



APPLICATIONS:

APPEAL APPLICATION

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

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: VTT72370 CN; related CPC 2013 2551 MCUP DP SPR; ENV 2013 2552-EIR

Project Address: 8150 SunsetBlvd. LA(also8148-8182 SunsetBlvd.;1438-1486 HavenhurstDr;1435-1443Crescent

Final Date to Appeal: 07/05/2016

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

2. APPELLANT INFORMATION

Appellant's name (print): Susane Manner

Company: _____

Mailing Address: 1229 N. Olive Drive

City: West Hollywood State: Calif. Zip: 90069

Telephone: (310) 666-1800 E-mail: mannersgroup@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: Trust

- Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Allan Wilion, Esq.

Company: _____

Mailing Address: 8383 Wilshire Blvd., suite 800

City: Beverly Hills State: Calif Zip: 90211

Telephone: (310) 435-7850 E-mail: aew@aewlaw.net

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part
 Are specific conditions of approval being appealed? Yes No

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

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *Swame Namu* Date: 7-5-16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

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

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89-</u>	Reviewed & Accepted by (DSC Planner): <u>LFS</u>	Date: <u>7/5/16</u>
Receipt No: <u>0103602981</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

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July 2, 2016

RE: 8150 Sunset Blvd. (short)

Vesting Tract MapNo. VTT 72730-CN;
Related: CPC-2013-2551-MCUP-DB-SPR;
CEQA: ENV-2013-2552-EIR, SCH No. 2013091044

ADDRESSES:

8148-8182 West Sunset Blvd., Los Angeles
1438-1486 N. Havenhurst Drive, Los Angeles
1435-1443 N. Crescent Heights Blvd., Los Angeles

APPEAL OF DECISION DATED 7-5-16 BY ADVISORY AGENCY

=1. APPELLANT

Susanne Manners trustee of the Manners Family Decedents Trust. The Trust (Susanne Manners) owns the apartment building located at 1477-1479 Havenhurst in Los Angeles. The Trust on its behalf and its tenants categorically opposes the illegal, unethical and devious Monstrosity known as 8150 Sunset project which was illegally approved.

=2. THE APARTMENT BUILDING SITS DIRECTLY
ACROSS FROM THE PROPOSED PROJECT NEAR
SUNSET AND HAVENHURSTS IN LA AND NEAR
ENTRANCES ON HAVENHURST OPPOSES THE

MONSTROSITY PROJECT. ALL THE OBNOXIOUS 427 SEMI TRUCKS A DAY CARRYING 10 CUBIC YARDS OF SOIL FOR 13,600 TRIPS WILL GO BY THE APARTMENT, AND ALL TRAFFIC WILL BLOCK HAVENHURST AT THIS LOCATION,

The Apartment Building is located directly across the street from 8150 and is closest to the subject site and would be most adversely affected of all the apartment buildings along the wonderful historic Havenhurst Drive. (See Exhibit 1 for photos of the Apartment Building). Lest someone believe that these apartments are not important, this one was designed by Jack Charney who built famous Sierra Towers on Sunset Blvd. The property next door is the Andalusia which is a national historic monument. (Exhibit 2). There is a Senior home owned by the City of West Hollywood ("WEHO") next door to the Andalusia. There are two or three other national historic apartments down on the other side of Havenhurst the Colonial House (See Exhibit 8A and 8B), La Ronda etc. to the south of the Monstrosity Project. This may in fact be the most historical street in Los Angeles besides Olivera in downtown Los Angeles.

Clearly Appellant will be most adversely affected by the Monstrosity Project and its illegality.

The proposed entrance gates to the monstrosity are on Havenhurst and are located a few feet just south of the Andalusia and in front of the City of West Hollywood Home for Residents. (See Exhibit 3A). They are about 100 feet or so from the Apartment Building. A view of Havenhurst looking up to Sunset is attached as Exhibit 3B and down to Fountain as Exhibit 3C. Havenhurst is a small beautiful tree lined street. It is not wide at all, and the idea that it can accommodate heavy traffic from exit onto Havenhurst and permit deliveries and services off Havenhurst is also insane.

As set forth below, there is a man made bottleneck located just south of the proposed entrances on Havenhurst which evidences the demarcation line between WEHO and LA. It eliminates the parking on both sides and juts out and substantially narrows the street for about 50 feet.

There is no mention of this anywhere that one can find in the Decision which reflects that the Decision is flawed and one sided.

Appellant filed Objections in a timely manner.

3. ADMISSIONS MADE IN THE DECISION (“D”)

=1. The property is zoned C4-1D (Decision (“D”) (D page 1, 12, 42). The Zoning is C4-1D and there is a General Plan in place which limits the floor area ratio (“FAR”) to 1-1. (D42).

(Note: A 1D zone is 1-1 not 3-1).

(Objection is raised infra.)

=2. The Project contemplates a dedication of a two foot strip land along Crescent Heights adjoining the Property to complete a 52’ wide half right of way including a 98’ radius property line return at the intersection with Sunset (D2). The Decision permits the Applicant to take and use 9134 sq feet of public property (D46).

(Note: In other words the City is vacating the island and the right turn lane on Crescent Heights and Sunset and giving it free to the Applicant which is illegal. This is illegal vacation without compliance with the Streets and Highway Code 8324 and applicable City of LA law. It also improperly seeks merger of private and public property.)

(Objection is raised infra.)

=3. No portion of the building is permitted to be more than 150’ from edge of the roadway. (D4, 126 Fire);

(Note: With the vacation of the area it would appear that the building is more than 150 feet from the roadway and is thus illegal).

(Objection is raised infra.)

=4. The Decision approves the hauling of 10 cubic yards per truck load (semi double trucks) and excavation of 136,000 cubic yards of dirt (D8) which could call for 13,600 trips by the huge semi trucks

(Note: The Decision claims that there is no problem with this. This Decision is insane. It would take 5 months or more to haul the dirt. Havenhurst would be blocked to the south. This is illegal also.)

(Objection is raised infra.)

=5. The Decision apparently approves the hauling of 427 truck loads per day north to Sunset past the Apartment, the Andalusia and the Senior home.

(Note: This is also insane)
(Objection is raised infra).

=6. The Applicant wants to haul on Saturday also (D8).
(Objection is raised infra).

=7. It appears that dirt will be hauled up Havenhurst since it is noted that the Applicant would build a barrier to prevent trucks from going south on Havenhurst. (D26, 100). If such barrier is permanent during the time of construction, then it would block off the use of Havenhurst and objection is raised. It sounds like it is permanent. #

“In order to ensure the vehicles exiting from the project’s Havenhurst Drive driveways do not make left turns onto southbound Havenhurst Drive, the applicant shall construct a Physical barrier or other equivalent improvement, subject to review by . . .” (D 100)

(Note: If so, this is illegal blocking of a City Street part of which is not owned by the City of LA rather by WEHO.)
(Objection is raised to this infra).

=8. It is admitted that the south to Havenhurst would be closed with physical barriers during construction at least. (D26, 100).
(Note: It would be illegal to block the public street and this apparently was not revealed in the Notice).
(Objection is raised to this infra.)

=9. It is admitted that there would be increased travel at congested intersection would exceed 50 trip limit. (D95). It is argued that a net decrease in morning can set off against net increase in pm.
(Note: This is also illegal. This slight of hand is not permitted.)
(Objection is raised infra).

=10. The truck entry and exit for delivery trucks vans etc on Havenhurst. (D96). All exiting trucks would have to go north up Havenhurst to Sunset. (D96).

(Note: It is confusing as to entry since it states that entry would be on Havenhurst via left turn into the driveway (D96) but is contradicted). It also provides that entry sough would be closed during construction. (Objection is raised infra.)

=11. It is admitted that the construction would have potentially significant adverse impacts with respect to nox emisisions and localized PM 10, and PM 2.5 emissions in excess of permitted by SCAQMD. (D113). The Decision claims it can mitigate this. (D116).

(Note: The noxious air created is outrageous. (Objection is raised infra.)

=12. The key mitigation upon which this entire Project hinges is the construction of a traffic light on Havenhurst and Fountain which lies in the City of West Hollywood (WEHO). However, the City of WEHO has refused to permit it. (D143. 195; Exhibit 10).

(Note: The Monstrosity Project is illegal and cannot condition approval based on approval by a third entity not part of the government of the City of LA.)

(Objection is raised to this infra.)

=13. Construction vibration impacts would be potentially significant. (D139). It is claimed that they can be mitigated.

(Note: Nothing here can be mitigated. We are talking a Monstrosity Project with enough dirt being removed to fill the coliseum and a height of 234 feet.

(Objection is raised to this infra.)

=14. Alternative 9 has no finding page in EIR. (See D164-179; Alternative 8 and 10 exist and are discussed, no 9; although there is some discussion of Alternative 9 at D41).

(Note: This is improper and perhaps illegal since there is no findings analyzed regarding Alternative 9 and no outlay of what Alternative 9 changes are from the original plan which is part of a bait and switch.)

(Objection is raised to this infra.)

=15. Under Alternative 9, the overall height would be 15 stories and 234 feet (which is not 15 stories rather 22 stories) (D37,45).

(Note: This is a big lie since the 15 stories is not 234 feet, rather 22 stories. The Decision is illegal since it approves 22 stories not 15.)

(Objection is raised to this infra.)

=16. The commercial area in the Alternative 9 is reduced from 113,369 feet by 40pc to 65,000 feet. There would be grocery store with apprx 25000 sq ft, and a retail of 12,000 sq ft, and a retail of 5000 sq ft, and restaurants of 23,000 sq ft, with a walk in bank of 5,000 sq ft. (D37,45) in the commercial. 199 new jobs would be created (D195)

(Note: This is illegal for a variety of reasons. It reflects that the project does not qualify as an ELDP project with priority which contemplates high paying high skilled new jobs. 199 new jobs are created. These are entry level jobs. As noted a big lie was used to obtain ELDP qualification but changed under Alternative 9 without approval.)

(Objection is raised to this infra.)

=17. Allegedly the Project falls under the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (California Public Resources Code Section 21178 and 21189.3) (D43). It is alleged that Alternative 9 is not materially different from the original approval under ELDP.

(Note: This is also illegal. There is no subsequent approval by the Governor for Alternative 9 which resulted in a 40pc reduction in commercial from 111,339 sq ft down to 65,000 sq ft. (D36), and the modification change does not qualify for ELDP and does not create high paying jobs and high skilled jobs. It is just more of the same workers oppression in low menial entry level.

(Objection is raised to this infra.)

=18. The Project is 1560 feet from the Metro Bus Stop and as such it does not qualify for the increased FAR (D43):

“Because by matter of 60 feet the project does not satisfy the criteria that 50 pc of the project site be located within the 1500 Feet distance criteria for an on menu incentive allowing a 3-1 floor area ratio {FAR} (D43).

See LAMC Code Section 12.22-A.25(f)(4)(ii) which limits it to 1500 feet. (D199).

(Note: The Monstrosity Project did not qualify for fast track, nor for FAR increase from 1-1 to 3-1.)
(Objection is raised to this infra.)

=19. The Decision approves a FAR of 3-1 or 333,903 feet. (D44)
(Note: This is illegal since there is no legal basis for FAR increase as an off menu item since it is more than 1500 feet from a Metro Transit Stop as admitted in the Decision.)
Objection is raised infra.

=20. It is admitted that the Project is located within the Hollywood Earthquake Fault zone. (D74). It is argued that “no active or potentially active faults underlies the project site”. (D74).
(Note: This is an insane finding since the Monstrosity Project will sit right on top of the fault.
(Objection is raised infra).

=21. The Decision claims that the project is consistent with all applicable regulations, and plans. (D80), the Hollywood Community Plan (“HCP”) (D81) and the Los Angeles Municipal Code.
(Objection is raised infra).

=22. It is admitted that 249 total homes are permitted and approved but zoning is not verified (D35) but under the HCP that number would only be 204. (D82). The Decision grants a Density Bonus of 22pc which would make it consistent with the HCP. (D82)
(Note: The Decision approving 249 homes is not proper zoning wise, nor is it permitted under the HCP. The Decision purports to grant a 22pc density bonus which is not proper.)
(Objection is raised to this infra.)

=23. The Decision claims that the project is consistent with the LAMC density and FAR requirements (D82) and open space (D82).
(Note: The Decision is illegal since the FAR is 1-1 in 1D zone, and only 209 can be built under the HCP, and it cannot be increased to 3-1 due a non menu incentive since it lies outside the 1500 square feet from a Major Metro Spot. In addition, a non menu incentive cannot be granted because of the other discretionary matters involved.
(Objection is raised infra).

=24. It is admitted that there are 38 other projects in the area with 8 in the close proximity to the Project. (D83).

(Note: Thus, the totality and compilation of projects reflect that there is a massive impact on traffic and circulation on Havenhurst and Sunset, and throughout the area. This is a devious development concept used by politicians who favor development by failing to take into account all of the projects pending and claiming each one is de minimis. This is illegal and outrageous.)

(Objection is raised infra).

=25. The pool terraces on 3rd and 7th floors would be “potential noise sources for sensitive receptors.” (D86).

(Note: There does not appear to be any restriction re use of alcohol up on 3rd and 7th floors in area where noise carries.)

(Objection is raised infra).

=26. Music exterior would be limited to 86dba (D86)

(Note: This is equivalent to a diesel truck, lawn motor, and an airplane nearby and is very loud to extreme loud category. Sound carries.

(Objection is raised infra).

=27. Vehicles would be permitted to turn left from the project onto Crescent Heights (D)

(Note: This is a kill zone waiting for accidents and victims).

=28. The Decision claims that the Project satisfied the HCP. (D98).

(Note: This Decision violates virtually every part of the HCP.

(Objection is raised infra.)

=28. The Decision approves as an off menu incentive to permit the area dedicated for street purposes to be included as lot area for purposes calculating FAR (D199)

(Note: This is illegal since it is not owned by Applicant rather by the City who is illegally giving it away in this illegal Decision. It cannot be counted in any event before or after.)

(Objection is made infra.)

=29. The Decision approves as an off menu incentive to permit a 3-1 FAR since it is outside 1500 square feet from the Transit Stop as required by LAMC Section 12.22-A-.25(f)(4)ii). (D199)

(Objection is made infra.)

=4. BIG LIES PROMULGATED

=4A. BIG LIE 1. HEIGHT. THE PROJECT IS NOT 15 STORIES RATHER 234 FEET WHICH IS (21.6) 22 STORIES.

It is submitted by the Applicant that the project is 15 stories. This is a bald-faced inaccuracy. The Monstrosity as proposed is 234 feet tall. (D37,45). This would make it closer to 22 stories in height. (See Photo Exhibit 8A and 8B hereto).

=4B. BIG LIE 2. THAT THERE IS GOING TO BE OPEN SPACE. THERE IS OPEN SPACE BEING STOLEN FROM THE CITY OF LA TO WIT, THE RIGHT TURN AREA AND THE ISLAND. THAT IS NOT OPEN SPACE. THAT IS THEFT. THIS IS THE 9134 FEET (D46).

=4C. BIG LIE 3. IT IS EASY TO NAVIGATE HAVENHURST AND THERE IS NO TOTALITY PROBLEM WITH TRAFFIC (NOISE, OBNOXIOUS ODORS ETC.). THE PROPERTY LINE SOUTH OF THE DRIVEWAYS SEPARATING WEHO AND LA RUNS ACROSS HAVENHURST JUST AT THE SENIOR HOME. HAVENHURST IS REDUCED AT THE DEMARCATION AREA FOR ABOUT 50 FEET NARROWING THE STREET AND CREATING A BOTTLENECK TO TWO LANES ONE IN EACH DIRECTION AND ELIMINATING ANY PARKING. THERE IS A MAN MADE BLOCKAGE THAT EXISTS ON HAVENHURST.

ILLEGALITY.

=5. FAST TRACKING OF THIS MONSTROSITY PROJECT IS ILLEGAL AND VIOLATES THE LAMC.

Someone hijacked the new proposal intended for the football stadium for 8150 Sunset. It is improper and objection is raised thereto. Under CEQA, this monstrosity is not entitled to fast tracking because it is not located near a Major Traffic Stop (MTS). The location On Sunset Blvd., is not within 1500 feet (see LAMC 12.22-A.25(f)(4)(ii)(b) from Fairfax and Sunset (as defined in PRC Section 21064.3 which defines major traffic stop (MTS) as “served by two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. .. “ This is the case here. As such fast tracking is illegal and must be stopped.

It is admitted in the Decision that the Property is 1560 feet away from the Property. (D43). This then forced the Applicant to ask for a non menu incentive of FAR to 3-1 which is not permitted because it outside the 1500 square feet at 1560. (LAMC Section 12.22-A.25(f)(4)(ii).

=6. THE DECISION IS ILLEGAL FOR MANY REASONS EACH OF WHICH IS SUFFICIENT TO KILL THE DECISION AND THE MONSTROSITY PROJECT

=6A. ALTERNATIVE NUMBER 9 WAS NOT NOTICED AND IS ILLEGAL. A BAIT AND SWITCH TECHNIQUE WHICH VIOLATES DUE PROCESS. THE APPLICANT SUBSTITUTED ALTERNATIVE 9 AT THE LAST MOMENT WHICH IS NOT PART OF THE EIR AND NOT NOTICED.

The Decision approves a Bait and Switch and is recommending Alternative 9 which is **NOT part** of the Notice re EIR nor the EIR. Alternative 8 appears and then 10 but no 9. There is no analysis like the other Alternatives. (See D174-179) There is discussion r 8 and 10 but no 9. It is submitted that process violates due process. As best as one can tell since there is no Alternative 9 analysis nor a review which delineates the changes that one can find, these are the material changes made in the Alternative 9.

- =1. 2.3 time more excavated soil
- =2. Remove Sunset Driveway
- =3. Special exclusive entrance on Havenhurst for new condos
- =4. Central Plaza have been reduced
- =5. Actually 29 less parking spaces
- =6. 426 Construction Truck Trips per day.

- =7. Apparently the closing of Havenhurst during construction south.

=7. FURTHER ILLEGALITY AND DUE PROCESS VIOLATIONS.

=7A. THE DECISION IS ILLEGAL SINCE IT SEEKS TO GIVE AWAY CITY PROPERTY. VACATION OF CITY PROPERTY OF AT LEAST 9134 SQUARE FEET AT THE INTERSECTION ISLAND AND RIGHT TURN LANE AT SUNSET AND/OR CRESCENT HEIGHTS AND ONLY AFTER LEGAL COMPLIANCE WITH STATE LAW CALIFORNIA STREETS AND HIGHWAY CODE SECTION 8324(b) ET. SEQ. EVEN HAD THE CITY DONE SO, IT WOULD BE A CLEAR ABUSE OF DISCRETION SINCE UNDER NO CIRCUM-STANCES KNOWN TO HUMAN MANKIND CAN THAT STANDARD BE MET HERE.

=1. State Law. California Streets and Highway Code.

The Decision is **ILLEGAL** since it fails to comply with state law. California State law to wit California Streets and Highways Code

Section 8324(b). The procedure was not followed here. The streets are owned by the State not the City but the City must comply with the State Law. Section 8324(b) provides that there must be a finding by a legislative body (City Council of LA per Section 556 of the City Charter revised 7-1-2000) that a roadway is “unnecessary for present or prospective public use” before any street can be vacated. Here, it seeks to give away 9134 square feet in the island and right turn lane to the Applicant for nothing. (D2, 46).

No such finding has been made and dare say can be made by anyone sane that Crescent Heights one of the busiest streets in Los Angeles leading up and down to Laurel Canyon the major crossway to the Valley and east and west are completely unnecessary. FN 1

FN 1:

a) At the hearing, the legislative body shall hear the evidence offered by persons interested.

*(b) If the legislative body finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is **unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement.** The resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied. - Emp added.)*

=7A2. City of LA Law Violated:

Section 8234 is incorporated into the City of Los Angeles Code. The Department of Engineering has an entire booklet on this issue. (See Manual D700. A copy of The City Department of Engineering must make a written report and recommendations to the City Planning Commission (D751, p. 20) and must discuss “the relation of the vacation and its effect upon the General Plan, and applicable specific plan and any plans being prepared” Indeed, D 752 expressly provides that to year 2000 and Section 15.00€ of the LAMC, “the City Planning Commission and the council {separately} must make findings showing that the vacation is in substantial compliance with the General Plan. . . . “ (page 20). The Department of Engineering must also send a copy to the Public Works Committee. Next the City Planning Commission must prepare a report after notice. (D751.1, p.20; see Exhibit 11). Next the City Council must approve it after hearing. (Id.).

There was nothing done. Everything done here is illegal and violates State and Local Law. There was no public notice what was being done, and no compliance with the vacation law. FN2

FN2

The City Council may initiate its own vacation proceedings upon its own initiative by adopting a Rule 16 Motion. (D716, p. 6). It also requires a public hearing. (D717, p. 6). Reports from the the Public Works Committee and the City Engineer reports are required. (D717.3) The City Council however must meet the difficult burden in Section 8324 that the vacated street must be unnecessary for present or prospective public use.”

In particular the Tract Map was silent regarding the proposal to close the turn lane to traffic, and connect with private property with the City’s property. The tract map would permit the use of the City property to wit the island and the public right of way as subsurface easements and is illegal and gifts city property for no consideration (even if it were legal or appropriate to do which is not the case.) The due process issue is discussed infra.

=2. The due process requirements are set forth in Section 8320 and in the City were not complied with here in any event. In particular Section 8320 mandates specificity in the exact nature of what is being vacated. FN 3. The due process arguments are dealt with in Section 9 infra.

FN3:

(b) The notices required by this chapter shall contain both of the following:

(1) A description of the street, highway, or public service easement proposed to be vacated and a reference to a map or plan, that shows the portion or area to be vacated and includes a statement that the vacation proceeding is conducted under this chapter. In the case of a street or highway, the description shall include its general location, its lawful or official name or the name by which it is commonly known, and the extent to which it is to be vacated. In the case of a public service easement, the description shall identify it with common certainty. The map or plan showing the location of the street, highway, or public easement proposed to be vacated is sufficient compliance with this paragraph.

(2) The date, hour, and place for hearing all persons interested in the proposed vacation. The date shall not be less than 15 days after the initiation of proceedings.

=7B. FURTHER ILLEGALITY AND DUE PROCESS VIOLATIONS. VACATION OF SUNSET AND/OR CRESCENT HEIGHTS WHICH ARE MAJOR THOROUGHFARES WHICH CAN ONLY BE DONE BY THE CITY COUNCIL AND ONLY AFTER LEGAL COMPLIANCE WITH THE HOLLYWOOD COMMUNITY PLAN BY WAY OF A GENERAL PLAN AMENDMENT.

The Decision is ILLEGAL for yet another reason. It seeks to approve vacation of a city street that is part of the Circulation Element of the City's General Plan. There must be legal compliance to vacate and there is none. In addition, to vacate a public street, the process mandated by State and City law must be followed. There is no application by City Council who is the only body that can approve a vacation of a city street, and compliance with the rigid requirements to vacate including hearings. See supra 7A2. Thus, the Decision is ILLEGAL.

Indeed, as discussed above in 7A2 repeated here:

“A copy of The City Department of Engineering must make a written report and recommendations to the City Planning Commission (D751, p. 20) and must discuss “the relation of the vacation and its effect upon the General Plan, and applicable specific plan and any plans being prepared” Indeed, D 752 expressly provides that to year 2000 and Section 15.00€ of the LAMC, “the City Planning Commission and the council {separately} must make findings showing that the vacation is in substantial compliance with the General Plan. . . . “ (page 20).

The Decision is ILLEGAL for another reason. Applicant must apply for a General Plan Amendment to change the circulation element of the Hollywood Community Plan and the maps shown in MP2035 (Mobility Plan adopted on 8-11-2015)(the General Plan Framework Circulation Element). The City cannot vacate anything unless there is also two General Plan Amendment to change the Hollywood Community Plan of

1988 (not HCP Update) FN 4, to close a street and make it consistent for circulation purposes. (See Exhibit 12).

FN 4

The key provisions of the Hollywood Community Plan (HCP) are set forth below. It also calls additional studies starting with Program M 1.87.1 to avoid this mess which the Decision creates to wit street traffic chaos. (See

*“Hollywood Community Plan** (**Exhibit 13**)*

Goal M.1 Expand mobility and access options with transportation system management strategies, transit

improvements, transit access and connectivity policies, non-motorized transportation policies,

transportation demand management strategies, capital improvements, neighborhood traffic management

plans and parking policies.

Goal M.1.55: Implement transportation demand management strategies to minimize vehicle trips.

Policy M.1.8 Implement parking restrictions to provide additional capacity in periods of peak traffic, where appropriate.

Discourage peak hour parking restrictions on streets with high volumes of bicyclists and older residential neighborhoods which have deficits of off-street parking.

Policy M.1.15 Maintain the street system to facilitate the movement of current and future traffic volumes, as well as

emergency services: Support the maintenance and rehabilitation of all Highways and Streets.

Policy M.104 Maximize the use of onsite parking spaces in commercial areas.

Policy M.1.35 Improve on-street bicycle access to bicycle commuter facilities at Metro Red Line Stations.

Policy M.1.41 Encourage the use of bicycles.

Policy M.1.41 Maintain existing planned bicycle routes.

Policy M.1.45 Connect existing and proposed bike paths, bike lanes and bike routes, in the Hollywood Community Plan

area to bike paths, bike lanes and bike routes in other communities, where possible.

Connect bike paths,

bike lanes and bike routes by the Los Angeles River to bike paths, bike lanes and bike routes in central

Hollywood.

Policy M.1.48 Coordinate with the Department of Transportation to identify opportunities for providing the following bicycle amenities and improvements.

expanded bicycle lanes, bicycle routes and bicycle friendly streets

Share the Road bike icons painted on right lanes

bicycle friendly drainage grates

- *directional/wayfinding signage*
- *bicycle signals and/or push buttons*
- *bicycle loop detectors*
- *wide outside curb lanes*

Policy M.1.51 Promote efforts to improve the safety of bicycling

Policy M.1.62 Support the dedication of on-street parking spaces for shared cars in locations with high demand for shared cars.

Policy M.1.90 Use parking resources efficiently.

Policy M.1.91 Improve utilization of existing public parking structures and lots.

Policy M.1.98 Support the maintenance of the existing number of publicly available parking resources in the Regional Center of Hollywood.

Policy M.1.70: Promote Transportation Demand Management (TDM) Plans for large projects. TDM Plans should establish vehicle trip caps, a program for monitoring vehicle trips, and a system of incentives and penalties for meeting, or failing to meet, vehicle trip reduction goals.

Policy M.1.86 Minimize cut-through traffic with neighborhood traffic management plans”

In addition, there are studies proposed:

Program M.1.87.1: *Study cut-through traffic in the area bounded by Hollywood Boulevard on the north, La Brea Avenue on the east, Fountain Avenue on the south, Fairfax Avenue on the west, and the area bounded by Hollywood Boulevard on the north, Fairfax Avenue on the east, Sunset Boulevard on the south, Laurel Canyon Boulevard on the west, and prepare a neighborhood traffic management plan, pending results of study.*

Program M.1.87.2: *Consider the implementation of Neighborhood Traffic Management Plans along canyon routes and associated streets across the Hollywood Hills, as well as neighborhoods generally located between the following streets:*

- *Franklin Avenue and Hollywood Boulevard*
- *Sunset and Hollywood Boulevards*
- *Sunset and Santa Monica Boulevards*
- *Santa Monica Boulevard and Melrose Avenue*
- *Franklin Avenue and Mulholland Drive*

Policy M.1.88: *Consider the establishment of a neighborhood traffic management plan upon approving a major development project.*

Program M.1.88.1: *Work with the Department of Transportation to design routes for valet parkers which minimize traffic impacts on residential neighborhoods.*

Policy M.1.89: *Monitor “cut-through” traffic patterns and spillover parking from adjacent commercial areas as growth continues over time.*

In particular the HCP at page 4 provides that:

“NO increase in density SHALL be affected by zone change or or subdivision unless it is determined that the local streets, major and secondary highways, freeways, and public transportation available in the area of the property involved, are adequate to serve the traffic generated.” (See Exhibit 15, page 4, Circulation, Standards and Criteria); emp. Added)

And

The HCP provides that the intensity of the development is limited in accordance with the following criteria:

- 1. The adequacy of the existing and assured circulation and public transportation systems within the area;**
- 2. The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities;” (Exhibit 15, page 2 under Housing Standards and Criteria**

=7C. This Decision is ILLEGAL for yet another reason to wit, violation of LAMC Section 12.37(A)(3):

Section 12.37(A)(3) of the LAMC reads as follows:

“No additional improvement shall be required on such a lot where complete roadway, curb, gutter and sidewalk improvements exist within the present dedication contiguous thereto.” (Exhibit 15)

=7D. FURTHER ILLEGALITY RE TAKING OF A PORTION OF CRESCENT HEIGHTS TO WIT THE PROPERTY OF OWNERS OF PROPERTY ON CRESCENT HEIGHTS AND LACK OF DUE PROCESS.

