William Lamborn <william.lamborn@lacity.org>

(no subject)

2 messages

Karen Smalley <karen.smalley@gmail.com> Wed, Jun 8, 2016 at 4:30 PM
To: william.lamborn@lacity.org

Dear Mr. Lamborn,

Among the many concerns regarding the 8150 Sunset Project is one of critical historic preservation.

The Lytton Savings Bank - currently Chase - should be preserved both for its outstanding mid-60s architecture as well as its place in the cultural heritage of the city of Los Angeles.

Previous plans to redevelop the Crescent Heights and Sunset intersection incorporated the Lytton building into their plans. Any design, including that of Frank Gehry, must do the same.

Please help us save this historic property.

Best regards,

Karen Smalley

Karen Smalley
1212 S. Orlando Ave
Los Angeles, CA 90035
karen.smalley@gmail.com
310-994-2515

William Lamborn <william.lamborn@lacity.org> Wed, Jun 8, 2016 at 4:51 PM
To: Karen Smalley <karen.smalley@gmail.com>

Thank you for your comments. They have been received and will be included in the public record for the subject project.

Regards,
William Lamborn
[Quoted text hidden]
--

William Lamborn
Major Projects
Department of City Planning
200 N. Spring Street, Rm 750
Ph: 213.978.1470
Please note that I am out of the office every other Friday.

William Lamborn <william.lamborn@lacity.org>

Lytton Savings/Chase Building

2 messages

D.Gruber <gruberd14@gmail.com> Tue, Jun 7, 2016 at 11:27 PM
To: william.lamborn@lacity.org

Dear Mr. Lamborn,

I was born and raised in the city of Los Angeles and have an appreciation for the varied architectural styles in our city. Aside from the beautifully restored and revered Dodger Stadium (which shares a major design detail with the former Lytton building), the 1950s-1960s structures from my era seem to be disappearing at an especially rapid rate.

I urge you to help preserve a piece of our cultural heritage by not allowing the Lytton building to be demolished. At the very least, I would like to see the Lytton building incorporated into the proposed project. Your help in this matter would be very much appreciated.

Thank you,

D. Gruber

William Lamborn <william.lamborn@lacity.org> Wed, Jun 8, 2016 at 4:50 PM
To: "D.Gruber" <gruberd14@gmail.com>

Thank you for your comments. They have been received and will be included in the public record for the subject project.

Regards,
William Lamborn
[Quoted text hidden]
--

William Lamborn
Major Projects
Department of City Planning
200 N. Spring Street, Rm 750
Ph: 213.978.1470
Please note that I am out of the office every other Friday.

William Lamborn <william.lamborn@lacity.org>

Beverly Press: 8150 Sunset

3 messages

Gregory Cornfield <gregory@beverlypress.com> Tue, Jun 7, 2016 at 6:12 PM
To: william.lamborn@lacity.org

Hey Mr. Lamborn,

My name is Greg and I'm with Beverly Press newspaper. I was wondering if there was a meeting held today on the 8150 Sunset project? Are you available for a phone call either this evening or tomorrow morning? Let me know what you think.

Thanks,
Greg

Gregory Cornfield
Park Labrea News & Beverly Press
Phone: (323)933-5518
Cell: (630)743-3189
gregory@beverlypress.com
www.beverlypress.com

William Lamborn <william.lamborn@lacity.org> Wed, Jun 8, 2016 at 8:20 AM
To: Luciralia Ibarra <luciralia.ibarra@lacity.org>

FYI
[Quoted text hidden]
--
William Lamborn
Major Projects
Department of City Planning
200 N. Spring Street, Rm 750
Ph: 213.978.1470
Please note that I am out of the office every other Friday.

William Lamborn <william.lamborn@lacity.org> Wed, Jun 8, 2016 at 8:53 AM
To: Gregory Cornfield <gregory@beverlypress.com>

Hi Greg,
There were no City-held meetings or hearings yesterday concerning the 8150 Sunset Boulevard project. It is possible that there may have been a meeting external to the Department of City Planning (e.g. neighborhood council, an outreach meeting sponsored by the applicant, etc.), but there was no hearing or meeting held by Planning yesterday.

Best,

Will

[Quoted text hidden]

--

William Lamborn
Major Projects
Department of City Planning
200 N. Spring Street, Rm 750
Ph: 213.978.1470
Please note that I am out of the office every other Friday.

William Lamborn <william.lamborn@lacity.org>

8150 Sunset Opposition Mixed use VTT72370-CN, CPC 2013-2551-CUB-DB-SPR, CEQA Env 2013 2552 EIR

2 messages

Allan Wilion <aew@aewlaw.net> Tue, Jun 7, 2016 at 5:06 PM
To: "william.lamborn@lacity.org" <william.lamborn@lacity.org>, "luci.ibarra@lacity.org" <luci.ibarra@lacity.org>
Cc: Allan Wilion <aew@aewlaw.net>, "laura@fixthecity.org" <laura@fixthecity.org>, "N2swimng@aol.com" <N2swimng@aol.com>

Enclosed is opposition the the monstority known as 8150 Sunset including the Opposition from the City of West Hollywood

05271505.PDF
2000K

William Lamborn <william.lamborn@lacity.org> Wed, Jun 8, 2016 at 4:43 PM
To: Allan Wilion <aew@aewlaw.net>
Cc: "luci.ibarra@lacity.org" <luci.ibarra@lacity.org>, "laura@fixthecity.org" <laura@fixthecity.org>, "N2swimng@aol.com" <N2swimng@aol.com>

Thank you for your comments. They have been received.

Regards,
Will Lamborm

On Tue, Jun 7, 2016 at 5:06 PM, Allan Wilion <aew@aewlaw.net> wrote:

> Enclosed is opposition the the monstority known as 8150 Sunset including the Opposition from the City of West Hollywood

--

William Lamborn
Major Projects
Department of City Planning
200 N. Spring Street, Rm 750
Ph: 213.978.1470
Please note that I am out of the office every other Friday.

ALLAN E. WILION, ESQ.
Attorney at law
8383 WILSHIRE BLVD., #800
Beverly Hills, CALIF. 90211
310-435-7850 PHONE; AEW@AEWLAW.NET

June 7, 2016

RE: 8150 Sunset

William. Lamborn@lacity.org
Luci.Ibarra@lacity.org

I represent Susanne Manners the owner of 1477-79 Havenhurst Drive in Los Angeles. She categorically opposes the illegal, unethical and devious monstrosity known as 8150 Sunset. The Manners property is located directly across the street from 8150 and is closest to the subject site and would be most adversely affected of all the apartment buildings along the wonderful historic Havenhurst Drive. (See Exhibit 1 for photos of Manners Apartment). Lest someone believe that these apartments are not important, this one was designed by Jack Charney who built famous Sierra Towers on Sunset Blvd. The property next door the Andalusia is a national historic monument. (Exhibit 2). There are two or three other national historic apartments down on the other side of Havenhurst the Colonial House, La Ronda etc.

The proposed entrance gate to the monstrosity is located just south of the Andalusia and in front of the City of West Hollywood Home for Residents. (See Exhibit 3A). A view of Havenhurst looking up to Sunset is attached as Exhibit 3B and down to Fountain as Exhibit 3C. Havenhurst is a small tree lined lovely street. The idea that it can accommodate heavy traffic from exit onto Havenhurst and permit deliveries and services off Havenhurst is also insane and anyone who represents the same that it can be done is not telling the truth. Indeed, the City of WEHO is sane and is demanding elimination of both the exit

and the access for deliveries and services off Havenhurst. (See Exhibit 10 below).

The proposed exit is directly across the street from the Manners property. (See Exhibit 3A, 3B, 3C and 8B). The notion that it can accommodate the number of contemplated cars exiting on Havenhurst is gossamer thinking of those under the influence or just fools. In fact, it is an outright falsehood. Sunset Blvd. is bumper to bumper most times going east from 330pm to 730pm, and at night during the summer at other times there is traffic and Friday and Saturday nights. Crescent Heights is bumper to bumper north with traffic from 3:30pm during weekdays to 730pm apprx. It is bumper to bumper every morning down Laurel Canyon onto Cresent Heights from 7:00am to like 1100am. Traffic north is bumper to bumper and backs up to Santa Monica Blvd., (See Exhibit 9) and sometimes down to Melrose (taken from Santa Monica and Crescent Heights at 400pm on Monday June 6, 2016). Traffic along Fountain is also intense bumper to bumper going west in the morning, and east from 330pm to 730pm during week. If there is anyone making a left on Fountain onto Havenhurst, it will back up traffic to Holloway and La Cienega and at times through the Santa Monica Intersection.

There is actual gridlock now along Sunset near Havenhurst and along Fountain and Crescent Heights.

