



William Lamborn <william.lamborn@lacity.org>

2nd Addendum to 8150 Sunset VTT

3 messages

Laura Lake <laura.lake@gmail.com>

Wed, Jun 15, 2016 at 2:49 PM

To: luciralia.ibarra@lacity.org, William.Lamborn@lacity.org

Cc: Don Parker <dparker@sonultra.com>, James O'Sullivan <jamesos@aol.com>, Mike Eveloff <meveloff@gmail.com>

Dear Luci,

Attached are our additional comments for your consideration, as well as two reference documents. Please confirm receipt.

Thank you,
Laura

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[Laura Lake, Ph.D.](#)

3 attachments



2nd Addendum on VTT.docx.pdf

749K



Joint Legislative Budget Committee_8150 Sunset ELDP Notice.pdf

3069K



LAMC 12.22 A. 25.docx

34K

William Lamborn <william.lamborn@lacity.org>

Wed, Jun 15, 2016 at 4:25 PM

To: Laura Lake <laura.lake@gmail.com>

Cc: Luciralia Ibarra <luciralia.ibarra@lacity.org>, Don Parker <dparker@sonultra.com>, James O'Sullivan <jamesos@aol.com>, Mike Eveloff <meveloff@gmail.com>

Receipt confirmed.

Thank you,
Will

[Quoted text hidden]

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William Lamborn
Major Projects
Department of City Planning
200 N. Spring Street, Rm 750
Ph: [213.978.1470](tel:213.978.1470)

Please note that I am out of the office every other Friday.

Laura Lake <laura.lake@gmail.com>

Wed, Jun 15, 2016 at 4:31 PM

To: William Lamborn <william.lamborn@lacity.org>

6/15/2016

City of Los Angeles Mail - 2nd Addendum to 8150 Sunset VTT

Thanks, Will.

[Quoted text hidden]

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Laura Lake, Ph.D.

Cell 310-497-5550

FIX THE CITY

VIA EMAIL:

June 14, 2016

Luci Ibarra

RE: SECOND ADDENDUM TO FIX THE CITY RE 8150-8118 SUNSET BOULEVARD.

VTT-72370-CN, CPC 2013-2551-CUB-DB-SPR, ENV 2013-2552 EIR

Dear Ms. Ibarra:

PREFACE TO COMMENTS

Laws matter. They provide predictability to the developer and to the community.

The city has a duty to protect public safety and guarantee that city services are not threatened. The General Plan Framework requires ties development with available infrastructure. We've warned the City repeatedly (Hollywood Community Plan, Catalina, MP 2035) and been ignored.

The public is outraged by congestion, potholes, and trash, and most of all, the doubletalk coming out of City Hall. The Mayor has asked the public to Save a Drop. But now, the City is proposing to approve a project such as 8150 Sunset that will use over a **trillion drops** we do not have:

8150 Sunset Blvd		
Gallons Per Day	: 48,184	
Drops Per Day	: 3,647,914,272	
Gallons Per Year	: 17,587,160	
Drops Per Year	: 1,331,488,709,280	

It is time to take infrastructure seriously, stop spot-zoning, and invest in fixing the problems caused by decades of municipal malpractice. Create jobs and improve, rather than degrade, the quality of life in Los Angeles.

Development without adequate infrastructure is a public menace. If the City Council and Mayor do not protect public safety and the quality of life, then the public will need to do it for them.

8150 SUNSET COMMENTS

Fix the City is responding to the comments filed by the Applicant's attorney, as well as to the VTT Case File. Please include these supplemental comments as part of the record. We include by reference all other comments and documents submitted for this project. Because the documents we reviewed contained replication of the same material, there is duplication in our comments.

We commend the Applicant for hiring a superb architect and for providing affordable housing. It is up to the Applicant to determine the highest and best use for this 111,339 SF property which is zoned C4-1D with an FAR of 1:1. It is up to the City to enforce the law.

An iconic housing development could be built on this site, with 35% additional FAR and affordable units on 150,308 SF, without closing the southbound turn lane or expropriating the city's 8118 Sunset parcel, and paying Quimby Funds to expand or refurbish local parks. This would be the environmentally superior alternative and could move quickly toward approval.

Alternative 9 is yet another example of spot zoning that is incompatible with the adjacent community. Only unlike other egregious cases of spot-zoning such as the Catalina Tower in Koreatown, this project simply skips the zone change and claims extra entitlements are by-right. They are not by-right and they are not lawful.

We urge you to finally adhere to the quality of life mitigations promised and guaranteed mitigations in the General Plan:

The city promised to protect public safety and balance city services with development. The City has repeatedly ignored this with MP 2035, with the Hollywood Community Plan, with Catalina, etc. These approvals ignore the General Plan.

We have warned the city that it is violating its duty under the General Plan Framework to balance infrastructure with development. The city is obligated to obey the General Plan Framework. We have told the City this repeatedly It is up to the City to:

- Do not approve additional density if city services are threatened (General Plan Framework Policy 3.3.2)
- collect full Quimby Funds to refurbish existing city parks in the area,
- enforce the Community Plan's current density for this site (plus by-right 35% bonus for affordable housing) as well as maintaining compatibility with the existing neighborhood,
- enforce city and state laws governing closure of a street by notifying all private easement owners within the Crescent Heights Tract and providing compensation for taking their easement to vehicular use of the roadway to be closed for this project,
- preserve the turn lane to relieve congestion and speed first responders, and


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- not permit 8118 Sunset to be incorporated into a private project and certainly not for free.

Our comments are directed toward the additional entitlements requested by the Applicant that overload the site and the city’s crumbling infrastructure, and put residents at risk by further slowing emergency response time. The City’s duty is to protect public safety.

The General Plan Framework mandates that adequate public services BEFORE additional entitlements are granted. With the worst congestion in the nation, water shortages, sinkholes, potholes that make car maintenance costlier than in any other city, broken sidewalks, rising crime, this city cannot afford to continue to overbuild. Fix it first, then build. Rebuilding the infrastructure creates jobs and improves the quality of life for all.

1. It is up to the City to uphold the General Plan and protect public safety and provide for adequate basic city services and facilities. Specifically, the city is obligated under the General Plan Framework to assure that development is balanced with adequate infrastructure (Policy 3.3.2). Based on the Annual Infrastructure Report, existing infrastructure and public services are not adequate. The 2010 Urban Water Management Plan is severely out of date. All assurances that water supply is available for this project are based on outdated data. For example, this project will be a water guzzler as shown below (source: www.DropWiseGallonFoolish.com). Water supply is most definitely a threatened city utility. Please update the water supply analysis that lead to a false conclusion that there is adequate water supply.

<h2>8150 Sunset Blvd</h2>		
Gallons Per Day	: 48,184	
Drops Per Day	: 3,647,914,272	
Gallons Per Year	: 17,587,160	
Drops Per Year	: 1,331,488,709,280	

2. It is vital if the earthquake fault is within 50 feet of a fault line. The Golding study was just on the Applicant’s property, not off-site. The fault could be just outside their property. Further analysis is required in a recirculated EIR.
3. It is disturbing that this project has been presented by the Applicant in his June 7, 2016 letter as a by-right project and fast-tracked when it does not qualify to be

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fast-tracked, excused from Site Plan Review, and it is not eligible for 3:1 FAR. Furthermore, the city cannot waive state requirements, which is what is being done in this VTT Case File and city certification of the project under AB 900 and SB 743.

The VTT Case File includes instructions for the VTT application that clearly require a request for a HD change from 1D to 1. The requirements, quoted below, have not been followed, and a notation of “NA” (not applicable) on form. It is most certainly applicable. On page 2 of 9 (document page number 159), states:

“8. For a zone change to a less restricted zone incident to a subdivision, a completed form CP-6116, will be required. **This application is required if the proposed project is of a higher density** or otherwise less restrictive land use than that permitted by the current zone. **However, only applications for a zone change that is consistent with the adopted community plan or specific plan will be accepted for filing.** This application should be submitted concurrently with the tentative tract map” (emphasis added).

No such application has been submitted or noticed to the public. The requested Density Bonus (for which it is only entitled to 1.35:1 FAR, not 3:1 FAR) and Environmental Leadership Development concessions are based on misinformation by the applicant:

- a. It is not in HD1,
 - b. it is not within 1500 feet from a major transit stop, and
 - c. it is not going to increase commercial space from the current 80,000 SF (it will reduce it to 65,000 SF).
 - d. It is not in conformance with the adopted community plan, as evidenced by the zoning on all the neighboring properties and testimony from community leaders.
4. On page 181 of the VTT Case File, the applicant claims that there is no transit stop abutting the project site. Yes, there is: 8118 Sunset is proposed to be merged with the project site via vacation action. Please correct this statement.
 5. Page 181 of the VTT Case File states re. Objective 1, “the project site does not adjoin any alleys and does not propose vacating any streets.” This is not true. The project is vacating the southbound turn lane, a public street, through a tract map merger as opposed to a street vacation ordinance. It is most certainly vacating a public street. Please correct this false statement.