The Decision is ILLEGAL for yet another reason. It takes private property without notice to the owners of private easements in violation of the 5th Amendment taking clause. Notice must be given to dozens of owners of property within the Crescent Heights Tract of 1905.

Further, it is **ILLEGAL** since it violates California Streets and Highway Code Section **8353(b)** which provides that:

“(b) A private easement claimed by reason of the purchase of a lot by reference to a map or plat upon which the street or highway is not extinguished pursuant to subdivision (a) if, within two years after the date the vacation is complete, the claimant records a verified notice that particularly describes the private easement that is claimed in the office of the recorder of the County in which the vacated street or highway is located.” FN 5

FN5

(a) Except as provided in subdivision (b), the vacation of a street or highway extinguishes all private easements therein claimed by reason of the purchase of a lot by reference to a map or plat upon which the street or highway is shown, other than a private easement of ingress and egress to the lot from or to the street or highway.

(b) A private easement claimed by reason of the purchase of a lot by reference to a map or plat upon which the street or highway is shown is not extinguished pursuant to subdivision (a) if, within two years after the date the vacation is complete, the claimant records a verified notice that particularly describes the private easement that is claimed in the office of the recorder of the county in which the vacated street or highway is located.

(c) Nothing in this section shall be construed to create a private easement, nor to extend a private easement now recognized by law, nor to make the rights of the public in or to a street or highway subordinate to a private easement. Nothing in this section affects the right of the owner of property that was subject to the vacated street or highway to commence an action to quiet title as against any claim of a private easement of any type, whether before or after recordation of a verified notice pursuant to this section. - See more at: <http://codes.findlaw.com/ca/streets-and-highways-code/shc-sect-8353.html#sthash.uL2Nk9lb.dpuf>

=7E. IT IS NOT CLEAR IF THERE IS ANY PROPERTY TAKEN UNDER HAVENHURST OR CALCULATED BY THE APPLICANT.

=7F. FURTHER ILLEGALITY RE ATTEMPTED MERGER OF PUBLIC STREET TO WIT THE TURN LANE THAT WOULD BE MERGED WITH PRIVATE PROPERTY

The Monstrosity Project is illegal for yet another reason. It seeks to merge a public street with private property which is illegal. It violates both 8324(b) and 8353(b) discussed supra.

=8. THE DECISION IS ILLEGAL SINCE IT CLEARLY APPROVES ACTIONS OVER PROPERTY NOT OWNED BY THE CITY OF LOS ANGELES, AND WHICH IS OWNED BY THE CITY OF WEST HOLLYWOOD WHICH OPPOSES THE SAME.

The Decision is ILLEGAL since it approves actions over the property of the City of WEHO. This entire process is thus illegal.

The City of WEHO notified the City (D143, 195) that: (i) it owns the areas affected and WEHO refused to install a light at Fountain and Havenhurst and Sunset and Havenhurst; (ii) it will NOT approve vehicular access off Havenhurst (because WEHO is a sane City and not insane like the proposal); (iii) the report by the City is flawed because it does not take into account the increase in pedestrian foot traffic and in fact concludes that the FEIR inadequately addresses a known significant traffic impact and should not be certified without revision; (iv) it will not permit joinder of the sewer line which is required under the proposed Alternative 9 (submitted out of left field to the hearing office).

The City of WEHO indicated that it would NOT approve the Monstrosity unless certain changes were made including (numbering added)(See D143, 195) Exhibit 10)

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

And changes are made re sewers. (Exhibit 10)

The Decision relies on the Brooklyn bridge owned by others.

It is submitted that the hearing officer had no right to make a conditional approval with regard to this Monstrosity Project. The entire

project hinges on this mitigation factor and it had to have been approved before causing this process to take effect.

=9. VIOLATIONS OF SUBSTANTIVE DUE PROCESS IN ADDITION TO ILLEGALITY

=9A. A BAIT AND SWITCH TOOK PLACE AT THE HEARING WHERE THE APPLICANT OUT OF LEFT FIELD SUBMITTED ALTERNATIVE 9 WITHOUT ANY NOTICE AS REQUIRED WHICH VIOLATES DUE PROCESS

Section 6A supra. It is not part of any notice, and not discussed and findings made in the Decision. (See D pages 174-179 re 8 and 10 but no 9).

=9B. FURTHER ILLEGALITY. LACK OF DUE PROCESS BOTH AS TO STATE AND CITY OF LA LAW. THE DECISION IS SO OUTRAGEOUS AND LACKS POWER TO MAKE ANY DETERMINATION RE VACATION DUE TO THE CLEAR CUT LAW. AS SUCH, THE DECISION IS TAINTED AND THE HEARING OFFICER IS TAINTED, AND THE DECISION AS A MATTER OF LAW MUST BE SET ASIDE.

The due process requirements for vacation are set forth in California Streets and Highway Code Section 8324 were not complied with here in any event. In particular Section 8324 mandates specificity in the exact nature of what is being vacated. FN 2 (see supra).

The same with the lack of hearing procedure under Los Angeles City.

=9C. FURTHER ILLEGALITY. VIOLATION OF DE FACTO DUE PROCESS RE LACK OF NOTICE AND DECEPTION PERPETRATED BY THE CITY RE VACATION OF STREET, AND MICKEY MOUSE

**ILLEGAL ATTEMPT TO GIVE NOTICE OF MAY 24, 2016
IS ITSELF ILLEGAL AND INVALID. NUMBER OF
FAILURES TO DISCLOSE IN THE NOTICE**

The hearing notice here of May 24, 2016, page 2, provides as an off menu incentive called “land to be set aside for street purposes.” There was no indication whatsoever that a portion of a private street was going to be closed and vacated. This violates California Streets and Highway Code Section 8324(b) and 8353(b), and LAMC Section 12.37 of the LAMC. FN6

In particular the Tract Map was silent regarding the proposal to close and give away the median and right turn lane to traffic, and connect with private property with the City’s property, and gift of land to a private developer. The tract map would permit the use of the City property to wit the island and the public right of way as subsurface easements and is illegal and gifts city property for no consideration (even if it were legal or appropriate to do which is not the case.) FN 7

There was no indication that there would be off menu incentives granted as best as one can determine.

The notice did not disclose that certain discretionary approvals were required for FAR, the increased density, as well as the following:

1. Condemnation of private street easements in violation of Section 8353(b)
2. Partial street vacation required in conjunction with the tract map merger and City Engineer’s Report
3. Height District change from 1-1 to 3-1
4. General Plan Amendment to amend MP2035 to show the island and the turn lane closed

FN 6:

The Decision seeks through an unlawful off menu incentive to spot zone and violate State and City law.

FN 7: *In addition, it is not clear that notice that Havenhurst would be closed during construction southward was disclosed.*

1. **Include of property beyond the middle of the street of Crescent Heights in calculating FAR which is invalid**
2. **Off menu incentives require a Variance with substantial evidence that the bus service on the streets qualify for FAR increase for housing only, not for commercial**

=10. THE MONSTROSTIY PROJECT SITS ON TOP OF SUNSET HOLLYWOOD EARTHQUAKE FAULT.

It is admitted that the Project sits on top of Hollywood fault (D74). (EXH 6)
Having found that, the Decision claims it can overlook this because it is not active. (D74). The notion that a Monster 234 project can be built on an earthquake fault active or not undermines the entire concept of safety for the residents and those nearby. 99.9999pc of all faults are not active but when become active there is death and destruction.

=11. FAILURE TO COMPLY WITH THE HOLLYWOOD COMMUNITY PLAN (HCP).

=11A. VIOLATES THE HCP

This is discussed infra.

Assuming arguendo that this had been done legally which it was not, and there was a proper notice and hearing with the City Council (and none exists, and this argument does not constitute a waiver of notice, or hearing but merely reflects why the City acted illegally), there is blatant failure to comply with the Hollywood Community Plan (HCP). It failed to address all key provisions including impacts of the Monstrosity Project, the cumulative impacts with the extra congestion, and the interaction between all forms of transportation including pedestrian, bicycle, etc. See footnote 4 above which lists the items. (See Decision p. 94; and pages 94-98 of the HCP attached hereto as Exhibit 12, 13, 15).

The HCP provides that the intensity of the development is limited in accordance with the following “criteria:

3. The adequacy of the existing and assured circulation and public transportation systems within the area;”

For discussion re sewers, drainage, fire protection, and utilities, see below.

4. “The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities;” (Exhibit 15, page 2 under Housing Standards and Criteria).”

=11B. FAILURE TO COMPLY WITH HCP RE FACT THAT HAVENHURST AT THE DEMARCATION LINE HAS BEEN NARROWED, BOTTLENECKED, AND ITS IMPACT. FINDING THAT THE SEMI TRUCKS AND DELIVERY TRUCKS CAN USE THE NARROW HAVENHURST IS INSANE AND IS NOT SUPPORTED BY THE EVIDENCE.

There is a bottleneck about 50 feet in length just south of the proposed driveways which is the demarcation line between WEHO to south and LA to the north. (See Exhibit 3C). Havenhurst is a lovely tree lined street with three or four historical buildings across the street (Andalusia) and just south of the Project. Travel along Havenhurst by any large truck let alone a semi truck hauling 10 cubic yards of dirt is not possible and would block the entire street and would create a traffic nightmare that would materially impact the Applicant and other properties along Havenhurst. It would block access to and from the Applicant’s apartment.

The streets below the bottleneck are two lanes one in each direction. The same with Havenhurst to the north of the driveways.

Clearly the plan is not adequate as mandated by the HCP to serve the traffic generated.

=11C. FAILURE TO COMPLY WITH HCP RE HOW THREE EXITS NOT APPROVED BY THE CITY OF WEHO, ONTO A SMALL LOVELY LITTLE HISTORICAL STREET THAT IS NARROWED IN THE MIDDLE, WILL BE COMPATABLE WITH RESIDENTIAL USAGE IN THIS HISTORICAL STREET.

=11D. FAILURE TO COMPLY WITH HCP RE AFFECT OF REMOVAL OF 427 TRUCK LOADS OF 10 CUBIC YARDS FOR 13,600 TRIPS ONTO A SMALL LOVELY LITTLE HISTORICAL STREET THAT IS NARROWED IN THE MIDDLE, WILL HAVE ON RESIDENTIAL USAGE

See Decision p. 94. We are talking about 427 truck loads of dirt at what appears to be 10 cubic yard or two (which requires a double truck) PER DAY for what appears to be months. There would be 13,600 trips TO MOVE 136,000 CUBIC YARDS enough to fill the Coliseum. As noted, it is impossible to make a left turn out of the exits on Havenhurst south towards Fountain because of the bottleneck and there is no light on Fountain. A truck would take up the entire Havenhurst and in effect block it.

In addition, the issue of the negative impact of trucks with its noise, standing emissions, and horns, beepers, will have on the tenants in the area. Then on top of that the drunken fools and alcoholics making noise at entertainment sites that will be open and not enclosed.

Indeed, one standard provision includes by the City of LA reads as follows:

“All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.”

Consequently, the use of Havenhurst to haul dirt and for truck access must be denied.

=11E. FAILURE TO DISCLOSE APPARENTLY AND DISCUSS AND FIND THE EFFECT OF CLOSING OFF OF SOUTH HAVENHURST DURING CONSTRUCTION.

Decision 26.

=11E. IT IS INCONSISTENT WITH THE HCP IN THAT IT IS 236 TALL NOT 15 STORIES AS SET FORTH INFERRING 150 FEET (WHICH WAS A LIE) WHICH IS 22 STORIES WHICH VIOLATES THE HCP ENCOURAGING LOW DENSITY RESIDENTIAL.

The Monstrosity Project is 234 high and although they call it 15 stories it is really 22 stories. (D37, 45).

The HCP was designed “to encourage the preservation and enhancement of the varied and distinctive residential character of the Community, . . .” (Exhibit 15).

It was also designed “to encourage the preservation and enhancement of well defined residential neighborhoods (HCP Housing page 3).

And no increase in density shall be effected it is determined that the local streets are adequate to serve the traffic generated. (Exhibit 15, page 4).

=11F. THE DECISION VIOLATES THE HCP REGARD TO FACILITIES SUCH AS SEWERS, DRAINAGE, FIRE PROTECTION.

The HCP provides that the intensity of the development is limited in accordance with the following criteria:

5. The adequacy of the existing and assured circulation and public transportation systems within the area;
6. The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities;" (Exhibit 15, page 2 under Housing Standards and Criteria).

At the present time, there is no sewer hook up to the City of WEHO which refuses to permit it.

It is admitted in the Decision that the project has incremental adverse impacts on the LAFD response time. (Decision p. 126). Response time is well below the standard of reaching the scene within 5 minutes 90pc of the time. () There is also no finding on the impact of the vacation of the current turn lane on fire trucks. No chance that a fire truck can turn on Crescent Heights unless the street is clear.

On top of that the water supply, water pressure, failing water mains, are inadequate to meet the current demands let alone future demands.

It is admitted that it would reduce the time for the fire department to reach the area. (See Decision p. 126, Exhibit 17):

“Furthermore, if the City of West Hollywood elects not to implement Mitigation Measure TR-1, project related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain significant and unavoidable.”

Finally, the LAFD requires that no building or portion shall be construction more than 150 feet from the edge of a roadway of an improved street. Does the theft of the island and the right turn lane violate the 150 foot rule?? Here it appears to be more if the extra stolen land is calculated. (D4 Fire).

It should be noted that the Hearing Officer relied on a pathetically inane letter from the fire department which was non responsive to anything and did not address the burning issue of whether fire trucks could make a right turn onto Crescent Heights (The answer is no).

=11G. FAILURE TO ADDRESS TRAFFIC ANALYSIS RE THE CLOSEST INTERSECTIONS, AND FAILURE TO RECONCILE THE PROJECT IMPACTS, AND CUMULATIVE IMPACTS WITH THE ADDED CONGESTION OF MP 2035.

It is admitted that there are 38 other projects in the area with 8 in the close proximity to the Project. (D83). There is no analysis re totality of traffic, noise, odors, etc.

=11H. THE MAP FOR THE INTERSECTION OF CRESCENT HEIGHTS AND SUNSET BLVD. IN MP 2035 CONFLICT WITH THE CHANGES AND WOULD REQUIRE HEARINGS

=11i. HAVENHURST SOUTH DURING CONSTRUCTION WILL BE CLOSED.

Decision 26.

=12. FURTHER ILLEGALITY RE FAR

=12A. THE DECISION IS ALSO ILLEGAL SINCE IT SEEKS AN OFF MENU INCENTIVE OF A 3-1 RATIO FOR FAR. THIS IS ILLEGAL BECAUSE A CUP UNDER CP-3251-DB IS REQUIRED.

The concept of FAR is another wasteland filled with illegality. The Decision approves as an off menu item incentive a 3 to 1 ratio for FAR. This is illegal because it can only be done with a CUP application after a hearing etc under CP 3251-DB. (D199;Exhibit 16)

“ A request for Density Bonus with off menu incentives, does require a pubic hearing. Notification includes mailings Applications reviewed at Planning Commission level also require . . . “ (Exhibit 16, page 1).

And at page 3, it provides that compliance with LAMC 12.24 A.25(g)(3) is required:

“Density Bonus with Off Menu Incentive Items: LAMC 12.22 A.25(g)(3)—Provide a pro forma or other documentation to show that the waiver of modification is needed in order to make the Restricted Affordable Units economically feasible in addition to the items listed above. A third party pee review of the pro forma is also required.”

There was no such compliance both procedurally and due process. However, as set forth below it is not proper in this situation since the Applicant has misrepresented the zoning and it is not in HD1 rather in HD-1D. (Section 1D was added by way of AB283 in 1989 and is limited to 1-1 FAR.)(D42)

One further point. The map shows the island as 8118 Sunset with flow around it. The island is zone C4-1. This area also appears to have been added into the FAR improperly. It is not clear how C4-1 can be merged with HD-1D.

=12B. THE APPLICANT HAS MISREPRESENTED THAT THE PROJECT FALLS UNDER HD-1 WHEN IN FACT IT DOES NOT AND FALLS UNDER HD-1D with a FAR of 1-1 not 3-1.

As noted, in addition to other lies this is yet another winner. The Applicant has represented that the parcel falls under HD-1 zone which has a Floor Area Ratio or FAR of 1:5:1. This project is located in HD-1D project with a FAR of 1-1. The property is zoned C4-1D (Decision (“D”) (D page 1, 12, 42). The Zoning is C4-1D and there is a General Plan in place which limits the floor area ratio (“FAR”) to 1-1. (D42).

=12C. THE PROXIMITY TO THE MAJOR TRANSIT STOP EXCEEDS 1500 FEET AND CANNOT FALL UNDER ANY EXCEPTION IN THE DENSITY BONUS.

The Project is 1560 feet from the Metro Bus Stop and as such it does not qualify for the increased FAR (D43):

“Because by matter of 60 feet the project does not satisfy the criteria that 50 pc of the project site be located within the 1500 Feet distance criteria for an on menu incentive allowing a 3-1 floor area ratio {FAR} (D43).

See LAMC Code Section 12.22-A.25(f)(4)(ii) which limits it to 1500 feet. (D199). (EXH. 17, p. 9-10)

It should be noted that a 1-1 FAR calls for 111,339 feet. LAMC Section 25A.g.4 (ii)(b) provides that the a FAR of up to 3-1 is available if the parcel meets certain requirements. One of them is that 50pc of the commercially zoned parcel is located in or within 1500 feet of a Transit Stop/Major Employment Center. This Monstrosity Project is not a commercially zoned parcel because it seeks mixed use, and is located in excess of 1500 feet of Fairfax and Sunset a major transit stop etc.

The location On Sunset Blvd., is not within 1500 feet (see LAMC 12.22-A.25(f)94)(ii)(b) from Fairfax and Sunset (as defined in PRC Section 21064.3 which defines major traffic stop (MTS) as “served by two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. .. “

The Hearing Officer had no legal authority to take any action about anything since the project is not within 1500 feet of a major traffic stop even had this been a proper application which it is not.

=12D. THE DECISION IS ILLEGAL FOR ANOTHER REASON. A FAR RATIO OF 3-1 IS ILLEGAL AS NOTED, BUT IN ADDITION, IT CANNOT BE DONE ON AN OFF MENU INCENTIVE BASIS. THE PROJECT IS NOT 15 STORIES WHICH IS A LIE PERPETRATED RATHER 236 FEET, AND A HEIGHT DISTRICT CHANGE IS REQUIRED.

A Height District Change is required. Without a 3-1 there can be no commercial part of the Monstrosity Project.

=12E. THE DECISION IS ILLEGAL FOR ANOTHER REASON. LAMC 12.22 SECTION 25.A DENSITY BONUS (g)(3)(1) PROVIDES THAT THE A REQUEST FOR WAIVER OR MODIFICATION OF ANY DEVELOPMENT STANDARD NOT ON THE MENU CANNOT BE GRANTED IF IT IS “SUBJECT TO OTHER DISCRETIONARY APPLICATIONS”. THIS IS THE CASE HERE UNDER CP 3251-db, 6-28-16, p. 3)

Again, the Decision is Illegal since it presumes that it can provide a density bonus in the first place. Even had this been a proper application which it is not and proper venue which it is not. LAMC Section 12.22 Section 25.A dealing with Density Bonuses (Exhibit 16, page 3) that a request for waiver of modification of any development standards off the Menu and “that are not subject to other discretionary applications” then the section applies. (Exhibit 17, page 14).

Here, the Applicant requested the following incentives:

- 1. Parking reduction**
- 2. 22pc extra units from 204 to 249**
- 3. 3-1 FAR for the entire project which includes half of the public streets as lot area for FAR which is improper.**
- 4. Inclusion of half of the public streets as lot area for FAR which is improper.**

The first two are permitted under what is called Section 1818 passed by the State (LAMC Section 25A.f) but not the 3rd and 4th.

Here, the Applicant was subject to other discretionary applications which include:

- 3. Condemnation of private street easements in violation of Section 8353(b)**

4. Partial street vacation required in conjunction with the tract map merger and City Engineer's Report
5. Height District change from 1-1 to 3-1
6. General Plan Amendment to amend MP2035 to show the island and the turn lane closed
7. Include of property beyond the middle of the street of Crescent Heights in calculating FAR which is invalid
8. Off menu incentives require a Variance with substantial evidence that the bus service on the streets qualify for FAR increase for housing only, not for commercial
9. Change from HD1D to HD1 for FAR purposes.

=12F. A CUP FOR MORE THAN 35PC INCREASE IN DENSITY IS NOT PERMITTED EVEN ARGUENDO HAD THIS BEEN PROPER TO DO HERE WHICH IT WAS NOT.

A CUP which calls for an increase in density of 35pc or more requires an additional finding that the approval would not adversely affect or further degrade adjacent properties, and the surrounding neighborhood (Exhibit 16, Housing Incentives, page 3, Conditional Use Permit for Greater than 35pc Increase:

1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;
3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan. (Emp. Added)

...

- **Public Benefit Project: LAMC 14.00 A.2 – Density increase requests for a Housing Development Project to provide for additional density in excess of that permitted in LAMC Section 12.22 A.25 shall find that the proposed project substantially meets the purposes of the performance standards set forth in LAMC Section 14.00 A.2. If utilizing this process, also complete the Public Benefit Projects form (CP-7766).”**

As noted, there is no compliance with section 3, to with no compliance with the General Plan and the Community Plan and is illegal.

All of it is incompatible with the HCP.

In particular, the concept of 427 truck loads of dirt per day for months which enough dirt to fill the Coliseum would damage any community let alone this one which is lovely tree lined residential with a bottleneck.

It is admitted that it would reduce the time for the fire department to reach the area. (See Decision p. 126, Exhibit 17):

“Furthermore, if the City of West Hollywood elects not to implement Mitigation Measure TR-1, project related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain significant and unavoidable.” FN 7

FN7: The notion that the time response for police and fire department and ambulance can be ok as noted by the hearing office is also insane. The area on Sunset most of the time is deadlocked traffic as noted above in the morning and especially in the afternoon from 200pm during the week and on weekends as well. Crescent Heights going north in the afternoon is deadlocked after 300pm usually in the week. Crescent Heights south which is at end of Laurel Canyon the major access to the Valley (and which was supposed to be a Freeway) is busy all mornings, even on weekends in the afternoon and evening. All that traffic dumps onto Crescent Heights. There is traffic along Fountain which is gridlocked in the afternoon during the week. Sometimes it backs up to Melrose and Crescent Heights, and Melrose and La Cienega (west fountain) During gridlock there is no chance for any responder to make it through even with a siren because there is no where to go.

=12G. THE DECISION IS ILLEGAL FOR ANOTHER REASON. IT INCLUDES ALL OF THE ROADWAY AS PART OF THE FAR CALCULATION WHICH IS IMPROPER.

The Decision approves as an off menu incentive to permit the area dedicated for street purposes to be included as lot area for purposes calculating FAR (D199) This is improper. The calculation re FAR is erroneous and is not 111,339 feet and must be reduced.

=13A. THE DECISION IS ILLEGAL SINCE IT PERMITS THE BLOCKAGE OF HAVENHURST

Decision provides that a physical barrier is going to be constructed to prevent travel south on Havenhurst. (D26, 100) This is also illegal blocking a public street.

=13B. THE RIGHT TO HAVE 427 TRUCKLOADS OF 10 CUBIC YARDS OR 13,600 TRIPS TO REMOVE 136,000 CUBIC YARDS OF DIRT ON HAVENHURST IS EQUIVALENT TO CLOSURE OF HAVENHURST SINCE IT IS ONLY TWO CARS WIDE (NOT INCLUDING PARKING).

Decision, p. 8 and 20.

=13C. THE DECISION PERMITS HAULING TRUCKS ON SATURDAY WHICH IS INSANE.

Decision p. 8.

=13D. THE ARGUMENT THAT THE CONGESTED INTERSECTION CAN BE OVERCOME BY SET OFF OF

PLUS IN MORNING AGAINST NEGATIVE IN PM IS INVALID.

It is admitted that there would be increased travel at congested intersections and would exceed the 50 trip limit. (D95). However, the Decision purports to set off the alleged plus in the morning against the major minus in the afternoon to fall under 50. This is improper.

=14. THE DECISION IS ILLEGAL SINCE IT PERMITS ENTERTAINMENT USES IN THE C-4 ZONE WHICH CAN ONLY BE DONE WITH A ZONE CHANGE OR VARIANCE AND THERE IS NONE.

The Decision claims that the island and half the roadway is open space. It is not zoned open space rather C4-1. It is not a park. It is illegal to calculate it as open space stolen from City, and there is no viable open space presented.

Entertainment is not permitted in a C4 zone in any event.

=15A. THE MONSTROSITY PROJECT CANNOT REMAIN AN ELDP PROJECT BECAUSE THE COMMERCIAL WAS REDUCED AND THERE WIL LNOT BE AN INCREASE IN HIGH PAYING JOBS OR SKILLED JOBS. JUST LOW PAYING JOBS IN A GROCERY AND RESTAURANTS.

Under no circumstances can anyone in their right mind conclude that this an ELDP (Environmental Leadership Development) (Public Resources Code Section 21178 and 21189.3) (D43). Only 199 new jobs for the restaurant, market and retail (D37,45) would be created. ((D197). The commercial has been reduced 40pc to 65000 feet (D36) and it was assumed that it would result in high paying high skilled job. In fact, the only commercial is a grocery store and restaurants which means low paying jobs not high skilled jobs. Thus, it does not qualify for ELDP in the first place and that must be removed.

=15B. IT IS ADMITTED THAT THE ALTERNATIVE 9 CHANGED THINGS AND REDUCED COMMERCIAL FROM 111,339 TO 65,000. THUS THE REASON FOR FALLING UNDER ELDP HAS BEEN VITIATED AND NEW APPROVAL SHOULD HAVE BEEN OBTAINED. THE DECISION IS ILLEGAL SINCE IT SEEKS TO PIGGY BACK ON APPROVAL OF THE ORIGINAL ELDP BASED ON THE LIE OF HIGH PAYING JOBS WHEN IN FACT ONLY 199 LOW PAYING JOBS WOULD BE CREATED AT MARKET, RETAIL, RESTAURANTS.

There was a material change by reason of Alternative 9 which changed the scope of commercial from 111,339 to 65,000 thus eliminating 40pc of the commercial. The ELDP rush approval was based on promises of high paying jobs in commercial when in fact this was a lie. The commercial was reduced down to 199 low paying jobs in the market, restaurants and retail. (D36, 197). As a result, new approval had to be obtained under ELDP from the Governor's office, and it was illegal to permit the Alternative 9 to piggy back under the big lie approval for the original application.

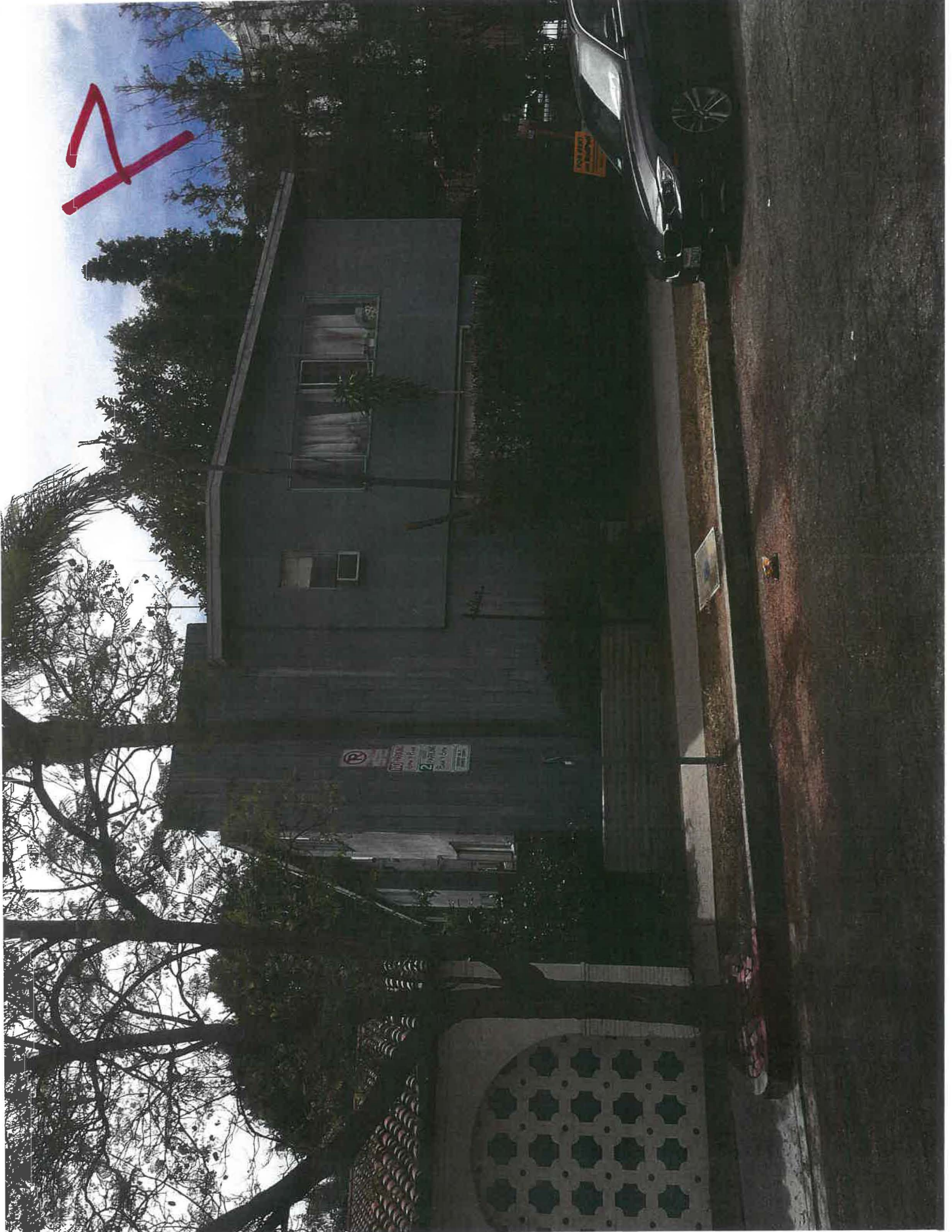
Accordingly, it is requested that the monstrosity project 8150 be denied in its entirety. It is illegal for MANY reasons, and is a disaster.

