreement preserves the affordability of the restricted units in the event that the application is granted. No Building Permit for the development project may be issued unless the developer presents evidence that the fee has been paid and all other requirements for its issuance have been met.

Sec. 6. Chapter I of the Los Angeles Municipal Code is amended by adding a new Section 19.14 to read:

SEC. 19.14. FEES FOR ENFORCEMENT OF HOUSING COVENANTS. The following fees shall be charged and collected by the Los Angeles Housing Department for the preparation and enforcement of the affordable housing covenants described in Section 12.22 A 25(h)(1) through (3) of this Code.

Sec. 7. Statement of Intent. It is the intent of the City Council that the provisions of this ordinance shall apply to applications filed on or after the effective date of this ordinance, except that for sale Housing Development Projects with tract or parcel maps that have not been recorded as of the effective date of this ordinance are subject to the provisions of this ordinance regardless of language in tract or parcel map conditions or previously recorded covenants.

M:\Real Prop_Env_Land Use\Land Use\Kenneth Fong\SB 1818 Ordinance\City Attorney amended db ord post Jan. 7, 2008, version E2.doc

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles FEB 13 2008 and was passed by a vote of not less than two-thirds of all of its members, at its meeting of FEB 20 2008.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved FEB 28 2008

_____
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By _____
KENNETH T. FONG
Deputy City Attorney

Date February 13, 2008

File No. Council File No. 05-1345

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it not be adopted .....

February 13, 2008

See attached report.

_____ for 66
S. Gail Goldberg
Director of Planning

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 179681 - Amending Sections 12.22, 12.24, 14.00 and 19.01 of the Los Angeles Municipal Code to implement a Density Bonus program, as required by State law - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **February 20, 2008**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **March 6, 2008** I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on **March 6, 2008** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **6th** day of **March 2008** at Los Angeles, California.

Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: **April 15, 2008** **Council File No.** **05-1345**

Rev. (2/21/06)

SEC. 12.37 – HIGHWAY AND COLLECTOR STREET DEDICATION AND IMPROVEMENT.

A. **Requirement.** No building or structure shall be erected or enlarged, and no building permit shall be issued therefor, on any lot in any R3 or less restrictive zone (as such order of restrictiveness is set forth in Subsection B of Section 12.23); or on any lot in the RD1.5, RD2 or RD3 Zones; if such lot abuts a major or secondary highway or collector street unless the one-half of the highway or collector street which is located on the same side of the center of the highway or collector street as such lot has been dedicated and improved for the full width of the lot so as to meet the standards for such highway or collector street provided in Subsection H of this section; and further provided that in the case of either a corner lot or an L-shaped interior lot abutting a major or secondary highway and a local street which intersect, that one-half of the local street on the same side of the center of said local street as such lot, has been dedicated and improved for that portion of said lot or lots within 300 feet of the ultimate property line of said highway so as to meet the standards for local streets provided in Subsection H of this section and provide adequate right-turn ingress to and egress from the highway; or such dedication and improvement has been assured to the satisfaction of the City Engineer. As used in this section, the center of the highway or collector street shall mean the center of those highways or collector streets as are shown on the Highways and Freeways maps of the Transportation Element of the General Plan or, with respect to collector streets, on the adopted community plans of the Land Use Element of the General Plan on file in the offices of the Department of City Planning. Centers of streets other than those designated as highways or collector streets shall be determined by the City Engineer. *(Amended by Ord. No. 152,425, Eff. 6/29/79, Oper. 7/1/79.) (Second sentence was amended by Ord. No. 172,840, Eff. 11/4/99.)*

1. The maximum area of land required to be so dedicated shall not exceed 25 percent of the area of any such lot which was of record on March 1, 1962, in the Los Angeles County Recorder's Office. In no event shall such dedication reduce the lot below a width of 50 feet or an area of 5,000 square feet.

2. No such dedication for any highway, collector street or any other street shall be required with respect to those portions of such a lot occupied by a legally existing main building which is to remain.

3. No additional improvement shall be required on such a lot where complete roadway, curb, gutter and sidewalk improvements exist within the present dedication contiguous thereto.

4. No building or structure shall be erected on any such lot after March 1, 1962, within the dedication required by Subsection H of this section.

(Amended by Ord. No. 150,799, Eff. 6/5/78.)

5. No such dedication for any highway, collector street, or any street shall be required when the City Engineer, based on guidelines established by the Streets Standards Committee, finds that any additional dedication is not necessary to meet the mobility needs for the next twenty years.

10

EXTREMELY LOUD

110 dB = rock music, model airplane



100 dB = snowmobile, chain saw, pneumatic drill



90 dB = lawnmower, shop tools, truck traffic, subway



VERY LOUD

80 dB = alarm clock, busy street



70 dB = busy traffic, vacuum cleaner



60 dB = conversation, dishwasher



MODERATE

50 dB = moderate rainfall



40 dB = quiet room



FAINT

30 dB = whisper, quiet library



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Explore **Dba Chart** Discover More on When.com!

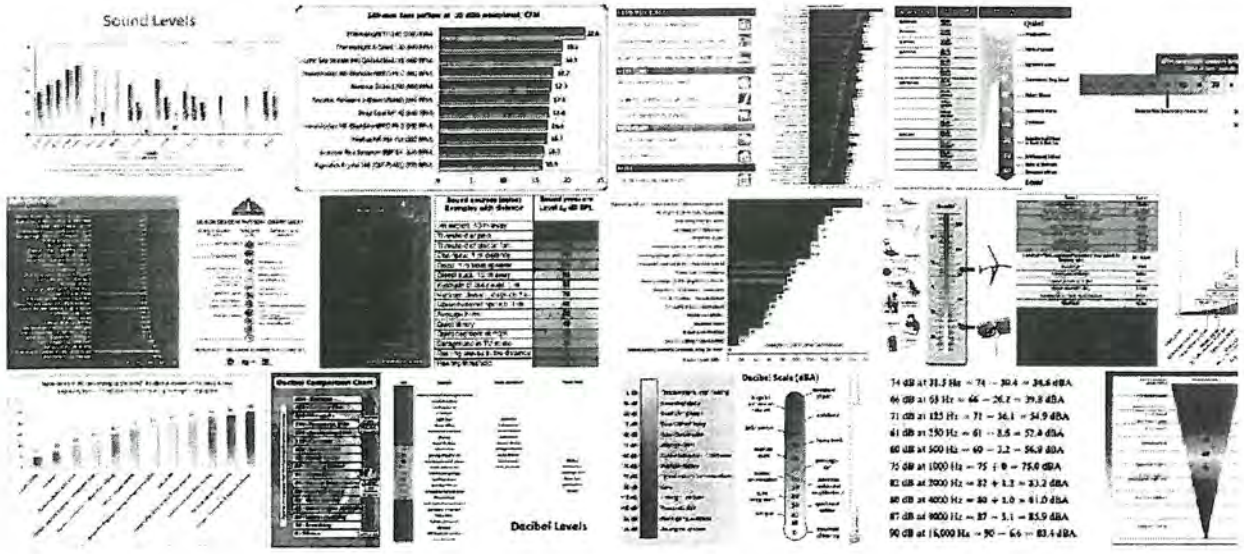
Seized Motorcycles Ads
sheriff-auctions.org
Motorcycles starting at $100 Bid on sheriff-seized bikes.



Table of sound levels L (loudness) and corresponding sound pressure and sound intensity

Sound Sources (Noise) Examples with distance	Sound Pressure Level L_p dB SPL	Sound Pressure p N/m² = Pa sound field quantity	Sound Intensity I W/m² sound energy quantity
Jet aircraft, 50 m away		200	100
Threshold of pain		63.2	10
Threshold of discomfort		20	1
Chainsaw, 1 m distance	110	6.3	0.1
Disco, 1 m from speaker	100	2	0.01
Diesel truck, 10 m away	90	0.63	0.001
Kerbside of busy road, 5 m	80	0.2	0.000 1
Vacuum cleaner, distance 1 m	70	0.063	0.000 01
Conversational speech, 1 m	60	0.02	0.000 001
Average home	50	0.006 3	0.000 000 1
Quiet library	40	0.002	0.000 000 01
Quiet bedroom at night	30	0.000 63	0.000 000 001
Background in TV studio	20	0.000 2	0.000 000 000 1
Rustling leaves in the distance	10	0.000 063	0.000 000 000 01
Threshold of hearing	0	0.000 02	0.000 000 000 001

Decibel Nois
searchpp.com
View Image



5. MAJOR STREET CONSTRUCTION – The B-Permit

5.1. B-Permit Description and Purpose

The B-Permit is required for major street construction in the public right-of-way. This includes the widening of streets, the changing of existing street grade, and the installation of sewers, storm drains, street lights, and traffic control signals. Street widening generally includes construction of new street pavement, gutter, curb and sidewalk, and the relocation of obstructing structures. B-Permit construction plans are often complex and prepared by an Engineer hired by the B-Permit Applicant.

The B-Permit is issued for both the design and the construction of major street improvements. The primary purpose of a "design" B-Permit (BD-Permit) is to manage the City's engineering plan-check of construction plans prepared by the Applicant's Engineer. In addition to engineering plan-check, the BD-Permit process includes estimation of construction costs, preparation of a bond estimate, and under certain conditions, clearance of City Planning conditions. At the end of the BD-Permit process, construction plans for major street improvements are approved by the City and ready for construction.

The "construction" B-Permit (BC-Permit) process normally follows the completion of the design B-Permit process. The primary purpose of a BC-Permit is to manage the City's inspection of major street construction work. In addition to the City's construction inspection, work change orders, construction plan revisions, and field testing work are all managed by the BC-Permit process.

The B-Permit, both design and construction, is the City's process of ensuring that major street construction meets the City's design, materials, bonding, liability, construction, and inspection specifications. The B-Permit ensures that the Applicant is receiving a quality construction product.

The B-Permit is most frequently issued for major street improvements adjacent to land under private development. In these instances, the extent and type of major street improvements is contained in conditions determined by the City Council, Department of City Planning, the BOE (the City Engineer), or some other jurisdictional body in accordance with the Los Angeles Municipal Code, City Charter, State Law, or City Ordinance.

City's Authority for B-Permit

Los Angeles Municipal Code (LAMC), Section 62.105, requires a permit be obtained for construction in the public right-of-way.

LAMC, Section 62.106 determines the class of construction permit based on the scope of construction work. There are two classes of construction permits: the A-Permit and the B-Permit. The City's authority for the B-Permit is based on LAMC, Section 62.106(a) and (b) as follows:

(a) Class "A" shall include only the repair, construction or reconstruction of curbs, sidewalks, driveway approaches, or gutters and work appurtenant to the foregoing, or work within a public easement, where, in the opinion of the City Engineer, the work contemplated is so limited in extent and such simplicity of design that the deposit of those fees provided herein for Class "A" permits will with reasonable certainty compensate and reimburse the City for the costs of inspection and supervision entailed.

(b) Class "B" shall include all permits for work not included in Class "A" except for work for which a revocable permit is issued pursuant to Section 62.118.2 of this Code.

(Please note: LAMC, Section 62.118.2 refers to the issuance of a revocable permit for private use of the public right-of-way. Please go to Chapter 8, Private Use of the Public Right-of-Way – The Revocable Permit, for more information.)

How long does it take to start the BD-Permit process?

The BD-Permit for engineering plan-check of construction plans will be opened when a completed application package is submitted and the fee deposit paid. This transaction usually takes about 20 minutes at our Public Counters.

How long does it take to complete the BD-Permit process?

The time length depends on the complexity of the construction improvements, the size of the construction improvements, the quality of the Applicant's plans, the ability of the Applicant to satisfy the City's design standards, and the work-load of City staff. The plan-check process is interactive and therefore, somewhat difficult to predict. In general, simple design BD-Permits are completed in about 2 months.

How long does it take to start the BC-Permit process?

The BC-Permit may be started as soon as the BD-Permit process is completed and the Applicant has secured the required bond and liability insurance requirements. This process in generally initiated by the Applicant's Engineer and can be started as soon as requested by the Applicant.

How long does it take to complete the BC-Permit?

The BC-Permit process occurs at the same time as the major street construction work. In general, the length of the BC-Permit process is as long as it takes the Applicant's contractor to complete the major street construction and to complete the As-Builts of the drawings.

How long is a B-Permit valid?

The BD-Permit and BC-Permit is valid for six months after the date of payment and issuance of the permit, but may be extended at the request of the applicant. The applicant must have a valid reason to extend the permit or show that there is work activity on the permit.

When does a B-Permit expire?

According to the LAMC, the BD-Permit and BC-Permit technically expire six months after date of issuance. But, the LAMC allows for permit extensions if the Permittee has a good reason. In practice, if no work activity occurs, and no extension is requested, the BD-Permit expires one year after issuance. The BC-Permit expires two years after issuance, if no work activity occurs.

B-Permit Extension

If you are proceeding in a positive manner toward completion of your design or construction, the appropriate District Office may grant you an extension.

5.2. General Conditions or Requirements for a B-Permit

Permittee's Obligations

The Applicant for a BC-Permit must be the owner of the affected property. There are exceptions, such as when another governmental agency has a contract requiring a permit, in which case the Contractor may be the Applicant. If the property is owned by a corporation, the application must be signed by an officer(s) of the corporation and have the corporate seal affixed.

Permittee's Purpose

Listed here are some common cases where an Applicant may be required to obtain a B-Permit:

1) Tract and Parcel Map Approvals.

Department of Alcoholic Beverage Control

STATEMENT RE: RESIDENCES
(Rule 61.4)

State of California
Edmund G. Brown Jr., Governor

Applicant: Please complete left side of form, then sign. List addresses of all residences within 100 feet of your proposed premises. If there are none, write "None." Measure all distances by direct line from the closest edge of the residential structure to the closest edge of your structure or parking lot, whichever is closer. Your "parking lot" includes any area that is maintained for the benefit of your patrons or operated in conjunction with your premises. Continue on reverse if needed.

1. APPLICANT NAME

2. PREMISES ADDRESS *(Street number and name, city, zip code)*

3. RESIDENCES WITHIN 100'	DEPARTMENT USE ONLY				
	LTR ☐	PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
1.	NAME				
	LTR ☐	PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
2.	NAME				
	LTR ☐	PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
3.	NAME				
	LTR ☐	PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
4.	NAME				
	LTR ☐	PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
5.	NAME				
	LTR ☐	PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
6.	NAME				
	LTR ☐	PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
7.	NAME				
	LTR ☐	PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
8.	NAME				

NON-INTERFERENCE (For Department Use Only)

I acknowledge that any false, misleading or omitted information required in this statement may constitute grounds for denial of application for the license, or if the license is issued in reliance upon information in this statement which is offered, false or misleading, then such misinformation or omission will constitute grounds for revocation of the license so issued.

4. APPLICANT SIGNATURE | DATE SIGNED

ABC-247 (rev. 01/11)

INFORMATION AND INSTRUCTIONS

Rule 61.4, Chapter 1, Title 4, California Code of Regulations states:

> No original issuance of a retail license or premises-to-premises transfer of a retail license shall be approved for premises at which either of the following conditions exist:
>
> (a) The premises are located within 100 feet of a residence.
> (b) The parking lot or parking area which is maintained for the benefit of patrons of the premises, or operated in conjunction with the premises, is located within 100 feet of a residence. Where the parking lot is maintained for the benefit of patrons of multiple businesses in the vicinity of the premises, the parking area considered for the purpose of this rule shall be determined by the area necessary to comply with the off-street parking requirements as mandated by the local ordinance, or if there are no local requirements for off-street parking, then the area which would reasonably be necessary to accommodate the anticipated parking needs of the premises, taking into consideration the type business and operation contemplated.
>
> Distances provided for in this rule shall be measured by airline from the closest edge of any residential structure to the closest edge of the premises or the closest edge of the parking lot or parking area, as defined herein above, whichever distance is shorter.
>
> This rule does not apply where the premises have been licensed and operated with the same type license within 90 days of the application.
>
> Notwithstanding the provisions of this rule, the department may issue an original retail license or transfer a retail license premises-to-premises where the applicant establishes the operation of the business would not interfere with the quiet enjoyment of the property by residents.

A residence is defined as a place where people actually live, such as a single family home, condo, residential hotel or motel, or mobile home.

A determination must be made as to whether or not your proposed premises is located in an area as described above. In order to make such determination, it will be necessary for you to complete the front of this form, to be submitted at the time you file a formal application.

If you can establish that your business will not disturb the residents, your license may be issued subject to appropriate conditions.

ABC-247 (rev. 01/11) REVERSE

15

ORIGINAL

VTT-72370
Appellant 4

RECEIVED
CITY OF LOS ANGELES
AUG 29 2016
CITY PLANNING
VALLEY PUBLIC COUNTER

APPLICATIONS:

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: VTT-72370-CN-1A

Project Address: 8148-8182 W. Sunset Blvd, 1438-1486 Havenhurst Dr, 1435-1443 N Crescent Heights Blvd

Final Date to Appeal: 08/29/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Fix the City, Inc.

Company:

Mailing Address: 1557 Westwood Boulevard, #235

City: Los Angeles State: CA Zip: 90024

Telephone: E-mail: Laura.lake@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other:

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Beverly Grossman Palmer

Company: Strumwasser & Woocher LLP

Mailing Address: 10940 Wilshire Boulevard, Suite 2000

City: Los Angeles State: CA Zip: 90024

Telephone: (310) 576-1233 E-mail: bpalmer@strumwooch.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 08/29/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89	Reviewed & Accepted by (DSC Planner): DENNIS CHEW	Date: 8/29/16
Receipt No: 0202346873	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

(APPEALANT)

Office: Van Nuys
Applicant Copy
Application Invoice No: 31723

City of Los Angeles
Department of City Planning

DEPARTMENT OF BUILDING AND SAFETY

LA Department of Building and Safety
VN ZABE 202097769 8/29/2016 4:00:19 PM
PLAN & LAND USE $106.80
Sub Total: $106.80
Receipt #: 0202346873

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the sa
your application, regardless of whether or not you obtain the services of an

This filing fee is required by Chapter 1, Article 9, L.A.M

Applicant: FIX THE CITY, INC. (B:310-5761233)
Representative: STRUMWASSSER & WOOCHER, LLP - PALMER, BEVERLY GROSSMAN (B:310-5761233)
Project Address: 8148-8182 W. SUNSET BL./1435 1/2 N CRESCENT HEIGHTS BLVD, 90046

NOTES: APPEALING ENTIRE DECISION

VTT-72370-CN-2A

Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	$89.00	100%	$89.00
		Case Total	$89.00

Item	Charged Fee
*Fees Subject to Surcharges	$89.00
Fees Not Subject to Surcharges	$0.00
Plan & Land Use Fees Total	$89.00
Expediting Fee	$0.00
OSS Surcharge (2%)	$1.78
Development Surcharge (6%)	$5.34
Operating Surcharge (7%)	$6.23
General Plan Maintenance Surcharge (5%)	$4.45
Grand Total	$106.80
Total Invoice	$106.80
Total Overpayment Amount	$0.00
Total Paid(this amount must equal the sum of all checks)	$106.80

LA Department of Building and Safety
VN ZABE 202097769 8/29/2016 4:00:19 PM
PLAN & LAND USE $106.80
Sub Total: $106.80
Receipt #: 0202346873

Council District: 5
Plan Area: Hollywood
Processed by CHEW, DENNIS on 08/29/2016

Signature:
CHECK # 1658/1220

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LOS ANGELES, CALIFORNIA 90024

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FACSIMILE: (310) 319-0156
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JENNA L. MIARA†‡

† Also admitted to practice in New York and Massachusetts
‡ Also admitted to practice in Illinois. Not yet admitted in California

8/29/16 10b 1

FIX THE CITY APPEAL
VTT-7230-CN-1A

JUSTIFICATION FOR APPEAL

I. Fix the City Is Aggrieved by the Decision to Approve the Vesting Tentative Tract Map

Fix the City is aggrieved by the City Planning Commission's determination to approve a Vesting Tentative Tract Map for the project at 8150 Sunset Boulevard, because it will impact the quality of life and emergency services in the community, as well as set a precedent for the Hollywood Community Plan, which Fix the City successfully challenged in court. Fix the City continues to be concerned with the provision of adequate infrastructure to protect public safety and assure the quality of life for Angelenos.

II. Basis for Appeal

a. Approval of the Tentative Tract Map Was Abuse of Discretion

The Tentative Tract Map and the Project are Inconsistent with the General Plan

The density permitted for the site in the approved vesting tentative tract map is *inconsistent* with the site's designation in the Hollywood Community Plan. The Hollywood Community Plan specifies that, in areas like that project site that are located outside of the Redevelopment Area, a designation of Neighborhood Oriented Commercial would be limited to a FAR of 1:1. This limitation was imposed in recognition of the impacts of the increased area development permitted in the Hollywood Community Plan, in order to *limit* the impact of new commercial development in the area. By permitting a FAR of 3:1, the vesting tentative tract map allows a level of development far greater than that permitted by the General Plan.

The project also does not conform to a number of policies in the Hollywood Community Plan. These include the preservation of existing low density neighborhoods, to encourage development consistent with the ability of the circulation system to support increased traffic, and to "[p]rovide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City." By permitting massively increased density and heights in the tentative tract map, the proposed project is inconsistent with these objectives of the Hollywood Community Plan.

CD 7
8/29/16

In other respects, too, the proposed tract map is inconsistent with the General Plan. The Housing Element designates the City-owned property at 8118 Sunset for affordable housing. Developing a "plaza" on this site will eliminate the site as a potential location for affordable housing constructed by the City. Finally, the maps included in the Mobility Plan (MP 2035) include the full right turn lane on Crescent Heights and 15 foot sidewalks, which are no longer part of the project plan approved in the tentative tract map. The project plan therefore conflicts with MP 2035.

The Zoning for the Site Does not Support the Approved Density

A required finding for the approval of the tract map is that the site is physically suitable for the type and density of the proposed development. The findings ignore significant limitation on the site's zoning and density that have been imposed because the site is not suitable for the type of dense development proposed in the tract map.

Critically, the site's zoning is C4-1**D, with a FAR of 1:1**. This D Limitation was included as a mitigation measure in the certified Environmental Impact Report for the 1988 Hollywood Community Plan (See Ordinance 164, 714)in order to account for the impacts on infrastructure and traffic from the expansions permitted in the 1988 plan. Even in the most recent HCP update, the D Limitation remained in place, restricting the FAR to 1:1. There has been no disclosure of the attempt to remove the D Limitation as required by LAMC 17.15 D.

The site is ineligible for increased FAR to 3:1 as an incentive or otherwise, without a legislative process to change the site's zoning that include findings that the infrastructure and traffic have improved since 1989 and the mitigation is therefore no longer required.

The municipal code explains the purpose of a D limitation (see 12.32 G 4):

"[P]rovisions may be made in an ordinance establishing or changing any Height District that a building or structure may be built to a specific maximum height or floor area ratio less than that ordinarily permitted in the particular Height District classification . . . .These limitations shall be known as D Development limitations."

In order to impose a D limitation, Council must find that the limitation is necessary:

"(1) to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood, and

(2) to secure an appropriate development in harmony with the objectives of the General Plan, or

(3) to prevent or mitigate potentially adverse environmental effects of the Height District establishment or change."

AK 3067 8/29/16

The site here has a D limitation that specifically limits the FAR to 1:1. Ordinance 164714, enacted in 1989, after the adoption of the Hollywood Community Plan, provided the following D Limitation applicable to the subject property: "The total floor area of all buildings on a lot shall not exceed one (1) times the buildable area of the lot."

The City's density bonus law does not allow for the City to ignore the express restrictions in the D limitation. Municipal code section 12.22 A 25 (f)(4) explains that a 3:1 floor area ratio is available as an incentive for commercially zoned properties "in Height District 1 (including 1VL, 1L, and 1XL)," if the project is located within 1,500 feet of a transit stop. Because the project is not within 1,500 feet of a transit stop, the developer is seeking an "off menu" incentive to get this same incentive that it does not qualify for.[1] However, the project is not in Height District 1, 1VL, 1L or 1XL. Those districts all have an applicable FAR of 1.5:1 (see LAMC 12.21.1 A 1.), and thus the 3:1 FAR is effectively a doubling of the density. This site is zoned in Height District 1**D** , and the permanent D limitation on the site imposes a 1:1 FAR limit in order to mitigate the specific, adverse impacts of denser development in the area. In order for this site to legally house a project with a 3:1 FAR, the project must obtain a height district change and remove the D limitation, which has not been done or applied for, and the zoning inconsistency is not noted on the tract map as required by LAMC 17.15 D. Indeed, LADBS condition 8b on the vesting tentative tract map acknowledges the applicability of the D limitation and the 1:1 FAR to this site.

The Subdivision Interferes with the Public and Private Vehicular Easements on Crescent Heights Because the Tract Map Eliminates Vehicular Use of Crescent Heights Boulevard Without a Street Vacation and Proper Notice or Process

The approval of the tract map is contrary to law, because it permits the loss of both public and private vehicular easements without following appropriate procedures for the vacation of a street. The tract map permits the entire removal of a lane of traffic on N. Crescent Heights Boulevard between the project's parcels and the City-owned parcel at 8118 Sunset Boulevard. The public has an easement over this street for vehicular access. Moreover, all private property owners owning property created in the subdivision on which this portion of Crescent Heights appears have a private easement in the street that is created by the recording of the 1905 subdivision map. It is not reasonably disputed that removing this portion of Crescent Heights from vehicular use in order to create a plaza will eliminate the ability of vehicles to use this portion of the roadway.

State law establishes a number of mandatory procedures prior to the vacation of a public street, none of which have been followed here. The City Engineer is required to make a finding that the roadway is "unnecessary for present or prospective public use." (Streets and Highways Code, § 8324, subd. (b).) And of course, the public is notified of the request, hearings are held, and a determination is made. Not one of those steps has been taken here; instead, Planning staff

[1] "Off menu" incentives, per the code, are meant to be incentives that are not included on the list of "menu" incentives, which the 3:1 FAR already is. Fix the City objects to this use of the "off menu" incentive.

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8/29/16

deny that removing the lane of the street and turning it into a plaza has any effect on the street. Planning staff contend that the issue can be resolved with an encroachment permit or "B permit." None of those permits would appropriately apply to the removal of the lane of traffic that is part of the proposed project. There are two separate actions proposed: one is a street vacation and the other is a so-called intersection "improvement" to round off the eastern tip of the traffic island triangle (8118 Sunset Boulevard). A "B Permit" would suffice for the intersection improvement, but it cannot be substituted for the process required as part of a street vacation.

The Tract Map Permits a Private Developer to Control City Land Without Following Procedures for Disposal of Surplus Land

The City owns the land at 8118 Sunset Boulevard. The proposed project will allow that land to be occupied by a private developer, ostensibly for the purpose of creating a public plaza. Indeed, the applicant relies upon the "public" space created by its use of City-owned land to satisfy its open space requirements under the municipal code. The use of the City's land is an improper gift to the developer. The City has procedures for the disposition of surplus lands and should utilize those processes if it intends to dispose of public property. The tract map should not be approved because the project improperly relies upon City-owned land to satisfy open space requirements.

The Site is Not Physically Suitable for the Proposed Development because the Tract Map Permits Construction of Structures for Human Occupancy Within a Fault Zone Without Evidence that the Project is More than Fifty Feet from the Fault Line

Fault zone mapping has recently demonstrated that the Hollywood fault runs in extremely close proximity to the site. The November 2014 California Geologic Survey map of the earthquake fault zones in the Hollywood Quadrangle places the fault zone directly under the proposed project site. To the best of the public's knowledge, the applicant has only done boring to search for evidence of faulting under the southwest corner and north east corner of the site. (see Figure 2, "Borehole Location Map," Golder and Associates, March 25, 2014). It is unknown whether there is an active fault directly under the proposed project, nor whether the fault or traces of the fault may be located under Sunset Boulevard just feet from the site's border. Because no geologic study whatsoever has been conducted under Sunset Boulevard, the City requires the presumption that the fault exists in this area. Yet the City has failed to prohibit construction for human occupancy within 50 feet of the presumed fault. The applicant has proposed to shift the residential towers 50 feet further from the potential fault, but the entire structure is prohibited by State law within 50 feet of the fault and may not be placed over the trace of the fault. It is not only the residential components which are of concern under Alquist Priolo, but *any structure for human occupancy*. The Applicant's consultant has incorrectly stated that the City's requirement is for structures used for habitation, not structures used for human *occupancy* as the law provides. The risk to future human occupants of the structures at the site is a basis to deny the vesting tentative tract map until complete analysis demonstrates that the site is not within 50 feet of an active fault or fault trace.

5 of 7
8/29/16

There has not been an adequate fault study performed, and the record before the City contains inadequate information to support the conclusion that this site is physically suitable for the proposed development. The tract map findings do not even mention that the property is located in the Hollywood fault zone. Moreover, the findings erroneously state that that the project complies with required fault zone setbacks for "habitable structures." This is an incorrect statement regarding the required setbacks: all structures for human occupancy, not just for habitation, must be setback from any potential fault. The Alquist Priolo Act imposes a duty on the City not to approve development or division of land without a proper assessment of the presence of fault within the Earthquake Fault zone. This tract map should be denied until such a geologic study is complete and it is known whether a fault runs beneath the proposed development or within fifty feet from the property line.

The Design of the Project Will Cause a Significant Adverse Impact to an Historic Resource

The Cultural Heritage Commission on August 4th agreed to consider the Lytton Savings/ Chase Bank building as a Historic-Cultural Monument. The Los Angeles Conservancy calls the bank building "a significant example of postwar-era bank design in Los Angeles," and notes that it is one of the earliest remaining examples of such architecture in the City.

Under Government Code, section 66474.01, a government may only approve a tentative map if mitigation of specific adverse impacts is *infeasible*. As shown in the EIR, Alternatives 5 and 6, which provide for full preservation of the Lytton Savings building, are *not infeasible*. These alternatives fulfil nearly every project objective, and the objective that they partially fulfill is also only partially fulfilled by Alternative 9, the preferred alternative and the subject of the tract map approval process. The record does not support the finding that mitigation of the significant impact to the historic resource is infeasible and therefore the tract map should not be approved.

b. The Certification of the EIR Failed to Satisfy the California Environmental Quality Act

The Environmental Impact Report for the project does not satisfy the mandates of CEQA. For both procedural and substantive deficiencies, the EIR does not adequately inform the public or decision makers about the impacts of the proposed project approved in the tract map.

The EIR Must be Recirculated

The recent Errata to the EIR disclosed a significant, unmitigable impact that was not disclosed in the Draft EIR or the Recirculated Draft EIR. The Draft EIR noted a "potential" impact to traffic at the unsignalized intersection of Fountain and Havenhurst due to project-generated traffic, but asserted that a mitigation measure requiring the installation of a traffic signal at the intersection would mitigate that impact. The DEIR therefore concluded that there would be no significant impacts to traffic. In the Errata, which was released just days before the City Planning Commission hearing, the City acknowledged that it had no control whether a traffic signal could be installed at that location, because the intersection is entirely within the

NE 6&67 8/29/16

jurisdiction of the City of West Hollywood. The Errata added to the EIRs list of significant and unavoidable impacts the fact that there would be a significant and unavoidable impact to traffic if the City of West Hollywood did not chose to install a traffic signal at Fountain and Havenhurst. In addition, failure to install the signal would have an adverse impact on emergency response times, as acknowledged in the project's EIR.

Recirculation of an EIR is required when, *inter alia*, new information discloses that a new significant impact would result from the project. The traffic impacts were not properly disclosed in the Draft EIR (hence the need for the Errata). Worse, the EIR relies on several other instances upon the traffic light mitigation measure (TR-1) to mitigate the impacts of the project, including public services such as fire, emergency medical response, and police. The CPC determination on the VTT likewise relies upon mitigation measure TR-1 to mitigate these impacts. The reliance upon a mitigation that is entirely out of the control of the City or the applicant in the Draft EIR, and the Errata's partial but incomplete resolution of this issue require recirculation of the EIR for the public to evaluate and comment upon the project's impacts connected with the Fountain/Havenhurst signal.

The Land Use Impacts of the Proposed Project Are Not Adequately Disclosed

The EIR contends that the approval of the project will not have an adverse impact on land use. This conclusion is based on the assumption that the project's entitlements will be approved. The disclosure is inadequate.

The EIR states that the threshold of significance for a potentially significant land use impact is "if it substantially conflicts with the adopted Community Plan or with relevant environmental policies in the General Plan or other regional and local plans adopted for the purpose of avoiding or mitigating an environmental effect." By failing to discuss the D Limitation imposed on the site in 1989 in connection with the adoption of the Hollywood Community Plan, the EIR fails to disclose an environmental policy applicable to the site that was adopted to mitigate the impacts of the adoption of the Hollywood Community Plan itself. By failing to disclose and discuss the inconsistency, the EIR does not meet the disclosure mandates of CEQA. Moreover, as set forth above, there are other General Plan policies with which the project is inconsistent, so the determination that the project will not have a significant impact on land use is not adequately supported.

The Geologic Impacts are Not Adequately Documented

The project has not complied with the Alquist-Priolo Act requirements for projects located within mapped earthquake fault zones. The FEIR insists that, despite the most recent maps, "The Project Site is not located within the Hollywood Fault earthquake fault zone." As discussed above, there has been no study of faulting just off site or in many areas on the site. The City specifically requested a study fifty feet from the site's boundary, but the applicant did not produce such a study and explained that it could not "unequivocally" determine that the fault is not present within fifty feet of the site. The EIR's conclusion that there will be no seismic impacts from the construction of the project is not based on substantial evidence.

7-b7
8/29/16

Impacts to Public Service Are Not Adequately Discussed or Acknowledged

Both the Draft and Final EIRs ignore the clear statements from the Los Angeles Fire Department (LAFD) that the construction of the project could have a significant impact on fire and emergency medical services. The LAFD's initial response to requests for an assessment of its service capacity in the area was that fire service to the proposed project would be "inadequate." After the Draft EIR — stating no impact to fire services — was circulated, the Final EIR presented further response from the LAFD as an effort to justify the Draft EIR's conclusion of no significant impact to fire services. The LAFD's second letter specifies a number of design features that must be incorporated into the project in order to prevent a significant impact to emergency response. However, that letter does not state that there is not likely to be significant impact to fire services from the construction of the project. Indeed, the letter states: "The development of this project, along with other approved and planned projects in the immediate area, may result in the need for the following: (1) Increased staffing for existing facilities; (2) Additional fire protection facilities; (3) Relocation of present fire protection facilities." These comments track almost precisely the City's threshold of significance for impacts to fire services. Yet the Final EIR blithely concludes that the project will have no impact on fire services.

This conclusion is even less tenable due to the Final EIR's reliance on mitigation measure TR-1, which, as discussed above, is outside of the control of the City or applicant. The EIR does not adequately disclose the potential impacts to fire services from the development of this and related projects. The EIR likewise relies upon the ability to mitigate traffic impacts to conclude that police response access to the site will be adequate. These determinations must be revisited and the public and decision makers must be properly informed about the impacts to public services.

VTT-72370
Appellant 5

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: VTT-72370-CN, ENV-2013-2552-EIR

Project Address: 8142-8182 W Sunset Blvd, 1436-1486 N. Havenhurst Drive, 1438-1443 N. Crescent Heights Blvd

Final Date to Appeal: 08/29/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Laurel Canyon Association

Company: Laurel Canyon Association

Mailing Address: 8453 Kirkwood Drive

City: Los Angeles State: CA Zip: 90046

Telephone: (310) 982-1760 E-mail: jhall@laurelcanyon.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jamie T Hall

Company: Channel Law Group, LLP

Mailing Address: 8200 Wilshire Blvd, Suite 300

City: Beverly Hills State: CA Zip: 90211

Telephone: (310) 982-1760 E-mail: jamie.hall@channellawgroup.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 08/29/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89⁻	Reviewed & Accepted by (DSC Planner): Eric Claros	Date: 8/29/16
Receipt No: 0102626230	Deemed Complete by (Project Planner):	Date:
☑ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

LAUREL CANYON
ASSOCIATION

A Community Organization Dedicated to Improving and Preserving the Quality of Life in Laurel Canyon

August 29, 2016

VIA PERSONAL DELIVERY

City of Los Angeles
Department of City Planning
Los Angeles, California 90012

Re: Justifications for Appeal of 8150 Sunset Boulevard Project

To Whom It May Concern:

I am in receipt of the Determination Letter ("NOE") dated August 17, 2016 for the Sunset Boulevard Mixed-Use Project located at 8150 Sunset Boulevard ("Project"). The Laurel Canyon Association ("LCA") hereby appeals the issuance of the Vesting Tentative Tract ("VTT") Map and related Environmental Impact Report ("EIR") for the 8150 Sunset Boulevard Project ("Project").

About Laurel Canyon Association

Initially, and by way of background, I would like to provide some background. LCA is a neighborhood association serving the area of the Hollywood Hills known as "Laurel Canyon," one the most beautiful and environmentally important areas of Los Angeles. The hills in Laurel Canyon provide a scenic backdrop for the rest of Los Angeles. Further Laurel Canyon's forested valleys and chaparral-draped hillsides offer habit for native wildlife. Laurel Canyon also is home to a watershed and greenbelt for the vastly developed plains of Los Angeles and the San Fernando Valley.

LCA was founded for the express purpose of preserving and improving the quality of life in Laurel Canyon. The goal of our community group is to promote the welfare of the residents of Laurel Canyon and to maintain the quality of life in the Hollywood Hills, by preserving its residential character, its quiet, privacy, natural beauty and safety. Moreover, LCA endeavors to encourage cooperation among all residents and to educate appropriate governmental bodies concerning changes in existing or proposed laws affecting Laurel Canyon or in anything that affects the local community.

Tel: 310-982-1760
Email: jhall@laurelcanyon.org

LCA's jurisdiction includes Laurel Canyon Boulevard, its feeder streets and the Kirkwood, Stanley Hills, Lookout Mountain and Wonderland bowl areas. The neighborhood is bounded on the north by Mulholland Drive and at the south by Hollywood Boulevard. The main streets are Laurel Canyon Boulevard, Mulholland Drive, Wonderland Avenue, Lookout Mountain Avenue, Kirkwood, and Stanley Hills. LCA is a residential stakeholder with membership in the Los Angeles Neighborhood Council system, specifically, the Bel-Air Beverly Crest Neighborhood Council ("BABCNC").

Incorporation of Justifications for Appeal Provided by Other Appellants

LCA has read the appeals filed by Fix the City, JDR Crescent LLC, IGI Crescent, LLC, City of West Hollywood and Susanne Manner. LCA supports the comments and concerns raised by these organizations and/or persons and hereby incorporates the justifications for appeal raised by these other appellants.

Additional Justifications/Reasons for Appeal

For decades, residents of LCA have patronized stores located at 8150 Sunset Boulevard. Moreover, each day thousands of residents pass by the property on their way to work, visit friends and shop and school. The flow of traffic at the intersection of Sunset Boulevard and Crescent Heights/Laurel Canyon Boulevard is of paramount concern to LCA and this is a primary basis that LCA has filed this appeal.

The City has concluded that the Project will have a less than significant impact on transportation and traffic. LCA disputes these findings. It defies logic to believe that a building of this size and density could possibly not create additional traffic (and air pollution) along Laurel Canyon Boulevard. The intersection of Crescent Heights and Sunset is severely congested and the impacts associated with the Project are unknown without an adequate traffic study. LCA contends there are feasible mitigation measures that the City has failed to analyze and evaluate, which include the following:

- Improving Sidewalks along Laurel Canyon Boulevard to allow residents of Laurel Canyon to access property without using cars. Currently, sidewalks are obstructed by utility poles, have major cracks, and are not ADA compliant. Many residents of Laurel Canyon will access the property by foot *if* adequate sidewalks are available. This will reduce the transportation/traffic impacts associated with the Project.

- Improving Public Transit: Currently, there is a bus that traverses Laurel Canyon Boulevard. However, there is not a bus stop at Kirkwood and Laurel Canyon Boulevard and this discourages residents from using public transit. Construction of a bus stop is a feasible mitigation measure that will reduce transportation/traffic impacts. Further, improvements to the crosswalk at Laurel

Canyon Boulevard and Kirkwood are warranted. Additionally, the bus stop at Lookout Mountain and Laurel Canyon Boulevard lacks a bench and shelter, which discourages use of public transit.

- Traffic Mitigation Plan for Laurel Canyon Road: Increased traffic as a result of the Project will encourage more people to use the "shortcut" along Laurel Canyon Road (so-called 'Little Laurel'). A traffic mitigation plan should be conducted to analyze ways to discourage people from using "Little Laurel." Persons who reside on this road often cannot leave their homes in a reasonable time due to the traffic backup and this poses a public safety hazard.

Finally, please be advised that LCA plans on filing a more robust appeal justification letter and reserves the right to supplement this appeal.

Please don't hesitate to contact me if you have any questions or comments. I may be reached at 310-982-1760 or jhall@laurelcanyon.org.

Please be

Regards,



Jamie T. Hall
Laurel Canyon Association
President

PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2013-2551-MCUP-DB-SPR-1A	ENV-2013-2552-EIR	CD 4 – RYU

PROJECT ADDRESS:
8148 – 8182 W. SUNSET BOULEVARD 1438 – 1486 N. HAVENHURST DRIVE 1435 – 1443 N. CRESCENT HEIGHTS BOULEVARD

APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
AG SCH 8150 OWNER, LP REP.: MICHAEL NYTZEN, PAUL HASTINGS, LLP 515 S. FLOWER STREET 25TH FLOOR LOS ANGELES, CA 90071 ☐ New/Changed	213-683-6000	michaelnytzen@paulhastings.com

APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
FIVE (5) APPEALS. SEE ATTACHED.		

PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
William Lamborn	(213) 978-1470	William.lamborn@lacity.org

APPROVED PROJECT DESCRIPTION:
On July 28, 2016 the City Planning Commission approved a mixed-use development consisting of approximately 65,000 square feet of commercial retail and restaurant uses, 249 residential units of which 28 will be set aside for Very Low Income households, and 820 parking spaces within four subterranean and semi-subterranean levels.

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

On July 28, 2016 the City Planning Commission:

1. **Found that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report, Environmental Clearance No. ENV-2013-2552-EIR, (SCH. No. 2013091044), in its determination of the proposed project and Affirmed that the EIR was certified by the Deputy Advisory Agency on June 23, 2016 and that the EIR was prepared in compliance with the California Environmental Quality Act and reflects the independent judgment of the lead agency and Adopt the EIR for use in reviewing the approved project. The City Planning Commission actions confirm that the Deputy Advisory Agency:**
   a. **Certified that the EIR has been prepared in compliance with CEQA and reflects the City's (Lead Agency) independent judgment and analysis; and,**
   b. **Adopted the Statement of Overriding Considerations setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may occur; and**
   c. **Adopted the Mitigation Measures, Mitigation Monitoring Program; and,**
   d. **Adopted the related Environmental Findings;**
2. **Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring;**
3. **Advised the applicant that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing;**
4. **Approved a Master Conditional Use to permit the sale and/or dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with four restaurant/dining uses, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a grocery store;**
5. **Approved a Density Bonus setting aside 11% (28 units) restricted to Very Low Income Households, and the utilization of a Density Bonus Package Incentive Parking Option 1 and two Off-Menu Affordable Housing Incentives as follows:**
   a. **Pursuant to Section 12.22-A,25(g)(3), an Off-Menu Incentive to allow the lot area including any land to be set aside for street purposes to be included in calculating the maximum allowable floor area, in lieu of as otherwise required by LAMC Section 17.05; and**
   b. **Pursuant to Section 12.22-A,25(g)(3), an Off-Menu Incentive to allow a 3:1 Floor Area Ratio for a Housing Development Project in which 50% of the commercially zoned parcel is located within 1,560 feet of a Transit Stop, in lieu of the 1,500 foot distance specified in LAMC Section 12.22-A,25(f)(4)(ii).**
6. **Approved the Site Plan Review for a mixed-use development with 249 residential dwelling units and 65,000 square feet of commercial floor area, with the attached conditions.**
7. **Adopted the modified Conditions of Approval**
8. **Adopted the Findings.**

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

1. **Appeals of the Master Conditional Use to permit the sale and/or dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with four restaurant/dining uses, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a grocery store**
2. **Appeals of the Site Plan Review for a mixed-use development with 249 residential dwelling units and 65,000 square feet of commercial floor area, with the attached conditions.**

FINAL ENTITLEMENTS NOT ADVANCING:

Item No. 5 listed above, the Off-Menu Density Bonus Incentives, are not further appealable, and will not advance to Council.

ITEMS APPEALED:

1. **Appeals of the Master Conditional Use to permit the sale and/or dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with four restaurant/dining uses, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a grocery store**
2. **Appeals of the Site Plan Review for a mixed-use development with 249 residential dwelling units and 65,000 square feet of commercial floor area, with the attached conditions.**

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
☑ Letter of Determination	☐	☐ Categorical Exemption	☐
☑ Findings of Fact	☐	☐ Negative Declaration	☐
☑ Staff Recommendation Report	☐	☐ Mitigated Negative Declaration	☐
☑ Conditions of Approval	☐	☑ Environmental Impact Report	☐
☐ Ordinance	☐	☐ Mitigation Monitoring Program	☐
☐ Zone Change Map	☐	☐ Other	☐
☐ GPA Resolution	☐		
☐ Land Use Map	☐		
☐ Exhibit A - Site Plan	☐		
☑ Mailing List	☐		
☐ Land Use	☐		
☑ Other	☐		

NOTES / INSTRUCTION(S):

PLEASE SEE THE ATTACHED COPIES OF THE FIVE (5) APPEALS.

FISCAL IMPACT STATEMENT:

☑ Yes ☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

☑ City Planning Commission (CPC)	☐ North Valley Area Planning Commission
☐ Cultural Heritage Commission (CHC)	☐ South LA Area Planning Commission
☐ Central Area Planning Commission	☐ South Valley Area Planning Commission
☐ East LA Area Planning Commission	☐ West LA Area Planning Commission
☐ Harbor Area Planning Commission	

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
JULY 28, 2016	6 - 0
LAST DAY TO APPEAL:	**APPEALED:**
SEPTEMBER 1, 2016	YES
TRANSMITTED BY:	**TRANSMITTAL DATE:**
JAMES K. WILLIAMS	September 9, 2016

LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801
(213) 978-1300; **planning.lacity.org**

LETTER OF DETERMINATION

Mailing Date: AUG 17 2016

CASE NO.: CPC-2013-2551-MCUP-DB-SPR
CEQA: ENV-2013-2552 EIR,
SCH#2013091044
Related Case: VTT-72370-CN-1A

Location: 8148-8182 W. Sunset Boulevard
1438-1486 N. Havenhurst Drive
1435-1443 N. Crescent Heights Boulevard
Council Districts: 4 – Ryu
Plan Area: Hollywood
Requests: Master Conditional Use, Density Bonus with two Off-Menu Incentives, Site Plan Review

Applicant: AG SCH 8150 Owner, LP
Representative: Michael Nytzen, Paul Hastings, LLP

At its meeting of July 28, 2016, the Los Angeles City Planning Commission took the following action:

1. **Found** that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report, Environmental Clearance No. **ENV-2013-2552-EIR**, (SCH. No. 2013091044), in its determination of the proposed project and Affirmed that the EIR was certified by the Deputy Advisory Agency on June 23, 2016 and that the EIR was prepared in compliance with the California Environmental Quality Act and reflects the independent judgment of the lead agency and Adopt the EIR for use in reviewing the approved project. The City Planning Commission actions confirm that the Deputy Advisory Agency:
   a. Certified that the EIR has been prepared in compliance with CEQA and reflects the City's (Lead Agency) independent judgment and analysis.
   b. Adopted the Statement of Overriding Considerations setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may occur.
   c. Adopted the Mitigation Measures, Mitigation Monitoring Program.
   d. Adopted the related Environmental Findings.
2. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
3. **Advised** the applicant that pursuant to the State Fish and Game Code Section 711.4, a Fish and Game and/or Certificate of Game Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notices and Determination (NOD) filing.
4. **Approved** a **Master Conditional Use** to permit the sale and/or dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with four restaurant/dining uses, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a grocery store.
5. **Approved** a **Density Bonus** setting aside 11% (28 units) restricted to Very Low Income Households, and the utilization of a Density Bonus Package Incentive Parking Option 1 and two Off-Menu Affordable Housing Incentives as follows:
   a. Pursuant to Section 12.22-A,25(g)(3), an Off-Menu Incentive to allow the lot area including any land to be set aside for street purposes to be included in calculating the maximum allowable floor area, in lieu of as otherwise required by LAMC Section 17.05.

b. Pursuant to Section 12.22-A,25(g)(3), an Off-Menu Incentive to allow a 3:1 Floor Area Ratio for a Housing Development Project in which 50% of the commercially zoned parcel is located within 1,560 feet of a Transit Stop, in lieu of the 1,500 foot distance specified in LAMC Section 12.22-A,25(f)(4)(ii).

6. **Approved** the **Site Plan Review** for a mixed-use development with 249 residential dwelling units and 65,000 square feet of commercial floor area.
7. **Adopted** the attached modified **Conditions of Approval**.
8. **Adopted** the attached **Findings**.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved:	Dake-Wilson
Seconded:	Ambroz
Ayes:	Ahn, Mack, Millman, Padilla-Campos
Recused:	Katz
Absent:	Choe, Perlman

Vote: **6 - 0**

James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: The action of the Los Angeles City Planning Commission will be final within 15 days from the mailing date on this determination unless an appeal is filed within that time to the City Council. Off-Menu Housing Incentive is not further appealable by any party. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, CA 90012, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

FINAL APPEAL DATE: SEP 01 2016

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

The Statement of Environmental Impacts, Findings and Mitigation Measures; Statement of Overriding Considerations, Mitigation Monitoring Program are located in administrative files ENV-2013-2552-EIR, VTT-72370-CN and CPC-2013-MCUP-DB-SPR, and are available upon request.

Attachments: Conditions of Approval and Findings
Senior City Planner: Luciralia Ibarra
Planning Assistant: William Lamborn

CPC-2013-2551
Appellant 1

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: CPC-2013-2551-MCUP-DB-SPR, VTT-72370-CN-1A, ENV-2013-2552-EIR

Project Address: 8148-8182 W. Sunset Blvd., 1438-1486 N. Havenhurst Dr., 1435-1443 N. Crescent Heights Blvd.

Final Date to Appeal: 08/29/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): ~~City of West Hollywood~~ (Stephanie DeWolfe, Assistant City Manager)

Company: City of West Hollywood

Mailing Address: 8300 Santa Monica Blvd.

City: West Hollywood State: CA Zip: 90069

Telephone: (323) 848-6476 E-mail: sdewolfe@weho.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☐ Self ☑ Other: City of West Hollywood

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Beth Collins-Burgard & Dylan Johnson

Company: Brownstein Hyatt Farber Schreck, LLP

Mailing Address: 2049 Century Park East, Suite 3550

City: Los Angeles State: CA Zip: 90067

Telephone: (805) 882-1413 E-mail: djohnson@bhfs.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 8-25-16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89.00	Reviewed & Accepted by (DSC Planner): Tracy Williams T. Wil	Date: 8/26/2016
Receipt No: 0203346351	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Application - Documents received 18 pages (T.W.) ar

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August 26, 2016

Appeal of the City Planning Commission's Decision Affirming the Advisory Agency's Approval of the 8150 Sunset Boulevard Project and Certification of the EIR

Case Nos. CPC-2013-2551-MCUP-DB-SPR and VTT-72370-CN-1A
CEQA Case No. ENV-2013-2552 EIR

Dear Honorable Council Members:

Brownstein Hyatt Farber Schreck, LLP submits this appeal letter on behalf of the City of West Hollywood ("West Hollywood"). On July 28, 2016, the City Planning Commission considered appeals filed by West Hollywood and three other appellants of the Advisory Agency's approval of the project located at 8150 Sunset Boulevard ("Project") and certification of the Environmental Impact Report ("EIR").[1] At the appeal hearing, the Planning Commission: (1) affirmed certification of the EIR, (2) approved a Master Conditional Use permitting sale of alcohol, (3) approved a density bonus, (4) approved Site Plan Review, (5) adopted conditions of approval, and (6) adopted findings (collectively, the "Project Approvals"). (See City Planning Commission Letters of Determinations for Case Nos. CPC-2013-2551-MCUP-DB-SPR and VTT-72370-CN-1A, mailing date of August 17, 2016.)

The Project is located on the border of City of West Hollywood, directly adjacent to a multi-family residential district within the City. The massive scale and intensity of the Project (5 structures composed of 249 residential units, 65,000 square feet of commercial space, two towers up to 15 stories high, a seven-story decorative architectural projection, 820 parking spaces all on a parcel of 96,328 square feet, with a FAR of 3:1 on a site zoned for 1:1 FAR) will have significant direct impacts on residents of West Hollywood and its infrastructure, as addressed herein and in previous public comments on the EIR submitted by West Hollywood and its residents. The EIR does not adequately address and mitigate the wide range of significant effects of the Project. West Hollywood is therefore compelled to submit this appeal to protect the public health, safety, and welfare of its citizens.

I. Request for Relief

West Hollywood respectfully requests that the Los Angeles City Council overturn the certification of the EIR and vacate the Project Approvals with direction that the deficiencies set forth in this appeal letter be corrected prior to reconsideration of the Project.

West Hollywood also requests that the hearing on this appeal be delayed until after the Cultural Heritage Commission and City Council have made a final determination as to the historic status of the Lytton Savings Building, which is currently under consideration for designation as a Monument.

II. Argument: The EIR for the Project Does Not Satisfy Requirements of Law

[1] The term "EIR," as used herein, encompasses the Draft EIR ("DEIR"), Recirculated DEIR ("RDEIR"), and Final EIR ("FEIR"), as well as all corrections, additions, attachments, and appendices thereto.

The EIR for the Project contains errors, is not supported by substantial evidence, fails to address significant impacts of the Project, and generally violates the California Environmental Quality Act ("CEQA").

A. The Council Should Not Approve the Project Until a Final Determination Is made on the Historic Status of the Lytton Savings Building

The approved project alternative – Alternative 9 – calls for demolition of the existing bank building on the site known as the Lytton Savings building, which is currently occupied by Chase Bank. The EIR recognizes that the Lytton Savings building may be eligible for designation under the Los Angeles Administrative Code ("LAAC") as a Historic-Cultural Monument. Several project alternatives included in the EIR would have preserved the Lytton Savings building. The EIR even states that Alternative 6 would meet or partially meet all of the project objectives. (DEIR, p. 5-180 to 5-182.) Nevertheless, the Planning Commission found that all preservation alternatives were infeasible based mainly on aesthetic concerns. (PC Letter of Determination, Case No. VTT-72370-CN-1A, p. 140.)

On August 4, 2016, six days after the City Planning Commission hearing on the appeals, the Los Angeles Cultural Heritage Commission considered an application to designate the Lytton Savings building as a Historic-Cultural Monument pursuant to provisions of the LAAC. The Cultural Heritage Commission decided by unanimous vote to take the application under consideration, with one Commissioner noting it was a "no brainer."

If the Lytton Savings building is designated as a Historic-Cultural Monument, Alternative 9 cannot be approved. The Cultural Heritage Commission is required to "take all steps necessary to preserve" a Monument, including assisting in establishment of private funds for acquisition and recommendations for government acquisition. (LAAC, § 22.171.11.) The Code also mandates that the Commission "shall take all steps within the scope of its powers and duties as it determines are necessary for the preservation of the Monument...." (LAAC, § 22.171.15.) No permit for demolition may be issued for a Monument under consideration by the Commission. (LAAC, § 22.171.12.) After designation, no Monument may be demolished without first referring the matter to the Commission and the Commission making a determination based on a report "regarding the structural soundness of the building or structure and its suitability for continued use, renovation, restoration or rehabilitation." (LAAC, § 22.171.14.)

The plain implication of the LAAC provisions is that a Monument cannot be demolished unless it is structurally unsound and unsuitable for continued use, renovation, restoration or rehabilitation. There is no evidence that the Lytton Savings building is in any way structurally unsound or that it is unsuitable for use. In fact, it is currently being used as a bank.

The Cultural Heritage Commission will make a report and recommendation to the City Council within 75 days of the August 4 hearing and the City Council must act on the recommendation within 90 days of the hearing before the Commission on the proposed designation, with an option to extend for a maximum of 15 days. (LAAC, §§ 22.171.10(e), 22.171.10(f).) The City Council should delay this appeal hearing until a final determination is made with regard to the historic status of the Lytton Savings building. Alternative 9 cannot be approved if the Lytton Savings building is designated as a Monument.