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6. Page 183 of the VTT Case File shows the tract map with no vacation and closure of the southbound lane and no incorporation of 8118 Sunset Boulevard. But the next page shows the merger. This is very confusing. This is not what the hearing notice references, creating a public plaza, etc.
7. The project is entitled to a 35% increase in FAR (from 1:1 to 1:1.35) for a residential project with 11% affordable units. The total FAR would be 150,308 SF, NOT the 333, 893 SF claimed in Hearing Notice (and not the 287, 564 SF recommended in the VTT Case File, which reduced commercial square footage from 111,339 to 65,000 SF). Or the Applicant could build a 111,339 SF commercial project. But the Applicant cannot lawfully build the requested project, or even the reduced commercial project.
8. The VTT Case File Conditions of Approval 17 (page 12) does not state a specific period to covenant the 28 units as affordable. Please specify 55 years, and give priority to Veterans and accept VASH vouchers as rental payment. The greatest need right now is for housing homeless female veterans with children.
9. The applicant misstated that the project qualified for 3:1 FAR. It does not because it is not in HD 1, HD 1-VL, HD 1-XL or HD 1-L (1.5:1 FAR), it is in HD 1D (1:1 FAR). In addition, the site is not within 1500 feet from a major transit stop, as required by both state and city law.
10. The Errata dated June 2016 does not address the added traffic congestion from MP 2035 in this study area. It was adopted after the traffic analysis was conducted, and will be implemented afterward. In addition to updating the analysis given the proposed road diets, etc., please show on all roadway diagrams where bike lanes would be placed. Road diets have substantial impacts documented in the certified EIR for MP 2035.
11. There is a certificate of publication, but not a copy of the actual environmental notice that was published. Please provide this notice. We would like to know if it revealed to the public that the public street would be closed and built-over.
12. Referring to 8118 Sunset as a mere “traffic island” ignores the fact that it is a commercially-zoned property (C4-1). It is valuable land. We know of no median that has its own address and zoning. The Applicant is incorporating the turn lane and 8118 into his project. He is “borrowing” city property to enhance his project. Instead, the Applicant can offer to landscape 8118 Sunset “parklet.” This would be a community benefit with the property rights of the public respected, and safe emergency vehicle access preserved. By incorporating the turn lane through vacation/merger, the Applicant is forcing fire vehicles potentially into oncoming traffic. Has an analysis of this impact been made?

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13. A recent development at 8100 Sunset illustrates how a second turn lane was created, and a portion of the island eliminated to facilitate traffic flow. It is clear from the easements shown on the ZIMAS map that a similar plan exists to make a double turn lane onto Crescent Heights. Was there analysis of this proposal and how would it improve emergency access?
14. As the photo on the next page shows, the traffic flow presently makes it easy for emergency vehicles to turn south. If the road is closed, the fire trucks must turn a difficult corner and turn into the oncoming northbound turn lane. Where is this analysis?

The yellow arrow shows the present circulation system. The red arrow shows the sharp turn required to turn south if the road is closed and 8118 merges with the project site. In addition, the figure above shows how out of scale the project is with adjacent development, which is generally limited in height below 75 feet.



15. The Fire Marshall has clearly stated (in every land-use approval) that no portion of a building can be more than 150 feet from a fire lane or curb. Alternative 9, by merging with the turn lane and 8118 Sunset, would be more than 150 feet from the northeast portion of the project.

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16. The mailing list included in the VTT Case File for the 500 radius requirement is insufficient to inform all private easement owners for vehicular use of the southbound turn lane within the Crescent Heights Tract of 1905.
17. Pedestrian safety can be improved at the crossing of the southbound turn lane by installing a pedestrian-activated signal. This is a feasible safety mitigation that would maintain the turn-lane, particularly for southbound fire trucks.
18. Greenhouse Gas Emission thresholds and guidelines under CEQA are still being revised by OPR. All of the original modeling needs to be revised in light of Aliso Canyon natural gas leaks. Thus the original determination by the Governor's office and the ARB needs to be withdrawn until a determination can be made that this project, which triples the FAR and intensifies the traffic in the area, plus the city's Mobility Plan 2035, which doubles congestion, when combined with declining mass transit ridership, cannot support the conclusion that this project will not create a net increase in greenhouse gases.
19. Address: the project includes two properties with two different zones and addresses:
 - a. 8150 Sunset which the applicant holds title and is zoned C4-1D; and
 - b. 8118 Sunset is the property of the City of Los Angeles and is zoned C4-1.

The project's address is part of the project description and must accurately reflect the entire project and all of the approvals sought. In this case, 8118 Sunset is a city-owned property that the Applicant seeks to incorporate into his project without any city finding that this "borrowing" of the property to enhance a private project is lawful. It amounts to the Applicant being a squatter on public land. The City does not have authority to make a gift in ownership or use of public land.

The applicant is attempting to include 8118 Sunset as part of his project, without purchasing this property. The city must have an appraisal of this property and determine if it is in the public interest, safety and convenience to sell it, and then it must take the highest bid.

20. The applicant is NOT entitled to the CEQA fast-track process per AB 900 or SB 743 because:
 - a. it is not within 1500 feet of a major transit stop as required by both city and state law to qualify for 3:1 FAR, a tripling of FAR from current entitlements. The City lacks the authority to waive the state requirement.
 - b. is not zoned C4-1 but C4-1D (thus the Applicant's representative has misrepresented current zoning, claiming that the project is zoned in HD 1 when it is in HD 1D, with fifty percent less FAR than HD-1 (E. Michael Siegel, June 7, 2016, p. 2).
 - c. it will not increase commercial square footage from 80,000 SF present commercial use to 111,000 SF per the VTT Case File. This increase is

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cited as a condition of approval in the Legislative Analyst's letter (attached).

- d. There is no evidence that it will exceed by at least 10 percent the transportation efficiency for comparable infill projects.
 - e. The project is NOT entitled to CEQA streamlining because it cannot mitigate all of its significant adverse impacts, in particular, the traffic signal at Havenhurst and Fountain, which is located within West Hollywood and will not be permitted by West Hollywood.
21. The EIR must be updated to include the latest Earthquake map (December 2015). Independent geological assessments are required to assure that the project complies with the mandatory 50-foot distance from an active fault. Our earlier comments constitute new substantial evidence of seismic hazard that require additional environmental analysis and recirculation.
22. There is no substantial evidence in the record regarding how LAFD will mitigate the sub-standard response time in the area, no less the increased delay due to this and other related projects. Current response time is inadequate as explained below, and this project plus cumulative impacts will only worsen the response time for LAFD. Therefore, inadequate response time is an unmitigated environmental impact that must be included in the Statement of Overriding Considerations.
- a. The current LAFD staffing situation has not improved: about 80 new firefighters are now being hired, but about 300 will retired. This is evidence that response time will worsen, not improve.
 - b. Please provide quantitative measurements of response time now, and projected into the future, and what mitigation measures can increase response time to the established minimum of reaching a patient within five minutes 90% of the time. Provide the current baseline and the projected response time with and without the project.
 - c. Contrary to the EIR claim that current response time is adequate, it is woefully inadequate due to staffing shortages and traffic congestion in the area. The EIR falsely states: "Further, project-by-project traffic mitigation, multiple fire station response, and system wide upgrades to improve response times, and other requirements imposed by the LAFD and LACFD **are expected to continue to support adequate response times**. Therefore, cumulative impacts on fire protection and emergency medical services would be less than significant" (emphasis added). This is not possible given the current inadequate response times and inadequate staffing.

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- d. Based on LAFD testimony presented to the City Council, the City Controller, and public record requests made by Fix the City, this is a false statement. Current response time is inadequate for the three stations that serve the project site (41, 27, 61).
 - e. there is the issue of inadequate water pressure to serve the site.
 - f. If city property were included, portions of the project would be more than 150 feet from the curb and thus prevent mandatory fire apparatus access. If the turn lane is maintained, that adverse significant impact would be fully mitigated.
 - g. There is no explanation for how the Emergency Medical Services Bureau will speed response time and inadequate staffing for the three stations.
23. TDM is not used as a traffic mitigation measure for a residential project because the residents are not regulated by the property owner as an employer might provide incentives for employees. We are not familiar with any literature showing the efficacy of TDM for residential projects. Even co-location with a major transit stop for residential projects assumes that mass transit ridership will increase. Data available from the EXPO Line and other studies indicate the reverse: mass transit ridership has declined, not increased.
24. All GHG modeling must be revised in light of the massive emissions at the Aliso Canyon natural gas leak. New CEQA Guidelines have not yet been issued by OPR for evaluating GHG impacts. Therefore, a supplemental analysis of the GHG emissions from this project is required once a new model is developed and the escaped gas incorporated into the model. To reach the original goals, greater reductions from projects is required based on an updated model.
25. There is substantial evidence in the record from neighboring property owners and their representatives that the project is not compatible in scale and massing with the adjacent community. The apartment building immediately south is three stories. The project proposes 16 stories. This is not compatible. It could be made compatible by not overbuilding the site and providing for stepping back adjacent to the low-rise neighbors. For the same reasons the Catalina project was deemed by the Planning Department and Planning Commission to be incompatible, this project is also incompatible.
26. The project claims to provide “under a single ownership” a Corner Plaza open space area (Siegel, p. 10). That corner plaza is owned by the people of Los Angeles, not the applicant. It is not under single ownership, as the city has not

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declared the property surplus or offered it for sale. Instead, the applicant is appropriating public property unlawfully.

27. By the applicant's own admission, the project site is not within a transit priority area as stated on page 10 (Siegel, p. 10); close only counts in horseshoes. Thus the statement that its aesthetic impacts are exempt is based on a false representation that it is within a transit priority area. Those impacts are significant and are not exempt from CEQA.
28. By tripling the FAR for this project the city's crumbling infrastructure will be further overburdened. Clearly, this site was downzoned and limited in FAR because the local streets cannot carry development beyond FAR 1:1. The city has a crumbling water supply delivery system, a drought in which current residents are asked to conserve water (so that the residents of the new project may use more water), fire response time is below standard, crime is rising, traffic congestion is the worst in the nation, the roads are in such bad condition that drivers pay more to repair their cars than in most cities, sidewalks are broken, trees are not trimmed, parks are not well-maintained, etc. The Infrastructure Report Card published under the General Plan Framework shows a city with substandard public services and facilities. The individual additional burden of this project and the cumulative impacts are significant. A feasible alternative would be to build by right plus the 35% density bonus for affordable units with an FAR of about 150,308 SF (minus any city property or right of way to the midline of adjacent streets)
29. It is not clear where moving vans will load and unload, as well as commercial delivery trucks. If the loading dock on Havenhurst (see Siegel, p. 16) is for commercial deliveries, they are likely to be early and disturb adjacent residents. Please address these impacts and the arrangements for deliveries and moving vans.
30. The Siegel letter (p. 19) misstates the FAR calculation by omitting the inclusion of the area beyond the midline of the turn lane (as requested as an off-menu incentive).
31. Has West Hollywood consented to issue a sewer permit? Is there sufficient capacity (Siegel, p. 20).
32. The analysis of fire service did not address response time (Siegel, p. 21). It is not adequate now, and this project plus cumulative impacts, will further exceed an inadequate fire response time.