Here, the City purports to permit mass annihilation of a beautiful street by trucks and asphyxiation of the residents, and permit noise pollution at its worst and permit grand theft of its property.

Very Truly Yours



Allan Wilion, Esq.





2

NO PARKING
Zone of Blue
2 HOUR PARKING
Zone of Green
NO LEFT TURN

← Sent



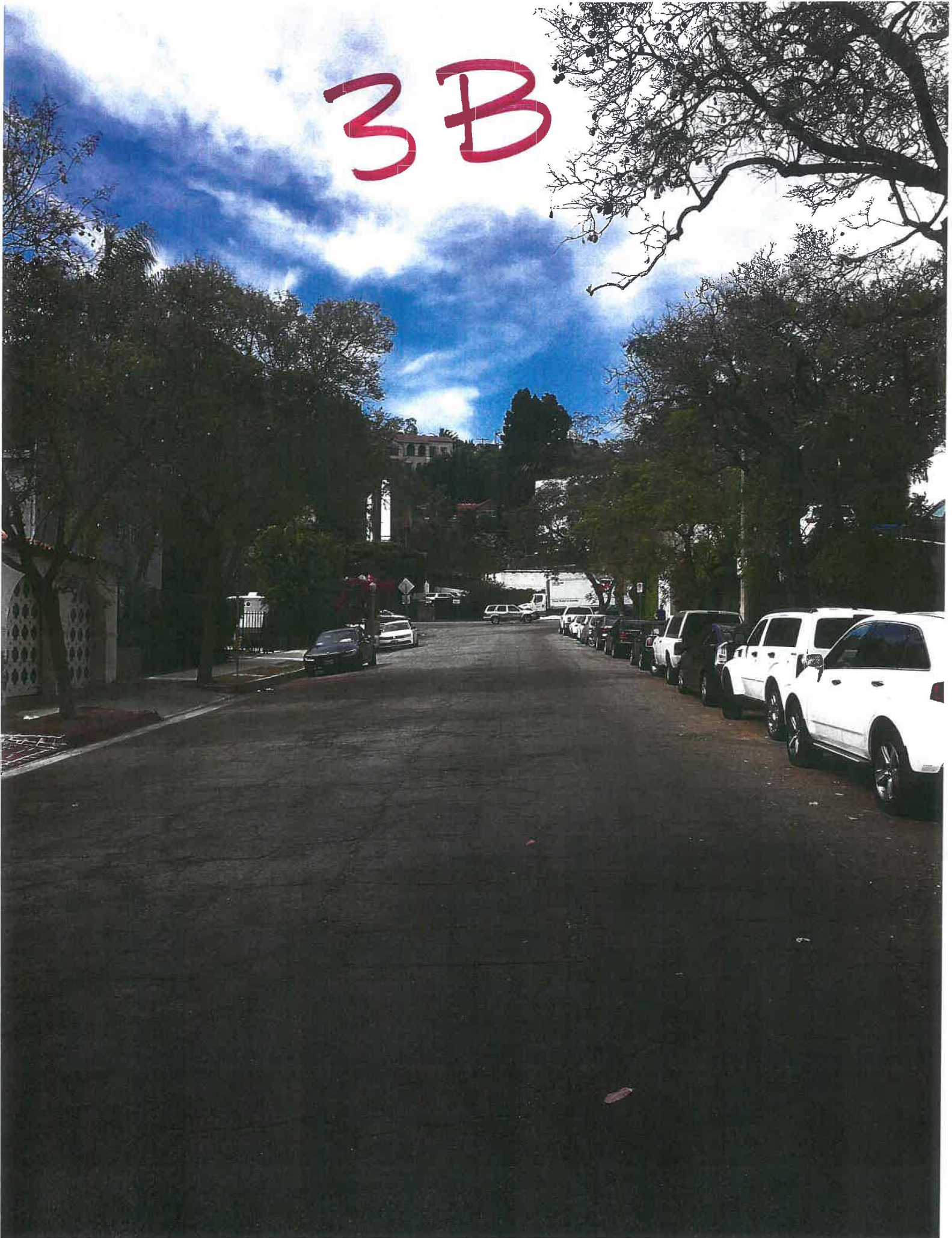
Truck Entrance on Havenhurst Drive



3.A



3B





32

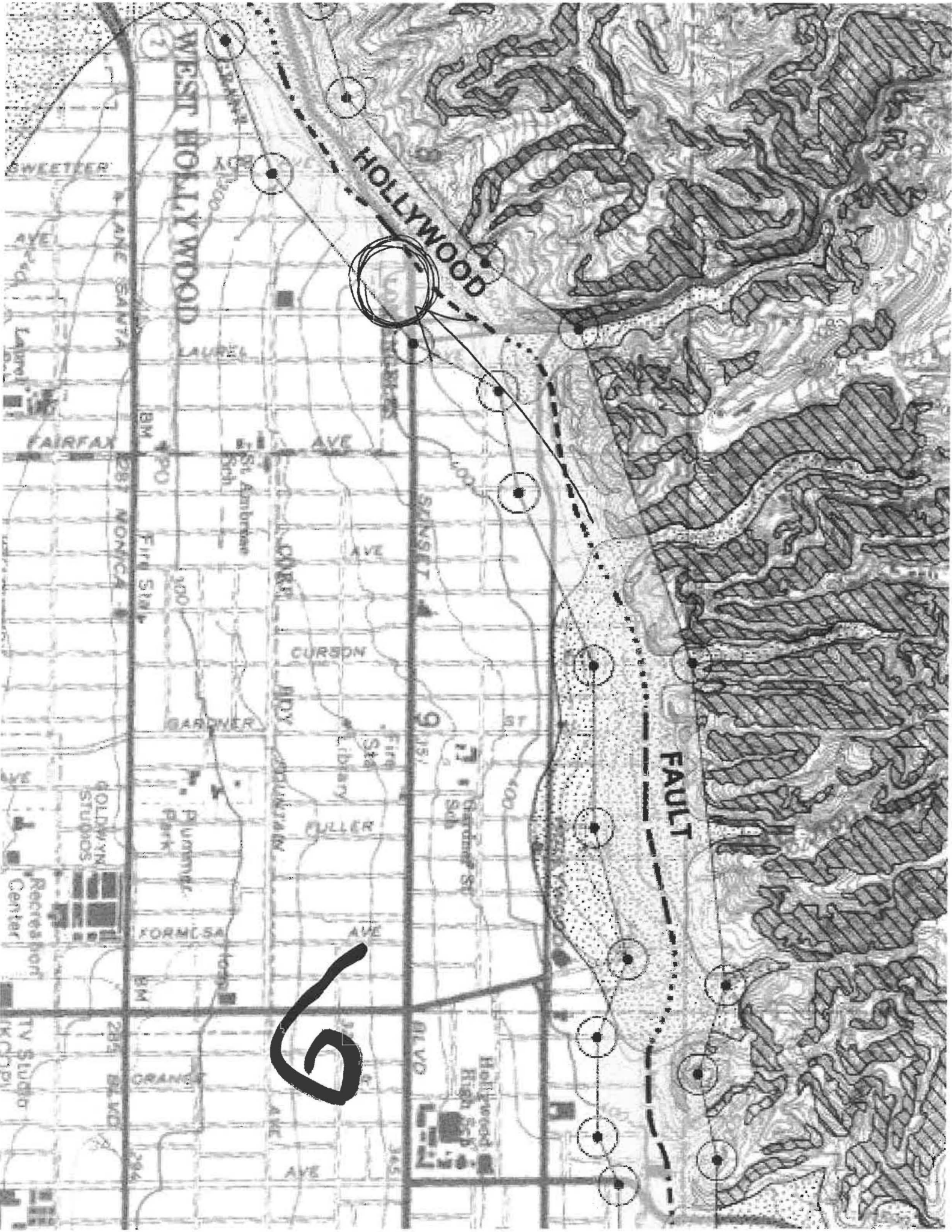
BUMPS

15
MPH

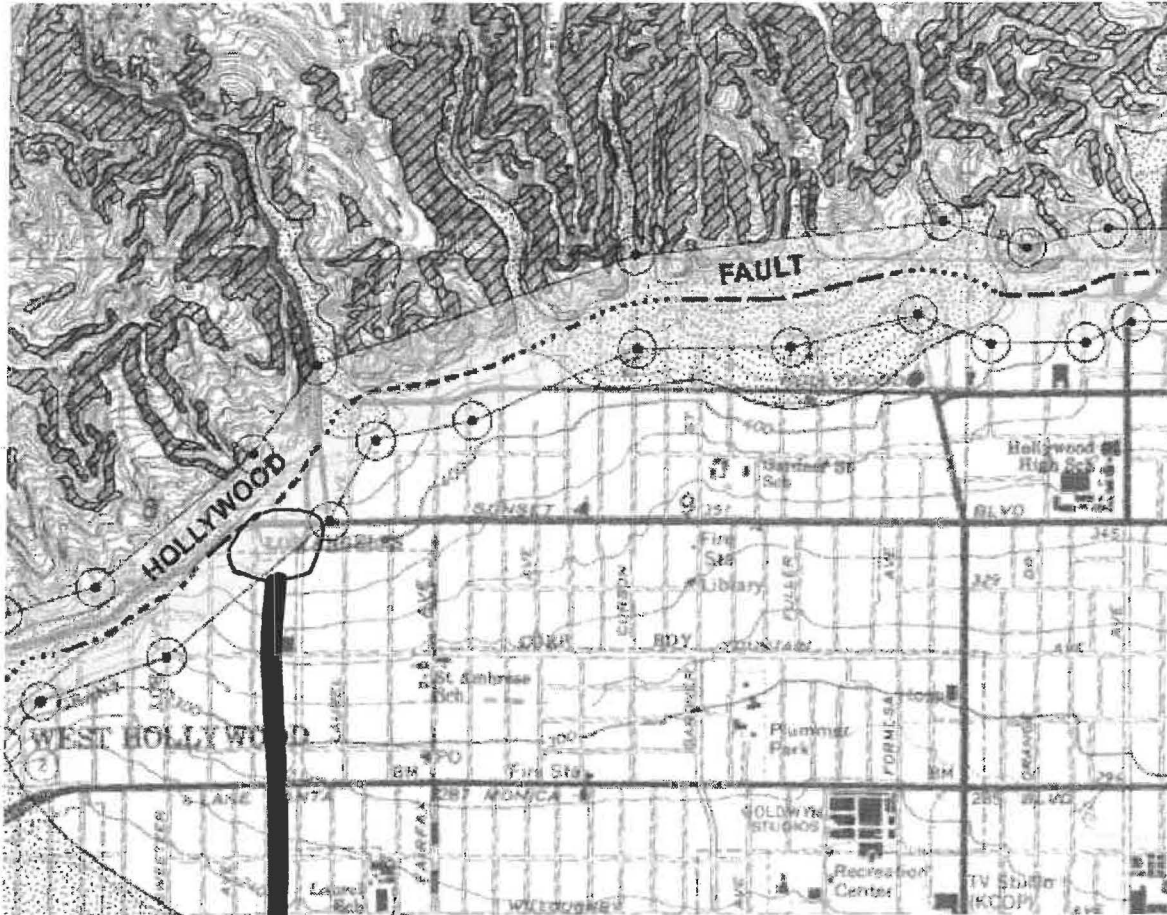
No Parking
No Stopping



302



9



6



8150 SUNSET
New York Townscape developers
aren't showing the height from Havenhurst Drive

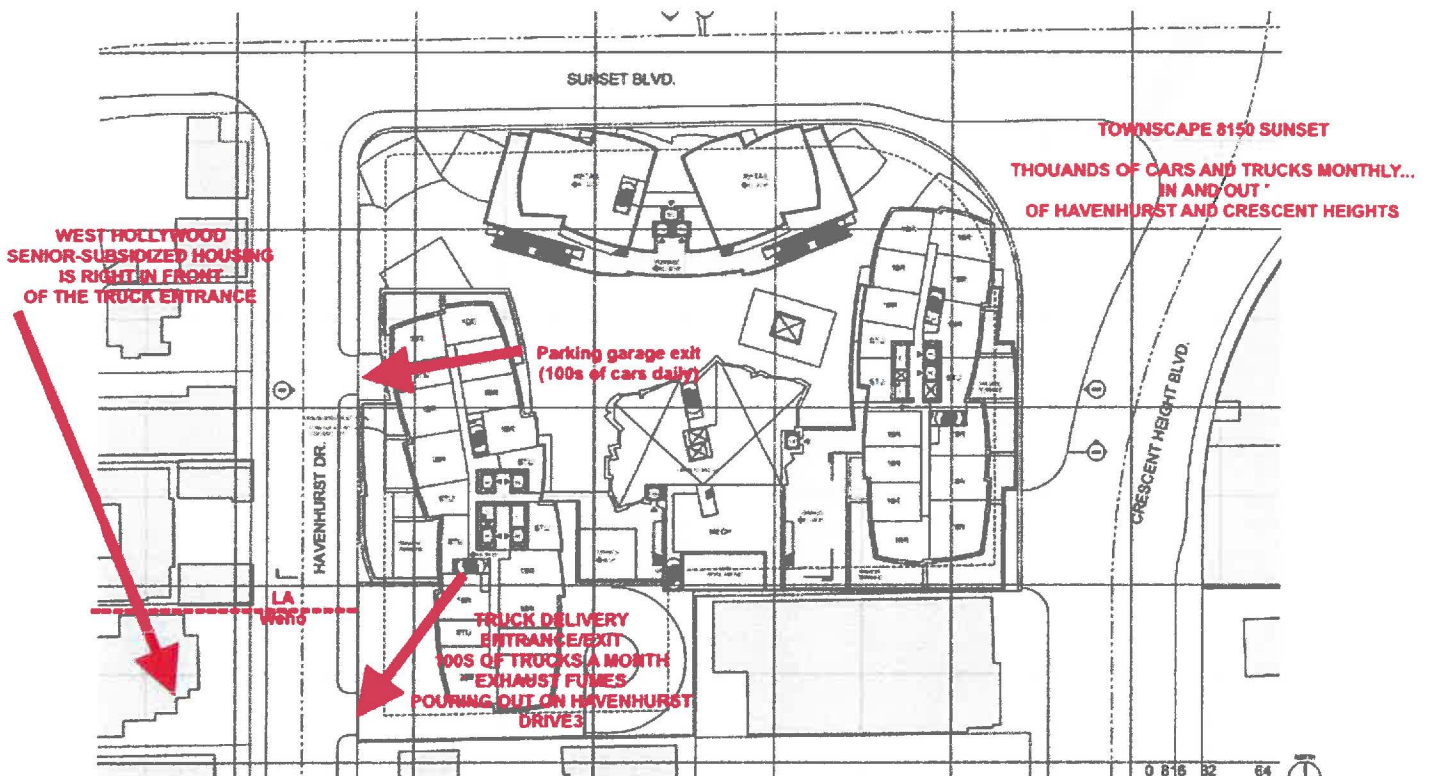
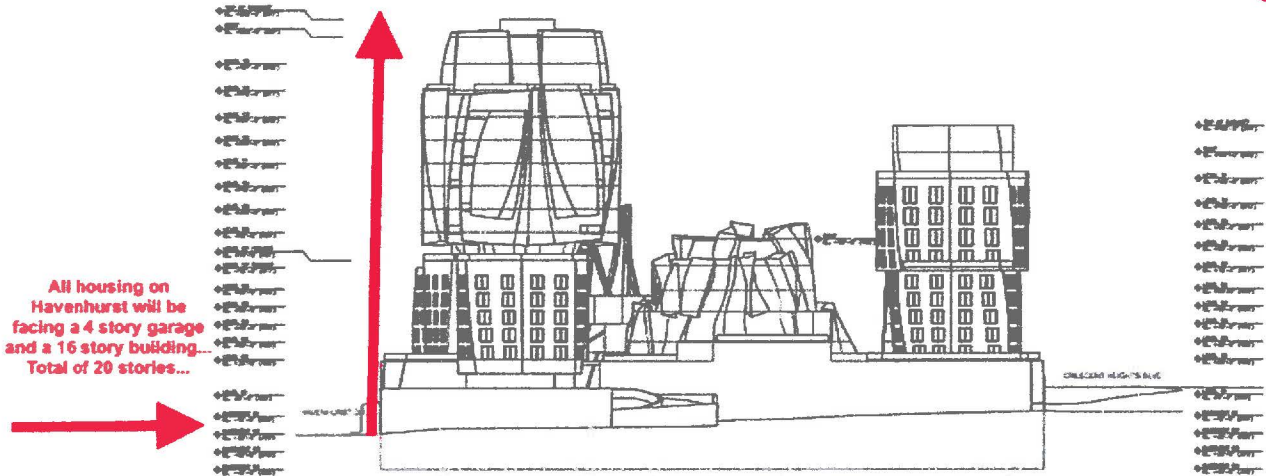


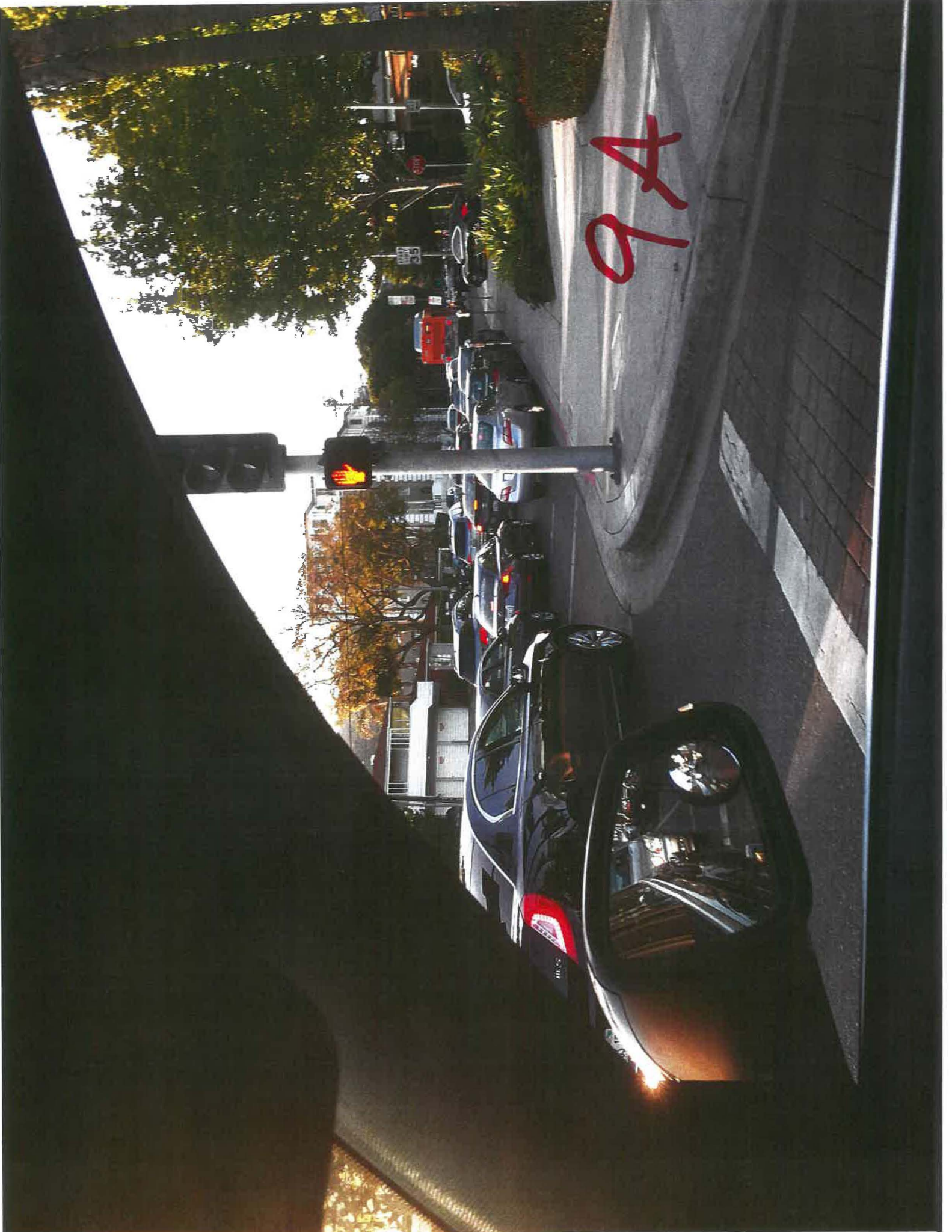
Townscape's media photo of Havenhurst Drive presenting the architect's design for the proposed 8150 Sunset apartment complex. The photo distorts the street to make 8150 Sunset look much smaller than the actual height and size.

8B

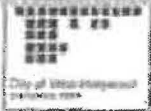
236 FEET
20 STORIES
Council on Tall Buildings and Urban Habitat

8150 SUNSET
New York Townscape developers
aren't showing the height from Havenhurst Drive





9A



CITY OF WEST HOLLYWOOD

May 23, 2016

CITY HALL
8300 SANTA MONICA BLVD.
WEST HOLLYWOOD, CA
90069-6216
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William Lamborn
City of Los Angeles
Major Projects Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

TTY: For hearing impaired
(323) 848-6406

**COMMUNITY
DEVELOPMENT
DEPARTMENT**

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

Dear Mr. Lamborn:

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

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

SECTION 4.J. TRANSPORTATION AND CIRCULATION

Signalization of Fountain/Havenhurst Intersection

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

Pursuant to CEQA Section 15126.4(a)(2), mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments in order to be viable. Given that the City of West Hollywood does not support and will not approve said traffic signal installation, mitigation measure TR-1 is unenforceable. Therefore, the FEIR inadequately addresses a known significant traffic impact, and should not be certified without revision.

Further, the proposed traffic signal at Sunset Boulevard and Havenhurst Drive along with the proposed signalizing the intersection at Fountain Avenue and Havenhurst Drive would effectively make Havenhurst Drive a cut-through route and would impact the residential neighborhood along this portion of Havenhurst Drive. In Response No. A9-10, the FEIR erroneously states that the installation of new signals at both



ends of the segment of Havenhurst Drive between Sunset Boulevard and Fountain Avenue will not result in any significant cut-through traffic because there are already a series of speed humps along this segment of Havenhurst Drive, and the two new traffic signals could be intentionally "mis-timed" to delay and deter cut-through traffic. On the contrary, this will only slow down the increased traffic going through this segment of Havenhurst Drive and cause more traffic congestion, rather than lessen the anticipated impacts. Thus, the FEIR needs to be revised to address these impacts, and have an added project alternative with no vehicular access off Havenhurst Drive.

Traffic Impacts Along Fountain Avenue

On Fountain Avenue, the level of service calculations show worsening conditions at all intersections which were studied. Although the signalized intersections of Fountain/Olive and Fountain/Laurel were not included in the analysis, they too will be impacted. To mitigate the worsening of conditions at these intersections, the developer should be required to fund the upgrade of the traffic signal controller equipment, replacing existing 170 controllers with 2070 controllers, as well as fund installation of battery back-up systems for the following City of West Hollywood signalized intersections: Fountain/La Cienega; Fountain/Olive; Fountain/Sweetzer; Fountain/Crescent Heights; and Fountain/Laurel (Fountain/Fairfax is not included, as that intersection already has an upgraded 2070 controller and has a battery back-up system).

Safe Pedestrian Access

The proposed project will increase both vehicular and pedestrian traffic in the surrounding area, and this potential increase in pedestrian traffic levels warrants an upgrade to the existing mid-block crosswalk located south of the project site on Crescent Heights Boulevard. In Response No. A9-11, the FEIR states there is no nexus between the proposed Project and any significant pedestrian related impacts on Crescent Height Boulevard to justify upgrading the existing mid-block crosswalk, because development in the surrounding area will create more traffic in the area and contribute much more toward possible increases in conflicts between vehicles and pedestrians than the proposed Project itself. However, this reasoning is flawed in that it still does not take into account the increase in pedestrian traffic caused specifically by the proposed Project.

Therefore, the City of West Hollywood requests the project upgrade the current crosswalk to a mid-block pedestrian signal. Pedestrian visibility enhancements should also be incorporated into the signalization of this crosswalk (i.e. sidewalk bulb-outs, refuge island, reflective markings, etc.).

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

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





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

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

The City Sewer Service Charge is based on the concept of the Equivalent Sewer Unit (ESU). A single family residential property's City Sewer Service Charge is 1 ESU. The City Sewer Service Charge rates for all other land uses are based on the proportional use of the sewer system, in multiples of the ESU. The formula for calculation of the City Sewer Service Charge remains unchanged from the method of calculation adopted by the City Council in 1997. Based on the Project Summary for Alternative 9 (on Table 2-1 of the RP-DEIR), the sewer usage by the proposed development is 270 Equivalent Sewer Units (ESU).

The annual City Sewer Service Charge rate for FY 2016-17 is \$40.91 per ESU. Considering the proposed project of 270 ESU, the City Sewer Service Charge for FY 2016-17 would be \$11,034.80. The City Sewer Service Charge is adjusted by the CPI-LA on July 1 of each year. For example, the CPI-LA which has been applied for calculation of the 2016-17 assessment rates is 3.266%. Assuming a 50-year term for calculation of the developer's obligation for funding their fair-share of costs for on-going operation and maintenance of the City of West Hollywood sewer system, as well as an annual CPI-LA of 3% per year for the next 50 years, the amount the developer would need to pay the City of West Hollywood is \$1,244,691.30. Again, this dollar amount would need to be paid to the City of West Hollywood prior to issuance of the Building Permits.

There is a less expensive alternative to paying the above stated \$1,244,691.30 to the City of West Hollywood. The City of Los Angeles could require the developer to design and construct a new 8-inch diameter sewer to be aligned in Crescent Heights Boulevard. The proposed sewer would flow south from the project site to connect to an 8-inch diameter sewer in Crescent Heights Boulevard, just south of Santa Monica Boulevard. This new 8-inch diameter sewer would be owned and maintained by the City of Los Angeles, similar to other sewers owned and maintained by City of Los Angeles that pass through West Hollywood elsewhere. The construction would need to be completed prior to issuance of the certificate of occupancy for the proposed development. The City of West Hollywood would be willing to issue the necessary Encroachment Permits for construction of the new sewer. By building this new sewer, the proposed project would no longer utilize the City of West Hollywood sewer system, and would not need to pay for their fair-share of the cost of on-going operation and maintenance of the City of West Hollywood sewer system.







CITY OF
WEST HOLLYWOOD

REVIEW

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

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

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

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

Sincerely,

Scott Lunceford, AICP
Associate Planner
Current and Historic Preservation Planning
City of West Hollywood
slunceford@weho.org
323.848.6427

**D 700 VACATION OF PUBLIC RIGHTS-OF-WAY
AND CERTAIN OTHER RIGHTS**

D 710 GENERAL AUTHORITIES AND PROVISIONS

D 711 STATE VACATION LAW

The vacation of public easements in the City of Los Angeles is governed by the provisions under Division 9, Part 3 of the California Streets and Highways Code (CSHC) and extends from Section 8300 through Section 8363 under heading listed from Chapter 1 through Chapter 7.

D 711.1 TITLE OF LAW

The law is titled the Public Streets, Highways, and Service Easements Vacation Law, as cited in Section 8300 CSHC.

D 711.2 CITY AUTHORITY

The City council is the authorized entity in the City of Los Angeles to vacate public rights-of-way and certain other rights, as set forth in Section 556 of the Los Angeles City Charter revised July 1, 2000 (LACC).