In fact, a copy of the letter from the City of West Hollywood (WEHO) is attached as Exhibit 10. It concludes that the FEIR inadequately addresses a known significant traffic impact, "and should not be certified without revision." The City also notified the City that: (i) it owns the areas affect and WEHO refused to install a light at Fountain and Havenhurst and Sunset and Havenhurst; (ii) It also notifies the City of LALA that it will not approve vehicular access off Havenhurst. (because WEHO is a sane City and not insane like the proposal); (iii) that the report by the City is flawed because it does not take into account the increase in pedestrian foot traffic.

The idea that there can be 427 truck loads of one or two ton massive trucks hauling excavated dirt for months anywhere near Havenhurst or Sunset or Cresent Heights is also an insane concept.

The City of WEHO also notified the City of LALA that it will not approve the proposed sewer system contemplated.

The City of WEHO indicated that it would approve the Monstrosity unless certain changes were made including (numbering added):

> **"(i) Eliminate site access along Havenhurst Drive**
>
> **(ii) Require deliveries and services (i.e. trash collection, moving vans, etc. to only ingress and egress via the driveways on Sunsent Boulevard and Crescent Heights Boulevard;**

I hereby incorporate by reference the brilliant letters and analysis from FIX THE CITY dated May 31, 2016 (Exhibit 4) and the Addendum thereto dated June 6, 2016 (Exhibit 5) by reference as fully set forth. I also incorporate the letter from the City of WEHO dated May 23, 2016 attached as Exhibit 10 hereto in full.

Due the paucity of time, I will commence my discussion using the same numbering and lettering system to add comments where appropriate. This was prepared in less than 3 hours.

<u>=10 and Introductory paragraph. Fast Track is Illegal</u>

Someone hijacked the new proposal intended for the football stadium for 8150. It is improper and objection is raised thereto. Under CEQA, this monstrosity is not entitled to fast tracing because it is not located near a Major Traffic Stop (MTS). The location On Sunset Blvd., is not within 1500 feet (see LAMC 12.22-A.25(f)94)(ii)(b) from Fairfax and Sunset (as defined in PRC Section 21064.3 which defines major traffic

stop (MTS) as "served by two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. .. " This is the case here. There are MTS routes along Sunset Blvd., to the beach and to downtown, along Fairfax down to Pico Blvd. But the location is outside the designated area. As such fast tracking is illegal and must be stopped.

=1 and 21. Sunset/Hollywood Fault

The Hollywood fault runs about 100 feet just west and north of the location. Attached hereto are photos of the same. Exhibit 6 is a photo of the fault line as it heads north. Exhibit 7 shows the point of demarcation from Sunset. No one in their right mind would claim that the monstrosity 100 feet from the actual specific fault is not within the fault for the purposes of requiring compliance with the fault requirements. This is a huge project and its construction could actually trigger an earthquake. FN 1

Item 45: Height 246 feet

It is submitted that the project is 15 stories. This is a baldface inaccuracy. The monstrosity as proposed in 236 feet tall. This would make it closer to 20-22 stories in height. (See Photo Exhibit 8A and 8B hereto).

Alternative Number 9:

The City is playing Bait and Switch and is recommending Alternative 9 which is not part of the Notice re EIR and is improper.

2.3 time more excavated soil
Remove Sunset Driveway
Special exclusive entrance on Havenhurst for new condos
Building height is taller
Central Plaza have been reduced
Actually 29 less parking spaces

426 Construction Truck Trips per day - (this is shut down Sunset 7 Crescent heights)

Fn1: In addition, any insurer would be insane to insure this project if they knew it was 100 feet from a fault let alone any homeowners who would have to buy expensive residences. No way that Farmers or State Farm or any of these will insure within 100 feet of a fault

Accordingly, it is requested that the monstrosity project 8150 be denied in its entirety. It is illegal for several reasons including among other things CEQA violation, wrongful taking of property, wrongful closing of property, immoral, and violates virtually every known area for an EIR.

Very Truly Yours,

Allan E. Wilion

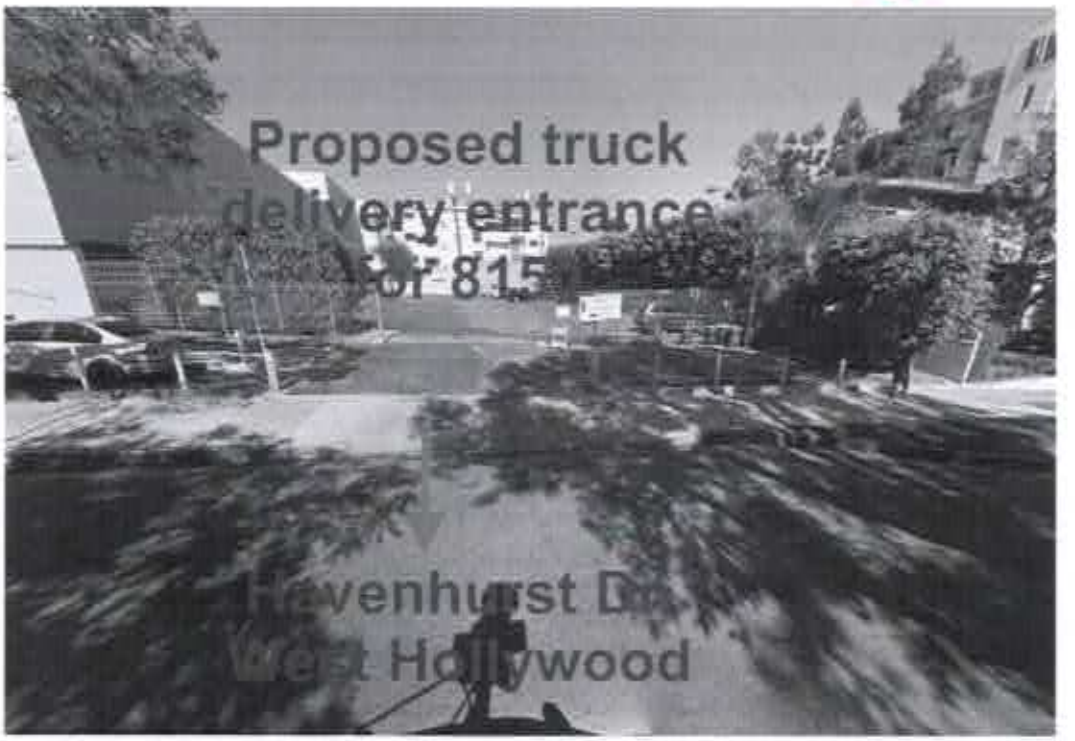
Full copies with color photos will be delivered to the City tomorrow.

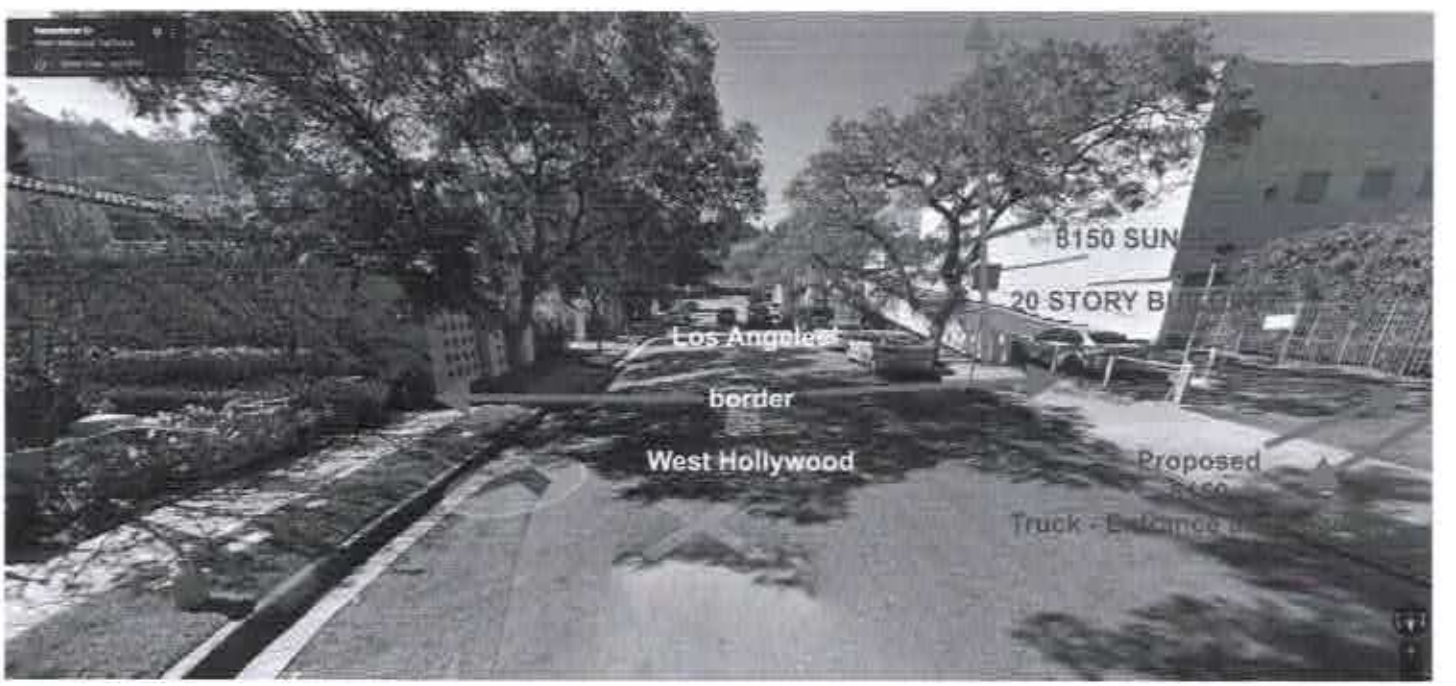
Cc: Susanne Manners
Save Sunset
Fix the City laura@fixthecity.org