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33. All the neighboring properties are subject to Development Conditions involving FAR limitations and in many instances, building height limitations (p. 3 VTT Case File). This project would be incompatible with the scale and massing of adjacent properties and the character of the adjacent community.
34. Dedications for roadway widening shown on the ZIMAS map (already submitted) match the dedications required for 8100 Sunset. Why is the city not requiring the same dedications to make the intersection function more efficiently and safely?
35. The VTT Case File (p. 4) fails to address the impacts of closure of turn lane on circulation. This is also not analyzed in the EIR. In particular, the impacts on large fire trucks making the awkward/dangerous turn south if the turn lane is vacated.
36. The VTT Case File (p. 4) fails to address the property rights of private easement owners within the original Crescent Heights Tract who own property within both the City of Los Angeles and the City of West Hollywood.
37. The VTT Case File (p. 4) mentions the Metro Rapid Line 780, but does not provide the distance from the site, a requirement of city and state laws conferring additional entitlements to the Applicant. In this case, it is more than the mandatory 1500 feet. Staff must provide these distances so that the decision-maker is aware of the law and the facts of this application.
38. The VTT Case File (p. 4) incorrectly states the distance from the earthquake hazard according to the most recent earthquake map, the site is much closer to an active fault (50 feet?), not a quarter of a mile.
39. The VTT Case File (p. 4) references a Bureau of Engineering memo of November 17, 2014, which totally ignored the closure of the southbound turn lane and did not address whether the additional 20-foot dedication was required for this project, to match the dedications directly across the street at 8100 Sunset.
40. Combining a commercial and residential driveway creates concerns about queuing capacity. In addition, will commercial visitors have access to residential parking facilities?
41. The revised application dated April 26, 2016 (Jeffrey Haber, p. 2) claims that the project is not subject to Site Plan Review because it is discretionary (Footnote 1). However, in the very same letter, the applicant seeks a CUB, which is most certainly a discretionary approval and would trigger environmental review and

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site plan review. Furthermore, closure of a city street is a discretionary approval that makes the project subject to Site Plan Review.

42. It is not clear from the BTC proof of posting that the street closure was shown.
43. There is no publication of the notice to vacate the turn lane through a merger/map.
44. There is no evidence that all private easement holders were notified of the closure of the turn lane.
45. The VTT Case File (p. 6) recommends 65,000 SF commercial, which would not qualify for fast-tracking under AB 900 or SB 743, and specifically analyzed by the Legislative Analyst as requiring additional square footage, not less than the present commercial square footage.
46. The VTT Case File (p. 6) states that 8118 Sunset would be converted to a public space. It is already a public space. The applicant is free to volunteer landscaping and maintenance of 8118 as a community benefit without adversely impacting the turn lane and incorporating 8118 Sunset into the project site.
47. The project cannot use city land (8118 Sunset) to count toward its Quimby Fee obligations (Mitigation Measure PRK-1, Staff Report p. 31). This would be a gift of public funds (over a million dollars in Quimby Funds and over \$2 Million for the value of 8118 Sunset) to the applicant.
48. It is not clear whether or not 8118 Sunset is counted as open space for the project. In some documents it implies that it is (e.g., application to the state for Environmental Leadership Development Project). The drawings included with the VTT Case File labeled "Open Space" shows 8118 as project open space. It is city property and must not be included as part of the project. The Applicant's recent response dated June 7, 2016, insisted that 8118 Sunset would not count toward the open space of the project.
49. Is there parking below public property (8118 Sunset and the southbound turn lane)? We ask because there is no request for a subsurface vacation in any document.
50. There is no discussion or analysis of compliance with the City's Corner Commercial Ordinance. The project is not exempt from this ordinance.
51. The VTT Case File is not for Alternative 9. This is very confusing. Where is the VTT case file for Alternative 9?

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52. The application stated (Case File p. 181) that the project did not include or abut a bus stop. This is not true, per page 217 of the Case File. Please correct.
53. The use of 8118 Sunset for “outdoor dining” is a commercial use on public land (Case File p. 20). Public land is being used rent-free for a commercial activity.
54. Limitation of Special Events: beyond the traffic and parking plan required for special events (Staff Report p. 32), the number of special events and the hours for special events need to be limited in order to assure the peace and quiet of adjacent residents. This is not addressed as a condition of approval. Special Events should be limited to no more than one per month.
55. Did the traffic analysis include Special Event traffic impacts? If not, it needs to be updated, along with the added congestion from MP 2035.
56. Did the parking demand study include Special Event parking needs? Have offsite lots been identified for overflow parking? Are there binding agreements to lease those sites?
57. Is there a plan to handle wastewater if the City of West Hollywood refuses to issue a sewer permit? (Staff Report pp. 37-38). Why is LA collecting a sewage fee if the City of West Hollywood is going to handle sewage? (Staff Report p. 38, S-1(a)).
58. The Staff Report does not address Bureau of Engineering conditions due to the location of the project within a known flood plain. Why not?
59. The Staff Report p. 39, S-2(d): addresses improvements within public streets. This is a street vacation that eliminates vehicular access. It requires state-mandated findings that cannot be made on the basis of the heavy traffic documented in the EIR.
60. The Public Hearing Notice did not include a Variance to permit outdoor dining above the ground floor (Staff Report, p. 41).
61. If there is any live entertainment within the project, a variance is required for the C4 zone. The Special Events referenced above would suggest that live entertainment would occur, but no variance has been requested. This is piecemeal approval, in violation of CEQA.
62. Staff Report p.49: Contrary to the Staff Report, Alternative 9 is materially different from the original project approved by Governor Brown. As the attached

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letter from the Legislative Analyst makes clear, the project would be required to increase commercial space for high paying jobs, from 80K SF to 111K SF.

Instead, Alternative 9 as recommended, reduces commercial space to 65K SF. It therefore does not meet the high-wage job criterion, nor does it comply with the transit efficiency requirement defined as 1500 feet from a major transit stop.

63. If there is a grocery store (Staff Report p. 50), where is the loading dock, and how would these impact residents in the project and nearby?
64. Mitigation is needed for the circulation impacts of closing the turn lane, forcing fire equipment to make a dangerous turn to go south, and adding to congestion at the intersection. (See Staff Report p. 52, which fails to address vacation impacts). It also impacts property rights that were entirely ignored, for all private easement owners.
65. The VTT Case File had mentioned a condition of approval to be air filtration systems for the residences. So why has the conclusion been reached that air quality impacts do not include odors as significant? (Staff Report, p. 56).
66. The Staff Report states on p. 57 that emergency access would be provided on Sunset, Crescent Heights and Havenhurst Drive. However, the Fire Marshall requires that no part of the building frontage be more than 150 feet from a curb. The vacation of the turn lane and merger with 8118 Sunset does not conform with this safety condition of approval. Please leave the turn lane open so that residents will be provided public safety mandated by LAFD.
67. This project is not compatible with the adopted Hollywood Community Plan, thus its impacts are significant, contrary to the statement on p. 67 of the Staff Report. The impacts are the tripling of permitted FAR in comparison with neighboring properties (spot zoning).
68. The removal/closure/merger/vacation of a public street from the adopted community plan circulation element requires a General Plan Amendment of the Circulation Element of the General Plan and the Community Plan, in addition to the vacation findings and report by the City Engineer and the compensation to all private easement holders within the original Crescent Heights Tract.
69. There is an inconsistency between MP 2035 and the propose closure/merger/vacation of the southbound turn lane that requires that the two maps be internally consistent. This is a significant adverse impact on an adopted land use plan (p. 67 Staff Report).

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70. As admitted in the EIR, emergency response time will be slowed. This is a significant adverse impact given the fact that current response time is already below the established standard of reaching accidents within five minutes 90% of the time. In addition, the annexation of 8118 Sunset creates an unsafe separation from fire lanes beyond 150 feet.
71. As addressed in earlier comments, GHG analysis must be revised to account for the Aliso Canyon natural gas leak, and the model's incorrect assumption that mass transit ridership would increase, not decrease.
72. Without the traffic signal at Fountain and Havenhurst, the traffic impacts will be severe and unmitigated. West Hollywood is on record stating it will NOT put in that signal. (see p. 67 Staff Report). Furthermore, the traffic study did not address the significant added congestion due to MP 2035's road diets in the area.
73. Demolition of buildings eligible as Cultural Resources has a significant adverse impact on the visual quality of the community, contrary to the statement made on page 69 of the Staff Report, but acknowledged on p. 139 of the Staff Report. The analysis must be internally consistent.
74. The closure of the southbound turn lane to vehicular access violates state regulatory framework (Staff Report p. 69) and constitutes a significant impact on circulation, public safety and property rights, all protected by state and local regulations that were ignored in the EIR and in the staff report. It is inconsistent with MP 2035, inconsistent with requirements to use city property (8118 Sunset), the General Plan land use policies and protections, etc.
75. At a minimum, any features of the Lytton Bank building should be incorporated into Alternative 9, such as photos of the building, any unique features, etc.
76. Several City Design Guidelines appear to be violated due to incorrect responses to the questionnaire, as discussed earlier in these comments.
77. Has the project increased electric charging spaces significantly to facilitate more electric vehicle use?
78. We strongly disagree with the conclusion on (Staff Report p. 86) that the project is consistent with the adopted Community Plan as well as the General Plan Framework, which mandates in Policy 3.3.2 that development must be balanced with available city services and infrastructure, and that if any city service or utility is threatened, development may be halted until the city corrects the problem. With traffic congestion the worst in the nation, and MP 2035's doubling of that

FIX THE CITY

congestion, there is no substantial evidence to support the finding that the project is consistent with reducing air pollution or GHG..

