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COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1300

**CITY OF LOS ANGELES  
CALIFORNIA**



ERIC GARCETTI  
MAYOR

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

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
DEPUTY DIRECTOR  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

October 21, 2016

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Councilmember Mitchell Englander  
Councilmember Curren D. Price, Jr.  
Planning and Land Use Management Committee  
Los Angeles City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

**Re: City Planning Case Nos:** VTT-72370-CN-2A, CPC-2013-2551-MCUP-DB-SPR-1A  
EIR-2013-2552-EIR

**Project Address:** 8148-8182 West Sunset Boulevard; 1438-1486 North  
Havenhurst Drive; 1435-1443 North Crescent Heights Boulevard

At its meeting on July 28, 2016, the City Planning Commission reviewed and considered the information contained in the EIR, confirmed the Deputy Advisory Agency's certification of the EIR, conditionally approved CPC-2013-2551-MCUP-DB-SPR, and granted in part/denied in part the appeals of Vesting Tentative Tract Map No. 72370-CN-1A, associated with the mixed-use development of 249 residential dwelling units and 65,000 square feet of commercial floor area. Appeals of the City Planning Commission's action relative to the first-level appeal of VTT-72370-CN-1A and of its actions of CPC-2013-2551-MCUP-DB-SPR, were filed by Fix the City on August 29th and September 1, 2016, respectively.

**APPEAL ANALYSIS  
VTT-72370-CN-2A  
CPC-2013-2551-MCUP-DB-SPR-1A**

**Appellant: Laura Lake / Fix the City**

The Appellants' statements have been summarized in the following categories (see attached Exhibit for the Appellant's entire letter).

Appellant's Statements: Due process

- Objects to inability to appeal Off-Menu Density Bonus Incentives.
- Objects to ex-parte meetings between Commissioners and the applicant.

Staff Response

As noted by the Appellant, the City Planning Commission's determination relative to the Off-Menu Density Bonus is not further appealable, pursuant to LAMC 12.22-A,25(g)(3)(i)(b). This is the existing procedural regulation in the LAMC. As such, the project has indeed followed due process

and has not violated established procedural requirements, contrary to the Appellant's suggestions. The Commissioners who voted on the project and had ex-parte communications with the project applicant, disclosed on the record at the July 28, 2016 public hearing the nature and extent of their ex parte communications, that they had not pre-committed to approval of the project, and that they would base their vote on the evidence submitted into the record.

#### Appellant's Statements: Site Plan Review

- The "D" limitation must be removed through a height district change.
- The "D" limitation was imposed as a CEQA mitigation measure for the 1988 Hollywood Community Plan and has been ignored.
- The project is inconsistent with the General Plan because of the 1:1 D limitation (VTT 1, also CPC 2).
- Land use impacts related to the "D" limitation are not adequately disclosed.
- The project's use of Off-Menu Incentives is inappropriate.
- The project does not conform to Hollywood Community Plan policies.
- The Housing Element designates the adjacent traffic island for affordable housing.
- The project is inconsistent with Mobility Plan 2035.
- The project requires a street vacation, not a "B" permit.
- There are impacts related to the proposed loading driveway on Havenhurst Drive.
- The project violates the Alquist Priolo Act.
- The project is located within the Hollywood Fault Zone.
- The project permits demolition of a proposed Historic Cultural Monument.
- The project conflicts with private easements.
- The project uses the City-owned traffic island to satisfy LAMC open space requirements.