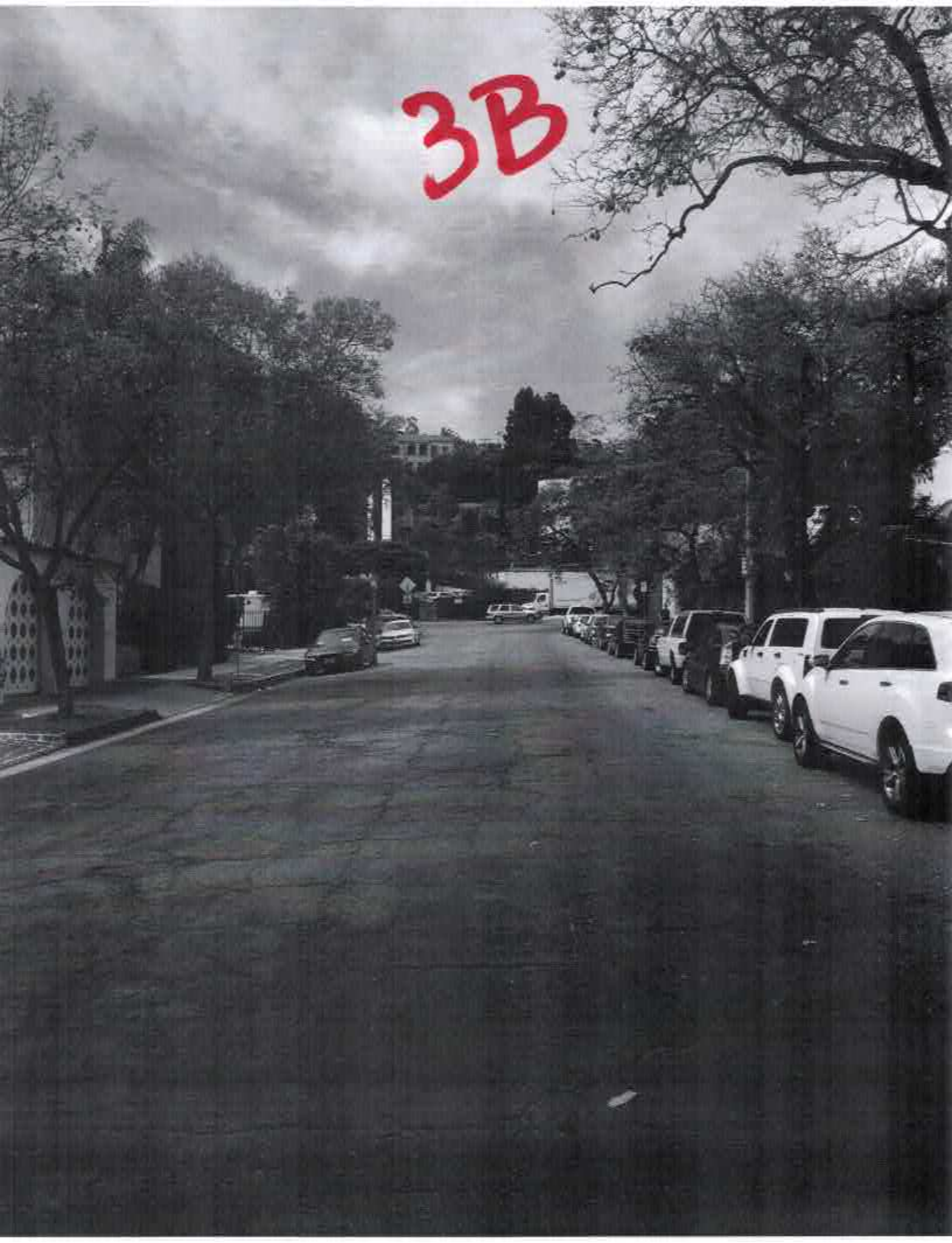

2

Truck Entrance on Havenhurst Drive

3A






3B

3C

FIX THE CITY

Laura@FixTheCity.org

1557 Westwood Blvd. #235, LA, CA 90024

May 31, 2016

William Lamborn
City of Los Angeles
Major Projects Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

VIA EMAIL: William.lamborn@lacity.org; Luci.ibarra@lacity.org

RE: 8150 Sunset Boulevard Mixed-Use Project Case Numbers: VTT-72370-CN, CPC-2013-2551-CUB-DB-SPR, CEQA Number: ENV-2013-2552-EIR

Dear Ms. Ibarra:

Fix the City is a nonprofit corporation dedicated to preserving the quality of life in Los Angeles. We hereby submit the following comments on the proposed project cited above.

There are significant procedural and substantive errors in this proceeding that must be corrected prior to any determination by the City. We incorporate by reference all other testimony and documents in the record. Please confirm receipt of this testimony. Since a tract map approval is final unless appealed, it is vital that all of the procedural and substantive concerns flagged in this letter be addressed prior to any approval. Bear in mind that the project is not entitled to fast-tracking under CEQA because it is NOT within 1500 feet of a major transit stop. Thus there is ample time to revise the proposal and city response to what has amounted to a moving target.

The two key questions never addressed in the EIR or VTT Staff Report are: is it safe and is it legal. The answer to both is no.

1. HOLLYWOOD FAULT RUNS THROUGH SITE. It is located on the active Hollywood Fault according to the most recent Alquist-Priolo earthquake map. Revise the EIR to address the fact that the most recent Earthquake Map, as opposed to the 2014 map used for the Seismic Analysis, the project is located within the active Hollywood Fault. is not safe. Please revise the seismic analysis using the most recent maps provided by the State.

2. DUE PROCESS VIOLATIONS regarding the taking of city property for private purpose (such as including for lot area calculations) without Fair Market Value being paid to the taxpayers, and a condemnation of private easements for vehicular access (California Streets and Highways Code Section 8353(b)) over the turn lane that would be paved-over and included in the private project. This privatization through a merger represents a vacation of vehicular rights to the street. There is also no analysis of how the closure

4

and paving of the public right-of-way impacts subsurface easements. All of this is required to be disclosed and analyzed, and then noticed to the public, private easement owners, and all utilities.

3. CONVERSION OF A STREET TO A PUBLIC OPEN SPACE IS A SURFACE VACATION THAT REQUIRES THE CITY ENGINEER TO MAKE A REPORT on whether or not this street or the portion of the street is needed now or in the future. We cannot find any such report from the City Engineer in the record.

4. CLOSURE OF THE STREET ALSO REQUIRES PUBLICATION OF NOTICE IN THE NEWSPAPER, POSTING THE SITE, AND SENDING HEARING NOTICES TO THE PUBLIC. There is no evidence in the record that the site was posted for a street closure, or that the notice of public hearing for a street closure through a tract map was published. Closure and vacation are never mentioned in any city notices, the NOP, or project description.

5. THE PROJECT DESCRIPTION IS NOT STABLE AS REQUIRED BY CEQA It would also help if the staff report provided a comparison of what the project is entitled to, and what it is requesting, and whether those requests are lawful. For example, does the 111,339 SF lot area include the street and the island? Is that area 9K SF? If so, the project is only entitled to 204 dwelling units rather than 249. This is vital to pin down prior to approval of the tract map.

6. TOO MANY INCENTIVES? The Applicant has requested (1) parking reduction; (2) 22% extra units above the 204 permitted by right; (3) 3:1 FAR for the entire project that is more than 1500 feet from a major transit stop; and (4) inclusion of public property as lot area for FAR calculation. The first two incentives are permitted under SB 1818. The third and fourth incentives ("off menu") are not permitted under SB 1818.