79. If commercial square footage is reduced from the current 80,000 SF commercial use, and square footage for commercial space was used by the Legislative Analyst's evaluation for AB 900 (see letter attached), then the conclusion that the smaller commercial space will increase employment is not supported by substantial evidence – it is contradicted by the Legislative Analyst. (see p. 87 Staff Report).
80. The statement (Staff Report p. 87) that the project would improve the residential character of the surrounding community is contradicted by substantial evidence in the record from representatives of adjacent property owners that it will instead diminish the value of their homes by towering over them and increasing traffic on already crowded streets. Also, development is not limited to the project site, as claimed; it includes 8118 Sunset, a city owned parcel.
81. The project is not providing all necessary infrastructure improvements to meet project demands (Staff Report p. 87) because the traffic signal at Fountain and Havenhurst will not be installed by the City of West Hollywood.
82. Contrary to the Staff Report (p. 88), the project would NOT be consistent with the existing pattern of development in the area. This is demonstrated by the photo earlier in these comments that shows how the project dwarfs all of its neighbors.
83. The project will not enhance patterns of movement, as claimed on p. 89 of the Staff Report. It will do the reverse and add to congestion by removing the southbound turn lane.
84. Contrary to the Staff Report (p. 89), it would adversely change the relationships between existing land uses and properties by expropriating city property and closing the turn lane.
85. Contrary to the claim on p. 89 of the Staff Report, the project is not consistent with the area or the General Plan Framework (Policy 3.3.2). Basic city services are in a threatened state. Under Policy 3.3.2, the requested increase in FAR and closure of a city street must not be approved. It is just as out of scale for its location and incompatible in Hollywood as the Catalina Tower is in Koreatown. Tripling the FAR is a significant departure for this area, which was downzoned in 1989 as a result of the Hillside Federation's lawsuit. The need to maintain existing density is imperative given increasing congestion. The project does not conform with regulatory policies regarding the closure/vacation of a public street

FIX THE CITY

and the compensation due to private easement owners under California Streets and Highway Code Section 8325(b).

86. It is true that no new roadways would be created as a Project component (Staff Report p. 95). Rather, existing roadways would be closed and lost to the public and to private easement owners, who are not being offered compensation.
87. The project is indeed incorporating park facilities into the Project – using public land without compensation (see Staff Report p. 97). This amounts to privatizing public land and privatizing a public street into the project...all for free.
88. The Staff Report (p. 98) fails to address the failure of the project to pay its Quimby Fees for its impacts on local parks, and its failure to compensate the city for the use of its property at 8118 Sunset as well as the southbound turn lane. It also fails to acknowledge that over 500 new residents will indeed impact park use. That is why there is a Quimby Fee required for multi-family housing developments.
89. Will the mini-library on-site be staffed and equipped by the Applicant? (Staff Report p. 99).
90. The transportation analysis did not address the added congestion and traffic hazard of closing the southbound turn lane, and the impacts on Havenhurst without a signal at Fountain. (Staff Report p. 99). In addition, the impact of Special Events on local traffic has not been addressed in the EIR.
91. Contrary to the Staff Report, the project is in conflict with the adopted MP 2035 which shows a southbound turn lane on its map. (See Staff Report p. 99). Required mitigation proposed in EIR is a signal at Fountain and Havenhurst. But the Staff Report claims that no mitigation measures are necessary. This is not supported by the EIR and Mitigation Measure TR-1.
92. Will driveway queuing capacity be adequate for Special Events? (Staff Report p. 101).
93. The free right-turn lane is exactly what the city required for 8100 Sunset across the street. There is no substantial evidence to support why it was required for 8100 Sunset but not for 8150 Sunset. Removing it from the westbound traffic is not an improvement. Also, heavy driveway traffic turning left to Sunset should be prohibited because it is dangerous to cross the double-yellow lines without clear vision. Or a traffic signal is required to make it safe. It is not an efficient or safe change to traffic.

FIX THE CITY

94. Commercial loading docks on Havenhurst is a commercial intrusion on a residential street, particularly with a grocery store with constant deliveries.
95. Spillover parking for Special Events IS anticipated (as discussed above) and is not addressed here (Staff Report p. 103).
96. Does project-related traffic include Special Events? (Staff Report p. 105).
97. Did the CMP analysis include the additional congestion from MP 2035? (Staff Report p. 105).
98. Water supply is not adequate, as claimed in Staff Report p. 107. See comments on p. 2 above.
99. Will the project have a gray-water system to further conserve water? If not, why not? It appears that there are no water mitigation measures (Staff Report p. 109) This project should be a model for water conservation beyond LEED standards.
100. The concern is not the capacity of the mains, but their condition (will it collapse in a sinkhole) and the water supply (Staff Report p. 107). Has a sewer study been conducted to determine the condition and age of the sewer and water mains?
101. The 2010 Urban Water Management Plan cited on p.108 of the Staff Report is out of date. There is substantial evidence in the Governor's Executive Orders and the State Water Board orders for mandatory water conservation by all cities in California to conclude that the water supply is not adequate or guaranteed. In fact, the water supply is THREATENED, and under General Plan Framework Policy 3.3.2, development must be balanced with infrastructure, which means by-right projects can be approved, but discretionary **increases in density cannot be approved until the city or state declares the water emergency is over.**
102. Staff Report p. 116 claims that aesthetic impacts are not considered significant because the project is located 1500 feet from a Major Transit stop as required by SB 743. However, it is NOT 1500 feet from a major transit stop. It is 1560 feet and therefore aesthetic impacts are significant. The state law does not provide for exceptions. The applicant did not inform the Governor or the Legislature at the time it applied for the Environmental Leadership Development certification that it was not within 1500 feet. That's like going five miles over the speed limit and claiming you were close to the speed limit. If the statute did not give a specific number and just said close, there would be wiggle room, but it is very precise, and the project does not qualify.

FIX THE CITY

103. The omission of analysis of cultural resources that include historic buildings is improper. While there is discussion of paleo and archeological resources, this section (Staff Report pp. 121-125) lacks findings regarding the Lytton Bank Building which is deemed to be eligible for listing by the City as a Cultural Resource. Mitigation measures must be provided for this building. It is a jewel. Was adaptive reuse considered? If not, why not?
104. Seismic hazard analysis is not complete (Staff Report p. 126). The project is within the Hollywood Fault. Only the Project site was studied by Golder. What is the substantial evidence for the claim that the fault line is 100 feet away?
105. Clearly, traffic congestion impacts emergency response time (Staff Report p. 128) and thus Mitigation Measure TR-1, WHICH WILL NOT BE IMPLEMENTED BY WEST HOLLYWOOD. Therefore, there is a significant adverse impact on fire emergency response time, already inadequate when compared with the city standard response time of five minutes 90% of the time. Staff already knows from the letter from West Hollywood that it does not agree to this mitigation. Therefore, there is an unmitigated significant impact on emergency response services that must be stated in the FEIR and Staff Report.
106. This same discussion of LAFD response time fails to address the impacts on response time due to closure of the southbound turn lane, which allows vehicles to turn south without entering the intersection and risk collision with vehicles at the signalized intersection.
107. Cumulative impacts (Staff Report p. 128) analysis admits that there will be an increase in demand for emergency services, but elsewhere in the EIR it is stated that there are no plans to provide additional fire stations, equipment or personnel in the impacted area. Why not charge a fire service expansion fee for the project's impact on local stations? Or include and staff a fire station as part of this project?
108. Fire agencies do not support adequate response times NOW. It is misleading to state that they will continue to do so in the future when they are not presently doing this (Staff Report p. 129). Again, General Plan Framework Policy 3.3.2 applies: fire response time is threatened and inadequate. A plan to bring response time back up to standard must be a mitigation measure.
109. What are the multiple steps being taken by LAFD to improve response times? (Staff Report p. 130). The city is losing more firefighters than hiring, and no new stations are planned. MP 2035 will add congestion and further slow first responders. There is no substantial evidence in the record that supports the

FIX THE CITY

conclusion that response time will improve. There is a new LAFD plan, but it really is not responsive to response time, but really a new ORT chart, with the exception of motorcycle paramedics. While that is a great idea, it does not transport patients to hospitals.

110. Police response time would be adversely impacted by the failure to implement TR-1 but p. 130 of the Staff Report assumes (incorrectly) that it will be implemented. What is the impact on police service from non-implementation of TR-1 and from the closure of the southbound turn lane?
111. What are the impacts on police service for Special Events? This has not been analyzed.
112. How is it possible for the project to prevent loitering or unauthorized access to the project site (Staff Report p. 132) when part of it (8118 Sunset) is public property, and from the drawings and descriptions, there is an open central plaza?
113. How does the public know about the public roof deck area? (Staff Report p. 134). Is this the restaurant area? Open space requirements under LAMC are not the same as park space. The Corner Plaza is a public property that is being used by the project without Fair Market Value. The legality of incorporating 8118 Sunset into the project is not analyzed in the EIR and must be. A mitigation measure could be for the developer to landscape and maintain 8118 Sunset as it is now, unconnected with its site. 8118 Sunset is about the size of two R-1 lots and would be a public pocket-park, if properly designed.
114. Full Quimby Fees must be collected (Staff Report p. 135) because city-owned property may not be lawfully incorporated into a private project and count as park space. The Quimby Fee is a state-mandated mitigation measure.
115. There is no substantial evidence to support that the Crescent Heights driveways, which are proposed to permit left-turns, would not create congestion and contribute to accidents. (Staff Report p. 136). Havenhurst is a smaller, less congested street, and yet left turns are (wisely) prohibited and structural elements designed to prevent left turns are mandated. Why is this not being required for a far busier street, Crescent Heights?
116. The cumulative traffic impact analysis does not include MP 2035 which would create significant, unmitigated additional congestion throughout the project area (Staff Report p. 136). This is significant new information that requires updating the traffic analysis and recirculating the EIR.