#### Staff Response

The Appellant argues that the existing on-site "D" limitation was imposed as a mitigation measure for the 1988 Hollywood Community Plan, and therefore the City cannot ignore its restrictions. However, the project is not inconsistent with the zoning on the project site, inclusive of the "D" limitation. The project is requesting an increase in FAR as an Off-Menu Density Bonus Incentive that is an appropriate waiver of a development standard pursuant to State Density Bonus law. The project-specific EIR adequately analyzed the potential impacts to the environment associated with the project, inclusive of the increase in FAR. This more detailed and current analysis supersedes the EIR associated with the 1988 Hollywood Community Plan, and a Statement of Overriding Considerations was duly adopted by the Advisory Agency and the City Planning Commission with respect to project impacts that would remain significant and unavoidable. Contrary to the Appellant's assertions, the EIR adequately analyzed and disclosed the "D" limitation as the baseline and existing conditions with respect to zoning on the project site. The "D" limitation is described throughout the EIR (See DEIR pages 2-2, 4.F-2) as the existing zoning regulations that apply to the project site, and is recognized as the existing regulatory condition and land use baseline in that regard. Even if the "D" limitation was the result of a mitigation contained in the EIR prepared for the 1988 Hollywood Community, the City is permitted to not apply the mitigation measure on a subsequent project so long as the City provides a legitimate reason for not imposing the mitigation measure supported with substantial evidence. In this case, the EIR prepared for this project has indicated that that the City's transportation system can support this project at its proposed density. It appears that the reason for limitations in the floor area ratio set forth in the Hollywood Community Plan EIR was to address concerns regarding impacts to the City's transportation system. In addition, both the state density bonus law and the City's density bonus ordinance permit the waiver of general plan standards and requirements to the extent the waiver is necessary to allow for the development allowed by a requested incentive.

Contrary to the Appellant's statements, the granting of a 3:1 FAR is not an inappropriate utilization of an Off Menu Density Bonus Incentive. The granting of a 3:1 FAR is an appropriate waiver of a development standard pursuant to State Density Bonus law, and does not involve nor require a zone change or height district change. (See Government Code, section 65915(e).) Off Menu

Incentives are established in LAMC 12.22-A,25(g)(3) wherein an applicant may request the waiver of any development standard that is not on the pre-established menu of incentives listed in the LAMC. As further explained in the Density Bonus and Site Plan Review findings (CPC LOD pages F-5 through F-18), the project misses, by a matter of 60 feet, the qualifications for an On-Menu Density Bonus Incentive for projects within 1,500 feet of a Transit Stop in Height District 1. Notwithstanding the "D" limitation, the project is in Height District 1. The fact that the request is substantially similar to an available on-menu incentive does not indicate an inappropriate use of the City's density bonus provisions, but rather reflects that the request is not a substantial deviation from what otherwise would have been Director-level decision involving a less stringent review than is required for Off-Menu Incentives.

The Appellant claims that the project is using the reconfigured traffic island to comply with LAMC open space requirements. This is not the case. The project has not used the reconfigured traffic island to meet its open space requirements, and moreover, the project is exceeding its LAMC required open space by over 20,000 square feet, which is in addition to the provision of a 27,000 square foot publicly accessible central plaza (see CPC Staff Report page A-3). The 9,134 square-foot traffic island has never been calculated towards the project's open space requirements.

The Appellant asserts that the project is inconsistent with Mobility Plan 2035, which requires 15-foot sidewalks and maps the "full right turn lane." However, the project filed a Vesting Tentative Tract Map and is subject to the former Transportation Element, which was in effect at the time of filing. Street dedications required of the project by the Bureau of Engineering accordingly reflect the street standards in effect prior to Mobility Plan 2035. Mobility Plan 2035 was adopted in January, 2016 following the public circulation of both the Draft EIR and the RP-DEIR. Further statements by the Appellant suggesting that the project is inconsistent with Mobility Plan 2035 are not relevant, as the Vesting Tentative Tract Map is subject to the requirements of the Transportation Element.

The Appellant argues that the traffic island at Crescent Heights Boulevard and Sunset Boulevard is designated for affordable housing, and therefore should not be incorporated into the project as a publicly accessible landscaped open space. Pursuant to state housing element law, the City must show that it has adequate land zoned to accommodate the entirety of its 2013-2021 Regional Housing Needs Assessment (RHNA) allocation of housing units. The site is identified on page H-13 of the Housing Element as a potential site for housing. Despite the property facilitating traffic circulation, the zoning designation (C4) permits housing and is an adequate size to support 1 unit (Housing Element Appendix H). Further, the Housing Element explicitly states, "Identified sites indicate residential capacity under current zoning," and "Sites should not be interpreted as locations in which the City of Los Angeles encourages development." (H-13) The identification of sites for the RHNA housing inventory was done at a high level that did not account for site-specific characteristics, and does not constitute an endorsement by the City for housing on this site. The traffic island is surrounded on all sides by arterial vehicular travel lanes that carry heavy amounts of traffic on a daily basis, and is currently under the ownership of the City of Los Angeles General Services Department. The specific characteristics of the traffic island are not conducive to the provision of housing. Rather, incorporating the traffic island to provide landscaped public space and an improved pedestrian environment as part of a project that provides 249 new residential units, including Very Low Income housing and Work Force Income housing units on a site that currently provides no housing whatsoever, and will aid the City in meeting its RHNA allocation (see DEIR Section 4.H Population, Housing and Employment and RP-DEIR page 2-37 for further discussion of the project's consistency with SCAG and RHNA housing allocations and projections).