7. SITE HAS AN FAR OF 1:1 (111,339 SF). To reach 333,903 SF (3:1 FAR) requires a Height District Change which is not an "off-menu" incentive. Without a Height District change, there is no ability to add a commercial component.

8. THE PROJECT IS ENTITLED TO BUILD 204 DWELLING UNITS BY RIGHT under the High Residential Density category of the Hollywood Community Plan (80 dwelling units per gross acre). A 22% density bonus would bring it to 249 dwelling units. **To squeeze 249 units on 111,339 SF is problematic.**

9. TO PERMIT ENTERTAINMENT USES IN THE C-4 ZONE REQUIRES A ZONE CHANGE OR VARIANCE. Neither is requested here, and it is not clear that such use would be compatible with the adjacent community under the Wilshire Community Plan. Clearly, the rest of the community is limited to 1:1 FAR. This project would be massive in comparison with adjacent properties and is emblematic of spot zoning at its worst.

10. THE PROJECT IS NOT ENTITLED TO FAST-TRACKING due to a false claim that the project is entitled to an "off menu" incentive due to proximity to a major transit stop. The bus stop adjacent on the island is a local bus stop, not an express stop. Furthermore, there is no off-menu option to exceed an ordinance that specifies proximity to a major transit stop of 1500, not 1560 linear feet. It is not major and it is not 1500 feet away.

11. DUE PROCESS VIOLATIONS. The process followed for this Tract Map violates the due process rights of both the general public and **private easement holders within the Crescent Heights Tract, under the California Streets and Highways Code Section 8353(b).** The public hearing notice for the Tract Map was silent regarding the proposal to close the turn lane to traffic and connect the private property with the city's property.

12. UNLAWFUL GIFT OF PUBLIC PROPERTY. The tract map would permit the use of city property (the island) and the public right of way as well as subsurface easements to be gifted to the applicant without the City receiving Fair Market Value. It is not clear if this city "public space" is being counted as open space for the project. If so, it can't be public and count as project open space.

13. THE NOP AND EIR FAIL TO DISCLOSE SEVERAL DISCRETIONARY APPROVALS REQUIRED FOR THIS PROJECT. These include
    a. Condemnation of private street easements (California Streets and Highways Code Section 8353(b).
    b. Partial street vacation required in conjunction with tract map merger and City Engineer's Report.
    c. a Height District change from 1:1 to 3:1 (note: project does not qualify for 3:1 because it is not within 1500 feet of a major transit stop).
    d. a General Plan Amendment to amend MP 2035 map show the island and the turn lane closed (the project is inconsistent with MP 2035).
    e. inclusion of property beyond the midline of Crescent Heights in calculating FAR requires density transfer from owner on opposite site of Crescent Heights; no such consent or request is in the record.
    f. An off-menu incentive cannot include violating the LAMC. A variance would have to be requested, and there needs to be substantial evidence in the record that the bus service on the streets in question actually qualify for the FAR increase (for the housing only – not the commercial portion) requested.

14. LACK OF PUBLIC NOTICE ON CLOSURE OF TURN LANE ON CRESCENT HEIGHTS – A PARTICAL VACATION OF CRESCENT HEIGHTS CURRENTLY USED FOR VEHICULAR ACCESS. State law requires any street vacation or partial vacation to be noticed, published and posted (California Streets and Highways Code Section 8320-8325). Closing vehicular traffic on Crescent Heights has not been reviewed by the City Engineer, as required There is no substantial evidence in the record that this has occurred.

15. THERE WAS NO PUBLIC NOTICE, NO PUBLISHED NOTICE, NO PUBLIC HEARING, AND NO POSTING OF THE PUBLIC RIGHT OF WAY TO BE VACATED/MERGED, IN VIOLATION OF STATE LAW (California Streets and Highways Code Section 8323).

16. THE NOTICE OF THE MAY 24, 2016 PUBLIC HEARING OMITTED THE FACT THAT VEHICULAR ACCESS WOULD BE TERMINATED ON THE TURN LANE. Rather, it only addressed calculating FAR to include the area to be used for street purposes (p. 2, 3.a.). ***This is misleading and incorrect.*** The property right of a property owner goes only to the midline of the street, and does not include the entire area to be vacated and merged with the private property as proposed in the hearing notice. In other words, this is a "taking" by a private party of a public easement, property, without the knowledge or consent of the public.

17. It is one thing to use the street to calculate lot area. It is another to close it to vehicular access and exceed the midline of the street. This must be corrected.

18. THERE IS NO ANALYSIS OF THE IMPACT OF THE MERGER ON SUBSURFACE UTILITIES THAT ARE LOCATED IN THE PUBLIC RIGHT OF WAY.

19. WHEN A PUBLIC RIGHT OF WAY IS CLOSED, PARTIALLY VACATED, OR MERGED, THE CITY ENGINEER MUST ISSUE A REPORT STATING THAT IT "IS UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE" (Ibid., Section 8324(b). No such finding has been made.

20. The NOP did not disclose several discretionary approvals sought, including but not limited to, closing the turn lane adjacent to the site. In fact, the Notice of Public Hearing failed to disclose that vehicular access would be eliminated (see p. 2, CPC Hearing Officer).

21. THIS SITE IS IN AN ACTIVE EARTHQUAKE FAULT ZONE according to the most current state map. The seismic study relied upon an outdated 2014 map. This must be corrected.

22. INCONSISTENT WITH MAP IN MP 2035. The map for the intersection of Crescent Heights and Sunset in MP 2035 would conflict with the proposed changes to this intersection. Therefore, there is an inconsistency between this project and the General Plan/Community Plan/Mobility Element.

23. DISCRETIONARY APPROVALS NOT INCLUDED IN NOP. The NOP did not disclose the discretionary approvals required for increased FAR, increased density, surface and subsurface vacation of a public right-of-way, and a gift of public land to a private developer. Since this project would alter the intersection shown on the map in MP 2035, a General Plan Amendment is also required. No such amendment has been requested. This clearly violates the CEQA requirement to state up-front all discretionary approvals required for the project.

24. IMPACT ON EMERGENCY ACCESS. Has a determination been made by LAFD regarding the impact on emergency ingress/egress as a result of the vacation of the current turn lane? Can large emergency vehicles safely turn onto Crescent Heights? This determination must be based on substantial evidence in the record.

25. HOW MUCH SLOWER WILL EMT RESPONSE TIME BE AS A RESULT OF THIS PROJECT?

26. WHAT MITIGATIONS ARE PROPOSED FOR THIS PROJECT WHICH IS LOCATED ON THE HOLLYWOOD FAULT? Was the most current and accurate map used for the seismic analysis (2014 was used, there is a newer map). Please update the analysis using the most current map.

27. A GIFT OF PUBLIC PROPERTY. The City is not permitted to make a gift to the applicant of public property (the median and the right-of-way turn lane). The median is clearly city property and may not be merged with the private property without fair market value and a vacation process. The Charter requires fair market value in exchange for

such property. Otherwise this is an unlawful gift of public property. Certainly, the merger would create a gift in terms of buildable which has a value.

28. VALUE OF VACATED PUBLIC PROPERTY AND EASEMENT. What is the Fair Market Value of the island and the street to be vacated? Please provide an appraisal for the right of way and for the median/island.

29. PRIVATE DEVELOPER DOES NOT HAVE RIGHT TO CONDEMN CITY PROPERTY. This is a private taking of public property. The City may not lawfully delegate this authority to a private developer for a private purpose.

30. STREET VACATION PROCEDURE REQUIRED. The turn lane may not be lawfully transferred to the Applicant without a street vacation via the tract map but with the City Engineer's report. The same is true of the median/island in the public right-of-way.

31. STREET VACATION NOT LISTED AS A DISCRETIONARY APPROVAL. The vacation is not listed as a discretionary approval sought for this project. This is mandated by the City Charter and the street vacation procedures in the Municipal Code.

32. NOTICE TO ALL PRIVATE EASEMENT OWNERS REQUIRED. The City must give notice to all private easement owners within the Crescent Heights Tract which shows the turn lane and island on the tract map since 1905. The maps are already in the record.

33. COMPENSATION TO ALL PRIVATE EASEMENT OWNERS DUE. The Applicant must compensate ALL the private easement owners the Fair Market Value of the vacated portion of Crescent Heights and the island in the public right-of-way, per **California Streets and Highways Code 8353(b)**:

> ***"(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."***

In other words, all property owners within the tract have a private easement, a property right, that the city cannot give away for free. They must be compensated for this taking. The exposure of the Applicant is long and perilous: two years AFTER the vacation is completed. Given the law, it is prudent for the City to require all condemnation issues be addressed prior to approval.