B. The EIR Fails to Demonstrate that the Historic Preservation Alternatives Are Infeasible and Fails to Include Adequate Mitigation for Impacts to Historic Resources

The Planning Commission approved Alternative 9 despite the inclusion of environmentally superior alternatives that would preserve the Lytton Savings building, which it assumes is eligible for designation under the LAAC as a Monument. The Planning Commission found that the preservation alternatives would not achieve project objectives such as providing an attractive retail face along street frontages,

redeveloping and revitalizing a commercial site, providing high quality commercial uses, improving the visual character of the area, and enhancing pedestrian activity. (PC Letter of Determination, Case No. VTT-72370-CN-1A, p. 140.) Yet the EIR provides that Alternative 6 would achieve substantially all of these stated objectives. (See DEIR, p. 5-181.) The Draft EIR states that the only objective Alternative 6 would not at least partially meet is the objective to provide more commercial use. Alternative 6 reduces the commercial use to 62,231 sq. ft. (DEIR, p. 5-150.) Yet the selected Alternative 9 provides only slightly more commercial use, providing 65,000 sq. ft. (RDEIR, p. 2-1.)

An agency's findings that alternatives are infeasible must be supported by substantial evidence in the record. (Pub. Res. Code, § 21081.5.) The evidence in the record contradicts the Planning Commission's finding that the bank preservation alternatives are infeasible.

Additionally, the only relocation mitigation measure included in the EIR calls for conducting a study to determine the feasibility of relocation and then advertising the availability of the building on historic preservation websites. (DEIR, p. 4.C.2-27.) The relocation feasibility study must be completed prior to EIR certification and project approval so that the decision-makers are fully informed when deciding whether to approve an alternative that calls for demolition. Furthermore, the study may reveal that it would be feasible for the developer to relocate the building, rather than seeking a third party to do so, in which case relocation by the developer should be included as a mitigation measure in the EIR.

The decision to approve Alternative 9 should be overturned because the finding that Alternative 6 is infeasible, an alternative that is environmentally superior, is not supported by substantial evidence. A relocation feasibility study should also be conducted prior to completion of the EIR and, if determined feasible, the EIR should be revised to include a mitigation measure requiring the developer to relocate the building in the event that an alternative is approved that would require removal or demolition.

C. The Traffic Analysis Fails to Address Impacts, Does Not Include Required Mitigation, and Relies on Invalid Assumptions

1. Failure to Consider Feasible Mitigation

CEQA includes a clear mandate to mitigate significant impacts. "Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Res. Code, § 21002.1(b).) In contravention of this clear mandate, the Planning Commission affirmed certification of the EIR and approved the Project despite the lack of a feasible mitigation measure to mitigate significant traffic impacts to the Fountain Avenue/Havenhurst Drive intersection.

The EIR provides only one mitigation measure to mitigate impacts to the Fountain/Havenhurst intersection. Mitigation Measure TR-1 requires the developer to guarantee the necessary funds to enable West Hollywood to install a signal at the intersection of Fountain/Havenhurst. (See PC Letter of Determination, Case No. VTT-72370-CN-1A, p. 146.) The Planning Commission did not find that there were no other feasible mitigation measures capable of mitigating the impact to Fountain/Havenhurst. (See PC Letter of Determination, Case No. VTT-72370-CN-1A, pp. 146-147.) In fact, at the Planning Commission's July 28 hearing, staff stated, for the first time, that it had explored other feasible mitigation measures and TR-1 was determined to be the "most appropriate...." Yet no other mitigation measures were identified in the EIR. West Hollywood has sole jurisdiction over the impacted intersection and West Hollywood has made clear since at least January 2015 that its traffic engineers and staff do not believe it is appropriate to install a traffic light at that location. West Hollywood has stated unequivocally on numerous occasions that it will not install a light in that location. The EIR states, without any evidence in support, that no other feasible improvements to the intersection have been identified. (DEIR, p. 4.J-66.) Even if this were supported by

any evidence in the record, which it is not, it appears that staff has considered other feasible measures that would mitigate impacts to Fountain/Havenhurst, but failed to include them in the EIR.

In fact, to call TR-1 a mitigation measure is illusory. TR-1 is not and never has been a feasible mitigation measure because it is solely within the control of West Hollywood, which has informed the City of Los Angeles on numerous occasions that it will not implement TR-1. To rely solely on this mitigation measure without disclosing or discussing other feasible mitigation confounds CEQA's purpose. A mitigation measure must be enforceable through permit conditions, agreements, or other legally binding instruments. (CEQA Guidelines, § 15126.4(a)(2).) An EIR must identify feasible mitigation measures for each significant impact and when the legal feasibility of a mitigation measure is uncertain, the EIR should suggest substitute mitigation measures that can be implemented in its place. (Kostka and Zischke, Practice Under the California Environmental Quality Act (2d ed. Cal CEB) §§ 14.2, 14.26; see also *Madera Oversight Coal., Inc. v. Cty. of Madera* (2011) 199 Cal.App.4th 48, 83, disapproved of on other grounds by *Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal.4th 439 and *Clover Valley Found. v. City of Rocklin* (2011) 197 Cal.App.4th 200, 244 [finding that EIRs must identify feasible mitigation measures for each significant impact].) The City of Los Angeles has no authority to enforce TR-1 and therefore has not satisfied CEQA's clear mandate to identify enforceable mitigation measures for each impact.

West Hollywood has good reason to refuse to install the signal at Fountain and Havenhurst – the intersection is not capable of accommodating the addition of a left-turn lane and the equipment necessary to make this a feasible option. In addition, as stated previously, the proposed signal at Sunset Boulevard and Havenhurst Drive, along with the signal proposed by TR-1, would result in cut-through traffic on Havenhurst. Speed humps and mistiming the two signals, as proposed by City of Los Angeles staff, would only have the effect of slowing the traffic on Havenhurst and would not deter cut-through traffic.

Instead of identifying alternative feasible mitigation measures, the Planning Commission assumed that the impact to the Fountain/Havenhurst intersection would remain significant because West Hollywood may "determine that it does not wish to install the signal" and adopted a statement of overriding considerations to override the impact. (See PC Letter of Determination, Case No. VTT-72370-CN-1A, p. 198.) This is precisely the type of action that the Supreme Court has disapproved. An agency may disclaim the responsibility for mitigating a significant impact "only when the other agency said to have responsibility has exclusive responsibility." (*City of San Diego v. Bd. of Trustees of California State Univ.* (2015) 61 Cal.4th 945, 957.) An EIR that incorrectly disclaims the power and duty to mitigate identified environmental effects is not sufficient as an informative document. (See *Id.* at 956, citing *City of Marina v. Bd. of Trustees of the California State Univ.* (2006) 39 Cal.4th 341, 356.) West Hollywood does not have exclusive responsibility to mitigate this impact. As the lead agency for the Project, the City of Los Angeles has responsibility to mitigate this impact. "CEQA does not allow agencies to approve projects after refusing to require feasible mitigation measures for significant impacts." (*Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 690, as modified on denial of reh'g (May 11, 2007).)

City of Los Angeles staff has apparently considered feasible measures to mitigate the impacts to the Fountain/Havenhurst intersection and nevertheless neglected to include these in the EIR. The City of Los Angeles may not disclaim responsibility to mitigate a significant impact caused by a project within its jurisdiction. The EIR must be revised to include feasible mitigation measures to mitigate impacts to the Fountain/Havenhurst intersection.

2. Use of Invalid Assumptions Not Supported by Substantial Evidence

Many unfounded assumptions are utilized in the Traffic Impact Analysis ("TIA") to reduce the amount of trips for the proposed Project.

a. Pass-By Trips for the Project Are Overstated

For example, the TIA provides that retail and restaurants will experience 10% of their patronage from Project residents, the supermarket will experience 15% of its patronage from Project residents, and the bank and health/fitness facilities will experience 5% of its patronage from Project residents without explaining the basis for these percentages. (See DEIR, Appx. H, p. 13.) Conclusions and determinations reached in an EIR, including the methodology used to study an impact, must be supported by substantial evidence. (*City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, 839.)

The TIA also applies a substantial reduction for pass-by trips. Projected trips for the restaurant component are reduced by 10%, projected trips for the dance/yoga uses and bank are reduced by 20%, projected trips for the supermarket are reduced by 40%, and projected trips for the retail/commercial component are reduced by 50%. (RDEIR, Appx. A, "Trip Generation Calculations.") The reduction totals 1,277 trips, which amounts to a 25% reduction in overall trips.

In contrast, the majority of the pass-by trips applied in calculating trips for the existing project are trips for the fast food restaurants, totaling 2,190 trips. (RDEIR, Appx. A, "Trip Generation Calculations.") It makes sense that a fast food restaurant would attract a large number of pass-by trips as people do not typically make a single trip to seek out a specific fast food restaurant, but rather integrate it into another trip. The proposed Project does not include any fast food restaurants that would merit a similarly large reduction.

The substantial reductions granted for pass-by trips are not merited for this proposed Project. The Project is likely to be a destination due to the high-end and unique nature of the complex (explained further below). The application of a 25% total reduction for pass-by trips is not supported by substantial evidence in the context of this unique Project.

The trip calculation in the TIA also fails to account for other important factors, including the fact that the Project will provide a large amount of commercial public parking (494 spaces). The TIA does not provide a comparison of proposed parking to existing parking in order to allow a determination of the degree to which the proposed Project would increase the number of spaces provided. Sunset Boulevard is a destination area for local residents and visitors. Parking in the area is scarce. The site is located nearby several popular destinations such as Bar Marmont and the Laugh Factory, in addition to numerous other bars and restaurants. With its ample parking, the proposed Project will undoubtedly attract a number of trips completely unassociated with the Project itself. This has not been accounted for in the traffic analysis.

The traffic analysis also fails to account for the likelihood that a building designed by Frank Gehry will attract architecture buffs and others interested in unique designs. The proposed Project is certain to be a destination in and of itself, regardless of the uses. The TIA does not account for this unique aspect of the Project that will generate additional trips.

b. The TIA Appears to Use an Improper Traffic Baseline

The EIR states that the "baseline conditions for the project are at the time that that the project NOP is filed." (FEIR, p. 2.B-182.) However, the EIR does not clearly state or provide evidence to support exactly what the occupancy level was at the time the NOP was filed. The TIA calculates baseline traffic levels using trips for a fully leased and occupied project. (See FEIR, Appx. A, "Trip Generation Calculations.") According to the Response to Comments, the reasoning for this seems to be that the use of existing conditions at the time the NOP was filed would not account for factors such as "current economic conditions that could result in 'underperforming uses, or seasonal variations in the operations of the uses.'" (FEIR, p. 2.A-29.) However, the FEIR fails to provide evidence to support the conclusion that the "existing use over time" for the site was in fact a fully leased and occupied shopping center. To the contrary, if there

are in fact underperforming uses or seasonal variations, which is to be expected, the statements in the FEIR support a conclusion that the Project was not fully leased at any time in recent history, let alone at the time the NOP was issued. Without such evidence, there is no support for the use of a fully leased and occupied center as the baseline. The EIR cannot use a baseline of hypothetical conditions. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 316.)

The Responses to Comments also state that when an assumed vacancy of 4,637 square feet of retail use is incorporated into the analysis, the change in trips when compared to the fully occupied Project would be a reduction of 99 net total projected trips. (FEIR, p. 2.A-30.) The Responses to Comments state that this reduction in baseline traffic conditions would not lead to a change in the impacts analysis. Yet when the additional 99 trips are added to the other improperly credited trips, the impacts may very well increase. Most importantly, there is no evidence in the record to demonstrate that these additional trips would not create new significant impacts.[2]

D. The Greenhouse Gas Analysis Relies on Invalid Assumptions, Fails to Address Impacts, and Does Not Include Required Mitigation

The Greenhouse Gas ("GHG") analysis relies in part on the traffic analysis as a basis for evaluating GHG impacts. Therefore, like the traffic analysis, the GHG analysis assumes an inflated number of baseline traffic trips and a deflated number of traffic trips related to the proposed Project. Therefore, the EIR understates the amount of GHG emissions. The EIR also does not quantify the additional GHG emissions that would be associated with the 99 additional trips disclosed in the Responses to Comments (discussed above). The GHG analysis takes credit for planting new trees, but does not consider impacts associated with removal of existing trees. In short, the GHG analysis is not supported by substantial evidence and must be revised and corrected.

E. The Analysis of Impacts to Sewer Infrastructure Fails to Address Potential Impacts from Constructing a New Connection

The Project site is served by a 12-foot long City of Los Angeles sewer line which conveys the sewage directly into and through lines owned and operated by West Hollywood and ultimately to the Hyperion Treatment Plant. (RDEIR, p. 3-26.) The EIR originally included a requirement for the Project developer to contribute fair share payments to West Hollywood for use of its sewer lines. (FEIR, p. 3-4.) But on the day of the Planning Commission hearing, staff recommended that the Planning Commission remove this requirement, claiming that West Hollywood had been unable to identify any impacts to its sewer infrastructure. (July 28, 2016 letter from William Lamborn to City Planning Commission.) This assertion of course defies logic. Use of infrastructure inevitably takes capacity, increases risk of spillage, increases the potential volume of spill, and causes wear and tear. The Project's contribution of wastewater to West Hollywood's sewer system will have a proportionate effect on the system, requiring maintenance and repair. Without that maintenance and repair, the system risks causing environmental impacts. These factors all can result in environmental impacts associated with wastewater and sewer usage.

Added sewage from the Project therefore would result in impacts to West Hollywood's sewer infrastructure, associated environmental impacts, and may result in growth inducing impacts. A person utilizing West Hollywood's sewer services must pay an annual sewer service charge, which is levied on properties within

[2] West Hollywood also expressly incorporates in this appeal letter additional traffic and circulation issues included in its appeal to the Planning Commission provided under the heading "Additional Issues." (Appeal to the Planning Commission is attached as Exhibit A.) The Additional Issues were not adequately addressed by staff responses provided in the Appeal Recommendation Report to the Planning Commission.

its jurisdiction. (West Hollywood Municipal Code, § 15.12.010.) Since the Project is located outside of West Hollywood's boundaries, West Hollywood has no authority to levy the charge and no duty to serve the Project. If the Project developer refuses to voluntarily agree to pay the standard charge for utilization of West Hollywood's sewer system and Los Angeles refuses to fairly compensate West Hollywood for use of its sewer system, West Hollywood may determine that it cannot provide sewer service to the property. The developer should not be permitted to have free use of West Hollywood's sewer system simply because it is located outside of West Hollywood's boundaries. If West Hollywood is forced to refuse sewer service to the Project site because the developer and Los Angeles refuse to pay a fair share contribution for use of the sewer system, Los Angeles will be required to construct a new connection to the property. The process of constructing a new sewer connection could have several potential significant impacts not considered in the EIR, including impacts to air quality, traffic, GHG, noise, cultural resources, and geology and soils. The addition of new infrastructure may also have growth inducing effects that must be analyzed. Unless the Project Approvals require the developer to pay its fair share for use of the West Hollywood sewer system, the Project may lead to further environmental impacts not analyzed in the EIR.

The Project Approvals should be revised to require the developer to pay a fair share fee as determined by West Hollywood based on its use of the sewer system or the EIR must be revised to include analysis of impacts from constructing new infrastructure to serve the property. If Los Angeles agrees to compensate West Hollywood for the added burden imposed on its sewer facilities through serving a project within Los Angeles' jurisdiction, such agreement must be executed prior to Project approval to ensure that the Project will not result in additional impacts.

F. The Alternatives Analysis Is Inadequate Because it Does Not Address Alternative Locations

The alternatives analysis in the EIR does not include a detailed consideration of an alternative location for the Project. While it is true that an EIR need not always consider alternative locations, in this case where the Project presents several unmitigatable impacts caused by its location it is not reasonable to exclude consideration of alternative locations. (See *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1179.) As noted by many commenters, the scale and intensity of this Project is inappropriate for the area. This Project is more suited to downtown Los Angeles or another area with large multi-story complexes.

The EIR should be revised to include a detailed consideration of an alternative location.

G. The Scale of the Project is Incompatible with the Area, Inconsistent with Applicable Policies, and Creates Significant Shading Impacts

While Alternative 9, the approved Project, attempted to address objections to the bulk, scale, and density of the development, the Project remains incompatible with the scale and character of the adjacent buildings and surrounding neighborhood. The existing high rise elements along Sunset Boulevard in the vicinity of the Project are generally ten stories at the highest. The Project includes towers one to six stories higher than the tallest surrounding buildings. Other towers in the Project's vicinity are located on smaller sites and interspersed among low rise elements. The overall bulk and scale of the Project elements taken together, including the 11 and 15 foot towers with a five-story element between them, and another building with a seven story architectural projection, is incompatible with even the other towers in the area. The Project also is located adjacent to a multi-family residential zone and in close proximity to a number of small scale multi-family residential structures. In contrast to determinations made in the EIR, the bulk, scale, and density of the Project make it inconsistent with numerous policies directing that projects be designed to be compatible with the scale and character of adjacent uses. (See, e.g., DEIR, pp. 4.F-21, 4.F-31 [discussing compatibility policies].)

The Hollywood Community Plan also requires that the intensity and density of projects shall be limited in accordance with the ability of the local streets and highways to accommodate the project. (Hollywood Community Plan, pp. HO-2, HO-4.) As noted above, the traffic impacts caused by the Project, in particular the significant impact to the Fountain/Havenhurst intersection, mean that the Project is inconsistent with policies of the Hollywood Community Plan.

Appendix G to the CEQA Guidelines asks whether the project would conflict with any applicable land use plan, policy, or regulation. The LA CEQA Thresholds Guide (2006) states that the analysis should consider (1) whether the proposal is inconsistent with the adopted land use/density designation in the existing Community Plan, Redevelopment Plans, or Specific Plans for the Site; and (2) whether the proposal is inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans. As discussed above, the Project would be inconsistent with applicable land use policies and plans. Furthermore, the EIR failed to address the inconsistencies with the intensity/density policies related to transportation in the Hollywood Community Plan. The EIR for the Project must be modified to address the inconsistencies by reducing the overall scale to make it compatible with the surrounding neighborhood.

In addition, while the EIR does not identify the users of Sunset Boulevard as sensitive receptors in its analysis of shading impacts, the development will in fact shade over 300 feet of Sunset Boulevard for most of the day according to Figure 2-6 of the RDEIR. Under the City of Los Angeles thresholds of significance, this shading would have a significant adverse impact on users on Sunset Boulevard. (See DEIR, 4.A.-17.) This significant impact must be addressed through mitigation measures or modifications to the design.

III. Conclusion

For the reasons set forth above, West Hollywood respectfully requests that the City Council overturn the certification of the EIR and vacate the Project Approvals with the direction that the deficiencies set forth in this appeal letter be corrected prior to reconsideration of the Project.

West Hollywood also requests that the hearing on this appeal be delayed until after the Cultural Heritage Commission and City Council have made a final determination as to the historic status of the Lytton Savings Building, which is currently under consideration for designation as a Monument.

Sincerely,

Beth Collins-Burgard

Beth Collins-Burgard

Attachments:

Exhibit A – West Hollywood Letter of Appeal to Planning Commission

EXHIBIT A

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☒ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: ENV-2013-2552-EIR, VTT-72370-CN

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Final Date to Appeal: 07/05/2016

Type of Appeal:
- ☐ Appeal by Applicant/Owner
- ☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
- ☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Community Development Department (Attn: Scott Lunceford)

Company: City of West Hollywood

Mailing Address: 8300 Santa Monica Blvd.

City: West Hollywood State: CA Zip: 90069

Telephone: (323) 848-6427 E-mail: slunceford@weho.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☐ Self ☑ Other: City of West Hollywood

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Scott Lunceford

Company: City of West Hollywood

Mailing Address: 8300 Santa Monica Blvd.

City: West Hollywood State: CA Zip: 90069

Telephone: (323) 848-6427 E-mail: slunceford@weho.org

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☐ Entire ☑ Part

Are specific conditions of approval being appealed? ☑ Yes ☐ No

If Yes, list the condition number(s) here: Mitigation Measure TR-1 & PDF-WW-1

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 07/05/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89-	Reviewed & Accepted by (DSC Planner): LFS	Date: 7/5/16
Receipt No: 0102602598	Deemed Complete by (Project Planner):	Date:
☒ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

City of West Hollywood
California 1984

CITY OF WEST HOLLYWOOD

CITY HALL
8300 SANTA MONICA BLVD.
WEST HOLLYWOOD, CA
90069-6216
TEL: (323) 848-6475
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TTY: For hearing impaired
(323) 848-6496

COMMUNITY DEVELOPMENT DEPARTMENT

July 5, 2016

RE: Appeal of the Advisory Agency decision to approve the Certification of the Final Environmental Impact Report for the 8150 Sunset Boulevard Mixed-Use Project
Case Numbers: VTT-72370-CN, CPC-2013-2551-CUB-DB-SPR
CEQA Number: ENV-2013-2552-EIR

The City of West Hollywood appeals the Advisory Agency decision to certify the Final Environmental Impact Report (FEIR) for the 8150 Sunset Boulevard Mixed-Use Project (Project) given the following outstanding issues regarding key items within the Letter of Determination (LOD):

MITIGATION MEASURE TR-1

Mitigation Measure TR-1, involving the signalization of the intersection of Fountain Avenue and Havenhurst Drive, must be removed from the list of mitigation measures in the FEIR and must be replaced with a substitute feasible mitigation measure to eliminate the traffic impact at this intersection. The City of West Hollywood objects to the installation of a traffic signal at this location and has reported to the City on numerous occasions that it will not approve the installation of a traffic signal at this intersection under any circumstances.

Including this mitigation measure in the Final EIR and CEQA Findings in the Letter of Determination (LOD) is misleading to the public, the applicant and the City's decision makers and therefore violates CEQA's mandate to provide a meaningful analysis of the project's impact on the environment. The vast majority of the EIR and CEQA findings suggest that the traffic impact at Fountain and Havenhurst will be mitigated through installation of the new traffic signal. One has to read through hundreds of pages and find buried in the statement of overriding consideration that there will be an un-mitigatable impact at this intersection if West Hollywood does not approve the signal.

There is evidence in the record that this mitigation measure will never be completed. Thus it is misleading to the public to maintain this as a required mitigation measure and to suggest that the impact is capable of being mitigated to a level of insignificance. This error is fatal to the EIR and deprives the public, applicant and decision makers of a meaningful description of the project impacts. It also leaves the applicant in an untenable situation of being required to comply with a condition for which it cannot comply. Including the mitigation measure as a condition of approval in several sections of the CEQA findings in the Letter of Determination, (including the references in public safety, emergency response times and traffic) also creates an ambiguity that obfuscates the Project's traffic impacts relative to future project review and implementation.

Pursuant to CEQA Section 15126.4.a.2, mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments in order to be viable. Given that the City of West Hollywood does not support and will not approve said traffic signal installation, mitigation measure TR-1

shop WEST HOLLYWOOD

is unenforceable. Therefore, the FEIR inadequately addresses a known significant traffic impact, and the EIR should not be certified without revision.

Additionally, the City of Los Angeles has a duty to identify all feasible mitigation measures that could mitigate or reduce this impact. 14 Cal. Code Regs. 15126. With the knowledge that MM TR-1 is infeasible and unenforceable through permit conditions, the City has not met its burden to mitigate the identified impact under CEQA. Further, the City's finding XI.6 in the Letter of Determination is not supported by substantial evidence because the traffic impact at Havenhurst and Fountain has not been mitigated to the extent feasible. There is no evidence that the City has explored any other feasible means of mitigating this impact to the environment, notwithstanding that the West Hollywood has repeatedly reported that the traffic signal is objectionable and will not be approved. Contrary to the statement in Los Angeles' response letter dated June 21, 2016, it is not the City of West Hollywood's role to identify feasible mitigation measures for this project.

PROJECT DESIGN FEATURE PDF-WW-1

Although the City of Los Angeles has acknowledged that the Project must be subject to the same fair-share contribution as other projects which use City of West Hollywood sewers, the language as written for PDF-WW-1 is vague and ambiguous and does not address the City's main concern. Specifically, the measure must make clear that the applicant is responsible for its fair share of operation and maintenance of the sewer system. As drafted, PDF-WW-1 suggests that the developer must pay for a proportional share of future sewer upgrades. However, this is not the case; the developer must pay its fair share for costs for ongoing operation and maintenance of the existing sewer system.

If this was an identical project within West Hollywood, the property owner would be paying an annual City Sewer Service charge on their property tax bill that is not applicable to this project in the City of Los Angeles. Since West Hollywood does not have a mechanism to collect sewer usage fees on properties outside of the City boundary, we recommend the developer make a one-time payment to cover the equivalent of 50 years of City Sewer Service charge. The City Sewer Service Charge is based on the concept of the Equivalent Sewer Unit (ESU). A single family residential property's City Sewer Service Charge is 1 ESU. The City Sewer Service Charge rates for all other land uses are based on the proportional use of the sewer system, in multiples of the ESU. The formula for calculation of the City Sewer Service Charge remains unchanged from the method of calculation adopted by the City Council in 1997. Per the table below, based on the Project land uses listed in the FEIR, the sewer usage by the proposed development is 270 Equivalent Sewer Units (ESU).

Land Use	Quantity	Unit	Factor	GPD (gallons per day)	ESU (equivalent sewer unit)
Studio Unit	54	Residential Units	156.00	8,424	32
One Bed Unit	134	Residential Units	156.00	20,904	80
Two Bed Unit	35	Residential Units	156.00	5,460	21

Three Bed Unit	24	Residential Units	260.00	6,240	24
Four Bed Unit	2	Residential Units	260.00	520	2
Retail	11,937	Square Feet	0.10	1,194	5
Restaurant	23,158	Square Feet	1.00	23,158	89
Supermarket	24,811	Square Feet	0.15	3,722	14
Bank	5,094	Square Feet	0.10	509	2
			Total	70,131	270

The annual City Sewer Service Charge rate for Fiscal Year 2016-17 is $40.91 per ESU. Considering the proposed project of 270 ESU, the City Sewer Service Charge for FY 2016-17 would be $11,034.80. The City Sewer Service Charge is adjusted by the CPI-LA on July 1 of each year. For example, the CPI-LA which has been applied for calculation of the 2016-17 assessment rates is 3.266%. Assuming a 50-year term for calculation of the developer's obligation for funding their fair-share of costs for on-going operation and maintenance of the City of West Hollywood sewer system, as well as an annual CPI-LA of 3% per year for the next 50 years, the amount the developer would need to pay the City of West Hollywood is $1,244,691.30. Again, this dollar amount would need to be paid to the City of West Hollywood prior to issuance of the Building Permits.

Therefore, the City of West Hollywood requests the language of PDF-WW-1 be revised as follows:

- **PDF-WW-1:** In order to address ~~potential future improvements to~~ the operation and maintenance costs for sewage conveyance facilities within the City of West Hollywood that serve the project site, prior to issuance of Building Permits the applicant shall pay to the City of West Hollywood a lump sum amount of $1,244,691.30 which is the amount equal to the West Hollywood City Sewer Service Charge to be paid by an identical project generating 270 Equivalent Sewer Units (ESU) located in the City of West Hollywood for 50 years. ~~the project shall contribute fair share payments to the City of West Hollywood commensurate with the project's incremental impact to affected facilities. Prior to the issuance of building permits, the applicant shall enter into an agreement with the City of West Hollywood determining the project's specific fair share contribution for West Hollywood sewage system upgrades. The fair share contribution shall be calculated in the same manner used to calculate the fair share contribution for development projects within the City of West Hollywood, and the project's specific contribution shall be determined at such a time that the necessary improvements and associated capital costs are known, and shall be proportional to the project's contribution to total wastewater flows in each affected West Hollywood owned sewer. The applicant shall guarantee (by bond, cash or irrevocable letter of credit, subject to the approval of the City of West Hollywood) the necessary funding to enable the City of West Hollywood to design and install the necessary improvements~~.

There is a less expensive alternative to paying the above stated $1,244,691.30 to the City of West Hollywood. The City of Los Angeles could require the developer to design and construct a new 8-inch diameter sewer to be aligned in Crescent Heights

Boulevard. The proposed sewer would flow south from the project site to connect to an 8-inch diameter sewer in Crescent Heights Boulevard, just south of Santa Monica Boulevard. This new 8-inch diameter sewer would be owned and maintained by the City of Los Angeles, similar to other sewers owned and maintained by City of Los Angeles that pass through West Hollywood elsewhere. The construction would need to be completed prior to issuance of the certificate of occupancy for the proposed development. The City of West Hollywood would be willing to issue the necessary Encroachment Permits for construction of the new sewer. By building this new sewer, the proposed project would no longer utilize the City of West Hollywood sewer system, and would not need to pay for their fair-share of the cost of on-going operation and maintenance of the City of West Hollywood sewer system.

Under either approach, the language of PDF-WW-1 is incorrect and must be revised to more accurately reflect how the project will address its impact on the West Hollywood sewer system.

Additional Issues:

The City raised the following issues in its comment letter dated May 23, 2016 and the planning staff and Advisory Agency did not resolve these issues.

Elimination of Site Access on Havenhurst Drive

The current version of the Project proposes removal of driveway access to the site along Sunset Boulevard. The LOD has conditioned the project such that all residential traffic access the site on Havenhurst Drive and all commercial traffic to access the site on Crescent Heights Boulevard. However, the LOD and FEIR state commercial delivery and service trucks will also access the site from Havenhurst Drive. The City of West Hollywood requests that the LOD and FEIR be revised, and preclude all commercial traffic (including delivery and service trucks) from accessing the site from Havenhurst Drive.

Traffic Impacts Along Fountain Avenue

On Fountain Avenue, the level of service calculations show worsening conditions at all intersections studied. Although the signalized intersections of Fountain/Olive and Fountain/Laurel were not included in the analysis, they too will be impacted. To mitigate the worsening of conditions at these intersections, the developer should be required to fund the upgrade of the traffic signal controller equipment, replacing existing 170 controllers with 2070 controllers, as well as fund installation of battery back-up systems for the following City of West Hollywood signalized intersections: Fountain/La Cienega; Fountain/Olive; Fountain/Sweetzer; Fountain/Crescent Heights; and Fountain/Laurel (Fountain/Fairfax is not included, as that intersection already has an upgraded 2070 controller and has a battery back-up system).

Traffic Impacts Along Havenhurst Drive

The proposed traffic signal at Sunset Boulevard and Havenhurst Drive along with the proposed signalizing the intersection at Fountain Avenue and Havenhurst Drive would effectively make Havenhurst Drive a cut-through route, generating additional traffic congestionand noise impacts to the residential neighborhood along this portion of Havenhurst Drive. In Response No. A9-10, the FEIR erroneously states that the

installation of new signals at both ends of the segment of Havenhurst Drive between Sunset Boulevard and Fountain Avenue will not result in any significant cut-through traffic because there are already a series of speed humps along this segment of Havenhurst Drive, and the two new traffic signals could be intentionally "mis-timed" to delay and deter cut-through traffic. To the contrary, this will only slow down the increased traffic going through this segment of Havenhurst Drive and cause more traffic congestion, rather than lessen the anticipated impacts. Thus, the FEIR must be revised to address these impacts, and have an added project alternative with no vehicular access off Havenhurst Drive.

Safe Pedestrian Access

The proposed project will increase both vehicular and pedestrian traffic in the surrounding area, and this increase in pedestrian traffic levels warrants an upgrade to the existing mid-block crosswalk located south of the project site on Crescent Heights Boulevard. In Response No. A9-11, the FEIR states there is no nexus between the proposed Project and any significant pedestrian related impacts on Crescent Height Boulevard to justify upgrading the existing mid-block crosswalk, because development in the surrounding area will create more traffic in the area and contribute much more toward possible increases in conflicts between vehicles and pedestrians than the proposed Project itself. However, this reasoning is flawed in that it does not recognize the increase in pedestrian traffic caused specifically *by the proposed Project*.

Therefore, the City of West Hollywood requests the project be condition to upgrade the current crosswalk to a mid-block pedestrian signal. Pedestrian visibility enhancements should also be incorporated into the signalization of this crosswalk (i.e. sidewalk bulb-outs, refuge island, reflective markings, etc.).

The above comments in this appeal are related to the certification of the EIR. The City of West Hollywood reserves the right to, and will, raise additional issues pertaining to the project at subsequent public hearings.

Sincerely,

Scott Lunceford, AICP
Associate Planner
Current and Historic Preservation Planning
City of West Hollywood

CPC-2013-2551
Appellant 2

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: CPC-2013-2551-MCUP-DB-SPR; ENV-2013-2552-EIR

Project Address: 8148-8182 W. Sunset Blvd.; 1438-1486 N. Havenhurst Dr.; 1435-1443 N. Crescent Heights Blvd.

Final Date to Appeal: 09/01/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): JDR Crescent, LLC; IGI Crescent, LLC

Company: JDR Crescent, LLC; IGI Crescent, LLC

Mailing Address: 420 Lexington Avenue, Suite 1610

City: New York State: NY Zip: 10170

Telephone: _____ E-mail: _____

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Robert L. Glushon; Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd. Suite 950

City: Encino State: CA Zip: 91436

Telephone: (818) 907-8755 E-mail: rglushon@lunaglushon.com; kkropp@lunaglushon.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Robert L Thurston Date: 8/29/16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
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- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89	Reviewed & Accepted by (DSC Planner): David Skolnik	Date: 8/29/16
Receipt No: 0203346769	Deemed Complete by (Project Planner): Daniel Skolnik	Date: 8/29/16
☑ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Office: Van Nuys
Applicant Copy
Application Invoice No: 31711

LA DBS
DEPARTMENT OF BUILDING AND SAFETY

Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

LA Department of Building and Safety
VN LAUR 203086411 8/29/2016 2:13:57 PM

Receipt #: 0203346769 $106.80

Total: $106.80

NOTICE: The staff of the Plannir ...e full and impartial consideration to your application. ...ne to represent you.

Check $106.80
..., L.A.M.C.

Applicant: JDR CRESCENT, LLC - ...RESLES, OFER (B:818-9078755)
Representative: LUNA & GLUSHON - GLUSHON, ROBERT L. (B:818-9078755)
Project Address: 1435 1/2 N CRESCENT HEIGHTS BLVD, 90046

NOTES:

CPC-2013-2551-CUB-DB-SPR-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	$89.00	100%	$89.00
		Case Total	$89.00

Item	Charged Fee
*Fees Subject to Surcharges	$89.00
Fees Not Subject to Surcharges	$0.00
Plan & Land Use Fees Total	$89.00
Expediting Fee	$0.00
OSS Surcharge (2%)	$1.78
Development Surcharge (6%)	$5.34
Operating Surcharge (7%)	$6.23
General Plan Maintenance Surcharge (5%)	$4.45
Grand Total	$106.80
Total Invoice	$106.80
Total Overpayment Amount	$0.00
Total Paid (this amount must equal the sum of all checks)	$106.80

LA Department of Building and Safety
VN LAUR 203086411 8/29/2016 2:13:57 PM

PLAN & LAND USE $106.80

Sub Total: $106.80

Receipt #: 0203346769

Council District: 5
Plan Area: Hollywood
Processed by SKOLNICK, DANIEL on 08/29/2016

Signature: _____

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ATTACHMENT TO APPEAL

CPC-2013-2551-MCUP-DB-SPR

ENV-2013-2552-EIR

Appellants: JDR Crescent, LLC; IGI Crescent, LLC

Appellants are the property owners of the three story apartment building at 1425 N. Crescent Heights Boulevard, immediately to the south of the proposed 16-story, 333,903 sq. foot mixed-use development at 8150 Sunset Boulevard ("Proposed Project"), thus immediately impacted thereby.

In approving the Proposed Project, the City Planning Commission erred and abused its discretion for the following reasons:

The legally required findings for Site Plan Review cannot be made

1. The Proposed Project **IS NOT** in substantial conformance with the purposes, intent and provisions of the General Plan and Hollywood Community Plan:

The City's Residential Citywide Design Guidelines for Multi-Family Residential Projects, provide for the following principles, goals and objectives:

i. To *nurture neighborhood character* (p. 4);

ii. To *encourage projects appropriate to the context* of the City's climate and urban environment; facilitate safe, functional, and attractive development; and foster a sense of community and encourage pride of ownership (p. 4);

iii. To *establish height and massing transitions* from multi-family uses to commercial uses or less dense single-family residential (p. 7);

iv. To highlight the role that quality building design can play in creating visually interesting and attractive multi-family buildings by *contributing to existing neighborhood character* and creating a "sense of place" (p. 7);

v. To *consider neighborhood context* and linkages in building and site design (p. 8); and

vi. To *ensure that new buildings are compatible in scale, massing*, style, and/or architectural materials with existing structures in the surrounding neighborhood (p. 15);

vii. In older neighborhoods, to *respect the character of existing buildings with regards to height, scale*, style, and architectural materials (p. 15).

The Hollywood Community Plan further provides for the following purposes and objectives:

i. To promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community;

ii. To *balance growth and stability*;

iii. To encourage the *preservation and enhancement* of the varied and distinctive *residential character* of the Community;

iv. To *promote economic well-being and public convenience* through allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns *based on accepted planning principles and standards*; and

v. To encourage the preservation of open space consistent with property rights when privately owned and to *promote the preservation of views*.

Inconsistent with all of these principles, goals and objectives, the Proposed Project consists of a maxed-out, over-height, and over-dense building. Indeed, it proposes, as an "Off-Menu" Density Bonus item, a 3:1 FAR in lieu of the otherwise 1:1 FAR imposed by the "D" limitation on the Subject Property (*three* times what the zoning designation otherwise allows). What's more, the Proposed Project seeks to replace an 80,000 square foot, three-level structure with a 333,903 sq. foot, 16-story megaplex all of which will be built directly adjacent to 2-3 story residential dwellings with which it will be completely inconsistent.

The Project includes the closing off and withdrawal of a public street based on a "B" permit rather than a discretionary Street Vacation or Withdrawal from Public Use process. A "B" permit, though appropriate for improvements such as curb, gutter, sidewalks, is inadequate to close off a public street. Appellants further contend that they have easement rights, as abutting owners to the public street, which would be impaired by closing off access to the public street.

2. The Proposed Project **DOES NOT** consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be *compatible* with existing

and future development on adjacent properties and neighboring properties:

The Proposed Project is 13 stories higher than the immediately adjacent, existing multi-family residential community and exceeds the otherwise planned density on the site three times. In an attempt to appear compatible, the Applicant has provided a "spin" that the location of the Project is one that is "highly urbanized" and built out; in the more "active" regional center of Hollywood with a mixed-use blend of commercial, restaurant, bars, studio/production, office, and entertainment. But the reality is that the entirety of the properties to the south of the proposed Project are low-height multi-family residential. When taken in context with these low-height residential buildings, the Project completely fails with regard to consistency and compatibility and does not consist of an arrangement of buildings and structures that is or will be *compatible* with existing and future development on adjacent properties and neighboring properties.

The legally required findings for Conditional Use cannot be made

1. The Proposed Project **WILL NOT** enhance the built environment in the surrounding neighborhood, nor will perform a function or provide a service that is essential or beneficial to the community, city or region:

The scope of the Master Conditional Use is directly tied to the size and scale of the Proposed Project, which will not enhance the built environment, but will, instead overshadow and make unlivable the low-height multi-family residential buildings immediately adjacent thereto. It will further degrade the traffic at the site in in its immediate surroundings where per the very traffic study relied upon in the EIR, *almost all* of the intersections are at an existing LOS of D or lower, including 10 which are *already* at an LOS of E of F.

2. The Proposed Project's location, height, operations and other significant features **WILL NOT** be compatible with and WILL adversely affect or further degrade adjacent properties, the surrounding neighborhood, and the public health, welfare and safety:

Again, the scope of the Master Conditional Use is directly tied to the size and scale of the Proposed Project. Here, the Proposed Project is 13 stories higher than the immediately adjacent, existing multi-family residential community and exceeds the otherwise planned density on the site three times. It will overshadow and make unlivable the low-height multi-family residential buildings immediately adjacent thereto and will further degrade the traffic (and inevitably impact emergency response times) at the site in its immediate surroundings, putting the health, welfare and safety of the public in danger.

3. The Proposed Project **DOES NOT** substantially conform with the purpose, intent and provisions of the General Plan and Hollywood Community Plan:

For the reasons stated above, the Proposed Project does not substantially conform with the purpose, intent and provisions of the General Plan or the Hollywood Community Plan.

4. The Proposed Project **WILL** adversely affect the welfare of the pertinent community:

Again, the Proposed Project's location, scale and mass will overshadow and make unlivable the low-height multi-family residential buildings immediately adjacent thereto and will degrade the traffic at the site in its immediate surroundings, putting the health, welfare and safety of the public in danger. Therefore, it will adversely affect the welfare of the pertinent community.

The EIR is inadequate

The purpose of an EIR is "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided," before a project is built. *Cal. Pub. Res. Code* § 21002.1(a).

An EIR must provide the decision-makers, and the public, with *all* relevant information regarding the environmental impacts of a project. If a final EIR does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and a final EIR is inadequate as a matter of law. An EIR may not ignore or assume solutions to problems identified in that EIR. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 286; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82-83.

The proposed EIR fails as an informational document for the following reasons (as more fully set forth in Luna & Glushon's letter to the Advisory Agency and City Planning Commission dated June 7, 2016, as well as Luna & Glushon's separate letter to the City Planning Commission dated July 20, 2016):

A. It fails to provide information/context regarding the imposition of the "D" limitation on the Property Site;

B. It fails to analyze inconsistencies with applicable land use and environmental plans/policies in violation of *CEQA Guidelines Section 15125(d);*

C. It fails to analyze at the existing environment (including the "D" Limitation) as the applicable baseline when evaluating land use impacts;

D. It fails to analyze consistency with the land use policy/plan impacts it identifies, instead it provides conclusory statements with no evidence to substantiate them;

E. It fails to analyze consistency with the City's Mobility Plan 2035;

F. It fails to analyze compatibility with respect to the entire multi-residential community immediately to the south of the Proposed Project Site;

G. It fails to provide why and how the use of general traffic thresholds, where traffic at all nearby intersections is already at LOS of D or lower, is an appropriate measure of transportation impacts for the Proposed Project;

H. It fails to provide why and how the use of general noise thresholds is an appropriate measure of noise impacts for a Proposed Project of this scale;

I. It skews and ignores the plain words of thresholds, including Threshold TR-6;

J. It proposes unenforceable mitigation measures including Mitigation Measure TR-1, installation of a traffic signal at Fountain/Havenhurst, which is entirely in the City of West Hollywood; and "phantom" Mitigation Measures TR-3 and TR-4 which are not in the EIR or Mitigation Monitoring Plan;

K. It proposes illusory Mitigation Measures which do not actually mitigate the impact they are intended to mitigate, including Mitigation Measures TR-1 and TR-2 and the Project's TDM Program, which are supposed to mitigate the potential impacts to inadequate emergency vehicle response times, but all which have to do with traffic circulation <u>on-site</u> and along Havenhurst;

L. It relies on a January 8, 2014 Preliminary Alquist-Priolo Earthquake Fault Zone Map which is outdated. A subsequent map shows the Site on the active fault line. What's more, there is no way to accurately tell how close the fault line is to the site without sampling the entire site, which the Applicant has failed to do. If a property is located in an earthquake zone, a geologic fault hazard investigation is necessary before any development may be permitted. Therefore, the Applicant has not met the requirements of the Alquist Priolo Act;

M. It improperly requires adoption of mitigation measures from *future* studies (e.g. Mitigation Measure GS-1), deferring environmental assessment;

N. It fails to address the fact that a discretionary Street Vacation process will be necessary and analyze its impacts.

CPC-2013-2551
Appellant 3

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: CPC2013 2551-MCUP-DB-SPR

Project Address: 8150 Sunset Blvd et al.

Final Date to Appeal: 08/30/2016

Type of Appeal:
☑ Appeal by Applicant/Owner
☐ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Susane Manners

Company:

Mailing Address: 1229 N. Olive Drive

City: West Hollywood State: Calif Zip: 90046

Telephone: (310) 666-1800 E-mail: mannersgroup@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other: and Manners Trust owner of the Property as Sole Trustee

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Allan Wilion, Esq.

Company:

Mailing Address: 8383 Wilshire Blvd.,

City: Beverly Hills State: Calif. Zip: 90211

Telephone: (310) 435-7850 E-mail: aew@aewlaw.net

APPEAL BY MANNERS RE CPC2013 2551MCUP DB SP

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Susie Monnet Date: 08/29/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89.00	Reviewed & Accepted by (DSC Planner): Tracy Williams	Date: 8/30/2016
Receipt No: 0201347081	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Documents received 44 pages. (T.W.)

The Law Dictionary

Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.

Navigation

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What is **ADJACENT?**

Lying near or close to; contiguous. The difference between adjacent and adjoining seems to be that the former implies that the two objects are not widely separated, though they may not actually touch, while adjoining imports that they are so joined or united to each other that no third object intervenes. People v. Keechler, 194 111. 235. 62 N. E. 525; Ilanifen v. Armitage (C. C.) 117 Fed. &45; McDonald v. Wilson. 59 Ind. 54; Wormley v. Wright County, 108 Iowa, 232, 78 N. W. 824; Hennessy v. Douglas County, 90 Wis. 129, 74 N. W. 9S3; Yard v. Ocean Beach Ass'n, 49 N. J. Eq. 300, 24 Atl. 729; Henderson v. Long, 11 Fed. Cas. 10S4; Yuba County v. Kate Hayes Min. Co., 141 Cal. 3Go, 74 Pac. 1049; United States v. St. Anthony It. Co.. 192 U. S. 524, 24 Sup. Ct. 333, 48 L. Ed. 54S. But see Miller v. Cabell, 81 Ky. 184; In re Sadler, 142 Pa. 511, 21 Atl. 978.

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APPEAL BY MANNERS FROM CPC2013 2551 MCUP DB SPR

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Beverly Hills, CALIF. 90211
310-435-7850 PHONE; AEW@AEWLAW.NET

August 29, 2016

City Council Los Angeles

Hn. Jose Huisar Chair
City Council Planning and Land Use Committee

RE: APPEAL TO CITY COUNCIL OF LOS ANGELES RE 8150 Sunset Blvd. (short term "8150") Hearing 7-28-16 Planning Commission RE VTT72370CN 1A

Vesting Tract MapNo: VTT 72370-CN 1a;
Related: CPC-2013-2551-MCUP-DB-SPR;
CEQA: ENV-2013-2552-EIR, SCH No. 2013091044
ADDRESSES:
8148-8182 West Sunset Blvd., Los Angeles
1438-1486 N. Havenhurst Drive, Los Angeles
1435-1443 N. Crescent Heights Blvd., Los Angeles

APPELLANT: SUSANNE MANNERS OWNER OF 1477-79 HAVENHURST DRIVE LOS ANGELES AN 8 UNIT APARTMENT BUILDING SITUATED DIRECTLY ACROSS THE STREET FROM THE 8150 MONSTROSITY PROJECT AND MOST NEGATIVELY AFFECTED PROPERTY

THIS IS WHERE THE APPEAL FROM THE CPC2013-2551-MCUP DB SPR COMMENCES. =THE FIRST PART OF THESE PAPERS DEAL WITH THE VTT AND THE CPC TO THE EXTENT THAT IT MAY INCLUDE ITEMS OTHER THAN THE DENSITY 3-1.

=THE SECOND PART DEALS WITH THE CPC STARTING IN PART 6, PAGE 37

PART 1:

APPELLANT STANDING: THE APARTMENT BUILDING IS DIRECTLY ADJACENT TO THE MONSTROSITY PROJECT.

Appellant Susanne Manners ("Appellant") has standing both as a member of the public and as the owner of the Apartment Building located at 1477-79 Havenhurst Drive which is located directly across the street from the Monstrosity Project. It is approximately 60 feet away. (See **Exhibit 1a, 1b** for photos). Havenhurst is 38 feet across not 60 as represented in the Decision. **(Exhibit 1a).** If the ownership is to the middle of the street then the distance is about 30 feet. Manners is the sole trustee and beneficiary of the Manners Trust that owns the 8 unit apartment building ("Appellant's Property" or "Apartment Building") (**Exhibit 1a-1b**). **FN 1**

Clearly, the Apartment Building is adjacent to the Monstrosity Project. (See Blacks Law Dictionary attached to this Application.

The key fact is that Apartment Building is located within the 1905 Crescent Heights Tract Map Book 6, pages 92-93 ("1905 Tract Map" or "Tract Map" or Map") (**See Exhibit 3a**). Her property will be the most negatively affected by the MONSTROSITY Project along with the Andalusia a world

FN 1: All References are to the LD Decision regarding the CPC 2013-2551-MCUP-DB. The VTT is referred to as VTTetc.

south of the proposed exits at the demarcation lines between the City of LA and the City of WEHO and one lane is removed approx. (**Exhibit 1c1, 1e, and 1d3; and 1D4 photo of Fire Department Truck and the narrow area). FN 2**

The Planning Commission illegally approved the VTT which includes a 234 foot Monstrosity that the Developer claims is 15-16 stories but in fact is close to 22 stories, and it is out of touch with the area. (**Exhibit 2; and 1h2**).

FN 1: All References are to the LD Decision regarding the CPC 2013-2551-MCUP-DB. The VTT is referred to as VTTetc.
FN 2: The City of WEHO is not insane and opposes the project. It is categorically opposed to it. See discussion infra.

The closest buildings that are 22 stories are located in Hollywood and Century City and/or Wilshire Blvd with one exception. There is one 31 story condominium known as the Sierra Towers that was constructed by the same architect that constructed the Apartment Building and it is located on Doheny North of Sunset in the City of WEHO. It is about a mile or so away. The largest building in the area is the La Ronda Apartment (4 stories and 45 feet) and the Colonial House (7 stories and 80 feet) both of which are historical monuments. (**Exhibit 2d). The Monstrosity is the royal finger to the residents of Los Angeles and West Hollywood.**

Under the Decision Letter of Determination, the Developer part of a bait and switch plan engaged in by the City of LA without notice wherein they surreptiously and illegally changed the project completely and called for inter alia: (i) illegal vacation of a dedicated right turn lane on Sunset south onto Crescent Heights, and vacation of the traffic island (known as traffic island) which is located in the middle of Crescent Heights; (ii) changed exits to Havenhurst drive which is a 38 foot (not 60) small little street with a pincher right at the exits (**Exhibit 1e and 1d1**); (iii) increased the amount of dirt to be hauled from 58,000 to 136,000 cy of dirt and 13,600 truck semi truck loads of 10 cy each to be removed by exiting right on Havenhurst north to Sunset (**Exhibit 1b and 1c1**), and then right turn east on Sunset (Exhibit 1f-1g, ; (iv) the post hauling truck deliveries and all business invitee exists and resident exits would be right on Havenhurst and then right on Sunset. The area will be a sig alert; (v) a 234 foot Monster Project which is 22 stories. (**Exhibit 2**)

Appellant objects to the entirety of the Monstrosity Project which is illegal for many reasons including that the current version illegally interferes with her Private Easement. The City of LA is completely unaware of the fact that the Appellant's Property falls within the 1905 Crescent Heights Tract Map and has a Private Easement over all property designated in the Map. Appellant **and everyone else in the area** who falls under the Tract Map has a Private Easement over the streets designated which include Havenhurst and Sunset as well as the dedicated right hand turn lane which the City seeks to vacate, and the traffic island, and other areas.

There is a dedicated right hand turn lane that has existed from Sunset east to south on Crescent Heights since at least 1905 (**Exhibit 3a-3b**) which the City seeks to vacate and give away for nothing, as well as the island in the middle of Crescent Heights. **(Exhibit 1g1-1g3, 3b).** There is an identical dedicated right hand turn lane east onto Sunset from Crescent Heights. Laurel Canyon ends at Sunset and curves on the other side of the Island to the south and becomes Crescent Heights.

The Decision is illegal since it seeks to interfere with a Private Easement. The law is clear that a vacation does not affect a private easement. (CSHC 8352). See discussion infra.

In addition, even in the absence of a Private Easement, the Monstrosity Project interferes with her rights as a citizen of Los Angeles. It significantly negatively impacts the entire community, and destroys the beauty of Havenhurst as one of the most beautiful streets in Los Angeles, and specifically negatively impacts affects Appellant's Property, and the tenants use of the streets, and quiet enjoyment of their homes. The most impacted properties include Appellant's Property, the Andalusia a historical apartment and now condominium, as well as the Senior Home of the City of WEHO which is located directly across from truck hauling exit and 13,600 trips as well as the Monstrosity Construction, and in the future the proposed exits on Havenhurst and the truck hauling exit. These four properties will be referred to collectively as the "Abused Properties by the City of Los Angeles" and have in effect been condemned.

All residents and properties in the area will negatively impacted due the insane nature of the Project, the traffic, the noise, the fumes, the vibration, the hauling, and drunks, the bums, and then later the truck deliveries, and the business invitees exiters, and the elimination of the one of the best things on

Sunset to wit the dedicated right hand turn lane and the traffic island, and the proposed placement of an insane hard right hand turn at Crescent Heights which had to have been developed by three stooges. However, the Abused Properties are especially negatively impacted inter alia because all the 13,600 truck loads of semi trucks will haul right past, and stand in line to make the right hand turn, while their motors eliminate diesel fuel, and fumes, and vibrations, and with the construction right across the street.

The City of LA claims that it is not vacating the dedicated right hand turn, and the traffic island, and instead is changing it to off site open public space and the open space is for pedestrians. This position is ludicrous and illegal since street use (does not matter amount type or degree) is being eliminated. This is a per se violation of the California Street and Highways Code ("CSHC") Section 8308-8308, 8324, 8352-8353 as well as D700 issued by the City of LA to incorporate State law. (**Exhibit 6).** In addition, Appellant submits that the City of LA is unlawfully giving away public property to the Developer.

The Hollywood Earthquake **fault runs directly under the proposed project (**the City claims it is 100 feet but the new maps show it is under about 75% of the subject property and the City does not care.)

The Approval permits the construction of a 235 which 22 stories tall not 15, Monstrosity on top of an earthquake fault which will totally out of touch with the neighborhood.

SPECIFIC BASIS FOR STANDING BY APPELLANT

The areas of negative impact will be discussed separately infra. The following is a list:

ADVERSE IMPACT ON APPELLANT'S PROPERTY AND TENANTS OF THE APARTMENT BUILDING. THE PROJECT WILL SUBSTANTIALLY INTERFERE WITH THE QUIET ENJOYMENT OF THE APPELLANT'S PROPERTY

Illegal Taking of Property that is Subject to a Private Easement and Its Elimination Which is Illegal. See discussion infra.

=(i) Appellant has a private easement right for passage over the curved right hand turned lane and Sunset east as the feeder lane and all other streets in the area under the 1905 Crescent Heights Tract. **(Exhibit 3a).** The elimination of the dedicated right hand turn lane from Sunset south onto Crescent Heights (**See Exhibit 1g, and 3b** for diagrams of area) is illegal and violates the Private Easement owned by Appellant and other owners of property that are in 1905 Crescent Heights Tract. **(Exhibit 3a).**

In addition the attempted vacation of the traffic island in the middle of Crescent Heights in conjunction with the dedicated right hand turn lane (total of 9134 feet) is illegal as well and violates the Private Easement. **(Exhibit 3ba-c, 1g1-1g3).**

=(ii) Separate and apart from interference with the Private Easement, there is wrongful and illegal vacation of the 9134 (VTTLD114) feet of the dedicated right hand turn lane and the island in the middle of Crescent Heights in violation of the California Streets and Highways Code Section 8308-8309, 8324, and 8352 and 8353 et. al. The traffic island is a bizaare piece of property and has its own address 8181 and zoned for affordable housing although it has been a traffic island since the mid 1960s when the Pandora's box was torn down.

=(iii) Illegal and wrongful removal of the traffic island and area 9134 feet (VTTLDF114) apprx from street use to off site open public space for pedestrian use for the exclusive benefit of the Developer. This also constitutes a violation of California Streets and Highways Code noted since it is also a vacation of a street which is illegal.

Blockage of Havenhurst North with 13,600 Trucks Semi Trailers Hauling 136,000 cy of dirt, and de facto closure of Havenhurst north post hauling as trucks try to use Havenhurst which is a small street, and residents and invitees exiting on Havenhurst try to go North and then east on Sunset in the dedicated feeder lane on Sunset without a dedicated curved right turn land which now exists.