D 712 TYPES OF EASEMENTS AND RIGHTS THAT CAN BE VACATED

D 712.1 PUBLIC RIGHTS-OF-WAY AND RIGHTS INCIDENT THERETO

Some of the public rights-of-way, which are defined in Section 8308 of CSHC that can be vacated by the City, under this Vacation Law, are all or part of, or right in any of the following:

- a. Street, road, avenue, lane and place
- b. Alley, court, trail and driveway
- c. Other public right-of-way or easement.
- d. Purported public streets
- e. Restrictions of access or abutter's rights.
- f. Slope easements.
- g. Other incidents to a street.



- h. Airspace and/or subsurface portions of the public right-of-way such as streets, alleys and walks.

D 712.2 PUBLIC SERVICE EASEMENTS

Under the category public service easements which are defined in Section 8306 of CSHC, any right in the following types of easements can be vacated:

- a. Sewers, storm drain and drainage.
- b. Pole lines and electrical transmission lines.
- c. Pipelines, canal and water transmission lines.
- d. Pathways, light and air.
- e. Other limited use public easements other than for a street.
- f. Easements reserves on a previous vacation, including future streets.

D 713 NON-MOTORIZED TRANSPORTATION EASEMENT

Some of the non-motorized transportation easements such as equestrian trail, walk, bike lane or transit shelter easements can be vacated.

D 714 JURISDICTION

D 714.1 STREETS BELONG TO THE STATE

The streets of a City, even though paid for out of City funds or by local developers under a Tract action, and even though fee title is in the City, do not belong to the City. Rather, they belong to all the people of the State. This is the general rule throughout the United States. It is also the long established rule in California. "It is settled that the public streets of a municipality belong to the people of the State" (Keller vs. City of Oakland). Because of these judicial rulings, the City of Los Angeles must adhere to the vacation laws of the State as codified in the California Streets and Highways Code.

D 714.2 CITY AUTHORITY TO VACATE

Pursuant to Section 556 of the 2000 LACC, the Council shall have the power to vacate streets, avenues, alleys, lanes, boulevards, crossings, courts, and other public places and rights-of-way.

D 714.3 STATE HIGHWAYS RELINGUISHED TO THE CITY

Pursuant to Section 8315 CSHC, State highways may be vacated only by the California Transportation Commission. Where a portion of a State highway is in the process of being relinquished to the City, the vacation may be recommended for conditional approval if the District Director of the California Department of Transportation (CalTrans) approves and provided the final Resolution to Vacate is not recorded prior to the relinquishment. The corner returns of City streets intersecting a State highway may also be vacated with the approval of the District Director of CalTrans.

D 714.4 COUNTY ROADS

The City cannot vacate, abandon or close County roads, They are under the control of the County Board of Supervisors.

D 714.5 STREETS BETWEEN TWO LOCAL AGENCIES

Streets extending between two local agencies may only be closed or vacated by mutual consent and agreement of both agencies. A local agency shall only have power to close or vacate the street in accordance with the laws of the State and in accordance with the written agreement evidenced by an effective resolution carrying into effect the written agreement and passed by the legislative body of the other local agency. Such agreements shall be recorded in the County Recorder's Office of each affected County.

D 715 DEFINITIONS AND ABBREVIATIONS

D 715.1 VACATION

As defined in Section 8309 CSHC, "vacation" means the complete or partial abandonment or termination of the public right to use a street, highway or public service easement.

D 715.2 STREET AND HIGHWAY (STATE DEFINITION)

As defined in Section 8308 CSHC, "street" and "highway" include all or part of, or any right in, a State highway or other public highway, road, street, avenue, alley, lane, driveway, place court, trail, or other public right-of-way or easement, or purported public street or highway, and the rights connected herewith including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway.

D 715.3 STREET (CITY DEFINITION)

As defined in Section 11.01(a) LAMC, "street" shall include all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

D 715.4 PUBLIC SERVICE EASEMENT

As defined in Section 8306 CSHC, "public service easement" includes all or part of, or any right in:

- a. A right-of-way, easement or use restriction acquired for public use by dedication or otherwise for sewers, pipelines, polelines, electrical transmission and communication lines, light and air, and other limited use public easements other than for street or highway purposes.
- b. An easement or right reserved from a vacation.

D 715.5 PUBLIC UTILITY

Pursuant to Section 216 CPUC, the following criteria shall apply in determining what defines a public utility:

- a. "Public Utility" includes every common carrier, toll bridge, corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, wharfinger, warehouseman and heat corporation, where the service is performed for or the commodity delivered to the public or any portion thereof.
- b. Whenever any common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, wharfinger, warehouseman, or heat corporation performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, wharfinger,

warehouseman, or heat corporation, is a public utility subject to the jurisdiction, control and regulation of the Public Utilities Commission and provisions of this part.

- c. When any person or corporation performs any service or delivers any Commodity to any person, private corporation, municipality or other political subdivision of the State, which in turn either directly or indirectly, mediately or immediately, performs such service or delivers such commodity to or for the public or some portion thereof, such person or corporation is a public utility subject to the jurisdiction, control and regulation of the Public Utilities Commission and the provisions of this part.

D 715.6 SPECIAL DISTRICT

As defined in Section 54775 CGC, "special district" means an agency of the State for the local performance of governmental or proprietary functions within performance of governmental or proprietary functions within limit boundaries. "Special district" does not include the State, the City, a County or a school district. "Special district" does include a county service area, but does not include a special assessment district formed under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960 or any similar assessment law or similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

D 715.7 NON-MOTORIZED TRANSPORTATION FACILITY

As defined in Section 156 CSHC, "non-motorized transportation facility" means a facility designed primarily for the use of pedestrians, bicyclists or equestrians. It may be designed primarily for one or more of such uses.

D 715.8 ABBREVIATIONS

C.A. OP.	City Attorney Opinion
CCC	California Civil Code
CCP	California Code of Civil Procedures
CEQA	California Environmental Quality Act
CF	Council File
CGC	California Government Code
CPUC	California Public Utilities Code

CSHC	California Streets and Highways Code
LAAC	Los Angeles Administrative Code
LACC	Los Angeles City Charter (Rev. 7/1/2000)
LAMC	Los Angeles Municipal Code

D 716 INITIATION OF VACATION PROCEEDINGS

Pursuant to Section 8320 CSHC, the City Council may initiate a vacation proceeding upon its own initiative. ~~The City Council upon a petition or request of an interested person as~~ authorized in Section 556 of the 2000 LACC and per the policies adopted under CF No. 01-1459, may initiate a vacation proceeding by adopting a Rule 16 Motion.

D 716.1 RULE 16 MOTION

The Land Development Group upon receipt of a Vacation Application shall prepare a Rule 16 Motion and coordinate with the Chair of the City Council Public Works Committee for the introduction of the motion. (See Figure D 716.1)

D 716.2 MERGER VS. VACATION

Pursuant to Section 66499.20 of the California Government Code, a public right-of-way may be merged upon the recordation of a final subdivision tract map or parcel map without going through vacation proceedings. Under Council policies adopted under CF No. 01-1459, a vacation in conjunction with a development project exceeding the threshold as set forth in LAMC Section 16.05 may be rejected. The petitioners should be instructed to apply for a Tract or Parcel Map with the City Planning Department if they wish to proceed. Under this policy all elements of the development project approval will be considered by a single decision maker.

D 717 REQUIREMENTS OF PUBLIC HEARING

Pursuant to Section 8320(b) 4 CSHC, the City Council Rule 16 Motion requires a public hearing to be set for all persons interested in the proposed vacation. The Land Development Group and the City Clerk will establish the date, hour and place of the public hearing. The requirements of public hearing may be waived if the application qualifies under Summary Vacation.

D 717.1 TIME LIMIT BETWEEN VACATION REPORT APPROVAL AND THE HEARING DATE

The hearing date shall not be less than 30 days from the approval of the Bureau of Engineering Vacation Report by Public Works Committee of the City Council in order for the City Clerk to properly publish the public hearing date and for Engineering to comply with the hearing posting of Notice..

D 717.2 POSTING OF NOTICE

Pursuant to Section 8323 CSHC, at least two weeks before the day set for the public hearing, notices of vacation must be posted along the street or public service easement proposed to be vacated. Use Form Eng. 2.355. (See Figure D 717.2.)

D 717.3 COUNCIL FINDINGS AT PUBLIC HEARING

Pursuant to Section 8324 CSHC, the City Council shall hear evidence offered by interested persons at the above required public hearing. If the City Council finds, from all the evidence submitted, that the public street or public service easement is unnecessary for present or prospective public use, the City Council may adopt the Public Works Committee and City Engineer reports and findings.

D 717.4 RESOLUTION TO VACATE

When all the conditions established for vacation approval are complete, Engineering shall prepare and transmit a Resolution to Vacate to the City Council for adoption.

D 718 VACATION COMPLETED UPON RECORDATION

Upon recordation of the Council adopted Resolution to Vacate with the County Recorder, the vacation is complete, according to Section 8325(b) CSHC.

D 719 SUMMARY VACATION

The City may summarily vacate the public rights-of way detailed in the following subsections. Under the Summary Vacation process the City Council can approve a vacation request without a public hearing. Therefore, Engineering should not recommend the Summary Vacation process if the request is controversial or objections from the community were received.

D 719.1 SUPERSEDED STREET

A superseded street is one that has been superseded by relocation except when access to other properties would be cut off (Ref. Sec. 8330(a) CSHC).

D 719.2 EXCESS RIGHT-OF-WAY

An excess right-of-way of a street is one that is not required for street purposes (Ref. Sec. 8334(a) CSHC). The interpreted practice is excess means excess in width.

D 719.3 STREET SERVING ONE OWNERSHIP

A street serving one ownership is a portion of a street that lies within property under one ownership, does not continue through such ownership and does not end by touching property of another ownership (Ref. Sec. 8334(b) CSHC).

D 719.4 PAPER STREET

A paper street is one that has been impassable for vehicular travel for a period of five consecutive years and for which no public money was expended for maintenance during that period (Ref. Sec. 8331 CSHC).

D 719.5 STREET CLOSED BY FREEWAY AGREEMENT

A street closed by a freeway agreement is one that is covered by the freeway agreement for closure at or near the point of its interception with a State freeway (Ref. Sec. 8332 CSHC).

D 719.6 SERVICE EASEMENT NOT USED FOR FIVE YEARS

A public service easement not used for five years is one that has not been used for the purposes for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation (Ref. Sec. 8333(a) CSHC).

D 719.7 SERVICE EASEMENT NEVER USED

A public service easement never used is one for which the date of dedication or acquisition is less than five years and more than one year, immediately preceding the proposed vacation and where the easement was not used continuously since that date (Ref. Sec. 8333(b) CSHC).

D 720 DESCRIPTION OF VACATION AREA

Pursuant to Sections 8335(b)(2) CSHC, the recital of the area to be vacated in the Resolution to Vacate may be by either precise legal description of the area or by a precise map which is recorded or to which reference is made in the resolution and which is permanently maintained by the City.

D 721 RESERVATION OF EASEMENT

Pursuant to Sections 8340(a) and (b) CSHC, the city may reserve from the vacation easements for the following types of uses:

- a. Sanitary sewer
- b. Storm Drain
- c. Gas
- d. Telephone
- e. Railroad lines
- f. Electric energy
- g. Petroleum
- h. Ammonia
- i. Water
- j. Incidental purposes
- k. Access to protect these uses
- l. Future street

D 722 NONRESERVATION

Pursuant to Section 8340 (c) CSHC, the City may elect not to reserve an easement for in-place public utility facilities that are in use if the City Council determines the public convenience and necessity require such nonreservation.

D 723 DESCRIPTION OF RESERVATION EASEMENT

Pursuant to Section 8341 CSHC, the description of the easement shall be recited in the Resolution of Vacation, which may be a written description or described by reference to a map.

D 724 NOTIFICATION TO PUBLIC BODIES OR PUBLIC UTILITIES

A "public body" means a city or special district as defined in Section 54775 of the California Government Code. Pursuant to Section 8347 CSHC, the City must give written notice of the vacation to those public bodies and public utilities requesting such notification. The notification is to be given within 30 days after the filing of an application to vacate.

D 725 PUBLIC BODY MAY FILE NOTICE OF EASEMENT

Pursuant to Section 8348 CSHC, a public body may record a notice of a public easement of its existing works in the vacation area within the following time periods:

- a. Within 30 days after receipt of the notice of the vacation proceedings.
- b. If no notification is sent by the City within 180 days after the recordation of the resolution of vacation.

The failure of the public body to record its notice within these time periods extinguishes the right of the public body to a public easement over the vacated street or highway.

D 726 FEES

D 726.1 FEE DEPOSIT

In accordance with the City Administrative Code amended in 2002, the payment of a fee deposit with the application will be required to process a vacation request:

<u>Deposited Amount*</u>	<u>Type of Vacation Request</u>
\$3,210.00	Minor Vacation: Unimproved alley or walk with consents from adjoining property owners
\$6,420.00	Major Vacation: Public and/or future street, alley or easement

This deposit is only an estimate and any deficit will be billed at a later date, prior to recordation of the Resolution to Vacate.

*Deposit amount required as of 07/01/06

etc. All costs incurred for the processing of any required dedications, the construction of required public works facilities and the relocation of any affected public utilities or any other facilities located within the vacation area are to be borne by the applicant.

D 726.3 GOVERNMENTAL AGENCIES EXEMPT FROM FEES

All governmental agencies shall be exempted from paying any deposit or fees for the investigation and processing of a vacation as prescribed in Section 7.46 LAAC.

D 727 MAP/LEGAL DESCRIPTION REQUIREMENT

Pursuant to Section 7.50 LAAC or Section 8335 CSHC, no street shall be vacated unless a legal description or a map to absorb the vacated area is prepared, executed and approved in the manner required by law for the preparation, execution and approval of maps and/or legal descriptions for subdivisions of tracts of land. If a subdivision map is not required to absorb the vacated area, a lot tie agreement condition should be imposed to tie the vacated area to the adjoining parcels to preclude the creation of substandard or land locked parcels.

D 730 VACATION INVESTIGATION AND ANALYSIS

The city is required under the Vacation Law to make a finding from all the evidence submitted that the area to be vacated is unnecessary for present or prospective public use prior to vacating the area. Such findings should adhere to Section 1094.5© of the California Code of Civil Procedure (CCCP) which requires that findings be supported by substantial evidence.

The case *Topanga Association for a Scenic Community vs. County of Los Angeles* (1974) determined that an administrative agency rendering a decision reviewable pursuant to Section 1094.5 CCCP shall express findings sufficient to reveal relevant sub-conclusions supportive of the ultimate decision, thus enabling a reviewing court to trace and examine the agency's mode of analysis. Absent requisite findings, the administrative decision must be overturned on judicial review.

The Bureau of Engineering is responsible for the investigation of a vacation to determine if such substantial evidence exists to make a finding that the street is

unnecessary for present or prospective public use. The Vacation Investigation Analysis and Checklist form (Figure D 730) should aid in organizing the investigational data and proceeding with the analysis. The following sections outlined the procedure to be used in the investigation and analysis.

D 731 ENVIRONMENTAL CLEARANCE INVESTIGATION

The following procedure is used for the preliminary investigation of a vacation:

Environmental considerations under the City's CEQA Guidelines are investigated. Upon receipt of the completed Environmental Assessment Form, an evaluation must be made as to whether the applicant qualifies for a current Categorical Exemption or if a Negative Declaration or an Environmental Impact Report may be required. If not the BOE Environmental Section should be contacted to determine the appropriate environmental clearance.

Very often if the Vacation Application is in conjunction with a public agency project, an environmental document would have been prepared for such project. The City Council may rely on such a document to take action on the Vacation Application without a separate environmental clearance.

An environmental analysis may often require a field trip and other in-house investigation. The practice of the Bureau is not to collect separate fees for the environmental analysis and preparation of a Negative Declaration, but to charge a portion of this work to the assigned vacation work order for the project. For a detailed discussion of environmental considerations refer to D 740.

D 732 RECORD INVESTIGATION.

The following information, if possible, should be compiled from appropriate records:

- a. Council District.
- b. Classification of the street (local, collector, etc.).
- c. Zoning of surrounding property.
- d. Property ownership and metes and bounds parcels.
- e. Classification of streets adjoining involved properties.
- f. Street and Freeway Element of the General Plan.
- g. Community Plan.

- h. Information from Navigate LA for related projects.
- i. Data from Traffic Volume Book.
- j. Capital projects as indicated in the City's Five-Year Capital Improvement Program.
- k. City-owned land and adjoining governmental agency properties as indicated on the District Map or in Navigate LA.
- l. Determination of how the street was dedicated according to office records.
- m. Zone changes or conditional uses approved by the City.

D 733 FIELD INVESTIGATION

A field investigation should be made to determine the following:

- a. Condition of the street (Improved, unimproved, evidence of use, etc.).
- b. Location of driveways or garage access.
- c. Traffic and non-motorized circulation in the immediate area.
- d. Street grade by visual inspection (steep, mild slope, flat, etc.).
- e. Storm water surface flow (also effect of vacation on flow of water in adjacent streets).
- f. Existence of power poles, maintenance holes, etc.
- g. Street improvements (roadway widths, sidewalk width, etc.).
- h. The condition of pavement, curbs, gutters, sidewalks, street trees and street lights along adjacent streets. Also, variations in the roadway width, parking prohibitions and building locations along adjacent streets.
- i. Location of stop signs and traffic signal on the surrounding streets.
- j. The use of the adjoining properties (Vacant, steep terrain, residences, etc.).

- k. Location of nearby schools, churches, parks, libraries, shopping centers and bus stops.

D 734 VACATION ANALYSIS

The analysis of the vacation should answer the following:

1. Is there a need for vehicular or pedestrian access?
2. Will consolidation obviate the need for access?
3. Is there a need for traffic circulation (vehicular, pedestrian, etc.).
4. What is the likelihood of future development, including properties beyond the vacation area?
5. Will the vacation create landlocked parcels or isolated public streets.
6. Can the vacation be recommended even if the street is classified higher than a local street?
7. Is access or travel to schools, churches, parks, libraries, stores and bus stops involved?
8. Could the public street be converted to a private street?
9. Do adjoining streets need to be widened?
10. Can street dedication on areas occupied by buildings or substantially occupied along the majority of the frontage be deferred, if section 12.37 LAMC is applicable?
11. Is this a hillside residential area where handicap ramps at curb returns are not beneficial?
12. Should access restrictions be placed on the highway?
13. Will there be substandard parcel created?
14. Is surface water drainage involved?
15. Will a consent to the vacation from other property owners be required?
16. Is City's fee title to the street area involved?

17. Can conflicting recommendations of other agencies be resolved?
18. Can the vacation be allowed under several proceedings?
19. Is the vacation in conformance with the General Plan and its Elements?
20. Does the Negative Declaration or Environmental Impact Report have any mitigation measures?
21. Is a 2/3 vote for planning disapprovals or a 4/5 vote for making a street less than 40 feet in width, required?
22. Does the vacation qualify for summary vacation?
23. Will a tract map or parcel map be needed or will consolidation agreements suffice?
24. What reservations of easements from the vacation are required?
25. Have the affected property owners been notified?
26. Is a title report needed?
27. Are the vacated intersections being properly closed?
28. Are the improvement requirements commensurate with the value of the vacated area?
29. Is the vacation area needed for nonmotorized transportation facilities?
30. Is the vacation area needed for maintaining public utility service?

D 735 VACATION FILE COMPUTER DATA BASE

A very important tool which is utilized throughout the vacation proceedings is the Vacation File Computer Data Base. This data base enables one to determine the status of the vacation proceedings without having to search through the job folder. It is very important that every step the process and milestone be entered in the data base so it is always current.

D 740 ENVIRONMENTAL CONSIDERATIONS

D 741 CEQA AND THE LOS ANGELES CITY CEQA GUIDELINES

D 741.1 GENERAL EXEMPTION

A General Exemption may be filed when it can be seen with reasonable certainty that the type of activity in question could not possibly have a significant effect on the environment, the activity is not covered by CEQA and/or this Guideline do not apply. Use Form Gen.151 for a General Exemption. (See Figure D 741.1)

D 741.2 EXEMPT ACTIVITIES

The following activities are exempt from CEQA and the City's CEQA Guidelines:

- a. Emergency projects.
- b. Ministerial projects.
- c. Categorical exemptions as set forth in Article III of the City's CEQA Guidelines
- d. Projects exempted pursuant to the provisions of Section 21080(b) of the California Public Resources Code.

Whenever a lead City Agency approves a public project that is exempt from the requirements of CEQA, the Lead City Agency may file a Notice of Exemption. For private projects that are approved by the Decision Making Body of the Lead City Agency, The Lead City Agency or the applicant may file a Notice of Exemption. The form to be used for the Notice of Exemption is Form Gen.153 (See Figure D 741.2). A Notice of Exemption filed by a applicant shall also include a certified document issued by the Lead City Agency stating that it has found the project to be exempt.

D 741.3 CATEGORICAL EXEMPTIONS

Certain classes of projects are determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. Article III of the City's CEQA Guidelines lists specific categorical exemptions within such classes which are set forth for use by Lead City Agencies.

Article III, Class 5 of the City's CEQA Guidelines consists of minor alterations in land use limitations in areas with less than 20% slope, which do not result in any

changes in land use or density. Those which pertain to vacation proceedings are as follows:

- a. Minor street, alley and utility easement vacations where the vacated Property does not constitute a buildable site that would allow a commercial or industrial development of more than 10,000 square feet or a residential development of more than 25 units.
- b. Removal of minor vehicular access restrictions.
- c. Consolidation of contiguous properties into a lesser number of parcels which may involve the vacation of unimproved paper streets or alleys.
- d. Approval of Reversion to Acreage Maps pursuant to Section 17.10 LAMC.

D 741.4 INITIAL STUDY

If a project is not exempt from the City's CEQA Guidelines, the Lead City Agency shall conduct an Initial Study to determine if the project may have a significant effect on the environment. If a project is to be carried out by a private applicant, the Lead City Agency may require the applicant to submit data and information to aid the Lead City Agency in preparing the Initial Study. The Environmental Group is the lead in the Bureau of Engineering for the determination.

D 741.41 ENVIRONMENTAL ASSESSMENT

An Environmental Assessment Form (See Figure D 741.41) shall be submitted with the Vacation Application to the Land Development Group. After reviewing the information contained in the Environmental Assessment Form, The Land Development Group will determine whether or not the project will meet the Categorical Exemptions described in D 741.3.

D 741.42 ENVIRONMENTAL IMPACT ANALYSIS

In order to satisfy the requirements of the Initial Study, the BOE Environmental Group shall prepare and Environmental Impact Analysis (See Figure D 741.42). The Environmental Impact Analysis shall contain:

- a. The location, description and purpose of the project.
- b. A determination of the significant effects on the environment.

- c. A discussion of ways to mitigate the significant effects identified.
- d. The basis for recommendation as to whether an EIR or a Negative Declaration is the appropriate environmental document for the project.

D 741.5 NEGATIVE DECLARATION

Article V of the City's CEQA Guidelines covers the preparation and requirements for the Negative Declaration. A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the Lead City Agency finds on the basis of an Initial Study will not have a significant effect on the environment. The form to be used for the Negative Declaration is Form Gen. 157 (See Figure D 741.5).

D 741.6 PREPARATION AND PROCESSING OF ENVIRONMENTAL IMPACT REPORTS

Article VI of the City's CEQA Guidelines outlines the procedure for the preparation and processing of EIRS. The EIR for a project shall be prepared by the Lead City Agency by its own efforts or by contract. If the project is to be carried out by a private applicant, the applicant shall be required to submit data and information to aid the Lead City Agency in preparing the EIR. The Land Development Group will forward the information to the Environmental Group for processing whenever a vacation is not categorically exempt from CEQA Guidelines.

In the case of an application for which the Bureau of Engineering is the Lead City Agency, the preparation of the EIR is the responsibility of the applicant. The Environmental Group will coordinate the processing of the EIR.

D 741.7 NOTICE OF DETERMINATION

After approving a project for which a Negative Declaration has been approved or an EIR was prepared, The Lead City Agency shall file a Notice of Determination. The form to be used for the Notice of Determination is Form Gen. 156 (See Figure D 741.7). Outlines of the requirements for Notices of Determination in conjunction with a Negative Declaration and an EIR are contained in Article V, Section 7 and Article VI, Section 11, respectively, of the City's CEQA Guidelines.

D 741.8 OTHER NON-CITY GOVERNMENT PROJECTS

If a vacation is an element of other non-City governmental projects and appropriate environmental determination has been made by these non-City agencies, BOE can recommend the City Council adopt the Environmental Findings made by those non-City agencies. See Figure D 741.8 for an example of this type of recommendation.

D 742 CALIFORNIA COASTAL ACT

If a project is located within the California Coastal Zone, as defined in and mapped pursuant to Section 30103 of the California Public Resources Code, it is subject to review by the California Coastal Commission. Since the Coastal Commission considers a vacation as a project, BOE will not accept the Vacation Application until the appropriate Coastal Permit is obtained. If a vacation is inadvertently accepted, Bureau of Engineering (BOE) staff should consider requiring the applicant to obtain the appropriate Coastal Development Permit prior to making a recommendation to the City Council on the Vacation request. BOE staff can also consider imposing a condition to require the Coastal Development Permit be obtained prior to the finalization of the vacation process. The BOE Environmental Group is responsible for the processing of the City's Coastal Permits for street vacation.

D 742.1 DUAL JURISDICTION

The need for a Coastal Development Permit is an example of dual jurisdiction involved in some Vacation requests. All agencies with a say in the case must agree before a Vacation can be finalized.

D 743 VACATION POLICY ON MULHOLLAND DRIVE

On January 31, 1966, the Council under CF No. 106737, Sup. No. 3, adopted the following statement of policy:

"It is the objective of the City of Los Angeles that Mulholland Drive between Laurel Canyon Boulevard and Ventura Boulevard shall ultimately be developed as a scenic highway, and it is anticipated that, in general, the entire 200-foot dedication will be needed this or other purposes.

Therefore, the policy of the City is not to vacate any portion of such existing dedication unless it will further such objective or is consistent therewith; and said policy to continue until the development of the easement as a scenic highway has been determined."

D 750 RECOMMENDATIONS AND APPROVALS

The Vacation Proceeding Schematic Sequences of Events Flowchart (See Figure D 750) details the milestones throughout the vacation process and responsible offices involved.

D 751 CITY PLANNING COMMISSION REPORT AND RECOMMENDATION

The City Engineer shall request a report and recommendations regarding the vacation from the City Planning Commission. This request is made pursuant to LAMC Section 15.00(d) which requires submittal to the Planning Commission of matters involving the vacation of any public street, road, highway, alley, square or other public way before any ordinance, order or resolution authorizing or ordering such vacation is adopted by the City Council. The report and recommendation shall concern the relation of the vacation to and its effect upon the General Plan, any applicable specific plan and any plans being prepared by the Department of City Planning.

When the City Engineer transmits his report on the vacation to the City Council, an original copy of the Planning Commission's report and recommendation shall be included. Refer to Section D 753, City Engineer's Report to Public Works Committee.

D 751.1 TIME LIMIT FOR PLANNING COMMISSION REPORT

The City Planning Commission shall prepare and file its report and recommendations on any ordinance, order or resolution within 50 days of its receipt as presented in Section 15.00(d) LACC. If the same be disapproved, the Director of Planning shall advise the City Engineer of its disapproval and the reasons therefore within such 50-day period.

D 751.2 COUNCIL VOTING REQUIREMENTS

Pursuant to LAMC Section 15.00 (E), if the City Planning Commission recommends approval or fails to make any recommendation within the 50-day limit, the Council may adopt the ordinance, order or resolution by majority vote of the whole Council. If the Commission recommends against the approval, the Council may adopt the same only upon a two-thirds vote of the whole Council.

D 751.3 SUBSEQUENT PLANNING ACTION NOT NEEDED

In matters relating to the vacation of streets or the acquisition of rights-of-way which have been previously acted on by the Planning Commission, the Council may act without first submitting the matter to the Commission. The initial action by the Commission shall affect the voting requirements by Council on subsequent in the same manner as described in Section D 751.2.

D 752 GENERAL PLAN – FINDINGS FOR CONFORMANCE

Pursuant the year 2000 LACC and Section 15.00(E) LAMC, the City Planning Commission and the council shall make findings showing that the vacation is in substantial conformance with the General Plan on their reasons for not

conforming therewith. If the Council does not adopt the Commission's findings and recommendations, the Council shall make its own findings.

D 753 CITY ENGINEER'S REPORT TO PUBLIC WORKS COMMITTEE

After conducting the investigation and analysis described in D 723 and the environmental consideration described in D 740, one should be able to prepare a satisfactory report on the vacation. The report must be correct in both grammar and spelling and must be prepared in a neat and readable form. In addition to the Council, the report will be subject to review by the general public and will reflect directly on the reputation of the City Engineer. Therefore, the wording of the report must be accurate and succinct.