The Appellant argues that that the proposed loading dock for commercial uses on Havenhurst Drive is inappropriate due to nearby sensitive uses. However, the project site currently has an ingress/egress driveway on Havenhurst Drive under existing conditions, located at the southernmost part of the site in a similar location to that of the proposed project's loading driveway, which is also currently used for trash collection. The existing driveway is limited to right-turn entry into the project site and right-turn only exit out of the project site, a condition that the

project would improve upon by providing a physical barrier to ensure that vehicles exiting from the project's Havenhurst Drive driveways do not make left-turns onto southbound Havenhurst Drive. Under existing conditions, the project site also has driveways on Sunset Boulevard and Crescent Heights Boulevard. With respect to the proposed project's loading driveway, all vehicle maneuvers would take place within the Basement Level 2 internal loading dock and trash sorting area. As detailed in the EIR, no noise, air quality or neighborhood street impacts are expected as a result of this driveway. In addition, as discussed in the Draft EIR Section 4.J, limited loading/unloading at the project site is limited to off-peak hours in order to further minimize impacts to Havenhurst Drive. The project has proposed Project Design Feature PDF-Traffic-1 (CPC LOD Condition No. 63) to further minimize traffic on Havenhurst Drive, as described above. In addition, the proposed project has eliminated access to commercial and retail uses from the Havenhurst Drive driveways. It should be noted that commercial uses generally have higher trip generation rates than the residential uses which would be able to access the site from Havenhurst Drive under proposed conditions.

The Appellant incorrectly asserts that the project is inconsistent with the General Plan and the Hollywood Community Plan. Specifically, the Appellant cites policy explicit to hillside residential to "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" (see page HO-1). The project is not located in a hillside area and is on a commercially zoned parcel.

Without further direct citations, the Appellant argues that the project is inconsistent with policies to encourage development with the capacity of the surrounding circulation system to support increased traffic. Community Plan page HO-2 more specifically states that 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 adequacy of the existing and assured circulation and public transportation systems within the area." The project proposes 249 dwelling units, which is below the 278 units allowed by-right in the underlying C4 zone, and is well below the 375 units that can be accommodated with a 35% Density Bonus, for which the project qualifies. Moreover, the project is located on an established commercial corridor that is well served by public transportation, including bus lines that serve over 11 million passengers annually per Metro's 2015 ridership data.

The LOD recognizes a significant impact at the intersection of Havenhurst Drive and Fountain Avenue in the City of West Hollywood. The City of Los Angeles has identified a mitigation measure that would reduce impacts to this intersection to below significant. However, the City of West Hollywood has stated it will not implement the recommended mitigation. As such, that impact will remain significant and unavoidable. The refusal of the City of West Hollywood to implement recommended mitigation does not constitute an inconsistency of the project with the Hollywood Community Plan. Community Plan page HO-4 states that no increase in density shall be effectuated by a zone change or subdivision unless the local transportation system can serve the traffic generated. Again, the project's proposed 249 units are fewer than the 278 allowed by the underlying C4 zone. The project is not effectuating an increase in density by a zone change or by a subdivision. Rather, the project is utilizing the State Density Bonus program to fulfil statewide policy objectives of providing affordable housing, and is consistent with the Hollywood Community Plan, which states: "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 Appellant argues that the project is inconsistent with the General Plan and with Hollywood Community Plan policies providing for the preservation of existing low density neighborhoods because the project is significantly taller than surrounding development. The project is not inconsistent with such policies and indeed protects lower density housing by placing more intense multi-family mixed-use development along a major commercial thoroughfare on a commercially-zoned parcel and not within existing low density residential neighborhoods. The Site Plan Review findings and the EIR fully acknowledge the project's height relative to adjacent structures. While