=(iv) Wrongful and illegal blockage of Havenhurst north for removal of 136,000cy of dirt (which is enough to fill the Los Angeles Coliseum) by 13,600 trucks (LD9) by way of Havenhurst and east on Sunset. The 2 trucks exits part of the bait and switch campaign promulgated the Developer in conjunction with the City of LA proposed on Havenhurst will substantially

and de facto block use of Havenhurst. (**Exhibits 1b, 1c1, and 1d1and 1d4)** This will force traffic of 13,600 semi trucks. All of the above will go by Appellant's Property and the other Abused Properties north on Havenhurst and east on Sunset and will result in the defacto closure of Havenhurst at times 6 days a week during the 13,600 trucks hauling, and during most of the time when the project is opened. This is a de facto closing of Havenhurst and is illegal.

A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

Hauling of Dirt on Saturday Also. It is Not Enough for the Capitalists to Interfere on M-F but now Also Saturday.

=(v) Hauling dirt on Saturday as well as M-F. (LD9)

Post Hauling Truck Usage and Business Invitee Usage and Resident Usage with Exit North on Havenhurst Past Appellant's Property, and east on Sunset.

Noise, Horns, Fumes, Vibration from Trucks 13,600 Trips.

=(vi) Can you imagine 13,600 semi trucks hauling 136,000 cy of dirt past your house. Perhaps we should do this and schedule a haul past each of your houses to demonstrate the noise, the vibration, and negative impact of one truck, let alone 13,600 truck loads, and then deliveries. The trucks will stand idle and there will be toxic fumes, and noise, and vibration. It is a nightmare scene.
=(v) The noise level generated by the construction and the trucks as mitigated to 58 (VTTLDF61) will be about 85-90 is which the equivalent of a motorcycle charging by (**Exhibit 11**), and continued use by drunk and alcoholic patrons including amplification noise of 86 which is again in motorcycle range.

Traffic Jams, and Total Chaos.

=(via) Sunset currently is completely jammed most mornings for several hours west on Sunset as cars empty from Laurel Canyon which is the main pass route from the Valley where it joins in with Sunset and becomes Crescent Heigths with a name change, and east every day M-F for several

hours in the morning; and both east and west especially in the afternoon from 230pm onward til 730pm at least; and east and west late on Friday (Saturday and some days on Sunday) past Havenhurst

=(vib) There is also traffic on Sunset on Saturday east and west mainly from 11:00 am and during light hours and then virtual massive traffic nearly total blockage Friday night and Saturday night, and at times on Sunday as well.
=(vic) There is massive traffic south over Laurel Canyon which becomes Crescent Heights M-F in the morning for hours,
=(vid) There is also massive traffic north on Crescent Heights, and Sunset over Laurel Canyon from about 230pm to 8:00pm M-F.
=(vie) There is also morning Laurel Canyon traffic on Saturday morning south, and heavy traffic from 3:00pm thru the night depending on what is going on with heavy traffic usually at night as cars pour into the Sunset Strip.
=(vif) There is also traffic north on Laurel Canyon Saturday during the afternoon and into the evening. It becomes heavier in the afternoon and heavy into the evening as vehicles pour into the Sunset Strip.
=(vig) The same is true as to Sunday.

=(vih) Traffic on Fountain is also heavy most of the time in the afternoon all the time. (**Exhibit 15** taken from Santa Monica and Crescent Heights intersection as there is traffic backed up to Melrose in afternoon)

=(vii) Traffic on Havenhurst will become unpassable at most times. A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

=(vij) Throw in 38 other projects and you have the 405 freeway and gridlock.

And this insane project wants to dump 13,600 truck loads onto Sunset Blvd., east, and business invitees, and remove the dedicated right hand turn lane etc. that will create a standstill on Sunset and Crescent Heights and a sig alert in the area.

Post Hauling: Noise, Horns, Fumes, Lights, Sounds, from Tenants, and Business Invitees Using Havenhurst, North to Sunset, Let Alone at Night from the Bars and Drunken Hell Holes

=(viii) Post Hauling of 136000 cy, the vehicles exiting the project on Havenhurst by residents of the multi million dollar condos, and the mass business invitees visitors to the commercial project with the restaurants. It appears that the vehicles will be required to turn right north on Havenhurst etc. and then east on Sunset. **(Exhibits 1b and 1c1).** Most drivers at night will be drunken fools especially after sleeping hours while the alcholics drink and could care less about the residents.

=(ix) The drunken invitees will have to wait in line along Havenhurst to get to Sunset. They will honk their horns, yell, and there will be fumes and loud music playing, and at night the lights will flash all over the place. Alcohol, horns, lights==a formula for disaster. It will materially interfere with the sleep of the residents as late nights drunks will exit and create havoc.

It is clear from the past that new liquor licenses will attract alcoholics, drunkers, drug addicts, bums, and others especially after closing hours and late at night who urinate, try to have sex, and or sleep in the area.

It will act as an attractive nuisance like a bee to honey for drunken drivers and limousine and Uber drivers who are insensitive and will have lights on and honk their horns because they could care less, and play loud music, and wake people up, especially while waiting in line to exit on Havenhurst to traverse to Sunset to make a right turn..

=(x) The noise level generated by the trucks and vehicles as mitigated will be about 85-90 **(Exhibit 11)** is which the equivalent of a motorcycle charging by, and continued use by drunk and alcoholic patrons including amplification noise of 86 which is again in motorcycle range. This is like having a hells angel gang living in the area. They should be directed to the areas where you live.

Post Hauling: Noise, Horns, Fumes, Lights, Vibration, Sounds, from Delivery Trucks Using Havenhurst, North to Sunset Especially in Morning.

=(xi) The trucks deliveries will have substantial problems making a right turn on Havenhurst and will block the street, and create traffic, and noise, and vibration and fumes and will substantially impact everyone along Havenhurst north and a degree south as well. A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the

Fire Department Truck. It is going to be almost impossible to traverse the turn.

The trucks with the vehicles mixed at times with vehicles will all go north past the Apartment Building, and then east on Sunset. The City of WEHO has refused to permit any access exit or otherwise by trucks on Havenhurst.

Lies about the Height of the Project Which is 234 feet or 22 Stories NOT 16. This will create shadows, and blockage of sunlight let alone business invitees who will pollute the area.

=(xii) The proposed project **falsely states that it will be 15 stories** when it is 234 feet (LD38 and VTTC1) or 21.6 stories which will interfere with the light, heat, shadow, on her property which will be directly across the street (when they try to tear down the Lytton building which is a historical building). See **Exhibit 2a-2d** for photos of the proposed building. The Building is gigantic and overwhelms anything except buildings in Hollywood, Century City and the Sierra Towers on Doheny and Sunset at 31 stories.

Substantial Interference with Ability to Travel in Area with 38 Projects on the Board for Approval. Total Traffic Stoppage.

= (xiii) The Project would substantially interfere with the ability to travel in the area with the Monstrosity Project, and the cumulative impact of 38 other projects. There will be long line for cars and trucks going north on Havenhurst and then right or east on Sunset without the ability to turn on a dedicated right hand turn lane at Crescent Heights etc. The idea of a hard turn lane at Crescent Height is insane. **(Exhibit 1g2-1g3, 1h1-1h2).**

Construction Noise, Fumes, Vibration of 234 Foot Monstrosity

=(xiv) The construction will interfere with the quiet enjoyment of the tenants and everyone in the area. The noise, the fumes, vibration, and blockage of Havenhurst.

The Project Would Impact Noise Sensitive Receptors.

It is admitted that the project would increase noise levels at adjacent noise sensitive receptors. (LD87;(VTTF5)

Removal of 136,000 cy of dirt In a Project that is Within an Earthquake Fault is Not Only Illegal, but Insane, and Could Well Trigger an Earthquake. The vibration impacts alone are enormous.

=(xv). The Montrosity is located directly on top of an earthquake Hollywood Fault. As best as one can deteremine, at least 75 of it is under the fault. **(Exhibit 7).** The removal of 136,000 cy of dirt which is enough to fill the coliseum and 13,600 trips will cause massive vibration and threat to trigger an earthquake.

=(xvi) Vibration impact which is significant, and the threat of earthquake trigger due to the removal of 136,000 cubic yards dirt and 13,600 truck trips.

Fire Department Impact is Enormous and Police.

=(xvii) Delay of Fire Department and Police response time which will be almost impossible during certain hours of the day. See traffic concerns. The City has issued a Statement of Overriding Conditions due to the traffic. (LD5; 29, 129, 198-199; VTTF8, VTTF143)). A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

Illegal Removal of a Historical Building, Now the Chase Building.

=(xviii) The Lytton building now Chase is a historical building and cannot be torn down. There is currently a hold on any tear down action and it is highly likely that the building will be designated a historical modern building. The issue is that the Chase is utilized by residents on Havenhurst.

In summary, Appellant has standing and is aggrieved to file this appeal due to the illegal action by the City.

PART 2:

OBJECTION TO THE ENTIRE CITY OF LOS ANGELES FRAUDUELNT ACTIVITY IN REGARD TO THIS PROJECT

As Set forth below, the entire City of LA is in a conflict position and is acting contrary to their role mandated under law and should be disqualified, especially the City Attorney who cannot represent the City Council, and the Planning Commission, and also render legal advice.

The City of Planning Commission violated the Brown Act in this matter. They (and the hearing office, and the entire staff) had no clue that there is a Private Easement. They stated that the Monstrosity Project was 15 or 16 stories which is a patent lie when in fact it is 234 and 22 stories. They claim that Havenhurst is 60 feet when in fact it is 38 feet. They are oblivious to the fact that there is a Senior Home of WEHO across from the exits as proposed. They permitted fraudulent notice as part of a joint bait and switch campaign. They fraudulently claim that they are not vacating the dedicated right hand turn lane, and the traffic island which is per se violation of the CSHC 8308 et. Seq, They claim that the Project is 100 from an Hollywood Earthquake fault when in fact they are relying on an OLD MAP. The refiled application in 2016 mandates a new Map be used, and it is clear cut to a blind person that at least 75pc of the Project falls DIRECTLY ON TOP OF THE FAULT. In addition, there was no testing at all done in conformity with the law. The City claims it can get away with this outrageous conduct because the Tract Map is used with a B Permit. Well the City again can't read, because the Tract Map cannot apply to commercial property, and the B Permit does not facially apply.

In addition the Decision by the Planning Commission conveniently omits (Appellant believes that this is another example of an intentional omission or fraudulent nondisclosure or outright fraud perpetrated let alone illegality and invalidity) this important critical point since the entire decision is predicated on a mitigation factor MTR1 which calls for a street light at Fountain and Havenhurst (south of the Monstrosity).The City of WEHO categorically **refuses** to install one and OPPOSES the PROJECT. The City of LA has been aware of this since mid May. **(Exhibit 4).**

It is also omitted that the City of WEHO will not permit hook up to the sewer line unless City of LA meets its standards and the City of LA refuses to do so. (See **Exhibit 4).**

In addition, the City is cloaked with ELDP duty to act as the lead agency to verify and mandate compliance with all mitigation measures, and changes that are made to make sure it falls under the ELDP. (Here, the ELDP was fraudulently obtained as well). The City has refused to exercise its duty after a materially changed Alternative 9 was dumped with no legal Notice that failed to disclose material items such as the fact that there would be 2.3 times the dirt hauled away, that it would be hauled on Havenhurst, and that the dedicated right hand turn lane and the traffic island (9134 feet) would be given away and removed as part of the street system. In addition, the City failed to take action when it learned that the project would be reduced from 111,000 commercial to 58,000 and there would be no high paying jobs which is the legal hook or sine qua non to falling under the ELDP and the representations made. As such, the City is under a mandatory duty to remove the Project from ELDP and deny it. It has refused to do so.

The City claims that it has issued a statement of overriding consideration about the fact the key Mitigation measure cannot be met (MTR1; VTTC23-24; F19 & F26, F154-155) and the sewer line has not been resolved, and that the traffic will be gridlock. Yet, there is alternatives which the City completely failed to review and in fact totally failed to have any review of Alternative number 9. It is totally missing from the LD.

The City claims that the reduction from 111000 to 58000 sq feet and 192 jobs is not a material change in the ELDP. Appellant challenges the City to find one high paying job other than retail and restaurant that was created. There are none.

The entire process reflects that the City has acted in a conflict situation and is not neutral and the entire judgment and decision of everyone involved by the City is challenged. This failure to disclose the position of the City of WEHO is particularly shameful and is another glaring example of the non objectivity of the City and the failure to act in a neutral manner in violation of CEQA and the ELDP (discussed infra).

PART 3

PART 1 OF APPEAL: PRIVATE RIGHTS OF APPELLANT

APPEAL RE INTERFERENCE WITH APPELLANT'S PRIVATE EASEMENT RIGHTS TO USE THE DEDICATED RIGHT TURN LANE, AS WELL AS SUNSET AND ALL STREET IN THE1905 CRESCENT HEIGHTS MAP, AND THE STREETS.

=1. THE CITY IS ILLEGALLY INTERFERING WITH THE PRIVATE EASEMENT RIGHTS OF APPELLANT AND ALL OWNERS OF PROPERTY THAT FALL WITHIN THE 1905 CRESCENT HEIGHTS TRACT. THE CITY CANNOT ELIMINATE THE CURVED RIGHT HAND TURN LANE FROM SUNSET ONTO CRESCENT HEIGHTS BACKGROUND RE 8150 AND THE LANE ON SUNSET LEADING TO IT.

AND IT CANNOT TRANSFER THE SUBJECT AREA FROM STREET USE INTO OPEN SPACE, LET ALONE FOR THE SPECIFIC USE OF THE APPLICANT WHICH ARE PROJECT ISSUES DICUSSED INFRA.

SEPARATELY, THE CITY CANNOT APPROVE DE FACTO BLOCKAGE PUBLIC STREETS FOR 13,600 TRUCK LOADS BY SEMI TRUCKS OF 136,000CY OF DIRT ON SUNSET FEEDER LANE AND THE CURRENT DEDICATED RIGHT HAND TURN LANE SOUTH ONTO CRESCENT HEIGHTS, AND BLOCK HAVENHURST.

The statement in the LD206 that there are no easements known to exist:

> "(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract."

Obviously, this is statement is dead wrong. As set forth herein, the 1905 Crescent Heights Tract Map contains inherent easements across all roads including the dedicated right hand turn lane and Sunset east leading to it.

A. INTERFERENCE WITH PRIVATE EASEMENT OWNED BY APPELLANT AND OTHERS IS ILLEGAL AND INVALID BY REASON OF VACATION OF CERTAIN STREETS INCLUDING THE DEDICATED RIGHT HAND TURN LAND, AND THE ISLAND, AND OTHER PARTS OF THE STREETS IN THE AREA

The area underlying the 8150 property is located within the 1905 Crescent Heights Tract and Appellant's Apartment Building, and so are the streets. **(See Tract Map 1905 Exhibit 3a).** As one can see, the 1905 plan included two curved intersections and lanes on Sunset Blvd. (east and west on Crescent Heights), with one providing a right turn off from Sunset south onto Crescent Heights, and the other north on Crescent Heights and eastbound on Sunset Blvd. There is symmetry on the other side with a right turn lane from Crescent Heights east onto Sunset. This was the intent.

The law is clear since the old days that the 1905 Map is sufficient to impose a private easement with regard to the streets by reference to a Tract Map. **(Danielson v. Sykes,** 157 Cal. 686, 109 P. 87; Neff v. Ernst, 48 Cal. 2d 628 (1957). See **Exhibit 5** for a copy of the **Ernst** case.). It creates a Private Easement in the owners of property within the Tract Map. Appellant holds such rights as a successor which is transferred to the renters in its Apartment Building, as well as all the other members to wit owners of property within the 1905 Tract Map. **FN 3**

A copy of the current situation is set forth in the documents attached as **Exhibit 3b and 1g1-1g3).**

FN 3: Appellant is suing and such suit will be joined by others who own land in the Tract, and if not, a class action will be filed.

The City of Los Angeles is totally oblivious to the easement in the LD206 claiming none exist.

The City of Los Angeles intends to do away (eliminate) the subject existing dedicated curved right hand turn lane south on Sunset to Crescent Heights. It also seeks to eliminate the traffic island in the middle of Crescent Heights which together with the dedicated right hand turn lane totals 9134 feet. It claims that it will turn it into non site open space and sidewalk (LD161), and it claims it will build a new hard right turn lane somewhere in the area. It also claims it is not vacating the Street but rather will be transmuting the area of the right turn lane into a pedestrian zone and making it public use but giving it to the Developer which is illegal.

The City cannot remove the dedicated right hand turn lane nor the traffic island, and and cannot interfere with the private easement of Appellant and all members of the Tract Map 1905. In effect, the City is vacating the part of the street which is illegal. See infra violation of California Streets Highways Code. Part 4 infra.

The California Supreme Court in **Ernst v. Neff,** 48 Cal. 2d 628 (1957)(**Exhibit 5**) made it clear that even though a public use ceases on a vacation of a street, the rights acquired by the owners who have rights to a private easement in such streets are **not affected**. (See California Streets Highway Code 8352; 8324; see also 8350-8353; and all other sections; see also City of LA D700 adopting State Law). As the Court ruled:

> "No relinquishment of the private easements in these streets by the plaintiffs or the grantor was shown, and the private rights of these parties therefore continued". (Id. 637)

Thus, the City may not approve removal of the dedicated right hand turn lane from Sunset south onto Crescent Heights nor the use of feeder lane on Sunset or any other streets in the area or engage in any interference with the easements by overburdening them with semi trucks, and increase traffic intentionally that will cause blockage.

It claims it will be adding a new hard right turn lane. This is insane. The photos reflect that it would be a three stooges turn. **(Exhibit 1h)**. Laurel

Canyon empties into Crescent Heights but it makes a sharp turn and the area is curved in nature. The hard right turn would be impossible let alone for a truck and it cause massive road blockage west on Sunset.

=B. INTERFERENCE WITH PRIVATE EASEMENT BLOCKING USE OF PART OF HAVENHURST AND THE DEDICATED LANE ON SUNSET THAT TURNS INTO THE DEDICATED RIGHT HAND TURN LANE SOUTH ONTO CRESCENT HEIGHTS CAUSED BY HAULING OF 13,600 SEMI TRUCK TRIPS CARRYING 136,000 CY OF DIRT, AND POST HAULING BY TRUCK DELIVERIES, AND BY BUSINESS INVITEES ALL MAKING RIGHT HAND TURNS OUT THE EXITS ONTO HAVENHURST NORTH TO SUNSET, AND THEN RIGHT ON SUNSET.

This is discussed above. The City's approval substantially interferes with the Private Easement and in effect blocks a city street Havenhurst north to Sunset, and then right on Sunset with the hauling of 13,600 truck trips by semi trucks; and post hauling by business invitees, and residents and others including delivery truck blocking Havenhurst north. It will materially negatively impact use of Havenhurst for all time.

PART 4

PART 2 OF APPEAL REGARDING PUBLIC RIGHTS OTHER THAN THE PRIVATE EASEMENT OWNED BY APPELLANT. THE CITY CANNOT VACATE THE DEDICATED RIGHT TURN LANE AND ANY OTHER PART OF THE STREETS INCLUDING THE ISLAND, BECAUSE IT VIOLATES CALIFORNIA STREETS HIGHWAYS CODE. THIS IS RAISED BY APPELLANT AS A MEMBER OF THE PUBLIC (AND PRIVATE EASEMENT HOLDER).

Under California law, Appellant holds a private easement over the subject streets by reference to the recorded 1905 Tract map including use of the public streets which includes inter alia the subject right hand turn lane which commences on the south side of Sunset closest to the sidewalk and becomes the subject right turn lane. This subject right turn lane cannot be eliminated nor transmuted into off site open space, nor to pedestrian easement.

Even in the absence of the Private Easements,

In terms of State law, elimination of any **portion of or right in a** public street or highway requires a formal vacation procedure and to try to vacate the private easement which would be illegal to do. (California Streets Highways Code Sections 8308-8309, 8324, and 8353; See **Exhibit 6).** (Also a violation of D700 of the LA City Regulations). Section 8308 is clear that one cannot interfere with any rights connected with a street including the **right of access**, easements.

The de facto illegal attempted vacation of the dedicated right hand turn violates the California Streets Highways Code 8324 and the City can never establish that the area is totally unnecessary for present or future public use.

Furthermore, State law requires a hearing procedure under Section 8320-8325 with due process and notice to the public, separate dedicated hearings, findings, etc. No notice was given and no hearings were noticed nor held. **Under no circumstances would the City be able to meet the proper standard for vacation of the curved right hand turn lane which is that it will never be reasonable necessary for its current use. This mickey mouse attempt to circumvent the Code is illegal.**

In any event as separately discussed infra, it cannot do so since it is subject to a private easement held by Appellant and others.

=B. Tract Map Argument Raised by City is Facially Illegal and Patently Fraudulent

The City also claims that a vacation is not required because the subject curved right hand turn property and the island property which both total about 9134 feet (and which has its own address 8181 Sunset) and which is in the middle of Crescent Heights and is part of the street, would become non site open space and sidewalk and merged through the tract map (merger and resubdivision). This misses the point.

The City cannot eliminate the area because it is subject to a private easement(s), and it cannot do so in any event.

And even if arguendo they could which they can't, a Tract Map only **encompasses private property and does NOT cover the public streets,** and thus use of a subdivision to take away City property subject to a private easement is illegal and invalid. The only proper procedure is vacation of a part of a street and the required notice etc and the very difficult standard which the City will never ever be able to overcome.

Even with a formal vacation under Section 8308 et al if that were possible somewhere in the universe (which it is not), Appellant's private easement and that of the other owners of property in the Tract Map 1905 cannot be interfered with and cannot be extinguished. (CHSC 8350-8353).

All private easement owners in the 1905 Tract are required to be notified that their private easement rights are being interfered with and the City is conspiring to take away private property rights. No such notice has been given by the City and nay notice that was given was fraudulent. See infra.

=C. The City claims with a straight face that it is not vacating the street merely changing its use to open public space for pedestrian usage. However, it is seeking to **totally eliminate vehicular use of a street to wit the heavily used subject** dedicated right turn lane (through a Ministerial B permit and a revocable permit.) This it cannot do as well. It cannot eliminate

vehicular use of the subject dedicated right turn lane, nor can it transmute it into a hard right turn lane, and it cannot vacate it without compliance with the applicable code sections noted.

In any event, the City cannot seek to circumvent the applicable State law by means of a mickey mouse ministerial B permit and a revocable permit which interferes with the private easement and is illegal. A "B" permit is for a massive construction project, and transmutation of any property into open space is a devious attempt to try to circumvent the law re compliance with the vacation law. (See **Exhibit 12**):

> "5.1 B Permit Description and Purpose
>
> The B Permit is required for major street construction in the public right of way. This includes widening of streets, the changing of existing street grade, and the installation of sewers, storm drains, street lights, and traffic control signals. Street widening generally includes . . . .B Permit construction plans are often complex and prepared by an Engineer hired by the B Permit Applicant."

And

> "The primary purpose of a BC-Permit is to mangae the City's inspection of major street construction work."

And:

> "The B Permit is frequently issued for major street improvements **adjacent to land under private development."**

A B permit is not used to steal public property and give it to a Developer. It has nothing to do with changing use, let alone vacation of part of a public street. The position by the City is condoning theft by the City. Use of a B Permit to try to cover up the illegal give away of public property would not be valid even if there had been no private easement. (LAMC 62.106(b). It is for extensive public work improvements. The City knows this and the attempted giving away of property with a B Permit is an intentional wrongful act and is illegal.

In regard to the last fraudulent ludicrous argument by the City about an encroachment permit, that the City will issue an encroachment permit which is revocable, try moving a building that is constructed. It is an insane argument as a last ditch effort by the City to permit a fraud to take place and to steal public property subject to Private Easements. In any event, it cannot encroach into an area that is a street covered by private easement, and it cannot be given away. There is no encroachment. The City is giving away its land that is street use and vacating vehicular use of the streets.

=D. An EIR is Required with Full Disclosure Re the Scam Merger Argument by the City.

In addition, the attempted removal of the curved right hand turn lane also requires evaluation under in the EIR since it is a discretionary approval. It must be fully disclosed which never took place here. There was no notice. **The Notice, and the EIR, the Staff Reports, and the Letters of Determination failed to disclose that the dedicated right hand turn lane and that the 9123 feet would be given to the Developer consisting of the island and the dedicated right had turn lane and used by the Developer for in effect for nothing.**

III: POST HAULING INTERFERENCE WITH PRIVATE EASEMENT BLOCKING USE OF PART OF HAVENHURST AND THE DEDICATED LANE ON SUNSET THAT TURNS INTO THE DEDICATED RIGHT HAND TURN LANE SOUTH ONTO CRESCENT HEIGHTS

This is discussed above. The City's approval substantially interferes with the Private Easement and in effect blocks a city street Havenhurst north to Sunset, and then right on Sunset with the hauling of 13,600 truck trips by semi trucks; and post hauling by business invitees, and residents and others including delivery truck blocking Havenhurst north. It will materially negatively impact use of Havenhurst for all time.

Accordingly, demand is made that the City has no right to eliminate the subject right turn nor change the island a total of 9134 feet, without approval of the Appellant and other holders of similar rights under the Tract Map. Demand is made that City must reject the Monstrosity the Project and that the appeals filed be granted to avoid the City facing lawsuits. There are other

options that do not call for removal of the island and the dedicated right hand turn lane that can be considered perhaps.

PART 5

FRAUDULENT AND ILLEGALITY RE APPROVAL OF 8150. THE APPROVAL PROCESS FOR VESTING TT IS ILLEGAL AND THE BASIS FOR APPROVAL IS EITHER ILLEGAL OR INVALID.

The Letters of Determination (LD for CPC, and VTTLD) were issued on 8-17-16. The LD was illegally and ultra vires granted and is replete with illegality invalidity, and outright fraud. Certain of these impact the private easement legal rights of Appellant and others are public in nature. The following is the appeal based on non private easement rights which are set forth above to separate them.

=1. The PC Violated the Ralph Brown Open Meetings Act (Government Code Section 54950 et. seq) By Holding Ex Parte Meetings and/or Conversations by a Majority of the Commissioners in a Serial Scheme to Violate the Brown Act

The approval by the City is illegal. There were several ex parte communications held by several meetings or conversations or discussions with the Developer and the project architectural firm. This was disclosed and admitted in open discussion at the PC hearing. They are ex parte communications and serial meetings and they violate the Brown Act. (Government code Section 54952.2b(1) et. seq; **Stockton Newspapers Inc. v. Redevelopment Agency, 1**71 Cal. App 3d 95 (1985). Therefore the vote taken by the PC is illegal and unlawful and impeaches the entire City of LA and all of its personnel. **FN 4**

FN 4: The only PC commissioner who recused himself was Richard Katz. The other four commissioners all held ex parte communications. Appellant believes that there were other ex parte communications and wants to conduct discovery regarding the nature of such contacts in this regard.

In addition, the City Attorneys office which has represented the City is now caught in a conflict itself due to this, and due to the City's failure to act as the lead agency and remove the Project from the ELDP list. Since it has failed to do so, the City is not neutral and is biased.

=2. The ELDP Designation Was Fraudulent, and the Material Bait and Switch Change Re Alternative 9 is also Fraudulent and Illegal and Does Not Fall Under the ELDP, and the City of LA is Obligated to Verify the Same. As a Result, the City of LA is in a Conflict Position and Needs to Delegate that Review to an Independent Body other than the City of LA Which Must Take Place Before Review of the Appeal. The DECISION IS ILLEGAL Because There was No Recertification of the Alternative 9 That Was the Bait and Switch Scam Perpetrated which Materially Changed the Plan and Compliance with the ELDP

This Project received fast tract approval under the ELDP based on false promises of high paying jobs. (See LD45):

> "In certifying the original Project, the Governor determined that the original project would result in a minimum investment of $100 million, **would create high wage jobs, ...**" (LD45).

The certification was not based on construction jobs

This was a total lie and a fraud.

After the total material changes in the Alternative 9 which is the bait and switch scam that was perpetrated, there was no effort to seek reapproval by the City of Los Angeles who is charged to do so with regard to the Environmental Leadership Development Project.

The Alternative 9 lowered the square footage commercial by 40pc from 111,000 to 65,000 and there are no high paying jobs or high tech jobs just menial workers in retail and restaurants. (LD46). It now claims there are only 192 full and part time positions which is a euphemism for low paid employees. They are no high wage high skill jobs in the amended ELDP Alternative 9 required by the Code Section 21183(d) and 21178.

"7. CEQA requires the Lead Agency approving a project to adopt a

Mitigation Monitoring Program ("MMP") or (sic?) **the changes to the project which it has adopted or made a condition of project** approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all mitigation measures and project design features adopted by the City in connection with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of **Public Resources Code Section 21081.6,** the City hereby adopts the MMP."

The City of Los Angeles is obligated to enforce any changes or mitigation requirements as the lead agency. (LD195) It failed to do so.

The City claims that this does not constitute a material change. If this is not a material change then nothing is. I dare the City to show one high paying job that is not a manager of a restaurant or retail store.

Appellant contends that it does and the City has no authority to proceed with any review because it is violated its duty. Appellant objects to any further interaction by the City until it acts to disqualify the project from ELDP.

=3a. The Approval Fraudulently States that the Project is 15 or 16 Stories When In Fact it is 234 feet which is 21.6 Stories. The Monstrosity Is Totally Not Consistent with the Community. The Tallest Building is the Sierra Towers at Sunset and Doheny a long way away.

It is claimed that the project will be 16 stories, but this is false, it will be 234 feet high (LD38; VTTC1) which is the equivalent of 21.6 stories or 22 stories. (See **Exhibit 2 and 1h1,** group for photos of the Monstrosity). It is completely out of touch with the community. The closest structure of this height is in Hollywood and or Century City; the Sierra Towers on Doheny north on Sunset which has been there for 30 plus years is also present at 31 stories condo non mixed project. The La Ronda is 4 stories and 45 feet, and

the Colonial House is 7 stories and 80 feet. Both are historical buildings, along with the Andalusia (next to Appellant's Property and Mia Casa (south)

Furthermore, the Monstrosity is totally out of touch with the low level nature of the Community let alone Havenhurst which is a historical street and masterpiece which will be ruined by this Monstrosity Project.

=3b. The Approval Fraudulently States that Havenhurst is 60 Feet Wide When in Fact It is 38 Feet, and the South Side is Pinched AT the Demarcation Point Between LA and WEHO.

The Approval again misleads when it states that Havenhurst is 60 feet wide. (LD204). In fact, it is a little more than half of that size at 38 feet. See **Exhibit 1a and 1b**. Obviously no one has been out there to walk the street.

=4. The Notice for the Hearing on May 26, 2016 Is Invalid and Thus The Entire Hearing Process is Illegal and Must be Set Aside. It is Part of a Fradulent Scheme Engaged in by the City of LA.

=A. Nothing Was Disclosed About the Bait and Switch with Regard to the Vacation of the Island and the Dedicated Right Turn Lane etc. and the Alleged Change to Non Site Public Use.

The Monstrosity Project is predicated on a bait and switch participated in by the City of Los Angeles by failure to give Notice to the public that a new Alternative 9 which changed everything would be considered which called for exits on Havenhurst and the end of the curved right hand turn lane on Sunset, and the fraudulent and illegal giveaway by the City of the island and the curved right hand turn lane over 9134 square feet to the Developer for a few pieces of Silver, and that the amount of dirt hauled away would be increased by 2.3x. (See LD37 re no notice given, rather a recirculated DEIR or RP-DEIR; and LD67).

The hearing notice of May 24, 2016 hearing states that that there is an off menu item called "lot area including any **land to be set aside for street purposes to be included in calculating the maximum foor area. . . ."** (**Exhibit 8**). There is no indication that a portion of the street to wit the dedicated right hand turn lane from Sunset onto south on Crescent Heights, and the lane on Sunset would be given away and removed for vehicular use. This language used intentionally fraudulent, confusing, and misleading and

states that land will be set aside for **street purposes** not removal of it. **The exact opposite**. This violates California Streets and Highway Code Section 8324(b), and 8353(b). (See **Exhibit 6**) and LAMC 12.37. (**Exhibit 10)**

The tract map was silent regarding the proposed closure and the give away of the median island and the dedicated right hand turn lane area , let alone a gift to the Developer of 9123 square feet of City Property for off site open space. (LD161).

There was no indication that there would be off menu incentives granted. Moreover, it failed to disclosure that certain discretionary approvals were required for FAR as well as the following:

"1. Elimination of vehicular access on the dedicated right hand turn lane area etc.

2. Street vacation of part of a street in conjunction with the Tract Map and the City Engineer's Report

3. Height District change from 1-1 to 3-1 since it is in a 1-1 zone and violates the Hollywood General Community Plan

4. General Plan Amendment to the HCP to amend MP2035 to show that the island and dedicated right turn lane are closed. The Map for the intersection of Crescent Heights and Sunset in MP2035 conflict with the changes and would require hearings. "

In closing, **the EIR, the Staff Reports, and the Letters of Determination failed to disclose that the dedicated right hand turn lane and that the 9123 feet would be given to the Developer consisting of the island and the dedicated right had turn lane and used by the Developer for in effect for nothing. The Notice is evidence of a fraud.**

=B. The Notice is Fraudulent and Fails to Disclose that a Change from 58,000 cy to 136,000 cy and 13,600 Would Exit on Havenhurt and go North to Sunset.

The Notice is also fraudulent it states that there would be removal of **58, 500 cubic yards of dirt NOT 136,000 cy THAT IS PART OF A BAIT AND**

SWITH THAT TOOK PLACE. Actual fraud took place by the Developer with approval by the City.

=C. No Disclosure in the Notice that the Private Easements of Owners in the 1905 Crescent Heights Tract Was Being Attacked.

Finally, there was no disclosure that there were private easement rights of dozens of owners of Property within the 1905 Crescent Heights Tract.

=5a. Failure to Disclose in the Decision by the PC that the City of WEHO Has Refused to Permit a Light at Fountain and Havenhurst which is the key mitigation factor under TR1, and Refuses to Permit Sewer Hookup. Thus, the entire Project falls.

TR1 is the key mitigation measure. It calls for a traffic light at Sunset and Fountain. The City of WEHO who controls the light **refuses to permit it and refuses to permit any exits on Havenhurst. It also refuses to permit sewer** hookup. (LD34; 128). This **is not disclosed in the LD** as best one can determine but the City of WEHO advised the City that this is the case in July early. (See **Exhibit 4** for latest letter from City of WEHO) (LD9, 29, 129,133,145, 198; VTTC23-24, F96, F155).

The most outrageous point is that:
=(i) the City designated the City of WEHO as the enforcing agency when it knew that WEHO would not enforce it because it refused to grant approval to TR1. This was all part of a fraudulent attempt by the City to seek to enforce use of alternative exits such as the obvious one Crescent Heights. The City did not do so. The City never evaluated this scenario.
=(ii) The City violated the ELDP which granted them a mandatory duty to review changes and to enforce compliance with any mitigation measures. (See ELDP 4(2) supra). It failed to do so and to disclose it in the LD.

The City is now attempting to circumvent violation of the law by claiming that this calls for a Statement of Overriding Considerations. (LD198; VTTF8, F55) This is illegal and improper and it must be disqualified from acting any further in this matter since it has violated its duty and requiring Mitigation TR1 compliance and it cannot circumvent it by undermining its own duty by issuance of a fraudulent Statement of Overriding Considerations because the City of WEHO refused to approve a light at

Fountain and Havenhurst and permit sewer hook up except on its terms, and the City of LA refuses to do so.

It is illegal to utilize the term unavoidable when it is not unavoidable, since the problem would be reduced if the exits are placed on Crescent Heights, as well as the dirt removal..

=5b. Reduction in Response Time by the Fire Department.

See 15a infra.

It is admitted that it would reduce the time for the fire department to reach the area:

> "Furthermore, if the City of West Hollywood elects not to implement Mitigation Measure TR-1, project related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain **significant** and unavoidable." (Emp. Added).(LD129)(See also LD 29, 129,145, 198; VTTF96, F155; C23-24).

New emergency responses times by the Police and Fire must be recalculated due to the non implementation of the TR1 all thanks to the City of LA.

A photo of the Fire Truck dealing with the narrow street south of the demarcation is attached as **Exhibit 1d4**).

=6. NO CEQA Review by the Hearing Officer of the PC of Alternative 9. This was Skipped over.

There is no analysis in the Decision by the hearing officer, nor in the LD about Alternative 9. It does not exist. (LD 183; VTT137). There is no compliance with CEQA. The City abdicated its duty to conduct a proper CEQA review. The Decision goes from 1-8 and 10, and the Decision by the PC stops at 8. (LD178; VTT137). Unbelievably Alternative 9 is not discussed as required under CEQA.

=7. The Monstrosity Project Falls Apprx 75% plus In the Hollywood Earthqauke Fault. As Such It is Illegal to Approve the Project.

=A. At Least 75Pc of the Property Lies over the Fault as Reflected in the Latest Map. Only 1 Bore Location Took Place and There is No Way to Be Sure Where the Fault is Exactly Without Borings On All Sides Especially the Southern Side.

The CPC was revised in April 2016. Thus, the new earthquake maps are applicable. The PC had to make a finding that there is no public safety threat. It is also a CEQA issue. The PC adopted the argument by the Developer hook line and sinker and failed to make any independent analysis.

The Monstrosity Project falls within the Hollywood Earthquake Fault Zone. (LD75;125;VTTF51). In fact, at least 75pc of the project and perhaps more falls inside the Zone and is over the Fault according to the latest maps. (**Exhibit 7**). The latest map is 11-14.

The City claims that the fault is 100 feet away, and requires a 50 foot setback from the edge of the fault according to their outdated map. This is no valid. There is no way to know where the exact fault lies but the latest map shows it under at least 75pc of the 8150 property. **FN 5 The Applicant ONLY tested ONE LOCATION.**

The only way to be sure is to test all sides of the property which was not done. It could be at the Southern end where the residences were moved. The borings provided do not answer the question needed to make a determination if it under the site, if it active, and/or how far away the fault is from the line.

It should be noted that the fault if it is not part of the Raymond Fault, will trigger every 1600 years at 5.8 to 6.5. If it is part of the Raymond Fault it will trigger every 3,000 to 5,000 year at up to 7.0.

FN 5: Government Code Section 3603 prohibits construction over an active fault.

=B. There Is No Analysis Regarding the Removal of 136,000 cy of dirt and 13,600 Trip Loads of Dirt Over the Area, Plus Construction Will Have.

There is also no analysis regarding removal of 136,000 cubic yards of dirt and 13,600 huge semi trucks impact on Havenhurst and Sunset. The City claims that no analysis is needed because it has been determined that removal of 136,000 of a project sitting on an earthquake fault with 13,600 truck trips it is not significant impact (LD125; VTTF51). This position standing alone impeaches the credibility of the entire City of Los Angeles Review staff and they should be disqualified from further review of this case.

=8. The City Cannot Remove the Dedicated Right Hand Turn Lane from Sunset south onto Crescent Heigths, nor the feeder lane on Sunset Because It violates the Private Easement Rights.

See supra.

=9. The City Cannot Remove the Dedicated Right Hand Turn from Sunset south onto Crescent Heights, nor the feeder lane on Sunset Because it Violates the California Streets and Highways Code Sections 8308, 8309, 8324, 8353, and D700 of the City of LA Provisions Adopting State Law, and all other related Sections.

See supra.

The improvement of the intersection also violates LAMC 12.37.A.3 which provides that no additional improvement shall be required on such a lot where "complete roadway, curb, gutter and sidewalk" exist.

=10. The City Cannot Interfere With the Private Easement Rights Re Use of Havenhurst and Cause De Facto Blockage of Havenhurst north to Sunset By Reason of the 13,600 Truck Loads of Dirt, and the Post Hauling Use by Business Invitees and Residents and Delivery Trucks, All of Whom Will be

See Supra.

=11. The City Cannot Violate the State Streets and Highways Colde Section 8308-8309, 8324, and 8353 et al. (Exhibit 6) and Interfere With the Rights Re Use of Havenhurst and Cause De Facto Blockage of Havenhurst north to Sunset By Reason of the 13,600 Truck Loads of Dirt, and the Post Hauling Use by Business Invitees and Residents and Delivery Trucks, All of Whom Will be Required to Travel North On Havenhurst and then right or east on Sunset.

See Supra.

=12. The City Cannot Change the Use of the Dedicated Right Hand Turn Lane and the Island in the middle of Crescent Heights Which Totals 9123 Feet From Street Use into Open Space Since it Also Violates the Private Easement Rights of Appellant et. al.

See Supra. The 9134 square feet of the island, plus the dedicated right hand turn lane, as non site open space and sidewalk. (LD161).

=13. The City Cannot Remove 9134 Feet from Street Usage, and Transform It into Open Space. Let Alone Give it to the Developer for Peanuts.

The City cannot giveway of 9134 feet of its property which covers the island and the dedi-cated right hand turn lane as non site open space and sidewalk. (LD161). It is illegal to do so by reason of the Street Highways Code vacation Sections discussed supra, 8308-8309, and 8353, and 8324.

=14. There is No Cumulative Analysis of the Impact of 38 Other Projects. This is Illegal. The City Should be Disqualified For Abdicating Their Mandatory Duty.

There are 38 other projects going up in the vicinity and the claim is there is no significant impact from this project. (LD128; VTTF42, F95) As noted, this is another example of a false claim and the insanity of the City of LA and how desperate they are to approve this Monstrosity. This position further impeaches the credibility of the entire City of Los Angeles Review staff and they should be disqualified from further review of this case.

The issuance of the Statement of Overriding Considerations at LD 196 et seq **IMPEACHES THE FRAUDULENT ANALYSIS IN THE DECISION** and clearly shows that there is a significant adverse impact from this Project (traffic (LD198-199; VTTF8, F154-155, F96) and emergency response time(LD198; VTTF95) and noise and vibration. (LD197;F8, F154, F107), let alone during construction.(LD198F8).

There is no cumulative traffic analysis re 38 projects and the added congestion of MP2035.

=15a. The City Ignores the Impact of the Traffic on Fire and Police Response.

The City again claims that the impact on Fire and Police is less than significant with the horrific gridlock on Sunset and Crescent Heights virtually all morning, and most of the afternoon, and at night on weekends. (LD129); (See also traffic LD29; 129; 145). Yet they issue a statement of overriding consideratins. (VTT154-155; F1-9, F96, F8) Laurel Canyon empties into Crescent Heights and there is bumper to bumper traffic most of the mornings in the week, and down Crescent Heights and on Sunset. In the afternoon, there is bumper to bumper traffic north on Crescent Heights to Laurel Canyon, and both directions on Sunset. In addition, Fountain is busy most of the afternoon as well and into the early evening. On weekends, Sunset is bumper to bumper, and so is parts of Fountain. The notion that there is less than a significant impact in the area for FD and Police is patently absurd.

There is also no analysis of the impact on the elimination of the dedicated right hand turn lane etc. on fire trucks. There is no chance they can make a right turn without it. Response time is more than 5 minutes 90 pc of the time per the Fire Department. Fire response is a key element of the HCP.

It is admitted that it would reduce the time for the fire department to reach the area:

> "Furthermore, if the City of West Hollywood elects not to implement Mitigation Measure TR-1, project related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain **significant** and unavoidable." (Emp. Added).

The City issued a Statement of Overriding Considerations (LD29, 129, 145, 198-199); VTTF8, F154-155)

It is illegal to utilize the term unavoidable when it is not unavoidable, since the problem would be reduced if the exits are placed on Crescent Heights, as well as the dirt removal. The City never evaluated this scenario.

=15b. The Building Will Be Over 150 Feet from the Street and Thus It is Illegal to Approve Under the Fire Department Rules.

The Fire Rules provide that a building may not be more than 150 feet from the edge of a roadway. (LD5) This is the case here without the free gift of 9134 feet. A cursory walk of the area reveals that any building will be more than 150 feet from the edge of the roadway especailly because of the addition of the alleged 9134 feet.

=16. Blank

=17. The Decision Regarding Noise Level Is Not Valid. It States that a Standing Truck Has a dba of 58. Wrong. The level is 80-90.

The findings regarding noise level are fraudulent. It is noted that a standing truck has a dba of 58. (VTT58) Perhaps in fairy land. A review of any sound chart reflects that the noise of a standing truck let alone hauling diesel truck is in the 80-90 range which is motorcycle range. (LD87; VTT58). In addition, it permits amplification noise of 86 which again is in motorcycle noise range. (LD24). See Chart Noise Level **Exhibit 11).**

=18. The Decision Conveniently Seeks to Disregard the Fact That the 50 Trip standard is Violated and applies a Net Theory to try to circumvent it. (LD103, 145).

All of the figures utilized by the City re traffic are wrong let alone take into account 38 new projects. (VTTF42, F95)However, the fact is that any increase over 50 is a problem. Here, the 50 trip standard was violated.

However, the City ignores this and tries to apply a net theory of averaging which is illegal. (LD103, 145; VTTF51); VTTF129

=19. The Decision Totally Fails to Comply with the Hollywood Community Plan.

There is a total failure to comply with the Hollywood Community Plan. (Housing Standards and Criteria, page 2; **Exhibit 14**) and traffic, sewer, drainage fire protection etc, and hauling of 136,000 cy dirt, and 13,600 truck trips.

As noted, there is no compliance with section 3, to with no compliance with the General Plan and the Community Plan and is illegal. The project would be non compliant with the street map in the HCP and MP2035.

All of it is incompatible with the HCP. Not one thing is compatible.

=20. There was no Height District change from 1-1 to 3-1 under LAMC 12.32F and thus the Decision is Illegal.

A Height District change is mandatory from 1-1 to 3-1. See infra re FAR. Right now the Decision is illegal and violates the Hollywood General Community Plan. The failure to request a Height District amendment and General Plan Amendment means that the land use element would be inconsistent and not accurately reflect the tripling of FAR from 110,000 to an insane 330,000 feet. The Project would show a 1-1 FAR but the Project would have a 3-1 FAR.

In addition, the Project did not qualify for the off menu incentive bonus items because there are specific adverse impacts as documented by the Statement of Overriding Considerations.

=21. A General Plan Amendment to the HCP to amend MP2035 Is Required and Without It the Approval Is Illegal.

The Map for the intersection of Crescent Heights and Sunset in the MP2035 conflict with the approval and would require a hearing(s). MP 2035 must be amended to show that the island is gone and the dedicated right turn lane are closed forever.

=22. The Approval of a CUP Even Though it Does Not Appear One was Requested and Noticed for Alcohol Which Violates the Maximum Number of ABC licenses Issued in the District 1942. It Will Negatively Materially Impact the Residents of the Apartment Building, and Others Including the Senior Home of WEHO, and the Buddhist Temple All Within 100 Feet.

=a. The Maximum Number of 5 On Site Licenses Has Been Exceeded And No New Licenses Can Be Issued.

The Decision purports to grant a liquor license upon application with the ABC. (VTTC3-C6)

There is a limit on alcoholic licenses that can be issued. Unless the owners of any restaurants who want to use liquor can obtain an existing license, no new license may be issued. The material disclosed is that there is an over concentration of on site liquor licenses in Census Tract 1942 which covers 8150 eastward and northward. There is a limit of 5 on site and 4 off site licenses in the Tract 1942. It has 13 on site, and 4 off site. Within 600 feet, there are 12 on site and 2 offsite. This does **not** include the Census Tract that starts at Havenhurst and goes West and South and there are many licenses in that Tract.

Therefore no new license can be issued since it exceeds the maximum permitted.

=B. No new License Can Be Issued Since It will Materially Impact the Residents of Appellant's Apartment, the Senior Home of WEHO, and the Buddhist Temple.

A liquor license or renewal etc. also cannot be granted (shall not be approved) if it will materially impact residents within 100 feet if it will interfere with the quiet enjoyment of the residents. (Government Code 23789, and Rule 61.4). The burden is on the Applicant to demonstrate no material impact of quiet enjoyment of the residents. The Applicant must fill out a form and list all residents within 100 feet. (See **Exhibit 13)** The distance is measured by a direct line from the closest edge of the residential structure to the closest edge of your structure or parking lot. Here, the Apartment Building is about 50-60 from the property. (Havenhurst is 38 feet

(not 60 feet as set forth by the City) plus the sidewalk of about 10 feet on either side.

In addition, a license can be refused if it is within 600 feet of a church. (Section 23789(a). Here, the Buddhist Temple is 90 feet away.

The grant of ABC licenses will materially impact the residents in the area including the residents of Appellant's Apartment Building directly across the street which is 38 feet in width Havenhurst, and the residents in the Senior Home of WEHO directly across the street from the exits on Havenhurst, and the Buddhist Temple which is 90 feet away.

It is clear from the past that new liquor licenses will attract alcoholics, drunkers, drug addicts, bums, and others especially after closing hours and late at night who urinate, try to have sex, and or sleep in the area.

It will act as an attractive nuisance like a bee to honey for drunken drivers and limousine and Uber drivers who are insensitive and will have lights on and honk their horns because they could care less, and play loud music, and wake people up, especially while waiting in line to exit on Havenhurst to traverse to Sunset to make a right turn. This is a recipe for a disaster.

PART 6 IS INCORPORATED INTO THE VTT APPEAL AS WELL. ALL OF THE SECTIONS LISTED BELOW.

APPEAL RE CPC COMMENCES HERE

PART 6

SECOND APPEAL RE FAR RULING
CPC-2013-2551-MCUP-DB-SPR
ALSO PART OF THE VTT APPEAL

AKA FAR 3-1 APPEAL

=A. THE GRANT OF FAR 3-1 IS ILLEGAL AND INVALID FOR MANY REASONS. SUMMARY

Appellant also objects to the ridiculous and illegal density bonus (FAR 3 from 111,000 sq ft to 333,000 square feet which is insane) and incentives granted by the CPC on 7-28-16 with a letter issued on 8-17-16. (LD202;). The FAR Decision is also illegal and invalid.

The City illegally seeks to give away a FAR 3-1 ration in a 1-1 zone because of use of the scam 1818 provision by reason of including of some inclusionary low income housing.

Since there were other discretionary requests, it is illegal to grant additional non menu requests under 12.22A, g(iii). (**Exhibit 9)**

In addition, the project is more than 1500 feet from a major traffic stop it is illegal to use a **non menu** FAR increase item especially in a 1-1 zone within a Height District Change. **FN6**

FN 6: 27. At the outset, a CUP is needed under Cp-3251-DB for an off menu FAR incentive. (See LAMC 12.24 U.26 Density Bonus which exceed the maximum permitted under 12.22 A.25). There is none.

=A. The Grant of a Density Bonus of 3-1 Is Illegal Because It is an Off Menu Item

=25. The request for a FAR density bonus of **3-1 FAR** is invalid and illegal. The Applicant requested the following incentives: (**Exhibit 8**).

"3. Pursuant to LAMC Section 12.22-A.25©, {1} a 22% density bonus to provide 45 additional units**, in lieu of the 35% density bonus**, where 11% (28 units of the total units will be set aside for Very Low income Households, **and** {2} the utilization of Parking Option 1 to allow one onsite parking space for each Residential Unit of zero to one bedrooms, two onsite parking spaces for each Residential Unit . . . . " {brackets added}

"The Applicant is requesting two Off Menu Affordable Housing Incentives as follows:

a. Pursuant to LAMC Section 12.22-A,25(g)(3), an Off Menu Incentive to allow the lot area including any land to be set side for street purposes to be included in calculating the maximum allowable floor area, in lieu of as otherwise required by LAMC Section 17.05; and
b. **Pursuant to LAMC Section 12.22-A, 25(g)(3), an Off Menu Incentive to allow a 3:1 Floor Area Ratio for a Housing Development Project located within 1560 feet of a Transit Stop, in lieu of the 1,500 foot distance specified in LAMC Section 12.22-A,(f)(4)(ii)" (Emp. Added) FN 7**

FN 7: See Exhibit 9 for a copy of the Section 25 of Subsection A of 10.01 of the LAMC re Density Bonuses.

Thus a 3-1 FAR on menu incentive is based on ministerial approval and must meet the standards and it fails to legally do so. There is no discretion.

=1. It must be adjacent to a highway

=2. It must be in height district 1, 1XL, 1VL, 1L, with a FAR of 1.5:1 (as noted below it is not in a 1.5-1 FAR district but in a 1-1 FAR district);

=3. It must be within 1500 feet of a major transit stop.

(as noted it is not)

The Applicant asked for

i. Parking reduction
ii. 22 pc extra units from 204 to 249

iii. 3-1 FAR for the entire project which includes half public streets as lot area for FAR which is improper

Numbers 1 and 2 are permitted under what is called the 1818 low income housing rules but not 3 (LD202).

Thus, the Decision granting the FAR 3-1 pathetically fails to comply with a 3-1 FAR standard and the City had NO discretion and could not grant it since it is ILLEGAL.

=B. The Grant of FAR 3-1 Is Also Illegal Because Applicant Already Used Other Discretionary Applications.

=26. Here, Applicant was also subject to other discretionary applications (under CP 3251-DB, 5-19-16, p.3) which include:

> "a. Partial street vacation required in conjunction with the Tract Map Merger;
> b. Height District change from 1-1 to 3-1 {LAMC 12.32F}
> c. General Plan Amendment to amend MP 2035 to show the island and the dedicated right hand turn lane etc. closed to vehicular traffic.
> d. Inclusion of property beyond the middle of the street Crescent Heights in calculating FAR
> e. Off menu incentives require a Variance with substantial evidence that the bus service on the streets qualify for FAR increase **for housing** only, not commercial. This is a mixed use project and thus it is illegal to do so.
> f. Changes from HD1D to HD1 for FAR purposes

=C. It is Illegal to Grant 3-1 Because The Property Must be in a HD-1D Zone which is 1.5-1

=28. In addition, LAMC 12.22 Section 25 Affordable Housing Incentives—Density Bonus (f)(4)(ii) specifically requires that the property be within an

HD-1D with a FAR of 1.5-1 not 3-1. This project is in a HD-1D with a far of 1-1 (**Exhibit 3c**) and thus it illegal to have granted the 3-1 FAR.

=D. The Project Admittedly Lies Outside the 1500 Foot Limit for a Non Menu Item.

=29. The project lies outside the 1500 feet. (LD44, 199, 202, 206; (VTTF11)). It is 1560 feet away from a major Metro Stop. (See (f)(4)(ii)(b); **Exhibit 9**). The City cannot rewrite State law to wit Government Code Section 65915-65918 which mandates it be within 1500 feet.

=E. A 35pc Increase In Bonus Was Not Requested. Since the City is In Bed with the Developer It Can Easily Switch Gears. This is Submitted in the Event it Tries to Do So. A 35PC Bonus Was Not Requested and Cannot be Added, and Would Degrade the Neighborhood And Would Violate the Hollywood HCP

=30. The Applicant did not ask for a 35pc bonus but since the City is a joint conspiracy with the Applicant it may seek to give it to him A CUP which calls for an increase of 35 pc or more in density as bonus requires an additional finding that the approval would not adversely affect or further degrade the adjacent properties, and the surrounding neighborhood.

"3. Pursuant to LAMC Section 12.22-A.25©, a 22% density bonus to provide 45 additional units, **in lieu of the 35% density bonus**, where 11% (28 units of the total units will be set aside for Very Low income Households, and the utilization of Parking Option"

(Housing Incentives in HCP, page 3, Conditional Use Permit for Greater than 35 pc). The following is required under the HCP:

1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;

2. The project's location, size, height, operations and other significant features will be compatible with and will not

adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;

3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan. (Emp. Added)

. . .

- Public Benefit Project: LAMC 14.00 A.2 – Density increase requests for a Housing Development Project to provide for additional density in excess of that permitted in LAMC Section 12.22 A.25 shall find that the proposed project substantially meets the purposes of the performance standards set forth in LAMC Section 14.00 A.2. If utilizing this process, also complete the Public Benefit Projects form (CP-7766)."

Appellant will be greatly adversely affected and impacted by traffic, and noise and vibrations, and lack of fire response because there is a Statement of Overriding Considerations on these issues. (LD29, 198-199).

The Decision and grant of FAR 3-1 is totally incompatible with the HCP.

In particular, the concept of removal of 136,000 cy dirt and 13,600 truck loads by huge double semi trucks for months which enough dirt to fill the Coliseum would damage any community let alone this one which is lovely tree lined residential with a bottleneck.

