STRUMWASSER & WOOCHER LLP
ATTORNEYS AT LAW
10940 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90024

TELEPHONE: (310) 576-1233
FACSIMILE: (310) 319-0156
WWW.STRUMWOOCH.COM

FREDRIC D. WOOCHER
MICHAEL J. STRUMWASSER
GREGORY G. LUKE †
BRYCE A. GEE
BEVERLY GROSSMAN PALMER
DALE LARSON
JENNA L. MIARA†‡

† Also admitted to practice in New York and Massachusetts
‡ Also admitted to practice in Illinois. Not yet admitted in California

October 25, 2016

Councilmember Jose Huizar, Chair
Los Angeles City Council
Planning and Land Use Management Committee
200 N. Spring Street
Los Angeles, CA 90012

Submitted by email to Sharon.dickinson@lacity.org and hand delivered

Re: Council File 16-1011 and 16-1011-S1 (8150 Sunset Boulevard)

Dear Honorable Councilmembers,

Fix the City urges the Planning and Land Use Management Committee not to approve the massive project proposed at 8150 Sunset Boulevard. We incorporate by reference all other documents and testimony submitted for this project.

This project is a disaster waiting to happen in numerous respects. Notably, the site is located within the Hollywood Fault Alquist-Priolo Earthquake Fault Zone, and there has been insufficient geologic study to determine whether the fault or fault traces lie within fifty feet of the proposed construction. Moreover, the project will remove traffic lanes that permit emergency responders to quickly travel from Sunset Boulevard onto Crescent Heights Boulevard, and will generate crippling traffic on nearby streets, further impeding critical public safety response. In addition, the failure to require a street vacation in order to close the street violates long-established state law and denies due process to private street easement owners.

The increased density that would result from the project would unlawfully gut mitigation measures imposed to address traffic and infrastructure inadequacies due to density increases elsewhere in the Hollywood area when the Hollywood Community Plan was adopted. Moreover, approval of the proposed project would result in the demolition of a cultural and historic resource, the Lytton Bank Building. Demolition of a cultural resource is grounds for denying a density bonus under the city ordinance and SB 1818.

Fix the City is concerned with the provision of adequate infrastructure to protect public safety and assure the quality of life for Angelenos, and therefore requests that the PLUM Committee deny the requested entitlements and return the project to City Planning to develop an alternative that will be appropriate in scale and intensity of use for this location.

In addition to Fix the City's comments on its Appeals, Fix the City provides the following analysis for the consideration of the PLUM Committee. Fix the City also responds to the staff response to its appeal, posted in full in the afternoon of October 24, herein.

I. THE PROJECT APPROVALS VIOLATE THE ALQUIST-PRIOLO ACT

It is beyond dispute that even though the project site is located with the Alquist-Priolo Earthquake Fault Zone, the City has not required that the applicant conduct sufficient analysis of the fault and fault traces located on or near the site to permit the project to be approved as currently proposed. The project, as approved by the City Planning Commission, puts at risk both residential and commercial structures, in violation of state law and City policies and procedures. The Alquist-Priolo Act requires that all structures for ***human occupancy***, not just "habitable structures," be located at least fifty feet from a surface fault line. Unless investigation is conducted 50 feet from the site toward the mapped Hollywood Fault, no structure may be located within 50 feet of the property line. No such studies were conducted. Therefore, the entire structure, including the subsurface parking structure, and not just the above-ground dwelling units, must be move 50 feet from Sunset Boulevard.

Moving only the residential portions of the project simply rearranges the deck chairs. The applicant has not moved the habitable structure 50 feet from the property line along Sunset Boulevard because the project is a single structure below-ground. In the absence of unequivocal evidence that the Hollywood Fault and its traces are not located within 50 feet of the property's border along Sunset, the entire subsurface structure must be move 50 feet back from Sunset Boulevard to create the state-mandated surface fault exclusion zone.