A standard report format (See Figure D 753) should be used in preparing the report. The four principal sections of the report are as follows:

- a. Recommendations
- b. Conditions
- c. Transmittals
- d. Discussion

This format will be applicable to the majority of vacation proceedings. The use of this form will enable the preparer to readily organize the information necessary for inclusion in the report. Sufficient blank spaces are provided to accommodate the variations between reports.

D 754 CONDITIONS

D 754.1 IMPROVEMENT REQUIREMENTS

Improvement policy adopted by the City Council on December 12, 1966, under CF No. 115320 that required in connection with private development the following improvements:

- a. Dedication of right-of-way
- b. Pavement
- c. Curbs and gutter

- d. Sidewalks
- e. Street lights
- f. Street trees
- g. Traffic warning and control devices (except traffic signals)
- h. Storm drain and flood control channels
- i. Sanitary sewers
- j. Fire hydrants
- k. Guardrails, barricades and safety devices
- l. Retaining walls and other necessary structures
- m. Street name signs
- n. Water service
- o. Underground utilities
- p. Other necessary improvements

D 754.2 STREET DEDICATION AND WIDENING GUIDELINES

Additional street and alley dedications should be required based upon BOE Special Order No. 02-0506.

D 754.21 LOCAL AND COLECTOR STREETS

The guidelines in the following table is based on BOE Special Order No. 02-0506 with the following recommendations for street widening in the flatland areas for existing local and collector streets.

TABLE D 754.21 LOCAL AND COLLECTOR STREET WIDENING
GUIDELINES

<u>Zone</u>	Existing Roadway	<u>Local</u>	Widening Required
	Width ft (m)		<u>Collector</u>
Multiple Residential	30 (9.1)	Yes	Yes
	34 (10.4)	Yes	Yes
	36 (11)	No	Yes*
Commercial	30 (9.1)	Yes	Yes
	34 (10.4)	Yes	Yes
	36 (11)	No	Yes
Industrial	30 (9.1)	Yes	Yes
	34 (10.4)	Yes	Yes
	36 (11)	Yes	Yes
	40 (12.2)	Yes	Yes

Subject to detailed review including projected traffic count, condition of existing roadway improvements, likelihood of further widening within the block, etc.

D 754.3 CONSENTS

If the street vacation impacts or diminishes the legal street frontage, access or use of adjacent properties not under the applicant's ownership, appropriate conditions should be imposed requiring the applicant to obtain consent for the vacation from those impacted properties. BOE staff should be careful to make sure the consent forms are properly notarized and from the current property owners.

D 754.4 SEWER AND DRAINAGE FACILITIES

Appropriate conditions should be imposed to protect existing City facilities within easement areas or require the applicant to relocate such facilities.

D 754.5 UTILITIES IN VACATION AREAS

BOE upon the receipt of Vacation Applications shall prepare and send out referrals to all known utility companies in the vacation area. If objections to the vacation are submitted by the utility agencies, The vacation approval should include conditions to require the petitioners to make arrangements and obtain approvals from said agency prior to finalizing the vacation.

D 754.51 FRANCHISE RIGHT CEASES WITH VACATION

Under a Federal District Court case, entitled General Telephone Company vs. United States, it was determined that the vacation of the street is an automatic termination of a franchise right.

D 754.52 RIGHTS UNDER FRANCHISE

The rights under franchise are granted subject to the continued existence of a street. When the public easement ceases to exist in a certain street, the right of use of that street by the franchise holder also ceases.

D 754.53 RELOCATION IMPLIED

In the absence of a provision to the contrary, it has generally been held that a public utility accepts franchise rights in public streets, subject to an implied obligation to relocate at its own expense when necessary to make for a proper governmental use of the street.

D 754.54 USE OF STREETS

Streets exist primarily for purposes of travel and their use for conveyance of persons and property thereon is the paramount use. All other uses are secondary. Secondary uses must give way where they interfere with the primary use of the street or with the development of the street for travel. Section 62.04 LAMC is base upon this principle.

Sections 580 & 581 of the year 2000 LACC give the Board of Public Works power to regulate and direct the manner of such use. No specific powers are granted to the Department of Water and Power by the Charter which negates the Charter powers of the Board of Public Works in this regard. However, where the Department of Water and Power has established rights-of way prior to the existence of a street easement, the cost of relocation may have to be reimbursed to them.

D 754.6 LEGAL DESCRIPTIONS AND MAPS

To assist BOE staff to prepare the preparation of the Resolution to Vacate for applications involving unusual shaped vacation areas, a condition should be imposed to require the applicant to submit a map and legal description of the area being vacated, together with any easement areas being reserved.

D 755 RESOLUTION TO VACATE

The Resolution to Vacate is the final step necessary to complete a vacation. There are standard templates for the Resolution to Vacate. After all the conditions have been complied with, BOE staff should prepare the Resolution to Vacate (See Figure D 755A), Resolution to Vacate with Reservations (See Figure D 755B), Resolution to Vacate – Summary (See Figure D 755C) and Resolution to Vacate - Summary with Reservations (See Figure D 755D).

A draft of the Resolution to Vacate shall be sent to the City Attorney for approval as to form and legality.

The processing of the Resolution to Vacate can take place beyond the approved time limits as specified in Section 7.48 of the Los Angeles Administrative Code.

D 756 CITY ENGINEER'S REPORT FOR RESOLUTION TO VACATE

After the applicant has complied with the conditions within the time limits and after the approved draft of the Resolution to Vacate has been returned by the City Attorney, a report for the Council shall be prepared. The Council would then adopt the Resolution to Vacate.

A standard report format (See Figure D 756) to facilitate the preparation of the report is included . The four principal sections of the report are as follows:

- a. Recommendations
- b. Transmittals
- c. Discussion

d. Environmental Considerations

The Council adoption of the Resolution to Vacate can proceed under the Council's Accelerated Review Process. BOE staff should check the balance Vacation Work Order and an additional deposit should be collected if the work order is in deficit.

D 756.1 DISCUSSION SECTION REQUIREMENTS

The BOE Report should include the following under the Discussion Section:

- a. Clear, concise and complete descriptions of the area being vacated, surrounding streets and properties.
- b. Summaries of recommendations from City, non-City and public utility agencies.
- c. Written objections to the vacation request received by BOE and a summary of the issues.
- d. Any adverse impact from the vacation request to the surrounding areas. If the BOE recommendation is to deny the request, specific issues and impacts should be identified.

D 757 COMPLETION OF VACATION PROCEEDINGS

After the public hearing and adoption of the Resolution to Vacate, the Resolution to Vacate is filed with the County Recorder. The Real Estate Group shall be responsible for recording the Resolution. Mapping Division shall be responsible to update the City Maps.

The applicant shall be sent a notification that the vacation proceedings are completed along with a copy of the recorded Resolution. Also, the City Clerk shall be sent a notification that the conditions of the vacation have been complied with, The Council File together with a copy of the recorded Resolution shall be returned to the City Clerk with the notification.

D 758 TIME LIMIT TO COMPLETE VACATION

D 758.1 VACATION TERMINATION PROCEEDINGS

The Bureau of Engineering will review the vacation application and transmit it to other City departments, public agencies and affected public utilities for their comments and recommendations. The average time to prepare a report to the City Council to either conditionally approve or deny the vacation request is

approximately 4 to 6 months. An additional 6 to 12 months are usually required to complete the processing of the vacation request. The actual time varies with the scope and complexity of the vacation request and requires the applicant to comply as expeditiously as possible with the conditions of the vacation.

Vacation proceedings with conditions not completed within 360 days of the City Council public hearing approval of the vacation request per LAAC Section 7.48 will be terminated.

D 758.2 FIVE-YEAR LIMITATION

For Vacation Applications filed prior to March 5, 2002, which is prior to the adoption of the current street vacation procedures, under CF No. 01-1459, if the petitioner does not satisfy all conditions required by the City Council within five years of the date of the public hearing, all proceedings relating thereto shall be terminated and said ordinance and any orders made after the public hearing shall be of no future force and effect.

Both the 360-Day and Five Year Limitations are the time limitations for the petitioners to complete all conditions for processing for approval. Processing and recordation of the Resolution to Vacate can take place beyond this time limitation.

D 758.3 GOVERNMENTAL AGENCIES EXEMPT

All governmental agency Vacation Applications are exempt from the 5 year limitation for completion of conditions, according to Sections 7.46 and 7.47 LAAC, if the vacation was initiated prior to March 5, 2002, under CF 01-1459.

Only those proceedings initiated by the Board of Public Works or the City Council are exempt from the 360-Day limitation for completion of conditions if the vacation was initiated after March 5, 2002.

D 760 EFFECTS OF VACATION

D 761 PRIVATE EASEMENTS

Pursuant to Section 8352 CSHC, the vacation of a street or public service easement does not effect a private easement or other right of a person in the land subject to such easements.

The categories of private easements are usually acquired by separate instruments or in the instances of future street and public service easements have separate dedication recital on the map. They include the private easements of a public utility, but do not include those rights granted to a public utility by

franchise. These private easements are subject to extinguishment under laws governing abandonment, adverse possession, waiver and estoppel.

D 761.1 PRIVATE EASEMENTS BY MAP DEDICATION

Pursuant to Section 8353(a) CSHC, the vacation of the street extinguishes all private easements therein claimed by reason of the purchase of a lot by reference to a map upon which the street is shown other than a private easement of ingress and egress to the lot from or to the street. This private easement of ingress and egress apparently applies to those lots whereby the adjoining street or alley is being vacated and the public street or alley easement for access is being eliminated and there is no other means of access to these lots except the private right of access over the vacated street or alley.

D 761.2 RECORDATION OF PRIVATE EASEMENT

Pursuant to Section 8353(b) CSHC, a private easement claimed by reason of purchase of a lot by reference to a map upon which the street is shown is not extinguished if, within two years after the vacation is complete, the claimant records a verified notice that particularly describes the private easement that is claimed in the office of the County Recorder in which the street is located. This subsection apparently refers to those private rights of access other than those private rights of access by necessity mentioned in Subsection D 761.1, Private Easements by Map Dedication.

D 761.3 QUIET TITLE TO VACATED AREA

Court Ruling on Private Rights:

In *People vs. Ricciardi*, the California Supreme Court ruled:

"An abutting owner has two kinds of rights in highway, a public right which he enjoys in common with all other citizens, and certain private rights which arise from his ownership of property contiguous to the highway, and which are not common to the public generally;..... An abutting landowner on a public highway has a special right of easement and user in the public road for access purposes, and this is a property right which cannot be damaged or taken away from him without due compensation."

D 762 CITY OWNERSHIP

Pursuant to Section 8355 CSHC, if the City owns the vacated property, the City Council may sell or exchange the property in a manner, and upon the terms and

conditions approved by the City Council. The General Services Department is the lead agency regarding City owned property.

D 763 CODES AND RULES RELATING TO TITLE OF VACATION AREAS

D 763.1 TITLE BY TRANSFER OF LAND

Pursuant to Section 1112 CCC, a transfer of land, bounded by a highway, passes the title of the person whose estate is transferred to the soil of the highway in front to the center thereof, unless a different intent appears from the grant.

D 763.2 BOUNDARY OF ADJOINING PROPERTY

Pursuant to Section 831 CCC, an owner of land bounded by a road or street is presumed to own to the center of the way, but the contrary may be shown.

D 763.3 REAL ESTATE DESCRIPTIONS

The following excerpt from Section 2077 CCCP, is used for construing the descriptive part of a conveyance of real property, when the construction is doubtful and there are no other sufficient circumstances to determine it:

“When a road, or stream of water not navigable, is the boundary, the rights of the grantor to the middle of the road or the thread of the stream are included in the conveyance, except where the road or thread of the stream is held under another title.”

D 763.4 CONTROL OF VACATED LANDS

Vacation of street when duly effected results not only in relinquishment of the public easement but also involves a physical closing entitling the owner of the fee to take complete control of it, and title to the land previously subject to the public easement reverts to the owner, free of public easement for street purposes.

D 763.5 PUEBLO LANDS

In the court case Dunlop vs. O'Donnell it was held that a convergence of Pueblo lands in the City conveyed title to the thread or centerline of the abutting street.

D 763.6 TITLE INSURANCE

Since the City does not determine fee ownership of the land upon vacation of a public street or easement, BOE staff in general should advise the Vacation Application petitioner to obtain a Title Report from a title company to verify the actual fee ownership of the vacated land.

D 763.7 SIDELINES OF VACATED AREA

The prolongation of the side lot lines into the vacated area, as commonly practiced, is in a direction at right angles to the centerline of the street. In the case of a curvilinear street, the prolongation is a line radial to the curved centerline. Since there is no code, legislative act or judicial ruling on this matter, the property owners should be advised to settle among themselves on this practical method or upon a mutually agreeable line. The City does not make any determination of the underlying fee interest of the vacation area as to title or reversionary interest under Vacation Proceedings.

D 763.8 IRREGULAR STREET LINES

In the case of a street easement configuration, such that the separation line between the fee interests cannot be determined, the property owners should be advised to mutually agree upon a dividing line and quitclaim their interest on the other side of the dividing line.

D 764 ZONING OF VACATED STREET

Pursuant to Section 12.30 LAMC, in the event a dedicated street or alley shown on the zoning map is vacate, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former centerline of said vacated street or alley.

D 765 AUTOMATIC REMOVAL OF BUILDING LINE

Pursuant to Section 14.04 LAMC, every building line existing along a public street which has been vacated is removed. Any building line existing along a public street is deemed automatically removed when the City Council makes its order of vacation unless the order of vacation provides otherwise.

D 766 STREETS CLOSED BY FREEWAY

In *People vs. City of Los Angeles* it was held that physical closing of a street for construction of a freeway after an agreement was entered into between the State and the City pursuant to Section 100.2 CSHC effectuated the vacation of the easement.

D 770 NUISANCE ALLEY VACATION

On January 19, 1972, the Council, under CF 71-1977 adopted a policy of the City initiating vacation of problem rights-of-way, particularly those rights-of-way that have become a nuisance because of weeds, trash, and disruption of privacy or intrusion of prowlers. However, rights-of-way to be vacated under this policy should be such that no liability or damages can accrue to the City as a result of the vacation. Under this policy, the City is only to provide the service of the vacation; other costs such as closing of alley intersections and fee ownership determination are not included.

D 771 CRITERIA FOR NUISANCE ALLEY VACATION

The City will initiate proceeding to vacate nuisance alleys which meet the following criteria:

- a. Area does not abut properties fronting on a secondary or major highway.
- b. Area is not dedicated more than 12 feet wide.
- c. Area does not provide vehicular access to any of the adjoining properties.
- d. Area has never been improved in accordance with City specifications.
- e. Area abuts properties that are zoned R2 or more restrictive.

D 772 INITIATION OF PROCEEDINGS

Nuisance alley vacation proceedings are initiated by presentation of a motion to Council after the Councilperson of the District has declared that the alley is a nuisance. This procedure was modified by the Council on May 27, 1976, under CF 71-2971 by requiring that the motion first be referred to the Public Works Committee.

D 773 CRITERIA WAIVER

Since most of the declared nuisance alleys did not meet all of the five criteria stated in Section D 771, the Council on May 27, 1976, under CF 71-2971 modified the procedure to allow the waiver of some of the criteria upon recommendation of the Public Works Committee after receipt of a report from the City Engineer.

D 774 NOTICE OF REVERSION

On October 2, 1973, the Council, under CF 71-2971, adopted a policy requiring additional notices in connection with nuisance alley vacation proceedings, in order to aid in reflecting the ownership of the areas being vacated and in the use and control of the land reverting to adjoining property owners. In accordance with Section 1112, when lots are laid out in a tract with alleys and streets adjoining, unless a different intent is expressed on the tract map, the lot purchasers acquire fee title to one-half of the adjoining alley or street subject to the easement for public alley or street purposes. The effect of the vacation is that the right of the public ceases and reverts to the extent of the vacation. The ordinance (See Figure D 774A) ordering the vacation of the nuisance alley must provide the greatest degree of protection to the lot owners and the public and shall include:

- a. A description of the specific lots and tracts affected.
- b. A statement that provisions of Section 1112 CCC may be applicable to each of the lots described
- c. The effective date of the vacation.
- d. A statement that the title to the land reverts to the owners free of any public easements for alley purposes.

When this ordinance is recorded, it should provide a constructive notice and the title company should note the information contained in the ordinance in its policy of title insurance. Although the notation might not include insurance covering title to the vacated area, it would put the purchaser on notice that unless a different intent appears from the grant, the estate on one-half of soil in the vacated area is owned by the owner of the lot being acquired.

Lot owners of alleys shall be notified of their prospective rights to use and exercise ownership and control of one-half of the vacated area adjoining their respective lots. The City Clerk will send a Notice of Alley Vacation (See Figure D 774B) to each lot owner adjoining the vacated area after the final ordinance ordering the vacation has been recorded.

D 775 PUBLIC WORKS FACILITIES AND PUBLIC UTILITIES

Public facilities and public utilities located in nuisance public rights-of way are to be reserved from the vacation by appropriate easements.

D 776 INTERSECTION CLOSURE

When intersections at the entrances to rights-of way being vacated under the Nuisance Alley Policy are deemed to be hazardous, it shall be recommended

that they be properly closed with street improvements by the Bureau of Street Services upon instruction from the City Council.

TABLE 4.2-2: RELEVANT LOCAL GOALS AND POLICIES IN THE CITY OF LOS ANGELES GENERAL COMMUNITY PLANS	
Objective 14-1	To provide parking in appropriate locations in accord with Citywide standards and community needs.
Goal 15	Community involvement in determining neighborhood traffic controls.
<i>Hollywood Community Plan**</i>	
Goal M.1	Expand mobility and access options with transportation system management strategies, transit improvements, transit access and connectivity policies, non-motorized transportation policies, transportation demand management strategies, capital improvements, neighborhood traffic management plans and parking policies.
Goal M.1.55:	Implement transportation demand management strategies to minimize vehicle trips.
Policy M.1.8	Implement parking restrictions to provide additional capacity in periods of peak traffic, where appropriate. Discourage peak hour parking restrictions on streets with high volumes of bicyclists and older residential neighborhoods which have deficits of off-street parking.
Policy M.1.15	Maintain the street system to facilitate the movement of current and future traffic volumes, as well as emergency services: Support the maintenance and rehabilitation of all Highways and Streets.
Policy M.104	Maximize the use of onsite parking spaces in commercial areas.
Policy M.1.35	Improve on-street bicycle access to bicycle commuter facilities at Metro Red Line Stations.
Policy M.1.41	Encourage the use of bicycles.
Policy M.1.41	Maintain existing planned bicycle routes.
Policy M.1.45	Connect existing and proposed bike paths, bike lanes and bike routes, in the Hollywood Community Plan area to bike paths, bike lanes and bike routes in other communities, where possible. Connect bike paths, bike lanes and bike routes by the Los Angeles River to bike paths, bike lanes and bike routes in central Hollywood.
Policy M.1.48	Coordinate with the Department of Transportation to identify opportunities for providing the following bicycle amenities and improvements. <ul style="list-style-type: none"> • expanded bicycle lanes, bicycle routes and bicycle friendly streets • Share the Road bike icons painted on right lanes • bicycle friendly drainage grates • directional/wayfinding signage • bicycle signals and/or push buttons • bicycle loop detectors • wide outside curb lanes
Policy M.1.51	Promote efforts to improve the safety of bicycling
Policy M.1.62	Support the dedication of on-street parking spaces for shared cars in locations with high demand for shared cars.
Policy M.1.90	Use parking resources efficiently.
Policy M.1.91	Improve utilization of existing public parking structures and lots.
Policy M.1.98	Support the maintenance of the existing number of publicly available parking resources in the Regional Center of Hollywood.
Policy M.1.70:	Promote Transportation Demand Management (TDM) Plans for large projects. TDM Plans should establish vehicle trip caps, a program for monitoring vehicle trips, and a system of incentives and penalties for meeting, or failing to meet, vehicle trip reduction goals.
Policy M.1.86	Minimize cut-through traffic with neighborhood traffic management plans which are bicycle-friendly.
<i>Westlake Community Plan</i>	
Circulation Policy 1	To maximize the effectiveness of public transportation to meet the travel needs of transit dependent residents.
Circulation Policy 2	To provide for a circulation system coordinated with land uses and densities in order to accommodate the movement of people and goods.
Circulation Policy 3	To minimize the conflict between vehicular and pedestrian traffic.
Circulation Policy 4	To encourage alternate modes of travel and provide an integrated transportation system that is coordinated with land uses and which can accommodate the total travel needs of the community.
Circulation Policy 5	To encourage the creation of a local auxiliary transit system which would link the residential areas of Westlake to the high and medium intensity commercial areas and with the Red-Line subway station.
Circulation Policy 6	To encourage new businesses and companies to provide carpooling as a means of providing access to Westlake
Circulation Policy 7	To continue development of the highway and street system in conformance with the city's five year capital program.
Circulation Policy 8	To cooperate with the State and Federal Governments to work toward improved access to the freeways, particularly the Harbor Freeway.

13

SEC. 12.37 -- HIGHWAY AND COLLECTOR STREET DEDICATION AND IMPROVEMENT.

A. **Requirement.** No building or structure shall be erected or enlarged, and no building permit shall be issued therefor, on any lot in any R3 or less restrictive zone (as such order of restrictiveness is set forth in Subsection B of Section 12.23); or on any lot in the RD1.5, RD2 or RD3 Zones; if such lot abuts a major or secondary highway or collector street unless the one-half of the highway or collector street which is located on the same side of the center of the highway or collector street as such lot has been dedicated and improved for the full width of the lot so as to meet the standards for such highway or collector street provided in Subsection H of this section; and further provided that in the case of either a corner lot or an L-shaped interior lot abutting a major or secondary highway and a local street which intersect, that one-half of the local street on the same side of the center of said local street as such lot, has been dedicated and improved for that portion of said lot or lots within 300 feet of the ultimate property line of said highway so as to meet the standards for local streets provided in Subsection H of this section and provide adequate right-turn ingress to and egress from the highway; or such dedication and improvement has been assured to the satisfaction of the City Engineer. As used in this section, the center of the highway or collector street shall mean the center of those highways or collector streets as are shown on the Highways and Freeways maps of the Transportation Element of the General Plan or, with respect to collector streets, on the adopted community plans of the Land Use Element of the General Plan on file in the offices of the Department of City Planning. Centers of streets other than those designated as highways or collector streets shall be determined by the City Engineer. *(Amended by Ord. No. 152,425, Eff. 6/29/79, Oper. 7/1/79.) (Second sentence was amended by Ord. No. 172,840, Eff. 11/4/99.)*

1. The maximum area of land required to be so dedicated shall not exceed 25 percent of the area of any such lot which was of record on March 1, 1962, in the Los Angeles County Recorder's Office. In no event shall such dedication reduce the lot below a width of 50 feet or an area of 5,000 square feet.

2. No such dedication for any highway, collector street or any other street shall be required with respect to those portions of such a lot occupied by a legally existing main building which is to remain.

3. No additional improvement shall be required on such a lot where complete roadway, curb, gutter and sidewalk improvements exist within the present dedication contiguous thereto.

4. No building or structure shall be erected on any such lot after March 1, 1962, within the dedication required by Subsection H of this section.

(Amended by Ord. No. 150,799, Eff. 6/5/78.)

5. No such dedication for any highway, collector street, or any street shall be required when the City Engineer, based on guidelines established by the Streets Standards Committee, finds that any additional dedication is not necessary to meet the mobility needs for the next twenty years.

14

The guidelines developed by Streets Standards Committees shall be consistent with the goals and purpose of the Transportation Element of the General Plan as determined by the City Planning Commission. These guidelines shall also establish a procedure for notice to interested persons, including the Councilmember of the district where the property is located.

(Added by Ord. No. 173,217, Eff. 6/11/00.)

B. **Exceptions.** The provisions of Subsection A of this section shall not apply to the following construction projects:

1. One single-family dwelling with customary accessory buildings when erected on a vacant lot.

2. Additions and accessory buildings incidental to a legally existing residential building, provided no additional dwelling units or guest rooms are created.

3. Additions and accessory buildings incidental to a legally existing non-residential building, provided that the total cumulative floor area of all such additions and accessory buildings shall not exceed 500 square feet.

(Amended by Ord. No. 172,315, Eff. 12/31/98.)

C. **Dedication Procedure.** Any person required to dedicate land by the provisions of this section shall make an offer to dedicate, properly executed by all parties of interest including beneficiaries in deeds of trust as shown by a current preliminary title report prepared by a title company approved by the City Engineer for that purpose. The trustee under a deed of trust shall not be required to execute the dedicatory instrument, unless, in the view of the City Engineer, such execution is necessary to satisfactorily dedicate the land. Such report shall be furnished by the applicant. Such offer shall be on a form approved by the City Attorney and the City Engineer; be in such terms as to be binding on the owner, his heirs, assigns or successors in interest; and shall continue until the City Council accepts or rejects such offer or until one year from the date such offer is filed with the City Engineer for processing, whichever occurs first. The offer shall provide that the dedication will be complete upon acceptance by the City Council. The offer shall be recorded by the City Engineer in the Office of the County Recorder of Los Angeles County upon its acceptance by the City Engineer. The City Engineer shall accept or reject the offer for recordation within 10 days after it is filed with the City Engineer. The offer shall thereafter be promptly processed by the City Departments concerned and submitted to the City Council, in order to complete the dedication within one year. If the offer is rejected by the City Council or not processed within one year, the City Engineer shall issue a release from such offer which shall be recorded in the Office of the County Recorder unless the parties making the offer wish to have the time extended.
(Amended by Ord. No. 152,425, Eff. 6/29/79, Oper. 7/1/79.)

D. Improvement Procedure.

1. Any person required to make improvements by the provisions of this section shall either make and complete the same to the satisfaction of the City Engineer or shall file with the City Engineer a bond in such an amount as the City Engineer shall estimate and determine to be necessary to complete all of the improvements required.

2. Such bond may be either a cash bond or a bond executed by a company authorized to act as a surety in this State. The bond shall be payable to the City and be conditioned upon the faithful performance of any and all work required to be done, and that should such work not be done or completed within the time specified, the City may, at its option, cause the same to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof. The bond shall be executed by the owner of the lot as principal, and if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the State of California.

3. Whenever the owner elects to deposit a cash bond, the City is authorized, in the event of any default on his part, to use any or all of the deposit money to cause all of the required work to be done or completed, and for payment of all costs and expenses therefor. Any money remaining shall be refunded to the owner.

4. When a substantial portion of the required improvement has been completed to the satisfaction of the City Engineer and the completion of the remaining improvements is delayed due to conditions beyond the owner's control, the City Engineer may accept the completed portion and consent to a proportionate reduction of the surety bond in an amount estimated and determined by the City Engineer to be adequate to assure the completion of the required improvements remaining to be made.

5. Whenever a surety bond has been filed in compliance with this section, the City is authorized, in the event of any default on the part of the principal, to enforce collection, under such bond, for any and all damages sustained by the City by reason of any failure on the part of the principal faithfully and properly to do or complete the required improvements, and in addition may cause all of the required work to be done or completed, and the surety upon the bond shall be firmly bound for the payment of all necessary costs thereof.

6. The term of the bond shall begin on the date of the deposit of cash or the filing of the surety bond, and end upon the date of completion to the satisfaction of the City Engineer of all improvements required to be made. The fact of such completion shall be endorsed by a statement thereof signed by the City Engineer, and the deposit shall be returned to the owner, or the surety bond may be exonerated at any time thereafter.

7. For purpose of this section, improvement shall be considered as satisfactorily assured when the City Engineer accepts the cash or surety bond provided for herein or the improvements required to be made have been completed to his satisfaction. When the City Engineer accepts the bond or the work has been completed to his satisfaction he shall notify the Department of Building and Safety thereof.

E Issuance of Building Permits After Certification of Dedication and Improvement. When all dedication and improvements required by this section have been completed or satisfactorily assure a building permit may be issued.

F. Fees.

1. A fee shall be charged to provide for the City's cost of investigating and processing this service, said fee to be as follows:

(a) To all property subject to this section, whether or not any dedication or improvements are actually required, so as to provide for the cost of investigation, the fee shall be \$276.

(b) If improvements or repairs are required, an additional fee so as to provide for the cost of bonding the improvements shall be \$270. In addition, the standard permit fees for constructing the improvements or repairs shall apply.

(c) If dedication is required, an additional fee to provide for the cost of processing the real estate transfer documents shall be \$1,689.

2. The Board of Public Works shall have the authority to annually review the cost of providing this service and adjust the fees accordingly, subject to the disapproval of the Mayor or the City Council within 30 days after receipt.

(Amended by Ord. No. 168,332, Eff. 12/16/92.)