=E. The Approval Also Violates MP2035 and the HCP Since the Street Map Does Not Match.

As noted, there is no compliance with section 3, to with no compliance with the General Plan and the Community Plan and is illegal. The project would be non compliant with the street map in the HCP and MP2035.

Nor does the 9134 feet show up as off site open pace in the HCP. It is designated partially as street to with the dedicated right hand turn lane, and

partially the island as affordable housing for the island even though it is in the middle of the street. The island has been present since the late 1960s when the Pandora's Box was wrongfully closed by the City of La during its tyrannical days which are continuing.

=F. THE ISLAND HAS ITS OWN ADDRESS AND IS ZONED FOR AFFORDABLE HOUSING EVEN THOUGH IT IS IN THE MIDDLE OF CRESCENT HEIGHTS AND IS NOW DE FACTO PART OF THE STREET (CRESCENT HEIGHTS AND SUNSET) SINCE THE LATE 1960s. THE 9123 FEET CONSISTING OF THE ISLAND AND THE DEDICATED RIGHT HAND TURN LANE WHICH IS BEING VACATED IS ILLEGALLY BEEN USED AS FAR 3-1 BECAUSE ONE CANNOT MERGE A C4-1 INTO A HD-1D WITH A FAR OF 1-1.

=31. The island is 8118 Sunset and it has a separate address even though it is part of the street area. The island is zone C4-1. It is zoned for affordable housing even though it is part of the street since late 1960s when the Pandoras Box was closed and torn down, and the island was placed in the middle of Crescent Heights as part of the street.

The Housing Element shows the island as a potential site for affordable housing. Assuming R-4 density (400 sf lot area of 9134 sq feet) in the C4 Zone, 22 units could be developed for low cost housing and eligible for 1818 incentives.

This area which is part of the 9134 feet which also includes the dedicated right hand turn lane has been improperly added to the FAR area, and it is illegal to try to merge C4-1 into HD-1D with a FAR of 1-1. The City contends it has not illegally been vacated and converted into off site open space. This is false but even if true, sorry City you can't have it both way.

c. Pursuant to LAMC Section 12.22-A,25(g)(3), an Off Menu Incentive to allow the lot area including any land **to be set side for street purposes to be included in calculating the maximum** allowable floor area, in lieu of as otherwise required by LAMC Section 17.05; and (Emp added.)

If it was for street purposes it could be included but not if it is for off site open space which the City claims it is. (Another example of the City's manipulation of the situation.)

=G. THE ENTIRE PROCESS REFLECTS SPOT ZONING WHICH IS ILLEGAL

The grant of a FAR 3-1 out of the blue which violates the law reflects spot zoning which is illegal.

The ILLEGAL approval of FAR 3-1 is like giving the keys to the inmates in an insane asylum and unfettered right to regulate density bonuses. The City has abdicated its duties and instead has rolled over like a dog waiting to have its head rubbed by a Developer.

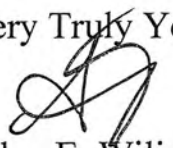
CONCLUSION

The entire process is wrought with fraud and conflict by the City of Los Angeles, and illegality. The Decision must as a law be reversed on so many grounds.

=1. It illegally interferes with the Private Easement rights of Appellant and others,
=2. It violates the Brown Act,
=3. Fraudulent lack of notice,
=4. Illegal violation of the ELDP and the Project does not qualify for ELDP and must be removed;
=5. Illegal attempt to vacate the dedicated right hand turn lane and the traffic island,
=6. Illegal mickey mouse attempt re the use of the Tract Map maneuver and the B Permit,
=7. Illegal giving away of 9134 feet of property,
=8. Illegal grant of a FAR 3-1.
=9. Illegal grant of liquor license

In addition, there is the blatant abdication of a mandatory duty and the failure to follow and comply with CEQA re notice, and resolution of issues and alternatives.

Very Truly Yours,



Allan E. Wilion, Esq.
Attorney for Appellant
Susanne Manners

Cc:
Councilman Ryu
FixTheCity
All Appellants

ORIGINAL

CPC-2013-2551
Appellant 4

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: CPC-2013-2551-MCUP-DB-SPR; ENV-2013-2552-EIR

Project Address: 8148-8182 W. Sunset Blvd, 1438-1486 Havenhurst Dr, 1435-1443 N Crescent Heights Blvd

Final Date to Appeal: 09/01/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Fix the City, Inc.

Company:

Mailing Address: 1557 Westwood Boulevard, #235

City: Los Angeles State: CA Zip: 90024

Telephone: E-mail: Laura.lake@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other:

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Beverly Grossman Palmer

Company: Strumwasser & Woocher LLP

Mailing Address: 10940 Wilshire Boulevard, Suite 2000

City: Los Angeles State: CA Zip: 90024

Telephone: (310) 576-1233 E-mail: bpalmer@strumwooch.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 09/01/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $106.80	Reviewed & Accepted by (DSC Planner):	Date: $106.80
Receipt No: 0203347964	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Appeal documents TOTAL of 11 pages BCV

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FIX THE CITY APPEAL
CPC-2013-2551-MCUP-DB-SPR
ENV-2013-2552-EIR

JUSTIFICATION FOR APPEAL

I. Fix the City Is Aggrieved by the Decision to Approve the Project's Entitlements

Fix the City is aggrieved by the City Planning Commission's determination to approve the proposed project at 8150 Sunset Boulevard, including Site Plan Review and the Master Conditional Use Permit, because it will impact the quality of life and emergency services in the community, as well as set a precedent for the Hollywood Community Plan, which Fix the City successfully challenged in court. Fix the City continues to be concerned with the provision of adequate infrastructure to protect public safety and assure the quality of life for Angelenos.

II. Basis for Appeal

The project is located at the base of Laurel Canyon in an Extreme Fire Hazard District within the Hollywood Fault Zone. As approved, it represents a major threat to public safety for project occupants and the region.

The procedures to vacate a public street and the restrictions on construction in earthquake fault zones in the Alquist-Priolo Act are state laws. Violation of state law is a basis to deny a density bonus under SB 1818. A lawsuit against the City for denial of a density bonus would lack merit, as the City is well-justified in rejecting this project for its failure to comply with the Alquist-Priolo Act, the California Streets and Highways Code, and the California Environmental Quality Act. By denying the proposed project, the City will be taking a strong stand for public safety.

The defects of this project are so egregious that five different appeals have been filed, including by a neighboring city, West Hollywood. Fix the City requests that the City Council safeguard public safety by maintaining the CEQA mitigation measures of the 1988 Hollywood Community Plan (a FAR of 1:1), not vacating the heavily used street, preserving Lytton Bank, and complying fully with the Alquist-Priolo Act to provide a 50-foot exclusion zone from the project's property lines (Havenhurst, Sunset and Crescent Height). Unless a more thorough site study is conducted, as well as studies 50 feet out from the three property lines, the only structure that can exist within 50 feet of the property line is the Lytton Savings Building (if designated a Cultural Monument).

3 of 11

Fix the City also objects, on due process grounds, to its inability to appeal the CPC's award of a Density Bonus and Off-Menu Incentive to the proposed project. There is no legitimate reason that a member of the public who is affected by the approval of a project with increased density. Neighboring property owners are not the only individuals that are directly affected by these actions. Moreover, the letter of decision misleadingly states that "Off-Menu Housing Incentive is not further appealable by any party." At a minimum, the same parties who are authorized to appeal the density bonus should be entitled to appeal the Off-Menu Incentive. However, there appears to be no basis to deny a member of the public the ability to appeal a density bonus which appears to have been awarded *ultra vires.*

In addition to due process violations, Fix the City objects to the lack of transparency with admitted ex parte meetings between CPC Commissioners and the project applicant and its consultants. Transparency, as clearly stated in the Brown Act, requires that the public be present, be given notice, and that there are no backroom lobbying efforts by the applicant or the Mayor.

Fix the City incorporates by reference the points raised by all other appellants.

a. Approval of Site Plan Review Was Abuse of Discretion

The Project Is Not In Conformance with the Purpose, Intent, and Provisions of the General Plan and Hollywood Community Plan

The density requested for the site is *inconsistent* with the site's designation in the Hollywood Community Plan. The Hollywood Community Plan specifies that, in areas like the project site that are located outside of the Redevelopment Area, a designation of Neighborhood Oriented Commercial would be limited to a FAR of 1:1. This limitation was imposed in recognition of the impacts of the increased area development permitted in the Hollywood Community Plan, in order to *limit* the impact of new commercial development in the area. By permitting a FAR of 3:1, the proposed project calls for a level of development far greater than that permitted by the General Plan.

Critically, the site's zoning is C4-1**D, with a FAR of 1:1**. This D Limitation was included as a mitigation measure in the certified Environmental Impact Report for the 1988 Hollywood Community Plan (See Ordinance 164,714) in order to account for the impacts on infrastructure and traffic from the expansion permitted in the 1973 plan. Even in the most recent HCP update, the D Limitation remained in place, restricting the FAR to 1:1. There has been no disclosure of the attempt to remove the D Limitation as required by LAMC 17.15 D.

The site is ineligible for increased FAR to 3:1 as an incentive or otherwise, without a legislative process to change the site's zoning that include findings that the infrastructure and traffic have improved since 1988 and the mitigation is therefore no longer required.

The municipal code explains the purpose of a D limitation (see LAMC12.32 G 4):

> "[P]rovisions may be made in an ordinance establishing or changing any Height District that a building or structure may be built to a specific maximum height or floor area ratio less than that ordinarily permitted in the particular Height District classification . . . .These limitations shall be known as D Development limitations."
>
> In order to impose a D limitation, Council must find that the limitation is necessary:
>
> "(1) to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood, and
>
> (2) to secure an appropriate development in harmony with the objectives of the General Plan, or
>
> (3) to prevent or mitigate potentially adverse environmental effects of the Height District establishment or change."

The site here has a D limitation that specifically limits the FAR to 1:1. Ordinance 164,714, enacted as part of the adoption of the Hollywood Community Plan, provided the following D Limitation applicable to the subject property: "The total floor area of all buildings on a lot shall not exceed one (1) times the buildable area of the lot."

The City's density bonus law does not allow for the City to ignore the express restrictions imposed as a CEQA mitigation measure (the D limitation). Municipal code section 12.22 A 25 (f)(4) explains that a 3:1 floor area ratio is available as an incentive for commercially zoned properties "in Height District 1 (including 1VL, 1L, and 1XL)," and the project is located within 1,500 feet of a transit stop. The project site is not within any of those Height Districts and it is not within 1500 feet of a transit stop.

On-menu incentives were designed to be objective, over-the-counter incentives with specific standards. Because the project is not within 1,500 feet of a transit stop, the developer is seeking an "off menu" incentive to get this same incentive that it does not qualify for.[1] However, the project is also not in Height District 1, 1VL, 1L or 1XL. Those districts all have an applicable FAR of 1.5:1 (see LAMC 12.21.1 A 1.), and thus the 3:1 FAR is effectively a doubling of the density.

This site is zoned Height District 1**D** , and the permanent D limitation on the site imposes a 1:1 FAR limit in order to mitigate the specific, adverse impacts of denser development in the area. Granting 3:1 FAR for this site represents a tripling, not doubling of FAR.

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[1] "Off menu" incentives, per the code, are meant to be incentives that are not included on the list of "menu" incentives, which the 3:1 FAR already is. Fix the City objects to this use of the "off menu" incentive.

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In order for this site to legally house a project with a 3:1 FAR, the project must obtain a height district change and remove the D limitation, which has not been done or applied for.

The project also does not conform to a number of policies in the Hollywood Community Plan. These include the preservation of existing low density neighborhoods, to encourage development consistent with the ability of the circulation system to support increased traffic, and to "[p]rovide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City." By permitting massively increased density (tripling the FAR) and 234 or 188 feet in height, the proposed project is inconsistent with these objectives of the Hollywood Community Plan. It dwarfs its neighbors.

In other respects, too, the proposed project is inconsistent with the General Plan. The Housing Element designates the City-owned property at 8118 Sunset for affordable housing. Developing a "plaza" on this site will eliminate the site as a potential location for affordable housing constructed by the City. Finally, the maps included in the Mobility Plan (MP 2035) include the full right turn lane on Crescent Heights and 15 foot sidewalks, which are no longer part of the project plan for which site plan review is requested. The project plan therefore conflicts with MP 2035. The project also does not adhere to the City's Street Design Standards because it vacates a portion of a heavily-used public street, and introduces commercial traffic on a narrow, local, residential street.

The Project Does Not Consist of an Appropriate or Compatible Arrangement of Buildings and Structures

The project places high rise development that is *admittedly* significantly taller than any of the surrounding developments onto a site that is adjacent to low-rise, and often historic structures. The project is 13 stories higher than the adjacent buildings. The record is full of testimony of neighboring residents that the scale of the building is inappropriate. Using Havenhurst, a local, narrow street, for loading and driveway access is not compatible with neighboring residential properties. The proposed loading dock for the commercial grocery and restaurant deliveries is located across from a sensitive use, a home for seniors. This kind of site plan does not satisfy legal requirements for appropriate or compatible arrangement of buildings and structures.

The project does not conform to LAMC 17.05 because it violates the "vehicular access rights," or "the right of easement for access of owners or occupants of abutting lands to a public way other than as pedestrians." By removing the turn lane on Crescent Heights, the City will be vacating the street and abandoning the public easement, and creating a traffic challenge as well.

The project does not comply with LAMC 12.37 A, which requires "adequate right-turn ingress to and egress from the highway," because it closes the right turn lane limiting right turns from Sunset Boulevard onto Crescent Heights.

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The arrangement of uses on the shared foundation (it is one building with one basement/garage with commercial and residential uses above-ground) the site also does not comply with the Alquist-Priolo Act.

Fault zone mapping has recently demonstrated that the Hollywood fault runs in extremely close proximity to the site. The November 2014 California Geologic Survey map of the earthquake fault zones in the Hollywood Quadrangle places the fault zone directly under the proposed project site. To the best of the public's knowledge, the applicant has only done boring to search for evidence of faulting under the southwest corner and north east corners of the site. (see Figure 2, "Borehole Location Map," Golder and Associates, March 25, 2014).

It is unknown whether there is an active fault directly under the proposed project, nor whether the fault or traces of the fault may be located under Sunset Boulevard just feet from the site's border. Because no geologic study whatsoever has been conducted under Sunset Boulevard, the City requires the presumption that the fault exists in this area. Yet the City has failed to prohibit construction for human occupancy within 50 feet of the presumed fault. The applicant has proposed to shift the residential towers 50 feet further from the potential fault, but the entire structure is prohibited by State law within 50 feet of the fault and may not be placed over the trace of the fault. It is not only the residential components which are of concern under Alquist-Priolo, but *any structure for human occupancy.*

The Applicant's consultant has incorrectly stated that the City's requirement is for structures used for ***habitation***, not structures used for human ***occupancy*** as the law provides. The risk to future human occupants of the structures at the site is a basis to deny the proposed project until complete analysis demonstrates that the site is not within 50 feet of an active fault or fault trace.

There has not been an adequate fault study performed, and the record before the City contains inadequate information to support the conclusion that this site is physically suitable for the proposed development. The findings do not even mention that the property is located in the Hollywood fault zone. Moreover, the findings erroneously state that that the project complies with required fault zone setbacks for "habitable structures." This is an incorrect statement regarding the required setbacks: all structures for human occupancy, not just for habitation, must be setback from any potential fault. The Alquist-Priolo Act imposes a duty on the City not to approve development or division of land without a proper assessment of the presence of fault within the Earthquake Fault zone. Site plan review should be denied until such a geologic study is complete and it is known whether a fault runs beneath the proposed development or within fifty feet from the property line.

The site plan also fails to appropriately require the preservation of the Lytton Saving/Chase Bank building. The Cultural Heritage Commission on August 4th agreed to consider the Lytton Savings/Chase Bank building as a Historic-Cultural Monument. The Los Angeles Conservancy calls the bank building "a significant example of postwar-era bank design in Los Angeles," and notes that it is one of the earliest remaining examples of such architecture in the City. The failure of the current "Alternative 9" proposal to preserve the bank building

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does not demonstrate an appropriate arrangement of buildings or structures because it permits the *demolition* of a potential cultural monument. This monument could remain even though it is 50 feet within the 50-foot exclusion zone. It is exempt from Alquist-Priolo limitations. East of the bank must be left as open space.

The Project Does Not Minimize Impacts on Neighboring Properties

The proposed project does not minimize impacts: it creates new and unmitigable impacts, as recognized in the Statement of Overriding Considerations. First, by removing portions of the public street in order to create the "plaza," the project vacates a street without following the requirements of the California Streets and Highways Code. The project proposes the entire removal of a turn-lane of traffic on N. Crescent Heights Boulevard between the project's parcels and the City-owned parcel at 8118 Sunset Boulevard. The public has an easement over this street for vehicular access. Moreover, all private property owners owning property created in the subdivision on which this portion of Crescent Heights appears have a private easement in the street that is created by the recording of the 1905 subdivision map. It is not reasonably disputed that removing this portion of Crescent Heights from vehicular use in order to create a plaza will eliminate the ability of vehicles to use this portion of the roadway.

The closure of the street unlawfully abandons the city's vehicular easement. The property will revert to the Applicant. The suggestion that DOT have a $2 million bond to reopen the street in the future ignores the fact that the easement will be extinguished over time. The closure as approved is a de facto vacation without due process. Furthermore, private easements require compensation, otherwise the city will be condemning the property right of vehicular easement owners without compensation. There are about 1,100 parcels with this private easement right within the 1905 Crescent Heights Tract. Many are in West Hollywood. While the City has argued that it is concerned that it will be sued for denial of the density bonus, it must be equally concerned that it is opening itself up to a massive legal challenge by property owners who value their vehicular easement to a road referenced in their deeds and in the Mobility Element of the City of Los Angeles.

State law establishes a number of mandatory procedures prior to the vacation of a public street, none of which have been followed here. The City Engineer is required to make a finding that the roadway is "unnecessary for present or prospective public use." (Streets and Highways Code, § 8324, subd. (b).) And of course, the public is notified of the request, hearings are held, and a determination is made. Not one of those steps has been taken here; instead, Planning staff deny that removing the lane of the street and turning it into a plaza has any effect on the street. Planning staff contend that the issue can be resolved with an encroachment permit or "B permit." None of those permits would appropriately apply to the removal of the lane of traffic that is part of the proposed project. There are two separate actions proposed: one is a street vacation and the other is a so-called intersection "improvement" to round off the eastern tip of the traffic island triangle (8118 Sunset Boulevard). *A "B Permit" would suffice for the intersection improvement, but it cannot be substituted for the process required as part of a street vacation.*

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The City owns the land at 8118 Sunset Boulevard. The proposed project will allow that land to be occupied by a private developer, ostensibly for the purpose of creating a public plaza. Indeed, the applicant relies upon the "public" space created by its use of City-owned land to satisfy its open space requirements under the municipal code. The use of the City's land is an improper gift to the developer. The City has procedures for the disposition of surplus lands and should utilize those processes if it intends to dispose of public property. The proposed project should not be approved because the project improperly relies upon City-owned land to satisfy open space requirements.

b. The Project Does Not Satisfy Requirements for a Conditional Use Permit

The Project Will Not Enhance the Built Environment

As set forth above, for numerous reasons the project does not enhance the built environment, and the service of alcohol does not in any way improve the built improvement.

The Project's Location, Height, and Operations and Other Features Will Not be Compatible With And Will Adversely Affect the Surrounding Neighborhood And the Public Health, Welfare and Safety

The proposed project seeks to service alcoholic beverages in admittedly over-concentrated census tract with admittedly higher crime rates than the Citywide average. There are sensitive users nearby, including the Nichiren Soshu Myohoji Temple that is about 90 feet from the site. The findings do not disclose this proximity. In fact, the LOD states that this Buddhist Temple is between 600 and 1000 feet from the site. This is incorrect and shows that staff did not accurately represent the distance in their recommendation to CPC, which adopted the staff report in their Letter of Determination. While alcohol service may be standard at restaurants, that does not mean that the proposed project has to include alcohol serving restaurants in this area that is already saturated with such uses, particularly where the sale and consumption of alcohol will intrude into the worship at the Temple, and the residents within 100 feet, who will be subjected to noise, drunken behavior, increased crime, etc, according to substantial evidence in the record.

c. The Certification of the EIR Failed to Satisfy the California Environmental Quality Act

The Environmental Impact Report for the project does not satisfy the mandates of CEQA. For both procedural and substantive deficiencies, the EIR does not adequately inform the public or decision makers about the impacts of the proposed project.

The EIR Must be Recirculated

The recent Errata to the EIR disclosed a significant, unmitigable impact that was not disclosed in the Draft EIR or the Recirculated Draft EIR. The Draft EIR noted a "potential" impact to traffic at the unsignalized intersection of Fountain and Havenhurst due to project-

generated traffic, but asserted that a mitigation measure requiring the installation of a traffic signal at the intersection would mitigate that impact. The DEIR therefore concluded that there would be no significant impacts to traffic. In the Errata, which was released just days before the City Planning Commission hearing, the City acknowledged that it had no control whether a traffic signal could be installed at that location, because the intersection is entirely within the jurisdiction of the City of West Hollywood. The Errata added to the EIRs list of significant and unavoidable impacts the fact that there would be a significant and unavoidable impact to traffic if the City of West Hollywood did not chose to install a traffic signal at Fountain and Havenhurst. In addition, failure to install the signal would have an adverse impact on emergency response times, as acknowledged in the project's EIR.

Recirculation of an EIR is required when, *inter alia*, new information discloses that a new significant impact would result from the project. The traffic impacts were not properly disclosed in the Draft EIR (hence the need for the Errata). Worse, the EIR relies on several other instances upon the traffic light mitigation measure (TR-1) to mitigate the impacts of the project, including public services such as fire, emergency medical response, and police. The CPC determination on the VTT likewise relies upon mitigation measure TR-1 to mitigate these impacts. The reliance upon a mitigation that is entirely out of the control of the City or the applicant in the Draft EIR, and the Errata's partial but incomplete resolution of this issue require recirculation of the EIR for the public to evaluate and comment upon the project's impacts connected with the Fountain/Havenhurst signal.

It is also not apparent that moving the driveways from Sunset to Havenhurst studied the impacts to a narrow, quiet, residential street, which straddles the border between West Hollywood and Los Angeles. Introducing commercial deliveries to a residential street is incompatible with the peaceful enjoyment of the homes adjacent to the project.

The Land Use Impacts of the Proposed Project Are Not Adequately Disclosed

The EIR contends that the approval of the project will not have an adverse impact on land use. This conclusion is based on the assumption that the project's entitlements will be approved. The disclosure is inadequate.

The EIR states that the threshold of significance for a potentially significant land use impact is "if it substantially conflicts with the adopted Community Plan or with relevant environmental policies in the General Plan or other regional and local plans adopted for the purpose of avoiding or mitigating an environmental effect." By failing to discuss the D Limitation imposed on the site in 1989 in connection with the adoption of the Hollywood Community Plan, the EIR fails to disclose an environmental policy applicable to the site that was adopted to mitigate the impacts of the adoption of the Hollywood Community Plan itself. By failing to disclose and discuss the inconsistency, the EIR does not meet the disclosure mandates of CEQA. Moreover, as set forth above, there are other General Plan policies with which the project is inconsistent, so the determination that the project will not have a significant impact on land use is not adequately supported.

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The Geologic Impacts are Not Adequately Documented

The project has not complied with the Alquist-Priolo Act requirements for projects located within mapped earthquake fault zones. The FEIR insists that, despite the most recent maps, "The Project Site is not located within the Hollywood Fault earthquake fault zone." As discussed above, there has been no study of faulting just off site or in many areas on the site. The City specifically requested a study fifty feet from the site's boundary, but the applicant did not produce such a study and explained that it could not "unequivocally" determine that the fault is not present within fifty feet of the site. The EIR's conclusion that there will be no seismic impacts from the construction of the project is not based on substantial evidence.

Impacts to Public Service Are Not Adequately Discussed or Acknowledged

Both the Draft and Final EIRs ignore the clear statements from the Los Angeles Fire Department (LAFD) that the construction of the project could have a significant impact on fire and emergency medical services. The LAFD's initial response to requests for an assessment of its service capacity in the area was that fire service to the proposed project would be "inadequate." After the Draft EIR — stating no impact to fire services — was circulated, the Final EIR presented further response from the LAFD as an effort to justify the Draft EIR's conclusion of no significant impact to fire services. The LAFD's second letter specifies a number of design features that must be incorporated into the project in order to prevent a significant impact to emergency response. However, that letter does not state that there is not likely to be significant impact to fire services from the construction of the project. Indeed, the letter states: "The development of this project, along with other approved and planned projects in the immediate area, may result in the need for the following: (1) Increased staffing for existing facilities; (2) Additional fire protection facilities; (3) Relocation of present fire protection facilities." These comments track almost precisely the City's threshold of significance for impacts to fire services. Yet the Final EIR blithely concludes that the project will have no impact on fire services.

This conclusion is even less tenable due to the Final EIR's reliance on mitigation measure TR-1, which, as discussed above, is outside of the control of the City or applicant. The EIR does not adequately disclose the potential impacts to fire services from the development of this and related projects. The EIR likewise relies upon the ability to mitigate traffic impacts to conclude that police response access to the site will be adequate. These determinations must be revisited and the public and decision makers must be properly informed about the impacts to public services.

Finally, there has been no analysis of the need to relocate water mains which run under Sunset Boulevard, adjacent to the fault line.

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ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☑ City Council ☐ Director of Planning

Regarding Case Number: CPC-2013-2551-MCUP-DB-SPR, ENV-2013-2552 EIR

Project Address: 8142-8182 W Sunset Blvd, 1438-1486 N. Havenhurst Drive, 1438-1443 N. Crescent Heights Blvd

Final Date to Appeal: 08/29/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Laurel Canyon Association

Company: Laurel Canyon Association

Mailing Address: 8453 Kirkwood Drive

City: Los Angeles State: CA Zip: 90046

Telephone: (310) 982-1760 E-mail: jhall@laurelcanyon.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jamie T Hall

Company: Channel Law Group, LLP

Mailing Address: 8200 Wilshire Blvd, Suite 300

City: Beverly Hills State: CA Zip: 90211

Telephone: (310) 982-1760 E-mail: jamie.hall@channellawgroup.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 08/29/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: $89	Reviewed & Accepted by (DSC Planner): Norali Martinez	Date: 9/1/16
Receipt No: 01026028033	Deemed Complete by (Project Planner):	Date:
☑ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

LAUREL CANYON ASSOCIATION

A Community Organization Dedicated to Improving and Preserving the Quality of Life in Laurel Canyon

September 1, 2016

VIA PERSONAL DELIVERY

City of Los Angeles
Department of City Planning
Los Angeles, California 90012

Re: Justifications for Appeal of 8150 Sunset Boulevard Project; Case No. CPC-2013-2551-MCUP-DB-SPR

To Whom It May Concern:

I am in receipt of the Determination Letter dated August 17, 2016 for the Sunset Boulevard Mixed-Use Project located at 8150 Sunset Boulevard ("Project"). The Laurel Canyon Association ("LCA") hereby appeals the Master Conditional Use, Site Plan Review, Density Bonus and related Environmental Impact Report ("EIR") for the 8150 Sunset Boulevard Project ("Project").

About Laurel Canyon Association

Initially, I would like to provide some background. LCA is a neighborhood association serving the area of the Hollywood Hills known as "Laurel Canyon," one the most beautiful and environmentally important areas of Los Angeles. The hills in Laurel Canyon provide a scenic backdrop for the rest of Los Angeles. Further Laurel Canyon's forested valleys and chaparral-draped hillsides offer habit for native wildlife. Laurel Canyon also is home to a watershed and greenbelt for the vastly developed plains of Los Angeles and the San Fernando Valley.

LCA was founded for the express purpose of preserving and improving the quality of life in Laurel Canyon. The goal of our community group is to promote the welfare of the residents of Laurel Canyon and to maintain the quality of life in the Hollywood Hills, by preserving its residential character, its quiet, privacy, natural beauty and safety. Moreover, LCA endeavors to encourage cooperation among all residents and to educate appropriate governmental bodies concerning changes in existing or proposed laws affecting Laurel Canyon or in anything that affects the local community.

Tel: 310-982-1760
Email: jhall@laurelcanyon.org

LCA's jurisdiction includes Laurel Canyon Boulevard, its feeder streets and the Kirkwood, Stanley Hills, Lookout Mountain and Wonderland bowl areas. The neighborhood is bounded on the north by Mulholland Drive and at the south by Hollywood Boulevard. The main streets are Laurel Canyon Boulevard, Mulholland Drive, Wonderland Avenue, Lookout Mountain Avenue, Kirkwood, and Stanley Hills. LCA is a residential stakeholder with membership in the Los Angeles Neighborhood Council system, specifically, the Bel-Air Beverly Crest Neighborhood Council ("BABCNC").

Justifications/Reasons for Appeal

For decades, residents of LCA have patronized stores located at 8150 Sunset Boulevard. Moreover, each day thousands of residents pass by the property on their way to work, visit friends and shop and school.

LCA appealed the issuance of the Vesting Tentative Tract ("VTT") Map and related Environmental Impact Report ("EIR") for the Project on August 29, 2016. LCA is appealing the Master Conditional Use, Site Plan Review and Density Bonus issued for the Project for similar reasons. The City has wrongly concluded that the Project will not adversely affect the welfare of the pertinent community (mandatory Conditional Use finding). Further, the City mistakenly found that the Density Bonus would not have an adverse impact upon the health, safety and physical environment (required Density Bonus Finding). Finally, the City erred when it determined that the Project was in conformance with the purpose and intent of the General Plan and Community Plan (applicable Site Plan Review finding). Extensive testimony and documentation was provided to the City Planning Commission evidencing the adverse impacts and non-conformance issues that form the basis of this appeal.

It should noted that the flow of traffic at the intersection of Sunset Boulevard and Crescent Heights/Laurel Canyon Boulevard is of paramount concern to LCA and one of the primary reasons that LCA has filed both appeals. It defies logic to believe that a building of this size and density could possibly not create additional traffic (and air pollution) along Laurel Canyon Boulevard. The intersection of Crescent Heights and Sunset is severely congested and the impacts associated with the Project are unknown without an adequate traffic study.

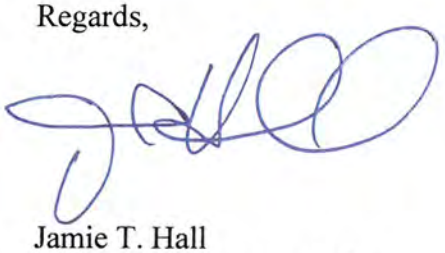
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Finally, please be advised that LCA plans on filing a more robust appeal justification letter and reserves the right to supplement this appeal. Please don't hesitate to contact me if you have any questions or comments. I may be reached at 310-982-1760 or jhall@laurelcanyon.org.

Regards,



Jamie T. Hall
Laurel Canyon Association
President

DEPARTMENT OF
CITY PLANNING

OFFICE OF HISTORIC RESOURCES
200 N. SPRING STREET, ROOM 559
LOS ANGELES, CA 90012-4801
(213) 978-1200

CULTURAL HERITAGE COMMISSION

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www.planning.lacity.org

Date: SEP 21 2016

Tyler Siegel and John Irwin
AG-SCH 8150 Sunset Boulevard Owner, LP
c/o Townscape Management, Inc.
P.O. Box 10506
Beverly Hills, CA 90213

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CASE NUMBER: **CHC-2016-2522-HCM**
LYTTON SAVINGS
8150 WEST SUNSET BOULEVARD

As you will note from the attached copy of our communication to the Los Angeles City Council, the Cultural Heritage Commission has moved to include the above-referenced property in the list of Historic-Cultural monuments, subject to adoption by the City Council.

In due course, our transmittal will be given a council file number and will be referred to the Council's Planning and Land Use Management Committee for review and recommendation. If you are interested in attending the Council Committee meeting, you should call Sharon Dickinson at (213) 978-1080 for information as to the time and place of the Committee and City Council meetings regarding this matter. Please give Ms. Dickinson at least one week from the date of this letter to schedule this item on the Committee Agenda before you call her.

The above Cultural Heritage Commission action was taken by the following vote:

Moved: Commissioner Kennard
Seconded: Commissioner Milofsky
Ayes: Commissioners Irvine and Barron

Vote: **4 - 0**

Fely C. Pingol, Commission Executive Assistant
Cultural Heritage Commission

Attachment: CHC Letter to Council and Staff Report

c: Councilmember David Ryu, Fourth Council District
Steven Luftman and Keith Nakata
GIS

DEPARTMENT OF
CITY PLANNING

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CULTURAL HERITAGE COMMISSION

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JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

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INFORMATION
(213) 978-1270

www.planning.lacity.org

Date: SEP 2 1 2016

Los Angeles City Council
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Attention: Sharon Dickinson, Legislative Assistant
Planning and Land Use Management Committee

CASE NUMBER: **CHC-2016-2522-HCM**
LYTTON SAVINGS
8150 WEST SUNSET BOULEVARD

At the Cultural Heritage Commission meeting of **September 15, 2016**, the Commission moved to include the above property in the list of Historic-Cultural Monument, subject to adoption by the City Council.

As required under the provisions of Section 22.171.10 of the Los Angeles Administrative Code, the Commission has solicited opinions and information from the office of the Council District in which the site is located and from any Department or Bureau of the city whose operations may be affected by the designation of such site as a Historic-Cultural Monument. Such designation in and of itself has no fiscal impact. Future applications for permits may cause minimal administrative costs.

The City Council, according to the guidelines set forth in Section 22.171 of the Los Angeles Administrative Code, shall act on the proposed inclusion to the list within 90 days of the Council or Commission action, whichever first occurs. By resolution, the Council may extend the period for good cause for an additional 15 days.

The Cultural Heritage Commission would appreciate your inclusion of the subject modification to the list of Historic-Cultural Monuments upon adoption by the City Council.

The above Cultural Heritage Commission action was taken by the following vote:

Moved: Commissioner Kennard
Seconded: Commissioner Milofsky
Ayes: Commissioners Irvine and Barron

Vote: **4-0**

Fely C. Pingol, Commission Executive Assistant
Cultural Heritage Commission

Attachment: Staff Report with Findings

c: Councilmember David Ryu, Fourth Council District
Tyler Siegel and John Irwin
Steven Luftman and Keith Nakata
GIS

CHC-2016-2522-HCM
Declaration Letter Mailing List
MAILING DATE: 09/21/2016

GIS/Fae Tsukamoto
City Hall, Room 825
Mail Stop 395

Council District 4
City Hall, Room 425
Mail Stop 206

Tyler Siegel and John Irwin
AG-SCH 8150 Sunset Blvd. Owner, LP
c/o Townscape Management, Inc.
P.O Box 10506
Beverly Hills, Ca 90213

Steven Luftman & Keith Nakata
Friends of Lytton Savings
1212 South Orlando Avenue
Los Angeles, Ca 90048

Karen Smalley
1212 S. Orlando Avenue
Los Angeles, Ca 90035

Brian Harris
747 ½ N. Hayworth Ave
Los Angeles, Ca 90046

Liza Gerberding
937 Alandele Ave
Los Angeles, Ca 90036

Rory Barish
1416 Havenhurst Dr., #1E
West Hollywood, Ca 90046

Lynn Russell
1360 N. Crescent Heights Blvd.
West Hollywood, Ca 90046

Nanci Bazzell
1632 N. Laurel Avenue, #103
Los Angeles, Ca 90046

Larry Bazzell
1632 N. Laurel Avenue, #103
Los Angeles, Ca 90046

Charles J. Fisher
140 S. Avenue 57
Los Angeles, Ca 90042

Jaime Rummerfield
1501 Nolden Street
Los Angeles, Ca 90042

Wadley
7974 ½ Melrose Avenue
Los Angeles, Ca 90046

Jim O'Sullivan
907 Masselin Avenue
Los Angeles, Ca 90036

Sylvie Shain
P.O Box 995
Los Angeles, Ca 90078

Carol Cetrone
1140 Coronado Terrace
Los Angeles, Ca 90026

Adam Melhis
676 Avenue 21
Los Angeles, Ca 90031

Christine Kantner
3924 W. Sunset Blvd.
Los Angeles, Ca 90029

Adam Goyer
405 N. Cordova Street
Burbank, Ca 91505

John Girodo
1929 Whitley Avenue, #508
Los Angeles, Ca 90068

LYTTON SAVINGS
8150 WEST SUNSET BOULEVARD
CHC-2016-2522-HCM
ENV-2016-2523-CE

Agenda packet includes:

1. Final Staff Recommendation Report
2. Categorical Exemption
3. Under Consideration Staff Recommendation Report
4. Nomination
5. Letters from Members of the Public

Please click on each document to be directly taken to the corresponding page of the PDF.

Los Angeles Department of City Planning
RECOMMENDATION REPORT

CULTURAL HERITAGE COMMISSION

CASE NO.: **CHC-2016-2522-HCM**
ENV-2016-2523-CE

HEARING DATE: September 15, 2016
TIME: 9:00 AM
PLACE: City Hall, Room 1010
200 N. Spring Street
Los Angeles, CA 90012

Location: 8150 West Sunset Boulevard
Council District: 4
Community Plan Area: Hollywood
Area Planning Commission: Central
Neighborhood Council: Hollywood Hills West
Legal Description: TR 31173, Lot 1

EXPIRATION DATE: October 18, 2016

PROJECT: Historic-Cultural Monument Application for the LYTTON SAVINGS

REQUEST: Declare the property a Historic-Cultural Monument

OWNER(S): Tyler Siegel and John Irwin
AG-SCH 8150 Sunset Boulevard Owner LP c/o Townscape Management Inc.
P.O. Box 10506
Beverly Hills, CA 90213

APPLICANTS: Steven Luftman and Keith Nakata, Friends of Lytton Savings
1212 South Orlando Avenue
Los Angeles, CA 90048

RECOMMENDATION **That the Cultural Heritage Commission:**

1. **Declare the subject property** a Historic-Cultural Monument per Los Angeles Administrative Code Chapter 9, Division 22, Article 1, Section 22.171.7.

2. **Adopt** the staff report and findings.

VINCENT P. BERTONI, AICP
Director of Planning

[SIGNED ORIGINAL IN FILE]

Ken Bernstein, AICP, Manager
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Lambert M. Giessinger, Preservation Architect
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Melissa Jones, Planning Assistant
Office of Historic Resources

Attachments: Historic-Cultural Monument Application

FINDINGS

- Lytton Savings "reflects the broad cultural, economic, or social history of the nation, state, or community" as an early example of the transformative shift in postwar-era bank design.

- Lytton Savings "embodies the distinguishing characteristics of an architectural-type specimen, inherently valuable for study of a period, style or method of construction" as an excellent example of Mid-Century Modern bank architecture.

CRITERIA

The criterion is the Cultural Heritage Ordinance which defines a historical or cultural monument as any site (including significant trees or other plant life located thereon) building or structure of particular historic or cultural significance to the City of Los Angeles, such as historic structures or sites in which the broad cultural, economic, or social history of the nation, State or community is reflected or exemplified, or which are identified with historic personages or with important events in the main currents of national, State or local history or which embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction, or a notable work of a master builder, designer or architect whose individual genius influenced his age.

SUMMARY

Lytton Savings is located at 8150 West Sunset Boulevard between Havenhurst Drive and North Crescent Heights Boulevard. Completed in 1960, the two-story bank building was designed by architect Kurt Werner Meyer (1922-2014) for financier Bart Lytton to serve as a new home office branch and executive headquarters for Lytton Savings and Loan Association. The building has been in continuous operation as a bank since its construction and currently serves as a branch of Chase Bank.

The bank was constructed in a distinctive mid-century modern style that melds Googie and New Formalism stylistic influences, reflected in its glass walls, travertine cladding, concrete columns, and zigzag, folded plate roof. Modeled on classical architecture, the building has a ground floor with glazing and infilled bays and a cantilevered second floor with smooth surfaces extending past the east and west elevations. Underneath the folds of the roof are false, enamel glass clerestory windows. The cantilevered second floor is finished with travertine tiles and a blue signage band appears to the bottom of the second floor of the north and east elevations. On the west elevation, an original mechanical room constructed of decorative concrete blocks and a decorative metal gate, along with Bart Lytton's private patio outside of his office featuring original landscaping, are still visible. On the interior, character defining features include an open, central plan with a full-height lobby; floating concrete staircases; reception area; a banking counter; metal louver on the north wall of the lobby; and a perimeter balcony on the upper floor with a modern walnut and aluminum balustrade.

The design of Lytton Savings embraced the California car culture and uniquely integrated fine art. Two of the original artworks commissioned and still extant include "The Family," a sculpture of a family with raised hands designed by David Green (1908-2000) that stands in front of a Bouquet Canyon wall on the north elevation, and a 8-foot by 50-foot hollow, dalle de verre stained glass screen by Roger Darricarrere (1912-1983) which separates the interior, ground-

level public area from the executive offices. In addition, there is a separate building to the south of the bank building (built 1961-1962) that once contained an exhibition space and screening room called the Lytton Center of the Visual Arts, which operated from 1965 to 1968. This building is now an art storage space.

Kurt Meyer (1922-2014) was born in Zurich, Switzerland in 1922 and studied architecture at the Swiss Federal Institute of Technology. Meyer relocated to Los Angeles in 1949 and opened his own practice, Kurt Meyer Associates, in 1957. One of Meyer's first commissions, in 1957, was a remodel and expansion of the tiny storefront home office of Canoga Park Savings, which later changed its name to Lytton Savings and Loan. The next year, Kurt Meyer won the commission for the Lytton Savings and Loan's new Home Office Branch and executive headquarters in Hollywood, the subject property. Throughout his career Meyer went on to design more than fifty projects, twenty of which were financial institutions in Southern California and Washington State. Meyer died in 2014 after an eight-year battle with Parkinson's disease.

As a continuously operating financial institution, with fewer than five different operators over fifty-six years, the building remains mostly unaltered. Changes to the property include the addition of a 1987 one-story electrical/ storage building; installation of ATMs; and the replacement of a plaza that once featured a sculpture garden, domed concrete pavilion and reflecting pool with a parking lot.

The bank building was identified in the citywide historic resources survey, SurveyLA, as an excellent example of a 1960s savings and loan building and eligible for designation at local, state, and national levels.

DISCUSSION

Lytton Savings successfully meets two of the Historic-Cultural Monument criteria.

The property "reflects the broad cultural, economic, or social history of the nation, state, or community" as an early example of the transformative shift in postwar-era bank design. While early classical and later Art Deco and Moderne style architecture had been used by banks during the first half of the twentieth century, during the post-World War II era, Modernism emerged as the dominant idiom for commercial architecture. Savings and loans were in high demand in the postwar years to finance the massive residential development boom and sought after talented architects to create an identifiable architectural brand. Savings and loans competed with one another through marketing their strength and stability architecturally. As such, Lytton Savings was designed using modern art and architecture to attract modern customers, communicating forward thinking and accessibility and giving Lytton Savings a distinctive brand.

Lytton Savings also "embodies the distinguishing characteristics of an architectural-type specimen, inherently valuable for study of a period, style, or method of construction" as an excellent example of Mid-Century Modern bank architecture. With its large, folded-plate concrete roof, prefabricated concrete construction, glass walls, travertine cladding, and concrete columns, the property embodies the distinctive characteristics of both Googie and New Formalism style architecture.

CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") FINDINGS

State of California CEQA Guidelines, Article 19, Section 15308, Class 8 "*consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.*"

State of California CEQA Guidelines Article 19, Section 15331, Class 31 "*consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic buildings*."

The designation of the Lytton Savings as an Historic-Cultural Monument in accordance with Chapter 9, Article 1, of The City of Los Angeles Administrative Code ("LAAC") will ensure that future construction activities involving the subject property are regulated in accordance with Section 22.171.14 of the LAAC. The purpose of the designation is to prevent significant impacts to a Historic-Cultural Monument through the application of the standards set forth in the LAAC. Without the regulation imposed by way of the pending designation, the historic significance and integrity of the subject property could be lost through incompatible alterations and new construction and the demolition of an irreplaceable historic site/open space. The Secretary of the Interior's Standards for Rehabilitation are expressly incorporated into the LAAC and provide standards concerning the historically appropriate construction activities which will ensure the continued preservation of the subject property.

The use of Categorical Exemption Class 8 in connection with the proposed designation is consistent with the goals of maintaining, restoring, enhancing, and protecting the environment through the imposition of regulations designed to prevent the degradation of Historic-Cultural Monuments.

The use of Categorical Exemption Class 31 in connection with the proposed designation is consistent with the goals relating to the preservation, rehabilitation, restoration and reconstruction of historic buildings and sites in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Categorical Exemption ENV-2016-2523-CE was prepared on August 26, 2016.

BACKGROUND

On August 4, 2016 the Cultural Heritage Commission voted to take the property under consideration. On August 25, a subcommittee of the Commission consisting of Commissioners Kennard and Scrafano visited the property, accompanied by staff members from the Office of Historic Resources.

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CITY CLERK'S USE

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY	COUNCIL DISTRICT
City of Los Angeles Department of City Planning	4

PROJECT TITLE	LOG REFERENCE
Lytton Savings	ENV-2016-2523-CE CHC-2016-2522-HCM

PROJECT LOCATION
8150 West Sunset Boulevard, Los Angeles, CA 90046

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
Designation of Lytton Savings as an Historic-Cultural Monument.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:

CONTACT PERSON	AREA CODE	TELEPHONE NUMBER	EXT.
Melissa Jones	213	978-1192	

EXEMPT STATUS: (Check One)

		STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
	MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
	DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
	EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
×	CATEGORICAL EXEMPTION	Sec. 15300 *et seq.*	Art. III, Sec. 1

Class **8 & 31** Category _____ (City CEQA Guidelines)

OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.

JUSTIFICATION FOR PROJECT EXEMPTION: Article 19, Section 15308, Class 8 of the State's Guidelines applies to where project's consists of "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." Class 31 applies "to maintenance, repair, stabilization, rehabilitation, restoration, preservation, or reconstruction of historical resources in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Buildings." Designation of **Lytton Savings** as an Historic-Cultural Monument will assure the protection of the environment by the enactment of project review regulations based on the Secretary of Interior's Standards to maintain and preserve the historic site.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE	TITLE	DATE
	Planning Assistant	August 26, 2016

FEE:	RECEIPT NO.	REC'D. BY	DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record

IF FILED BY THE APPLICANT:

_____ NAME (PRINTED)

_____ SIGNATURE

_____ DATE

Los Angeles Department of City Planning
RECOMMENDATION REPORT

CULTURAL HERITAGE COMMISSION

CASE NO.: CHC-2016-2522-HCM
ENV-2016-2523-CE

HEARING DATE: August 4, 2016
TIME: 10:00 AM
PLACE: City Hall, Room 1010
200 N. Spring Street
Los Angeles, CA 90012

Location: 8150 West Sunset Boulevard
Council District: 4
Community Plan Area: Hollywood
Area Planning Commission: Central
Neighborhood Council: Hollywood Hills West
Legal Description: TR 31173, Lot 1

PROJECT: Historic-Cultural Monument Application for the LYTTON SAVINGS

REQUEST: Declare the property a Historic-Cultural Monument

OWNER(S): Tyler Siegel and John Irwin
AG-SCH 8150 Sunset Boulevard Owner LP c/o Townscape Management Inc.
P.O. Box 10506
Beverly Hills, CA 90213

APPLICANTS: Steven Luftman and Keith Nakata, Friends of Lytton Savings
1212 South Orlando Avenue
Los Angeles, CA 90048

RECOMMENDATION **That the Cultural Heritage Commission:**

1. **Take the property under consideration** as a Historic-Cultural Monument per Los Angeles Administrative Code Chapter 9, Division 22, Article 1, Section 22.171.10 because the application and accompanying photo documentation suggest the submittal warrants further investigation.

2. **Adopt** the report findings.

VINCENT P. BERTONI, AICP
Director of Planning

[SIGNED ORIGINAL IN FILE]

Ken Bernstein, AICP, Manager
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Lambert M. Giessinger, Preservation Architect
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Melissa Jones, Planning Assistant
Office of Historic Resources

Attachments: Historic-Cultural Monument Application

SUMMARY

Lytton Savings is located at 8150 West Sunset Boulevard between Havenhurst Drive and North Crescent Heights Boulevard. Completed in 1960, the two-story bank building was designed by architect Kurt Werner Meyer (1922-2014) for financier Bart Lytton to serve as a new home office branch and executive headquarters for Lytton Savings and Loan Association. The building has been in continuous operation as a bank since its construction and currently serves as a branch of Chase Bank.

The bank was constructed in a distinctive mid-century modern style that melds Googie and New Formalism stylistic influences that are reflected in its glass walls, travertine cladding, concrete columns, and zigzag, folded plate roof. Modeled on classical architecture, the building has a ground floor with glazing and infilled bays and a cantilevered second floor with smooth surfaces extending past the east and west elevations. Underneath the folds of the roof are false, enamel glass clerestory windows. The cantilevered second floor is finished with travertine tiles and a blue signage band appears to the bottom of the second floor of the north and east elevations. On the west elevation, an original mechanical room constructed of decorative concrete blocks and a decorative metal gate, along with Bart Lytton's private patio outside of his office featuring original landscaping, are still visible. On the interior, character defining features include an open, central plan with a full-height lobby; floating concrete staircases; reception area; a banking counter; metal louver on the north wall of the lobby; and a perimeter balcony on the upper floor with a modern walnut and aluminum balustrade.

The design of Lytton Savings embraced the California car culture and uniquely integrated fine art. Two of the original artworks commissioned and still extant include "The Family," a sculpture of a family with raised hands designed by David Green (1908-2000) that stands in front of a Bouquet Canyon wall on the north elevation, and a 8-foot by 50-foot hollow, dalle de verre stained glass screen by Roger Darricarrere (1912-1983) which separates the interior, ground-level public area from the executive offices. In addition, there is a separate building to the south of the bank building (built 1961-1962) that once contained an exhibition space and screening room called the Lytton Center of the Visual Arts, which operated from 1965 to 1968. This building is now an art storage space.

Kurt Meyer (1922-2014) was born in Zurich, Switzerland in 1922 and studied architecture at the Swiss Federal Institute of Technology. Meyer relocated to Los Angeles in 1949 and opened his own practice, Kurt Meyer Associates, in 1957. One of Meyer's first commissions, in 1957, was a remodel and expansion of the tiny storefront home office of Canoga Park Savings, which later changed its name to Lytton Savings and Loan. The next year, Kurt Meyer won the commission for the Lytton Savings and Loan's new Home Office Branch and executive headquarters in Hollywood, the subject property. Throughout his career Meyer went on to design more than fifty projects, twenty of which were financial institutions in Southern California and Washington State. Meyer died in 2014 after an eight-year battle with Parkinson's disease.

As a continuously operating financial institution, with fewer than five different operators over fifty-six years, the building remains mostly unaltered. Changes to the property include the addition of a 1987 one-story electrical/ storage building; installation of ATMs; and the replacement of a plaza that once featured a sculpture garden, domed concrete pavilion and reflecting pool with a parking lot.

The bank building was identified in the citywide historic resources survey, SurveyLA, as an excellent example of a 1960s savings and loan building and eligible for designation at local, state, and national levels.

CRITERIA

The criterion is the Cultural Heritage Ordinance which defines a historical or cultural monument as any site (including significant trees or other plant life located thereon) building or structure of particular historic or cultural significance to the City of Los Angeles, such as historic structures or sites in which the broad cultural, economic, or social history of the nation, State or community is reflected or exemplified, or which are identified with historic personages or with important events in the main currents of national, State or local history or which embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction, or a notable work of a master builder, designer or architect whose individual genius influenced his age.

FINDINGS

Based on the facts set forth in the summary and application, the Commission determines that the application is complete and that the property may be significant enough to warrant further investigation as a potential Historic-Cultural Monument.



Photo Julius Shulman. J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)

LYTTON SAVINGS
8150 SUNSET BOULEVARD
Historic-Cultural Monument Application

CITY OF LOS ANGELES
Office of Historic Resources/Cultural Heritage Commission

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

1. PROPERTY IDENTIFICATION

Proposed Monument Name: Lytton Savings			Original historic name
Other Associated Names: Lytton Savings and Loan Home Branch, Chase Bank			
Street Address: 8150 W SUNSET BLVD		Zip: 90046	Council District: 4
Range of Addresses on Property: 8150-8180 W SUNSET BLVD, 1435-144		Community Name: Hollywood	
Assessor Parcel Number: 5554007014	Tract: TR 31173	Block: none	Lot: LT 1
Identification cont'd:			
Proposed Monument Property Type: ● Building	○ Structure	○ Object	○ Site/Open Space ○ Natural Feature
Describe any additional resources located on the property to be included in the nomination, here:			
Roger Darricarrere's dalle de verre stained glass screen, David Green's Family sculptural group			

2. CONSTRUCTION HISTORY & CURRENT STATUS

Year built: 1960 ● Factual ○ Estimated	Threatened? Private Development
Architect/Designer: Kurt Werner Meyer	Contractor: William Simpson Construction Company
Original Use: Savings and Loan Branch and Arts Center	Present Use: Bank branch
Is the Proposed Monument on its Original Site? ● Yes ○ No (explain in section 7) ○ Unknown (explain in section 7)	

3. STYLE & MATERIALS

Architectural Style: Mid-Century Modernism		Stories: 2	Plan Shape: Rectangular
FEATURE	*PRIMARY*	*SECONDARY*	
CONSTRUCTION	Type: Concrete poured/precast	Type: Select	
CLADDING	Material: Glass skin	Material: Travertine	
ROOF	Type: Folded plate	Type: Select	
	Material: Select	Material: Select	
WINDOWS	Type: Fixed	Type: Select	
	Material: Aluminum	Material: Select	
ENTRY	Style: Off-center	Style: Off-center	
DOOR	Type: Glass	Type: Glass	

HISTORIC-CULTURAL MONUMENT NOMINATION FORM

4. ALTERATION HISTORY

List date and write a brief description of any major alterations or additions. This section may also be completed on a separate document. Include copies of permits in the nomination packet. Make sure to list any major alterations for which there are no permits, as well.	
	See Construction Permit History Chart

5. EXISTING HISTORIC RESOURCE IDENTIFICATION (if known)

☐	Listed in the National Register of Historic Places	
☐	Listed in the California Register of Historical Resources	
☐	Formally determined eligible for the National and/or California Registers	
☐	Located in an Historic Preservation Overlay Zone (HPOZ)	● Contributing feature ● Non-contributing feature
✓	Determined eligible for national, state, or local landmark status by an historic resources survey(s)	Survey Name(s): Survey LA Hollywood Community Plan
Other historical or cultural resource designations: Criteria: A/1/1 & C/3/3, Status: 3S;3CS;5S3 Criteria: C/3/3 Status: 3S;3(		

6. APPLICABLE HISTORIC-CULTURAL MONUMENT CRITERIA

The proposed monument exemplifies the following Cultural Heritage Ordinance Criteria (Section 22.171.7):	
✓	Reflects the broad cultural, economic, or social history of the nation, state, or community
☐	Is identified with historic personages or with important events in the main currents of national, state, or local history
✓	Embodies the distinguising characteristics of an architectural-type specimen, inherently valuable for study of a period, style, or method of construction
✓	A notable work of a master builder, designer, or architect whose individual genius influenced his or her age

CITY OF LOS ANGELES
Office of Historic Resources/Cultural Heritage Commission

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

7. WRITTEN STATEMENTS

This section allows you to discuss at length the significance of the proposed monument and why it should be designated an Historic-Cultural Monument. Type your response on separate documents and attech them to this form.

A. Proposed Monument Description - Describe the proposed monument's physical characteristics and relationship to its surrounding environment. Expand on sections 2 and 3 with a more detailed description of the site. Expand on section 4 and discuss the construction/alteration history in detail if that is necessary to explain the proposed monument's current form. Identify and describe any character-defining elements, structures, interior spaces, or landscape features.

B. Statement of Significance - Address the proposed monument's historic, cultural, and/or architectural significance by discussing how it satisfies the HCM criteria you selected in Section 6. You must support your argument with substantial evidence and analysis. The Statement of Significance is your main argument for designation so it is important to substantiate any claims you make with supporting documentation and research.