the overall mass and scale of the east and west building components will be taller than surrounding structures, the setbacks and breaks in massing greatly limit the broad, large and flat building surfaces, in order to be responsive to the neighborhoods' character and the views of residences to the north and south of the project site. The project's consistency with its surroundings were adequately evaluated based upon the existing land use pattern in the surrounding area, project setbacks, breaks in massing, building orientation, pedestrian-oriented design and the provision of publicly accessible open space. Moreover, Density Bonus provisions are being appropriately used to waive certain development standards, in this case FAR requirements on a parcel with no height limitation, in order to incentivize the production of affordable housing.

In order for the applicant to effectuate the proposed reconfiguration of the traffic island, a Revocable Permit and a B-Permit will be required from the Department of Public Works. Contrary to the Appellant's statements, necessary "B" permits and revocable permits are an appropriate way to effectuate the reconfiguration of the traffic island. The reconfigured intersection will retain a typical right turn lane.

In contrast to the Appellant's statements, the 1905 tract map does not grant private property owners a specific easement over the public right-of-way. The Appellant is confusing rights to access the public right of way with a right over the roadway itself. While the subdivision of land is contingent upon access to a public street being provided, the city owns and controls the public right-of-way, and improvements to the public right-of-way are at the discretion of the City. As noted throughout the LOD and the EIR, the reconfigured traffic island will retain a traditional right-turn lane, and access to the public roadway for private property owners in the area will not be affected.

The Appellant argues that the project should not be approved because the Bank Building has been nominated as a City of Los Angeles Historic Cultural Monument. On September 15, 2016 the City of Los Angeles Cultural Heritage Commission recommended that the Bank Building be designated a Historic Cultural Monument. However, the EIR and the findings adopted by the City Planning Commission acknowledged the Bank Building as a significant historic resource. The City Planning Commission therefore adopted a Statement of Overriding Considerations with respect to this potential environmental impact. The bank building's potential designation as a Historic Cultural Monument does not invalidate or otherwise affect the action taken by the City Planning Commission pursuant to CEQA, nor does it affect the environmental analysis contained in the EIR related to the Bank Building. Further, if the Bank Building is designated as a Historic Cultural Monument the project would be required to comply with all proceedings that govern Historic Cultural Monuments in the City of Los Angeles.

#### Appellant's Statements: Conditional Use Permit

- The project results in an overconcentration of alcohol permits
- The project misrepresents its proximity to sensitive land uses

#### Staff Response

The Appellant states that the project would result in an overconcentration of alcohol permits in the area. The number of alcohol permits allocated per census tract is used as a general guide based upon population that does not take into account area-specific characteristics, and does not prohibit the issuance of new licenses. As further detailed in the Master Conditional Use Permit findings (CPC LOD F-1 through F-5), according to the California State Department of Alcoholic Beverages Control licensing, three on-site and two off-site licenses are allocated to the subject Census Tract No. 1942, which had a population of 3,588 as of 2010. There are currently seven active on-site licenses, one of which has been surrendered, and one active off-site license within the subject Census Tract. None of these existing licenses have a record of code violations or disciplinary action. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience.

Although the census tract is numerically over-concentrated, the project will not adversely affect community welfare. The project is located in a commercially-zoned site that permits restaurant and retail uses. The sale and dispensing of alcohol is a common and expected amenity incidental to such uses. Further, the proposed mixed-use development is located within a commercially active area along Sunset Boulevard with other similar retail, restaurant, and grocery store uses. The project proposes to add additional desirable uses in this commercial thoroughfare in close proximity to existing compatible uses and the Sunset Strip in the City of West Hollywood. The project site currently supports a restaurant use with the sale and dispensing of alcoholic beverages for on-site consumption, demonstrating its compatibility with the surrounding area. Further, the alcohol conditional uses will be subject to the Plan Approval process detailing the number of seats, hours of operation, and other operational characteristics to further tailor any conditions to the specific characteristics of each establishment.