FIX THE CITY

117. Traffic impacts from Special Events have not been analyzed, and mitigation is being postponed, rather than presented as part of the EIR. This amounts to post-hoc unknown mitigation and analysis and violates CEQA. (Staff Report p. 138). There is no information provided to indicate the frequency and number of attendees. This needs to be disclosed to the public and the decision-maker. Are these special events in the grocery store, restaurants? It is very unclear. There was no mention of entertainment facilities, such as a cinema that might host a premier. Please clarify the special events anticipated for this project. We request that special events be limited to once -a-month and that off-site parking be identified and leases provided to show availability for special event guests (e.g., Academy Museum event parking).
118. Alternative 2 with existing zoning could also be developed as residential and receive a 35% density bonus. Why is this not studied and considered? (Staff Report p. 156). Residential uses would generate far less traffic than Alternative 2 and require less parking. Also, 8118 Sunset would not be colonized by the Applicant and used as a part of the project.
119. Is a health club part of Alternative 9? Is there a variance request for this use in the C4 zone? (See page 160, Staff Report).
120. The Statement of Overriding Considerations failed to include unmitigated significant impacts on police and fire response times (Staff Report 195-196).
121. The Statement of Overriding Considerations eliminates the project's eligibility as an Environmental Leadership Development Project.

Sincerely,

Laura Lake

Laura Lake, Ph.D.

FIX THE CITY

Attachments:

LAMC 12,22 Affordable Housing Ordinance

Letter from Senator Leno re. qualifications for ELDEP

Joint Legislative Budget Committee

CHAIR
MARK LENO

VICE CHAIR
NANCY SKINNER

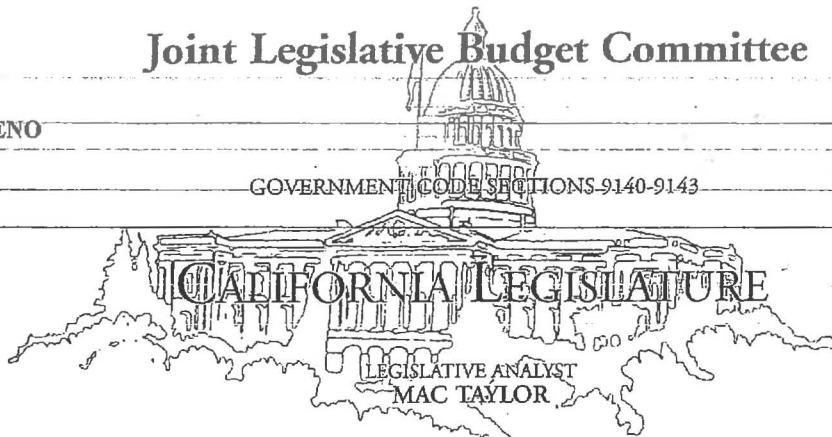
SENATE

KEVIN DE LEÓN
JEAN FULLER
ALEX PADILLA
RICHARD ROTH
MIMI WALTERS
LOIS WOLK
VACANT

GOVERNMENT CODE SECTIONS 9140-9143

ASSEMBLY

ROCKY CHÁVEZ
WESLEY CHESBRO
MIKE GATTO
JEFF GORELL
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VACANT



May 8, 2014

Ken Alex, Director
Governor's Office of Planning and Research
State of California
1400 Tenth Street
Sacramento, CA 95814

925 L STREET, SUITE 1000
SACRAMENTO, CALIFORNIA 95814
(916) 445-4656

Dear Mr. Alex:

On April 8, 2014, you informed me that Governor Brown has determined that the 8150 Sunset Boulevard project in Los Angeles County is eligible for streamlined judicial review for CEQA compliance under the Jobs and Economic Improvement Act of 2011 (AB 900).

AB 900 (Buchanan), Chapter 354, Statutes of 2011, was intended to encourage California's economic recovery by providing a streamlined CEQA review process for construction projects that qualify as an environmental leadership development project. While projects that meet the criteria set forth in AB 900 are eligible for streamlined CEQA review, it does not alter the requirements a project must meet under CEQA; diminish the ability of project opponents to raise issues or file actions under CEQA; or change the standards a court must consider in reviewing CEQA plans. All the rights and remedies available to parties to challenge a project are expressly protected under AB 900.

The Legislative Analyst's Office (LAO) has reviewed the project on behalf of the Joint Legislative Budget Committee and advises me that the project "aligns with the intent of AB 900". I have attached their analysis for your review.

Based on the information you have provided, and the subsequent review by the LAO, I do not object to your determination that this project meets the criteria set forth in Public Resources Code § 21178 et seq. However, I have received a number of communications in opposition to this project and I am forwarding those to you for your review.

Sincerely,


Mark Leno
Chair

cc: Members of the Joint Legislative Budget Committee

Attachments



May 1, 2014

Hon. Mark Leno, Chair
Joint Legislative Budget Committee
Room 5100, State Capitol
Sacramento, California 95814

Dear Senator Leno:

On April 8, 2014, the Office of Planning and Research notified you of the Governor's determination that the 8150 Sunset Project is eligible for the alternative California Environmental Quality Act (CEQA) review process authorized by Chapter 354, Statutes of 2011 (AB 900, Buchanan). Under AB 900, the Joint Legislative Budget Committee (JLBC) has 30 days to concur or not concur with the Governor's determination. As we discuss below, we think the 8150 Sunset Project aligns with the intent of AB 900, and we recommend that you concur with the Governor's determination.

Background

Summary of AB 900. Assembly Bill 900 authorizes the Governor to review and certify submitted development projects for a streamlined judicial review process for CEQA compliance. This process is intended to allow projects to begin construction sooner by requiring that any legal challenge of a project's CEQA certification be referred to the state Court of Appeal and resolved within 175 days. In order to qualify for AB 900's alternative CEQA process, a project must meet a series of criteria outlined in the statute. For example, any project under AB 900 must result in a minimum investment of \$100 million, create high-wage jobs, and not result in net additional greenhouse gas (GHG) emissions, as determined by the California Air Resources Board (ARB). Additionally, a residential and/or commercial project—such as the proposed project—must meet additional requirements. Specifically, it must be located on an infill site, be designed to achieve Leadership in Energy & Environmental Design (LEED) silver certification, be consistent with the relevant regional sustainable communities strategy (SCS), and exceed by at least 10 percent the transportation efficiency for comparable projects.

Description of Proposed Project. The proposed 8150 Sunset Project is a mixed-use infill project. The project is proposed for a 2.56 acre site in the Hollywood area within the city of Los Angeles that is currently developed with roughly 80,000 square feet of commercial space. The proposed project would demolish this existing development and replace it with roughly 222,000 square feet of residential space (249 units) and 111,000 square feet of commercial space. The lead agency for the project is the city of Los Angeles and the estimated total project cost is \$200 million.

Legislative Analyst's Office
California Legislature
Mac Taylor • Legislative Analyst
925 L Street, Suite 1000 • Sacramento CA 95814
(916) 445-4656 • FAX 324-4281

Analyst's Comments

The Governor certified that the 8150 Sunset Project meets AB 900's requirements and has provided supporting information to the JLBC. After reviewing these materials, we find that the project clearly meets many of the criteria set out in AB 900. Specifically, the supporting documents demonstrate that the project will result in greater than the minimum \$100 million investment, has received a determination from ARB that it will not result in any net additional GHG emissions, is on an infill site, and will be designed to achieve LEED silver certification.

We note, however, that some of the criteria in AB 900—job creation, SCS consistency, and transportation efficiency—are not clearly defined in the statute. As a result, while we believe the project is consistent with these requirements based on our interpretation of AB 900, it is possible that different reviewers could reach different conclusions. Thus, we discuss our understanding of these criteria and their application to this project below.

Job Creation. One condition of eligibility for the alternative CEQA process under AB 900 is that the "project creates high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians." This provision contains some requirements that the proposed project clearly meets. For example, the project will create construction jobs and the applicant has committed to paying prevailing wages. There is **uncertainty, however,** regarding how to interpret the requirement that the project generate permanent jobs. The applicant indicates that it expects the project to create over 300 jobs. However, it is difficult to verify this projection or determine with any certainty how many of these jobs would have existed without the project—for instance, within the existing development at the site or at nearby businesses. For that reason, consistent with our office's past practice, we **interpret the statute to mean that the project must provide space** for new permanent jobs (rather than the jobs themselves). Under that interpretation, we find that the project meets AB 900's permanent job requirements by **creating roughly 30,000 square feet of additional commercial space (above the 80,000 square feet of commercial space that currently exists on the site).**

SCS. Another condition of eligibility for the alternative CEQA process is that the project be consistent with the SCS covering the relevant region. In this case, the applicable SCS is the Southern California Association of Government's Regional Transportation Plan/SCS (SCAG's RTP/SCS). Since AB 900 does not specify how to determine consistency with the policies identified in the SCS, we interpret the statute as requiring that the project provide a reasonable justification for its consistency. The SCAG's RTP/SCS emphasizes goals and policies that encourage energy efficiency and promote land use and growth patterns that facilitate transit and non-motorized transportation. This project proposes an energy efficient design, includes **transportation demand (TDM) programs to reduce vehicle trips,** concentrates growth in an urban setting, and is located in an area with relatively robust transit service—characteristics that we believe are in keeping with the goals and policies of SCAG's RTP/SCS.

Transportation Efficiency. An additional condition for CEQA streamlining under AB 900 is that the project meet a 10 percent greater standard for transportation efficiency, meaning that the average number of vehicle trips by **employees and visitors** must be 10 percent less than that of a comparable facility. Assembly Bill 900 does not specify what data to use in measuring whether a project meets this level of transportation efficiency improvement or define the type of projects

that should be the basis of comparison. Accordingly, consistent with our office's past practice, we interpret this requirement to mean that the project must present a reasonable plan for achieving greater transportation efficiency than similar developments. The applicant indicates that, due to the project's location within a high-density and heavily developed area, the project is expected to benefit from high levels of "pass through traffic," which would reduce the vehicle trips it generates. Also, the applicant proposes various TDM programs, which are aimed at further reducing vehicle trips. Together, the applicant anticipates that these aspects of the project would enable it to reduce vehicle trips by roughly one-third compared to a mixed-use project in a suburban location without TDM. While not conclusive, we believe this represents a reasonable plan to reduce vehicle trips relative to other similar projects and thus aligns with AB 900's intent for greater transportation efficiency.