The City and the applicant's correspondence reveals an effort to evade the Alquist-Priolo Act and City requirements, which were clearly stated by Pascal Challita, Geotechnical Engineer III with the Department of Building and Safety. Mr. Challita's letter of November 21, 2014, set forth requirements for further investigation and the creation of an exclusion zone, consistent with state law. Subsequently, memos by John Weight, Geotechnical Engineer II (subordinate to Mr. Challita), ignored Mr. Challita's insistence on off-site study, instead permitting a "reinforced foundation zone," in very portion of the property where construction is not permitted without additional off-site study under the Alquist-Priolo Act, subjecting future occupants to the very risk that the Act is intended to avoid: a surface fault rupture involving a structure for human occupancy.

The Alquist-Priolo Act's requirements are clear. Public Resources Code section 2621.5 states that the act "is intended to provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of development and structures for human occupancy across the trace of active faults."

The provisions apply to "any project . . . which is located within a delineated earthquake fault zone, upon issuance of the official earthquake fault zones maps to affected local jurisdictions." (*Ibid.*) The Alquist-Priolo Act defined "project" to include "structures for human occupancy," excluding certain smaller single family dwellings. (*Id.*, § 2621.6, subd. (2).) By

regulation, the State Mining and Geology Board has provided a definition for the phrase "structures for human occupancy:" "any structure used or intended for supporting or sheltering any use of occupancy, which is expected to have a human occupancy rate of more than 2,000 person-hours per year." (Cal. Code. Reg., tit. 14, § 3601, subd. (e).) The regulations also explain that:

> "No structure for human occupancy . . . shall be permitted to be placed across the trace of an active fault. Furthermore, as the area within fifty (50) feet of such active faults shall be *presumed* to be underlain by active branches of that fault *unless proven otherwise* by an appropriate geologic investigation and report . . . no such structures shall be permitted in this area." (*Id.* § 3603, subd. (a) (emphasis added).)

The Alquist-Priolo Act therefore prohibits any development of structures in which persons will spend as little as 2,000 hours per year, in total. Clearly the proposed project qualifies as a structure for human occupancy subject to the restrictions of the Alquist-Priolo Act – the law does not apply in a different manner to the "residential" component of the project.

The record of communications between the applicant and City reveals a troubling disregard and evasion of the clear Alquist-Priolo prohibition on construction within 50 feet of a fault trace. Appendix D to the Draft Environmental Impact Report (Draft EIR) and Appendix B to the recirculated Draft EIR (RDEIR), as well as Appendix B to the Final EIR contain the geology and soils report, along with correspondence between the applicant and the City regarding earthquake fault concerns. These documents reveal a disturbing evolution.

The original study submitted along with the November 2014 Draft EIR was conducted by Golder and Associates. The study included boreholes in the northeast corner and the southwest corner of the site, but no boreholes or trenching in the northwest corner of the site – the location on the site *closest* to the mapped Hollywood Fault, as shown in the figures that accompanied the Golder report. Nor were any cone penetration test (CPT) soundings conducted in that corner of the site. The Golder report concluded that there were no traces of the fault on the site. The California State Mining and Geology Board noted, upon its review of the Golder study in connection with revisions to the fault map, that it "revealed no new data that would modify [its] conclusions or recommendations *for zoning* in this area." This statement reveals that the Board continued to believe that the boundaries of ***this site*** are within 50 feet of the Hollywood Fault.

As required under the Alquist-Priolo Act, the City's engineers reviewed the Golder study. On November 21, 2014, Pascal Challita, Geotechnical Engineer III with the Los Angeles Department of Building and Safety, issued a memorandum to Jim Tokunaga (Deputy Advisory Agency) regarding the Grading Division's review of the Golder report. Mr. Challita stated that the Department could not conclude its review of the reports because *insufficient study had been conducted.* Mr. Challita commented that no geotechnical study had been conducted "50 feet beyond the property boundary." Critically, Mr. Challita explained that "The Department policy is that the presence of an active fault *must be considered to exist just beyond the property line.*" (emphasis added.) Mr. Challita also took issue with the Golder report's conclusion that "the setback or reinforced foundations are not necessary." Mr. Challita found that conclusion to be

based upon research regarding off-fault deformations near "steeply-dipping strike-slip faults," unlike the poorly-developed Hollywood Fault which is "overlain by thick un-faulted young alluvium." In conclusion, Mr. Challita stated, "**[T]here are too many epistemic and aleatory uncertainties regarding the Hollywood fault to warrant disregarding the required setback.**" (Emphasis added.) Mr. Challita's response is *entirely consistent* with the precautionary approach embodied in the Alquist-Priolo Act.