8. CONTACT INFORMATION

Applicant

Name: Steven Luftman and Keith Nakata		Company: Friends of Lytton Savings	
Street Address: 1212 S Orlando		City: Los Angeles	State: CA
Zip: 90048	Phone Number: 323-852-1275	Email: sluftman@yahoo.com	

Property Owner Is the owner in support of the nomination? ○ Yes ○ No ● Unknown

Name: Tyler Siegel, John Irwin		Company: AG-SCH 8150 Sunset Blvd. Owner , LP	
Street Address: P.O. Box 10506		City: Beverly Hills	State: CA
Zip: 90213	Phone Number:	Email:	

Nomination Preparer/Applicant's Representative

Name:		Company:	
Street Address:		City:	State:
Zip:	Phone Number:	Email:	

CITY OF LOS ANGELES
Office of Historic Resources/Cultural Heritage Commission

HISTORIC-CULTURAL MONUMENT
NOMINATION FORM

9. SUBMITTAL

When you have completed preparing your nomination, compile all materials in the order specified below. Although the entire packet must not exceed 100 pages, you may send additional material on a CD or flash drive.

APPLICATION CHECKLIST

1. ✓ Nomination Form
2. ✓ Written Statements A and B
3. ✓ Bibliography
4. ✓ Two Primary Photos of Exterior/Main Facade (8x10, the main photo of the proposed monument. Also email a digitial copy of the main photo to: planning.ohr@lacity.org)
5. ✓ Copies of Primary/Secondary Documentation
6. ✓ Copies of Building Permits for Major Alterations (include first construction permits)
7. ✓ Additional, Contemporary Photos
8. ✓ Historical Photos
9. ✓ Zimas Parcel Report for all Nominated Parcels (including map)

10. RELEASE

	Please read each statement and check the corresponding boxes to indicate that you agree with the statement, then sign below in the provided space. Either the applicant or preparer may sign.
X	I acknowledge that all documents submitted will become public records under the California Public Records Act, and understand that the documents will be made available upon request to members of the public for inspection and copying.
X	I acknowledge that all photographs and images submitted as part of this application will become the property of the City of Los Angeles, and understand that permission is granted for use of the photographs and images by the City without any expectation of compensation.
X	I acknowledge that I have the right to submit or have obtained the appropriate permission to submit all information contained in this application.

Steven Luftman — Name:

June 16, 2016 — Date:

Signature:

Mail your Historic-Cultural Monument Submittal to the Office of Historic Resources.

Office of Historic Resources
Department of City Planning
200 N. Spring Street, Room 620
Los Angeles, CA 90012

Phone: 213-978-1200
Website: preservation.lacity.org

A. Architectural Description

Exterior

The property at 8150 West Sunset Boulevard is situated on the southwest corner of Sunset Boulevard and North Crescent Heights Boulevard. Havenhurst Drive is to the west, Sunset Boulevard to the north, and Fountain Avenue to the south.

The two-story bank, which fronts Sunset Boulevard in the northwest corner of the lot, was constructed between 1959 and 1960. It is Mid-Century Modern in style and reflects influences of New Formalism in its glass walls, travertine cladding and concrete columns, and Googie architecture in its zigzag, folded plate roof.

Modeled on classical architecture, the bank has a base (or ground floor) with glazing and infilled bays, an exo-structure, and a cantilevered second floor with smooth surfaces extending past the east and west elevations. Underneath the folds of the roof are clerestory windows. The cantilevered second floor is finished with travertine and a blue signage band is applied to the bottom of the second floor of the north and east elevations.

Seven slender, rectangular architectural concrete pilasters supporting the folded concrete plate roof divide the north and south elevations into six bays. The top of the folded concrete plate roof has a plaster finish. To the front of the north elevation is a landscaped planting bed, with original palms and ferns.

A walkway and then a driveway to Sunset Blvd runs on the east side of the bank. The walkway is under the cantilevered second floor and the driveway is partially covered by the cantilevered floor. To the east of the driveway is a parking lot with landscaping along the north and east edges. Directly east of the driveway is a “Chase” pole sign.

The primary entrance into the bank is on the north side of the building. The ground floor is glazed with fixed plate glass windows with aluminum frames and the primary entrance is set within the second bay from the east. A Bouquet Canyon stone wall extends from the end of the west concrete pier of the north elevation to the end of the lot. In front of the wall is figural sculpture group of a family with raised hands, “The Family,” by sculptor David Green, set on top of a travertine base in the flowerbed. At the northeast corner, a floating concrete stair is visible though the windows on the north and east elevations.

Along the first floor of the east elevation, underneath the cantilever, is an ATM bay south of a secondary entrance. To the north of the glass doors is a windowless section finished in stucco, followed by a section of Bouquet Canyon stone veneer and the corner floating stair encased in glass.

The south elevation features six bays. From the east, the first two bays are glazed, the next four are windowless. The travertine clad second floor cantilevers to the west to match the east. There is also another entrance and a set-of stairs set under a cantilevered canopy in the southwest corner.

The west elevation is largely blocked by a 1987 one story electrical/storage building, and part of the decretive concrete walls that once surrounded Bart Lytton's two private parking spaces still exist. The original mechanical room constructed of decorative concrete blocks and a decorative metal gate, along with Bart Lytton's private patio outside of his office, are still visible. Lytton's private patio features the original landscaping.

Interior

The interior has an open central plan with a full-height lobby with views of the underside of the folded plate roof. The first floor has a banking counter, reception area, cubicles, and private offices. The focal point of the banking floor is the dalle de verre stained glass screen designed by glass artist Roger Darricarrere. The 8-foot by 50-foot hollow screen is illuminated internally and separates the ground level public area from the executive offices and staff lounge.

The upper floor has a perimeter balcony with a modern walnut and aluminum balustrade. On the outer edge of the walkways are offices aligned against the exterior wall. Above the elevator door on the second floor is an original clock. The basement and first floor are also accessed via the elevator. There is a floating stair in the southwest corner of the bank. The floating stair has Schiefer strong floor, walnut and aluminum railing, plate glass panels below the railing, and concrete steps with an abrasive finish. The interior glass entry into the floating stair on the west wall has original door and windows.

Alterations

As a continuously operating financial institution, with fewer than five different operators over 56 years, the building remains mostly unaltered. Each of the four subsequent operators after Lytton was a financially forced merger or acquisition.

The window glazing on the ground floor has been replaced as well as the glass doors on the north and east elevations. Originally each window bay was divided into two plate glass lights with aluminum frames. On the east elevation three ATMs have been installed in the bay that was originally glazed (banking has changed substantially since 1960). A textured glass (gray) window on the east elevation just south of the floating stairway bay[1] was infilled with Bouquet Canyon stone to match the wall of Bouquet Canyon on the interior. The solid concrete bays on the east and south elevations were originally painted black, and have been painted white. The auto teller and canopy originally on the south elevation has been removed and infilled, although remnants of the teller port remain under a coat of white paint. The easternmost bay on the south elevation has been partially infilled. A Chase blue signage band has been applied to the bottom of the travertine panels on the second floor of the north and east elevations. The original porcelain on the cantilevered canopy on the southwest side of the building was painted Chase blue.

On the west side of the bank, the executive parking area, with its two private spots and part

[1] Margarita J. Wuellner, Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment

of a decorative concrete block wall were removed in 1987 with the construction of a one-story electrical station.

The original furniture and interior design features designed by Adele Faulkner have been removed, as have the globe lights.

The original plaza with a sculpture garden, domed concrete pavilion and reflecting pool has been replaced with a parking lot.

Lytton Center of the Visual Arts (built 1961-1962), a separate building to the south of the Bank, has been turned into an art storage space.

The "Lytton Savings" pole sign on Sunset Blvd, east of the Bank was changed to "Chase", but the original "chop-stick" poles from "Lytton Savings" remain.

Character defining features

Exterior

- Zigzag concrete plate roof
- Slender architectural concrete pilasters supporting the folded concrete plate roof
- Rectangular massing and plan
- Bouquet Canyon stone accent wall on primary (north) elevation
- False Clerestory Windows (enamel glass) below the folded plate roof
- Cantilevered second floor with travertine cladding
- David Green's bronze sculpture, "The Family"
- Landscape in Planting Area In Front of Primary (North) Elevation
- Mechanical area contained by a decorative concrete block wall and decorative metal gate in front of east elevation
- Stairway and planting area along west portion of lot

Interior

- Open central plan
- Full-height lobby with views of the underside of the zigzag folded plate roof

- Roger Darricarrere's dalle de verre stained glass screen
- 2nd floor perimeter walkway or balcony with a modern balustrade
- Northeast corner floating concrete stair (Schiefer strong floor, walnut and aluminum railing, plate glass panels below the railing, concrete steps with an abrasive finish, Bouquet Canyon stone wall)
- Indoor/outdoor space of Bart Lytton's private patio accessed from his executive office, with original planting
- Drinking fountain and metal louver on the north wall of the lobby
- Railing in the employee south stairway

B. Statement of Significance

Summary

Lytton Savings meets the following two criteria for designation as a Los Angeles Historic-Cultural Monument:

> *It reflects or exemplifies the broad cultural, political, economic, or social history of the nation, state, or City (community).*
>
> *It embodies certain distinguishing architectural characteristics of an architectural-type specimen, inherently valuable for a study of a period style or method of construction; or the proposed site, building, or structure is a notable work of a master builder, designer, or architect whose individual genius influenced his age.*

Savings and loans were in high demand in the postwar years as they financed the massive residential development boom. Their growth, along with the growth of the region, translated to the need for increased office space. As such, Lytton Savings Home Office is an early example of this transformative shift in postwar-era bank design. Postwar prosperity changed the banking industry forever, as "the middle class and its spending power were finally recognized."[2]

[2] Charles Belfoure. Monuments to Money: The Architecture of American Banks. Jefferson, NC: McFarland, 2005: 245.

The Lytton Savings Home Office was constructed between 1959 and 1960.[3] It was a time of rapid changes in the savings and loan industry and many of these changes were led by Bart Lytton. By 1963, Lytton Savings was the fifth largest savings and loan association in the United States. By 1968 Bart Lytton was forced to resign his leadership position under the threat of bankruptcy.[4] While Lytton Savings reign was short, the effects Bart Lytton had on the post-World War II savings and loan industry are substantial.

The Lytton Savings Home Office at 8150 W Sunset Blvd was built as both the Hollywood office of Lytton Savings & Loan and the executive offices of Lytton Financial Corporation.[5] It is an excellent example of Mid-Century Modern bank architecture in Hollywood. It is an early work of noted Los Angeles architect Kurt Meyer. The building received the Los Angeles Beautiful Certificate of Excellence in 1962 for its architectural landscaping.[6][7] The building's interior features a monumental wall-screen of slab glass designed by Roger Darricarrere, his first commercial commission. Outside the building, a bronze statue entitled "The Family" was created by David Green, commissioned by Lytton Savings.

Historical Background

Bart Lytton and Lytton Savings Bank

Bart Lytton was no ordinary banker. When he retained Kurt Meyer to build his flagship Hollywood headquarters, he wouldn't stand for a stodgy corporate "designed by committee" building.[8] Just three years earlier, in 1956, he purchased tiny Canoga Park Savings & Loan[9] and in 1958 he put his own name on the door, saying: "Only three guys

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[3] Los Angeles Department of Building and Safety, Permits LA46335, November 4, 1959, Application to Construct Commercial bank and Parking. 27,000 sf Including Basement and 2 Stories.

[4] Arelo Sederberg, "The Name May Not Stay of the Door" *Los Angeles Times*, 25 Oct 1968, F14.

[5] "1st Phase of $5 Million Buiness Center Begun", *Los Angeles Times*, 25 Oct 1959, VI 16.

[6] Lytton Savings. *Los Angeles Times* 24 Sept. 1962, sec. 0: 13. Print.

[7] Los Angeles Beautiful Inc. developed from the Los Angeles Area Chamber of Commerce "Los Angeles Area Chamber of Commerce." - Aboutchamber_history. Los Angeles Chamber of Commerce, n.d. Web. 16 June 2016.

[8] Arelo Sederberg, "Bart Lytton: The Many Faces of a Frustrated Financier" *Los Angeles Times,* 28 Apr 1968, N14.

[9] Arelo Sederberg, "Bart Lytton, Brash and Colorful Southland Financier, Dies at 56" *Los Angeles Times*, 30 June 1969, 1.

have had savings and loan associations named after them—and Washington and Lincoln are dead."[10] Before Lytton Savings' meteoric rise ended, Lytton was the fifth largest savings and loan in the nation with assets of more than $750 million from Canoga Park's $250,000.[11]

Before jolting the savings and loan industry, Lytton dabbled in newspaper reporting, screenwriting, and publicity for Warner Brothers, as well as Communism – though when asked about his ties with Communism, his response was "The only ism for me is narcissism."[12] In 1960, the same year Lytton Savings opened on Sunset, he donated $200,000 to John F. Kennedy's presidential campaign, which would amount to approximately $1.6 million today.[13][14] Kennedy supposedly said, "He's a son of a bitch, but never forget he's our son of a bitch."[15]

Lytton, dubbed the "voluble infant terrible of California's saving and loan industry" by the *New York Times*, brought salesmanship and zest to a traditionally conservative industry. He did it his own way in an era of committee management, with the theory that money could be merchandised "like girlie shows." He proceeded to transform the staid pre-war financial community by using one press agency gimmick after another to attract depositors and borrowers. Bart was Lytton Savings; his ads often featured his photo, name or signature. [16]

His bank's new headquarters was designed using modern art and architecture to attract modern customers, communicating forward thinking and accessibility and giving Lytton Savings a distinctive brand. To the *New York Times* he said, "If we're able to use art to bring in more customers, why that's justification enough." Art is as fundamental to the conduct of business today as is central heating or plumbing, he insisted.[17]

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[10] "Bart Lytton Native Of Pennsylvania Headed Financial Empire" *Toledo, Ohio Blade*, 30 June 1969, Web 14 June, 2016.

[11] Martin Rossman, "What's Bart Lytton's Goal? Money, He Explains Artlessly," *Los Angeles Times*, 23 Dec 1968, C8.

[12] "Black Bart's Red Ink", *Time*, 19 April 1968.

[13] John Brooks, The Go-Go Years: *The Drama and Crashing Finale of Wall Street's Bullish 60s,* (Open Road Media, 2014)

[14] "CPI Inflation Calculator." *CPI Inflation Calculator*. Bureau of Labor Statistics, n.d. Web. 11 June 2016.

[15] Amy Waldman, 1995. "Move Over, Charles Keating." *The Washington Monthly*, 05, 26.

[16] Gladwin Hill, "Big Interest Gam in the West Trims Its Hollywood Trappings," *New York Times*, 16 July 1965, Web 13 June 2016.

[17] Peter Bart, "COAST ARTS LED BY A MILLIONAIRE", *New York Times*, 3 Feb 1965, Web 9 June, 2016

Lytton's *Los Angeles Times* advertisement inviting people to the grand opening said "…no effort has been spared to create a building of superb quality, beauty and convenience for the customers of Lytton Savings."[18]

The bank, with its lower level Lytton Center for the Visual Arts, was important for its contribution to arts and culture in Los Angeles during its eight years of operation. Lytton Center promoted the careers of contemporary California artists, educated Angelinos, and was a cultural center on the Sunset Strip where many prominent social and world figures gathered. The Lytton Center was one of the first institutions to focus on emerging California art and artists. Among the exhibited California artists were Bruce Conner, Robert Cremean, Claire Falkenstein, William T. Wiley, and Jack Zajac.[19][20] The Lytton Center was also one of the first to showcase California women artists.[21] The Lytton Center was most likely one of the earliest corporate art programs in the country with a changing series of thematic exhibitions, lectures, and other activities organized by professional staff and open to the general public for free.[22][23] While the Lytton Center building is substantially altered, the bank building is intact with its David Green "The Family" sculptural group and Roger Darricarrere's stained glass Screen.

Bank Building Property Type: Mid-Century Modern Banks (1950s and 1960s)

Lytton Savings Bank, completed in 1960, is an eclectic example of California Mid-Century Modern architecture reflecting influences of New Formalism in its glass walls, travertine cladding and concrete columns, and Googie architecture in its dramatic folded plate roof.[24]

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[18] Lytton Savings. *Los Angeles Times,* 26 June 1960: 9.

[19] Lytton Center of Visual Arts, "Collector's Choice" Sculpture Exhibit (Los Angeles, CA: Lytton Center of Visual Arts, April 1-July 10 1964).

[20] Lytton Center of the Visual Arts records, 1961-1969. Donated 1995 by Josine Ianco-Starrels, curator-director of the Lytton Center in the 1960s. Archives of American Art, Smithsonian Institution, Washington, D.C. 20560. Acquired August 11, 1992.

[21] Faith Wilding, By our own hands: The woman artist's movement, Southern California, 1970-1976 (Santa Monica, CA: Double X, 1977): 42-43.

[22] Lytton Center of the Visual Arts records, 1961-1969

[23] Margarita J. Wuellner, Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment Report And Impacts Analysis For The Proposed 8150 Sunset Boulevard Mixed Use Project", PCR Services Corporation, Sept 2014, 124

[24] Margarita J. Wuellner, Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment Report And Impacts Analysis For The Proposed 8150 Sunset Boulevard Mixed Use Project", PCR Services Corporation, Sept 2014, 20.

During the postwar era, the economy had recovered from depression and war, and a nationwide period of growth and stability created a sudden increase for access to credit and other banking needs. During the 1950s and 1960s, the banking industry experienced intense growth with older banks expanding and new banks being created. Many of the new banks were Savings & Loans ("S & Ls"), which were focused on short-term commercial lending and were in a highly-competitive mass-marketed industry, enthusiastically selling new products with convenience and efficiency. S & Ls competed with one another through marketing their strength and stability architecturally. As a result of competition, architects incorporated retail design into the S & Ls to create a warm, friendly customer-service driven environment; interiors became open and welcoming with floor to ceiling windows and large elaborate exterior signs advertised the S & L.[25]

While early classical and later Art Deco and Moderne style architecture had been used by banks during the first half of the twentieth century, during the post-World War II era Modernism in Architecture emerged as the dominant idiom for commercial architecture. Mid-Century Modern design used sleek, simplified geometry and asymmetrical, intersecting angular planes of masonry volumes and glass curtain walls, locked together by a flat planar roof. Designers embraced the optimistic spirit of the time, experimenting with the newest technologies and materials in building, such as concrete and aluminum, and incorporating futuristic elements. Under the Mid-Century Modern design umbrella were a number of stylistic influences including Eclectic, International, New Formalist, Googie, California Modern, and Neo-Expressionism. S & Ls sought after talented architects to create an identifiable architectural brand. Kurt Meyer designed for Lytton Savings and Loan; C.M. Deasy for Lincoln S & L; Austin, Field, and Fry for First Federal S & L; Allison and Roble for North Hollywood Federal S & L; Young and Remington for Harbor S & L; W. A. Sarmiento for Bank Building & Equipment Corporation; Millard Sheets for Home S & L; Ladd & Kelsey for Belmont Savings Bank; Skidmore, Owings & Merrill for Great Western Savings; and Edward Durell Stone for Home Federal Savings.[26]

Kurt Werner Meyer, Architect (1922-2014)

Kurt Meyer arrived in Los Angeles in 1949 with $47 and a desire "to help build a better world."[27] He had received his Bachelor of Architecture from Swiss Institute of Technology two years prior. In 1955, he became a licensed architect in California and two years later he

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[25] Margarita J. Wuellner, Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment Report And Impacts Analysis For The Proposed 8150 Sunset Boulevard Mixed Use Project", PCR Services Corporation, Sept 2014, 22.

[26] Margarita J. Wuellner, Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment Report And Impacts Analysis For The Proposed 8150 Sunset Boulevard Mixed Use Project", PCR Services Corporation, Sept 2014, 21.

[27] Leon Whiteson,"Frontier Outlook Lives On in Valley, Architect Asserts," *Los Angeles Times,* 12 May 1988, pg. V_B12.

opened his own practice—Kurt Meyer Associates.[28] [29]

One of Meyer's first commissions, in 1957, was a remodel and expansion to the tiny storefront home office of Canoga Park Savings.[3031] In September of 1957 a *Los Angeles Times* article announced the plans:

> Plans for a completely remodeled and greatly expanded office for Canoga Park Savings and Loan Association were announced by Mrs. Bart Lytton, chairman of the board of directors. The remodeling program will more than double the office space and create an entirely new distinctive front for the association.
>
> The new front will feature a golden-metal canopy and polished mahogany granite walls with golden aluminum trim…
>
> The Los Angeles firm of Hagman and Meyer are the architects and construction will be by California Structures, Inc., of Canoga Park.[32]

The remodel appears to be part of Burt Lytton's plan to remake a sleepy savings and loan into a powerhouse of the industry. Six months later Canoga Park Savings changed its name to Lytton Savings and Loan.[3334] The next year, Kurt Meyer won the commission for the Lytton Savings & Loan's new Home Office Branch on the corner of Sunset Boulevard and Crescent Heights.

Kurt Meyer considered the Lytton Savings Home Branch a cornerstone of his career and

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[28] Oral Interview with Pamela Deuel-Meyer, interviewed by Amanda Kainer, PCR Services. February 4, 2014.

"Kurt Werner Meyer Life Chronology." Compiled by Kurt Meyer and Pamela Deuel-Meyer.

[29] Hilda Birshmeier, PSY.D. "Los Angeles: Swiss Explorer and Architect Kurt Meyer." *Swiss Review*. No. 5. October 2007.

[30] Los Angeles Department of Building and Safety, Permits VN58935, 29 July, 1957, Application to Alter Savings & Loan.

[31] Los Angeles Department of Building and Safety, Permits VN60062, 3 Sep, 1957, Application to Alter Savings & Loan Remodel Front-Add Marquee.

[32] Savings Office Expansion Set" *Los Angeles Times*, 1 Sep 1957, II15

[34] "Canoga Savings Changes Name" *Los Angeles Times*, 16 March 1958, A15.

feels the recognition it received launched his career.[35]

The Home Branch Office was one of Kurt Meyer's first architectural works where he experimented with new prefabricated reinforced concrete technology on a large-scale project.[36] It embodied the distinctive characteristics of Mid-Century Modern, a mix of Googie features and the New Formalist style.[37] The Bank embraced the California car culture and integrated it with commissioned fine art. An early example in Southern California of the Mid-Century Modern bank building type, the Bank's structure with its large folded-plate concrete roof is an example of Modern prefabricated concrete construction.[38]

The relationship Kurt Meyer formed with Bart Lytton helped to define his career.[39] Meyer designed a total of four banks for Lytton Savings in southern California.[40] After the Hollywood Home Office and executive headquarters, there was the Pomona branch in 1965, the Canoga Park branch constructed in 1966, and a Mid-Century Modern style temporary bank built on Wilshire and Hobart.

The Pomona and the 1966 Canoga Park offices are purer expressions of New Formalism than the Hollywood office.[41] They don't have the Googie car culture elements, but they weren't designed to stand on the Sunset Strip.

The Pomona branch now serves as the Pomona Arts Colony's Downtown Center, and the Canoga Park branch survives as a Chase bank. The Wilshire office was demolished, and while the storefront building of the original Canoga Park branch seems to have survived,

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[35] Oral Interview with Pamela Deuel-Meyer, interviewed by Amanda Kainer, PCR Services. February 4, 2014.

[36] City of Los Angeles, SCH No. 2013091044, "8150 Sunset Boulevard Mixed Use Project," Nov 2014, 4.C.2-5.

[37] City of Los Angeles, SCH No. 2013091044, "8150 Sunset Boulevard Mixed Use Project," Nov 2014, 4.C.2-11.

[38] Margarita J. Wuellner, Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment Report And Impacts Analysis For The Proposed 8150 Sunset Boulevard Mixed Use Project", PCR Services Corporation, Sept 2014, 124

[39] Oral Interview with Pamela Deuel-Meyer, interviewed by Amanda Kainer, PCR Services. February 4, 2014.

[40] City of Los Angeles, SCH No. 2013091044, "8150 Sunset Boulevard Mixed Use Project," Nov 2014, 4.C.2-5.

[41] City of Los Angeles, SCH No. 2013091044, "8150 Sunset Boulevard Mixed Use Project," Nov 2014, 4.C.2-5.

there is not a trace of Meyer's golden-metal facade.

The work Meyer did for Lytton would lead to commissions for other financial institutions. From 1958 to 1980, he designed approximately twenty savings and loans, and other financial buildings in Southern California and Washington. For Mark Taper, president of American Savings & Loan, he designed 35 projects over his career.[42]

In 1973 Mr. Meyer was appointed to the board of the Los Angeles Community Redevelopment Agency (CRA) and would become chairman of the board in 1976.[43] Under his leadership, the Japanese Village Plaza was created in Japanese character; Angeles Plaza, Bunker Hill housing for elderly and low-income elderly was constructed; and the jewelry industry was kept from moving away from downtown. Kurt Meyer was Director of the Southern California Chapter of American Institute of Architects (AIA) (1968-1971), and chairman of the board of the Southern California Institute of Architects (SCI-Arc) (1986-1992).[44]

In 1967 Lytton Savings purchased Irving Gill's 1916 masterpiece, the Dodge House in West Hollywood. Bart Lytton had Meyer plan a project that would save the house as the centerpiece of a new multi family housing development. After Bart lost control of Lytton Savings, the house was sold and in 1970 it was torn down.[45] On learning of the demolition, Kurt Meyer, who had fought for seven years to save the house, said, "This is like slashing a Rembrandt with a razor."[46]

Kurt Meyer won many accolades and awards, including:

- An honor award for his design of Death Valley Union High School (1957)[47]
- National citation for design for Lytton Savings Canoga Park branch(1966)[48]

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[42] Oral Interview with Pamela Deuel-Meyer, interviewed by Amanda Kainer, PCR Services. February 4, 2014.

[43] David Colker, "Kurt Meyer dies at 92; L.A. architect was committed to civic service," *Los Angeles Times,* Aug 28, 2014, Web. June 9, 2016.

[44] Oral Interview with Pamela Deuel-Meyer, interviewed by Amanda Kainer, PCR Services. February 4, 2014.

[45] David Colker, "Kurt Meyer dies at 92; L.A. architect was committed to civic service," *Los Angeles Times,* Aug 28, 2014, Web. June 9, 2016.

[46] "Victim of a Bulldozer: Magnificent Mansion Now Rubble". *Pomona Progress-Bulletin* (AP wire service article). 10 Feb 1970.

[47] Margarita J. Wuellner, Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment Report And Impacts Analysis For The Proposed 8150 Sunset Boulevard Mixed Use Project", PCR Services Corporation, Sept 2014, 36.

- Prestressed Concrete Insititute's Awards Program Concrete prize for Lytton Savings Oakland branch (1966)[49]
- AIA 20 year Grand Prix award for Liberty Building, Los Angeles (1967)[50]
- Honor award for Liberty Building from Portland Cement Corporation (1968)[51]
- Named a Fellow of the AIA (1973)[52]
- Southern California Chapter AIA design award for the Hunington Beach Civic Center (1977)[53]
- Awarded the LA Chamber of Commerce Lifetime Achievement Award (1992)[54]
- Awarded the Public Service Award, California Council of the AIA (1992)[55]

Integrated Art Components

Two integrated art works commissioned for the Bank, Roger Darricarrere's dalle de verre stained glass screen and David Green's "The Family" sculptural group are extant in situ.

The lighted screen, located in the Bank's lobby, was designed by Roger Darricarrere (1912-1983). The Screen is a U-shaped wall 8 feet by 50 feet and contains multi-colored dale de verre stained glass, handcrafted by Roger Darricarrere, poured to a thickness of one to two and one-half inches with air-bubbles trapped inside with a hand-worked textured finish. The screen functions as a privacy division separating the public lobby from the executive offices and staff lounge. The two-sided screen has a structural concrete and steel frame and

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[48] National Honor," *Los Angeles Times,* (July 24, 1966): N2.

[49] "Newslines: Fifteen Receive Awards in Prestressed Program", *Journal of the American Institute of Architects,* 46: 4, 30, 34, 10/1966.

[50] Leon Whiteson, "Kurt Meyer Picks His Successor: Cliff Allen Lays Stress on Design for Social Good," *Los Angeles Times,* (July 3, 1988).

[51] Leon Whiteson, "Kurt Meyer Picks His Successor: Cliff Allen Lays Stress on Design for Social Good," *Los Angeles Times,* (July 3, 1988).

[52] Leon Whiteson, "Kurt Meyer Picks His Successor: Cliff Allen Lays Stress on Design for Social Good," *Los Angeles Times,* (July 3, 1988).

[53] Jonathan Kirsch, ed. "Southern California Chapter AIA • 1977 Design Awards." *L.A. Architect,* July 1977: 1-2. Print.

[54] Oral Interview with Pamela Deuel-Meyer, interviewed by Amanda Kainer, PCR Services. February 4, 2014.

[55] Oral Interview with Pamela Deuel-Meyer, interviewed by Amanda Kainer, PCR Services. February 4, 2014.

lights in its hollow interior, make the multi-colored glass pieces in the screen glow.[56]

An article in the *Craft Horizons* journal described the importance of Roger Darricarrere's dalle de verre screen in his career:

> Although Darricarrere has executed numerous commissions, the Lytton screen is a landmark in his career. It is his first commercial commission. It is also a significant example of architectural collaboration. The board of directors of Lytton Savings and Loan Association placed the responsibility for creation and execution in the hands of the firm's president, Bart Lytton, an enthusiastic supporter of the arts. Lytton selected Kurt Meyer, AIA, and Adele Faulkner, ASID, as his architectural and interior design consultants. As a result of the careful teamwork, the building embraces a wealth of harmonious design and decoration, ranging from hand-loomed fabrics and rare woods to a noteworthy collection of paintings and sculpture. To separate the ground level public area from that containing the executive offices, Adele Faulkner suggested a screen by Darricarrere. There was little trouble convincing the client that Darricarrere's abstract design would be effective.[57]

The second existing on-site integrated artwork, "The Family", is a figural sculpture of a family with raised hands designed by David Green and located in front of the primary (north) elevation. An Altadena sculptor, David Green (1908-2000) was born in Enid, Oklahoma and obtained an education at the American Academy of Art in Chicago. He began exhibiting in 1935 at the Art Institute of Chicago and established a studio in Chicago. In 1947, he moved to Altadena and taught at County Art Institute, South Pasadena Art Institute, Scripps College and Otis College of Art and Design.[58]

Period of Significance

The period of significance of Lytton Savings for its association with significant trends in savings and loan and banking industry is defined as 1960-1968, or the period of which it served as the Lytton Savings and Loan Home Office.

The period of significance of Lytton Savings for its association with its embodiment of an architectural style for conveying high artistic value is defined as 1960, or its date of construction.

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[56] Margarita J. Wuellner, Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment Report And Impacts Analysis For The Proposed 8150 Sunset Boulevard Mixed Use Project", PCR Services Corporation, Sept 2014, 39.

[57] "Roger Darricarrere," *Craft Horizons,* v. 22 (July/August 1962): 33-34.

[58] Art News: Picasso Linocuts in UCLA Show," *Los Angeles Times* (February 7, 1965): B23.

Conclusion

In summary, Lytton Savings Bank is eligible under two Historic-Cultural Monument criteria.

Savings and loans were in high demand in the postwar years as they financed the massive residential development boom. Their growth, along with the growth of the region, translated to the need for increased office space. As such, Lytton Savings Home Office is an early example of this transformative shift in postwar-era bank design. Postwar prosperity changed the banking industry forever, as "the middle class and its spending power were finally recognized."[59]

The bank is also significant as the embodiment of distinctive architectural design, melding Mid-Century Modernism and New Formalism. It has high artistic value with its integration of artworks by significant artists Roger Darricarrere and David Green. The building is recognized as one of the most important buildings in architect Kurt Meyer's notable career. The *Los Angeles Times* obituary for Kurt Warner Meyer points to the Home Branch Office of Lytton Savings, "His buildings were not flashy for the most part, though they had stylish touches. One of the most prominent is a 1960 bank at the corner of Sunset and Crescent Heights boulevards that sports zigzag, accordion-like folds in its roof."[60]

A 1965 *New York Times* article on the boom in the savings and loan industry concludes with "Meanwhile, if one drives along Sunset Blvd to the spot where the celebrated Garden of Allah Hotel once shrouded F. Scott Fitzgerald's typing and tippling, there can be found a complex of breathtaking architecture dedicated to the financial services of Mr. Lytton…"[61]

Finally, Survey LA recognized the bank as meeting the federal, state, and local eligibility criteria. Criteria: A/1/1 and C/3/3, and assigned the property status codes: 3S; 3CS; 5S3

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[59] Charles Belfoure. *Monuments to Money: The Architecture of American Banks.* Jefferson, NC: McFarland, 2005: 245.

[60] David Colker, "Kurt Meyer dies at 92; L.A. architect was committed to civic service," *Los Angeles Times,* Aug 28, 2014, Web. June 9, 2016.

[61] Gladwin Hill, "Big Interest Gam in the West Trims Its Hollywood Trappings," *New York Times,* 16 July 1965, Web 13 June 2016

Bibliography

"Art News: Picasso Linocuts in UCLA Show," *Los Angeles Times* (February 7, 1965): B23.

"Bart Lytton Native Of Pennsylvania Headed Financial Empire" *Toledo, Ohio Blade*, 30 June 1969.

Bart, Peter, "COAST ARTS LED BY A MILLIONAIRE", *New York Times*, 3 Feb 1965

Belfoure, Charles. *Monuments to Money: The Architecture of American Banks.* Jefferson, NC: McFarland, 2005:

Birshmeier, Hilda, PSY.D. "Los Angeles: Swiss Explorer and Architect Kurt Meyer." *Swiss Review*. No. 5. October 2007.

"Black Bart's Red Ink", *Time*, 19 April 1968.

Brooks, John, The Go-Go Years: *The Drama and Crashing Finale of Wall Street's Bullish 60s,* (Open Road Media, 2014)

City of Los Angeles, SCH No. 2013091044, "8150 Sunset Boulevard Mixed Use Project," Nov 2014.

"Canoga Savings Changes Name" *Los Angeles Times*, 16 March 1958, A15.

Colker, David. "Kurt Meyer dies at 92; L.A. architect was committed to civic service," *Los Angeles Times,* 28 Aug 2014, Web. 9 June 2016.

"1st Phase of $5 Million Buiness Center Begun", *Los Angeles Times*, 25 Oct 1959, VI 16.

Hill, Gladwin, "Big Interest Game in the West Trims Its Hollywood Trappings," *New York Times*, 16 July 1965, Web 13 June 2016.

Kirsch, Jonathan, ed. "Southern California Chapter AIA • 1977 Design Awards." *L.A. Architect,* July 1977.

"Kurt Werner Meyer Life Chronology." Compiled by Kurt Meyer and Pamela Deuel-Meyer.

Lytton Center of the Visual Arts records, 1961-1969. Donated 1995 by Josine Ianco-Starrels, curator-director of the Lytton Center in the 1960s. Archives of American Art, Smithsonian Institution, Washington, D.C. 20560. Acquired August 11, 1992.

Lytton Center of Visual Arts, "Collector's Choice" Sculpture Exhibit (Los Angeles, CA: Lytton Center of Visual Arts, April 1-July 10 1964).

Lytton Savings. *Los Angeles Times* 24 Sept. 1962, sec. 0: 13. Print.

Lytton Savings. *Los Angeles Times,* 26 June 1960: 9.

"National Honor," *Los Angeles Times,* 24 July 1966: N2.

"Newslines: Fifteen Receive Awards in Prestressed Program", *Journal of the American Institute of Architects,* 46: 4, 30, 34, 10/1966.

Oral Interview with Pamela Deuel-Meyer, interviewed by Amanda Kainer, PCR Services. 4 Feb 2014.

"Roger Darricarrere," *Craft Horizons,* v. 22 (July/August 1962): 33-34.

Rossman, Martin, "What's Bart Lytton's Goal? Money, He Explains Artlessly," *Los Angeles Times*, 23 Dec 1968, C8.

"Savings Office Expansion Set" *Los Angeles Times*, 1 Sep 1957, II15

Sederberg, Arelo. "Bart Lytton, Brash and Colorful Southland Financier, Dies at 56" *Los Angeles Times*, 30 June 1969, 1.

Sederberg, Arelo. "Bart Lytton: The Many Faces of a Frustrated Financier" *Los Angeles Times,* 28 Apr 1968.

Sederberg, Arelo. "The Name May Not Stay of the Door" *Los Angeles Times*, 25 Oct 1968, F14.

Waldman, Amy, 1995. "Move Over, Charles Keating." *The Washington Monthly*, 05, 26.

Whiteson, Leon. "Kurt Meyer Picks His Successor: Cliff Allen Lays Stress on Design for Social Good," *Los Angeles Times,* 3 July 1988).

Whiteson, Leon."Frontier Outlook Lives On in Valley, Architect Asserts," *Los Angeles Times,* 12 May 1988.

Wilding, Faith, By our own hands: The woman artist's movement, Southern California, 1970-1976 (Santa Monica, CA: Double X, 1977)

Wuellner, Margarita J., Ph.D. And Amanda Y. Kainer, M.S.,"Historical Resources Assessment Report And Impacts Analysis For The Proposed 8150 Sunset Boulevard Mixed Use Project", PCR Services Corporation, Sept 2014


CHASE
CHASE

CHASE

City of Los Angeles
Department of City Planning

7/18/2016
PARCEL PROFILE REPORT

PROPERTY ADDRESSES

1441 1/2 N CRESCENT HEIGHTS BLVD
1439 1/2 N CRESCENT HEIGHTS BLVD
1437 1/2 N CRESCENT HEIGHTS BLVD
1435 1/2 N CRESCENT HEIGHTS BLVD
8150 W SUNSET BLVD
8148 W SUNSET BLVD
8152 W SUNSET BLVD
1443 N CRESCENT HEIGHTS BLVD
1441 N CRESCENT HEIGHTS BLVD
1439 N CRESCENT HEIGHTS BLVD
1437 N CRESCENT HEIGHTS BLVD
1435 N CRESCENT HEIGHTS BLVD
8156 W SUNSET BLVD
8154 W SUNSET BLVD
8158 W SUNSET BLVD
8160 W SUNSET BLVD
8162 W SUNSET BLVD
8164 W SUNSET BLVD
8166 W SUNSET BLVD
8170 W SUNSET BLVD
8168 W SUNSET BLVD
8172 W SUNSET BLVD
8178 W SUNSET BLVD
8174 W SUNSET BLVD
8176 W SUNSET BLVD
8182 W SUNSET BLVD
8180 W SUNSET BLVD
1480 N HAVENHURST DR
1486 N HAVENHURST DR
1474 N HAVENHURST DR
1470 N HAVENHURST DR
1466 N HAVENHURST DR

ZIP CODES

90046

RECENT ACTIVITY

ENV-2007-3627

CASE NUMBERS

CPC-2016-1450-CPU
CPC-2014-669-CPU
CPC-2013-2551-CUB-ZV-DB-SPR
CPC-2005-6082-CPU

Address/Legal Information	
PIN Number	147B173 327
Lot/Parcel Area (Calculated)	96,328.6 (sq ft)
Thomas Brothers Grid	PAGE 593 - GRID A5
Assessor Parcel No. (APN)	5554007014
Tract	TR 31173
Map Reference	M B 860-26/27
Block	None
Lot	LT 1
Arb (Lot Cut Reference)	None
Map Sheet	147B173
	147B177
Jurisdictional Information	
Community Plan Area	Hollywood
Area Planning Commission	Central
Neighborhood Council	Hollywood Hills West
Council District	CD 4 - David Ryu
Census Tract #	1942.00
LADBS District Office	Los Angeles Metro
Planning and Zoning Information	
Special Notes	None
Zoning	C4-1D
Zoning Information (ZI)	ZI-2441 Alquist-Priolo Earthquake Fault Zone
	ZI-2452 Transit Priority Area in the City of Los Angeles
	ZI-1722
General Plan Land Use	Neighborhood Office Commercial
General Plan Footnote(s)	Yes
Hillside Area (Zoning Code)	No
Baseline Hillside Ordinance	No
Baseline Mansionization Ordinance	No
Specific Plan Area	None
Special Land Use / Zoning	None
Design Review Board	No
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
POD - Pedestrian Oriented Districts	None
CDO - Community Design Overlay	None
NSO - Neighborhood Stabilization Overlay	No
Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Ellis Act Property	No
Rent Stabilization Ordinance (RSO)	Yes
CRA - Community Redevelopment Agency	None

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(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

CPC-1997-43-CPU
CPC-1986-831-GPC
CPC-1986-209-PC
CPC-1984-1-HD
CPC-10366
ORD-95452
ORD-164714
ORD-161116-SA1
ORD-129944
ZA-6928
ZA-2007-3626-CUB
ZA-2001-5784-CU-CUB
ZA-1993-211-ZV
ZA-1992-1141-CUZ-ZV-PAD
ZA-1988-939-E
ZA-1983-398-CUB
YD-7975
VTT-72370-CN
ENV-2016-1451-EIR
ENV-2014-670-SE
ENV-2013-2552-EIR
ENV-2007-3627-CE
ENV-2001-5785-CE
OB-15548
AFF-3066
AFF-2837
AF-89-146951

Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

Assessor Information

Assessor Parcel No. (APN)	5554007014
Ownership (Assessor)	
Owner1	AG SCH 8150 SUNSET BOULEVARD OWNER LP C/O C/O TOWNSCAPE MANAGEMENT INC
Address	0 PO BOX 10506 BEVERLY HILLS CA 90213
Ownership (Bureau of Engineering, Land Records)	
Owner	AG SCH 8150 SUNSET BOULEVARD OWNER, L P C/O TOWNSCAPE MANAGEMENT INC
Address	PO BOX 10506 BEVERLY HILLS CA 90213
APN Area (Co. Public Works)*	2.218 (ac)
Use Code	1500 - Shopping Center (Neighborhood)
Assessed Land Val.	$10,610,407
Assessed Improvement Val.	$2,652,601
Last Owner Change	01/12/12
Last Sale Amount	$14,000,140
Tax Rate Area	67
Deed Ref No. (City Clerk)	SUBD 990244 56461 529508 340309 2062067-68 1970986-7 1803528,30 1534055-57 1414789 1253487 1135611
Building 1	
Year Built	1960
Building Class	CX
Number of Units	0
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	28,561.0 (sq ft)
Building 2	
Year Built	1988
Building Class	BX
Number of Units	0
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	24,350.0 (sq ft)
Building 3	
Year Built	1988
Building Class	BX
Number of Units	0
Number of Bedrooms	0

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Number of Bathrooms	0
Building Square Footage	10,182.0 (sq ft)
Building 4	
Year Built	1988
Building Class	BX
Number of Units	0
Number of Bedrooms	0
Number of Bathrooms	0
Building 5	
Year Built	1988
Building Class	BX
Number of Units	0
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	4,533.0 (sq ft)
Additional Information	
Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Very High Fire Hazard Severity Zone	No
Fire District No. 1	Yes
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	No
Oil Wells	None
Seismic Hazards	
Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	0.24668988
Nearest Fault (Name)	Hollywood Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse - Oblique
Slip Type	Poorly Constrained
Down Dip Width (km)	14.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	70.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	Yes
Landslide	No
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No
Economic Development Areas	
Business Improvement District	None
Promise Zone	No
Renewal Community	No
Revitalization Zone	None
State Enterprise Zone	None
Targeted Neighborhood Initiative	None

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Public Safety

Police Information	
Bureau	West
Division / Station	Hollywood
Reporting District	632
Fire Information	
Bureau	West
Batallion	5
District / Fire Station	41
Red Flag Restricted Parking	No

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CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-2016-1450-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	UPDATE TO THE HOLLYWOOD COMMUNITY PLAN
Case Number:	CPC-2014-669-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	COMMUNITY PLAN UPDATE/GENERAL PLAN AMENDMENT
Case Number:	CPC-2013-2551-CUB-ZV-DB-SPR
Required Action(s):	CUB-Conditional Use Beverage-Alcohol
	DB-DENSITY BONUS
	SPR-SITE PLAN REVIEW
	ZV-ZONE VARIANCE
Project Descriptions(s):	Data Not Available
Case Number:	CPC-2005-6082-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	Data Not Available
Case Number:	CPC-1997-43-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	COMMUNITY PLAN UPDATE FOR HOLLYWOOD WHICH IDENTIFIES AND REDEFINES OUTDATED LAND USE ISSUES AND INCONSISTENT ZONING, REVIEWS POLICIES AND PROGRAMS, AS WELL AS REVISING AND UPDATING THE PLAN MAP AND TEXT
Case Number:	CPC-1986-831-GPC
Required Action(s):	GPC-GENERAL PLAN/ZONING CONSISTENCY (AB283)
Project Descriptions(s):	HOLLYWOOD COMMUNITY PLAN REVISION/GENERAL PLAN CONSISTENCY PLAN AMENDMENT, ZONE CHANGES AND HEIGHT DISTRICT CHANGES
Case Number:	CPC-1986-209-PC
Required Action(s):	PC-PLAN CONSISTENCY APPEAL
Project Descriptions(s):	PLAN CONSISTENCY DETERMINATION APPEAL
Case Number:	CPC-1984-1-HD
Required Action(s):	HD-HEIGHT DISTRICT
Project Descriptions(s):	CHANGE OF HEIGHT DISTRICT WITHIN THE "CORE AREA OF L.A."- GENERAL PLAN ZONE CONSISTENCY PROGRAM.
Case Number:	ZA-2007-3626-CUB
Required Action(s):	CUB-Conditional Use Beverage-Alcohol
Project Descriptions(s):	CONDITIONAL USE PERMIT PER 12.24 W1 TO EXTEND HOURS OF OPERATION FROM 7AM-12AM DAILY TO 7AM-1AM DAILY, AND TO ALLOW THE CONTINUED SALES AND ON-SITE CONSUMPTION OF BEER AND WINE FOR AN EXISTING 2,056 SQUARE FOOT RESTAURANT WITH 66 SEATS, IN A MINI SHOPPING CENTER IN THE C4-1D ZONE.
Case Number:	ZA-2001-5784-CU-CUB
Required Action(s):	CU-CONDITIONAL USE
	CUB-Conditional Use Beverage-Alcohol
Project Descriptions(s):	TO SERVE BEER AND WINE IN AN EXISTING RESTAURANT
Case Number:	ZA-1993-211-ZV
Required Action(s):	ZV-ZONE VARIANCE
Project Descriptions(s):	TO PERMIT THE ESTABLISHMENT OF A RETAIL DRY CLEANING BUSINESS IN AN EXISTING SHOPPING CENTER, AS NOT PERMITTED IN THE C4 ZONE.
Case Number:	ZA-1992-1141-CUZ-ZV-PAD
Required Action(s):	PAD-PLAN APPROVAL ONLY FOR A DEEMED-TO-BE-APPROVED CU
	CUZ-ALL OTHER CONDITIONAL USE CASES
	ZV-ZONE VARIANCE
Project Descriptions(s):	Data Not Available
Case Number:	ZA-1988-939-E
Required Action(s):	E-PRIVATE STREET MODIFICATIONS (5TH REQUEST)
Project Descriptions(s):	EXCEPTION FROM CONDITIONAL USE TO PERMIT THE SALE OF ALCOHOLICBEVERAGES FOR ON-SITE CONSUMPTION IN A 75-SEAT RESTAURANT IN THE C2-1 ZONE.
Case Number:	ZA-1983-398-CUB
Required Action(s):	CUB-Conditional Use Beverage-Alcohol
Project Descriptions(s):	Data Not Available

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Case Number:	VTT-72370-CN
Required Action(s):	CN-NEW CONDOMINIUMS
Project Descriptions(s):	PURSUANT TO SECTION 17.06, A VTT MAP FOR THE DEVELOPMENT OF A MIXED-USE DEVELOPMENT WITH 111,000 SQ FT OF COMMERCIAL SPACE AND 249 DWELLING UNITS.
Case Number:	ENV-2016-1451-EIR
Required Action(s):	EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	UPDATE TO THE HOLLYWOOD COMMUNITY PLAN
Case Number:	ENV-2014-670-SE
Required Action(s):	SE-STATUTORY EXEMPTIONS
Project Descriptions(s):	COMMUNITY PLAN UPDATE/GENERAL PLAN AMENDMENT
Case Number:	ENV-2013-2552-EIR
Required Action(s):	EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	CONDITIONAL USE PER SEC. 12.24.W1 FOR THE ON-SITE SALE AND THE OFF-SITE SALE OF ALCOHOL, DENSITY BONUS PER SEC. 12.22A25 FOR 2 INCENTIVES FROM OFF-MENU, AND SITE PLAN REVIEW PER SEC. 16.05 FOR A PROJECT HAVING 50 OR MORE RESIDENTIAL UNITS.
Case Number:	ENV-2007-3627-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	CONDITIONAL USE PERMIT PER 12.24 W1 TO EXTEND HOURS OF OPERATION FROM 7AM-12AM DAILY TO 7AM-1AM DAILY, AND TO ALLOW THE CONTINUED SALES AND ON-SITE CONSUMPTION OF BEER AND WINE FOR AN EXISTING 2,056 SQUARE FOOT RESTAURANT WITH 66 SEATS, IN A MINI SHOPPING CENTER IN THE C4-1D ZONE.
Case Number:	ENV-2001-5785-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	TO SERVE BEER AND WINE IN AN EXISTING RESTAURANT

DATA NOT AVAILABLE

CPC-10366

ORD-95452

ORD-164714

ORD-161116-SA1

ORD-129944

ZA-6928

YD-7975

OB-15548

AFF-3066

AFF-2837

AF-89-146951

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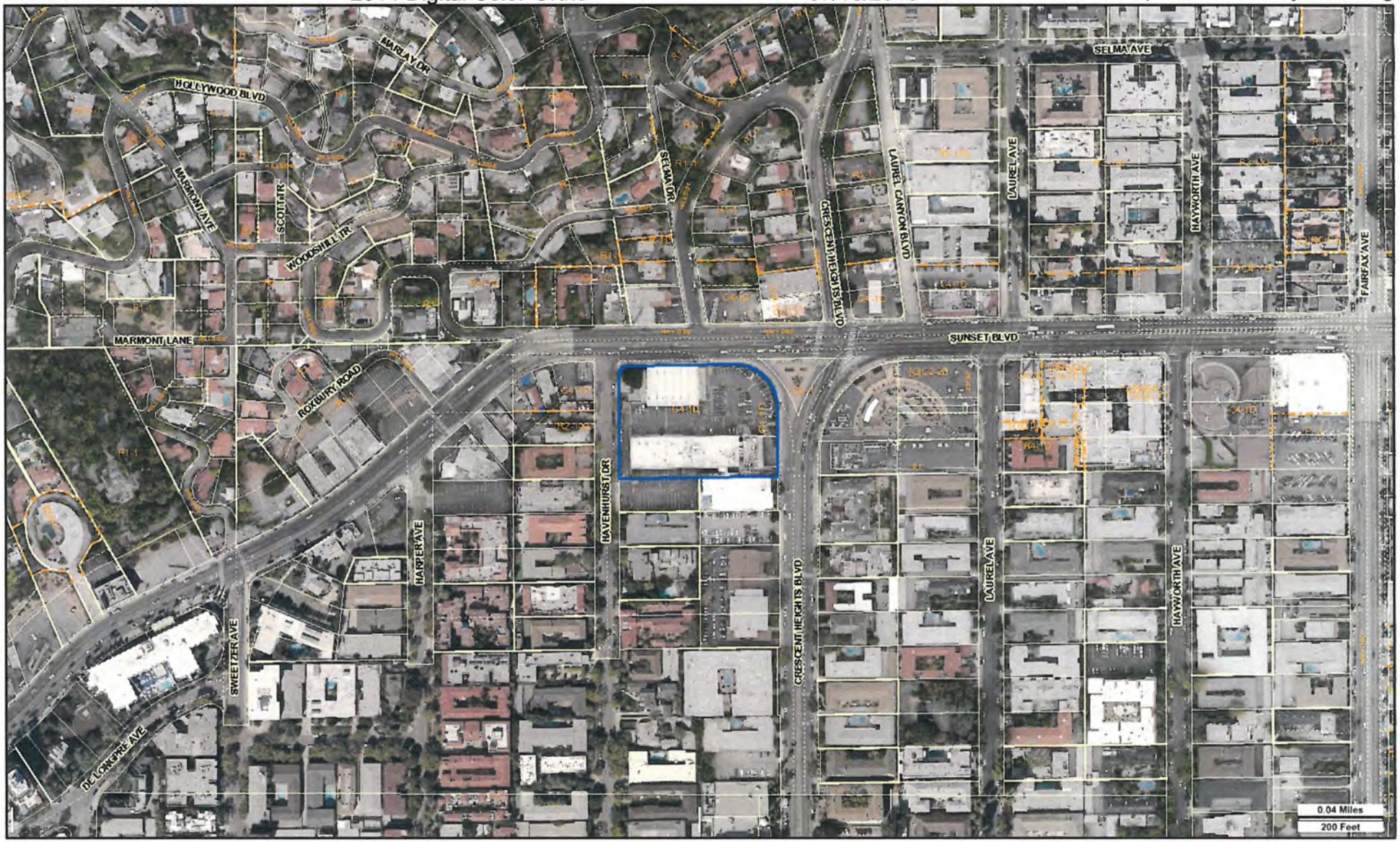
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ZIMAS INTRANET

2014 Digital Color-Ortho

07/18/2016

City of Los Angeles
Department of City Planning



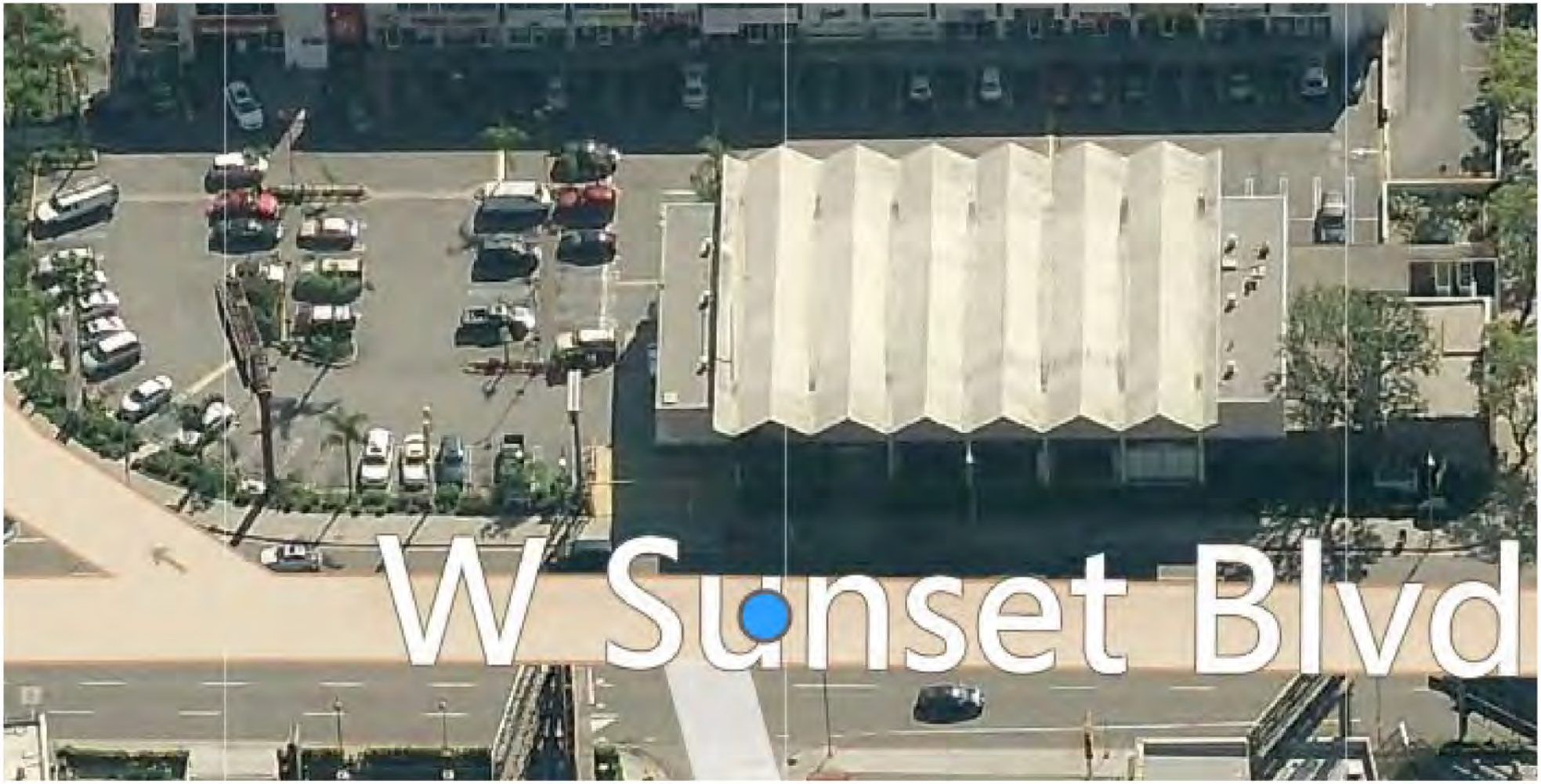
Address: 8150 W SUNSET BLVD
APN: 5554007014
PIN #: 147B173 327

Tract: TR 31173
Block: None
Lot: LT 1
Arb: None

Zoning: C4-1D
General Plan: Neighborhood Office Commercial

Streets Copyright (c) Thomas Brothers Maps, Inc.