Conclusion

In view of the above, we think the 8150 Sunset Project aligns with the intent of AB 900 and therefore recommend you concur with the Governor's determination.

If you have any questions about this analysis, please contact Helen Kerstein of my staff at (916) 319-8364 or Helen.Kerstein@LAO.CA.GOV.

Sincerely,



Anthony Simbol
Deputy Legislative Analyst

cc: Members of the Joint Legislative Budget Committee



EDMOND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

April 8, 2014

Honorable Mark Leno, Chair
Honorable Nancy Skinner, Vice-Chair
Joint Legislative Budget Committee
[add full address]
Sacramento, CA 94249-0019

Re: 8150 Sunset, AB 900 Certified Project

Dear Senator Leno and Assemblywoman Skinner:

Governor Brown has determined that the 8150 Sunset Project in the City of Los Angeles is eligible for streamlined judicial review under the Jobs and Economic Improvement Act (AB 900), Public Resources Code section 21184. Pursuant to that provision, I am forwarding the Governor's determination to the Joint Legislative Budget Committee.

If you have any questions or comments, please do not hesitate to contact me or my staff.

Sincerely,

Ken Alex
Director

Executive Department
State of California

**GOVERNOR'S CERTIFICATION GRANTING STREAMLINING FOR THE 8150 SUNSET BLVD.
PROJECT IN THE CITY OF LOS ANGELES**

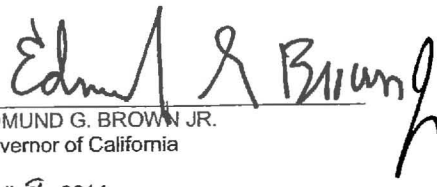
I, **EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the Jobs and Economic Improvement Act of 2011, Public Resources Code Sections 21178 et seq., make the following determinations:

The 8150 Sunset Blvd. Project, a \$200 million dollar mixed use residential/commercial redevelopment on a 2.56 acre site in Hollywood, will create new jobs, reduce energy usage and use clean energy, and promote infill development. A copy of the Project's Application, which contains information supporting this certification, is attached as Exhibit 1. All materials associated with this application are available online at http://opr.ca.gov/s_californiajobs.php.

1. Project Applicant: AG-SCH 8150 Sunset Boulevard Owner, L.P.
2. Project Description: A mixed use commercial/residential project located at 8150 Sunset Blvd., in Los Angeles, consisting of 249 apartment units (28 affordable housing) and 111,339 square feet of commercial retail and restaurant space in two buildings of 16 stories. The project will redevelop a 2.56 acre site on the Sunset Strip in Hollywood, and include a 9134 square foot public space and a 34,050 square foot central public plaza. Parking will be on site.
3. Lead Agency: City of Los Angeles
4. The project meets the criteria set forth in Public Resources Code section 21180(b)(1). It is
 - a. A mixed use residential/commercial project;
 - b. Designed to be eligible for LEED Silver certification;
 - c. Designed to achieve a 10-percent greater standard for transportation efficiency than for comparable projects (see Ex. 2); and
 - d. Located on an in-fill site.
5. The project is consistent with the Sustainable Communities Strategy for the Southern California region. (See Ex. 3.)
6. The size and scope of the project clearly establish that the project entails a minimum investment of \$100 million in California through the time of completion of construction.
7. The project applicant has provided information establishing that the prevailing and living wage requirements of Public Resources Code section 21183(b) will be satisfied. (See Ex. 1, pages 11-12.)
8. The project applicant has provided information establishing that the project will not result in any net additional greenhouse gas emissions, and the Deputy Executive Officer of the Air Resources Board has made the determination that the project does not result in any net additional greenhouse gas emissions. (See Application, and CARB Determination, dated March 27, 2014, attached as Ex. 4.)

9. The project applicant has provided documentation reflecting a binding agreement establishing the requirements set forth in Public Resources Code sections 21183(d), (e), and (f). (See Exhibit 5.) For this project, the applicant must ensure that the proposed travel demand management strategy (as set forth in the Project Application) is incorporated into the project or identified as mitigation for the project, and that the management strategy will be monitored and adjusted to ensure a ten percent reduction in motor vehicle trips.

Therefore, I hereby certify that the 8150 Sunset Blvd. Project is an eligible project under the Jobs and Economic Improvement Act of 2011, Public Resources Code Sections 21178 et seq.


EDMUND G. BROWN JR.
Governor of California

April 8, 2014

📖 **SEC. 12.22. EXCEPTIONS.**

A. Use.

25. Affordable Housing Incentives - Density Bonus. (Amended by Ord. No. 179,681, Eff. 4/15/08.)

(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 Housing and Community Investment Department. **(Amended by Ord. No. 182,718, Eff. 10/30/13.)**

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 mobile- home 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) **(Deleted by Ord. No. 181,142, Eff. 6/1/10.)**

(4) **A Common Interest Development That Includes Moderate Income Restricted Affordable Units. (Amended by Ord. No. 181,142, Eff. 6/1/10.)** A common interest development as defined in Section 1351 of the Civil Code that includes at least 10% of its units for Moderate Income households shall be granted a minimum Density Bonus of 5%. 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	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17

23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	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: 2-1/2 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 [57.4908](#) 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, or 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. **Authority. (Amended by Ord. No. 182,106, Eff. 5/20/12.)** The Director shall be the initial decision maker for applications seeking on Menu incentives.

EXCEPTION: When the application is filed as part of a project requiring multiple approvals, the initial decision maker shall be as set forth in Section [12.36](#) of this Code; and when the application is filed in conjunction with a subdivision and no other approval, the Advisory Agency shall be the initial decision-maker.

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. (Amended by Ord. No. 182,106, Eff. 5/20/12.)** 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](#) C.6. 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 the 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.

EXCEPTION: When the application is filed as part of a project requiring multiple approvals, the appeals procedures set forth in Section [12.36](#) of this Code shall govern. When the application is filed in conjunction with a Parcel Map and no other approval, the appeals procedures set forth in Section [17.54](#) of this Code shall govern. When the application is filed in conjunction with a tentative map and no other approval, the appeals procedures set forth in Section [17.06](#) A.3. of this Code shall govern, provided that such applications shall only be appealable to the Appeal Board, as defined in Section [17.02](#) of this Code, and shall not be subject to further appeal to the City's legislative body.

(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 request 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 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 Housing and Community Investment 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. **(Amended by Ord. No. 182,718, Eff. 10/30/13.)**

(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 Housing and Community Investment 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. **(Amended by Ord. No. 182,718, Eff. 10/30/13.)**

(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 Housing and Community Investment 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. **(Amended by Ord. No. 182,718, Eff. 10/30/13.)**

(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.



William Lamborn <william.lamborn@lacity.org>

Fwd: Re: Stop 8150 Sunset Blvd - "The Townscape 3" and EIR Corruption Problems

1 message

Luciralia Ibarra <luciralia.ibarra@lacity.org>
To: William Lamborn <william.lamborn@lacity.org>

Wed, Jun 15, 2016 at 2:23 PM

----- Forwarded message -----

From: "T. S. DeLabat" <tsdelabat@gmail.com>
Date: Jun 14, 2016 9:49 PM
Subject: Re: Stop 8150 Sunset Blvd - "The Townscape 3" and EIR Corruption Problems
To: "Alex Rose" <nemorose@sbcglobal.net>
Cc: <adamnag@nytimes.com>, "Robert Silverstein" <robert@robertsilversteinlaw.com>, "David Ambroz" <davidambroz@gmail.com>, <steve.lopez@latimes.com>, <patt.morrison@latimes.com>

Hi Alex,

I know how supportive you've been with the Save Sunset Blvd group and thanks for your support.

Activism continues, and it is time to point out what kind of "hateful" people are behind 8150 Sunset Blvd. I knew two businesses that were forced out of the shopping complex because of what Townscape/Angelo-Gordon did to them with their ruinous illegal parking scheme. One was a gay owned pet shop and the other an Armenian-American owned business. There were so many others who suffered under these New York developers.

But the Townscape/Angelo-Gordon and their totally insensitive principals harassed these poor people. Several went bankrupt. Councilman LaBronge took forever to have them remove illegal parking.

It is troubling the West Hollywood City Council would associate with this Townscape/Angelo-Gordon New York backed group after the tragedy in Orlando considering their hateful "Jim Crow" sentiments.

Several WEHO council members have defended the Townscape/Angelo-Gordon group and denied they took campaign contributions from these people when it is public record.

Will David Ryu fall in with this group and vote for 8150?

Or how the diversified Los Angeles Planning Commission feels about dealing with this group of elitist all "white businessmen."

Stop8150Sunset with its expanding base will prevail no matter what these New York types want to force down our throats!

West Hollywood Mayor Lauren Meister is the only City Council member who has not taken money from Townscape/Angelo-Gordon.

Take a look at the new PDF attachments from Stop8150Sunset.

Best,

Louis

----- Forwarded message -----

From: **Alex Rose** <nemorose@sbcglobal.net>
Date: Tue, Jun 7, 2016 at 10:18 PM
Subject: Re: Stop 8150 Sunset Blvd - "The Townscape 3" and EIR Corruption Problems
To: "T. S. DeLabat" <tsdelabat@gmail.com>

GREAT WORK, Louis!!! Voices raised make a difference - especially now that many neighborhoods are riled up and ready for battle.

Onward and upward. The neighborhoods shall prevail - with a little help from all of us.

Fond regards and all good things...