The Appellant falsely claims that the CPC LOD and Staff Report misrepresent the distance of the Nichiren Soshu Myohoji Temple as being 600-1,000 feet from the project site, when it is actually less than 100 feet from the project site. However, CPC LOD page F-5 lists nearby sensitive uses, among them the Temple, which are "...found within 1,000 feet of the project site." The specific distance of the Temple is not stated nor misrepresented, and as discussed above and in the findings, the Master Conditional Use permit will not detrimentally affect the neighboring residential properties or other sensitive uses in the area.

#### Appellant's Statements: EIR

- The Errata disclosed a new significant impact and the EIR should be recirculated
- The driveway on Havenhurst Drive would result in adverse impacts
- Emergency response times impacts would occur absent the implementation of traffic mitigation
- The project is located in an Extreme Fire Hazard District
- Significant impacts would occur to public services and geology
- LAFD letter states that fire service would be 'inadequate' and may require more firefighting facilities

#### Staff Response

The Appellant claims that the EIR should be recirculated because the Errata disclosed a significant impact that was not disclosed in the Draft EIR or Recirculated Draft EIR. However, the Draft EIR recognized that the intersection of Havenhurst Drive and Fountain Avenue is located in the City of West Hollywood, and acknowledged that if that jurisdiction were to elect not to implement the recommended mitigation, impacts would remain significant and unavoidable. Draft EIR page 4.J-66 concludes, "No other feasible improvements to the intersection of Fountain Avenue/Havenhurst Drive have been identified at this time, and should the City of West Hollywood determine that it does not wish to install a new traffic signal at this location, the project's impacts would remain significant and unavoidable" (see also Traffic Study page iv and page 123, in Draft EIR Appendix H). While the Errata makes this clarification elsewhere in the document, the Draft EIR had recognized that this intersection is within the jurisdiction of the City of West Hollywood, and that absent this recommended mitigation, impacts would remain significant and unavoidable. The Errata did not disclose a new, previously undisclosed impact.

The Appellant further asserts that "Introducing commercial deliveries to a residential street is incompatible with the peaceful enjoyment of homes adjacent to the project" and that potential impacts were not studied. However, as discussed above on page 3, the project site currently has an ingress/egress driveway on Havenhurst Drive in a similar location to that of the proposed loading driveway, which is also currently used for trash collection. The proposed project would provide a physical barrier to ensure that vehicles exiting from the project's Havenhurst Drive driveways do not make left-turns onto southbound Havenhurst Drive. All vehicle maneuvers would take place within the Basement Level 2 internal loading dock and trash sorting area, and no noise, air quality or neighborhood street impacts are expected as a result of this driveway.

The Appellant incorrectly states that the project is located in an "Extreme Fire Hazard District." The project is actually not within the Very High Fire Hazard Severity Zones established by LAFD. These zones are primarily the hilly and mountainous regions of the City of Los Angeles and are subject to provisions related to the clearance of hazardous vegetation and landscaping criteria.

The Appellant falsely asserts that there is not substantial evidence in the record to support findings that the site is physically suitable for the proposed development, and that the fault study is inadequate. The Los Angeles Department of Building and Safety Grading Division reviewed the Fault Rupture Study and issued a Soils Approval Letter dated October 19, 2015 (Appendix B to the Final EIR). As discussed in the Draft EIR Section 4.G and RP-DEIR Section 2.B.4, and Final EIR Topical Response 5 (Geology and Soils), the project site is not located on top of the Hollywood Fault. The mapped trace of the Hollywood Fault is located approximately 100 feet to the northwest, and not within, the project site. Contrary to the Appellant's suggestions and per the Department of Building and Safety, the Alquist Priolo Act does not require a 50-foot distance for structures for human occupancy, but rather that structures for human occupancy cannot be built directly on a fault. The required 50-foot setback from the nearest mapped fault applies if no geologic report has been conducted. Under Alquist Priolo, the local agency's geologist has the discretion to determine an appropriate distance based upon such factors as the studied soil characteristics and the project's proposed foundation. While the Appellant argues that further boring must be conducted, the Department of Building and Safety found the borings to be adequate and consistent with their requirements in consideration of the project's proposed foundation characteristics and the distance to the fault trace mapped by the State.