34. THE FINDINGS REQUIRED FOR A STREET VACATION HAVE NOT BEEN MADE.

35. FOR PURPOSES OF CALCULATING LOT AREA, IS THE MEDIAN OWNED BY THE CITY INCLUDED AS PART OF THE SITE?

36. HOW HAS THE "MERGER" OR VACATION OF A PORTION OF CRESCENT HEIGHTS IMPACTED THE SUBSURFACE EASEMENT OF THE CITY FOR UTILITIES, ETC.?

37. WHAT IS THE DISTANCE FROM THE STREET/FIRE LANE TO THE BUILDING STRUCTION FROM THE MERGED MEDIAN? IS IT GREATER THAN 150 FEET? LAFD requires: "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." Does the merger/vacation result in the building being further than 150 feet.?

38. WHILE THE LAFD FIRE MARSHALL STATES THERE ARE NO PLANS TO EXPAND FIRE FACILITIES, THIS IS NON-RESPONSIVE TO THE CEQA QUESTION OF WHETHER CURRENT FACILITIES CAN PROVIDE ADEQUATE SERVICE.

39. THE FIRE MARSHALL'S LETTER OF MAY 10, 2016 DID NOT ADDRESS THE IMPACT OF RECONFIGURING CRESCENT HEIGHTS ON THE TURNING RADIUS REQUIREMENTS OF FIRE EQUIPMENT.

40. THE NOV. 17, 2014 LETTER FROM EDMUND YEW, REQUIRES DEDICATIONS AND DOES NOT ADDRESS STREET VACATION/MERGER. PLEASE EXPLAIN.

41. The 1-D is a permanent condition imposed by AB 283 in 1989. They are limited to a 1 to 1 FAR. There was an earlier Ordinance 163513 (cannot find it) with T and Q conditions. AB 283 made them permanent.

42. The map (AB 283) shows 8118 (island) and flow around it. The Island is C4-1

43. The bus stop is 1,560 feet away from the project, not 1500 feet. They lose one of the requirements of the fast track.

44. There is no off menu incentive to make up for the lack of the 1500 or to get a 3:1 FAR. STAFF REPORT STATES (page 1) "Off-Menu Incentive to allow a 3:1 Floor Area Ratio for a Housing Development Project 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);"

45. The gift of a street and a City owned (8118 Sunset) property which is to be merged with the private property under the VTT.

Sincerely,

Laura Lake

Laura Lake, Ph.D.
FIX THE CITY

FIX THE CITY

June 6, 2016

Luci Ibarra, Hearing Officer

RE: ADDENDUM TO COMMENT LETTER OF JUNE 3, 2016 ON 8150 SUNSET BLVD. PROJECT VTT-72370-CN, CPC-2013-2551-CUB-DB-SPR, ENV-2013-2552 EIR

Dear Ms. Ibarra:

Fix the City hereby submits additional comments and questions prior to your determination on the Tract Map.

1. **FAR INCREASE IS NOT MINISTERIAL.** Two of the incentives requested for this project cannot be granted because under city law
   a. This site is in **Height District 1D.** LAMC 12.22-A.25(g)(3) only applies to HD 1, 1-VL, 1-L, or 1 XL, all of which have an FAR of 1.5:1. Current FAR is 1:1 and not 1.5:1. Thus the request is not authorized by this section as an off-menu incentive. The request would **triple**, rather than double FAR.
   b. Ordinance, Section 25(g)((3)(i) does not permit this request because off-menu incentives may not be granted "that are subject to other discretionary applications." To change from HD 1D to HD 1 requires amending the HD, a discretionary application.
   c. Section 25(f)(4)(ii)(b) requires that the site is within 1500 feet of a transit stop/major employment center. It is not and therefore does not qualify. The plain language of the ordinance does not permit this increase in height district if the site is more than 1500 feet.
   d. The request appears to include the entire roadway ("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"). There are two (2) 20-foot roadway easements shown on the ZIMAS map; one for the current roadway, and one proposed to widen the current roadway. Please note that the property owner is not permitted to include the entire roadway because he owns to the mid-line of the roadway, not the entire area set aside for street purposes.

2. **STREET VACATION/MERGER VIOLATES STATE LAW.**
   a. The Hearing Notice of May 24, 2016 did not explain that the land set aside for street purposes was going to be closed to vehicular traffic and incorporated as open space into the project. There is no way that a member of the public would know from any document that this tract map includes a discretionary street closure. It therefore violates California Streets and Highway Code Section 8323.
   b. In 2002 the City Attorney of Los Angeles made it clear that Los Angeles can vacate streets through a tract map, "as long as the Notice of Hearing contains

the elements specified by state law and is published and posted in the manner prescribed by state law, that the propose change is permissible" (Rockard Delgadillo, Letter to LA City Council, February 28, 2002, p. 2). The change referred to is the vacate a street through a tract map rather than an ordinance of vacation.

c. None of the basic state requirements that protect due process were met in this current proceeding. Closing this public street has been a stealth maneuver without posting, notice of street closure, or publication, as required under state law.

d. There has not been a hearing or a report from the City Engineer on whether the street is necessary for present or future use. Such a report would have to state that the street is not required presently, and not in the future, as stated in the California Streets and Highways Code Section 8324(b). The intersection in fact is heavily traveled according to the EIR. Traffic is not projected to diminish, therefore there is a need to maintain the street for future use. There is substantial evidence in the record that the street is needed now and in the foreseeable future.

e. There is a safety concern that the roadway to be vacated/merged is required to provide emergency access for fire equipment. On and off-menu incentives can be denied on the basis of public safety.

f. There is no notice or petition stating the roadway is "unnecessary for present or prospective public use," per Section 8324(b).

g. The project's neighbor is the City of Los Angeles, which owns 8118 Sunset Boulevard. <u>The city owns to the mid-line of the turn lane of the 20-foot turn lane</u>. Thus it is not permissible for the applicant to count the entire roadway toward his buildable.

h. There is a City Engineer 20-foot road easement to widen the turn lane beyond the existing 20 feet. It is not in the public interest, welfare or convenience to eliminate the turn lane, or to eliminate the easement to make the intersection symmetrical on both sides of city property. No such finding.

i. It is not clear whether this request applies to the southbound roadway, the additional 20-foot easement to enlarge the roadway (see map attached), or to both these easements and the entire land area of 8118 Sunset.

j. While the applicant might be permitted to include to the midline of the turn lane, it is not permitted to use city-owned property rights. The City's Zimas Map shows not only a public roadway of 20 feet (southbound turn lane onto Crescent Heights), it also indicates a second easement by the city to enlarge the turn lane another 20 feet.

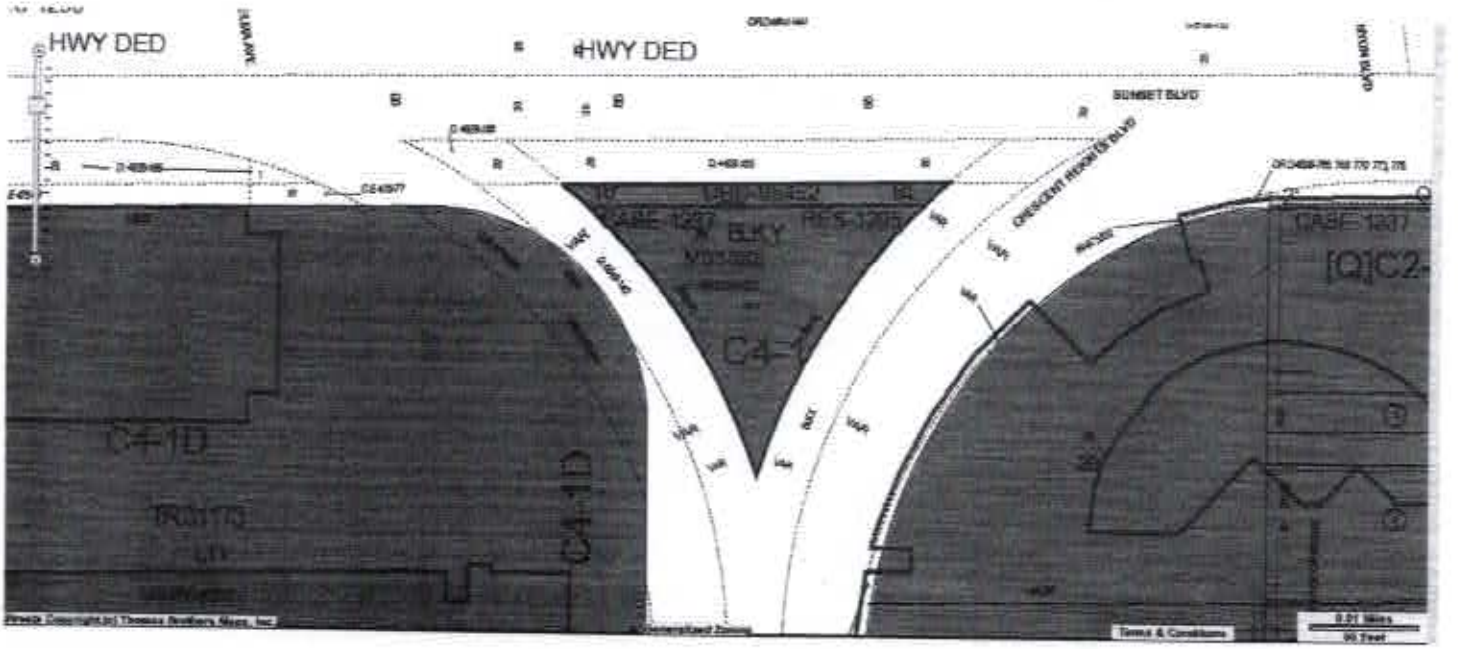
3. PUBLIC PROPERTY MAY NOT BE USED AS OPEN SPACE FOR A PRIVATE PROJECT.