Exhibit 1



(Bing Maps Birds Eye)

860/27

BOOK 860 PAGE 27

SCALE: 1" = 50'

TRACT NO. 31173

IN THE CITY OF LOS ANGELES
STATE OF CALIFORNIA

SHEET 2 OF 2 SHEETS

FILED WITH LOS ANGELES COUNTY RECORDER
JAN 22 1976

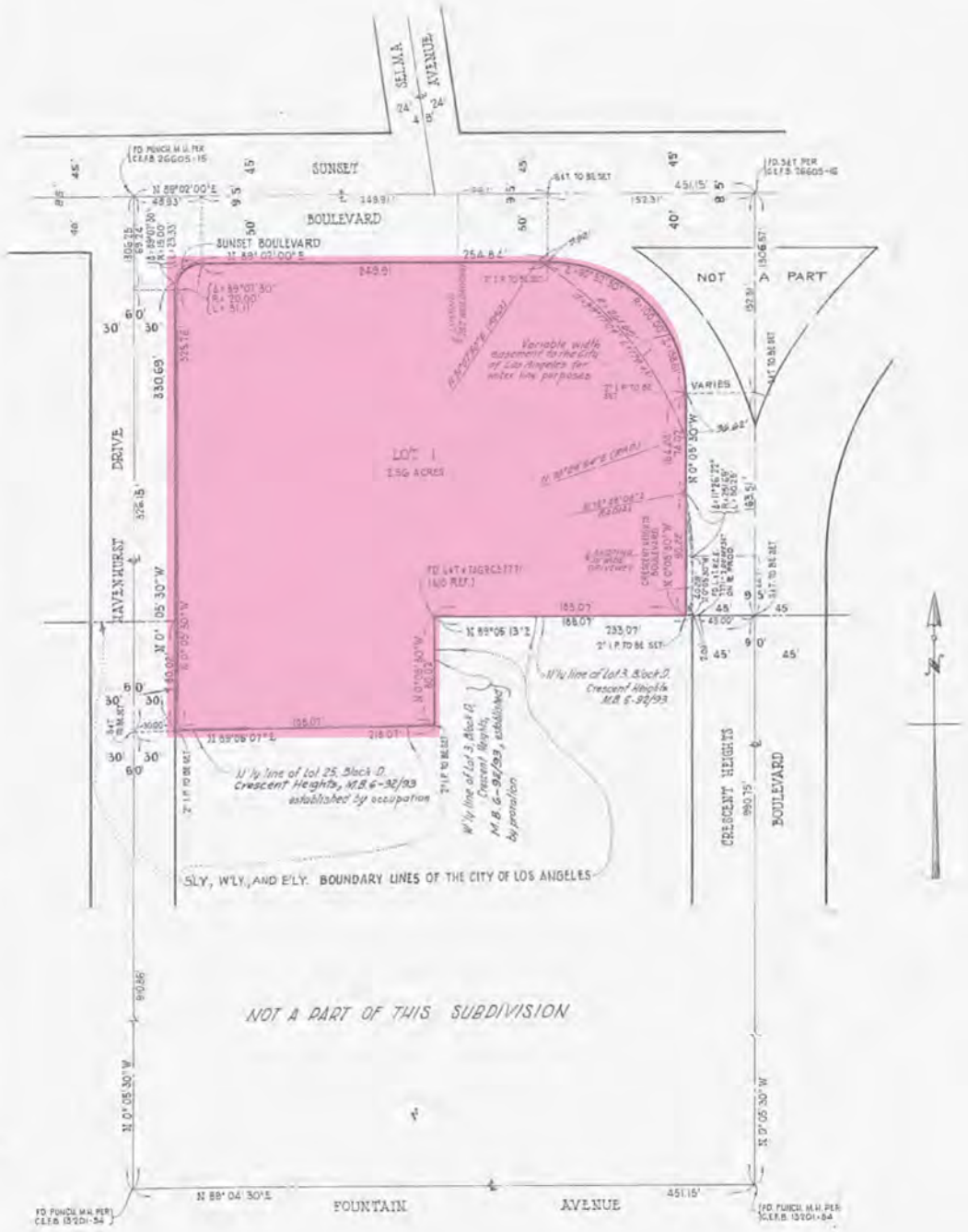


Exhibit 2

COME TO OUR OPEN HOUSE CELEBRATING THE OPENING OF THE MAGNIFICENT NEW LYTTON SAVINGS BUILDING

memorial to a colorful past... a brilliant future

In Hollywood, at the gateway to the Sunset Strip, once stood the famed Garden of Allah Hotel, an international hub for the great names of the arts and literary world. Landmark of a fabulous era. ✧ Today on this famous site stands the magnificent new Lytton Savings Building, the finest expression of the needs of present day Hollywood and Westside Communities. *A substantial symbol of the courage, energy and foresight that have made Lytton Savings in five short years First In Capital Strength in California, and indeed, First In Growth in the nation!* ✧ Ultra modern innovations mark the new Hollywood Home Office of Lytton Savings. It is an example of the finest expression of architectural and decorative arts, from its soaring roofline to the relaxed park-like atmosphere of the Plaza, a flowing articulation of function, utility and beauty. In the Plaza we have created a Garden of Allah Pavillion, with a realistic scale model of the Old Garden, complete in detail and an accurate re-creation of its famous swimming pool. ✧ Outdoors and indoors, in landscaping, art and sculpture, the use of fabrics, wood, stone and all other materials, no effort has been spared to create a building of superb quality, beauty and convenience for the customers of Lytton Savings.



VALLEY BRANCH
21045 Sherman Way
Canoga Park

HOME BUILDERS BRANCH
Second at Main Street
Pomona

COME IN AND SAY HELLO. Let us give you your free souvenir of this celebration. Register your name for the free drawings—7 a day—of fabulous door prizes. Come and bring your whole family. All kinds of fun and entertainment. Wonderful souvenirs of the occasion. See the glorious gifts for savers who open or add to their savings accounts. But most important of all, come by for a handshake, and let us have the opportunity of starting a new friendship for a brilliant future.

Our new Canoga Park Valley Branch Office shares the architectural inspiration that built our Hollywood Home Office. Same Open House • Same Cordial Welcome • July 1-11 • 21045 Sherman Way in the Food Giant Shopping Center.

All Lytton Savings Offices open 9 A.M. to 6 P.M. Daily During Tri-City Extravaganza Days, including Saturdays.



New Home Office: LYTTON SAVINGS / 8150 SUNSET AT CRESCENT HEIGHTS / Hollywood 46

LYTTON SAVINGS AND LOAN ASSOCIATION/HOLLYWOOD, CANOGA PARK, POMONA
BART LYTTON, *President and Board Chairman*

INSURED

45% current annual rate

Interest Paid Quarterly • Savings Accounts Insured to $10,000.00 by Federal Savings and Loan Insurance Corporation.

•LATimes1960-06-26Ad-grand openingA.pdf

Exhibit 3

Construction Permit History for Bank at 8150 Sunset Boulevard

Date	Permit#	Address	Owner	Architect	Contractor	Engineer	Cost	Notes
7/31/1959	LA38860	8152 Sunset	Lytton Savings	none	Elect Prod Corp	G.T. Farrell	101	Change plot plan, see LA37364/59 for legal
9/21/1959	LA37364	8152 Sunset	Lytton Savings	none	Elect Prod Corp	G.T. Farrell	3,696	Neon sign and pedestrian shelter.
10/8/1959	LA44254	8150 Sunset	Lytton Savings & Loan Assn	Kurt W. Meyer	Wm Simpson Constr Co	Carl Johnson	74,676	Foundation only for 27,000 sf basement
11/4/1959	LA46335	8150 Sunset	Lytton Savings & Loan Assn	Kurt W. Meyer	Wm Simpson Constr Co	Carl Johnson	746,762	Commercial bank and parking. 27,000 sf basement and 2 stories.
1/7/1960	LA50724	8150 Sunset	Lytton Savings & Loan Assn	Kurt W. Meyer	Wm Simpson Constr Co	Carl Johnson	1,500	Construct 10' x 16' 1-story addition.
3/4/1960	LA54799	8152 Sunset	Lytton Savings & Loan Assn		Elect Prod Corp	G.T. Farrell	657	Reinstallation of double face illuminated sign on poles in yard. 12'x28'
5/17/1960	LA60733	8150 Sunset	Lytton Savings & Loan Assn	Elect Prod Corp			270	1 -SF sign 15'4"x3'7" for bank building
5/23/1960	LA61252	8150 Sunset	Lytton Savings & Loan Assn		Elect Prod Corp	Johnson & Neilson	2,618	1 - 4'x8' and 1 - 16'3"x12'8" sign - bank
7/22/1960	LA65997	8150 Sunset	Lytton Savings & Loan Assn		Elect Prod Corp		120	1 single face illuminated wall sign for bank. 6' x 3'1"
3/17/1961	LA83695	8150 Sunset	Lytton Savings & Loan Assn	Hagman & Meyer	Wm Simpson Constr Co	Carl Johnson	200,000	Addition (172' x 100' - 1 story, height 15') for Lytton Center.
5/11/1961	LA87996	8150 Sunset	Lytton Savings & Loan Assn	Hagman & Meyer		Carl Johnson	4,000	Add retaining wall, stairs and landings to office building addition at the rear (southern) lot line.
9/20/1961	LA97887	8150 Sunset	Lytton Savings & Loan Assn	Hagman & Meyer	Wm Simpson Constr Co	Carl Johnson	101	Change in legal description
7/27/1967	LA50286	8150 Sunset	Lytton Savings & Loan Assn	Kurt Meyer AIA	owner		3,000	computer flr. in BASEMENT 30'X40' S.E. CORNER
4/10/1968	LA65057	8150 Sunset	Lytton Savings & Loan Assn	Kurt Meyer & Assoc		Johnson & Neilson	3,000	Trash enclosure (14'8"x35'4", height 8'4.5") at rear of property.
1/15/1969	LA81140	8150 Sunset	Equitable Savings & Loan		Zab Dev.		100,000	Remove and replace partitions Basement, 1st & 2nd Floors.
4/4/1969	LA85526	8150 Sunset	Equitable Savings & Loan		owner		2,500	Demolish and replace partitions and add restroom within 25x10 area at first floor
5/13/1969	LA87945	8150 Sunset	Equitable Savings & Loan		Equitable Savings & Loan		5,000	Concrete vault in basement
8/6/1981	LA88526	8150 Sunset	Great Western Savings	Robert Morris & Assoc. Bruce Wade AIA	Robert Morris & Assoc.		15,000	install an automatic teller facility
1/18/1984	LA80594	8150 Sunset	BAM Construction		Safeway Sandblasting		75,000	Sandblast columns and interior fountain

Date	Permit#	Address	Owner	Architect	Contractor	Engineer	Cost	Notes
9/22/1987	LA83538	8150 Sunset	Suncrest Associates	Oved/Zimmerman	Sinanian Development	Taubman & Assoc	47,000	Electrical station. Construct 25'x43' one- story building, 20' high near the west elevation of the Bank.
2/26/1988		8150 Sunset	Great Western Savings		G.B. Signs		1,200	Wall Sign 30"x8'
8/22/2002	02016-10000-16438	8150 Sunset	Suncrest Associates	Charles Balber	Metro Construction Co.		55,000	Upgrade existing restrooms and staff room to comply with title 24 requirement. Existing use Bank.
6/19/2009	09048-20000-01126	8150 Sunset	J.P. Morgan Chase Bank		DBSI Inc.			2illuminated channel letter wall signs with illumined fascia band 3 ATM cabinet wall sign
2/3/2010	09016-20000-18125	8150 Sunset	Suncrest Associates	Mark Edward Levine	DBSI Inc.		65,000	Non-structural interior TI - within portion of existing bank; re-stripe existing handicap parking stalls
1/3/2013	12016-20000-24156	8150 Sunset	AG SCH 8150 Sunset Blvd	Chris Lee, Nadel Studio One	Fry CE Construction		72,700	TI within bank: non-bearing walls, partitions, patching ceilings, finishes, and related millworks. Working area is approx. 1,300 sq ft.

1

APPLICATION TO CONSTRUCT NEW BUILDING AND FOR CERTIFICATE OF OCCUPANCY

Form B-1

CITY OF LOS ANGELES — DEPT. OF BUILDING AND SAFETY

INSTRUCTIONS: 1. Applicant to Complete Numbered Items Only. 2. Plot Plan Required on Back of Original.

1. LEGAL LOT: 1,28,29	BLK.: D	TRACT: Crescent Hieghts	DIST. MAP: 7016
JOB ADDRESS: 8150 Sunset Blvd		APPROVED: JE	ZONE: C-2-2
2. BETWEEN CROSS STREETS: Crescent Heights AND Havenhurst Ave			FIRE DIST.: II 60
3. PURPOSE OF BUILDING: FOUNDATION ONLY (BANK)			INSIDE KEY
4. OWNER: Lytton Savings & Loan Assoc.	PHONE: HO 40111		COR. LOT: thru
5. OWNER'S ADDRESS: 7755 Sunset Blvd	P.O.	ZONE	REV. COR. / LOT SIZE: irreg
6. CERT. ARCH.: Kurt W. Meyer	STATE LICENSE: C-1951	PHONE: DU 8-1403	
7. LIC. ENGR.: Carl Johnson	STATE LICENSE: 531	PHONE: CL 6-2237	REAR ALLEY / SIDE ALLEY
8. CONTRACTOR: Wm. Simpson Constr. Co.	STATE LICENSE: 32005	PHONE: DU 53383	BLDG. LINE: 10' Sunset
9. CONTRACTOR'S ADDRESS: 2401 Beverly Blvd L.A.	P.O.	ZONE	AFFIDAVITS: 2837, 3066
10. SIZE OF NEW BLDG.: STORIES / HEIGHT: 27000s.f Base.&2	NO. OF EXISTING BUILDINGS ON LOT AND USE		7A Ord 6926
1 8150 Sunset Blvd		DISTRICT OFFICE: L.A.	

11. MATERIAL EXT. WALLS: ☐ WOOD ☐ METAL ☐ CONC. BLOCK ☐ STUCCO ☐ BRICK ☒ CONCRETE

ROOF CONST.: ☐ WOOD ☐ STEEL ☒ CONC. ☐ OTHER

ROOFING

SPRINKLERS REQ'D. SPECIFIED

12. VALUATION: TO INCLUDE ALL FIXED EQUIPMENT REQUIRED TO OPERATE AND USE PROPOSED BUILDING. $74,176.20

BLDG. AREA

Approval of driveway location must be obtained from the Department of Public Works before issuing Building Permit. Foundation Only

VALUATION APPROVED

DWELL. UNITS

APPLICATION CHECKED: Rashoff*(ar)

PARKING SPACES: 51

I certify that in doing the work authorized hereby I will not employ any person in violation of the Labor Code of the State of California relating to workmen's compensation insurance.

Kurt W. Meyer

SIGNER

PLANS CHECKED

GUEST ROOMS

CORRECTIONS VERIFIED

FILE WITH

PLANS APPROVED

CONT. INSP. CONC. B"A"

APPLICATION APPROVED

INSPECTOR

This Form When Properly Validated is a Permit to Do the Work Described.

TYPE	GROUP	MAX. OCC.	P.C.	S.P.C.	B.P.	I.F.	O.S.	C/O
H	G-1		294.95		202			

VALIDATION — CASHIER'S USE ONLY

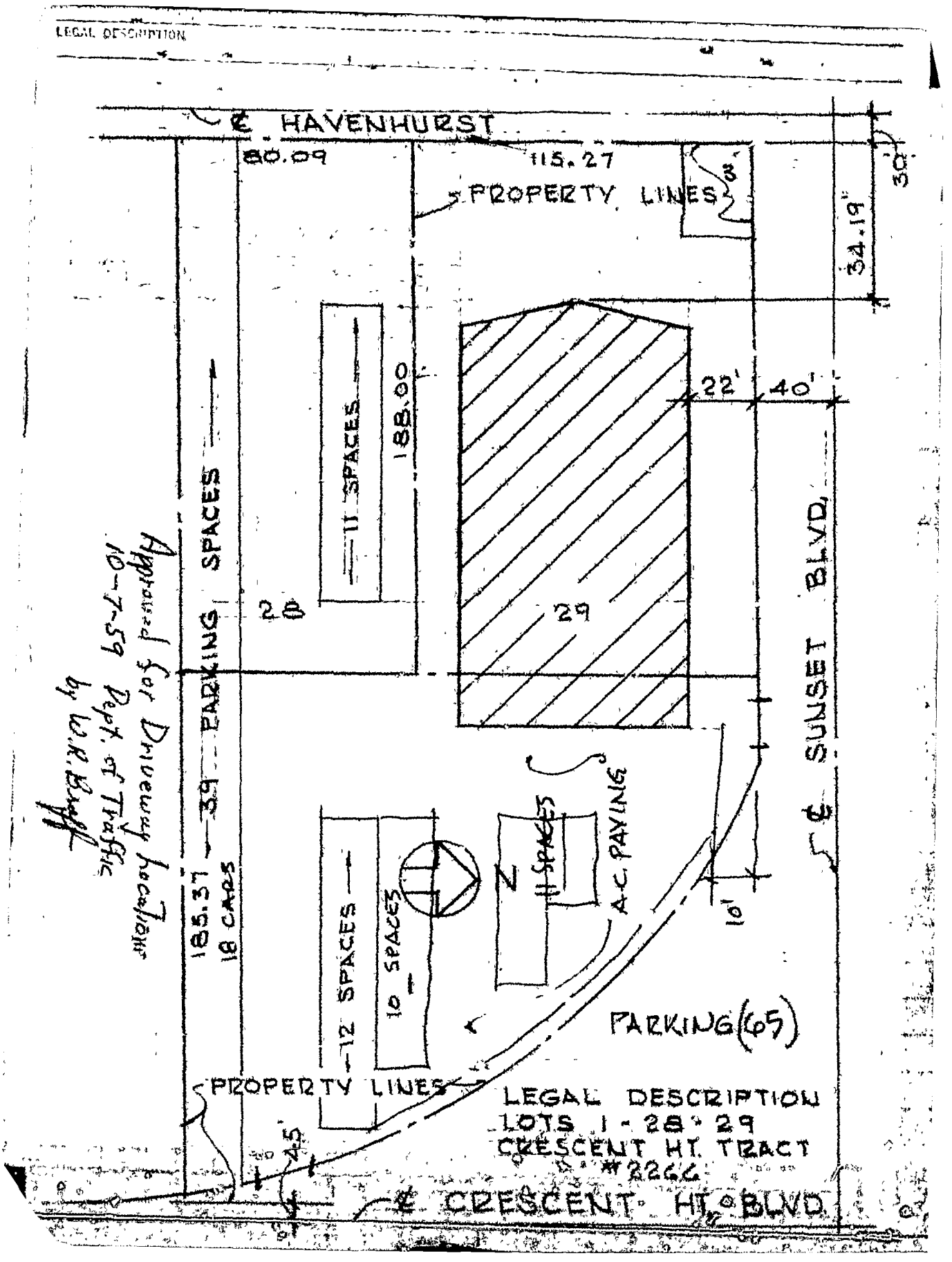
OCT 7'59 GS766 C - 2CK $294.95

1.144254

OCT — '59 66123 C — 1 CK 202.00

N-9834

sewer available per Holly. Egan 10-6-59


LEGAL DESCRIPTION
℄ HAVENHURST
80.09
115.27
PROPERTY LINES
3'
30'
34.19'
188.00
11 SPACES
22'
40'
28
29
39 PARKING SPACES
185.37
18 CARS
℄ SUNSET BLVD.
Approved for Driveway Location
10-7-59
Dept. of Traffic
by W.R. Bruff
12 SPACES
10 SPACES
11 SPACES
A.C. PAVING
10'
PARKING (65)
PROPERTY LINES
LEGAL DESCRIPTION
LOTS 1-28-29
CRESCENT HT. TRACT
M.R. # 22 6/6
45'
℄ CRESCENT HT. BLVD.

1

APPLICATION TO CONSTRUCT NEW BUILDING AND FOR CERTIFICATE OF OCCUPANCY

Form B-1

CITY OF LOS ANGELES — DEPT. OF BUILDING AND SAFETY

INSTRUCTIONS: 1. Applicant to Complete Numbered Items Only. 2. Plot Plan Required on Back of Original.

1. LEGAL LOT 1, 28 & 29	BLK. D	TRACT Crescent Heights		DIST. MAP 7016
JOB ADDRESS 8150 Sunset Blvd			APPROVED JE	ZONE C-2-2-0
2. BETWEEN CROSS STREETS Crescent Heights	AND Havenhurst Ave			FIRE DIST. II 60
3. PURPOSE OF BUILDING COMMERCIAL *- BANK & Parking				INSIDE KEY
4. OWNER Lytton Savings & Loan Ass'n		PHONE HO 40111		COR. LOT thru REV. COR.
5. OWNER'S ADDRESS 7755 Sunset Blvd		P.O.	ZONE	LOT SIZE irreg
6. CERT. ARCH. Kurt W. Meyer		STATE LICENSE C-1951	PHONE DU 8-1403	
7. LIC. ENGR. Carl Johnson		STATE LICENSE	PHONE	REAR ALLEY SIDE ALLEY
8. CONTRACTOR Wm. Simpson Constr Co.		STATE LICENSE 32005	PHONE DU 53383	BLDG. LINE 10' Sunset
9. CONTRACTOR'S ADDRESS 2401 Beverly Blvd L.A.		P.O.	ZONE	AFFIDAVITS 2837 3066
10. SIZE OF NEW BLDG. STORIES HEIGHT 27000 s.f. Base. & 2 Stories		NO. OF EXISTING BUILDINGS ON LOT AND USE		ZA Ord 6928
1 8150 Sunset Blvd				DISTRICT OFFICE L.A.

11. MATERIAL EXT. WALLS: ☐ WOOD ☐ METAL ☐ CONC. BLOCK ☐ STUCCO ☐ BRICK ☒ CONCRETE	ROOF CONST. ☐ WOOD ☐ STEEL ☒ CONC. ☐ OTHER	ROOFING synthe	SPRINKLERS (RECD. ☐ MODIFIED ☐)		
12. VALUATION: TO INCLUDE ALL FIXED EQUIPMENT REQUIRED TO OPERATE AND USE PROPOSED BUILDING. $ 746,762. Less Found. Only 67,080.80	B.P. 672,085	BLDG. AREA 12,000			
Approval of driveway location must be obtained from the Department of Public Works before securing Building Permit. driveway approved 10-6-59	VALUATION APPROVED Kennedy	DWELL. UNITS X	10-6-59		
I certify that in doing the work authorized hereby I will not employ any person in violation of the Labor Code of the State of California relating to workmen's compensation insurance. Kurt W. Meyer SIGNED	APPLICATION CHECKED Rashoff*(ar)	PARKING SPACES 52 regd			
	PLANS CHECKED Kennedy	GUEST ROOMS X			
	CORRECTIONS VERIFIED	FILE WITH 442 54/55			
	PLANS APPROVED Kennedy	CONT. INSP. Concrete Welding			
This Form When Properly Validated is a Permit to Do the Work Described.	APPLICATION APPROVED Kennedy	INSPECTOR			

TYPE	GROUP	MAX. OCC.	P.C.	S.P.C.	B.P.	I.F.	O.S.	C/O
III	C-2	240	294.95	175.00	888.10			

VALIDATION — CASHIER'S USE ONLY

LA 16335

OCT--7-59	65766	C — 2 CK	294.95
NOV--4-59	73233	C — 1 CK	888.10
NOV--4-59	73234	C — 2 CK	175.00

N-9834

Exhibit 6

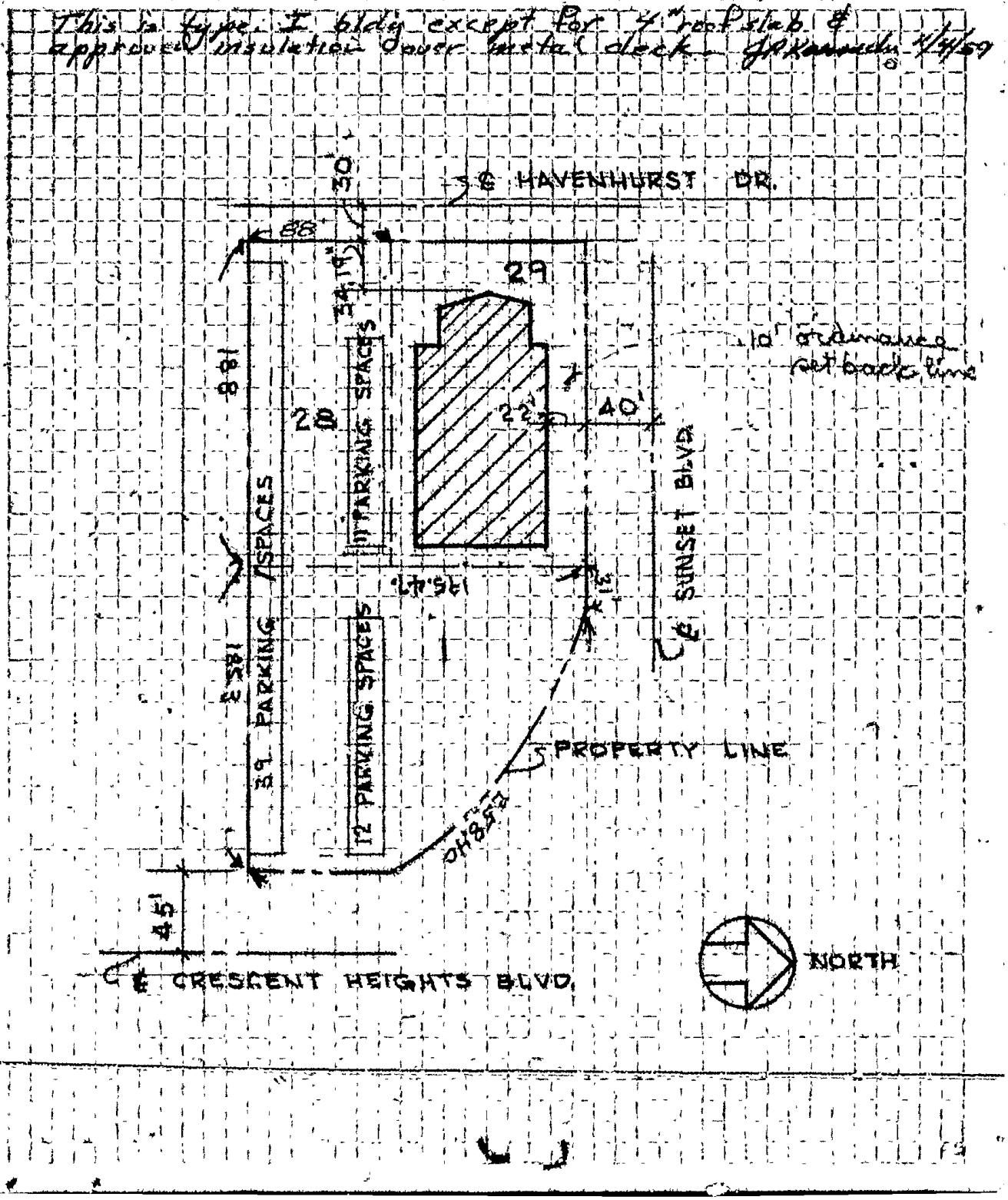
LEGAL DESCRIPTION

LOTS - 1 - 28 - 29

CRESCENT HEIGHTS TRACT #2266

ON PLOT PLAN SHOW ALL BUILDINGS ON LOT AND USE OF EACH

This is type I bldg except for 4" roof slab & approved insulation over metal deck. JH Kennedy 1/4/59



Crescent Heights Blvd.
N
R = 231.69'
ex. PRWY.
No new driveways to be built
Existing Office Bldg.
Type III
Parking on roof 29 cars.
Parking 33 cars
Parking
29 Cars
Car Ramp
NO ACCESS
188.07'
138.07'
100.8'
68'-0"
NOT A PART OF THIS
PART OF LOTS 1,2,27,28,29 BLOCK "D"
CRESCENT HEIGHTS TRACT

Savings Office Expansion Set

Plans for a completely remodeled and greatly expanded office for Canoga Park Savings and Loan Association were announced by Mrs. Bart Lytton, chairman of the board of directors. The remodeling program will more than double the office space and create an entirely new and distinctive front for the association, located at 21831 Sherman Way in Canoga Park, it was disclosed.

Features

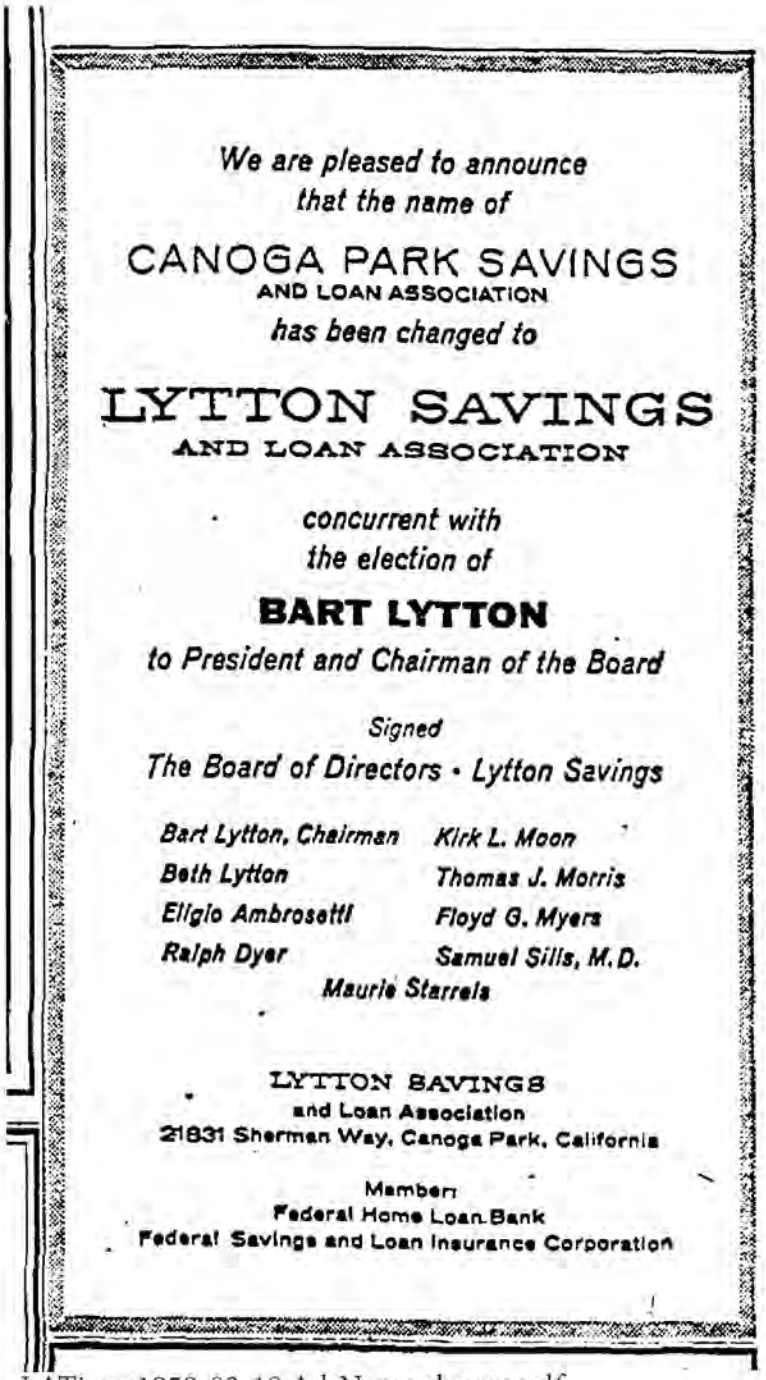
The new front will feature a golden-metal canopy and polished mahogany granite walls with golden aluminum trim. The redesigned interior includes installation of a new air-conditioning unit, private escrow facilities, office and conference rooms and employees' lounge and patio.

Construction will start immediately, with completion scheduled for late November. Regular office hours will be maintained while work is in progress.

The Los Angeles firm of Hagman and Meyer are the architects and construction will be by California Structures, Inc., of Canoga Park.

Exhibit 9

•LATimes1957-09-01Canoga pk-name.pdf



We are pleased to announce
that the name of

CANOGA PARK SAVINGS
AND LOAN ASSOCIATION
has been changed to

LYTTON SAVINGS
AND LOAN ASSOCIATION

concurrent with
the election of

BART LYTTON
to President and Chairman of the Board

Signed
The Board of Directors • Lytton Savings

Bart Lytton, Chairman	Kirk L. Moon
Beth Lytton	Thomas J. Morris
Eligio Ambrosetti	Floyd G. Myers
Ralph Dyer	Samuel Sills, M.D.

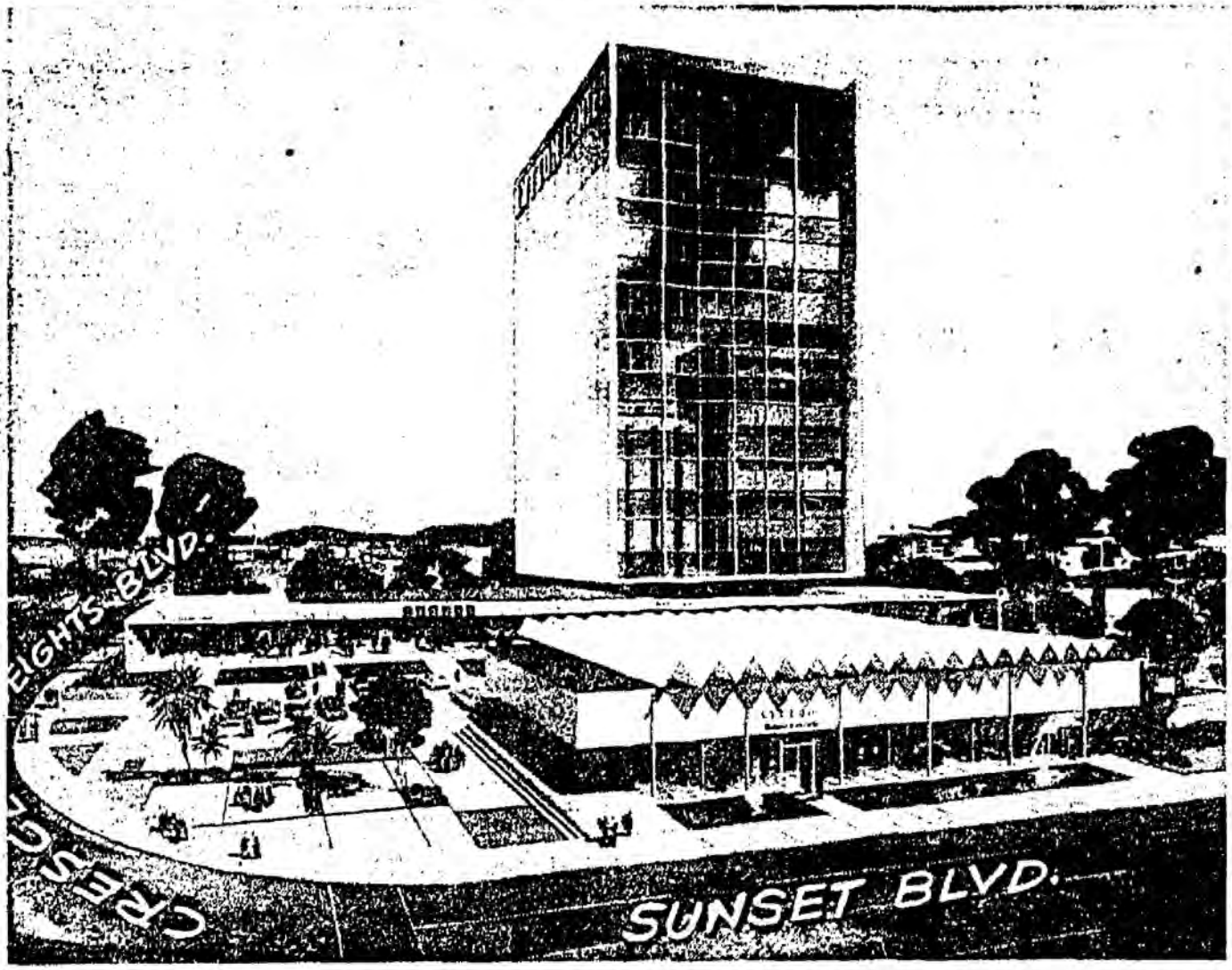
Maurie Starrels

LYTTON SAVINGS
and Loan Association
21831 Sherman Way, Canoga Park, California

Member
Federal Home Loan Bank
Federal Savings and Loan Insurance Corporation

•LATimes1958-03-18 Ad-Name change.pdf

Exhibit 10

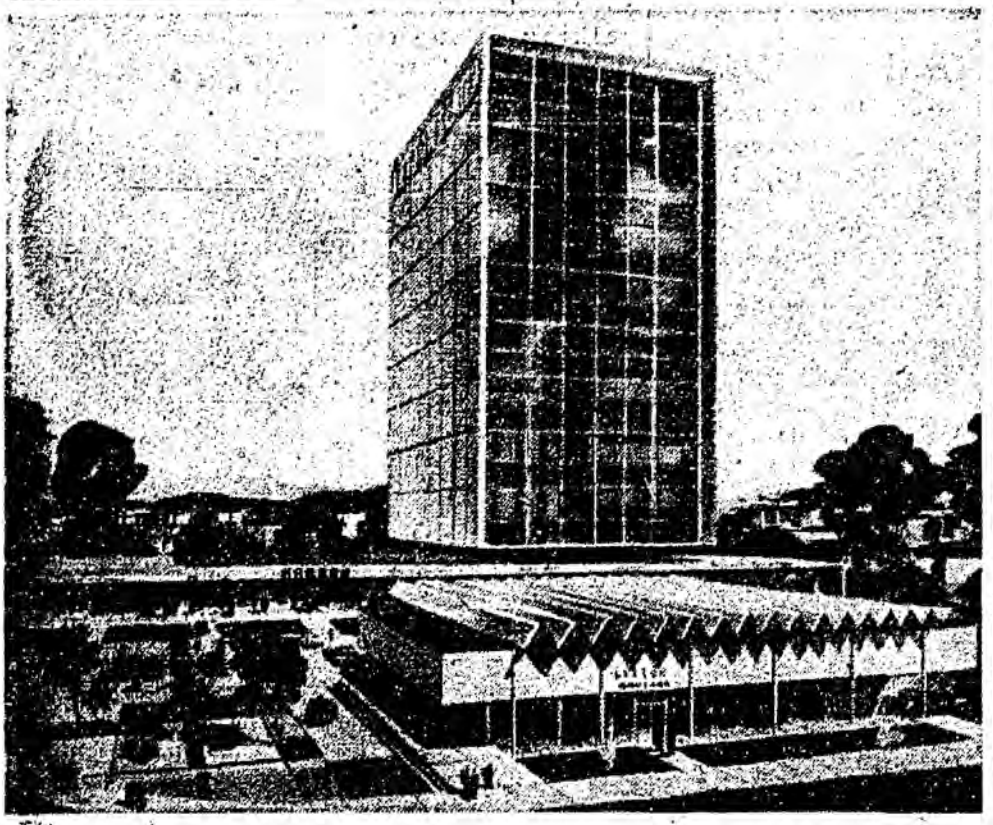


ON NOTED SITE—Pictured here is architectural concept of $5 million business center proposed to be built by Lytton Savings & Loan Assn. on site of Garden of Allah Hotel. Demolition of structures on 2½-acre site at 8152 Sunset Blvd. is set for start in September. First construction phase of new project, slated for start in October, will be the two-story building, shown in foreground, for sole occupancy by savings and loan assn. The 12-story office tower structure shown will have stores on first floor.

•LATimes1959-06-28 8150anounced.pdf

Exhibit 11

OFFERED—One of dwellings now being offered at Brookhill Ed Riddle development



CONSTRUCTION STARTED—Architect's concept of $5 million Lytton Center at Sunset Blvd. and Crescent Heights, site of recently demolished Garden of Allah Hotel, is shown here. First phase of project, central building in foreground, has begun with work on tower building scheduled for next year.

1st Phase of $5 Million Business Center Begun

Construction began this week at Sunset Blvd. and Crescent Heights — site of the recently demolished Garden of Allah Hotel—on the first phase of a new $5 million commercial and business development to be known as Lytton Center.

The development's central structure, scheduled for completion in June, 1960, will be three levels providing 27,500 sq. ft. It will house the Hollywood office of Lytton Savings & Loan Assn. as well as the executive offices of Lytton Financial Corp.

Work will begin around mid-year on the second phase, a 12-story office tower consisting of 140,000 sq. ft. and one-story stores providing 45,000 sq. ft. The project including multi-level parking will cover 2½ acres on completion.

Participating in the ground-breaking ceremonies last week were Bart Lytton, president of Lytton Savings; Supervisor Ernest Debs, William Simpson and C. C. Simpson of the William Simpson Construction Co., general contractors.

Beauty Spot

"We have approached our site planning from the point of view of creating a beauty spot at this important intersection, rather than from how many square feet we can cram on the lot," Lytton commented. "We hope to set a contemporary design pattern for the entire area."

Facing on Sunset, the building will feature a folded plate roof in white concrete, wide expanses of glass and a variety of interesting textures, both in interior and exterior materials. It will have a sunken garden in the foreground and will open into a park-like plaza on the Crescent Heights side, featuring shade trees, promenade, benches and a fountain.

To carry out his plans for the picturesque center, Lytton said he sought an architect-decorator team to work with him from the start. Kurt Meyer, architect of Hagman & Meyer, and Adele Faulkner, noted interior designer, are working with Lytton co-ordinating all aspects of the total design.

Church Plans OKd

BREA, Oct. 24 — Brea Christian Church has received permission to construct a new 10,000-sq.-ft. assembly area and a 4,500-sq.-ft. sanctuary at the Fullerton-Brea city boundary west of Laurel Ave.

•LATimes1959-10-25 new5Mhome.pdf

Exhibit 12

Arizona Bancorp 19 21 | Mirson Knudsen 32 | Yuba Con Indus



YOU'RE CORDIALLY INVITED . . .

to attend the Grand Opening Celebration of our magnificent new Lytton Savings Center in Hollywood. I do hope you'll be able to join us during our Open House days.

Bart Lytton

Bart Lytton, President and Board Chairman
Lytton Savings and Loan Association

Lytton Savings Center • 8150 Sunset at Crescent Heights
Hollywood 46 • Telephone: OL 4-5551

LYTTON SAVINGS

Offices in Hollywood, Canoga Park, Pomona

OPEN HOUSE DAILY
THROUGH JULY 11
(except Sundays)
9 A.M.—6 P.M.

Resources Over
$88,000,000.00

•LATimes1960-07-08Ad-grand opening.pdf

Exhibit 13

Kennedy Goes to Two Parties in Washington: PARTY
Los Angeles Times (1923-Current File); Jan 18, 1961;
ProQuest Historical Newspapers: Los Angeles Times
pg. 2



IN MIDDLE OF THINGS—President-elect Kennedy is surrounded by well-wishers and fellow guests as he arrives for a dinner dance given in Washington Tuesday night by Los Angeles financier Bart Lytton. UPI Telephoto

Kennedy Goes to Two Parties in Washington

Times Washington Bureau

WASHINGTON, D. C. — President-elect Kennedy visited two pre-inaugural parties in Washington Tuesday night en route to a conference in New York with Puerto Rico's Gov. Munoz Marin.

The first was a reception held at the Georgetown home of Mr. and Mrs. Stephen Smith, Kennedy's brother-in-law and sister. Later, he attended a party at the Statler Hilton given by Mr. and Mrs. Bart Lytton of Los Angeles. Lytton was finance chairman of the Democratic campaign in California.

The President-elect was greeted by Lytton and Gov. and Mrs. Brown. A toast was proposed by George Jessel and the guest of honor responded:

"Thank you, ambassador and Gov. and Mrs. Brown; our hosts, Mr. and Mrs. Bart Lytton and all you absentee voters. I hope as we cross in the next few days the New Frontier, we will continue in prosperity and health."

Engle on Hand

Among Californians present were Sen. Engle (D-Cal.) and Mrs. Engle and former Democratic National Committeeman Paul Ziffren; Los Angeles Councilwoman Rosalind Wyman and several members of Congress and of the State Legislature.

There were even in attendance a few stanch Republicans, including Congress-

Please Turn to Pg. 7, Col. 1

PARTY

Continued from Second Page

men Gordon McDonough of Los Angeles and H. Allen Smith of Glendale and their wives.

The Smiths' party was held in honor of the cast of the inaugural gala, including performers from Hollywood and Broadway. They will help raise money to meet the Democratic Party debt with a big variety show the night before the inauguration.

Johnsons Attend

Among some 130 guests invited to the party were Vice President-elect and Mrs. Johnson and most of the Kennedy clan. These included Joseph P. Kennedy and his wife, the President-elect's parents.

Among the first arrivals were Frank Sinatra, a longtime Kennedy family friend and organizer of the gala. He was accompanied by singer Nat King Cole and his wife.

The onlookers applauded the arrival of such notables as actor Tony Curtis, Mrs. Kennedy's fashion designer, Oleg Cassini; Jimmy Durante and Gene Kelly.

Kennedy's wife, Jacqueline, was about the only member of the family absent. She is still in Palm Beach but her mother and stepfather, Mr. and Mrs. Hugh D. Auchincloss, got a rousing cheer as they drove up.

Sister Hobbles

The President-elect's sister, Eunice Kennedy Shriver, hobbled up the steps, favoring an ankle she sprained boarding a plane in Chicago this afternoon.

She was accompanied by her sister, Patricia Lawford, whose actor-husband, Peter, is co-producer of the gala.

Robert Kennedy and his wife, Ethel trailed brother Jack to the party by about five minutes.





Exhibit 15

Los Angeles Times (1923-Current File); Jul 6, 1961;
ProQuest Historical Newspapers: Los Angeles Times
pg. F6



Because Lytton Savings *always* gives a-little-bit EXTRA, savers by the score transfer their funds to us from piggy banks, sugar bowls, and other financial institutions across the nation. The result? Lytton Savings is First In The Nation In Growth!

We've topped ourselves for July. Piled EXTRAS on top of EXTRAS...for our wonderful Lytton Savers...folks who plan to be Lytton Savers...and just everybody who cares to stop in and join the fun! We'll be EXTRA pleased if you come to our EXTRA exceptional Open House!

Sixty-four fabulous door prizes...8 daily!
Every day a *new* drawing for all eight prizes.
Your name stays in every day.
You have EXTRA chances to win!

8–1st Prizes	1962 Zenith 19" Remote Control T.V.
8–2nd Prizes	Motorola Stereo Portable Phonograph
8–3rd Prizes	Royal "Futura 800" Portable Typewriter with case
8–4th Prizes	Continental Portable AM/FM/ Short Wave Hi Fi Radio
8–5th Prizes	Polaroid Model 80-B Camera with wink-lite flash/case
8–6th Prizes	Kodak 8mm Home Movie Camera
8–7th Prizes	1962 Sony 6-Transistor Pocket Radio with case
8–8th Prizes	Modern Electric Thermo-Carving Tray

FREE TICKETS AT DOOR
YOU NEED NOT BE PRESENT TO WIN

We've added dozens of EXTRA wonderful free gifts for July. Now, 80 fabulous free gifts to choose from! Truly Lytton quality. Gifts for every size account ...from $25 up...or...

BLUE CHIP
BLUE CHIP

EXTRA
BLUE CHIP STAMPS!

2 for each $1 savings *PLUS* 10 STAMPS FOR EVERY SIZE ACCOUNT DURING OUR EXTRAORDINARY JULY CELEBRATION! (Maximum of 1086)

EXTRA INTEREST FOR LYTTON SAVERS

Scores of Lytton Savers have received "EXTRA-interest" from the Lytton Savings Plan in amounts ranging from $4.83 to $193.00. *Through the Lytton Savings Plan, Lytton savers received full interest to date of withdrawal on funds withdrawn between regular quarterly interest payment dates.* This is interest you normally lose at other savings institutions. It's truly important EXTRA-interest for Lytton Savings Plan Savers.

LYTTON SAVINGS AND LOAN ASSOCIATION

BART LYTTON, President

FIRST IN THE NATION IN GROWTH AND CAPITAL STRENGTH!
RESOURCES MORE THAN $115 MILLION

HOLLYWOOD: 8150 Sunset Blvd. • OLdfield 4-5551
CANOGA PARK: 21045 Sherman Way • DI 7-2020
POMONA: 2nd at Main Streets • NAtional 2-1107
Savings Insured to $10,000 by F.S.L.I.C.

4½% current annual rate interest paid quarterly

Exhibit 16

FILM DISPLAY DUE IN BANK ON COAST

Model of a 1644 Projection Device Included in Show

By BOSLEY CROWTHER

Special to The New York Times.

HOLLYWOOD, Calif., April 29—A small theatre and museum for the exhibition of a famous collection of early motion picture devices will open here in June.

The museum is being arranged in the glass-walled building of the Lytton Savings Bank, which stands on the Sunset Boulevard site of the old Garden of Allah, a famous hotel. It will display for the first time pre-Edison devices and machines collected by Morgens Skot-Hansen, a Danish producer and director of films.

Included will be a representation of the early Praxinoscopes, Zoetropes, camera obscura boxes and such pre-cinema apparatus as the magic lantern of Kircher, with which he accomplished the first step toward motion-picture projection in Rome in 1644. A reproduced working model of the original machine will be used to demonstrate its ancient wonders.

Also displayed will be late nineteenth-century magic lanterns and hand-painted and manufactured magic lantern glass slides. The latter will be exhibited in frames on the walls, behind which light will be flooded to emphasize their coloring.

Traces Movie History

The collection shows what visual illusion was like in the past and traces the stages that led to the invention of the motion picture as we know it today.

The project is a personal fancy of Bart Lytton, president of the bank. Fifteen years ago, he was an unemployed screen writer spending much time on a stool in Schwab's Drug Store, which is directly across the street from the present site of the bank. Mr. Lytton, whose success story as a banker is more dramatic than anything he ever wrote, is a great believer in showmanship as an adjunct to banking, and the museum is in line with his ideas.

A year ago, shortly after the bank opened, he was asked by Sol Lesser for a contribution to help buy the Skot-Hansen collection so that it might be permanently housed in the projected Hollywood Motion Picture and Television Museum, which is expected to be opened here in 1964.

Mr. Lytton not only made a contribution, but he also bought the collection for $45,000. Then he decided to display it in his bank before turning it over to the museum.

$10,000 Spent in Restoration

The job of setting up the exhibition, which is now called the Lytton Center of the Visual Arts, was given to Herbert Kline, a screen writer, producer and director, and his wife, Josine Ianco Kline. About $10,000 has been spent in restoring and arranging it. Many times that sum has been spent on the exhibition area itself, which is a manifestation of modern architecture and art.

Included in the area is a 208-seat motion-picture theatre, with chairs upholstered in various colors (to allow the female visitor to choose a color to harmonize with the dress she wears). The theatre will be used for special program showings and contemporary motion-picture displays.

Retrospective programs of the films of great directors and stars of the past will be regular features at the center much as they are at the Museum of Modern Art in New York.

A large photomural, designed by Eliot Elisofon, is being erected at the entrance to the museum. On a panel 60 feet long and 10 feet high, still photographs from about 240 movies, ranging from the single episode of the Fred Ott sneeze to such unreleased pictures as "Cleopatra," "Mutiny on the Bounty" and "How the West Was Won," will be displayed.

The New York Times
Published: April 30, 1962
Copyright © The New York Times

Exhibit 17

SIGHTED BEAUTY.. CITED SAME
Los Angeles Times (1923-Current File); Sep 24, 1962;
ProQuest Historical Newspapers: Los Angeles Times
pg. 0_13



SIGHTED BEAUTY.. CITED SAME



From preliminary plans now on the drawing board, we at LYTTON SAVINGS can promise our outstanding addition to the Pomona Mall will be everything Southern California has come to expect of a Lytton project—warm, friendly, modern, attractive—in short, a place that will continue over the years to add luster and beauty to the business environment as well as expand our participation and service in the future of this fine city.

An example of the recognition accorded Lytton Savings in its objective of making its new structures both attractive and efficient additions to the business community is the award of the "Los Angeles Beautiful" certificate for excellence of its architectural landscaping bestowed on the Lytton Savings Home Office in Hollywood.

This citation "for a noteworthy contribution to the beautification and esthetic development of the community" is particularly gratifying as a mark of the fullest achievement of a carefully planned goal. While many expressions of praise and appreciation by architects, designers, and community planners across the nation have preceded this Award, none is held in such special esteem. For the Los Angeles Beautiful Award indicates in a particularly gratifying way the appreciation of my fellow citizens of our efforts to provide them with the very finest of facilities and services, set in a park-like atmosphere of tranquil beauty.

Lytton Savings and Loan Association, which is a member of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation, maintains its home office at 8150 Sunset Boulevard in Los Angeles, and its Canoga Park Branch at 21045 Sherman Way.

President Ben Lytton

Exhibit 18

COAST ARTS LED BY A MILLIONAIRE

Bart Lytton Plays a Major Role in New Museum

By PETER BART
Special to The New York Times

LOS ANGELES, Feb. 2—When the new $11.5 million Los Angeles County Museum of Art opens next month, at the center of the festivities will be a mercurial millionaire who has become perhaps the West's busiest cultural gadfly.

He is 52-year-old Bart Lytton, who now runs the vast Lytton Savings and Loan Associaton. Mr. Lytton's unorthodox approach to the arts in a sense epitomizes the style of Southern California's burgeoning cultural life.

If 1965 shapes up as a year of unparalleled cultural activity in California, much of the impetus will have come from Mr. Lytton.

Among other things, he is a major benefactor of the new arts museum (one vast wing will be called the Lytton Gallery), a founding member of the $33.5 million music center and chairman of a three-man study committee whose recommendations, expected soon, will play a large role in deciding the fate of the projected $6.5 million Hollywood film museum.

Visual Arts Assayed

Mr. Lytton has also established the Lytton Center for the Visual Arts, a sumptuously modernistic museum whose displays range from the Dead Sea Scrolls to relics of the early years of the cinema. The center is built on the grounds of the old Garden of Allah resort hotel on Sunset Strip, adjacent to a purple and orange striped nightclub called Pandora's Box.

In addition Mr. Lytton speaks out on various issues through the pages of The Beverly Hills Times, a small weekly he runs with his wife, Beth, and also holds a position in the highest councils of the state Democratic party.

While other millionaires have become important art collectors and in their own right, Mr. Lytton has adamantly renounced personal collecting and regards art as a sort of commercial adjunct to his business life. The walls of the home office of Lytton Savings are adorned by contemporary paintings valued at nearly $500,000 and other offices throughout the state not only exhibit works of art but also sponsor art competitions.

Art and Reality

"Art must relate to reality or it all becomes quite precious," Mr. Lytton says, waving a cigar. "If we're able to use art to bring in more customers, why, that's justification enough." Art is as fundamental to the conduct of business today as is central heating or plumbing, he insists.

Detractors have accused Mr. Lytton of over-publicizing his artistic endeavors and Mr. Lytton has never sought to deny it. "I am not famous for my modesty," he acknowledges.