Lastly, the project includes Mitigation Measure GS-1, which requires the review and approval of final construction-level plans by Building and Safety prior to the issuance of any grading permit. Impacts were determined to be less than significant. Further, the VTT LOD included a condition that states:

Condition No. 7. "Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated October 19, 2015, Log No. 83343-02 and attached to the case file for Tract No. 72370-CN."

The Appellant argues that impacts to emergency response times would be significant absent the implementation of Mitigation Measure Traffic TR-1, the installation of a traffic signal at Havenhurst Drive and Fountain Avenue within the City of West Hollywood. As described in Section 4.J, Transportation and Circulation, of the Draft EIR, project-related traffic would significantly impact the intersection of Fountain Avenue / Havenhurst Drive. Accordingly, traffic associated with the project could potentially affect emergency vehicle response times in the area. Impacts on traffic that could cause delays in emergency response times are addressed through Mitigation Measure TR-1, as well as through implementation of the Project's TDM program, which would incorporate the trip-reduction programs and services identified in the City of Los Angeles Transportation Demand Management Ordinance (LAMC Section 12.26-J - amended by Ordinance 168,700). The TDM program would incorporate appropriate trip-reduction programs and services identified in the City's ordinance, including components that would encourage carpooling and ridesharing, telecommuting, and other trip-reducing programs.

As concluded in Section 4.J of the Draft EIR, the Project's operational traffic impacts would be mitigated to a less than significant level with installation of a new traffic signal at the intersection of Havenhurst Drive and Fountain Avenue. If the City of West Hollywood elects to not implement Mitigation Measure TR-1, the EIR acknowledges that project-related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain significant and unavoidable.

Nonetheless, as discussed on pages 4.I.2-13 and 4.I.2-14 in Section 4.I.2, Police Protection, of the Draft EIR with regard to LAPD response times, and on page 4.I.1-14 in Section 4.I.1, Fire Protection and Emergency Medical Services, with regard to LAFD response times, several factors influence emergency response times in addition to traffic, including alarm transfer time, alarm

answering and processing time, mobilization time, risk appraisal, geography, distance, traffic signals, and roadway characteristics. In response to issues that have been raised regarding emergency response times and associated reporting, the LAFD has recently been taking a number of steps to improve their related systems, processes and practices. Upgrades underway or pending include: installation of automated vehicle locating systems on all LAFD apparatus; replacement of fire station alerting systems that control fire station dispatch audio, signal lights, and other fire station alerting hardware and software; development of a new computer aided dispatch system to manage fire and emergency medical service incidents from initial report to conclusion of an incident; and, use of traffic pre-emption systems. A traffic pre-emption system allows the normal operation of traffic lights to be preempted by an emergency vehicle to improve response times by stopping conflicting traffic in advance, providing the emergency vehicle the right-of-way. In addition to these improvements being implemented by the LAFD, emergency response is also routinely facilitated, particularly for high priority calls, through use of sirens to clear a path of travel, driving in the lanes of opposing traffic, use of alternate routes, and multiple station response.

It is anticipated that emergency vehicles travelling to the project site would utilize major roadways with higher traffic capacity in order to minimize travel time to their destination, which in the immediate vicinity of the project site includes Sunset Boulevard and/or Crescent Heights Boulevard. As shown on Draft EIR Figure 4.I.1-1, Fire Stations in the Vicinity of the Project Site, all fire stations serving the project site are located to the east (Fire Stations Nos. 41 and 27) and north (Fire Station No. 97) of the project site. It is highly unlikely that response times from these locations would be significantly affected as the one impacted intersection is located to the southwest of the project site and is not within a path of travel from these stations to the project site. LAFD fire service is not likely to travel through West Hollywood to access the project site, and would not be impacted by that intersection. Impacts to all other intersections, and to all road segments, were determined to be less than significant. As shown on Draft EIR Figure 4.I.2-1, the police station serving the project is located to the east of the site and as such would similarly not be impacted by the intersection of Fountain Avenue and Havenhurst Drive if the City of West Hollywood elects not to implement the recommended mitigation. Thus, even without installation of a new traffic signal as required by Mitigation Measure TR-1, given implementation of the project's TDM program, the other means available to LAFD and LAPD to maintain reasonable response times, impacts on emergency response times were determined to be less than significant.