a. 8118 Sunset, the triangular island at Sunset and Crescent Heights, is city property of 9,526.3 SF and zoned C4-1. Unlike the applicant's property, is has an FAR of 1.5:1. The applicant cannot include any city property as part of a private project.
b. The Notice of Completion falsely states: "The project would also provide a central public plaza, public space at the northeast corner of the site...." In fact, it is the city, not the project, that would provide this open space. This project seeks to privatize public property without just compensation. It is a taking of city property for a private purpose. It is already public space. Space that belongs to the people of Los Angeles and not a private developer.
c. The drawings of the project do not clearly indicate that it is city property. Instead it is shown in some drawings, with a comment "not a part." That is true. But if it is not a part, it is not a part that contributes any open space to the project. The applicant is attempting to annex city property in an unconstitutional manner, and the city, in permitting the public right of way and 8118 Sunset to be connected with the project through the "merger" (vacation), is violating the Charter by conferring a gift of public property to a private entity.

Sincerely,

Laura Lake, Ph.D.

FIX THE CITY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CASE 1237
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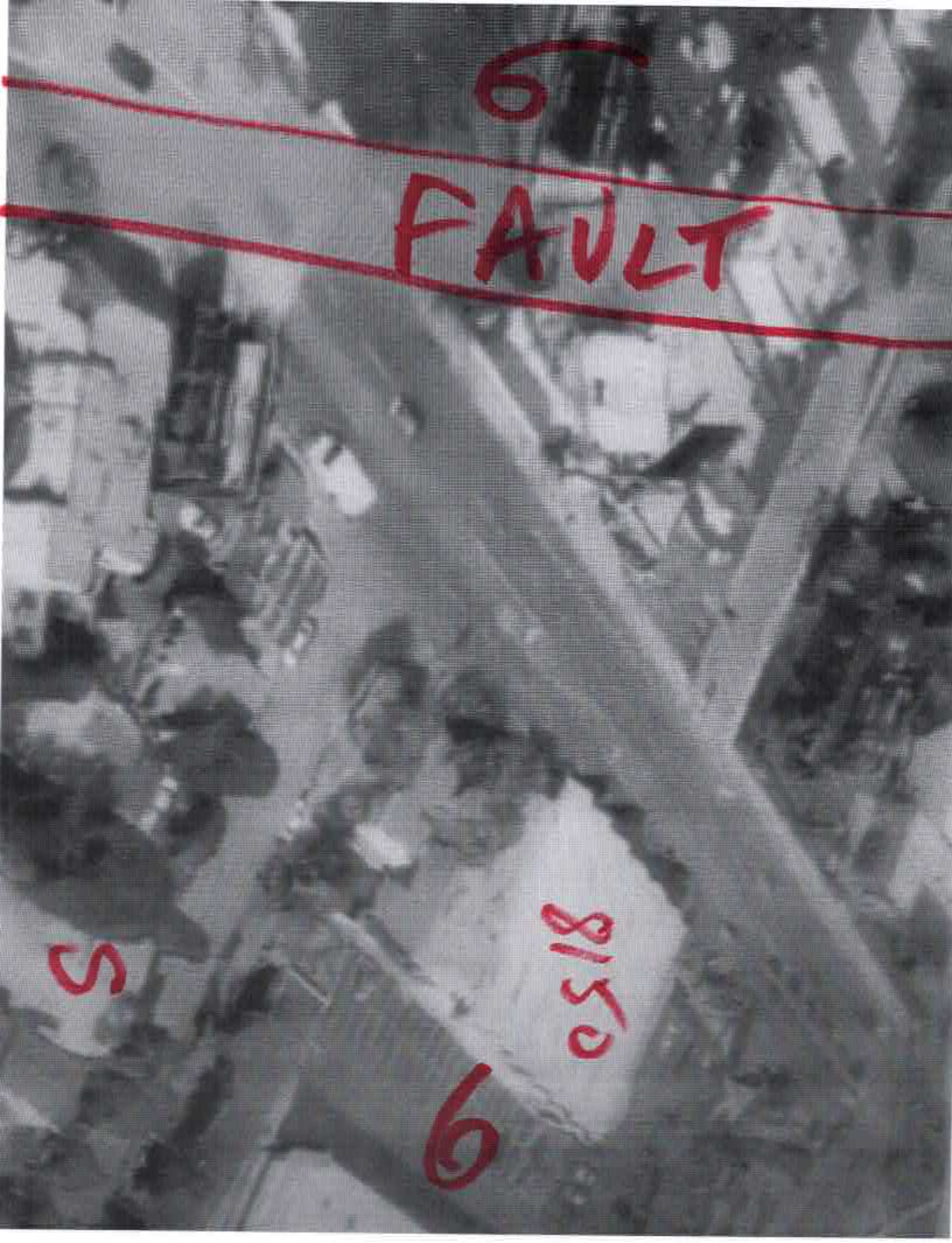
Terms & Conditions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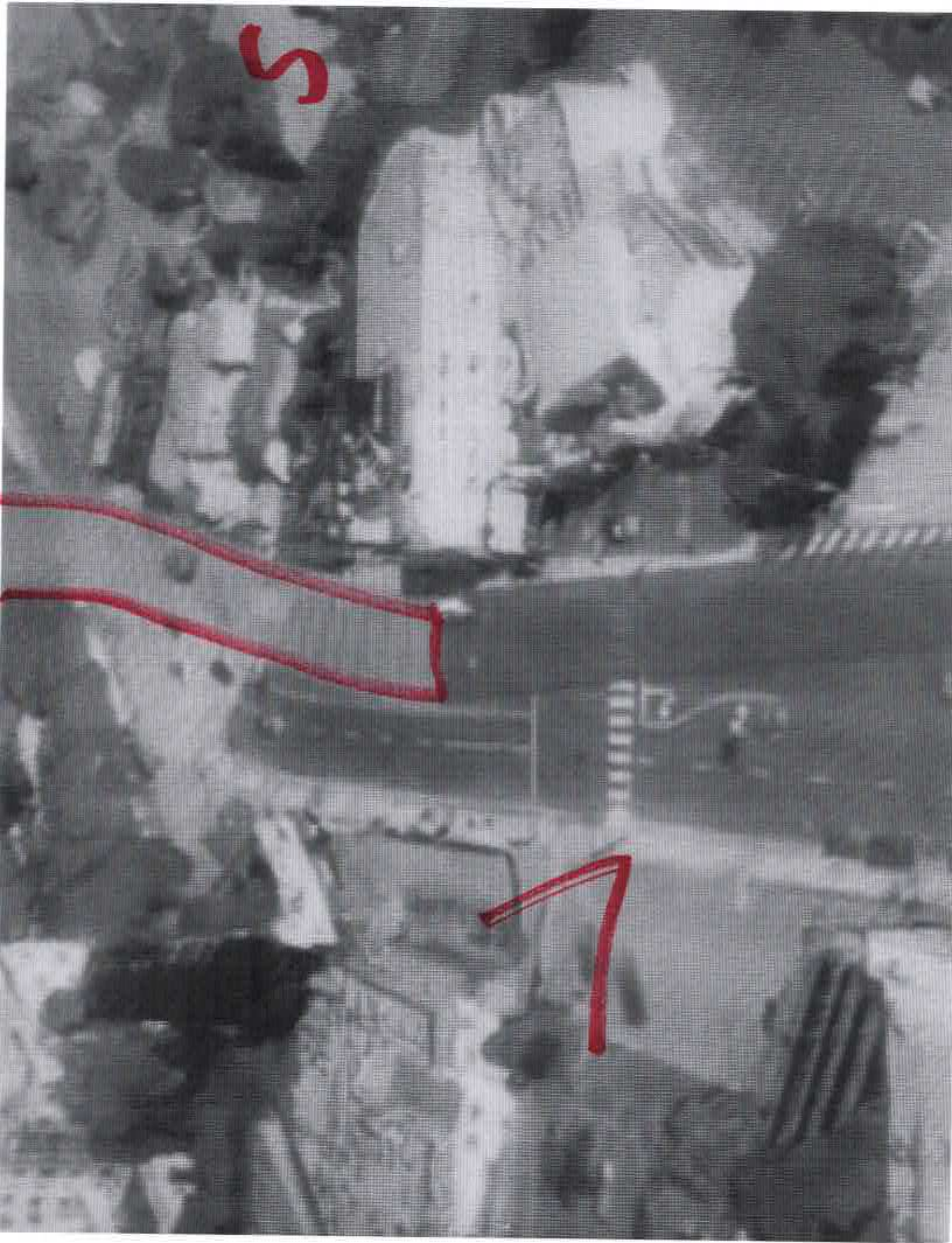
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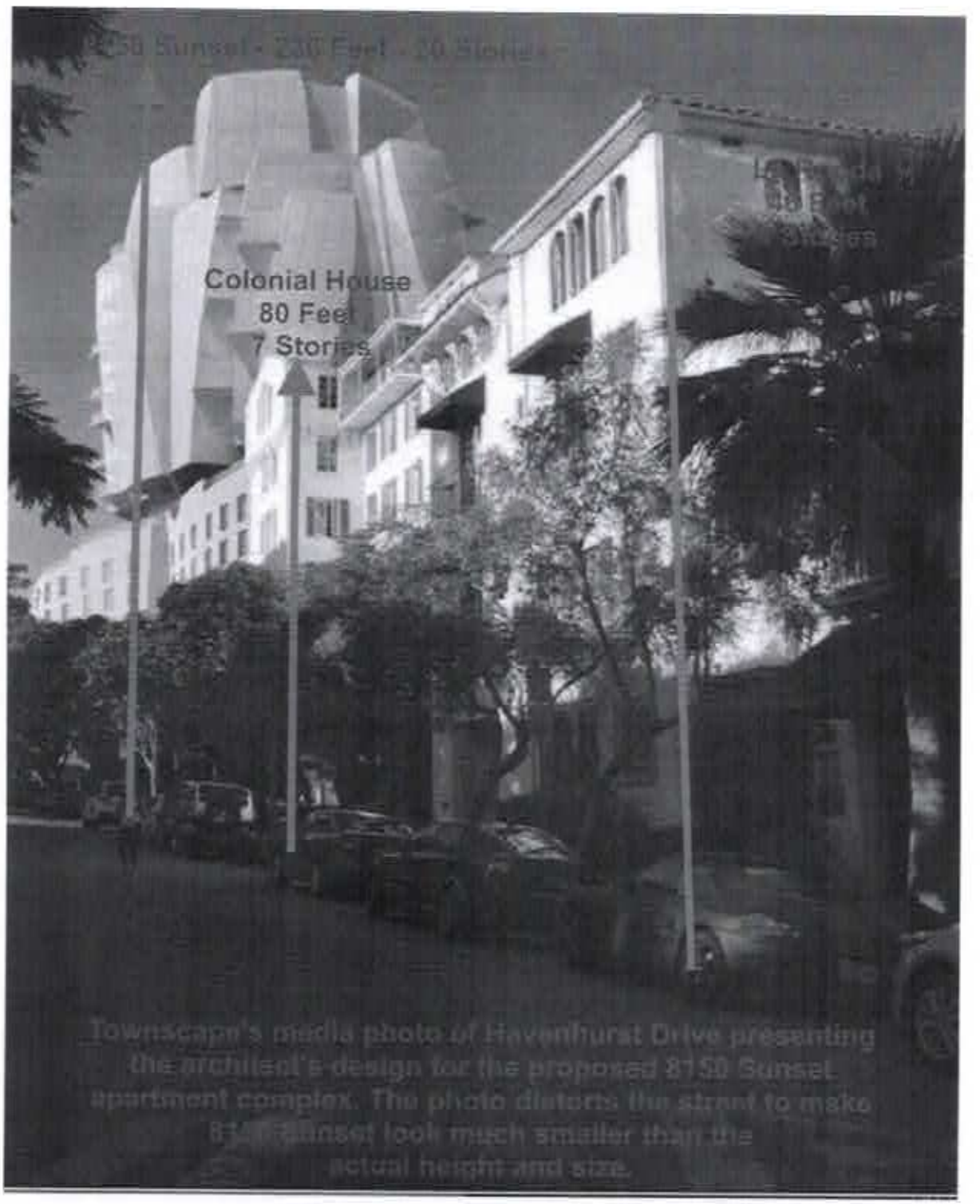
8150 Sunset – 20 Stories (236 Feet)