Not long ago he turned up unexpectedly at a hearing called by the Los Angeles County Board of Supervisors to approve plans for the Hollywood museum. After a succession of top-Hollywood celebrities endorsed the projected museum Mr. Lytton astonished and angered the hearing by challenging the financial management of the project. Noting that the cost of the museum had risen from $4 million to $6.5 million, Mr. Lytton called for the establishment of an objective committee to restudy the entire proposal.

Although at the time Mr. Lytton was angrily denounced, he recently was appointed chairman of a three-man study committee whose report, expected next week, will have an important bearing on the future of the troubled project.

The New York Times
Published: February 3, 1965
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Exhibit 19

Los Angeles Times (1923-Current File); Sep 4, 1966;
ProQuest Historical Newspapers: Los Angeles Times
pg. I32

ADVERTISEMENT

Critics Acclaim California Collection
Current Lytton Show Called "Notable"

We feel certain that you, too, will enjoy this extraordinary exhibit encompassing such a wide scope of California and world art of the past several decades. Viewing is cordially invited.

Admission free. Regular Hours: 10-5 Monday thru Thursday; 10-6 Fridays. Special Hours: 10-5 Saturday, September 10 and 17. Bring your family and friends. Exhibit closes September 17.

—Henry J. Seldis—
L.A. Times — Art Editor

Bart Lytton has been embroiled in many controversies through his volatile personality. And the arts have come into their share of Lytton embroglios. But there can be no doubt that the intrepid banker has set an example when it comes to the recent burst of corporate collecting hereabouts.

From the start, less than 10 years ago, Lytton has opted for the support of local artists in most of his business and private art purchases. And this is a stance which, though shared by some other industrialists, might well be emulated more widely.

Now on view in his unique Lytton Center of the Visual Arts, a separate building adjoining his firm's headquarters, "California Contemporary Art from the Lytton Collection" proves to have a very high qualitative average. Though Lytton has rarely ventured into vanguard experimentations, he has collected first-rate examples of top California artists of many persuasions.

Important Works

Though Southern Californians dominate the show, with important examples of work by such noted artists as Jones, Beasley, Johnston, Mullican, Feitelson and Lundeberg there are some excellent samples of the best that Northern California contemporary art has to offer. Outstanding in this category are the works of Walter Snelgrove (long overdue for a local one-man show), Paul Horiuchi, Tom Browne and James Weeks.

This exhibition demonstrates the validity of Lytton's contention that "the role of selectively preserving the past to give us a better understanding of the present is more properly played by the museums. Living industry's principal challenge should be to support living artists in order to encourage a creative output for now and the future."

—Andreas S. Andersen—
Director
Otis Art Institute

In the process of building his notable and extensive art collection, Mr. Bart Lytton certainly has not neglected the artists of his own state of California. The sixty works in this exhibition, by more than forty artists, represent an excellent and pretty complete cross section of the painting and sculpture produced by California artists over the past ten years.

Most of the more recent stylistic developments, excepting pop or op, are to be found here. In these fine works by many of California's best known names in art, and a few new ones, are examples from the still vital synchromism of S. Macdonald-Wright, seen in a beautiful work painted in 1958; through most of the varieties of abstraction, hard edge to expressionistic; to the latest concern for and return to landscape, still life, anthropomorphic and biomorphic forms, and the human figure.

Painting techniques vary in medium from oil to acrylic and collage, and in application from smooth to heavy brush strokes, knife painting and splatter, from thin to heavily built-up impasto. Sculpture, while limited in quantity, is high in quality, with excellent examples of carving and of welded and cast metal.

Brought together for the first time from the numerous state-wide Lytton offices, these works constitute a highly significant exhibition of California art, furnishing a rare opportunity to see and appreciate its historic relevance to and, in many instances, its leadership in American art. Quoted as saying "Art is as fundamental to business as is central heating or plumbing," it is to be sincerely hoped, Mr. Lytton, in following his own dictum has proved its rightness.

—Arthur Millier—
World of Art
L.A. Herald-Examiner

In the wake of World War II the arts in America entered a period of intense production, growing support, and appreciation that continues. Corporate collecting of art increased.

Selective Sampling

California contemporary art from the Lytton Collection, consisting of 60 works by 46 California painters and sculptors, is on view at the Lytton Center of the Visual Arts. This is a highly selective sampling from the two decades cited above.

High Standard

The main gallery at Lytton Center, being high, houses the larger works. A ramp was built to see Jack Zajac's sculptural masterwork, the great "Deposition," a bronze of stark tragedy, from above. All but a handful of the 60 California works were done since 1960. The high standard throughout is remarkable. The examples are often as fine as anything the particular artist has produced.

Eighteen works by artists in other parts of this country and the world are shown in the center's auditorium, among them examples by Henry Moore, Braque, Jawlensky, Soulages, and Wotruba.

Paraphrasing the poet: "A thing of beauty is a profit forever." But before it is a profit, art is for us above all a pleasure. It nurtures our soul, lifts our spirit and, we think, makes us special in a wonderful way—a rollicking, lusty, participating, even creative way. We hope you will agree, as did the critics.

Bart Lytton

LYTTON
CENTER OF THE VISUAL ARTS
8150 Sunset Blvd., Los Angeles, Calif. 90046
Another unique community service of Lytton Savings and Loan Association • Home Office • Hollywood

Big Interest Game in the West Trims Its Hollywood Trappings

By GLADWIN HILL
Special to The New York Times

LOS ANGELES, July 15—Little old ladies, in tennis shoes or not, no longer are busy transferring their nest eggs from one savings and loan association to another in order to obtain new-account premiums and fractional interest-rate differentials.

Premium competition is out, interest rates have leveled off at close to 5 per cent and in many other respects California's recently flamboyant "thrift" industry has changed from a frentic financial glamour girl into something more resembling a sedate matron.

The monoliths of avant garde architecture favored as offices by this fiscal prodigy continue to punch new salients in the palm-sprinkled skyline of Los Angeles.

Competition Still Aggressive

The competitive hawking of wares continues more stridently and aggressively than before in some cases, and the virtuosos of this syncopated exercise in money-changing still exude confidence and optimism.

But the Gold Rush atmosphere of a year or two ago has given way to an awareness on the part of savers, proprietors and investors that "something for nothing" is as mythical a concept as ever.

Two developments are generally agreed to be primarily responsible for this shift to financial sobriety and a slackened pace in the savings and loan business.

One has been the mounting pressures from governmental regulatory agencies to end frenzied competition in rates paid to savers.

This trend started in a clampdown two years ago on premiums that ranged from carving sets to mountains of trading stamps. It culminated in the Federal Home Loan Bank Board's decrees last spring imposing stiff sanctions on interest-boosters.

The other development was

Continued on Page 32, Column 8

GLAMOUR IS GONE IN INTEREST GAME

Continued From Page 31

the spate of regional over-building in residential housing, where the savings and loans lend most of their money.

The oversupply of new homes in southern California was estimated recently by the Security First National Bank at 75,000 to 80,000 units, compared to an annual demand for about 150,000.

Building is proceeding this year at a rate of about 125,000 homes, so the surplus is being attacked but at the present rate it will not be liquidated for several years.

Softness in the housing market has been reflected in an increase in foreclosures, a major constituent of savings and loan institutions' "scheduled items"—questionable assets.

These rose statewide to 5.19 per cent at the end of March, compared to 4.92 per cent last December. When one deals with assets totaling around $25 billion that much of a percentage shift represents a lot of money, so eyebrows rose.

New Valhalla Forecast

News stories about the increase moved one association to stress in large advertisements that its own "scheduled items" were minimal—which impelled some competitors to cry "Foul."

However, leading figures in the industry scoff at the notion of a Gotterdammerung. Rather, they are looking toward a new Valhalla.

The slackening in home construction, they say, was an inevitable and desirable correction in the over-enthusiasm that develops in any lucrative field. No thrift institution so far has admitted to any difficulty in placing its money — at 6 per cent and up, about a point higher than eastern rates.

California home mortgages, Gov. Edmund G. Brown stated recently, are such a good investment that even the State Employes Retirement System is profiting from them.

It has invested more than $90 million of its funds in home mortgages in the last year and is increasing its rate of investment to $11 million a month. In the first six months of the program it earned $300,000 more, the Governor said, than if the money had been put into bonds.

The state's economy continues to expand with an influx of 600,000 new residents a year. And the savings and loan industry is looking forward to yet another housing boom as the big crop of World War II "war babies" reaches housekeeping age.

In support of this optimism, Bart Lytton, the voluble enfant terrible of California's savings and loan industry, cites a recent study by John M. Wetmore, Federal Home Loan Bank economist. It forecasts an upsurge in the demand for housing calculated to increase construction to 2 million units a year by 1970, compared to last year's 1.5 million rate.

Also, the S. & L. people have been comparing stock performances in their industry with an unpublicized projection by a solid Wall Street underwriting house that seemed incredible when it was made in 1959.

This forecast that by 1970 savings and loan shares would be earning annually as much as the price of the stock itself in 1959. Industry observers foresee this mark, in many cases, being almost attained.

Los Angeles' First Charter Financial Corporation, the largest publicly-owned savings and loan holding company, reported this week six-month revenues 15 per cent over the 1964 period and earnings 5 per cent higher.

The Lytton Financial Corporation, another holding company, posted six-month gross revenues of $23,181,837 against $19,413,494 for the 1964 period, with earnings of 90 cents a share against $1.12 for the 1964 period.

A look at the latest available statewide figures for the industry suggests that readjustments are the kind of "trouble" a lot of people would like to have. For in May, while money was flowing at a slower rate, the total business was some 12 per cent ahead of the year before.

Here are the figures:

(000 omitted)

	May 1965	May 1964
Gross receipts	$ 561,750	$ 610,153
Net receipts (deposits less withdrawals)	158,872	243,240
Loan volume	494,115	605,715
Assets Up 12.9%	24,720,992	21,887,203
Mortgage portfolios Up 12.4%	21,291,292	18,946,924
Savings Up 12.3%	19,800,984	17,628,425

New Source of Funds

The sharply reduced net intake for the month was attributed by an industry spokesman to this year's jolting income tax bite occasioned by the revised withholding schedule.

But no one is expecting the inflow to regain the breakneck pace of the "glamour girl" period. For one thing, the industry senses it has largely mined the hoard of loose savings that existed before "5 per cent-a-go-go" became the new savings rage.

Meanwhile, if one drives along Sunset Boulevard to the spot where the celebrated Garden of Allah Hotel once shrouded F. Scott Fitzgerald's typing and tippling, there can be found a complex of breathtaking architecture dedicated jointly to the financial services of Mr. Lytton and to an endless round of shows involving painting, the drama and the cinema. Farewell to carving sets. This, a sign attests, is The Lytton Center of the Visual Arts.

•NYTimes1965-07-16

Exhibit 21

"I feel that we must do even more than simply enrich our savers and borrowers...for don't we also have an obligation to serve the community in which we do business? That's the reason we build vest pocket parks around all of our offices...that's the reason we created the Lytton Centers of the Visual Arts...and so much more. And all this takes place while our savers are earning the highest rate in the nation on insured passbook savings.
I know, because as chief executive officer of both Lytton Savings, I conceive it my job to see that we excel...and don't we?"

Barr Lytton

BARR LYTTON, PRESIDENT AND BOARD CHAIRMAN



LYTTON!
SAVINGS AND LOAN ASSOCIATION

Home Office: 8150 Sunset Boulevard, Los Angeles • Regional Branch Offices: Wilshire Center, Canoga Park, Pomona
MEMBER: LYTTON FINANCIAL CORPORATION • RESOURCES MORE THAN 700 MILLION DOLLARS

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Exhibit 22

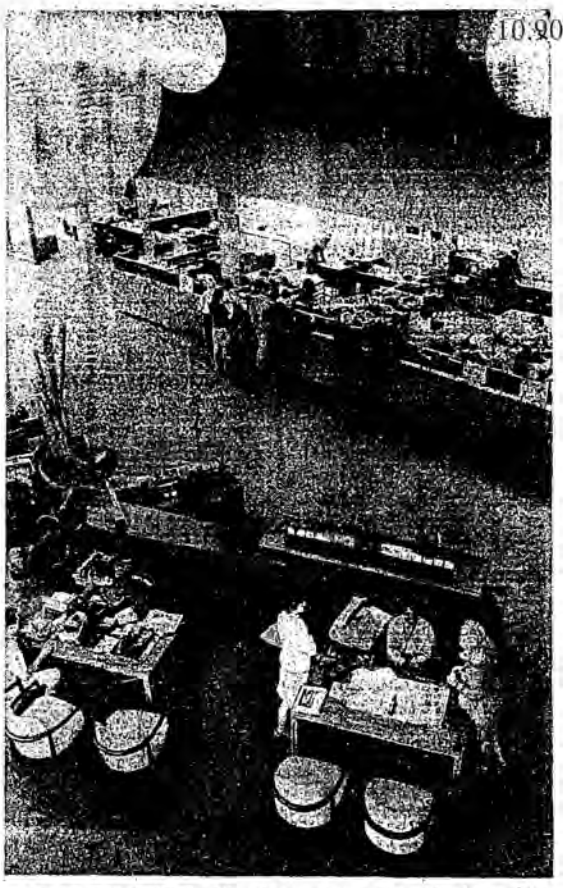
Bart Lytton: The Many Faces of a Frustrated Financier: The Many Faces of Bart Lytton
ARELO SRDERBERG
Los Angeles Times (1923-Current File); Apr 28, 1968;
ProQuest Historical Newspapers: Los Angeles Times
pg. N1



SAGA OF SAVINGS—Bart Lytton is a man who attracts and confounds adjectives. He was the most unconventional of multi-millionaires during his career as an executive in the savings industry. During interview in which he announced that he was stepping out, Lytton consecutively displayed perplexity, suspicion, persuasiveness, and forcefulness. Times photos by Joe Kennedy

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Bart Lytton: The Many Faces of a Frustrated Financier



EYE OF THE NEEDLE—All-night meetings and a shift in management at Lytton Financial failed to penetrate into the front office, where subsidiary savings and loan associations were unaffected by shift.

BART LYTTON, who last week abdicated the throne he built and dearly loved, has for some time kept a plaque on his desk in the spacious Hollywood office that no longer is his. It reads:

When one door closes
Another door opens;
But we so often look so long
And so regretfully
Upon the closed door
That we do not see the ones
Which open for us.

This blank verse was penned by Alexander Graham Bell. Bart Lytton might have written it better, but not more appropriately. "I may be better with words than anybody I know," he says. "Usually I say the things that other people think of when they're driving home after a party."

It's true. A man who wanted to become an author, and achieved some success in radio and screen writing ("Gangbusters," "Hitler's Madmen," "Bowery to Broadway"), Lytton does have a way with words. They roll marvelously and impetuously from his tongue; Lyttonesquely, he paraphrases Shakespeare, reverses platitudes, makes cliches sound original, and like the stand-up comic strives to spout quip after quip and always leave them laughing.

He did that last week. Reporters laughed during his swan song press conference; employes, some nervously, laughed during his 9:15 a.m. staff meeting Thursday, after his

BY ARELO SEDERBERG
Times Staff Writer

mind had been made up to resign (at 4:30 a.m.).

"My name is still on the door," he told his staff. "Take good care of that name, won't you?" Later, reporters heard him say: "I feel nothing but respect for the men who are coming in. I don't have to love them, but I do respect them."

It was subdued Lyttonism, however. He's done better. "I've been prouder of some of the mortgages I've written than some of the screenplays," he has said. Last week, in an interview, he reversed that: "Now I'm prouder of the screenplays than some of the mortgages." Many of the mortgages have gone sour, due to tight money and a homebuilding slump, but that was an industry-wide problem.

It was Lytton's holding company, not its subsidiary savings associations, that nudged him through the door with his name on it. (He's remarked of that name: "Only four associations have been named after people—Washington, Lincoln, Jefferson and Lytton.") Notes totaling $2.8 million were coming due and Lytton Financial didn't have the money.

"I suffered an anguished searching of my soul," Lytton said. "I had to come to a decision to make a compact with my creditors. There were other routes. But, considering the alternatives, I feel wonderful about it. There is a strange exhilaration in resolution."

Creditors—Union Bank, Investors Stock Fund, the United Auto Workers—took over, sweeping out the company's entire board of directors (with the exception of one) and installing their own. Assuming Bart Lytton's chief executive position was Charles Wellman, 52, a 25-year veteran of the S&L business, a graduate of UCLA, Columbia, USC Law School.

"I anticipate," Wellman said last week, "no lack of cooperation from Bart."

Wellman takes over as president, a director, and chief executive of Lytton Financial Corp., founded by Lytton a decade ago, and of the two Lytton S&L subsidiaries, Lytton South and North.

Lytton will be around as a consultant. The salary is about $50,000 a year, for a possible 10 years. It's a comedown from the $217,050 Lytton earned last year, but, with his other assets, Lytton claimed he'll be "comfortable." He also could have stayed as chairman (a post that will not be filled), but he couldn't accept a position under someone else in an empire he founded. "I march in nobody's parade but my own," he said.

Now, some of the time, he will sit in the Lytton Plazas which surround the offices of the associations. "I always wanted to do that," he said. "And my wife (Beth, a former

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The Many Faces of Bart Lytton

Continued from First Page

director) and I will travel —around Los Angeles. It's a great city. I recommend it. I plan to play the Bernard Baruch role for a while."

But how long can a restless soul, only 55, stay inactive? Some say forever, but they won't bet on it. And the ones who believe Lytton has had it also respectfully admit that he is a man who made it big on his own—unconventionally, aggressively, shrewdly, openly, rapidly, and, he'd add, happily.

Speed, Salesmanship

He ran faster than most of his competitors. He brought salesmanship and zest to a traditionally conservative industry. He did it his own way in an era of committee management. In so doing, he earned the respect of many, made enemies of others.

"Bart Lytton," says a well-known competitor, "is a very funny man."

"He is impossible to work for," says a close associate. "Terrible ego. Terrible temper. But I couldn't work for anybody else."

"There are a lot of good things about Bart, except his personality," says another competitor. "With that personality, he couldn't attract and hold top people—not the way Charlie Wellman will be able to do."

He's Several People

Who is Bart Lytton? Actually, he's several people. Charming and vindictive, happy and sad, elated and depressed, frustrated and fulfilled. He's Bart Lytton the financier; he's Bart Lytton the Democrat's friend; he's Bart Lytton the socialite; he's Bart Lytton the art patron; he's Bart Lytton the genius and Bart Lytton the clown.

And he is the Bart Lytton who blames himself and the Bart Lytton who rationalizes away his difficulties.

Last week, he blamed tight money, slow homebuilding, inactive buyers, Vietnam war (indirectly) and Lee Harvey Oswald for his demise. When John F. Kennedy was assassinated, he said, the defense contracts started to drift toward Texas. That slowed the population influx into California, and consequently slowed homebuying and mortgage commitments. But Lytton also blamed Lytton, although he didn't slight himself on responsibleness or willingness to work hard and long.

"Yes," he said, "we made some mistakes."

Not Alone

So did others in the business. Lytton Financial wasn't the only holding company to report losses. Lytton's mistakes, perhaps, came from believing too much in the future of his industry, and in Lytton Financial (himself). He purchased S&L stocks for the holding company, writing off big losses when the stocks sagged; he purchased huge blocks of stock in Lytton Financial for himself and saw his millions in paper profits dwindle drastically as the stock fell.

More than anything else Bart Lytton is a nonconformist. He'll even call it radical.

He was born on Oct. 4, 1912 to an upper middle class family in Youngstown, Ohio, the son of a lawyer who was murdered at age 31 (by a butcher from whom a judgment had been won); Lytton's mother, now 76, subsequently married a physician. Lytton rebelled against the law career selected for him and left home.

Both Sides of Coin

"I've known both extreme poverty and extreme wealth," he said. "I've been very, very rich, lived in the finest hotels and homes, ate in the finest restaurants. I've also known what it is to be evicted, to live on peanuts and fig newtons, to pay 25 cents for a Chinese dinner of chop suey and tea and be so hungry after that I wanted to eat the paper in the fortune cookie."

And his mother wrote that he was a failure. "You!" she said, "you who was raised in country clubs, you who used to buy a dozen golf balls and two tennis rackets at a time, you who could have been the governor of Pennsylvania—you want to run off and join the radicals. Well, go eat bread with your comrades then."

Lytton found he didn't like it too much. He found his way to California and went into the mortgage business. He made quite a sum quite rapidly. But the creative side tugged at him. He wanted to be a writer. He sat down at the typewriter but nothing came out. He asked psychoanalysts to discover why. They couldn't. They said he could write checks. He could. He did.

A New Home

He wrote one for the old Canoga Park S&L a dozen years ago. He renamed it "Lytton" just about exactly 10 years ago. He tore down the Garden of Allah Hotel, a haunt of literary and movie figures in the 1920s, and put up a building with "Lytton" on the door. Thick carpets. Art all over. Expensive and comfortable.

Came the boom. Canoga Park assets exploded from $1.4 million to over $700 million in the glory years of loose money and torrid homebuilding. Lytton stock soared. No one has made so much so fast.

Left Laughing

"I tell you that I didn't set out to make money," Lytton said. "I set out to create something."

And to make a name. To put a name on a door. Once at a social event during an S&L conference a little old lady asked Lytton what his name was before he changed it.

"Canoga Park," he responded.

An S&L executive who heard it laughed so loud he spilled his drink. Lytton leaves them laughing.

As he says, there'll be a little less chicory in the coffee around the Lytton offices now. "And another thing," Lytton quipped. "They won't have a free model for their ads anymore." Lytton featured a picture of himself on his advertisements. He's not done quipping.

"Listen," he said. "They're not going to change it too much. If you get a house Frank Lloyd Wright built, you don't change it too much. They'll be living in a house that I built."

Sign Painters Put End to Lytton, Launch LFC

BY THOMAS W. BUSH
Times Staff Writer

Sign painters Friday scratched Lytton from the doors of Lytton Financial Corp. and replaced it with LFC Financial Corp., the savings and loan holding company's new name.

The sign painting activity marked the end of the firm so closely associated with its colorful founder, Bart Lytton.

His former associations in Southern and Northern California also disappeared Friday. Lytton of California, Palo Alto, became Equitable Savings & Loan Assn. of California. Lytton Savings & Loan, Los Angeles, disappeared in a three-way merger involving Lytton, Mission Savings & Loan, Santa Ana, and Equitable Savings & Loan, Van Nuys. Survivor of the merger is Equitable, now an $825 million association. LFC Financial paid 4,115,818 shares of its stock for the assets of Equitable and Mission.

At the same time the new firms received a healthy shot of new money, under its previously-announced plan of reorganization and capitalization. Various private investors paid $25.5 million cash for LFC stock and capital notes of Equitable. LFC got $8 million and Equitable received $17.5 million. Part of the money will be used to retire LFC's $16.5 million in outstanding debts, according to a spokesman.

Bart Lytton, now contemplating a new career in advertising, left the company's presidency under pressure in April. He was succeeded by Charles A. Wellman, president of Equitable.

ICC Orders SP to Keep Cascade Run

WASHINGTON (UPI) Rep. Harold T. Johnson (D-Calif.) said Friday the Interstate Commerce Commission had informed him it was requiring the Southern Pacific Railroad to continue for one year operation of trains 11-12, the Cascades.

The line had asked for authority to discontinue the two passenger trains which connect California with Oregon and Washington. But the ICC said such action was not in the

Financier Bart Lytton Dies

MONDAY

RACING RESULTS-ENTRIES

Los Angeles Times

FINAL

LARGEST CIRCULATION IN THE WEST, 928,126 DAILY, 1,349,705 SUNDAY.

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ROCKY GIVEN TIGHT ARGENTINE GUARD

TV PLAYS VILLAIN

'Life' Battles to Stay Alive; Ad Income Falls

BY ROBERT E. DALLOS
Times Staff Writer

NEW YORK — When the late Henry R. Luce started Life magazine in 1936, it was clear that a picture was worth a thousand words. But that was before television. Now, 33 years later, Life magazine is fighting for its life.

The symbols of Life's struggles against the odds of the picture tube are visible at train stations in the affluent Connecticut and Westchester suburbs of New York where most of the advertising community's decision-makers live.

"COME TO LIFE," plead the billboard ads in large multicolored block letters. They are not meant to attract readers; indeed Life has 8.5 million subscribers (it claims 36.5 million people actually read each issue), more than it ever had before.

Needs Ad Revenues

Instead the words are an appeal by the publishers of Life for desperately needed advertising revenues. The competition from TV, coupled with an advertiser preference for specialty rather than general magazines, has hurt Life where it counts: in the pocketbook.

To boot, Life's page rates have risen, making advertising in Life prohibitive for many small accounts. And predictions of failure have not helped either, causing some advertisers to lose confidence in the publication. Some financial analysts contend Life may lose $3 million to $10 million this year, a figure Time, Inc., officials will not confirm.

Life executives vehemently deny rumors along Madison Ave. and on Wall St. that their weekly magazine will soon follow the Saturday Evening Post to the grave.

Vital Factor in Economy

"TV has been a vital factor in the economy of all magazines—Life, Look, the Reader's Digest," concedes Jerome S. Hardy, Life's publisher. "We lose an awful lot to those guys. They've certainly sucked up the dollars. But Life is doing twice as well (in readership) as it was doing four years ago."

Andrew Heiskell, the towering, fortune chairman of the board of Time, Inc., paces up and down his plush office, chewing on the earpiece of his horn-rimmed glasses.

"Do we have problems?" he asks. "Yes, we have problems with Life. The problem is simple. Its name is TV. Are we going to make it? The answer is yes. We are putting our best resources into Life. I am confident we'll make it. Otherwise it would be a misuse of our resources. As Mark Twain put it, 'The report of my death was an exaggeration.'"

But such denials are not enough to put an end to the scuttlebutt.

"Life is in trouble. The magic touch is gone," says the publishing analyst of one of Wall St.'s largest brokerage houses. "The magazine is like a politician who has lost his constituency—at least where

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TRIBUTE AT CAPITAL—Chief Justice Warren Burger, right, with Earl Warren, his predecessor, on steps of the Lincoln Memorial where Warren was honored at a "national tribute" led by president and former high government officials. Warren retired last week after 16 years as chief justice. (AP Wirephoto)

Violence Erupts as Governor's Tour Arrives at Buenos Aires

BUENOS AIRES (AP)—Gov. Nelson A. Rockefeller took his presidential mission to Argentina Sunday night as anti-American demonstrators sought to terrorize the nation's major cities.

Shortly before his arrival, state-owned gasoline storage tanks in the city of Bahia Blanca, 600 miles south of Buenos Aires, erupted into flames.

Four bombs exploded in the city of La Plata, 30 miles south of here, and one exploded in this capital early Sunday without causing serious damage or casualties. Bombs exploded in the city of Mendoza, Rosario and Parana Saturday night, also harmlessly.

Rather than chance trouble by driving into town from International Airport—a trip that takes an hour by car—the New York governor transferred from his chartered jet to a small U.S. Air Force plane which flew him to the city's downtown airport.

Ceremony Held at Airport

The arrival ceremony was held at the downtown airport, only a dozen blocks from the Plaza Hotel where the Rockefeller party was to stay for the entire 36-hour visit.

A massive security force, including machine gun-toting troops and helmeted soldiers leading police dogs, was at the downtown airport. Guards prohibited unauthorized persons from entering the airport area.

Rockefeller was greeted officially on behalf of President Juan Carlos Onganía by the Foreign Ministry's chief of protocol. Also on hand was Argentina's ambassador to Washington, Eduardo Roca, for what appeared to be an officially correct but reserved reception.

The visit began the fourth stage of Rockefeller's violence-plagued mission for President Nixon.

Earlier in the day police firing tear gas launchers dispersed an impromptu demonstration following the funeral of a slain Communist leader and arrested 30 persons.

Hundreds attended the graveside services while police watched from a distance. After the services the crowd broke into antigovernment and antipolice chants. Police fired tear gas guns when the demonstrators attempted to set up street barricades.

The Communist leader, Emilio Jauregui, was killed by police during attempts at anti-Rockefeller street demonstrations Friday night.

Storm Signals Evident

The same storm signals that have fluttered over the Rockefeller mission through most of its two-month, 11-nation swing were strongly in evidence in this prosperous but politically restless nation of 23 million.

Departing New York with a team of two dozen advisers, Rockefeller said his mission served to "draw attention to the fact that things aren't well in our relations" with Latin America, where there is "a great deal of feeling against the United States."

He charged that the trouble that has beset his travels was prompted by enemies of the United States and Latin nations trying to "keep us apart and destroy the government."

After Argentina, he will visit Haiti, the Dominican Republic, Jamaica, Guyana and Barbados. On his three previous swings Rockefeller visited 14 countries. Three others—Chile, Peru and Venezuela—asked him not to come there because of unrest.

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Bart Lytton, Brash and Colorful Southland Financier, Dies at 56

BY ARELO SEDERBERG
Times Staff Writer

Bart Lytton, the brash, colorful and controversial Southern California mortgage loan executive who made and lost a fortune, is dead at 56.

His doctor attributed his death to a coronary condition that began a year and a half ago, when Lytton's financial empire began to crumble.

His body was found Sunday morning by his wife, Beth, at his West Los Angeles apartment. Besides his wife, he leaves a daughter, Mrs. Herbert Stewart, an art student living in Paris.

"I didn't set out to make money," Lytton once told an interviewer, "I set out to create something."

What he created he eventually lost.

Lytton, who was worth perhaps $75 million in his heyday, lost control of Lytton Savings & Loan Assn. and Lytton Financial Corp. in April of 1968, when creditors closed in.

He had built the association in 12 years of flamboyant promotion and egocentric personality projection from a tiny suburban institution to assets of more than $750 million.

He blamed his exodus on the generally faltering real estate market at the time, and particularly on an extraordinary period of "tight money" in 1966. When he left, Lytton

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Palm Springs Has First Major Smog; Residents Jumpy

BY PAUL HOUSTON
Times Staff Writer

Palm Springs. The very name evokes images of rare sparkling sunshine, crystal clear vistas and dry, clean air.

Nearly every day this June, however, a smoky veil has blurred the rocky San Jacinto Mountains that tower above the famed desert resort and health spa.

The condition is more than the occasional dusty haze the city is used to. According to the world's leading expert on photochemical smog, A. J. Haagen-Smit of Caltech, Palm Springs is getting its first big invasion of air pollution.

The city's mostly affluent residents are understandably jumpy over this development, and they are up in arms over another two oil refineries are being planned or built in Banning and Beaumont, just 30 miles upwind in the smog-channeling San Gorgonio Pass.

Such threats to its fragile airshed are enough to make Palm Springs a striking symbol of how severe the nation's air pollution crisis has become.

It also raises an interesting question for singer Frank Sinatra. Nineteen months ago, he announced he was fleeing the Los Angeles smog and setting up permanent residence in Palm Springs. He left his home Thursday to go boating off sunny Los

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PLAYS 'SECOND FIDDLE' AT HOME

De Gaulle 'Henpecked' by His Wife, Nephew Reveals

LONDON (AP)—Charles de Gaulle is "henpecked and dominated" by his wife, the nephew of France's former president said Sunday.

Writing in a London newspaper, The People, Alain de Gaulle said his uncle had to play "second fiddle" to Mrs. Yvonne de Gaulle in their home at Colombey-les-Deux-Eglises.

"There is a word for it in English," he wrote. "Henpecked."

Alain said Mrs. de Gaulle put coffee in her husband's whisky and other drinks to stop him from drinking heavily before meals.

She always insisted on taking complete charge of the household and family budget.

"You're running France, I'm running the house," she once told De Gaulle," Alain wrote. "The general isn't even allowed to see the account book in which his wife keeps a detailed record of their personal finances."

Alain said that although his uncle was a very rich man there were no labor-saving devices in their home.

"There is not even an electric or gas cooker there. All the cooking is still done on an old-fashioned coal range.

"Nor are there any such things as washing machines or vacuum cleaners—the sort of labor-saving gadgets which, under the De Gaulle regime, became commonplace in French homes."

He added: "For all you may think that my uncle is henpecked in his home life, the fact remains that he is very much the patriarch, the tribal chief.

"The 'tribe' is us, the family of De Gaulles and Vendeux and he has always been one as long as I can remember, the supreme head of us all.

"In the family we refer to him as 'le patron' (the guvnor)."

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THE WEATHER

Light to moderate smog today.

U.S. Weather Bureau forecast: Mostly sunny and continued warm today and Tuesday. High today, 86. High Sunday, 85; low, 61.

Complete weather information on Page 12, Part 2.

Controversial Financier Bart Lytton, 56, Dies

Continued from First Page

association and its holding company, which was renamed LFC Financial Corp., hurt Lytton more than he admitted, however, some friends said. One said Sunday: "It killed him. When they took his name off the building, it really hurt. He couldn't stand losing."

Although he claimed his fortune had been "decimated and redecimated," Lytton earned about $100,000 a year at the time of his death, including a $50,000-a-year consulting fee from the savings association he founded and lost. He didn't deny an estimate that he was worth about $750,000.

Most of his business life, Lytton claimed to be a passionate believer in social reform. He often contributed heavily to political campaigns of Democratic candidates, including a $200,000 contribution to John F. Kennedy's campaign in 1960. Lytton also was a heavy contributor to charity.

He was on occasion criticized for the salary, over $200,000 a year, plus bonuses and stock options, that he took from the savings association's holding company, a publicly held concern.

Defends His Salary

Once, at a stockholder's meeting, a shareholder said Lytton was paid too much. Lytton, after starting to remove his coat in a mock attempt to defend himself physically, declared his services would be cheap at twice the price.

To the sedate and image-conscious savings and loan world, he was anathema, called variously a comic with a promotionary flair, a Hollywood swashbuckler, even a piranha—after the razor-toothed, man-eating South American fish.

Small depositors and persons who knew him by name only seemed to rally around him, however. Wrote one woman recently: "He would always come out of his office and smile and ask us how we were."

Lytton, who wanted to be a writer and had modest success as a Hollywood scriptwriter ("Gangbusters," "Hitler's Madmen," "Bowery to Broadway") once told a reporter: "I've written better mortgages than screenplays."

One on his own life, however, might be passable.

He was born Bernard Kaplan on Oct. 4, 1912, in Youngstown, O. His father was a lawyer who was murdered at age 31 by a butcher from whom a judgment had been won.



Bart Lytton
Times photo

Lytton's mother, remarried to a physician, 79, "selected" a law career for the young Lytton, but he rebelled.

He ran off and joined what he called "the radicals."

Later, as a Hollywood screenwriter, Lytton became a member of the Communist Party. It was a period about which Lytton seldom spoke, although he was a friendly witness before the House Committee on Un-American Activities in the early 1950s.

He told the committee he was expelled from the party for arguing about its tenets. Afterwards, he said, Communists called him a "stool pigeon" for leaving the party.

Failed as Writer

Lytton went into the savings and loan business in California in 1956. Later, he confessed he turned to money-making because he had failed as a writer. Long sessions before a typewriter, he said, produced nothing but blank pages.

He purchased the old Canoga Park Savings & Loan Assn. and immediately changed the name to "Lytton Savings." It was one of the few—if not the only — financial institutions in the United States to be named after a man. Once asked what his name was before he had it changed, Lytton responded: "Canoga Park Savings."

"I did that," Lytton said years later, "so the creditors would know who to ask for if they demanded their money."

It was a prophetic statement. Exactly a decade after Lytton entered the savings and loan business, after rising to be a major figure with flamboyant and unorthodox promotion and advertising, he found himself overextended and creditors forced him out.

200 Attend Memorial Service for Bart Lytton

Bart Lytton, Southern California financier who died two weeks ago of a coronary condition, was eulogized Sunday at a memorial service attended by about 200 people at University Synagogue, 11960 Sunset Blvd.

At the request of his widow, Mrs. Beth Golden Lytton, no funeral services were held at the time of his death and interment.

In paying tribute, John Sobieski, a friend, described Lytton as a "good man, a generous, ambitious, ingenious and great man who was also committed to civil rights.

"His character was so many-sided that to attempt to discuss it would be futile. But outstanding among these was his commitment to civil rights.

"He believed in action—not just words. His loan association (Lytton Savings & Loan Assn.—of which he was finally forced to relinquish control in April, 1968) made more loans to minority groups than any other California savings and loan association. Also, these loans had a lower delinquent rate than others.

"On the wall of his office always hung a picture of the late Dr. Martin Luther King. Lytton gave loans to minority people so they could build decent homes at rates they could afford.

"Even after the (Watts) riots, when some of the loans to minority groups were becoming delinquent, he did not change. Instead, he worked to develop programs to reduce vandalism and to help rebuild and renovate the affected areas," he said.

"Bart was committed to the civil rights programs he so eloquently professed. Even when times were hard, he did not change."

Among others paying tribute to Mr. Lytton were Sen. Eugene McCarthy (D-Minn.), newsman Bill Stout and Herb Stewart, the financier's son-in-law.

Those in attendance included his widow; his daughter, Mrs. Timothea Stewart, now living in Paris; Assemblyman Alan Sieroty (D-Beverly Hills), and Goodwin Knight, a former California governor.

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Exhibit 28

BART LYTTON, 56, FINANCIER, DEAD

Founded $700-Million Coast Savings Agency—Quit in '68

LOS ANGELES, June 29 (AP) —Bart Lytton, founder of one of the nation's largest savings and loan associations, died today, apparently of a heart attack. He was 56 years old.

Mr. Lytton resigned last year as chairman, president and chief executive officer of the Lytton Financial Corporation, which he founded in 1959.

He was found in his bed by his wife, who called a physician who pronounced him dead. The doctor had been treating him for some time for a heart ailment.



The New York Times Studio
Bart Lytton

The New York Times
Published: June 30, 1969
Copyright © The New York Times

Rise Was Meteoric

By CARTER B. HORSLEY

A flamboyant entrepreneur, Mr. Lytton once said that "I march in nobody's parade but my own."

When he did march, his gait was meteoric and his parade colorful and expensive. He described the phenomenal pace at which his operations grew as "growth at a fantasy level."

Without much exaggeration, Mr. Lytton said:

"We grew almost 6,000 times in 10 years. I used to consider a morning wasted when I didn't wake up $500,000 or $1-million bigger than the night before—just on the opening of the mail."

Proud to relate that he arrived in California with only $30, Mr. Lytton, who became a leading figure in the state's cultural and political life, built Lytton Financial Corporation into a business with assets of $700-million, for a time one of the five largest savings and loan associations in the country.

When his company ran into a severe economic squeeze that forced him to resign last year, Mr. Lytton told reporters: "I'm not a rich man any more, but I'm probably still a genius."

Grew with Housing

His success was based upon his flair for showmanship. He dazzled customers with free gifts, book fairs, art auctions, coffee and cake. Mr. Lytton thrived on the booming California housing market, which savings and loan associations greatly helped to finance.

With the collapse of the housing boom and the beginning of the credit pinch in 1965 and 1966, his company found itself overextended. The company's stock plummeted from a high of $28 a share in 1964 to $4.60 a share by the end of 1966. Friday, the shares of the company, reorganized as the LFC Financial Corporation after his forced retirement, sold at 13¾.

Mr. Lytton said after his resignation:

"I don't seem so formidable, apparently, to a lot of people. I've become human now that I've shown my Achilles heel."

Although he said, "I've been a tycoon once, and I don't need to be one again," he was reported to have been considering starting an advertising agency. He asserted:

"I have quite a respect for my capacities as a financier, so I think I'll be able to pick and choose my accounts."

Art for Customers' Sake

Mr. Lytton's activities as a patron of the arts were founded in his belief that "Art must relate to reality or it all becomes quite precious. If we're able to use art to bring in more customers, why, that's justification enough."

His company's buildings, of white stone and glass, were filled with art of his own taste. His annual reports carried pictures of himself with Elizabeth Taylor and Richard Burton, Levi Eshkol and Hubert H. Humphrey. Mr. Lytton was once introduced by George Jessel as "the people's millionaire."

A major benefactor of the Los Angeles County Museum, which has a Lytton Gallery, Mr. Lytton was a founding member of the city's $33.5-million music center and founder of the Lytton Center for the Visual Arts, a sumptuous modernistic museum with displays ranging from the Dead Sea Scrolls to relics of the early years of the cinema. The museum was built on the grounds of the old Garden of Allah resort hotel on Sunset Strip.

Mr. Lytton was general chairman in 1961 of the First International Music Festival of the University of California at Los Angeles.

Helped Kennedy Campaign

He was finance chairman of the California Democratic Central Committee from 1958 to 1962, and a delegate in 1956 and 1960 to the national conventions. He said he gave $200,000 to John F. Kennedy's campaign in 1960. Before his resignation he had contributed $30,000 to $40,000 a year to various Democratic political campaigns.

Mr. Lytton was born in New Castle, Pa. His father, a lawyer, was murdered by a butcher who lost a lawsuit. Young Lytton attended Westminster College and the University of Virginia, before going to work as a theater director for the Works Progress Administration Federal Theater in New York for $23.86 a week.

His mother, remarried to a doctor, once wrote him: "You who were raised in country clubs, you who used to buy a dozen golf balls and two tennis rackets at a time, you who could have been the Governor of Pennsylvania—you want to run off and join the radicals. Well, go eat bread with your comrades then." He did.

Recalled Communist Link

He moved to California in 1939 and became a screenwriter and public relations worker. In 1953, Mr. Lytton testified before the House Committee on Un-American Activities about his brief membership in the Communist party in the 1930's.

In 1948, Mr. Lytton began to handle promotion for the Coast Federal Savings & Loan Association. He soon switched careers and became a mortgage broker. Eight years later, he was successful enough to leave that association and take over the Canoga Park Savings and Loan Association. Three years later, he bought a second organization, Home Foundation Savings of Palo Alto, and created Lytton Financial as the parent holding company. He set up two branches in Los Angeles.

Describing himself as "the most successful businessman in this decade in the United States," Mr. Lytton said his motto was "Forget security and go for big—but not for broke." When he was big, he smoked $300 worth of cigars a month. Later, when he was not quite so big, he cut that to $250 worth.

He is survived by his widow, the former Beth Golden; his mother, Mrs. Ina Robins, and a daughter, Mrs. Herbert Stewart.

Exhibit 29

LOCAL / OBITUARIES

Kurt Meyer dies at 92; L.A. architect was committed to civic service



Architect Kurt Meyer, right, with financier Bart Lytton in front of the Dodge House in West Hollywood. Lytton and Meyer hoped to preserve the 1916 house, but it eventually fell into the hands of developers who demolished it in 1970. (Kurt Meyer)



By **David Colker**

AUGUST 28, 2014, 5:43 PM

Architect Kurt Meyer not only designed numerous commercial buildings in Los Angeles noted for their Mid-Century style, he was also a champion of saving the city's architectural treasures. But at first, the Swiss-born Meyer wanted nothing to do with L.A.

He arrived in 1949 with his first wife, Rosemary. "He went out early one morning to drive around and came

back and said, 'Pack up, let's go to San Francisco,'" said Pamela Meyer, his third wife.

But Rosemary informed him that they didn't have enough money to pay their motel bill. So he got a job as a draftsman and they stayed. Eventually he became one of the city's most successful architects, specializing in commercial buildings.

FOR THE RECORD:

Kurt Meyer: A news obituary of architect Kurt Meyer in the Aug. 29 LATExtra section named Catherine Bach as the founding president of the Los Angeles Conservancy. Her name is Margaret Bach.

Meyer, 92, died Aug. 18 at his home in Los Angeles, after an eight-year battle with Parkinson's disease, said Pamela Meyer.

Even after retiring to spend most of his time in Nepal, where he and Pamela Meyer studied and photographed a remote group of indigenous people for several years, Meyer kept Los Angeles as his home base.

His buildings were not flashy for the most part, though they had stylish touches. One of the most prominent is a 1960 bank at the corner of Sunset and Crescent Heights boulevards that sports zigzag, accordion-like folds in its roof.

"It's very dramatic," said Linda Dishman, executive director of the Los Angeles Conservancy. "It was designed for the auto culture to see it from the street."

Architectural historian Alan Hess, who has written several books on Mid-Century Modern design, said Meyer didn't have a signature style, "which is one reason he is not as well-known as some other architects of the period. But whatever style he was working in, he brought a real sense of quality to his buildings."

A notable example is another bank building, at South Beverly Drive and Pico Boulevard, with massive concrete columns, a hallmark of the New Brutalism style. "This is a really good example of it," Hess said. "The columns and cross-members are designed so you have interesting light and shadows playing across the texture of the concrete."

Kurt Werner Meyer was born June 3, 1922, in Zurich. He studied architecture at the Swiss Federal Institute of Technology and served in the Swiss Army during World War II. In 1948, he came to the U.S., first living in

Harrisburg, Pa., before making the cross-country trip that resulted in his settling in L.A.

He opened his own practice in 1957, gaining a reputation for designing financial institutions, including those of flamboyant screenwriter-turned-banker Bart Lytton.

Among the firm's biggest projects were the Exxon regional headquarters complex in Thousand Oaks that opened in 1983 and the South Coast Air Quality Management District building in Diamond Bar dedicated in 1991. His firm also drew up master plans for Simi Valley's civic center, the city of San Fernando's business center and several other cities and institutions.

In the 1960s, Meyer got involved in the effort to save the legendary Dodge House in West Hollywood designed by Irving Gill. The 1916 home, considered the pinnacle of Gill's work, was bought by Lytton in 1967. Meyer drew up a plan to preserve the house as part of a development.

But Lytton's financial empire came apart and the house fell into the hands of developers who demolished it in a single day in 1970. When the Los Angeles Conservancy was created eight years later, Meyer took part in its inaugural news conference and was on its first advisory council. "Kurt was a passionate advocate for great architecture in Los Angeles," said the conservancy's founding president, Catherine Bach. "The ghost of the Dodge House hovered over our efforts."

Meyer got involved with several other civic organizations and was appointed by Mayor Tom Bradley to the Community Redevelopment Agency charged with spurring development in underserved areas. Meyer was CRA chairman from 1976 to 1978, during which time the agency participated in several low-income housing projects.

His own practice was cut back during his time with the CRA, but he told The Times in 1983 that he and some other architects emphasized the importance of civic service. "I don't believe that it comes down to a choice of serving the community or running a successful practice," he said. "We have all demonstrated that it is possible to do both."

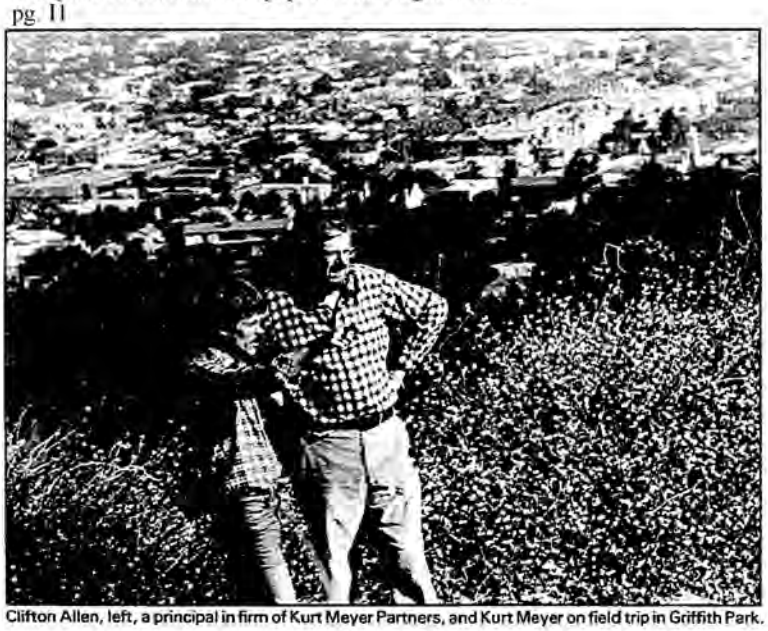
He sold his firm in 1992 to pursue a lifelong interest in the Himalayas.

In addition to his wife, Meyer is survived by daughter Susanne Christopher of Portland, Ore.; sons Randy Meyer of Los Angeles and Rick Meyer of Simi Valley; three grandchildren and two great-grandchildren. His first two marriages ended in divorce.

david.colker@latimes.com

Exhibit 32

Kurt Meyer Cares About City: KURT MEYER: Architecture, Civic Work
Turpin, Dick
Los Angeles Times (1923-Current File); Jul 17, 1983;
ProQuest Historical Newspapers: Los Angeles Times
pg. II



Clifton Allen, left, a principal in firm of Kurt Meyer Partners, and Kurt Meyer on field trip in Griffith Park.

'. . . the World Begins to Work Upon Us'

Kurt Meyer Cares About City

By DICK TURPIN, *Times Real Estate Editor*

He epitomizes his profession's constant plea to "get involved" in community affairs.

Architect Kurt Meyer has been wearing two hats for a long time, demonstrating his deep conviction to become part of his city's process of decision-making while conducting a successful practice, now in its 25th year.

His professional hat denotes a respected designer and Fellow of the American Institute of Architects.

The other is a civic chapeau, emblematic of his involvement in community affairs, including his appointment in 1973 to the Community Redevelopment Agency, which he headed as chairman from 1976 to 1978.

Last fall, he was named to the Joint Powers Authority Board, responsible for decisions concerning the proposed new downtown office building for the State of California, planned for 3rd and Spring streets.

Last March, he delivered the keynote address for the conference series on "Downtown Los Angeles: The Urban Revival," sponsored by the Southern California Institute of Architecture.

He believes that the training architects receive uniquely equips them to deal effectively with the complex challenges of contemporary life but he regrets that so few are among community leaders.

"Architects on such a list would have to include Carl Maston, Toshio Terasawa, Ray Ziegler and Mark Hall but the list is far too short. And I don't believe that it comes down to a choice of serving the community or running a successful practice. We have all demonstrated that it is possible to do both," he said.

He founded Kurt Meyer & Associates in 1958. His visible and intimate involvement in civic affairs included membership on the executive committee of the Los Angeles Goals Program in 1965. The next year he became a director of the Hollywood YMCA and in 1968 was elected to the board of directors of the Los Angeles chapter of the AIA.

In 1970, he became a director of the Wilshire Center Chamber of Commerce and served as chairman of the planning and zoning committee. In 1973, the year he was elected to the prized College of Fellows, Meyer was named to the board of directors of the Los Angeles Community Redevelopment Agency by newly elected Mayor Tom Bradley.

That assignment was to lead the Swiss-born architect to one of the most pivotal decisions of his professional career.

In his third year with the CRA, Meyer was asked to serve as vice chairman and became its chairman in his fourth year, 1976.

Before accepting that responsibility, his convictions of civic involvement were really tested.

Serving as a director, he thought, was one thing but the heavy mantle of such authority was quite another, especially when most architects are convinced that they cannot afford the time necessary for meaningful public

Please see KURT MEYER, Page 28

KURT MEYER: Architecture, Civic Work

Continued from First Page

service without financial damage to their firm and career. Even though there would be personal visibility, it would be difficult to remain competitive in his profession, the argument went.

Meyer accepted the post and led the CRA from 1976 through 1978, in critical years of planning for the city's future downtown development. He explained his decision to take on the job with this rationale:

"Architects, in general, have a tendency to criticize other buildings, planning policies, public development decisions and the organizations that carry them out. I believe that one cannot stand aside through the lengthy and difficult decision-making process and then become a 'Monday morning' critic, after the fact. I decided to become a professional *part of the process* and impact the decision-making in a positive way."

He deplored the ease with which meaningful projects can be shelved or killed and how difficult it is to bring complex projects to reality, usually through some reasonable compromise that meets the needs of the majority.

Defends Work of 'Bureaucrats'

"I was not disappointed by my decision (to become chairman) and the experience will never be forgotten. The knowledge I gained could not be acquired at any cost," he added.

He gave little solace to those who "knock" the "bureaucrats" to cover up their own inadequacies. The bureaucracies' staffs he worked with were comparable to the staff professionals in his own office when it came to dedication, qualification and hard work, he declared.

"It was a pleasure to play on the team for a period in my life and to play my part in city building—to bring about Japanese Village Plaza when two previous teams had failed; to retain Broadway as an ethnic shopping street when it was threatened; to direct the Central Library dilemma towards refurbishing the Goodhue building rather than selling the land for development," he said.

Other high points during his tenure included keeping the jewelry industry together in the downtown area; creating elderly and market-rate housing on Bunker Hill; preservation of two of the three Bunker Hill Tower buildings as apartment buildings; design of a feasible downtown transportation system; the bringing of housing to Watts and Pico-Union, and the struggle to bring the Downtown Plan into being.

"How many architects have these opportunities in a lifetime? I'm grateful to have been chosen to serve this marvelous city of ours and that service is the 'thank you' of a young Swiss architect who arrived here dead-broke many years ago," he said.

During his service with the agency, his practice "carried on in spite of having to function frequently on only three cylinders." The firm's projects included a Thousand Oaks office structure, a seven-story financial building in Santa Monica, a Simi Valley master plan for a civic and cultural center, a Fresno State University science building and Huntington Beach Civic Center.

When he left the CRA, Meyer's main focus returned to his practice and the application of his community service experience to client projects. These projects turned out to be numerous and varied. They included:

Exxon's Thousand Oaks headquarters; high-tech industrial buildings near Los Angeles International Airport and in Thousand Oaks; two Los Angeles office buildings, valued at $15 million and $18 million, respectively; a medical clinic in Thousand Oaks; a memorial chapel and tower for Pasadena's Fuller Theological Seminary; subsidized housing for the elderly in Bakersfield, Chino and Anaheim; master plans for the Orange County Civic Center; the San Bernardino County Government Center, and the Reuben Salazar Performing Arts Center at the Plaza de la Raza in Lincoln Park. Salazar, a reporter, had worked for The Times and a Mexican television station and was killed Aug. 29, 1970, while on an East Los Angeles story dealing with minorities.

Name Change for Firm

The silver anniversary of his firm's beginnings coincided with the completion of a major project, the aforementioned, $17-million western regional headquarters building for Exxon Co., and the first construction phase of the $20-million "capitol" for the government complex of San Bernardino county.

The milestone also marked a name change for the firm and the elevation of a longtime associate, Clifton Allen, as a principal in the newly renamed Kurt Meyer Partners.

"Most firms hit milestones one at a time. In our case, it looks like we ran into Stonehenge," he said.

Allen, a graduate of the Massachusetts Institute of Technology, received his degree in architecture at UC Berkeley. His primary role is in housing and planning projects.

With a staff of more than 20 and $100 million in work currently on design boards and under construction, Meyer said his office was ready to move onto a new plateau.

"We still have that personalized service that a small firm can offer but now we can handle any job regardless of size or complexity," he said.

This translates to the capability of acting as advisers in the evaluation of real estate investments, in addition to the usual planning and architectural services. This new activity involves reviewing projects for such major organizations as Metropolitan Life, Aetna, Coldwell Banker, Scudder Realty and Tom Karsten, realty consultant.

Clients recognize that Meyer's experience in development needs for today's projects will provide them with objective as well as professional advice.

Kurt Werner Meyer was born in Zurich and in 1948 concluded his formal training in architecture at the Swiss Federal Institute of Technology. That year he came to New York City determined "to make a better world through architecture."

"The thought that I could fail in this new country never occurred to me but it was more difficult than I expected," the rangy, graying architect recalled.

He came to Los Angeles in 1949 and eventually found work in the architectural department of the Bechtel Corp. In three years, he rose from junior draftsman to chief architectural designer for the industrial division.

In 1958, three years after becoming a United States citizen, he formed his own company, Kurt Meyer & Associates, working mostly in school and financial institutional design. His clients included Financial Federation and financiers Mark Taper and the late Bart Lytton.

By taking a commission other firms didn't want—a high school in Death Valley—Meyer was able to get more school design work. The desert school design won an award and attracted business from the big Los Angeles school district.