The Appellant states that the project would result in significant impact because the Fire Department letter dated May 10, 2016 indicates that the project and may require the construction of additional fire protection facilities. The Appellant has taken this quotation out of context. The LAFD letter states that "Absent mitigation, project implementation will increase the need for fire protection and emergency medical services in the area, could potentially have a cumulative impact on fire protection services, and could increase the need for fire protection and emergency medical services in this area." The LAFD letter then identifies conditions that "will help mitigate and which will assist the Fire Department in providing fire protection and emergency response services to the project." The LAFD requirements are a condition of approval of the project, and as discussed above, would ensure impacts remain less than significant.

VTT Condition 10.k / CPC Condition 10: "Prior to the issuance of any building permit, definitive plans and specifications shall be submitted to the Fire Department, and any requirements for necessary permits shall be satisfied, inclusive of the conditions identified in the Fire Department letter dated May 10, 2016, and included in the case file." (Page 6)

#### Appellant's Statements – Vesting Tentative Tract Map

- LADBS conditions acknowledge the applicability of the "D" limitation
- The tract map permits the removal of a traffic lane
- Findings and processes for a street vacation have not been followed



- The zoning for the site does not support the approved density or physical suitability of the site

#### Staff Response

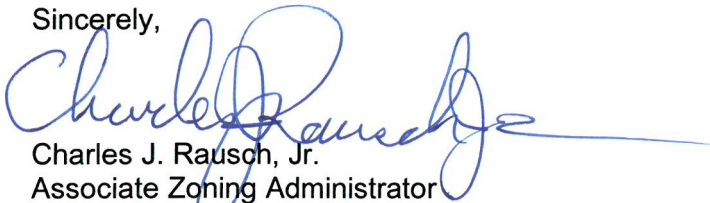
The Appellant states that the tract inappropriately permits the removal of a traffic lane and that processes related to street vacation have not been followed. However, no street vacation was requested, and no action involving a street vacation was before the Deputy Advisory Agency or the City Planning Commission for their consideration. The Tract Map, stamp-dated April 13, 2016, clearly shows the existing City-owned traffic island as being “not a part” of the proposed subdivision. In order for the applicant to effectuate the proposed reconfiguration of the traffic island, a Revocable Permit and a B-Permit will be required from the Department of Public Works. This process is separate and apart from the subdivision request, is reviewed and processed by another City department. Therefore, the Deputy Advisory Agency and the City Planning Commission duly did not provide notice, consider or take action on a street vacation.

The Appellant partially cites an LADBS condition that acknowledges the applicability of the “D” limitation to the project. However, VTT LOD Condition No. 8.b cited by the Appellant is standard condition language in tract maps where an increase in FAR would require approval by the Department of City Planning. The condition fully reads that the project will comply with the FAR limits of the Ordinance 164714 “...or obtain City Planning approval to exceed this limit as proposed,” which the applicant has done through an Off-Menu Incentive pursuant to State Density Bonus law and LAMC provisions.

The Appellant claims that the zoning for the site does not support the approved density or physical suitability of the site with respect to the Tract Map. However, the project’s proposed 249 units are less than the 278 allowed by the underlying C4 zone, and are well below the 375 units that can be accommodated with a 35% Density Bonus, for which the project qualifies. Moreover, the project is utilizing the State Density Bonus program, to fulfil the statewide policy objectives of providing affordable housing. With respect to site suitability for the 3:1 FAR and the existing “D” limitation, please see pages 2 through 3, above.

As the appellant has failed to adequately disclose how the City erred in its actions relative to the EIR and the associated entitlements, Planning staff respectfully recommends that the appeals, VTT-72370-CN-2A and CPC-2013-2551-MCUP-DB-SPR-1A, be denied.

Sincerely,



Charles J. Rausch, Jr.  
Associate Zoning Administrator  
Department of City Planning