Havenhurst Drive – Building Height

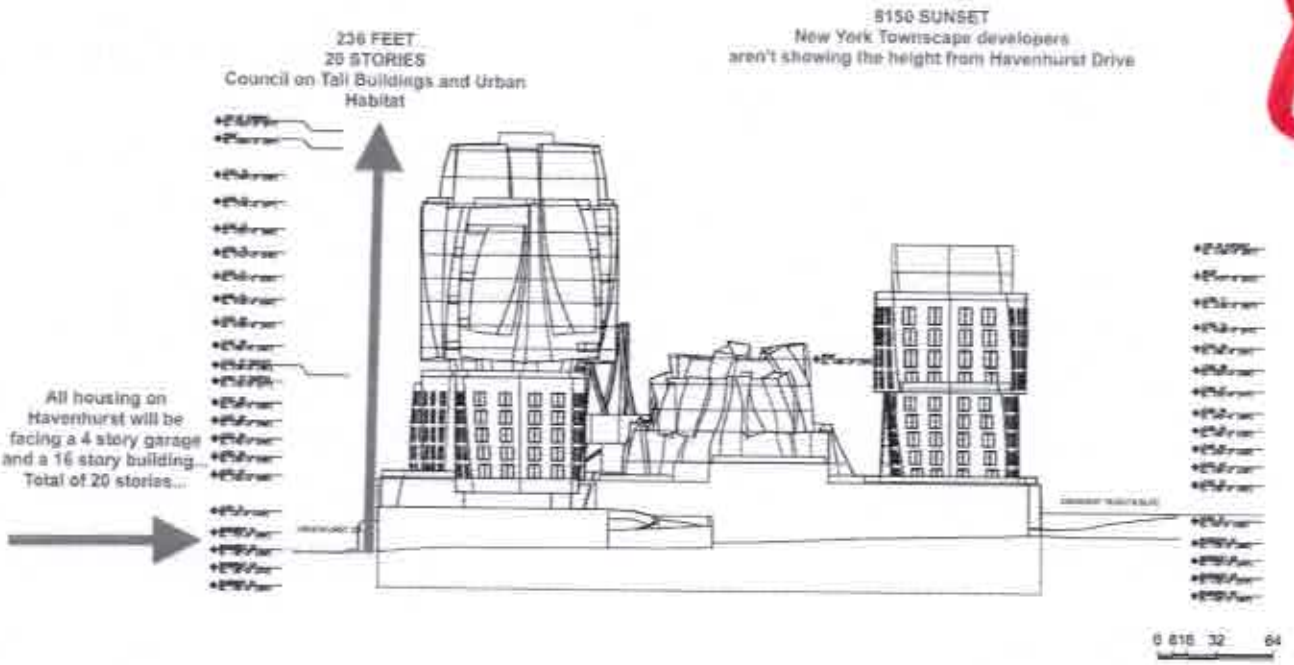
Compared to West Hollywood historical buildings:
Colonial House (7 Stories) and LaRonda (4 Stories)...