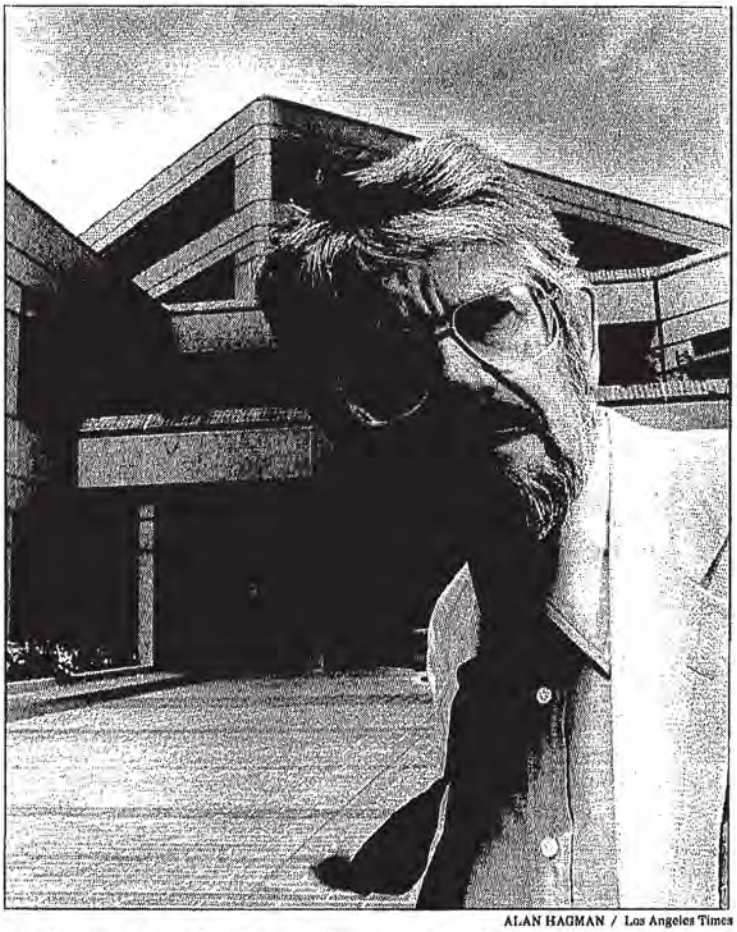
In 1977, he moved his offices into a two-story building he designed and built just inside the historic stone entrance to Hollywoodland at the head of Beachwood Drive in Hollywood. The structure includes a spacious town house for Meyer and his wife, Rosalie.

The Meyers have become global travelers. Their recent visits have included the innermost reaches of China and trekking around Annapurna for 28 days in the Himalayas. In October, they will be off to Bhutan, a small and previously inaccessible kingdom near Nepal.

As in everything he does, the 61-year-old Meyer relates his travels in one fashion or another to his work. He observes:

"The architect may find inspiration in nearly everything he does. I can best express how I feel through a quote from Goethe: 'As soon as we are born, the world begins to work upon us.'"

Frontier Outlook Lives On in Valley, Architect Asserts
Whiteson, Leon
Los Angeles Times (1923-Current File); May 12, 1988;
ProQuest Historical Newspapers: Los Angeles Times
pg. V_B12



ALAN HAGMAN / Los Angeles Times

Kurt Meyer, who designed Exxon's western regional headquarters in Thousand Oaks, says Valley comes close to being "American family's suburban dream."

Frontier Outlook Lives On in Valley, Architect Asserts

By LEON WHITESON

For architect Kurt Meyer, the San Fernando Valley will always remain the outer edge of the metropolis, free of many of the formal constraints that increasingly control the character of Los Angeles' more central districts.

"The Valley still has a frontier feeling in which anything goes," said Meyer. "I strongly believe that feeling should be honored. It should not be submerged under either a homogenizing impulse to overplan, or succumb to too much political and planning control.

"The frontier is our history and our continuing inspiration—and I hope it always will be there for all to see."

In Meyer's view, the Valley is not a shapeless, sprawling suburb or "slurb," as critic Reyner Banham once wrote, but an urban form as valid as any other.

"The Valley is the section of Los Angeles that has come closest to fulfilling the American family's suburban dream of a three-bedroom house with a two-car garage and good-sized yard," he said. "Now the Valley is demonstrating that suburbs can evolve into cities without sacrificing their essential ideal."

Meyer's connection with the West Valley and Ventura County goes back 25 years.

His first Valley commission was the design of a Lytton Savings outlet on Topanga Canyon Boulevard in Canoga Park in the early 1960s. Today the building is owned by Great Western Savings, and the commercial center that surrounds it is named Topanga Plaza.

> 'Now you would be hard put to find two Valley homes built in the 1950s and '60s that are any longer exactly alike.'
>
> Kurt Meyer

Kurt Meyer Partners is engaged in a master plan for Simi Valley's civic center, a plan for San Fernando's central business district, and two projects in Thousand Oaks: a large mixed-use development called Ventura Gateway on Thousand Oaks Boulevard and a land-use study for a 21-acre site in the Rolling Oaks section of the city that will include housing, offices, restaurants and shops.

As an example of the San Fernando Valley's urban evolution, Meyer points to the area's often-derided "cracker-box" dwellings. Built in large numbers in a repetitive style in the post-World War II suburban housing boom, these homes have been personalized by their owners over the years.

"Today the original cracker box has been invariably added to and elaborated, to suit the owners' tastes and to adapt to changing family circumstances," he said. "Now you would be hard put to find two Valley homes built in the 1950s and '60s that are any longer exactly alike."

Meyer added that the business areas of the Valley show a similar adaptability as they become more concentrated into urbanized commercial cores.

"Even in this change of circumstance the

Please see ARCHITECT, Page 15

Exhibit 34

ARCHITECT: 'Frontier' Should Be Honored

Continued from Page 12

frontier feeling of 'anything goes' is expressed in the wide diversity of the architecture," Meyer said.

But this diversity of design can also lead to visual confusion. "In the Valley there will always be a tension between a freedom of expression, which can include sheer bad taste, and the desire for a coherent built environment," he said.

□

When Meyer designed the Lyl-ton Savings building it stood alone in open farmland.

"The May Company store across the boulevard was just starting construction," Meyer recalled. "The area's developers believed that the population would follow, that the locality would eventually become as urbanized as it is today."

It is typical of Meyer's social sensitivity that he worked to create a sense of community in the savings building. A section of the high-ceilinged lobby was set aside for people to sit and enjoy coffee and cookies. An outdoor patio encouraged local retirees to gather and chat.

"I wanted to evoke an aura of the old country store in a Western frontier town," he said. "The coffee urn was the equivalent of the cracker-barrel stove around which folk would get together to gossip, exchange local news and discuss the issues of the day. You must remember that Canoga Park had few such meeting places in those days."

Looking back over the development of Topanga Plaza since the 1960s leaves Meyer with a tinge of disappointment.

"The place did not build upon this early attempt to create a sense of community," he said. "There has been no concern for the coordination of the various commercial bits and pieces, whether socially or architecturally. A feeling of local identity has been lost. Topanga Plaza could be anywhere in the Valley, or in the Western U.S. for that matter. This is a truly great shame."

Meyer blames this loss of local identity on the failure of planning officials to fully determine the local community's wishes.

"In 1945 the Los Angeles County planning department came up with a Valleywide master plan based on the British 'greenbelt' concept," said Meyer. "The idea was to cordon off the Valley's 16 then-identified commercial districts—areas like Encino, Van Nuys, and Canoga Park—from their residential neighborhoods, with open parkland that could never be built upon.

"However, powerful developers challenged the plan in court and won their case. In the climate of the day, growth was king, and effective neighborhood associations were mostly a distant dream."

The population of the Valley, once estimated to reach 900,000 by the end of the century, passed that level by the early 1960s. In this hectic growth all the greenbelts were overrun with housing subdivisions. Few of the original 16 centers could easily be identified from the surrounding development.

Meyer sees a similar, sad situation in the early history of postwar Thousand Oaks, where he has completed several major commissions, including Exxon's western regional headquarters.

As developed by the Janss Corp. in the 1960s, the design of Thousand Oaks' commercial core included little forethought for the infrastructure of road systems and services that would be needed as the city grew.

"Janss did not even bother to put the major power and telephone lines underground," Meyer said. "And the roads the developers built into the original layout really screwed up the traffic circulation patterns."

It took the incorporation of Thousand Oaks in the mid-1960s to remedy this lack of foresight. The young city has had to expend a great deal of energy and money to put its power lines underground and revise its core road systems.

Meyer believes that Thousand Oaks is an instructive instance of a one-time bedroom community that is evolving into a little city in its own right.

"Conejo Valley is looking forward to implementing those amenities that will make it a well-rounded community, beyond satisfying the basic needs of sleeping and eating," he wrote in a text accompanying his Ventura Gateway submission to the Thousand Oaks planning department. "The 'adolescent' looks forward to the fulfillment of a rich community culture which is an intrinsic part of our civilized life."

Meyer believes it is inevitable that certain centers in the Valley will become self-contained urban nuclei or mini-cities. And he already sees a social stratification in the Valley in which the "executives live in the hills and their staffs live down in the flatlands—a traditional L.A. pattern."

The urbanized centers such as Warner Center, Universal City, Sherman Oaks and Topanga Plaza will become a "string of pearls" along major transit arteries such as Ventura Boulevard. Thousands of new jobs have been created in the past 10 years in Warner Center and Universal City. The great advantage of this proximity will be to cut down the kind of long-range commuting that contributes to Los Angeles' traffic congestion.

□

The Swiss-born Meyer, 66, is a former chairman of the Los Angeles Community Redevelopment Agency board. He is president of the Urban Design Advisory Coalition, a group of prominent Los Angeles architecture and urban design professionals and academics.

Meyer arrived in Los Angeles in 1949 with $47 in his pocket and a youthful desire "to help build a better world." Today he lives with his wife, Rosalie, in a custom-designed apartment that adjoins his Beachwood Village studio office, in the shadow of the Hollywood sign.

The Meyers' passion is tramping the high reaches of the Himalayas. Almost every year they take off for several months to trek through the mountain nations of Tibet, Bhutan and Nepal.

"I got used to walking the trails in the Swiss army," Meyer said. "We had to climb hills and cliffs with full military packs and weaponry. It was good training for a would-be mountain goat."

To make time for traveling, and for the public service he considers a vital part of an architect's function, Meyer has turned over much of his office operation to Cliff Allen, a young associate. Allen specializes in the master planning commissions and the multiple housing projects that are becoming a Kurt Meyer Partners speciality.

Meyer's 20-person staff works on a range of projects across the Southland, from Simi Valley to San Bernardino. The San Bernardino County Government Center, completed in 1985, has won awards for an architecture that creates a sense of public identity while symbolizing civic democracy in the developing regions of the Southland.

"Though the Valley remains a frontier, we find today a strong and growing community spirit here," said Meyer. "That spirit, if well-directed, could ensure the Valley's evolution into a more complex and diverse urban environment that is still pleasant to inhabit and enjoy."

Leon Whiteson is a Los Angeles architecture critic.

"The Valley is the section of Los Angeles that has come closest to fulfilling the American family's suburban dream of a three-bedroom house with a two-car garage and good-sized yard. Now the Valley is demonstrating that suburbs can evolve into cities without sacrificing their essential ideal."

Kurt Meyer

3

APPLICATION TO ALTER - REPAIR - DEMOLISH AND FOR CERTIFICATE OF OCCUPANCY

CITY OF LOS ANGELES — DEPT. OF BUILDING AND SAFETY

W

1. LEGAL LOT #5	BLK #56	TRACT Owensmouth Tract	DIST. MAP 7473
2. BUILDING ADDRESS 21831 Sherman Way C.P.		APPROVED	ZONE C-2
3. BETWEEN CROSS STREETS N.E. Cor. Vassar AND Sherman Way			FIRE DIST. #2 80'/80'
4. PRESENT USE OF BUILDING Savings & Loan	NEW USE OF BUILDING Savings & Loan		INSIDE
5. OWNER W.J. Schellberg	PHONE		(COR. LOT) 80'
6. OWNER'S ADDRESS 21851 Sherman Way	P.O. Canoga Park	ZONE	LOT SIZE 97.5X220
7. CERT. ARCH. Kurt W. Meyer	STATE LICENSE C-1951	PHONE No. 3-5957	
8. LIC. ENGR. Carl Johnson	STATE LICENSE S.E. 531	PHONE RY 18601	(REAR ALLEY) 20'
9. CONTRACTOR Calif. Struct. Inc.	STATE LICENSE	PHONE DI. 0-1596	BLDG. LINE 10'
10. CONTRACTOR'S ADDRESS	P.O.	ZONE	AFFIDAVITS

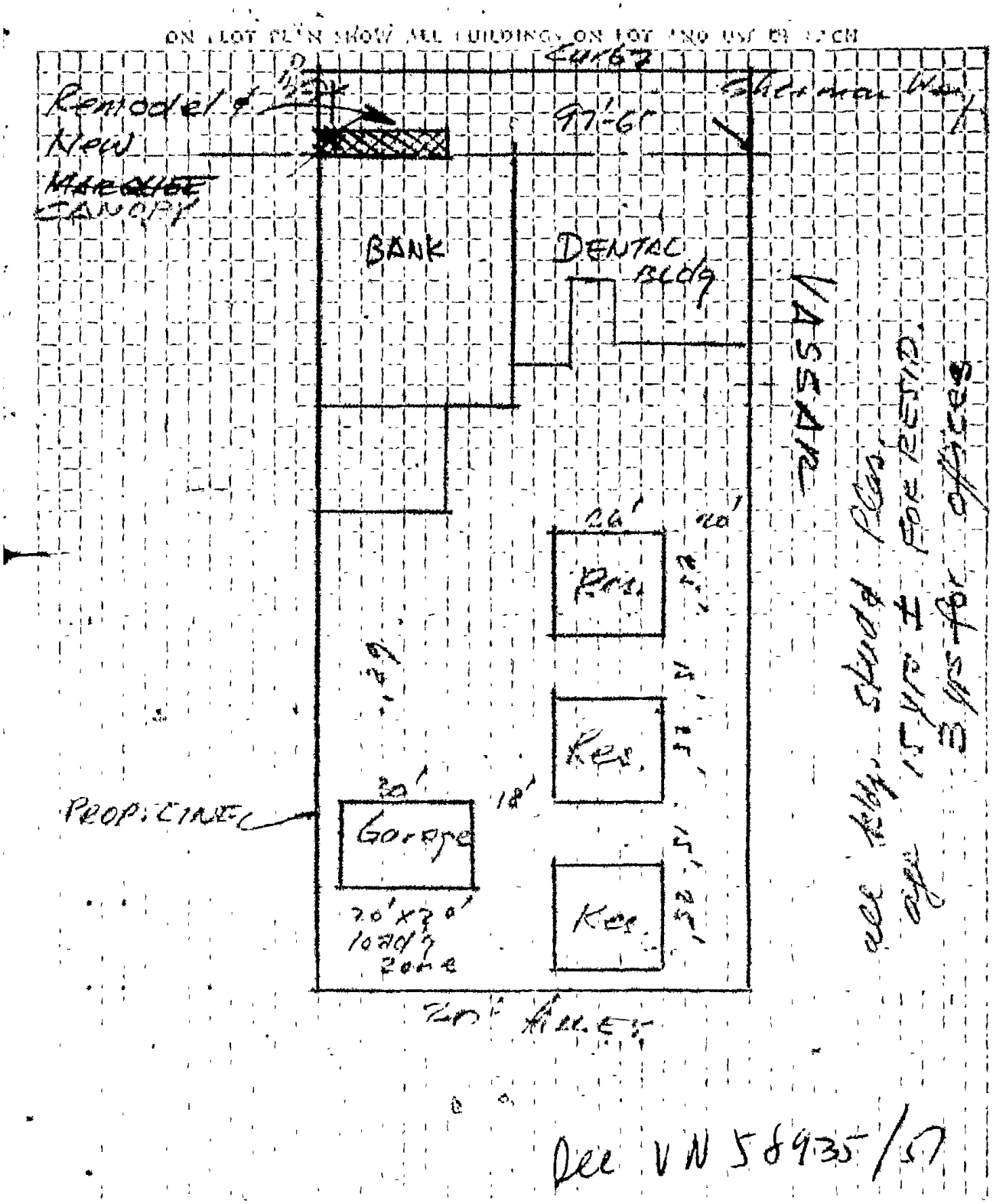
11. SIZE OF EXISTING BLDG. 47'2"X60'	STORIES 1	HEIGHT 20'	NO. OF EXISTING BUILDINGS ON LOT AND USE (6) Dental Office&Dwell Garage & Store		BLDG. AREA 3570'
12. MATERIAL EXT. WALLS: ☐ WOOD ☒ STUCCO ☐ METAL ☐ BRICK ☒ CONC. BLOCK ☐ CONCRETE	ROOF CONST. ☒ WOOD ☐ CONC. ☐ STEEL ☐ OTHER	ROOFING Compo	SPRINKLERS REQ'D. SPECIFIED No.		
3 XXX 21831 Sherman Way		DISTRICT OFFICE Van Nuys			

VALIDATION VN60062	CASHIER'S USE ONLY Sept. 3, 1957 67293				
TYPE I	GROUP G-1	MAX. OCC. 35	SEP -6 1957 VN60062		
C. OF O. ISSUED					
INSPECTOR	P.C. $3.00	S.P.C.	B.P. 9	I.F.	O.S. C/O

13. VALUATION: TO INCLUDE ALL FIXED EQUIPMENT REQUIRED TO OPERATE AND USE PROPOSED BUILDING. $ 2,000			DWELL. UNITS 0
14. SIZE OF ADDITION 6'x36' STORIES HEIGHT	VALUATION APPROVED V.O'Connor		PARKING SPACES —
15. NEW WORK: EXT. WALLS ROOFING Remodel Front-Add Marquee & 2 Cols. for sign (Sign under separate permit)	APPLICATION CHECKED		GUEST ROOMS —
	PLANS CHECKED		FILE WITH VN 58935/57
I certify that in doing the work authorized hereby I will not employ any person in violation of the Labor Code of the State of California relating to workmen's compensation insurance.	CORRECTIONS VERIFIED		CONT. INSP. —
SIGNED Kurt W. Meyer	PLANS APPROVED		
This Form When Properly Validated is a Permit to Do the Work Described.	APPLICATION APPROVED		

Form B-3 INSTRUCTIONS: 1. Applicant to Complete Numbered Items Only. 2. Plot Plan Required on Back of Original. 5482 ebm

Exhibit 36


ON LOT PLAN SHOW ALL BUILDINGS ON LOT AND USE BLOCK
Remodel &
New
MARQUEE
CANOPY
BANK
DENTAC
BLDG
Res.
Res.
Res.
PROPOSED
Garage
20' X 20'
LOADING
ZONE
20' STREET
ALSTAR
See VN 58935/57




Home of
YTTON SAVINGS
& LOAN ASSOCIATIO
VALLEY BRANCH
Completion JUNE 196
PRESENT ADDRESS - 2860 SHERMAN
CANOGA PARK

Exhibit 38



gri_2004_r_10_b269_f01_004.jpg

Exhibit 39



PHOTOGRAPH BY DUSTIN SNIPES, INSET PHOTO © ED RUSCHA / COURTESY THE ARTIST AND GAGOSIAN GALLERY

Googie Maps

May 15, 2013 | Eric Mercado | L.A. History | 2 Comments

Decades before the Google Street View car roamed your neighborhood, pop art icon Ed Ruscha provided his own panoramic take of the Sunset Strip. Mounting a Nikon in the bed of his pickup, he set out one Sunday morning in 1966 to capture every business lining the famous boulevard, including Lytton Savings and Loan (inset), with its accordion-like roof. An adjacent hot dog stand, the Plush Pup, paid homage with a similar roofline. Lytton is now a Chase Bank, while its mini doppelgänger is home to Pinches Tacos (and a stuccoed-over facade). If you sneak a peek at the building's well-preserved backside, however, you can see it in its former zigzag glory. Ruscha's project was immortalized in a 27-foot foldout book, which has become a collectible.

Where: Lytton Savings and Loan, 8150 W. Sunset Blvd., Hollywood

Elapsed time: 47 years

TAGS: SUNSET STRIP, TIME FRAME

Exhibit 40

Exteriors 8150 W Sunset Boulevard



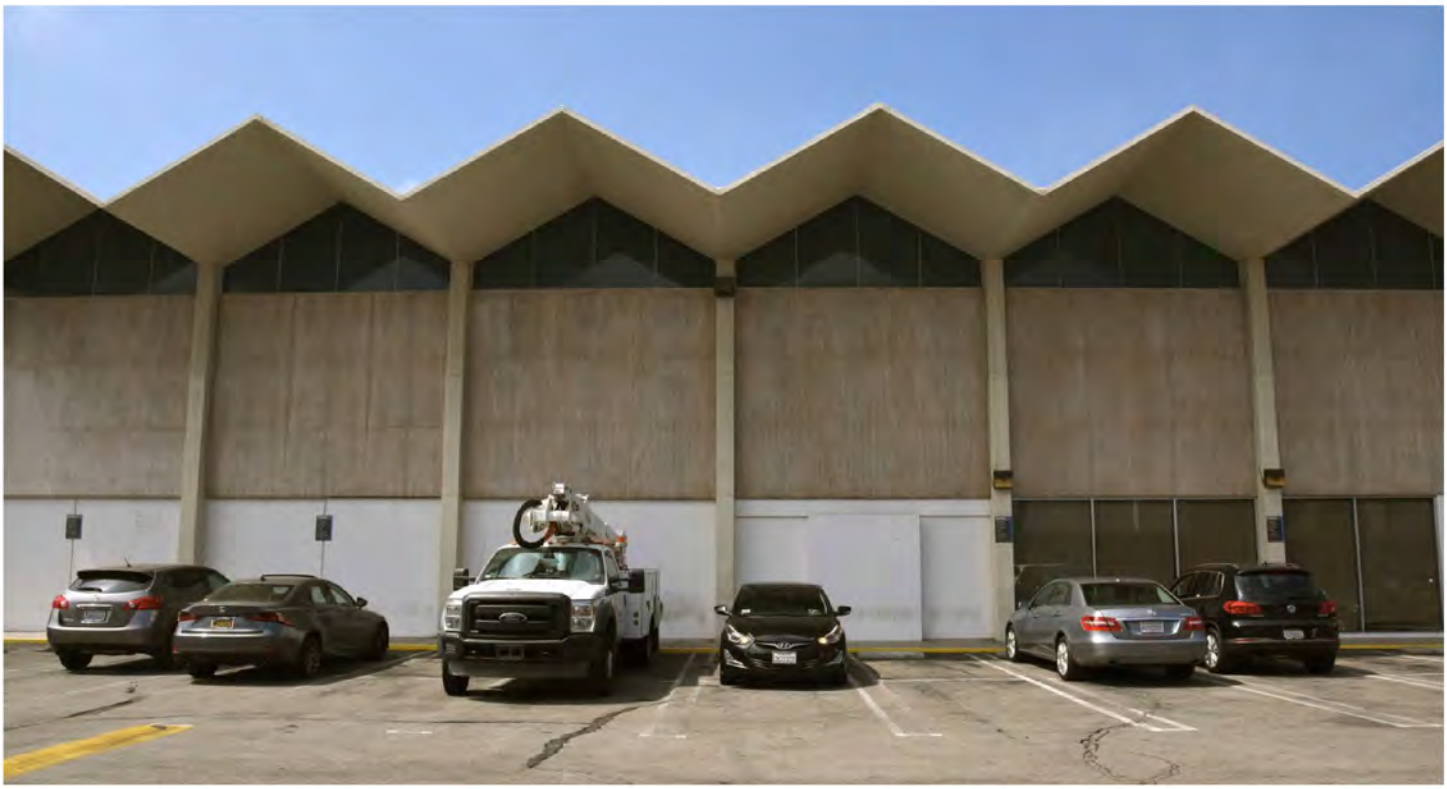
North elevation of Lytton Savings, view south. (2016) Photo Keith Nakata



West and North elevation of Lytton Savings, view southwest. (2016) Photo Keith Nakata



East elevation of Cantilevered Second Floor and Front Entrance, looking west (2016) Keith Nakata



South Elevation with Travertine Walls and Folded Plate Roof, looking north (2016) Keith Nakata



South and east elevation, view northwest. (2016) Photo Keith Nakata



South and east elevation, view northwest. (2016) Photo Keith Nakata



South Elevation, view northeast (2016) Keith Nakata



South Elevation, view north (2016) Keith Nakata



North elevation, view southeast. (2016) Photo Keith Nakata





David Green Sculpture "The Family", view south



Northeastern Corner Stairwell view west (2016) Keith Nakata



Northeastern Corner Stairwell view south (2016) Keith Nakata



Planter Southwest Corner, origanal planting (2016) Steve Luftman



Exterior Set of Stairs to Secondary Entrance, southwest corner, view northwest (2016) Steve Luftman

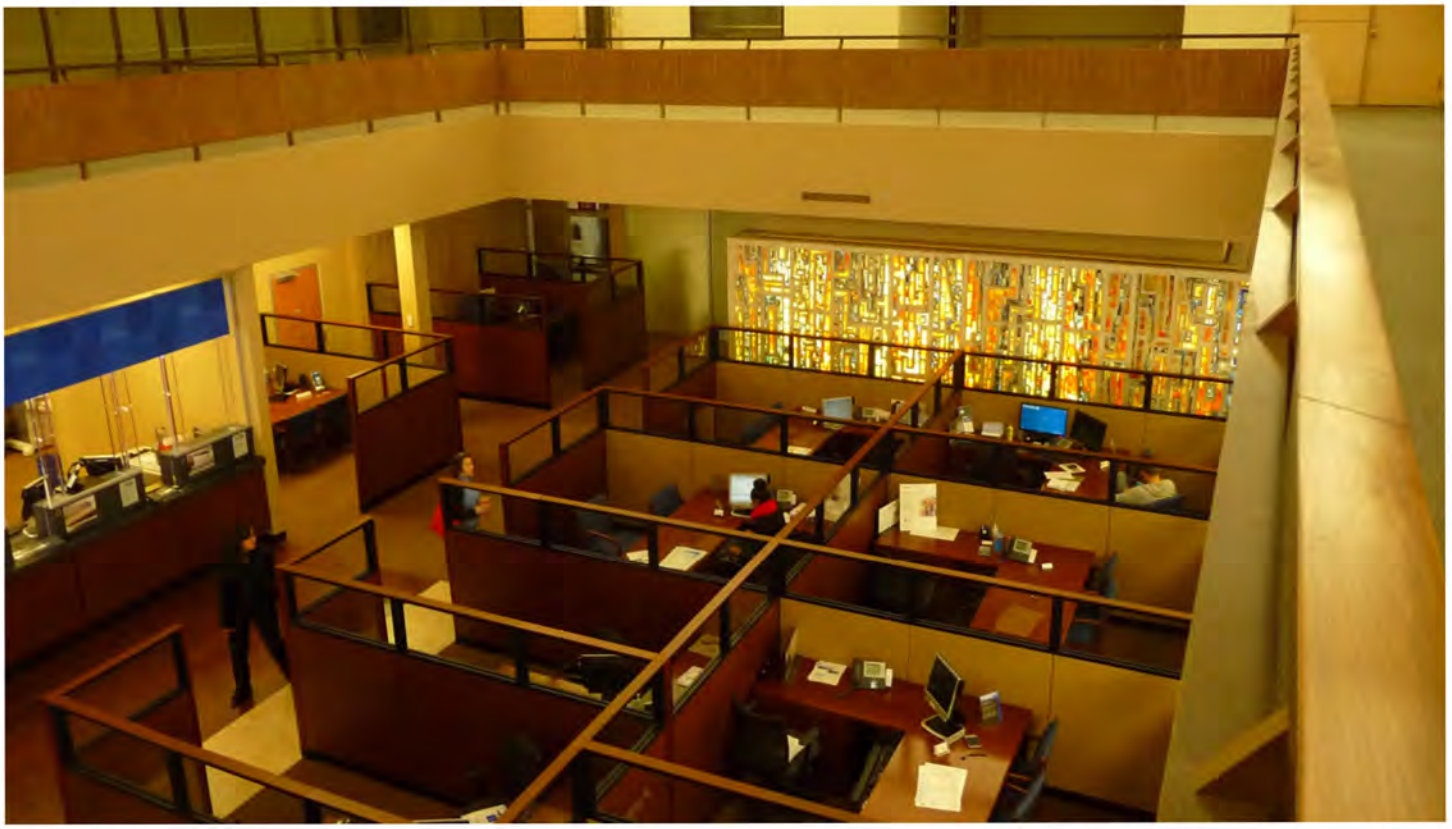


Fascia of Executive Office awning, southwestern corner, looking west (2016) Steve Luftman



Bouquet Canyon Stone Wall of Executive Office Wing, south elevation, view northwest (2016) Steve Luftman

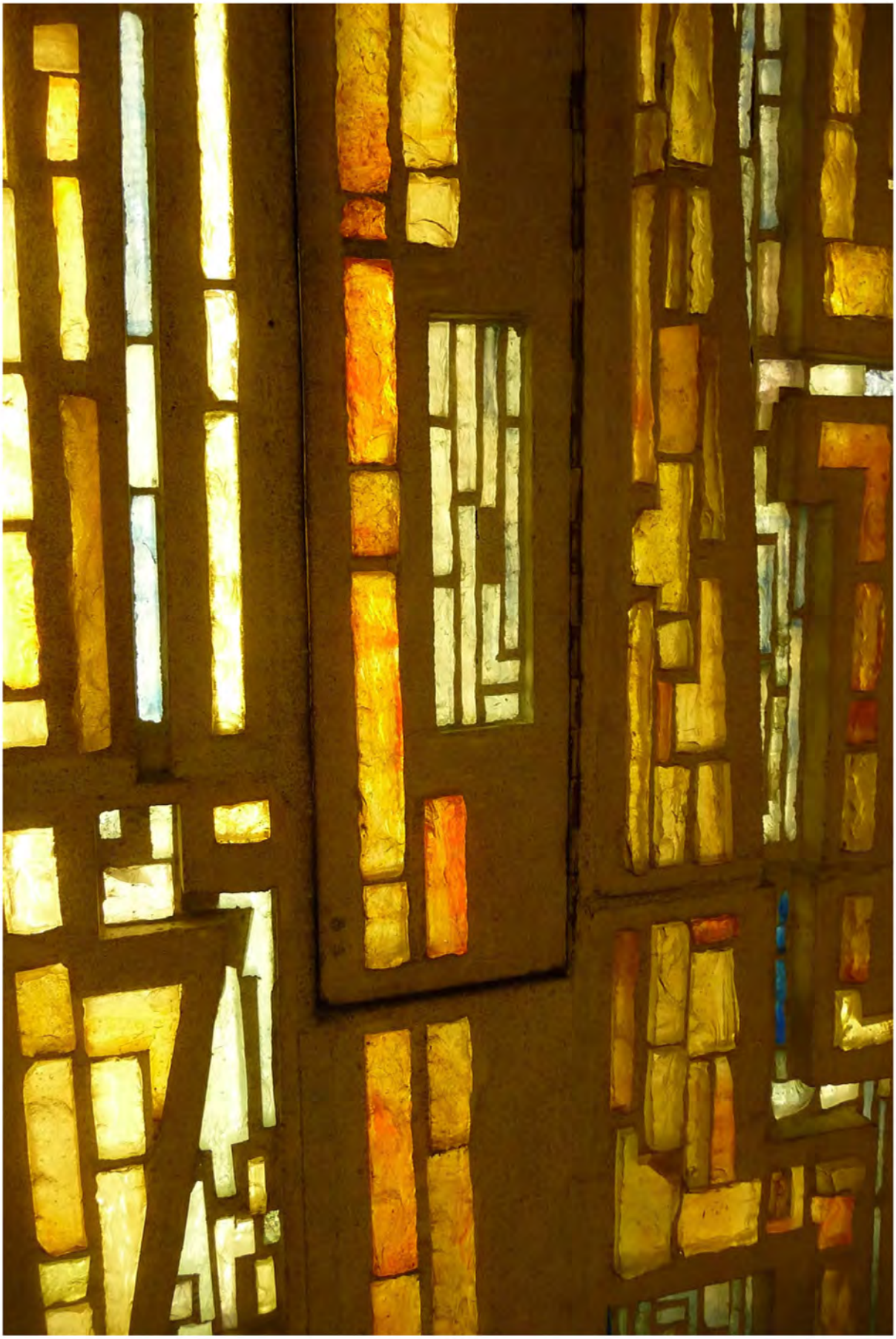
Interiors 8150 W Sunset Boulevard.



Interior View from Second Floor Balcony Overlooking Ground Floor toward Dalle de Verre Screen, view southwest (2016) Adrian Fine



Dalle de Verre Screen Designed by Roger Darricarrere. Detail (2016) Adrian Fine



Dalle de Verre Screen Designed by Roger Darricarrere. Detail (2016) Adrian Fine



Interior View of Folded Plate Roof Design (2016) Adrian Fine



Northeastern Corner Floating Staircase Encased in Glass-Banister Detail (2016) Adrian Fine



Northeastern Corner Floating Staircase Encased in Glass First Floor, looking northeast (2016) Adrian Fine

Historic photographs 8150 W Sunset Boulevard.



North Elevation, view south (1960) Photo Julius Shulman. J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



North Elevation, view southeast (1960) Photo Julius Shulman. J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



North Elevation view southeast (1960) Photo Julius Shulman. J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



North Elevation view southeast (1960) Photo Julius Shulman. J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



South and East Elevations, looking northwest (1960) Photo Julius Shulman.
J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



South and East Elevations, looking northwest (1960) Photo Julius Shulman.
J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



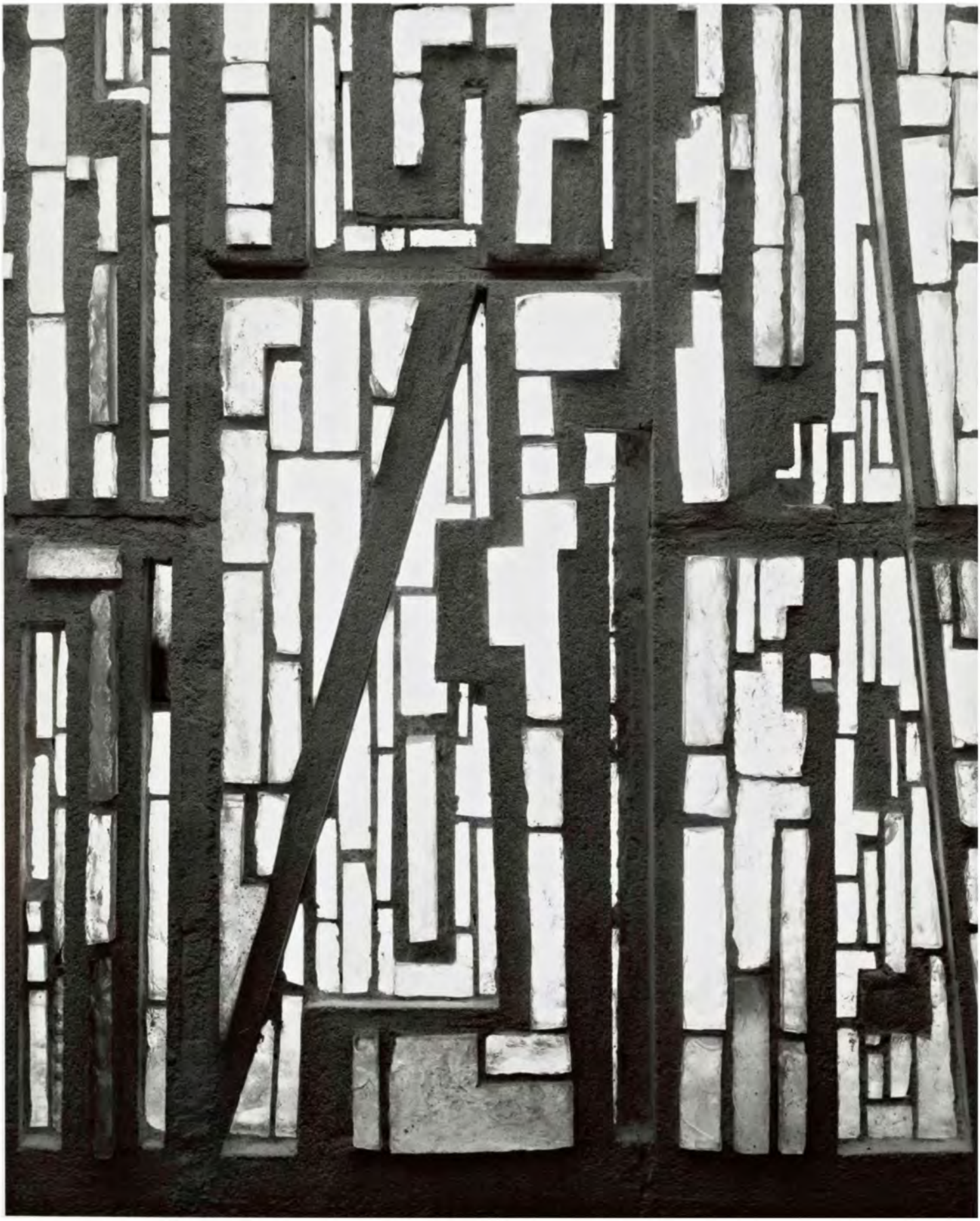
David Green Sculpture "The Family", view northwest (1960) Photo Julius Shulman.
J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



Interior of Ground Floor, view southeast (1960) Photo Julius Shulman.
J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



Interior Balcony With Folded Plate Roof and Ground Floor Offices (1960) Photo Julius Shulman.
J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



Dalle de Verre Screen, detail. Designed by Roger Darricarrere. Detail (1960) Photo Julius Shulman.
J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



Dalle de Verre Screen Designed by Roger Darricarrere. Detail (1960) Photo Julius Shulman.
J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)



Bart Lytton's office and private patio, view northwest (1960) Photo Julius Shulman.
J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)

SurveyLA
Los Angeles Historic Resources Survey

Historic Resources Survey Report
Hollywood Community Plan Area





Prepared for:

City of Los Angeles
Department of City Planning
Office of Historic Resources

Prepared by:

HISTORIC RESOURCES GROUP
Pasadena, CA

August 2011
Revised, November 2015

Context 2:

Context:	Other Context, 1850-1980
Theme:	Event or Series of Events, 1850-1980
Property type:	Residential
Property sub type:	Single-Family Residence
Criteria:	A/1/1
Status code:	QQQ
Reason:	Research indicates this is the residence of Hollywood film director George Cukor. Significant for association with LGBT history as a gathering place for gays in Hollywood. However, the property is not visible from the public right-of-way; therefore, the evaluation could not be completed. More research is needed to determine the period of significance.



Primary Address: 1443 N CRESCENT HEIGHTS BLVD

Other Address:
1435 N CRESCENT HEIGHTS BLVD
1435 1/2 N CRESCENT HEIGHTS BLVD
1437 N CRESCENT HEIGHTS BLVD
1437 1/2 N CRESCENT HEIGHTS BLVD
1439 N CRESCENT HEIGHTS BLVD
1439 1/2 N CRESCENT HEIGHTS BLVD
1441 N CRESCENT HEIGHTS BLVD
1441 1/2 N CRESCENT HEIGHTS BLVD
1466 N HAVENHURST DR
1470 N HAVENHURST DR
1474 N HAVENHURST DR
1480 N HAVENHURST DR
1486 N HAVENHURST DR
8148 W SUNSET BLVD
8150 W SUNSET BLVD
8152 W SUNSET BLVD
8154 W SUNSET BLVD
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8172 W SUNSET BLVD
8174 W SUNSET BLVD
8176 W SUNSET BLVD
8178 W SUNSET BLVD
8180 W SUNSET BLVD
8182 W SUNSET BLVD

Name: Lytton Savings

Year built: 1960

Architectural style: Modern, Mid-Century

Copyright © 2011

Context 1:

Context:	Commercial Development, 1850-1980
Sub context:	No Sub-context
Theme:	Banks and Financial Institutions, 1870-1980
Sub theme:	No SubTheme
Property type:	Commercial - Finance
Property sub type:	Bank/Saving & Loan
Criteria:	A/1/1 & C/3/3
Status code:	3S;3CS;5S3
Reason:	Excellent example of a 1960s savings and loan building in Hollywood. Constructed by the Lytton Savings and Loan Association, originally established in 1954 by Bart Lytton. This building served as Lytton's headquarters, and the lower level contained an exhibition space and screening room called The Lytton Center for the Visual Arts, which operated from 1965 to 1968. At its peak, Lytton's financial empire represented one-fifth of all savings and loan assets in the United Savings. The building has been in continuous operation as a bank since its construction.

Context 2:

Context:	Architecture and Engineering, 1850-1980
Sub context:	L.A. Modernism, 1919-1980
Theme:	Post-War Modernism, 1946-1976
Sub theme:	Mid-Century Modernism, 1945-1970
Property type:	Commercial
Property sub type:	No Sub-Type
Criteria:	C/3/3
Status code:	3S;3CS;5S3
Reason:	Excellent example of Mid-Century Modern bank architecture in Hollywood; work of noted Los Angeles architect Kurt Meyer and Associates. The building received the Los Angeles Beautiful Certificate of Excellence in 1962 for its architectural landscaping. The building's interior features a monumental wall-screen of slab glass designed by Roger Darricarrere, his first commercial commission. Outside the building, a bronze statue entitled "The Family" was created by David Green, commissioned by Lytton Savings.

Copyright © 2011

LYTTON SAVINGS
8150 WEST SUNSET BOULEVARD
CHC-2016-2522-HCM
ENV-2016-2523-CE
Council District 4

LETTERS FROM MEMBERS OF THE PUBLIC

Melissa Jones <melissa.jones@lacity.org>

lytton savings

rosalielazarus@roadrunner.com <rosalielazarus@roadrunner.com> Thu, Aug 11, 2016 at 8:46 AM
To: melissa.jones@lacity.org

Please help the LA Conservancy save the bank building. We Angelinos have lost soo much of our history. I remember losing The Garden of Allah that was located there and now I want to save it's replacement before it is to late. /thank you for helping. Rosalie Lazarus

Melissa Jones <melissa.jones@lacity.org>

Lytton Savings

1 message

powellarch@aol.com <powellarch@aol.com> Sat, Aug 6, 2016 at 6:37 PM
To: melissa.jones@lacity.org, cd4.issues@lacity.org, julia.duncan@lacity.org, FriendsofLyttonSavings@gmail.com

6 August 2016

Thank you everyone for supporting Lytton Savings. You have no idea of how proud of you I am. It is not just an example of mid-century architecture: it is an amazing piece of architecture for the ages. As an architect, it always surprises me just how much I admire it every time I see it.

It has been my sincere hope that this could be saved. The Cinerama Dome and The Formosa Cafe are just two examples of how cultural institutions and fine architecture can work with and enhance a new project.

Thank you again,

Sincerely,

John Powell, AIA

Melissa Jones <melissa.jones@lacity.org>

8150 Sunset, New York developers & Donald Trump connection.

1 message

michael grace <mlpgrace@gmail.com> Thu, Aug 4, 2016 at 2:08 PM
To: steve.latourette@nytimes.com

Steve:

It seems the cultural heritage are going to consider the efforts to save the Lytton Savings building much to the chagrin of the political appointees on the planning commission. The Trump and Christie connection to the Gehry endeavor are mind-bobbling. The New York types running the 8150 Sunset project certainly kept this buried. In Los Angeles where political correctness and diversity is an obsession the 8150 Sunset "team" are all white guys! Garcetti's buddies like the president of the planning commission.

Michael

www.cruisingthepast.com



Screen shot 2016-08-03 at 10.17.20 PM.png
322K

Lytton Savings

1 message

Rob Lewine <rob@roblewine.com> Sat, Aug 6, 2016 at 1:28 PM
To: cd4.issues@lacity.org
Cc: melissa.jones@lacity.org, julia.duncan@lacity.org, FriendsofLyttonSavings@gmail.com

Thanks so much, Councilperson Ryu and the Cultural Heritage Commissioners, for supporting the HCM designation for the Lytton Savings building.

L.A. has been careless in its disregard for historic structures. Once demolished, of course, these buildings don't get re-built. It's still possible to preserve what's left of the city's heritage. Your advocacy is making a difference.

Best,

Rob Lewine

Rob Lewine

Los Angeles, CA 90046 USA

rob@roblewine.com

www.fotoliterate.com

www.behance.net/lewine

Lytton Savings

1 message

Rob Lewine <rob@roblewine.com> Sat, Aug 6, 2016 at 1:28 PM
To: cd4.issues@lacity.org
Cc: melissa.jones@lacity.org, julia.duncan@lacity.org, FriendsofLyttonSavings@gmail.com

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Best,

Rob Lewine

Rob Lewine

Los Angeles, CA 90046 USA

rob@roblewine.com

www.fotoliterate.com

www.behance.net/lewine

Melissa Jones <melissa.jones@lacity.org>

Lytton Savings building

1 message

Dan Silver <dsilverla@me.com> Sat, Aug 6, 2016 at 10:56 AM
To: melissa.jones@lacity.org, cd4.issues@lacity.org, julia.duncan@lacity.org
Cc: FriendsofLyttonSavings@gmail.com

Gentle persons:

Thank you for your actions on Lytton Savings. This means a lot to the City's cultural heritage. Please press on.

Dan Silver

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

Melissa Jones <melissa.jones@lacity.org>

CASE NO. CHC-2016-2522-HCM ENV-2016-2523-CE

1 message

Tamara Bergman & Michael Schwartz <sbsierra@gmail.com> Thu, Aug 4, 2016 at 9:43 AM
To: melissa.jones@lacity.org, cd4.issues@lacity.org, ryu <julia.duncan@lacity.org>, FriendsofLyttonSavings@gmail.com, Lesley O'Toole <lesleyotoole@gmail.com>, bruce remick <Bruce@bruceremick.com>, Cheryl Holland <hollandc@me.com>, Michael & Tamara Schwartz & Bergman <sbsierra@gmail.com>

To: The Cultural Heritage Commission

Re: Lytton Savings 8150 Sunset Blvd. LA 90046

We are writing on behalf of Sunset and Spaulding Sq, an HPOZ and a pending HPOZ within 3 blocks from the property. We represent over 600 homes and over 1000 residents who live in close proximity to this fantastic culturally significant building. We strongly support the nomination of this building as a cultural landmark.

This is our neighborhood.

The architectural features of this building are iconic and wonderful examples of the period. Many of us are long time residents and remember when this building was built.
At the time and over the years, people would come from around the city to see the building and the beautiful landscaping and sculptures around the site.

Please protect our history in Los Angeles. We are doing our part, we need you to help us protect what we have left of Hollywood and Los Angeles' architectural
history.

Thanks,
Tamara Bergman and Cheryl Holland on behalf of Sunset Sq (Pending HPOZ)
Bruce Remick and Lesley O'Toole on behalf of Spaulding Sq. (HPOZ since 1995)

L Y N N R U S S E L L

A R T . A N T I Q U E S . D E S I G N

August 3, 2016

CULTURAL HERITAGE COMMISSION
OFFICE OF HISTORIC RESOURCES
LOS ANGELES DEPARTMENT OF CITY PLANNING
200 N. SPRING ST., ROOM 559
LOS ANGELES, CA. 90021

RE: CASE NO. CHC-2016-2522-HCM
ENV-2016-2523-CE
LYTTON SAVINGS BANK

Dear Commissioners,

It would be hard to believe that one would fail to find inspiration in Modern Masters Award recipient Kurt Meyer's elegant Mid-Century Lytton Savings Bank building on Sunset Boulevard. The uniquely articulated elements are timeless and one simply cannot find another one like it.

Preservation of this jewel box of a building is not only important but it presents a unique opportunity to be included in the continuing architectural language of the area's development. Such practice is often embraced in the UK and Europe notably John McAslan+Partners renovation including re-use, restoration and new build of London's King's Cross Station. Here we have the Wallis Annenberg Center in Beverly Hills as an addition to the original classical post office and the Marion Davies Guest House incorporation into the Annenberg Community Beach House in Santa Monica.

When challenges like these are skillfully handled, the fabric of the community remains in tact along with a sense of place important to every resident and visitor. The surrounding neighborhood of numerous

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and diverse, notable landmark structures exist in harmony with the very interesting, irreplaceable low profile Lytton Savings building

The authenticity of the Los Angeles architectural and cultural story will be strengthened by architects that provide an accurate visual dialogue rather than erasing it at the hands of development without social responsibility. While some may skillfully attempt to talk you past the focus of this preservation opportunity because it may be "in the way" of development plans, please grant designation on the outstanding merits of the Lytton Savings Building itself.

Sincerely,

Lynn Russell

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WEST HOLLYWOOD PRESERVATION ALLIANCE

August 3, 2016
Submitted Electronically

Los Angeles Cultural Heritage Commission
c/o Office of Historic Resources
Department of City Planning
200 North Spring Street, Room 559
Los Angeles, CA 90012

RE: Historic-Cultural Monument Nomination of the Lytton Savings Bank, 8150 West Sunset Boulevard

Dear Members of the Cultural Heritage Commission:

The West Hollywood Preservation Alliance (WHPA), whose mission statement includes preservation of historic structures in our adjacent communities, fully supports the preservation of the important Kurt Meyer Lytton Savings Building. We urge the Cultural Heritage Commission to adopt the report findings and approve Lytton Savings as a Historic-Cultural Monument per Los Angeles Administrative Code Chapter 9, Division 22, Article 1, Section 22.171.10.

Of the 20 financial institution structures built by Meyer, Lytton Savings is considered the apotheosis of his visual style and an important achievement in his canon of work. The building is a stellar example of postwar bank architecture exhibiting innovative use of materials, an integrated art program, and a high level of craftsmanship. As an archetypal example of California mid-century-modern design, this largely unaltered, intact structure -- with its zigzag folded plate roofline, clerestory windows, marble and stained glass detailing, and high style interior floating staircases -- is a one of a kind masterwork and deserves its place in the canon of Los Angeles architectural history.

Sincerely,

Roy Rogers Oldenkamp
Board President, West Hollywood Preservation Alliance

Cc:
City of Los Angeles Office of Historic Resources, Ken Bernstein and Melissa Jones
City of Los Angeles Councilmember David Ryu, 4th District
Friends of Lytton Savings
City of West Hollywood Mayor Lauren Meister and Councilmembers John D'Amico, John Duran, John Heilman and Lindsey Horvath

PO BOX 46073, West Hollywood CA 90046-0073 www.westhollywoodpreservationalliance.org

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Melissa Jones <melissa.jones@lacity.org>

CASE NO. CHC-2016-2522-HCM ENV-2016-2523-CE

1 message

AlexJayKaufman@aol.com <AlexJayKaufman@aol.com> Wed, Aug 3, 2016 at 4:53 PM
To: melissa.jones@lacity.org, cd4.issues@lacity.org, julia.duncan@lacity.org, FriendsofLyttonSavings@gmail.com

To whom it may concern

I am a property owner in Spaulding Square, the HPOZ zone that comprises Orange Grove, Ogden, Genesee and Spaulding Avenues between Sunset and Fountain. In common with most of my neighbors, I am extremely upset at the recent turn of events concerning the oversized behemoth of a proposed development at 8150 Sunset Boulevard. Public safety, common sense and the opinions of local residents have been set aside in favor of greedy developers.

There is zero regard for the history of this critical area of our city and no interest in preserving beautiful buildings so integral to the famed look of the Sunset Strip, the former Lytton Savings Building being just one. Kurt Meyer, its groundbreaking architect, was instrumental in setting up the Los Angeles Conservancy for this very purpose and knew years ago the value of protecting what is nothing less than great art. I am most unhappy that Townscape Partners has been given approval to destroy this gorgeous Mid-century Modern building, designed with its signature zigzg roof to appeal to the city's auto culture. On a personal note, my first savings account as a child was at the Great Western Savings at that location.

Please, do the right thing, and grant the former Lytton Savings Building its deserved designation as a historic cultural monument. It is nothing less, and so much more.

Best,
Alex Kaufman,
Los Angeles
323-798-5078

CASE NO. CHC-2016-2522-HCM ENV-2016-2523-CE

1 message

Lesley O'Toole <lesleyotoole@gmail.com> Wed, Aug 3, 2016 at 4:34 PM
To: melissa.jones@lacity.org, cd4.issues@lacity.org, julia.duncan@lacity.org, FriendsofLyttonSavings@gmail.com

To whom it may concern

I am a property owner in Spaulding Square, the HPOZ zone that comprises Orange Grove, Ogden, Genesee and Spaulding Avenues between Sunset and Fountain. In common with most of my neighbors, I am absolutely devastated at the recent turn of events concerning the oversized behemoth of a proposed development at 8150 Sunset Boulevard. Public safety, common sense and the opinions of local residents have been set aside in favour of unbridled greed (the developers gleefully announce they expect to make a $52 million profit).

There is zero regard for the history of this critical area of our city and no interest in preserving beautiful buildings so integral to the famed look of the Sunset Strip, the former Lytton Savings Building being just one. Kurt Meyer, its groundbreaking architect, was instrumental in setting up the Los Angeles Conservancy for this very purpose and knew years ago the value of protecting what is nothing less than great art. The poor man died two years ago but is rolling in his grave, should he have one,now that Townscape Partners has been given approval to destroy this gorgeous Mid-century Modern building, designed with its signature zigzg roof to appeal to the city's auto culture.

Los Angeles is not Manhattan nor Las Vegas yet developers are being allowed to pay actors to speak and read scripts in an effort to have their plans for ridiculous buildings approved. How can this be legal or condoned by anyone with a shred of integrity?

Please, do the right thing, and grant the former Lytton Savings Building its deserved designation as a historic cultural monument. It is nothing less, and so much more.

Best
Lesley O'Toole

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Lesley O'Toole
Los Angeles
office: 323 882 6268
mobile: 323 397 6319

Let's Save the Lytton Savings Bank Building, a Marvel of Mid-Century Modern Architecture

The Lytton Savings Bank Building is currently threatened with demolition to create a parking structure. The building features architectural design elements that were innovative at the time of its construction and retains its architectural integrity with most of its design features intact.

The pleated roof was a new experimental design element in the early 1960s. It had been used by architect Donald Wexler in his steel houses of Palm Springs. This feature consists of pre-caste concrete panels attached to each-other in a pleated fashion; a new concept in building design at the time. The building also features the use of decorative concrete block, window walls and a free floating staircase; details which were distinctive architectural features of the time.

The bank was designed for drive-in banking a new concept at the time and a product of Los Angeles' "car culture" like the Drive-in Googie restaurants, Dingbat Apartments and Drive-In Movie Theaters of the Mid-Century Modern Era; all conveniences for our use of the automobile and major themes in the development of this city with its vast freeway system unequaled anywhere else on the planet at the time.

The Lytton Bank building is unique. There is no other building like it along the entire stretch of Sunset Blvd. It is a Mid-Century Modern Commercial Structure in a neighborhood filled with many examples of historic residences like the Chateau Marmont across the street. Though of a later era, it fits in well with its many architecturally distinguished neighbors!

The building retains its architectural integrity: pleated roof, window walls, floating staircase, the use of decorative concrete block details and retaining walls. Its has a wonderful scale and symmetry and makes a bold statement along Sunset Blvd., despite its modest size. It qualifies as Historically Significant under the National, California and City of Los Angeles Criteria as it is a significant example of a distinctive architectural style. It is a Hallmark of Mid-Century Modern Design!

There have been many successful examples of saving such buildings by incorporating them into new developments.

A case in point is the Stuart Pharmaceutical Building in Pasadena. This Mid-Century marvel was designed by the noted architect Edward Durell Stone. When LAMetro developed the site adjacent to the Madre Villa Station of the Goldline as a transit oriented development, the building was incorporated into the plan for the apartment complex by the developer and now serves as the public space and offices for the complex. It is now the architectural showcase at the center of this complex of over 212 apartments.

The Lytton Savings Bank Building could also be adapted for such re-use. Since it sits on the corner of the site, it allows for the rest of the project to be constructed around it.

In January of last year, while I was serving as the Environmental, Beautification and Preservation Chair for the Hollywood Hills West Neighborhood Council and PLUM Committee, the developer made a presentation to us about this project. At that time they promised to preserve the building.

Later, with the change in the architectural team to Frank Gehry Associates the developer reneged on their promise and stated their intent to demolish the building.

With the previous larger planned development of over 450 units, they stated it was necessary to demolish the building for the construction of an underground parking garage. Now that does not need to be the case since the project has been greatly scaled down.

The HHWNC has voted in support of the preservation of the building.

Really, would the City allow the demolition of this building to create parking spaces?

That would be a travesty.

If you would like, I would be happy to arrange a tour of the Stuart Pharmaceutical Building in Pasadena so the Committee can see how a wonderful Mid-Century Modern Building can be successfully incorporated into a similar size project and re-used effectively.

Sincerely yours,

Carl Peter Ripaldi
Former Environmental, Beautification and Preservation Chairman,
The Hollywood Hills West Neighborhood Council

Member of Hollywood Heritage
Member of Los Angeles Conservancy
Member of the National Trust for Historic Preservation
Member of the Nevada Trust for Historic Preservation