G. Lots Affected by Street Widening. On a lot which is affected by street widening required by the provisions of this section, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines being created by said widening; provided, however, that for the purpose of establishing the required front yard depth on a frontage where the ultimate street line has been determined under the provisions of this section, the depths of all existing front yards may be measured from such ultimate street line instead of the front lot line.

In applying all other provisions of this article, the area of such lot shall be considered as that which existed immediately prior to such required street widening. *(Amended by Ord. No. 125,340, Eff. 9/23/63.)*

H. Improvement Standards.

1. All major and secondary highways and all collector streets shall be constructed and improved in accordance with the standards adopted by the City Planning Commission pursuant to LAMC 17.05-B insofar as such is practical and will not create an undue hardship.

Where major or secondary highways are designated by the General Plan as divided highways, the width of the dividing strips shall not be considered a part of the highway for the purpose of calculating either the width of the dedication or the width of the improvement required by this section.

(Amended by Ord. No. 173,217, Eff. 6/11/00.)

2. All streets not designated major or secondary highways or collector streets, but that intersect said highways, shall be dedicated to a maximum width of sixty (60) feet. Roadway and parkway widths shall conform to those standards adopted by the City Planning Commission in accordance with LAMC 17.05-B, depending upon street classification type. Whenever uncertainty exists as to the application of the provisions of this section, or in instances of streets so classified as requiring less than 60 feet of dedication in order to conform to the minimum width standards as adopted in accordance with Section 17.05-B of this Code, the City Engineer shall make any necessary determinations. *(Amended by Ord. No. 173,217, Eff. 6/11/00.)*

3. All improvements required to be made by the provisions of this subsection shall be done in accordance with the current applicable provisions of the Standard Specifications for Public Works Construction adopted by the City Council.

4. The City Engineer may approve and allow such variations from the aforesaid requirements as he determines are made necessary by the conditions of the terrain and the existing improvements contiguous to the property involved.

(Amended by Ord. No. 159,799, Eff. 6/5/78.)

I. Appeal.

1. Any person required to make improvements under the provisions of this section may appeal any determination made by the City Engineer in the enforcement or administration of the provisions of this section to the City Council. Such appeal shall be made in writing unless waived by the applicant, shall state in clear and concise language the grounds therefor, and shall be accompanied by a filing fee as hereinafter determined and established. The Board of Public Works, with the concurrence of the City Administrative Officer, shall determine on a regular basis the costs to the City for processing such an appeal. These costs shall be the total verifiable costs incurred, including inspection costs, retirement costs on direct labor, departmental and general City overhead and all other applicable indirect costs, as determined by the Board of Public Works. The Board of Public Works shall use these costs to establish a fee sufficient to recover City costs of processing such appeal. The Board of Public Works, after notice and hearing as provided by law, shall adopt such fee at any time during each fiscal year, but not later than April 1. Upon adoption by the Board of Public Works as provided herein, the Board shall transmit copies of the Board Order to the Mayor and to the City Council. At any time within 30 days after the receipt of the Board Order, the Mayor, by writing, or the Council, by majority vote, may disapprove the Board Order. If neither the Mayor nor the City Council has disapproved the Board Order within said period, the fee shall become effective 30 days from receipt of the Board Order but may be made operative at such later date as is established by the Board. Provided, however, that if the Board Order is received by the Mayor and Council on different dates, the later date received shall be used to determine the effective date of the Board Order. In the event the Board fails to adopt a Board Order setting forth a new fee for recovery of costs before April 1, or in the event that within 30 days after delivery of such Board Order to the Mayor and to the City Council by the Board, either the Mayor or the Council disapproves the Board Order, the Board Order shall have no force or effect on any fee heretofore established, either by action of the Board or by ordinance, and such heretofore established fee shall be the applicable fee to be charged. In the event the City Council, in disapproving said fee, recommends to the Board that the subject fee be either increased or decreased in a specified amount, the Board may, upon receipt of such recommendation, adopt the fee as recommended by the City Council, provided the Board acts within 30 days of receipt of such recommendation by the Council. Such fee shall become effective upon adoption by the Board of the fee recommended by the Council, irrespective of whether such action is taken by the Board after April 1. *(Amended by Ord. No. 163,803, Eff. 8/15/88.)*

2. The City Council may make such modifications in the Improvement requirements of this section or may grant such waivers or modifications of the determinations which are appealed to it as it shall determine are required to prevent any unreasonable hardship under the facts of each case so long as each such modification or waiver is in conformity with the general spirit and intent of the requirements of this section.

(Amended by Ord. No. 153,949, Eff. 7/19/80.)

J. City May Share the Cost of Making Unusual Improvements. Upon proper application to the City Council and upon recommendation of the City Engineer, the City may accept and provide for contribution toward the cost of making any improvement required by the provisions of this section which the City Engineer determines will cost an amount greatly in excess of the cost to other property owners who are required to make improvements under the provisions of this section in the immediate vicinity of the said improvement.

K. City Engineer to Determine Street Alignment. Whenever uncertainty exists as to the proper application of the provisions of this section in the matter of street alignment, the City Engineer shall determine their application in conformity with the spirit and intent of this section. *(Amended by Ord. No. 125,340, Eff. 9/23/63.)*

L. Written Notification to Permit Applicants Required. When the City Engineer determines that the provisions of this section are applicable to any building permit application, he shall inform the permit applicant of his determination, of the specific requirements of this section which he determines to be applicable thereto and of the availability and procedure for appeal of his determination to the City Council. *(Amended by Ord. No. 153,949, Eff. 7/19/80.)*

SEC. 12.38 -- DEDICATION OF STREETS BY LONG-TERM LEASES. *(Added by Ord. No. 157,737, Eff. 7/25/83.)*

Many major commercial properties are held under long-term ground leases, often under favorable rents to the lessee or under other favorable terms of the lessee, and therefore lessors are unwilling to cooperate in the construction of buildings by the lessee unless they are provided with additional consideration. Such unwillingness is often manifested in a refusal to dedicate easements for the street widening areas which are required to be dedicated by Section 12.37 of the Los Angeles Municipal Code as a condition for the granting of a building permit upon certain properties. The refusal to join in dedication, and consequent hindrance or prevention of development upon properties held under lease, prevents use of the property, economic development of the City, and the providing of employment and business opportunities. Therefore, the Council finds that it is in the public interest, convenience and necessity to avoid the necessity of the owner joining in such dedication. The Council further finds that no substantial detriment will occur, if the dedication of leasehold rights without dedication of owners rights, is of areas which will be used for sidewalks only and where the area dedicated by the lessee, and not by the owner, will be fully improved at the time of construction of the building.

A. **Eligibility.** A lessee holding a parcel of real property under a long-term lease may offer to dedicate or convey a street easement for the term of the lease only in satisfaction of the requirements of Section 12.37 of this code providing the following conditions are met.

1. Such lease is of record in the office of the County Recorder, and the lessee certifies under penalty of perjury that, except for the rental provided for by such lease, the owners will receive no financial benefit or other income from the proposed development during the term of the lease.

2. The area of real property to be so dedicated will be used for sidewalk only, and not for vehicular traffic and not for the installation of any subsurface or above surface lines, pipes, or other public or private utility facilities, except for such facilities which will connect from the fully dedicated streets into the buildings to be constructed.

3. That notwithstanding that the adjacent public street is fully improved with all improvements as specified in Section 12.37 A 3 the sidewalk will be fully constructed and all other necessary or desirable or public improvements in the adjacent street will be fully constructed by the lessee as a part of its development on the leasehold estate, and the lessee shall post the requisite bonds to guarantee such construction, and

4. The total value of the improvements to be constructed for which the dedication is required is \$3,000,000 or more, as determined by the Department of Building and Safety.

B. **Dedication Document.** The dedication of the leasehold estate for street purposes pursuant to this section shall be a form of deed making specific reference to the document creating the leasehold estate and the deed shall convey only the leasehold rights. The City Engineer is authorized to accept such deeds and place same of record with the County Recorder of Los Angeles County without further authority of the City Council, upon the approval of such deed as to form by the City Attorney. Dedication of a leasehold estate for street purposes shall not be approved and no building shall issue, if the City Attorney determines that the granting of such public right will cause a forfeiture or termination of the leasehold rights in the area to be dedicated.

SEC. 12.39 -- LOW AND MODERATE INCOME HOUSING. *(Added by Ord. No. 145,927, Eff. 6/3/74.)*

A. **Requirements.**

1. The developer of every housing development that is subject to the provisions of this section shall (a) make every reasonable effort to develop at least 6 percent of the total number of units in the development at a cost which would allow them to be rented or sold as low income dwelling units at the fair market value and at least an additional 9 percent of the total number of units in the development at a cost which would allow them to be rented or sold as low or moderate income dwelling units at the fair market value, (b) if such units can be developed at such cost then make such units available at the fair market value to the Housing Authority or to low or moderate income households approved by the Housing Authority, and (c) execute such agreements with the Housing Authority as are appropriate to assure the

continued availability of such units as low or moderate income dwelling units, which agreements shall be binding upon the developer and his successors in interest. In applying these percentages, any decimal fraction up to and including 0.5 may be disregarded and any decimal fraction over 0.5 shall be construed as requiring one dwelling unit. The requirements of this section shall apply to the developer of every housing development either constructed pursuant to a building permit issued after June 2, 1974, or converted to condominium ownership pursuant to a final tract map, which is submitted for approval pursuant to a tentative tract map which was finally approved after June 2, 1974; provided, however, that the provisions of this section shall not apply to a housing development constructed pursuant to a final tract map approved before June 3, 1974, and/or tentative tract map wherein such tentative tract map was finally approved prior to June 3, 1974, and wherein in either event the construction of such development commences not more than six months after the approval by the Council of the final tract map and thereafter such construction proceeds in an expeditious manner as determined by the Housing Authority. *(Amended by Ord. No. 147,691, Eff. 9/19/75.)*

The provisions of Section 1 above are declaratory of legislative intent in enacting Ordinance No. 145,927.

The Housing Authority, or the Housing Director when authorized by the Housing Authority, is hereby authorized to appropriately rescind or amend all prior agreements entered into pursuant to Section 12.39 of the Municipal Code, upon the request of the other party or parties to such agreements, so as to make such agreements conform with the amendment to Section 12.39 as set forth in Section 1 of this ordinance.

The provisions of this ordinance are hereby declared to be required for the immediate preservation of the public peace, health and safety, in that the early effective date of these provisions will facilitate the earlier construction and making available to the public of much needed housing units. This ordinance shall go into effect upon its publication pursuant to the provisions of Charter Section 281.

2. If the developer after every reasonable effort to comply with Subsection A 1 determines that it cannot so comply, then the developer shall grant to the Housing Authority in writing, on a form furnished by the Housing Authority, the continuing right of first refusal to lease at fair market value any of the units in the development, up to a total of 15% of the total number of units in the development. The developer shall execute and record an agreement to such effect running with the land. The Housing Authority may exercise its right of first refusal at the then fair market value, whenever all occupants of any unit in the development terminate or give notice of intent to terminate their occupancy, and after such termination fewer than 15% of the total number of units in the development would be occupied as low or moderate income dwelling units. After the Housing Authority notifies the developer or owner that it may wish to exercise its right of first refusal, the developer or owner shall immediately notify the Housing Authority in writing of any such terminations or intents to terminate as they occur. Failure by the Housing Authority to respond within seven days after receipt of the notice from the developer or owner shall be deemed a decision by the Housing Authority to not exercise its right of first refusal on that particular unit. *(Amended by Ord. No. 159,162, Eff. 8/13/84.)*

3. If the developer of a housing development of units for sale, after every reasonable effort to comply with Subsection A 1, determines that it cannot so comply, then it shall grant to the Housing Authority in writing, on a form furnished by the Housing Authority, the continuing right to require that any units in the development subsequently available for sale or resale up to a total of 15% of the total number of units therein, be sold at the then fair market value only to low or moderate income households approved by the Housing Authority. The developer shall execute and record an agreement to such effect running with the land. *(Amended by Ord. No. 159,162, Eff. 8/13/84.)*

B. **Standards.** Low and moderate income dwelling units required by this section shall:

1. Be reasonably dispersed throughout the development;
2. Generally reflect the average number of bedrooms per dwelling unit for the development as a whole; and
3. Be designed to harmonize with other residential structures and units in the development.

C. **Compliance.** No building permit shall be issued or final tract map approved for any housing development until the agreements, the right of first refusal to lease or the right of a low or moderate income household to buy, as set forth in Section A hereof, have been properly executed, recorded, and submitted to the Department of Building and Safety, which after its receipt of the documents, shall transmit them to the Housing Authority. The Housing Authority shall have the authority to require guarantees, to enter into recorded agreements with developers and with renters and purchasers of the required low and moderate income dwelling units, and to take other appropriate steps necessary to assure that the required low and moderate income dwelling units are provided and that they are continuously occupied by low and moderate income household. *(Amended by Ord. No. 159,162, Eff. 8/13/84.)*

D. **Appeal.** An applicant aggrieved by a determination or requirement of the Housing Authority in regard to this section may appeal to the City Council. The appeal shall set forth specifically wherein the action of the Housing Authority fails to conform to the provisions of this section, or wherein its requirements are improper. Such appeal shall be filed in duplicate in the public office of the Housing Authority. Thereupon, the appeal and the Housing Authority's file thereon shall be transmitted to the City Council. The City Council, by resolution, may reverse or modify any determination or requirement of the Housing Authority. The failure of the Council to vote upon an appeal within 90 days after transmittal shall be deemed a denial of the appeal. If an appeal be denied, the action of the Housing Authority shall thereupon become final and conclusive.

E. **Authority to Delegate.** Wherever it is provided in this section that the Housing Authority shall perform certain functions, the performance thereof by the Housing Director shall be equally effective if the Housing Authority Board, by resolution, has authorized the Housing Director to act on such matters. *(Added by Ord. No. 145,927, Eff. 6/3/74.)*

SEC. 12.40 -- LANDSCAPE - GENERAL REQUIREMENTS. *(Added by Ord. No. 170,978, Eff. 5/12/96, Oper. 7/11/96.)*

A. Purpose.

1. To bring greater order and certainty to the development process.
2. To respond to State-level mandates for action in such areas as water conservation, energy conservation, enhancement of water quality, and amelioration of air quality.
3. To increase the amount and quality of appropriate landscaping appurtenant to all land uses in the City.
4. To establish a minimum level of regulation that protects the public and at the same time allows for design flexibility.

B. Prohibitions. Notwithstanding any provisions of Chapter 1 of this Code to the contrary, the Department of Building and Safety shall not issue any building, grading, or use of land permit for any Project unless the Department of City Planning determines that the proposed landscaping will meet the provisions of Sections 12.40 through 12.43 of this Code and has been assured that any proposed landscaping will be installed.

C. Exceptions. The provisions of Sections 12.40 through 12.43 of this Code shall not apply to:

1. Any Project involving replacement of an earthquake hazardous building demolished as a result of an enforcement of the Earthquake Safety Ordinance (Division 88, Article 1, Chapter IX of the Los Angeles Municipal Code.)
2. Any Project for which a building permit is required (a) in order to comply with an order issued by the Department of Building and Safety to repair an unsafe or substandard condition, or (b) in order to rebuild as a result of destruction by fire, earthquake, or other natural disaster.
3. Any Project regulated by Subparagraph (i) of Section 12.04.05 B 1 (a) of this Code.
4. Any Project which has obtained a still-valid discretionary land use approval from the City prior to the operative date of this section, and which also required approval of landscape documents.
5. Any Project where plans were accepted by the Department of Building and Safety for plan check prior to the operative date of this ordinance. This exception does not apply to any Project where changes were later made to the Project which increase the gross square footage or number of parking spaces by more than five percent. This exception shall no longer be valid if construction is not commenced within one year of the date of issuance of the permit.
6. Any landscape that is designated a Historic-Cultural Monument.
7. Cemeteries.

D. **Definitions.** Whenever the following terms are used in Sections 12.40 through 12.43 they shall be construed as defined below. Words and phrases not defined herein shall be construed as defined in Sections 12.03, and in the Guidelines adopted by the City Planning Commission pursuant to Subsection F below.

Grass -- Any relatively low-growing living ground cover of the family Poaceae (Graminae), usually mown. Includes, but is not limited to, members of the species Agropyron (Wheat Grass), Agrostis (Bent Grass, Redtop), Bouteloua (Blue Grama Grass), Buchloe (Buffalo Grass), Cynodon (Bermudagrass), Festuca (Fescue), Lolium (Rye Grass), Poa (Bluegrass), Stenotaphrum (St. Augustine Grass), Zoysia (Korean Grass). Does not include members of the family Poaceae (Graminae), that are usually not mown, such as members of the species Aristida (Triple-Awned Grass), Miscanthus (Eulalia Grass), Muhlenbergia (Deer Grass).

Landscape Practitioner -- Any person licensed by the State of California to design, install or maintain landscape or irrigation systems. Any person specifically exempted by the State from the licensing requirements in the field of landscape or land management. Any owner who designs, installs or maintains landscaping or irrigation systems on his or her own property.

Lawn Area -- Any relatively low-growing, living, ground cover, typically (but not necessarily) mown, that will withstand foot traffic, and that requires dry-season irrigation greater than that required by Common Bermudagrass (Cynodon dactylon). Includes Dichondra and Clovers (Trifolium species.)

Native (Plant) -- Any (plant) species indigenous to the Los Angeles area existing before European settlement, as identified in James Hendrickson's The Jepson Manual, or its successor standard reference, as adopted by the Director of Planning.

Native (Plant) Community -- A recurring combination of native (plant) species that reflects parallel responses to similar combinations of environmental conditions, as identified in Robert F. Holland's "Preliminary Descriptions of the Terrestrial Natural Communities of California," or its successor standard reference, as adopted by the Director of Planning.

Permeable -- A material that permits water penetration to a soil depth of 18 inches or more, including non porous surface material poured or laid in sections not exceeding one square foot in area and collectively comprising less than two-thirds of the total surface area of loosely laid material such as crushed stone or gravel.

Project -- Any use of land, construction or addition which includes more than 2,000 gross square feet of impermeable surface. A Project shall include new parking areas and additions to existing parking areas constructed with impermeable paving and new parking buildings. A Project shall not include construction of or addition to one-family dwellings, nor shall a Project include any structure or use of land which is permeable.

Stream -- Any perennial or intermittent stream or river identified on United States Geological Survey Maps.

Wetland -- Any natural lake, intermittent lake, pond, intermittent pond, marsh, swamp, seep or spring identified on United States Geological Survey Maps.

E. Landscape Point System. The Department of City Planning shall not approve proposed landscape for any Project unless the landscape satisfies the requirements of the landscape point system, as established by the City Planning Commission. A Project that satisfies any landscape requirements of Sections 12.40 through 12.43 of this Code or any other sections of this Code, may accrue points. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

F. Approvals. The Director of Planning shall have the authority to issue approvals under Sections 12.40 through 12.43 of this Code. The Director shall review and approve or disapprove the proposed landscape. These decisions shall be based on the requirements for application submittal established by the City Planning Commission. The City Planning Commission shall adopt and revise, as necessary, guidelines to implement the provisions of Sections 12.40 through 12.43. The Director may also grant exemptions from Sections 12.40 through 12.43 if he or she finds that these landscaping requirements are inappropriate due to the temporary nature of the Project. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

G. Certificate of Substantial Completion.

1. When the approved landscape has been substantially installed, a landscape practitioner shall file a certificate of substantial completion certifying to the Department of City Planning, that the proposed landscape required in Sections 12.40 through 12.43 of this Code has been substantially provided on the Project.

2. Substantial completion may be guaranteed by the applicant, in lieu of actual installation. A performance bond, certificate of deposit, letter of credit, surety deposit, or other instrument satisfactory to the City Attorney, in an amount equal to the cost of the landscape, shall be posted with the City to ensure satisfactory completion of the landscape.

3. Nothing in this subsection shall be construed to prevent the Department of Building and Safety from issuing a Certificate of Occupancy, when otherwise permitted or required.

H. Relationship To The Provisions of The Los Angeles Municipal Code.

1. **Existing "Q" Conditions, "D" Development Limitations or "F" Funded Improvement Classifications.** In the case of conflicts between Sections 12.40 through 12.43 of this Code with existing "Q" Conditions, "D" Development limitations or "F" Funded Improvement classifications, the existing "Q" Conditions, "D" Development limitations or "F" Funded Improvement classifications shall control.

2. **Existing Specific Plans.** In the case of conflicts between Sections 12.40, 12.42 and 12.43 of this Code with existing specific plans, the provisions of the following existing specific plans shall control: Central City West Specific Plan, Colorado Boulevard Specific Plan, Devonshire-Topanga Specific Plan, Granada Hills Specific Plan, Mulholland Scenic Parkway Specific Plan (controls over Section 12.42 only), Pacific Palisades Commercial Village Specific Plan, Park Mile Specific Plan, Playa Vista Specific Plan, Porter Ranch Specific Plan (controls over Section 12.43 only), Reseda Central Business District Specific Plan, San Vicente Scenic Corridor Specific Plan, Valley Village Specific Plan, the Venice Coastal Zone regulations, Ventura-Cahuenga Boulevard Corridor Specific Plan, Warner Center Specific Plan, and Wilshire-Westwood Scenic Corridor Specific Plan. In the case of conflicts between Sections 12.40 through 12.43 of this Code with the provisions of the Mount Washington Specific Plan or the Foothill Boulevard Corridor Specific Plan, the more restrictive provisions shall control. *(Amended by Ord. No. 171,694, Eff. 9/25/97.)*

3. **Future Specific Plans, "Q" Conditions, "D" Development Limitations or "F" Funded Improvement Classifications.** Future specific plans, "Q" Conditions, "D" Development limitations or "F" Funded Improvement classifications may impose alternate landscape requirements, if they expressly state that the specific plan's, "Q" Conditions's, "D" Development limitation's or "F" Funded Improvement classification's landscape requirements are intended to supersede the standards set forth in Sections 12.40 through 12.43 of this Code.

I. If any provision of Sections 12.40 through 12.43 conflicts with Article 7, Chapter V of this Code, Article 7, Chapter V shall control.

J. Unless specifically prohibited by this Code, any existing features and techniques that fulfill the requirements of Sections 12.40 through 12.43 of this Code may be used to satisfy the requirements of these sections. The provisions of Sections 12.40 through 12.43 of this Code shall not require the removal of any existing structures or features nor prohibit any existing, installed landscape techniques. Where conflicts arise, all efforts shall be made to conform to the provisions of Sections 12.40 through 12.43 of this Code in a reasonable and practical manner.

SEC. 12.41 -- LANDSCAPE - WATER MANAGEMENT. *(Added by Ord. No. 170,978, Eff. 5/12/96, Oper. 7/11/96.)*

A. **Purpose.** To contribute to conservation of the City's imported water resources mandated by state law by setting minimum standards for water delivery systems to landscapes.

B. **Requirements and Prohibitions.**

1. No building permit, use of land permit, or grading permit for which landscape is required or for which landscape is provided shall be issued, except when the purpose is to construct a one-family dwelling, unless the Department of City Planning first determines that the required Water Management features and techniques, established by the City Planning

Commission will be installed on the subject lot. No water management approval shall be required or issued for these permits unless a landscape approval required for the permits has first been issued by the Department of City Planning.

2. All permanent irrigation systems required under the provisions of this Code that use potable water shall meet the minimum specifications for features and techniques established by the City Planning Commission.

3. No irrigation system shall be required for undisturbed native or undisturbed natural vegetation, provided that the overall hydrologic regime that supported the vegetation remains unaltered. At the discretion of the Department of City Planning, an irrigation system may be required when the applicant proposes to establish native plantings, designed to take advantage of natural rainfall.

4. No portion of this section shall be construed to mandate any specific type of irrigation equipment, either existing or to be developed, except backflow preventers, nor any specific method of application of water, either existing or to be developed, provided it meets the criteria set forth in this section, unless specifically required by other sections of this Code. The provision of hose bibs or quick coupler valves shall be considered the provision of an irrigation system, provided all points of the irrigated area are less than 50 feet from hose bib or quick coupler valve; no portion of the irrigated area slopes at more than a 5:1 grade; and the total area to be irrigated does not exceed 500 square feet.

5. **Irrigation Maintenance.** All portions of every irrigation system shall be continuously maintained in a condition such that the intent of the irrigation design is fulfilled. Uncontrolled emission of water from any pipe, valve head, emitter, or other irrigation device shall be considered evidence of non-maintenance.

6. For the purposes of this section only, a Landscape practitioner is as defined in Section 12.40 D and also includes any person certified by a professional organization in the field of water management, or any person with a bachelor's degree or equivalent from a California college or university, in the field of water management, when not in conflict with applicable State licensing laws and guidelines adopted by the Director of Planning. The Director is hereby authorized to adopt guidelines and procedures necessary to implement the provisions of this section.

7. **Mulch.** Owners of landscaping shall be encouraged to provide for plant mulching with planted areas provided with a layer of mulch a minimum of three inches deep, to aid the growth of the plants.

SEC. 12.42 -- LANDSCAPE. (Added by Ord. No. 170,978, Eff. 5/12/96, Oper. 7/11/96.)

A. Conservation of Energy.

1. **Purpose.** To contribute to mitigation of increasing urban temperatures, thereby reducing the need for new power generating facilities, the following regulations shall apply.

2. **Tree Planting.** Applications for landscape approval shall contain a proposal for shading of walls of structures in accordance with the guidelines established by the City Planning Commission. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

B. Heat and Glare Reduction.

1. **Purpose.** To contribute to the mitigation of increasing urban temperatures, thereby reducing the need for new power generating facilities, to reduce storm water runoff, and to increase ground water recharge, the following regulations shall apply.

2. **Vehicular Use Areas.** Notwithstanding any other provisions of this Code to the contrary, applications for landscape approval shall contain a proposal for heat and glare reduction in vehicular use areas in accordance with guidelines established by the City Planning Commission. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

C. Air Quality Enhancement.

1. **Purpose.** To ensure coordination between landscape and other features of the urban environment and to contribute to the processes of oxygen regeneration, clearing the air of harmful pollutants, and removal of airborne particulates, the following regulations shall apply.

2. **Procedure.** Applications for landscape approval shall contain a proposal for air quality enhancement, in accordance with the guidelines established by the City Planning Commission. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

D. Soil and Watershed Conservation.

1. **Purpose.** To conserve the unique character of the City which is largely determined by its landforms; and to encourage the restoration of such native areas as are unavoidably disturbed by development; to conserve soil and accumulated organic litter and reduce erosion by utilization of a variety of methods; and to increase residence time of precipitation in the watershed, the following regulations shall apply.

2. **General Requirements.**

(a) The Department of Building and Safety shall not issue any building permits for a Project where soil and watershed conservation techniques, as provided in this section and in the guidelines established by the City Planning Commission, have not been used, as determined by the Department of City Planning. Notwithstanding the provisions of Article 1 of Chapter IX of this Code, all cut and fill slopes in Hillside Areas determined under the provisions of that article of this Code to be subject to erosion, shall be planted and irrigated pursuant to the provisions of this subdivision. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

(b) All cut and fill slopes in Hillside Areas shall be landform graded and landform planted to the maximum extent feasible where such techniques do not affect the stability of the graded slopes. Where landform grading is

unsuitable for the entire graded area, portions of the graded area may be required by the Department of City Planning to be landform graded and landform planted, consistent with public safety. Nothing in this paragraph shall prohibit the Department of Building and Safety from enforcing the planting and irrigation provisions of the Grading Division of Chapter IX of this Code.

(c) The Director shall take measures to ensure that the planting of slopes shall take into consideration such factors as degree of slope, slope orientation, type of soil, rooting depth of plants, fire dangers, availability of water, original native communities, depth of soil, and other relevant design factors.

(d) Non-native plants, when used, shall compliment native communities in growth habit, foliage color, cultural requirements, and flowering behavior.

3. **Required Vegetation.** Manufactured slopes shall be planted in accordance with the guidelines established by the City Planning Commission. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

E Landscape Techniques.

1. **Turf Block.** Turf block, turf stone or similar materials shall be considered non-planted areas, except in planted portions of emergency access ways when permitted by the Fire Department. *(Amended by Ord. No. 171,530, Eff. 4/4/97.)*

2. **Coordination with Signs and Lighting.** All planting shall be coordinated with all signs and lighting on the Project site, both upon installation of the planting and upon the planting reaching its maximum designed size. All shall be designed such that one will not interfere with the other, nor require excessive maintenance.

3. **Planting Techniques.** All planting shall be accomplished in accordance with the guidelines established by the City Planning Commission. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

F. Walls. All concrete or masonry walls shall have a minimum nominal thickness of six inches unless designed to withstand lateral force and constructed pursuant to plans approved by the Department of Building and Safety.

SEC. 12.43 -- SOURCE REDUCTION OF WASTE. *(Added by Ord. No. 170,978, Eff. 5/12/96, Oper. 7/11/96.)*

A. If any landscape includes grass, all grass clippings shall be recycled on- or off-site, and shall not be introduced into the off-site waste stream.