Alex

Alexandra Rose, Producer
Alex Rose Productions

3 attachments



Townscape-Poor Doors.pdf
3039K



TownscapeHate.pdf
3760K



Duran.pdf
1934K

THE SOURCE OF HATE

CBS Los Angeles \$2.99

Winkette

Has Concept Of A 'Poor Door' Come To West Hollywood Development?

West Hollywood Developers Do Not Want Your Poor Walif's Ebola And Scabies In Their Luxury Swimming Pool

'Poor doors' development proposal draws scorn in West Hollywood

8899 Beverly Developer Would Segregate Low-Income Tenants from Amenities for Condo Owners

Divided WeHo City Council Votes to Move Forward with 8899 Beverly Project

WEHOville **AMERICAN BALLET THEATRE** JULY 8-10 **BUY TICKETS**

HOME NEWS & POLITICS ARTS & CULTURE GAYLIFE MAGAZINE

THE RESULTS OF HATE



THE ORIGINS OF HATE

Who are the men behind the 8899 Beverly Blvd and 8150 Sunset projects?



The Townscape/Angelo Gordon (Beverly Hills and New York money) projects team.
Picture: Developers, Architect, Attorneys and Lobbyists.

Does their "Jim Crow" style of thinking represent the values and diversity that represents West Hollywood and Los Angeles in considering their 8899 Beverly Blvd and 8150 Sunset proposed developments?

- Considering the recent Orlando hate-filled tragedy against the LGBT community, it is time for WEHO and Los Angeles to disengage themselves from this arrogant 1% cabal of Beverly Hills and New York developers promoting hateful "Jim Crow" tactics! What's next from Townscape/Angelo-Gordon? These people have no ethics and morals. Only greed!

ENTRANCE
RICH OTHER

West Hollywood City Councilman John Duran is seen with Jeffrey Haber. Haber is a West Hollywood registered lobbyist and also an attorney with Paul Hastings, the Los Angeles law firm representing Townscape/Angelo Gordon. Duran and Haber have a lengthy association. Duran has accepted political donations from the developers and attempted to push through the separate "Jim Crow entrance for 8899 Beverly Blvd.

Follow the Money: What the 8899 Beverly Developer is Paying the WeHo Council

- **1 % Values: "Jim Crow" entrances for 8899 Beverly Blvd and illegal eviction of tenants at 8150 Sunset Blvd. WEHO and Los Angeles politicians back Townscape/Angelo-Gordon hateful tactics!**





(Left to Right: WEHO City Councilman John Duran; Townscape NY Developers; Duran with Townscape lobbyist)

- **"Los Angeles is the second most corrupt area in the USA according to a University of Illinois study. Chicago is first and LA second."** Steve Lopez and Patricia Morrison - Los Angeles Times
- Is West Hollywood City Councilman John Duran part of the problem?
- **Can Duran be trusted to vote impartially when it comes to the 8150 Sunset development?**
- Townscape Partners (a New York backed development company) has paid thousands of dollars in political contributions to be sure John Duran continues to be on the West Hollywood City Council.

Duran claims to have "rainbow coalition values" but he is backing 8150 Sunset. This is a NY development project totally run by white males – no women and no minorities.

As for Duran and his connection to this New York group with New Yorker values:

- Townscape Partners, after buying the 8150 Sunset property, started charging customers \$3 per 15 minutes for parking. **Tenants sued Townscape** stating they didn't have the option of offering validation for parking and had lost 50 percent of their business as a result of the fees. Only McDonalds and Chase Bank were able to offer validation for 30 free minutes. **For an average meal at El Pollo, it cost \$12 to park.** Does Townscape hate Mexicans and their food?
- The New York developers' intention was to destroy the local businesses (many owned by minorities) driving them to financial ruin, and forcing them to surrender leases early. **Gay owned businesses went bankrupt.**
- Townscape installed the parking system without LA Building and Safety Permits. It was dangerous and struck pedestrians. It took nine months for the City of Los Angeles to do anything about the grave problem.
- **After LA had been threatened with a lawsuit,** the L.A. Planning Dept forced Townscape to shut it down.
- Los Angeles politicians have received big political contributions from NY developers like Townscape.
- Townscape plans to have the 8150 Sunset development's parking entrances and exits on Havenhurst Drive. Across from West Hollywood senior housing. **Many residents have AIDS and respiratory problems.**
- **Is Townscape anti-senior, minorities and gays? Can they be trusted after the NY style parking rip-off?**
- **Can WEHO trust the Los Angeles Planning Dept after doing nothing about the illegal parking?**

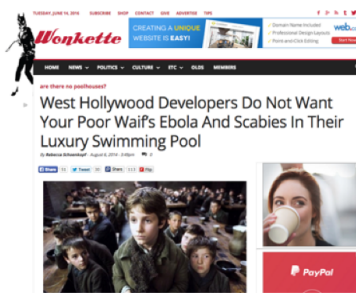


(Left to Right: Townscape NY Developers; Illegal Parking Signs; Duran with assistant that cost WEHO \$500,000; L.A. Planning Director: Vince Bertoni)

Duran has been the focus of continued investigations and potential scandals, yet certain political cohorts on the West Hollywood City Council continued to back him and paid **\$500,000 in settlements** to keep him in a voting position to back New York developers. Major campaign donations for three city council members came from Townscape.

- The City of West Hollywood paid out **\$500,000 to settle a lawsuit from Duran's former assistant** who claimed the city councilman was sexually harassing him. Duran met the assistant on a sex hookup website (Grinder), and the city employee salary was a \$150,000 a year.
- Los Angeles County prosecutors pursued **Duran on criminal charges** for misuse of a city credit card. WEHO spent thousands of dollars defending Duran.

Can Duran be trusted when it comes to 8150 Sunset and his very close association with the NY developers?



'Poor doors' development proposal draws scorn in West Hollywood



8899 Beverly Developer Would Segregate Low-Income Tenants from Amenities for Condo Owners

HOME | NEWS & POLITICS | ARTS & CULTURE | GAYLIFE | MAGAZINE

Divided WeHo City Council Votes to Move Forward with 8899 Beverly Project

Who are the men behind the 8899 Beverly Blvd and 8150 Sunset projects?



The Townscape/Angelo Gordon (Beverly Hills and New York money) projects team. Pictured: Developers, Architect, Attorneys and Lobbyists.

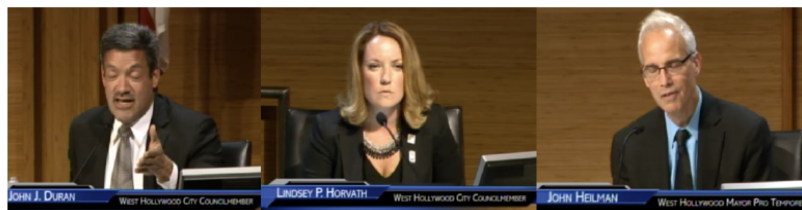
Does their "Jim Crow" style of thinking represent the values and diversity that represents West Hollywood and Los Angeles in considering their 8899 Beverly Blvd and 8150 Sunset proposed developments?

- **Considering the recent Orlando hate-filled tragedy against the LGBT community, it is time for WEHO and Los Angeles to disengage themselves from this arrogant 1% cabal of Beverly Hills and New York developers promoting hateful "Jim Crow" tactics! What's next from Townscape/Angelo-Gordon? These people have no ethics and morals. Only greed!**

The New York Times The Opinion Pages

- "The so-called "Poor Door" or "Jim Crow Entrances used by massively wealthy developers with their new luxury building projects personify the seeds of hate, class distinctions and greed.
- From Beverly Hills to New York, developers are using affordable housing to secure million dollar tax breaks gouging citizen taxpayers to build high-end buildings with separate entrances.
- Who are the developers and teams behind these projects pitching a "Poor Door" entrance for working class Americans?
- Who are the politicians eagerly seeking campaign contributions from these developers?
- The politicians, planning commissions and the businesses supporting these developers are complicit in this reincarnation of "Jim Crow" laws and "separate but equal" entrance in the 21st century. All the germs of blatant greed, economic xenophobia, exclusion and the seeds of hate.
- Is this what America has become?

Op-Ed - New York Times



The Townscape 3 - Duran, Horvath and Heilman

- **Despite the Townscape/Angelo-Gordon actions regarding "Jim Crow" style policies, these three West Hollywood council members voted to approve the 8899 Beverly Blvd project after receiving campaign contributions from Townscape/Angelo-Gordon.**



West Hollywood City Councilman John Duran is seen with Jeffrey Haber. Haber is a West Hollywood registered lobbyist and also an attorney with Paul Hastings, the Los Angeles law firm representing Townscape/Angelo Gordon. Duran and Haber have a lengthy association. Duran has accepted political donations from the developers and attempted to push through the separate "Jim Crow entrance for 8899 Beverly Blvd.

Follow the Money: What the 8899 Beverly Developer is Paying the WeHo Council
Here's Why WEHOville Thinks We Need to Keep a Sharp Eye on West Hollywood City Council Campaign Financing
11/10/2014 10:16 PM PST 14 Comments





William Lamborn <william.lamborn@lacity.org>

Fwd: 8899 Beverly / 8150 Sunset - "Jim Crow" problems - Townscape - Angelo/Gordon

1 message

Luciralia Ibarra <luciralia.ibarra@lacity.org>
To: William Lamborn <william.lamborn@lacity.org>

Wed, Jun 15, 2016 at 2:23 PM

Fyi

----- Forwarded message -----

From: <jsmitford@yahoo.com>

Date: Jun 14, 2016 7:34 PM

Subject: 8899 Beverly / 8150 Sunset - "Jim Crow" problems - Townscape - Angelo/Gordon

To: <lhorvath@weho.org>

Cc: "patt.morrison@latimes.com" <patt.morrison@latimes.com>, <james.osullivan@miraclemilela.com>, <david.ryu@lacity.org>, "Robert Silverstein" <robert@robertsilversteinlaw.com>, <ken@citywatchla.com>, <liam.dillon@latimes.com>, "David Ambroz" <davidambroz@gmail.com>, <lmeister@weho.org>, <steve.lopez@latimes.com>

Dear Lindsey:

Thanks for your email.