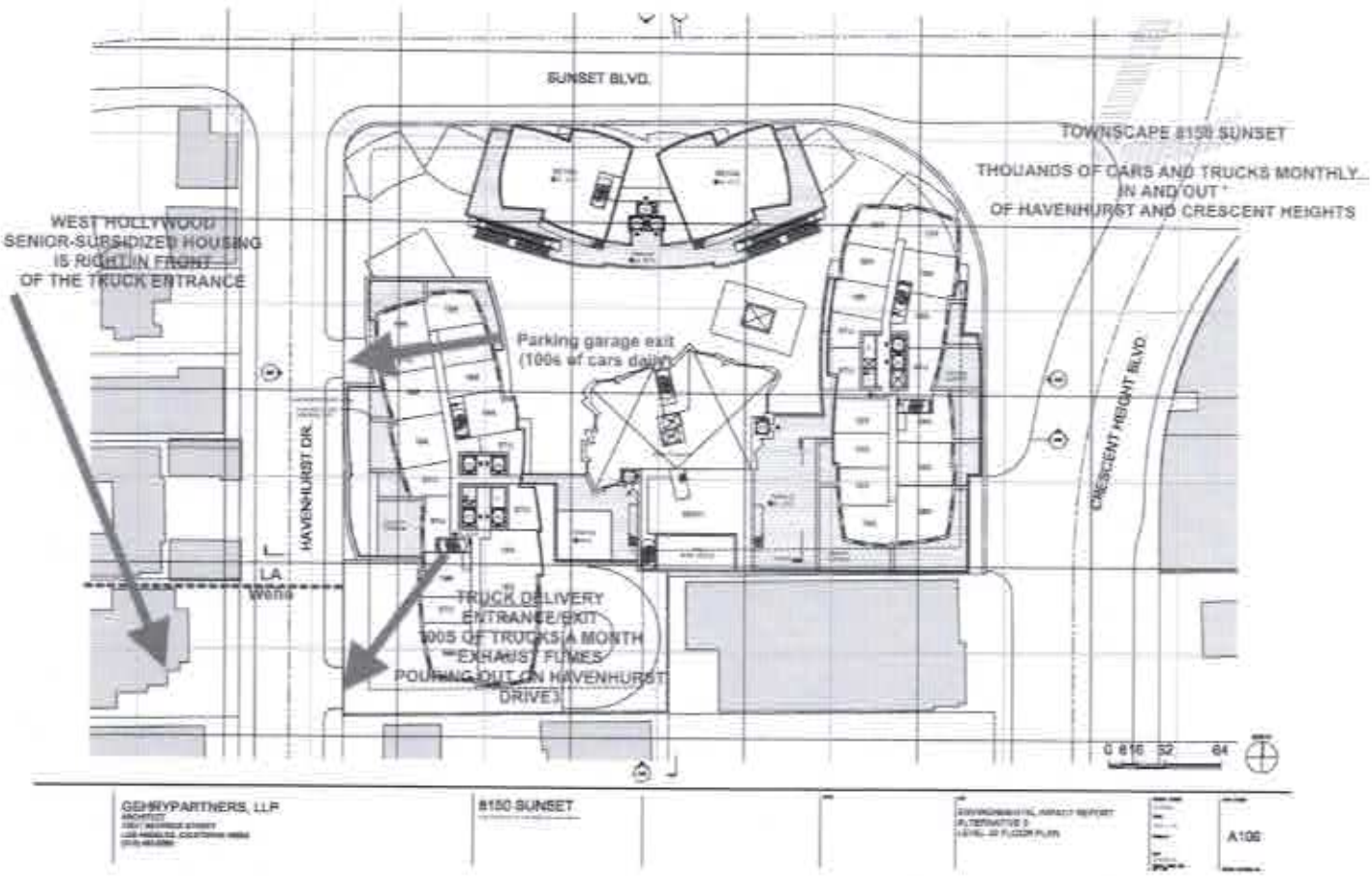
8A



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.

8B


236 FEET
20 STORIES
Council on Tall Buildings and Urban Habitat
8150 SUNSET
New York Townscape developers aren't showing the height from Havenhurst Drive
All housing on Havenhurst will be facing a 4 story garage and a 16 story building... Total of 20 stories...
0 8 16 32 64


SUNSET BLVD.
TOWNSCAPE 8150 SUNSET
THOUANDS OF CARS AND TRUCKS MONTHLY... IN AND OUT OF HAVENHURST AND CRESCENT HEIGHTS
WEST HOLLYWOOD SENIOR-SUBSIDIZED HOUSING IS RIGHT IN FRONT OF THE TRUCK ENTRANCE
Parking garage exit (100s of cars daily)
HAVENHURST DR.
CRESCENT HEIGHT BLVD.
LA Weho
TRUCK DELIVERY ENTRANCE/EXIT 1005 OF TRUCKS A MONTH EXHAUST FUMES POURING OUT ON HAVENHURST DRIVE)
0 8 16 32 64
GEHRYPARTNERS, LLP
8150 SUNSET
A100

CITY OF
WEST HOLLYWOOD

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COMMUNITY
DEVELOPMENT
DEPARTMENT

May 23, 2016

William Lamborn
City of Los Angeles
Major Projects Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

RE: 8150 Sunset Boulevard Mixed-Use Project
Case Numbers: VTT-72370-CN, CPC-2013-2551-CUB-DB-SPR
CEQA Number: ENV-2013-2552-EIR

Dear Mr. Lamborn:

Thank you for the opportunity to comment on the Final Environmental Impact Report (FEIR) regarding use of Alternative 9 of the 8150 Sunset Boulevard Mixed-Use Project (Project).

The following is a list of outstanding items the City of West Hollywood deems were not properly analyzed in the FEIR completed for the Project:

SECTION 4.J. TRANSPORTATION AND CIRCULATION

Signalization of Fountain/Havenhurst Intersection

The FEIR indicates the Project will result in a significant traffic impact at the un-signalized intersection of Fountain Avenue and Havenhurst Drive, and that the installation of a traffic signal at this intersection is required per Mitigation Measure TR-1. However, the FEIR incorrectly lists the enforcement agencies responsible for the traffic signal installation as the Los Angeles Department of Transportation, and the Los Angeles Department of Building and Safety. The Fountain Avenue/Havenhurst Drive intersection is completely within the limits of the City of West Hollywood, and is therefore the correct enforcement agency for the proposed traffic signal installation.

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 is unenforceable. Therefore, the FEIR inadequately addresses a known significant traffic impact, and should not be certified without revision.

Further, 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 and would impact 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

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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. On 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 needs to be revised to address these impacts, and have an added project alternative with no vehicular access off Havenhurst Drive.

Traffic Impacts Along Fountain Avenue

On Fountain Avenue, the level of service calculations show worsening conditions at all intersections which were 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).

Safe Pedestrian Access

The proposed project will increase both vehicular and pedestrian traffic in the surrounding area, and this potential 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 still does not take into account the increase in pedestrian traffic caused specifically by the proposed Project.

Therefore, the City of West Hollywood requests the project 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.).

SECTION 4.K.2. UTILITIES AND SERVICE SYSTEMS – WASTEWATER

In a letter dated November 5, 2015, as a response to the Recirculated Portions of the Draft EIR (RP-DEIR), the City of West Hollywood requested the Project be required to mitigate its impact on the sewer infrastructure within the City of West Hollywood that serves the Project site by paying a fair-share cost of the ongoing maintenance of the City of West Hollywood owned sewer utility system. In response to this request, the FEIR states a Project Design Feature (PDF-WW-1) has been added to Section

4.K.2, which states the Project shall contribute said fair-share payments to the City of West Hollywood.

Given that the Project is not within the jurisdiction of the City of West Hollywood, there is no reliable enforcement mechanism for the fair-share payments to be collected on an annual basis. Therefore, it is recommended that the fair-share payment be assessed as a lump sum payable to the City of West Hollywood prior to the issuance of Building Permits. This lump sum amount is based on the West Hollywood City Sewer Service Charge that would be collected on the annual property tax bill for an identical mixed-use project, if it were located in West Hollywood.

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. Based on the Project Summary for Alternative 9 (on Table 2-1 of the RP-DEIR), the sewer usage by the proposed development is 270 Equivalent Sewer Units (ESU).

The annual City Sewer Service Charge rate for FY 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.

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.

CITY OF
WEST HOLLYWOOD

REVIEW

The FEIR inadequately addresses the above items, and these items need to be resolved prior to certification of the FEIR for the Project.

The following are key conditions that the City of West Hollywood still requests be applied to the Project:

- Eliminate site access along Havenhurst Drive.
- Require deliveries and services (i.e. trash collection, moving vans, etc.) to only ingress and egress the Project via the driveways on Sunset Boulevard and Crescent Heights Boulevard.
- Upgrade the existing pedestrian crosswalk located south of the project site on Crescent Heights Boulevard to a mid-block pedestrian signal, and incorporate other pedestrian visibility enhancements into the signalization of this crosswalk (i.e. sidewalk bulb-outs, refuge island, reflective markings, etc.).
- Fund upgrading the traffic signal controller equipment, replacing existing 170 controllers with 2070 controllers, and installation of battery back-up systems for the following City of West Hollywood signalized intersections: Fountain/La Cienega, Fountain/Crescent Heights, Fountain/Sweetzer, Fountain/Olive, and Fountain/Laurel.
- Require the installation of a new 8-inch diameter sewer aligned in Crescent Heights Boulevard that is owned and maintained by the City of Los Angeles, or have the Project developer pay the City of West Hollywood $1,244,691.30 to cover the long-term fair-share cost of the on-going operation and maintenance of the City of West Hollywood owned sewer system.

Thank you again for this opportunity to provide input on this project. If you have any questions regarding this letter, please feel free to contact me.

Sincerely,

Scott Lunceford, AICP
Associate Planner
Current and Historic Preservation Planning
City of West Hollywood
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323-848-6427