B. If a lot is 7,500 square feet or greater, all vegetative waste, except that which is not appropriate to recycle, shall be recycled on- and off-site and shall not be introduced into the off-site waste stream.

C. In any landscape with lawn area greater than 15 percent of the planted area, all lawn area waste shall be recycled on- or off-site.

D. Exceptions shall be made when the waste is produced by installation of the landscape, as a result of fulfilling the requirements of Division 88, Article 1 of Chapter IX of this Code, or as a result of fulfilling the requirements of Article 7, Chapter V of this Code.

E. Notwithstanding any other provision of this Code, except for Subsection A, the provisions of this section shall take effect only at the time and in the manner that the Board of Public Works, after a public hearing, certifies to the Director that sufficient off-site facilities exist to handle the expected volume of recycled vegetative waste.

SEC. 12.50 – AIRPORT APPROACH ZONING REGULATIONS. *(Amended by Ord. No. 173,268, Eff. 7/1/00.)*

A. **Scope and Applicability of Regulations.** It is hereby found that potential airport hazards exist or may be created in connection with the maintenance and operation of the Van Nuys and Los Angeles International Airports. In order to prevent the creation or establishment of these hazards, special airport zoning regulations controlling height limits and regulating the use of the land are hereby established within the airport hazard areas surrounding the Van Nuys and Los Angeles International Airports. The provisions of this section are not intended to abrogate any other section of this Code, and when it appears that there is a conflict with other sections, the most restrictive requirement shall apply.

B. **Airport Hazard Areas Map.** The boundaries of the airport hazard areas and the height limitations imposed in those areas are shown on the "Airport Hazard Areas Map," made up of separate sheets and bearing appropriate marks, notations, references and other information and consisting of: (1) the Airport Hazard Areas Map relating to the Van Nuys Airport and adopted as part of Ordinance No. 130,500, which added Section 12.50 to this Code; (2) the Airport Hazard Areas Map relating to the Los Angeles International Airport, (both of which maps are attached and by this reference incorporated into this ordinance and made a part of it as though set forth at length); and (3) any future amendments and additions to the maps as may be adopted by ordinance.

C. **Definitions.** For the purpose of this section certain terms and words are defined as follows:

1. **Airport Hazard** means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

2. **Airport Hazard Area** means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Section.

3. **Structure** means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke stacks, and overhead lines.

4. **Tree** means any object of natural growth.

D. General Provisions. Except where it is determined by a Zoning Administrator, or by the Area Planning Commission upon appeal pursuant to Subsections B through Q of Section 12.24, after consideration of any report and recommendation which might be submitted by the General Manager of the Department of Airports, that compliance with this section in a particular situation would result in practical difficulty or unnecessary hardship and that the proposed height of a structure or tree beyond that otherwise permitted by the provisions of this section will not constitute a hazard to aircraft or in any way interfere with air safety or the safety of persons and objects on the ground, no structure shall be erected, structurally altered, enlarged or maintained, and no tree shall be planted, allowed to grow or be maintained within the airport hazard areas surrounding the Van Nuys or Los Angeles International Airports which exceeds the heights as shown on the Airport Hazard Areas Map or as further provided in Subsection F for transitional surface areas. The procedure and fees for requesting and procuring a determination of an exception mentioned herein, for appealing from the determination or requesting a transfer of jurisdiction to the Area Planning Commission, and the time limitations applicable to those actions shall be the same as those provided in Subsections B through Q of Section 12.24 of this code; provided, however, that upon the filing of a request for exception with the Department of City Planning, the Department shall immediately request a report and recommendation from the General Manager of the Department of Airports and time shall not commence to run for a Zoning Administrator to act until the report and recommendation has been received or 60 days have elapsed from the time of the request.

E Use Restrictions. Notwithstanding any other provisions of this article, no use may be made of land within an airport hazard area, as established by this section in a manner as to create electrical or electronic interference with radio or radar communication between the Van Nuys or Los Angeles International Airports and approaching or departing aircraft. No illuminated or flashing advertising or business sign, billboard or any other structure shall be installed or maintained within an airport hazard area which would make it difficult for flyers to distinguish between those lights and the aeronautical lights of the airport, or which would result in glare in the eyes of pilots and impairment of visibility or otherwise endanger the landing, taking off or maneuvering of aircraft.

F. Transitional Surface Area Height Limits. The height limit in the transitional surface areas, as shown on the above described map, shall be an inclined plane surface having a slope ratio of one vertical to seven horizontal, sloping upward and outward from the boundary of the transitional surface area on either side of a runway or from the edge of a runway approach area, whichever is adjacent. The direction of the slope shall be at right angles to the center line of the runway or its prolongation and shall extend upward from the elevation of the nearest runway or from the height limit elevation permitted in a runway approach area, whichever is adjacent.

G. Interpretations. Where uncertainty exists in applying the provisions of this section, the Zoning Administrator, upon written request, shall determine the location of the boundary lines of the airport hazard areas or the height limits by written decision pursuant to Subsections B through Q of Section 12.24. A copy of the decision shall be furnished to the Department of Building and Safety.

Any person claiming to be aggrieved by the determination of the Zoning Administrator with respect to the location of the boundary lines of the airport hazard areas or the height limits permitted therein may, within 15 days after the decision of the Zoning Administrator, appeal to the Area Planning Commission pursuant to Subsections B through Q of Section 12.24 of this Code.

The Area Planning Commission, upon notice to the person claiming to be aggrieved, shall hear the appeal within 15 days after it is filed. Upon hearing the appeal, the Area Planning Commission shall within 14 days declare its findings. It may sustain, modify or overrule the decision of the Zoning Administrator.

H. Exception. The provisions of this section shall not prevent structures, including all projections from the structure, to be erected, structurally altered, enlarged or maintained and trees to be planted and maintained to an overall height of not to exceed 45 feet above the natural or finished grade, whichever is lower.

I. Continuation of Existing Regulations. The provisions of this section, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

J. Before any existing structure which conforms to all other provisions of this article but which does not conform with the provisions of this section may be replaced, substantially altered or repaired, or rebuilt in a manner not conforming with the height limitations of this section, a permit must be secured from the Department of Building and Safety in addition to all other permits required by this Code. All applications for these permits shall be granted except those which would permit a nonconforming structure to be made higher or become a greater hazard to air navigation than it was when the applicable restrictions of this section were adopted or when the application for the permit was made, whichever is the more restrictive. No permit is required by this section to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of those structures.

Any existing tree which does not conform with the provisions of this section may remain or be replaced by one of comparable or smaller size or be replanted but shall not be allowed to grow higher or become a greater hazard to air navigation than it was when the applicable restrictions of this section were adopted.

HOLLYWOOD Community Plan

December 13, 1988

Effective April 2, 2014
City Council CF 12-0303 S4

TABLE OF CONTENTS

A. PURPOSES

USE OF THE PLAN
OBJECTIVES OF THE PLAN

B. POLICIES

LAND USE
Commerce
Housing
Industry

CIRCULATION

SERVICE SYSTEMS
Recreation and Parks
Fire Protection
Public Schools
Library
Other Public Facilities
Social Services

C. PROGRAMS

PUBLIC IMPROVEMENTS
PRIVATE PARTICIPATION
HOLLYWOOD REDEVELOPMENT PLAN
SPECIFIC PLAN STUDIES

15

HOLLYWOOD PLAN

PURPOSES

USE OF THE PLAN

The purpose of the Hollywood Community Plan is to provide an official guide to the future development of the Community for the use of the City Council, the Mayor, the City Planning Commission; other concerned government agencies, residents, property owners, and business people of the Community; and private organizations concerned with planning and civic betterment. For the Council, the Mayor and the Planning Commission, the Plan provides a reference to be used in connection with their actions on various city development matters as required by law.

The Plan is intended to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible.

This Plan proposes approximate locations and dimensions for land use. Development may vary slightly from the Plan provided the total acreage of each type of land use, the land use intensities, and the physical relationships among the various land uses are not altered.

The Plan is not an official zone map and while it is a guide it does not imply any implicit right to a particular zone or to the land uses permitted therein. Changes of zone are considered under a specific procedure established under the Los Angeles City Charter and the Los Angeles Municipal Code, subject to various requirements set forth therein.

The Plan is subject to revision within five years, to reflect changes in circumstances.

OBJECTIVES OF THE PLAN

1. To coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area.

To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

2. To designate lands at appropriate locations for the various private uses and public facilities in the quantities and at densities required to accommodate population and activities projected to the year 2010.
3. To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

To encourage the preservation and enhancement of the varied and distinctive residential character of the Community, and to protect lower density housing from the scattered intrusion of apartments.

In hillside residential areas to:

- a. Minimize grading so as to retain the natural terrain and ecological balance.
 - b. Provide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City.
4. To promote economic well being and public convenience through:
 - a. Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.
 - b. Designating land for industrial development that can be so used without detriment to adjacent uses of other types, and imposing restrictions on the types and intensities of industrial uses as are necessary to this purpose.
 - c. Encouraging the revitalization of the motion picture industry.
 - d. Recognizing the existing concentration of medical facilities in East Hollywood as a center serving the medical needs of Los Angeles.
 5. To provide a basis for the location and programming of public services and utilities and to coordinate the phasing of public facilities with private development. To encourage open space and parks in both local neighborhoods and in high density areas.
 6. To make provision for a circulation system coordinated with land uses and densities and adequate to accommodate traffic; and to encourage the expansion and improvement of public transportation service.
 7. To encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.

15

POLICIES

The Hollywood Community Plan has been designed to accommodate the anticipated growth in population and employment of the Community to the year 2010. The Plan does not seek to promote nor to hinder growth; rather it accepts the likelihood that growth will take place and must be provided for.

The Plan encourages the preservation of lower density residential areas, and the conservation of open space lands.

Much of the Hollywood Community is hillside and mountainous terrain, and as much of the remaining undeveloped land as feasible is to be preserved for open space and recreational uses. It is also the City's policy that the Hollywood Community Plan incorporate the sites designated on the Cultural and Historic Monuments Element of the General Plan; furthermore, the Hollywood Plan encourages the addition of suitable sites thereto.

LAND USE

COMMERCE

Standards and Criteria

The commercial lands (including associated parking) designated by this Plan to serve residential areas are adequate in quantity to meet the needs of the projected population to the year 2010, as computed by the following standards:

1. 0.6 acres per 1,000 residents for commercial uses for neighborhood or convenience-type commercial areas;
2. 0.2 acres per 1,000 residents for commercial uses for community shopping and business districts, including service uses and specialized commercial uses.

Parking areas should be located between commercial and residential uses on the commercially-zoned properties where appropriate to provide a buffer, and shall be separated from residential uses by means of at least a solid masonry wall and landscaped setback.

Features

The Plan provides approximately 1,139 acres of commercial and related parking uses.

The focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street. The Hollywood Center is included in the Hollywood Redevelopment Project area as adopted in May 1986. This center area shall function 1) as the commercial center for Hollywood and surrounding communities and 2) as an

entertainment center for the entire region. Future development should be compatible with existing commercial development, surrounding residential neighborhoods, and the transportation and circulation system. Developments combining residential and commercial uses are especially encouraged in this Center area.

The Plan recognizes the concentration of medical facilities in the vicinity of the Sunset Boulevard/Vermont Avenue intersection; it is identified as the East Hollywood Center Study Area. Within an adjacent to this center should be housing for employees as well as retail establishments serving the medical complex personnel and clients. While a commercial development intensity of up to 3:1 FAR is envisioned, the Community Commercial designation should not be expanded beyond the current sites until the Metro Rail system or some other high capacity transportation facility is operational.

Strategically distributed throughout the Community would be neighborhood shopping areas, emphasizing convenience retail stores and services. The Plan encourages the retention of neighborhood convenience clusters offering retail and service establishments oriented to pedestrians.

HOUSING

Standards and Criteria

The intensity of residential land use in this Plan and the density of the population which can be accommodated thereon, shall be limited in accordance with the following criteria:

1. The adequacy of the existing and assured circulation and public transportation systems within the area;
2. The availability of sewers, drainage facilities, fire protection services and facilities, and other public utilities;
3. The steepness of the topography of the various parts of the area, and the suitability of the geology of the area for development.

To the extent feasible, the "cluster concept" is the preferred method to be utilized for new residential development in hillside areas in order to use the natural terrain to best advantage and minimize the amount of grading required. However, development by conventional subdivision shall not be precluded. The "cluster concept" is defined as the grouping of residential structures on the more level parts of the terrain while retaining a large area (75 to 80 percent) in its natural state or in a park-like setting. Density patterns indicated on the Plan Map may be adjusted to facilitate cluster developments, provided that the total number of dwelling units indicated in any development is not increased from that depicted on the Plan Map.

New apartments should be soundproofed and should be provided with adequate usable open space at a minimum ratio of 100 square feet per dwelling unit excluding parking areas, driveways and the required front yard setback.

Features

Apartments in high-density areas provide housing for about 37,430 persons. Medium and low-medium density apartment and townhouse areas provide for about 127,105 persons. The low-density residential character of many parts of Hollywood should be preserved, and lower density (Low Medium I or more restrictive) residential neighborhoods should be protected from encroachment by other types of uses, including surface parking. It is the intent of this Plan that all natural slopes generally in excess of 15% be limited to the minimum density range. Transitional building heights should be imposed, especially in the Medium density housing designated areas where this designation is immediately adjacent to properties designated Low Medium I or more restrictive.

The Plan encourages the preservation and enhancement of well defined residential neighborhoods in Hollywood through (1) application of Historic Preservation Overlay Zones where appropriate, and/or (2) preparation of neighborhood preservation plans which further refine and tailor development standards to neighborhood character.

The Plan encourages the rehabilitation and/or rebuilding of deteriorated single-family areas for the same use. Single-family housing should be made available to all persons regardless of social, economic, and ethnic background.

Additional low and moderate-income housing is needed in all parts of this Community. Density bonuses for provision of such housing through Government Code 65915 may be granted in the Low-Medium I or less restrictive residential categories.

The proposed residential density categories and their capacities are:

Residential Density	Dwelling Units per Gross Acre*	Persons per Gross Acre	Gross Acres	& of Resd. Land	Pop. Capacity	Pop. Capacity
Minimum	.5 to 1	3	945	11.6	2,835	1.2
Very Low II	2+ to 3	9	1,667	20.5	15,000	6.4
Low I	3+ to 5	12.5	410	5.0	5,125	2.2
Low II	5+ to 7	18.5	2,373	29.2	43,900	19.0
Low Med I	7+ to 12	26	439	5.4	11,415	5.0
Low Med II	12+ to 24	40	959	11.9	38,360	16.6
Medium	24+ to 40	74	1,045	12.8	77,330	33.4
High-Med	40+ to 60	95	122	1.5	11,590	5.0
High	60+ to 80	152	170	2.1	25,840	11.2
Totals		8,130	100.0	231,395	100.0	

* "Gross Acre" includes one-half of abutting streets.

The 2010 population of Hollywood is projected to be approximately 219,000 persons, an increase of 38,000 over the 1980 population.

The Plan capacity is 5.7% in excess of the projected population figure for the year 2010.

INDUSTRY

Standards and Criteria

Industrial lands are located on a citywide basis without regard to the boundaries of individual communities or districts, under the general principle that such employment should be available within a reasonable commuting distance from residential locations. On-street parking should be discouraged in industrial areas.

If industrial expansion is permitted into residential areas, it should be conducted according to a planned development program to avoid a mixture of uses. Industrial lands are intended to be limited and restricted to types of uses which will avoid nuisance to other uses on adjacent lands.

Features

The Plan designates approximately 335 acres of land for industrial uses. A large proportion should be encouraged to be occupied by the types of industry which are indigenous to Hollywood-motion picture and television production, radio studios, sound and recording studios, film processing studios, and motion picture equipment manufacturing and distribution. The Plan proposes more intensive utilization of existing industrial sites and encourages the vacation of appropriate local streets and alleys in industrial areas for purposes of lot assemblage. The Plan recognizes the need to review and revise the Zoning Code relative to the classification of many entertainment industry uses.

To preserve this valuable land resource from the intrusion of other uses, and to ensure its development with high quality industrial uses in keeping with the urban residential character of the community, the Plan proposes classifying industrial land in restricted zoning categories, such as the MR zones, wherever possible.

CIRCULATION

Major transportation corridors serving other parts of the Los Angeles metropolitan area cross the Hollywood Community and thus the highways and streets of the community must accommodate traffic generated both within and without the community. To accommodate the transportation needs of the Community, the circulation system proposed in the Plan must be supplemented by a greatly improved public transportation system and/or additional highways and freeways. Unless such additional modes of transportation are provided, acute traffic congestion will be further aggravated in most parts of the community.

Several proposed Metro Rail stations are to be located in Hollywood. If higher intensity development is to be encouraged in the vicinity of these Metro Rail stations,

station area master plans should be prepared.

Standards and Criteria

Highways and local streets shown on this Plan shall be developed in accordance with standards and criteria contained in the Highways and freeways Element of the General Plan and the City's Standard Street Dimensions. Design characteristics which give street identity such as curves, changes in direction and topographical differences, should be emphasized by street trees and planted median strips and by paving. Streets, highways and freeways, when developed, should be designed and improved in harmony with adjacent development and to facilitate driver and passenger orientation.

The full residential, commercial and industrial densities and intensities proposed by the Plan are predicated upon the development of the designated major and secondary highways and freeways. No increase in density shall be effected by zone change or subdivision unless it is determined that the local streets, major and secondary highways, freeways, and public transportation available in the area of the property involved, are adequate to serve the traffic generated. Adequate highway improvements shall be assured prior to the approval of zoning permitting intensification of land use in order to avoid congestion and assure proper development. The Plan recognizes that within the designated Center Study Areas of Hollywood innovative parking programs should be instituted to accommodate these Centers' parking needs through creation of more available parking capacity and more efficient use of parking facilities.

Features

The Plan incorporates the Highways and Freeways Element of the Los Angeles General Plan. Collector streets are shown to assist traffic flow toward major and secondary highways. A transportation improvement and management plan is needed to create an integrated program of transportation mitigation measures such as traffic flow management, demand management programs, street widening, public transit, and private transit. The transportation program described in Section 518.1 of the Hollywood Redevelopment Plan is a component of this Community Plan-wide program.

SERVICE SYSTEMS

The public facilities (such as schools, libraries, etc.) shown on this Plan are to be developed in accordance with the standards for need, site area, design, and general location expressed in the Service-Systems Element of the General Plan. (See individual facility plans for specific standards.) Such development shall be sequenced and timed to provide a workable, efficient, and adequate balance between land use and service facilities at all times. The Plan recommends that a study be undertaken to develop revised standards and facility requirements

appropriate to a highly developed urban community including the provision of additional small parks.

The full residential, commercial, and industrial densities and intensities proposed by the Plan are predicated upon the provision of adequate public service facilities, with reference to the standards contained in the General Plan. No increase in density shall be effected by zone change or subdivision unless it is determined that such facilities are adequate to serve the proposed development. In mountain areas no tentative subdivision map shall be approved until reviewed and approved by the Fire Department.

RECREATION AND PARKS

Policies

It is the City's policy:

1. That the desires of the local residents be considered in the planning of recreational facilities.
2. That recreational facilities, programs and procedures be tailored to the social, economic and cultural characteristics of individual neighborhoods and that these programs and procedures be continually monitored.
3. That existing recreational sites and facilities be upgraded through site improvements, rehabilitation and reuse of sound structures, and replacement of obsolete structures, as funds become available.
4. That, in the absence of public land, and where feasible, intensified use of existing facilities and joint use of other public facilities for recreational purposes be encouraged.
5. That the expansion of existing recreational sites and the acquisition of new sites be planned so as to minimize the displacement of housing and the relocation of residents.

FIRE PROTECTION

Policies

It is the City's policy:

1. That the various components of the fire protection/emergency medical services system be continually evaluated and updated by the Fire Department in coordination with other City departments, as fire protection techniques, apparatus, needs and land use patterns change.
2. That the expansion of existing fire stations and the acquisition of new sites be planned and designed to minimize the displacement of housing and relocation of residents.

3. That public education activities concerning the elimination of fire hazards, methods of fire protection and emergency medical service be encouraged.
4. That the existing paramedic program be continually evaluated, updated and improved.
5. That the City intensify its program of fire protection through weed abatement.

PUBLIC SCHOOLS

Policies

It is the City's policy:

1. That the Los Angeles Unified School District's standards and criteria for student travel distance, minimum school size and optimum pupil enrollment be tailored to specific Hollywood area characteristics of land use, street circulation, topography, population densities, number of school age children and availability of vacant land.
2. That the Los Angeles Unified School District be requested to tailor improvements in educational programming, curricula and staffing to the specific social, economic and cultural characteristics of the Community's residents .
3. That all school facilities in the Hollywood Community be constantly reviewed, analyzed and upgraded, in view of the fact that the District contains some of the oldest schools in the City.
4. That due to an absence of vacant land, an after-hours, multi-use concept of school facilities, together with a joint-use concept of other public facilities, be encouraged and promoted.
5. That the expansion of school sites be planned so as to minimize displacement of residents and that, where possible, alternative architectural concepts be developed.
6. That the expansion of school facilities be accommodated on a priority basis and consider the following: existing school size, age of main buildings, current and projected enrollment and projected land uses and population.
7. That the location of new school facilities be based on population densities, number of school age children, projected population, circulation, and existing and future land uses.
8. That all school facilities adjacent to freeways be buffered against visual, noise and air pollution impacts.
9. That educational opportunities for adults be expanded in the community.

LIBRARY

Policies

It is the City's policy:

1. That library facilities, procedures, programs and resources be continually evaluated and tailored to the social, economic and cultural needs of local residents.
2. That, where feasible, bookmobile service to isolated residents be encouraged as a complimentary service of community branch libraries.
3. That the expansion of existing library facilities and the acquisition of new sites be planned and designed to minimize the displacement of housing and relocation of residents.

OTHER PUBLIC FACILITIES

Policies

It is the City's policy:

1. That, where feasible, new power lines be placed underground and that the undergrounding of existing lines be continued and expanded.
2. That new equipment for public facilities be energy efficient.
3. That solar access to adjacent properties be recognized and protected in the construction of public facilities.

SOCIAL SERVICES

Policies

It is the City's policy:

1. That all public and private agencies responsible for the delivery of social services be encouraged to continually evaluate and modify programs as needs change and funds become available.
2. That publicly funded agencies strive to achieve and maintain a high level of awareness and understanding to the ethnic and cultural diversity of the community.

PROGRAMS

These programs establish a framework for guiding development of the Hollywood Community in accordance with the objectives of the Plan . In general, they indicate those public and private actions which should take place during the initial ten years following revision of the Plan. The described actions will require the use of a variety of implementation methods.

PUBLIC IMPROVEMENTS

1. CIRCULATION

To facilitate local traffic circulation, relieve congestion, and provide mobility for all citizens, the following are recommended:

- a. Continued development of the freeway, highway, and street system in conformance with existing and future adopted programs. This should include participation of the City in a regional study focusing on Route 2 capacity increases.
- b. Continued planning of and improvements to the public transportation system for the community, including people-mover systems in high intensity areas as well as the proposed Metro Rail System.
- c. Preparation of a Hollywood Transportation Plan in ordinance form which creates an integrated program of transportation mitigation measures.
- d. Improvement of the Highland/Franklin intersections, including jog elimination either through realignment of Franklin Avenue or through grade separation.
- e. Improvement of Fountain Avenue as an east-west arterial, including jog elimination in the vicinity of Le Conte Junior High School.
- f. Improvement of the Hollywood Boulevard/La Brea Avenue intersection, including jog elimination.
- g. Improvement of the Los Feliz Boulevard/ Western Avenue intersection, including realignment of the curve.
- h. Improvement of Martel Avenue/Vista Street as a north-south arterial, including jog elimination north of Waring Avenue.

2. RECREATION, PARKS AND OPEN SPACE

The City should encourage continuing efforts by County, State, and Federal agencies to acquire vacant lands for publicly owned open space. The Plan encourages creation of the Los Angeles River Greenbelt corridor which would be integrated with existing and proposed parks, bicycle paths, equestrian trails, and scenic routes.

3. OTHER PUBLIC FACILITIES

The development of other public facilities such as fire stations, libraries, and schools should be sequenced and timed to provide a balance between land use and public services at all times. New power lines should be placed underground, and a program for the undergrounding of existing lines should be developed.

PRIVATE PARTICIPATION

Citizen groups are encouraged to undertake private actions for community improvements such as:

1. Initiation by property owners and merchants of programs to increase off-street parking facilities serving adjacent shopping areas.
2. Promoting street tree planting programs in commercial areas as well as residential areas.
3. Sponsoring clean-up and beautification programs to improve the general environment.

HOLLYWOOD REDEVELOPMENT PLAN

A Redevelopment Plan has been adopted by City Council (May 1986) for the area outlined in Map A. The purpose of the Redevelopment Plan is to implement the Community Plan's goals for the revitalization of the Hollywood Center. In order to accomplish these goals the Redevelopment Plan includes several tools, some of which ensure that standards established by the Community Redevelopment Agency (CRA) are carried out.

URBAN DESIGN DISTRICTS

The Hollywood Redevelopment Plan includes three special urban design districts also outlined in Map A. These are (1) the Hollywood Boulevard District (2) the Hollywood Core Transition District and (3) the Franklin Avenue Design District. Objectives defined in these urban design programs shall guide and regulate development for those areas.

REGIONAL CENTER COMMERCIAL DEVELOPMENT

The Redevelopment Plan limits development within the Regional Center Commercial designation to the equivalent of an average floor area ratio (FAR) of 4.5:1 for the entire area so designated. Proposed development in excess of 4.5:1 FAR up to 6:1 FAR may be permitted provided that certain objectives set forth in the Redevelopment Plan subsection 506.2.3 are met. In order to provide incentives for historic and cultural preservation, the unused density from significant structures may be transferred to other development sites.

HOUSING INCENTIVE UNITS

In order to promote revitalization and improvement of residential properties and neighborhoods, the CRA Board may authorize new housing to be developed with more dwelling units per acre than otherwise permitted in the Redevelopment Plan (up to 30% more dwelling units than permitted by that plan) in order to achieve the objectives set forth in Section 505.3 of the Redevelopment Plan. In no

event may such authorization, in and of itself, exceed the maximum number of dwelling units permitted by Zoning.

In general, the Redevelopment Plan establishes a framework for implementing community revitalization activities. All development, including the construction of new buildings and the remodeling and expansion of existing buildings, must conform to the Redevelopment Plan. All building permits must be submitted to and approved by the CRA for development within the Redevelopment Project area.

SPECIFIC PLAN STUDIES

Specific Plan studies are suggested in the following areas:

- East Hollywood Center Study Area/Metro Rail Station area: focusing on the Medical Centers, providing for off-street parking, pedestrian walkways, landscaping, site planning, and mixed use development.
- Industrial Districts: emphasizing the retention and development of the entertainment industry, and including street widening, street improvement and parking, and clustering of complementary uses/services.
- Neighborhood preservation plans: to maintain and enhance the quality of development in, and reinforce the definition of, individual residential neighborhoods.
- Metro Rail Station areas: if development intensities greater than those depicted in this Plan are to be encouraged, station area master plans should be prepared.



FINDINGS / SPECIALIZED REQUIREMENTS:

HOUSING INCENTIVES

Density Bonus (DB) - Conditional Use (CU) – Public Benefit (PUB)

RELATED CODE SECTIONS: The Department of City Planning (DCP) offers several processes intended to facilitate affordable housing in the City of Los Angeles. Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC) authorizes the Director of Planning to approve applications for Density Bonus requesting up to three (3) on-menu incentive items; and the City Planning Commission to approve applications for Density Bonus requesting any off-menu items. Section 12.24 U.26 of the LAMC authorizes the City Planning Commission to approve a Conditional Use Permit for applications requesting a density bonus increase greater than the maximum permitted in Section 12.22 A.25. Section 14.00 A.2 authorizes the Director to approve Public Benefit Projects where otherwise not permitted by right or by Conditional Use and which meet specific performance standards or alternative compliance measures. Check which entitlement you are requesting below:

- Density Bonus Filing with On-Menu Incentive Items
- Density Bonus Filing with Off-Menu Items*
- Conditional Use Permit for greater than 35% Density Bonus*
- Public Benefit Project*

* These entitlement requests may be applied for following consultation with DCP Project Planning staff only. All applications require an Affordable Housing Referral Form from the Metro DSC Housing Services Unit.