As for your questions of credibility, I would suggest you check the attached PDFs from the stop8159suset group and the following media sources for the facts you believe are fabricated:

<http://wehonews.com/8899-beverly-partners-ditch-most-of-their-segregationist-strategy/http://www.weho.org/home/showdocument?id=19966>

<http://beverlypress.com/2015/08/west-hollywood-council-approves-8899-beverly-project/>

<http://www.latimes.com/local/westside/la-me-poor-doors-20140811-story.html>

http://laist.com/2014/08/04/weho_complex_doesnt_want_the_lower-.php

<http://www.wehoville.com/2013/04/17/sunset-stripmall-owner-sued-by-tenants-over-parking-fees/>

<http://www.wehoville.com/2015/08/18/divided-weho-city-council-votes-to-move-forward-with-8899-beverly-project/>

<http://www.citywatchla.com/index.php/the-la-beat/11198-the-8150-sunset-project-rotten-to-the-core>

<http://www.latimes.com/local/westside/la-me-poor-doors-20140811-story.html>

What is equalling disturbing is these developers promoted their "Jim Crow" doors, a very hateful action, and West Hollywood still was willing to work with them. If WEHO hadn't overcome the Townscape/Angelo-Cordon pressure from John Duran and lobbyists objecting to the "Jim Crow" doors, LGBT folks along with all the applicants would be walking through 8899 Beverly Blvd's "poor door"!

Regards,

J. S.

Sent from Yahoo Mail. Get the app

On Sat, 6/11/16, Lindsey Horvath <LHorvath@weho.org> wrote:

Subject: Re: Lindsey Horvath - West Hollywood Political Contributions - Townscape (8155 Sunset & 8899 Beverly)

To: "jsmitford@yahoo.com" <jsmitford@yahoo.com>

Cc: "patt.morrison@latimes.com" <patt.morrison@latimes.com>

Date: Saturday, June 11, 2016, 7:43 PM

Dear J.S. Mitford

Thank you for your response.
Unfortunately, again, you've gotten your facts wrong.

I urge you to focus on the facts regarding this project, which are quite compelling in their own right, and to stop undermining your credibility with these false attacks.

Lindsey

3 attachments



Townscape-Poor Doors.pdf
3039K



Duran.pdf
1934K



WEHO MEETING.pdf
1929K

6-6-2016 – West Hollywood City Council

- West Hollywood City Council members (known as the Townscape 3) faced a backlash from citizens objecting to the 8150 Sunset Blvd Townscape development project which would bring New York values and crowded living conditions to West Hollywood. Comments ranged from traffic, pollution, Townscape being anti-gay, lies in the developer's EIR and WEHO politicians being racists.



The Townscape 3 – Duran, Horvath and Heilman

- The “Townscape 3” accepted campaign contributions from the Townscape 8150 Sunset Blvd development project backed by New York money with N.Y. values.
- Duran, who is a big buddy of Townscape lawyers and lobbyists, joined Horvath and Heilman as they groveled to answer anti-8150 Sunset comments and backlashes by West Hollywood residents.
- Duran awkwardly tried to distance himself from the Townscape developers Tyler Siegel and John Irwin. Duran tried to give the impression he's no longer “their boy.”
- The Townscape 3 blamed Los Angeles politicians and employees for the 8150 Sunset proposed development. They named **L.A. Councilman David Ryu**, Mayor Eric Garcetti and L.A. City Planning head Vince Bertoni.



Left to Right: **David Ryu**, Mayor Eric Garcetti, Vince Bertoni, Tyler Siegel, John Irwin.

- The “Townscape 3” also faced African-American citizens complaining that the all white West Hollywood City Council is anti-black. No surprise. New York developers destroyed gay, and minority businesses at the 8150 Sunset development. Prompting the question: Are the L.A. politicians and Townscape developers racists?



- The West Hollywood City Council Meeting faced tax-paying citizens (above) questioning the “Townscape 3” for accepting thousands of dollars of campaign contributions from the 8150 Sunset/New York developers along with other issues including the City Council's racism, pro New York style development and not protecting senior citizens from growing rapist attacks in WEHO.



'Poor doors' development proposal draws scorn in West Hollywood



8899 Beverly Developer Would Segregate Low-Income Tenants from Amenities for Condo Owners

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Divided WeHo City Council Votes to Move Forward with 8899 Beverly Project

Who are the men behind the 8899 Beverly Blvd and 8150 Sunset projects?



The Townscape/Angelo Gordon (Beverly Hills and New York money) projects team. Pictured: Developers, Architect, Attorneys and Lobbyists.

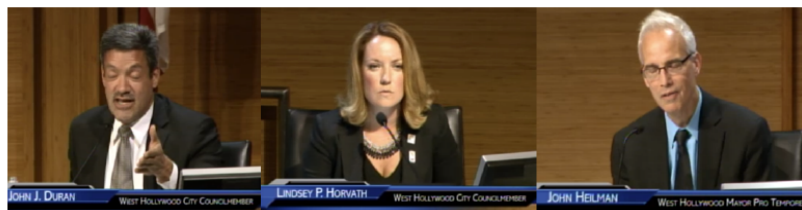
Does their "Jim Crow" style of thinking represent the values and diversity that represents West Hollywood and Los Angeles in considering their 8899 Beverly Blvd and 8150 Sunset proposed developments?

- **Considering the recent Orlando hate-filled tragedy against the LGBT community, it is time for WEHO and Los Angeles to disengage themselves from this arrogant 1% cabal of Beverly Hills and New York developers promoting hateful "Jim Crow" tactics! What's next from Townscape/Angelo-Gordon? These people have no ethics and morals. Only greed!**

The New York Times The Opinion Pages

- "The so-called "Poor Door" or "Jim Crow Entrances used by massively wealthy developers with their new luxury building projects personify the seeds of hate, class distinctions and greed.
- From Beverly Hills to New York, developers are using affordable housing to secure million dollar tax breaks gouging citizen taxpayers to build high-end buildings with separate entrances.
- Who are the developers and teams behind these projects pitching a "Poor Door" entrance for working class Americans?
- Who are the politicians eagerly seeking campaign contributions from these developers?
- The politicians, planning commissions and the businesses supporting these developers are complicit in this reincarnation of "Jim Crow" laws and "separate but equal" entrance in the 21st century. All the germs of blatant greed, economic xenophobia, exclusion and the seeds of hate.
- Is this what America has become?

Op-Ed - New York Times



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West Hollywood City Councilman John Duran is seen with Jeffrey Haber. Haber is a West Hollywood registered lobbyist and also an attorney with Paul Hastings, the Los Angeles law firm representing Townscape/Angelo Gordon. Duran and Haber have a lengthy association. Duran has accepted political donations from the developers and attempted to push through the separate "Jim Crow entrance for 8899 Beverly Blvd.

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(Left to Right: WEHO City Councilman John Duran; Townscape NY Developers; Duran with Townscape lobbyist)

- **"Los Angeles is the second most corrupt area in the USA according to a University of Illinois study. Chicago is first and LA second."** Steve Lopez and Patricia Morrison - Los Angeles Times
- Is West Hollywood City Councilman John Duran part of the problem?
- **Can Duran be trusted to vote impartially when it comes to the 8150 Sunset development?**
- Townscape Partners (a New York backed development company) has paid thousands of dollars in political contributions to be sure John Duran continues to be on the West Hollywood City Council.

Duran claims to have "rainbow coalition values" but he is backing 8150 Sunset. This is a NY development project totally run by white males – no women and no minorities.

As for Duran and his connection to this New York group with New Yorker values:

- Townscape Partners, after buying the 8150 Sunset property, started charging customers \$3 per 15 minutes for parking. **Tenants sued Townscape** stating they didn't have the option of offering validation for parking and had lost 50 percent of their business as a result of the fees. Only McDonalds and Chase Bank were able to offer validation for 30 free minutes. **For an average meal at El Pollo, it cost \$12 to park.** Does Townscape hate Mexicans and their food?
- The New York developers' intention was to destroy the local businesses (many owned by minorities) driving them to financial ruin, and forcing them to surrender leases early. **Gay owned businesses went bankrupt.**
- Townscape installed the parking system without LA Building and Safety Permits. It was dangerous and struck pedestrians. It took nine months for the City of Los Angeles to do anything about the grave problem.
- **After LA had been threatened with a lawsuit,** the L.A. Planning Dept forced Townscape to shut it down.
- Los Angeles politicians have received big political contributions from NY developers like Townscape.
- Townscape plans to have the 8150 Sunset development's parking entrances and exits on Havenhurst Drive. Across from West Hollywood senior housing. **Many residents have AIDS and respiratory problems.**
- **Is Townscape anti-senior, minorities and gays? Can they be trusted after the NY style parking rip-off?**
- **Can WEHO trust the Los Angeles Planning Dept after doing nothing about the illegal parking?**



(Left to Right: Townscape NY Developers; Illegal Parking Signs; Duran with assistant that cost WEHO \$500,000; L.A. Planning Director: Vince Bertoni)

Duran has been the focus of continued investigations and potential scandals, yet certain political cohorts on the West Hollywood City Council continued to back him and paid **\$500,000 in settlements** to keep him in a voting position to back New York developers. Major campaign donations for three city council members came from Townscape.

- The City of West Hollywood paid out **\$500,000 to settle a lawsuit from Duran's former assistant** who claimed the city councilman was sexually harassing him. Duran met the assistant on a sex hookup website (Grinder), and the city employee salary was a \$150,000 a year.
- Los Angeles County prosecutors pursued **Duran on criminal charges** for misuse of a city credit card. WEHO spent thousands of dollars defending Duran.

Can Duran be trusted when it comes to 8150 Sunset and his very close association with the NY developers?