PRIORITY HOUSING PROJECT PROCESSING: In accordance with the Mayor's Executive Directive No. 13 (ED13), issued on October 23, 2015, DCP has implemented a policy to prioritize case processing for projects that contribute to the new construction or rehabilitation of housing developments that meet the criteria set forth in ED 13. Please complete the following regarding your project:

- The project contains a minimum of 10 or more units; and - YES - NO
- At least 20% of on-site rental units have rents that are restricted so as to be affordable to and occupied by low income households; or - YES - NO
- At least 30% of on-site for sale units have sales prices that are restricted so as to be affordable to and occupied by low- or moderate-income households - YES - NO

PUBLIC HEARING AND NOTICE: A request for a Density Bonus with on-menu incentives *does not* require a public hearing. However, mailing labels and a copy of labels for abutting property owners of all contiguously owned properties of the subject site will be required for mailing of the determination letter. A map keyed to the labels is also required. Abutting owners include those across the street or alley or having a common corner with the subject property (i.e., every parcel that would touch the subject property if all rights-of-way were removed from the map).

A request for Density Bonus with off-menu incentives, a Conditional Use, or a Public Benefit application *does* require a public hearing. Notification includes mailings to property owners and occupants within a 500-foot radius of all contiguously owned properties of the subject site as well as on-site posting of the hearing notice. Applications reviewed at Planning Commission level also require on-site posting of the Commission Meeting Agenda. Refer to DCP's *Mailing Procedures (CP-2074)* and *On-Site Posting (CP-7762)* handouts for further instructions.

SPECIALIZED REQUIREMENTS: When filing any of the above applications, the following items are required in addition to those specified in the *Master Filing Instructions* form (CP-7810).

1. **Affordable Housing Referral Form (AHRF):** Provide the original *Affordable Housing Referral Form* (CP-4043) reviewed and signed by City Planning's Metro DSC Housing Services Unit staff prior to case filing. DCP's current Assignment List and Staff Directory, with contact information, can be found at <http://planning.lacity.org> under the "About" tab.
2. **Proof of Filing with HCIDLA:** As part of AB2222, effective January 1, 2015, the Housing and Community Investment Department (HCIDLA) must evaluate properties on which there is a proposed Density Bonus case and determine whether replacement units are required. Include proof of filing with HCIDLA via Housing Application Forms that are stamped by said department.
3. **Pre-Filing Review:** Requests for a Density Bonus with off-menu incentives, a Conditional Use Permit for >35% Density Bonus, or a Public Benefit Project require consultation with staff assigned to the geographic area in which the project is located prior to the filing of your application. An appointment is required for this review. DCP's current Assignment List and Staff Directory, with contact information, can be found on City Planning's website.
4. **Color Elevations:** Color elevations are mandatory for all Density Bonus cases. These shall include specifications and a legend for all materials and colors proposed for the street facing façade. Refer to DCP's *Elevation Instructions* (CP-7817) for technical requirements. Provide as many copies as plans required per the *Master Filing Instructions*.
5. **Color Renderings:** Color renderings are mandatory for all Density Bonus cases that include a Site Plan Review filing and/or are reviewed at the City Planning Commission level. Provide as many copies as plans required per the *Master Filing Instructions*.
6. **Citywide Design Guidelines Checklist:** If your project involves the construction of, addition to, or exterior alteration to any building or structure, please complete the Residential or Mixed-Use Design Guidelines (as applicable to your project), available on DCP's website. This does not apply to projects located within a Specific Plan or Overlay that contains its own design regulations.

GENERAL FINDINGS: Each of the following requests requires findings for approval. Include the applicable finding(s) separately for every item checked in the previous REQUESTED ACTION(S) section. On a separate page, copy each finding stated below and provide a detailed justification/explanation of how the proposed project conforms to the finding.

- **Density Bonus with On-Menu Incentive Items:** LAMC 12.22 A.25(g)(2) – To be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse project) shall comply with the following:
 1. The façade 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 façade is not a flat surface. Indicate the sheet number on your plans which shows compliance with this requirement: _____
 2. 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. Indicate the sheet number on your plans which shows compliance with this requirement: _____

3. 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. Please check the "Planning and Zoning" tab under the property profile in ZIMAS at <http://zimas.lacity.org>
4. 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 the Municipal Code. To verify whether a project is located on a substandard street, obtain a Hillside Referral Form from the Bureau of Engineering; to verify whether a project is located within a Very High Fire Hazard Severity Zone, check the "Additional" tab under the property profile in ZIMAS.

- **Density Bonus with Off-Menu Incentive Items:** LAMC 12.22 A.25(g)(3) – Provide a pro forma or other documentation to show that the waiver or modification is needed in order to make the Restricted Affordable Units economically feasible in addition to the items listed above. A third-party peer review of the pro-forma is also required.

- **Conditional Use Permit for Greater than 35% Density Bonus:** LAMC 12.24 U.26 – Density Bonus requests for Housing Development Projects in which the density increase is greater than the maximum permitted in LAMC Section 12.22 A.25 shall also find that:
 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
 2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;
 3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan.
 4. The project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;
 5. The project contains the requisite number of affordable and/or senior citizen units as set forth in California Government Code Section 65915(b); and
 6. The project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.
- **Public Benefit Project:** LAMC 14.00 A.2 – Density increase requests for a Housing Development Project to provide for additional density in excess of that permitted in LAMC Section 12.22 A.25 shall find that the proposed project substantially meets the purposes of the performance standards set forth in LAMC Section 14.00 A.2. If utilizing this process, also complete the *Public Benefit Projects* form (CP-7766).

ORDINANCE NO. _____

An ordinance amending Sections 12.22, 12.24, 14.00 and 19.01 of the Los Angeles Municipal Code to implement a Density Bonus program, as required by State law.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subdivision 25 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

25. Affordable Housing Incentives – Density Bonus

(a) **Purpose.** The purpose of this subdivision is to establish procedures for implementing State Density Bonus requirements, as set forth in California Government Code Sections 65915-65918, and to increase the production of affordable housing, consistent with City policies.

(b) **Definitions.** Notwithstanding any provision of this Code to the contrary, the following definitions shall apply to this subdivision:

Affordable Housing Incentives Guidelines – the guidelines approved by the City Planning Commission under which Housing Development Projects for which a Density Bonus has been requested are evaluated for compliance with the requirements of this subdivision.

Area Median Income (AMI) – the median income in Los Angeles County as determined annually by the California Department of Housing and Community Development (HCD) or any successor agency, adjusted for household size.

Density Bonus – a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and/or specific plan granted pursuant to this subdivision.

Density Bonus Procedures – procedures to implement the City's Density Bonus program developed by the Departments of Building and Safety, City Planning and Housing.

Disabled Person – a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of an impairment or, anyone who has a record of having that type of an impairment.

17

Floor Area Ratio – The multiplier applied to the total buildable area of the lot to determine the total floor area of all buildings on a lot.

Housing Development Project – the construction of five or more new residential dwelling units, the addition of five or more residential dwelling units to an existing building or buildings, the remodeling of a building or buildings containing five or more residential dwelling units, or a mixed use development in which the residential floor area occupies at least fifty percent of the total floor area of the building or buildings. For the purpose of establishing the minimum number of five dwelling units, Restricted Affordable Units shall be included and density bonus units shall be excluded.

Incentive – a modification to a City development standard or requirement of Chapter I of this Code (zoning).

Income, Very Low, Low or Moderate – annual income of a household that does not exceed the amounts designated for each income category as determined by HCD or any successor agency.

Residential Hotel – Any building containing six or more Guest Rooms or Efficiency Dwelling Units, which are intended or designed to be used, or are used, rented, or hired out to be occupied, or are occupied for sleeping purposes by guests, so long as the Guest Rooms or Efficiency Dwelling Units are also the primary residence of those guests, but not including any building containing six or more Guest Rooms or Efficiency Dwelling Units, which is primarily used by transient guests who do not occupy that building as their primary residence.

Residential Unit – a dwelling unit or joint living and work quarters; a mobilehome, as defined in California Health and Safety Code Section 18008; a mobile home lot in a mobilehome park, as defined in California Health and Safety Code Section 18214; or a Guest Room or Efficiency Dwelling Unit in a Residential Hotel.

Restricted Affordable Unit – a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Very Low, Low or Moderate Income households, as determined by the Los Angeles Housing Department.

Senior Citizens – individuals who are at least 62 years of age, except that for projects of at least 35 units that are subject to this subdivision, a threshold of 55 years of age may be used, provided all applicable City, state and federal regulations are met.

Senior Citizen Housing Development – a Housing Development Project for senior citizens that has at least 35 units.

Specific Adverse Impact – a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Transit Stop/Major Employment Center – Any one of the following:

(1) A station stop for a fixed transit guideway or a fixed rail system that is currently in use or whose location is proposed and for which a full funding contract has been signed by all funding partners, or one for which a resolution to fund a preferred alignment has been adopted by the Los Angeles County Metropolitan Transportation Authority or its successor agency; or

(2) A Metro Rapid Bus stop located along a Metro Rapid Bus route or, for a Housing Development Project consisting entirely of Restricted Affordable Units, any bus stop located along a Metro Rapid Bus route; or

(3) The boundaries of the following three major economic activity areas, identified in the General Plan Framework Element: Downtown, LAX and the Port of Los Angeles; or

(4) The boundaries of a college or university campus with an enrollment exceeding 10,000 students.

(c) **Density Bonus.** Notwithstanding any provision of this Code to the contrary, the following provisions shall apply to the grant of a Density Bonus for a Housing Development Project:

(1) **For Sale or Rental Housing with Low or Very Low Income Restricted Affordable Units.** A Housing Development Project that includes 10% of the total units of the project for Low Income households or 5% of the total units of the project for Very Low Income-households, either in rental units or for sale units, shall be granted a minimum Density Bonus of 20%, which may be applied to any part of the Housing Development Project. The bonus may be increased according to the percentage of affordable housing units provided, as follows, but shall not exceed 35%:

Percentage Low Income Units	Percentage Density Bonus
10	20

11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

Percentage Very Low Income Units	Percentage Density Bonus
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5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(2) For Sale or Rental Senior Citizen Housing (Market Rate). A Senior Citizen Housing Development or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Sections 798.76 or 799.5 shall be granted a minimum Density Bonus of 20%.

(3) For Sale or Rental Senior Citizen Housing with Low or Very Low Income Restricted Affordable Units. A Senior Citizen Housing Development or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Sections 798.76 or 799.5 and includes at least 10% of the total units for Low Income households or 5% of the total units for Very Low Income households shall be granted an additional Density Bonus of 15% more than that permitted in Subparagraph (2) of this paragraph, to a maximum of 35%.

(4) For Sale Housing with Moderate Income Restricted Affordable Units. A for sale Housing Development Project that includes at least 10% of its units for Moderate Income households shall be granted a minimum Density Bonus of 15%. The bonus may be increased according to the percentage of affordable housing units provided, as follows, but shall not exceed 35%:

Percentage Moderate Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(5) **Land Donation.** An applicant for a subdivision, parcel map or other residential development approval that donates land for housing to the City of Los Angeles satisfying the criteria of California Government Code Section 65915(h)(2), as verified by the Department of City Planning, shall be granted a minimum Density Bonus of 15%.

(6) **Child Care.** A Housing Development Project that conforms to the requirements of Subparagraphs (1), (2), (3), (4) or (5) of this paragraph and includes a child care facility located on the premises of, as part of, or adjacent to, the project, shall be granted either of the following:

(i) an additional Density Bonus that is, for purposes of calculating residential density, an increase in the floor area of the project equal to the floor area of the child care facility included in the project.

(ii) An additional Incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(7) Fractional Units. In calculating Density Bonus and Restricted Affordable units, any number resulting in a fraction shall be rounded up to the next whole number.

(8) Other Discretionary Approval. Approval of Density Bonus units shall not, in and of itself, trigger other discretionary approvals required by the Code.

(9) Other Affordable Housing Subsidies. Approval of Density Bonus units does not, in and of itself, preclude projects from receipt of other government subsidies for affordable housing.

(10) Additional Option for Restricted Affordable Units located near Transit Stop/Major Employment Center.

In lieu of providing the requisite number of Restricted Affordable Units in a Housing Development Project located in or within 1,500 feet of a Transit Stop/Major Employment Center that would otherwise be required under this subdivision, an applicant may opt to provide a greater number of smaller units, provided that:

(i) the total number of units in the Housing Development Project including Density Bonus units does not exceed the maximum permitted by this subdivision;

(ii) the square footage of the aggregate smaller Restricted Affordable units is equal to or greater than the square footage of the aggregate Restricted Affordable Units that would otherwise be required under this subdivision;

(iii) the smaller Restricted Affordable units are distributed throughout the building and have proportionally the same number of bedrooms as the market rate units; and

(iv) the smaller Restricted Affordable Units meet the minimum unit size requirements established by the Low Income Housing Tax Credit Program as administered by the California Tax Credit Allocation Committee (TCAC).

(11) Common Interest Development with Low or Very Low Income restricted Affordable Units for Rent.

In a common interest development as defined in California Government Code Section 1351, such as a condominium, Restricted Affordable Units may be for sale or for rent.

(12) Condominium Conversion.

A Housing Development Project that involves the conversion of apartments into condominiums and that includes 33 percent of its units restricted to households of Low or Moderate income or 15 percent of its units restricted to households of Very Low Income shall be granted a Density Bonus of 25 percent or up to three incentives as provided in Paragraph (e) of this subdivision.

(d) **Parking in a Housing Development Project.** Required parking spaces for a Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: applicable parking provisions of Section 12.21 A 4 of this Code, or Parking Option 1 or Parking Option 2, below. Required parking in a Housing Development Project that qualifies for a Density Bonus may be sold or rented separately from the dwelling units, so that buyers and tenants have the option of purchasing or renting a unit without a parking space. The separate sale or rental of a dwelling unit and a parking space shall not cause the rent or purchase price of a Restricted Affordable Unit (or the parking space) to be greater than it would otherwise have been.

(1) **Parking Option 1.** Required parking for all residential units in the Housing Development Project (not just the restricted units), inclusive of handicapped and guest parking, shall be reduced to the following requirements:

(i) For each Residential Unit of 0-1 bedroom: 1 on-site parking space.

(ii) For each Residential Unit of 2-3 bedrooms: 2 on-site parking spaces.

(iii) For each Residential Unit of 4 or more bedrooms: 2½ on-site parking spaces.

(2) **Parking Option 2.** Required parking for the Restricted Affordable Units only shall be reduced as set forth in Subparagraphs (i) and (ii) below. Required parking for all other non-restricted units in the Housing Development Project shall comply with applicable provisions of Section 12.21 of this Code.

(i) One parking space per Restricted Affordable Unit, except:

a. 0.5 parking space for each dwelling unit restricted to Low or Very Low Income Senior Citizens or Disabled Persons; and/or

b. 0.25 parking space for each Restricted Affordable Unit in a Residential Hotel.

(ii) Up to 40% of the required parking for the Restricted Affordable Units may be provided by compact stalls.

(e) Incentives.

(1) In addition to the Density Bonus and parking options identified in Paragraphs (c) and (d) of this subdivision, a Housing Development Project that qualifies for a Density Bonus shall be granted the number of Incentives set forth in the table below.

Number of Incentives	Required Percentage* of Units Restricted for Very Low Income Households	Required Percentage* of Units Restricted for Low Income Households	Required Percentage* of Units Restricted for Moderate Income Households (For Sale Only)
One Incentive	5% or	10% or	10%
Two Incentives	10% or	20% or	20%
Three Incentives	15% or	30% or	30%

* Excluding Density Bonus units.

(2) To be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse project) shall comply with the following:

(i) The facade of any portion of a building that abuts a street shall be articulated with a change of material or with a break in plane, so that the facade is not a flat surface.

- (ii) All buildings must be oriented to the street by providing entrances, windows, architectural features and/or balconies on the front and along any street-facing elevations.
- (iii) The Housing Development Project shall not be a contributing structure in a designated Historic Preservation Overlay Zone and shall not be on the City of Los Angeles list of Historical-Cultural Monuments.
- (iv) The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of this Code.

(f) **Menu of Incentives.** Housing Development Projects that meet the qualifications of Paragraph (e) of this subdivision may request one or more of the following Incentives, as applicable:

(1) **Yard/Setback.** Up to 20% decrease in the required width or depth of any individual yard or setback except along any property line that abuts an R1 or more restrictively zoned property provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(2) **Lot Coverage.** Up to 20% increase in lot coverage limits, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(3) **Lot Width.** Up to 20% decrease from a lot width requirement, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(4) Floor Area Ratio.

(i) ~~A percentage~~ increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35%; or

(ii) In lieu of the otherwise applicable Floor Area Ratio, a Floor Area Ratio not to exceed 3:1, provided the parcel is in a

commercial zone in Height District 1 (including 1VL, 1L and 1XL), and fronts on a Major Highway as identified in the City's General Plan, and

a. the Housing Development Project includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, and

b. 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center.

A Housing Development Project in which at least 80% of the units in a rental project are Restricted Affordable Units or in which 45% of the units in a for-sale project are Restricted Affordable Units shall be exempt from the requirement to front on a Major Highway.

(5) **Height.** A percentage increase in the height requirement in feet equal to the percentage of Density Bonus for which the Housing Development Project is eligible. This percentage increase in height shall be applicable over the entire parcel regardless of the number of underlying height limits. For purposes of this subparagraph, Section 12.21.1 A 10 of this Code shall not apply.

(i) In any zone in which the height or number of stories is limited, this height increase shall permit a maximum of eleven additional feet or one additional story, whichever is lower, to provide the Restricted Affordable Units.

(a) No additional height shall be permitted for that portion of a building in a Housing Development Project that is located within fifteen feet of a lot classified in the R2 zone.

(b) For each foot of additional height the building shall be set back one horizontal foot.

(ii) No additional height shall be permitted for that portion of a building in a Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.

(iii) No additional height shall be permitted for any portion of a building in a Housing Development Project located on a lot that is contiguous to a lot classified in an R1 or more restrictive zone. This prohibition shall not apply if the lot on which the Housing Development Project is located is within 1,500 feet of a Transit Stop

but no additional height shall be permitted for that portion of a building in the Housing Development Project that is located within 50 feet of a lot classified in an R1 or more restrictive residential zone.

(6) **Open Space.** Up to 20% decrease from an open space requirement, provided that the landscaping for the Housing Development Project is sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by Section 12.40 of this Code and Landscape Ordinance Guidelines "O."

(7) **Density Calculation.** The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the underlying zone in which the project is located.

(8) **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** A Housing Development Project that is located on two or more contiguous parcels may average the floor area, density, open space and parking over the project site, and permit vehicular access from a less restrictive zone to a more restrictive zone, provided that:

- (i) the Housing Development Project includes 11% or more of the units as Restricted Affordable Units for Very Low Income households, 20% of the units for Low Income households, or 30% of the units for Moderate Income households; and
- (ii) the proposed use is permitted by the underlying zone(s) of each parcel; and
- (iii) no further lot line adjustment or any other action that may cause the Housing Development Project site to be subdivided subsequent to this grant shall be permitted.

(g) Procedures.

(1) **Density Bonus and Parking.** Housing Development Projects requesting a Density Bonus without any Incentives (which includes a Density Bonus with only parking requirements in accordance with Paragraphs (c) and (d) of this subdivision) shall be considered ministerial and follow the Affordable Housing Incentives Guidelines and the Density Bonus Procedures. No application for these projects need be filed with the City Planning Department.

(2) Requests for Incentives on the Menu.

(i) The applicant for Housing Development Projects that qualify for a Density Bonus and that request up to three Incentives on the Menu of Incentives in Paragraph (f) of this subdivision, and which require no other discretionary actions, the following procedures shall apply:

a. Application. The request shall be made on a form provided by the Department of City Planning, as set forth in Section 11.5.7 B 2(a) of this Code, accompanied by applicable fees.

b. Director's Authority. The Director shall have the initial decision-making authority to determine whether an application for Density Bonus is consistent with this subdivision and the Affordable Housing Incentives Guidelines.

c. Action. The Director shall approve a Density Bonus and requested Incentive(s) unless the Director finds that:

(i) The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units; or

(ii) The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low-, Low- and Moderate-Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

d. Transmittal of Written Decision. Within three business days of making a decision, the Director shall transmit a copy by First Class Mail to the applicant and to all owners of properties abutting, across the street or alley from,

or having a common corner with the subject property, and to the local Certified Neighborhood Council.

e. **Effective Date of Initial Decision.** The Director's decision shall become effective after an elapsed period of 15 calendar days from the date of the mailing of the written decision unless an appeal is filed to the City Planning Commission.

f. **Appeals.** An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may appeal the decision to the City Planning Commission pursuant to applicable procedures set forth in Section 11.5.7 C6 of this Code that are not in conflict with the provisions of this paragraph (g)(2)(i). The appeal shall include a filing fee pursuant to Section 19.01 B of this Code. Before acting on any appeal, the City Planning Commission shall set the matter for hearing, with written notice of the hearing sent by First Class Mail at least ten days prior to the meeting date to: the applicant; the owner(s) of the property involved; and interested parties who have requested notice in writing. The appeal shall be placed on the agenda for the first available meeting date of the City Planning Commission and acted upon within 60 days from the last day of the appeal period. The City Planning Commission may reverse or modify, in whole or in part, a decision of the Director. The City Planning Commission shall make the same findings required to be made by the Director, supported by facts in the record, and indicate why the Director erred making the determination. The appellate decision of the City Planning Commission shall be final and effective as provided in Charter Section 245.

(ii) For Housing Development Projects that qualify for a Density Bonus and for which the applicant requests up to three Incentives listed in Paragraph (f), above, and that require other discretionary actions, the applicable procedures set forth in Section 12.36 of this Code shall apply.

a. The decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Program Determination."

b. The decision-maker shall approve a Density Bonus and requested Incentive(s) unless the decision-maker,

based upon substantial evidence, makes either of the two findings set forth in Subparagraph (2)(i)(c), above.

(3) Requests for Waiver or Modification of any Development Standard(s) Not on the Menu.

(i) For Housing Development Projects that qualify for a Density Bonus and for which the applicant requests a waiver or modification of any development standard(s) that is not included on the Menu of Incentives in Paragraph (f), above, and that are not subject to other discretionary applications, the following shall apply:

a. The request shall be made on a form provided by the Department of City Planning, accompanied by applicable fees, and shall include a pro forma or other documentation to show that the waiver or modification of any development standard(s) are needed in order to make the Restricted Affordable Units economically feasible.

b. Notice and Hearing. The application shall follow the procedures for conditional uses set forth in Section 12.24 D of this Code. A public hearing shall be held by the City Planning Commission or its designee. The decision of the City Planning Commission shall be final.

c. The City Planning Commission shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the Commission, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)(c), above.

(ii) For Housing Development Projects requesting the waiver or modification of any development standard(s) not included on the Menu of Incentives in Paragraph (f) above, and which include other discretionary applications, the following shall apply:

a. The applicable procedures set forth in Section 12.36 of this Code shall apply.

b. The decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Program Determination."

c. The decision-maker shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the decision-maker, based upon

substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)(c), above.

(h) **Covenant.** Prior to issuance of a Building Permit, the following shall apply:

(1) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Senior Citizens, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the occupancy restriction to Senior Citizens shall be observed for at least 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.

(2) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Low or Very Low Income households, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 30 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, mortgage assistance program, or rental subsidy program.

(3) For any Housing Development Project qualifying for a Density Bonus and that contains housing for Moderate Income households for sale, a covenant acceptable to the Los Angeles Housing Department and consistent with the for sale requirements of California Government Code Section 65915(c)(2) shall be recorded with the Los Angeles County Recorder guaranteeing that the affordability criteria will be observed for at least ten years from the issuance of the Certificate of Occupancy.

(4) If the duration of affordability covenants provided for in this subdivision conflicts with the duration for any other government requirement, the longest duration shall control.

(5) Any covenant described in this paragraph must provide for a private right of enforcement by the City, any tenant, or owner of any building to which a covenant and agreement applies.

(i) **Fee Deferral.** At the option of the applicant, payment of fees may be deferred pursuant to Sections 19.01 O and 19.05 A 1 of this Code.

(j) **Applicability.** To the extent permitted under applicable State law, if a conflict arises between the terms of this subdivision and the terms of the City's Mello Act Settlement Agreement, Interim Administrative Procedures for

Complying with the Mello Act or any subsequent permanent Mello Ordinance, Procedures or Regulations (collectively "Mello Terms"), the Mello Terms preempt this subdivision.

Sec. 2. The title of Section 12.24 U 26 of the Los Angeles Municipal Code is amended to read:

26. Density Bonus for a Housing Development Project in which the density increase is greater than the maximum permitted in Section 12.22 A 25.

Sec. 3. Subparagraph (4) of Paragraph (a) of Subdivision 2 of Subsection V of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(4) that the developer has agreed, pursuant to Government Code Sections 65915-65918, to construct the development with the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus, pursuant to Section 12.22 A 25 of this Code.

Sec. 4. The title of Subdivision 2 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended to read:

2. Density increase for a Housing Development Project to provide for additional density in excess of that permitted in Section 12.22 A 25.

Sec. 5. Subsection O of Section 19.01 of the Los Angeles Municipal Code is amended to read:

O. DENSITY INCREASE/AFFORDABLE HOUSING INCENTIVES.

Type of Application	Filing Fee
Application for a Density Bonus including a request for one or more Incentives included in the Menu of Incentives pursuant to Section 12.22 A 25(e).	\$1,065.00*
Application for a Density Bonus pursuant to Section 12.22 A 25 including a request for an Incentive not included in the Menu of Incentives pursuant to Section 12.22 A 25(e).	\$3,742.00*
Application for a density increase in excess of that permitted by Section 12.22 A 25 pursuant to Section 12.24 U 25 and Section 14.00 A 2.	\$3,742.00*

Payment of the filing fee may be deferred until prior to the issuance of any Certificate of Occupancy, or until two years after the City's final decision granting or denying the application, whichever comes first. Moreover, the payment may be deferred only if a covenant and agreement is recorded with

the County Recorder, to the satisfaction of the Housing Department, which covenant and agreement preserves the affordability of the restricted units in the event that the application is granted. No Building Permit for the development project may be issued unless the developer presents evidence that the fee has been paid and all other requirements for its issuance have been met.

Sec. 6. Chapter I of the Los Angeles Municipal Code is amended by adding a new Section 19.14 to read:

SEC. 19.14. FEES FOR ENFORCEMENT OF HOUSING COVENANTS. The following fees shall be charged and collected by the Los Angeles Housing Department for the preparation and enforcement of the affordable housing covenants described in Section 12.22 A 25(h)(1) through (3) of this Code.

Sec. 7. Statement of Intent. It is the intent of the City Council that the provisions of this ordinance shall apply to applications filed on or after the effective date of this ordinance, except that for sale Housing Development Projects with tract or parcel maps that have not been recorded as of the effective date of this ordinance are subject to the provisions of this ordinance regardless of language in tract or parcel map conditions or previously recorded covenants.

M:\Real Prop_Env_Land Use\Land Use\Kenneth Fong\SB 1818 Ordinance\City Attorney amended db ord post Jan. 7, 2008, version E1.doc

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Kenneth T. Fong
KENNETH T. FONG
Deputy City Attorney

Date February 7, 2008

File No. _____ Council File No. 05-1345

Pursuant to Charter Section 559, I disapprove this ordinance on behalf of the City Planning Commission and recommend that it be adopted

February 8, 2008

See attached report.

S. Gail Goldberg
S. Gail Goldberg
Director of Planning

~~northern, eastern, and western boundaries to minimize the amount of noise during construction on the nearby noise sensitive land uses located offsite.~~

- ~~f. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.~~
- ~~g. Flexible sound control curtains shall be placed around drilling apparatuses and drill rigs used within the project site to the extent feasible.~~
- ~~h. All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.~~
- ~~i. The project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048 which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.~~
- j. Adjacent land uses within 300 feet of the construction site shall be notified about the estimated duration and hours of construction activity at least 30-days before the start of construction.

16. Noise (Operational).

- a. The hotel shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which insure an acceptable interior noise environment.
- b. The project applicant shall submit evidence to the City's Department of Building and Safety of a means of sound insulation sufficient to mitigate interior noise levels below CNEL of 45 dBA in any habitable guest room.

17. Noise (Vibration). The operation of construction equipment at the project site that generates high levels of vibration, such as large bulldozers, caisson drills, and loaded haul trucks, shall be prohibited within 12-feet of the two existing off-site commercial buildings located immediately east of the Security Pacific Bank building that front Hollywood Boulevard. As an alternative, the project applicant may retain a certified structural engineer to submit evidence that the vibration generating equipment that would be used during construction activities at the project site would not result in any structural damage to any adjacent structures immediately surrounding the project site.

18. Utilities (Water-Restaurant/Bar/Nightclub/Hotel uses).

- a. The project shall install high efficiency toilet (maximum 1.28 gpf), including dual flush water closets and high efficiency urinals (maximum 0.5 gpf), including no flush or waterless urinals, in all restrooms as appropriate.
- b. The project shall install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- c. The project shall install and utilize only restroom faucets of a self closing design.
- d. The project shall install and utilize high efficiency Energy Star rated dishwashers in the project, if proposed to be provided. If such appliances are to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- e. Single pass cooling equipment shall be strictly prohibited from use in all areas of the building. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements (single pass cooling refers to the

18