In May 2015, Golder responded to Mr. Challita's request for additional information. Golder's May 2015 letter acknowledged that "it is Building Department policy to consider that within an Alquist-Priolo Earthquake Fault Zone the active trace of a fault is present just beyond the area that has been investigated." The Golder report acknowledged that investigation would have to take place "50 feet northwest of the property boundary in Sunset Boulevard." Without such exploration, Golder stated, "the City will require that buildings be set back 50 feet from the property line at the northwest corner of the Project site." All of those statements accurately characterized Challita's comments. Golder went on, however, to expand upon the permissible construction within the Alquist-Priolo Zone: "Alternately, according to the City geologist, in lieu of undertaking additional borings or providing a 50-foot setback, an acceptable off-fault surface rupture mitigation measure is, within the 50-foot setback area, to design the foundation to accommodate 10 inches of horizontal and 2 inches of vertical off-fault deformation." The May 2015 letter cites as authority for this proposition – which was not mentioned or even suggested at in Mr. Challita's letter – a May 5, 2015 telephone communication with Daniel Schneidereit.

In June 2015, the City responded to Golder's May 2015 letter. John Weight, Grading Division Chief, Department of Building and Safety, provided a memo to Jim Tokunaga. Mr. Weight's memorandum mischaracterized Mr. Challita's analysis. Mr. Weight wrote: "As explained in Comment 1 of the previous letter, dated 11/21/14, the Department does not except [sic] a zero setback without considering a reinforced foundation that accommodates off-fault deformation." Mr. Challita never mentioned reinforced foundations, consistent with the Alquist-Priolo prohibition on the construction of habitable structures within 50 feet of a surface fault. Mr. Weight noted another instance where the Department had permitted a "zero setback" – 1840 Highland, and suggested using that site as a model for the foundation of this project, "if appropriate." It is unclear whether the 1840 Highland project was approved before or after the Alquist-Priolo Zone was mapped for the Hollywood Fault.

In August 2015, Golder responded to Weight's memo, noting that its "investigation was unable to unequivocally establish that the main Hollywood Fault trace is more than 50 feet from the northwest corner of the site." Golder stated that "in accordance with City of Los Angeles policy," it recommended "a 50-foot wide reinforced foundation zone be established in the northwest corner of the site." Of course, as discussed above, the Alquist-Priolo Act does not provide for an alternative to the 50-foot exclusion zone. While cities may impose stricter policies, they may not rewrite state law or contradict it.

In October 2015, Mr. Weight concluded the City's review of the geological studies noting that "Because the exploration did not extend 50 feet beyond the northern part of the site, a reinforced foundation area is recommended at the northwest corner of the site to reduce the

impact of minor off-fault deformation in the event that an active fault is located just beyond the site exploration." This response puts the final nail in the coffin of the Alquist-Priolo Act for this site. No longer is the City following state law, which requires an *exclusion* zone of 50 feet from an active fault trace. State regulations provide that the area within 50 feet of a mapped surface fault is *presumed* to contain traces of the fault unless proven otherwise. No structures are permitted in that 50-foot area, unless a geologic investigation concludes that the area is *not* underlain by the traces of the active fault. Golder *concedes* that its study cannot unequivocally demonstrate that there is no fault immediately off-site. Mr. Challita's concern that the information about the Hollywood Fault is uncertain and unpredictable was never addressed in Golder's responses. Rather, Golder and the City appear to have collectively created a "reinforced foundation" exception that appears nowhere in the Alquist-Priolo Act. There is no reference in those laws and regulations to an exception to the exclusion zone for a reinforced foundation.[1] If the applicant cannot conduct sufficient off-site study to unequivocally demonstrate that the fault is not within 50 feet of the site boundary, it must impose a 50-foot "no build" zone along the northwest portion of the site, where no structures for "human occupancy" may be constructed.[2]

Because the project's "reinforced foundation zone" is inconsistent with the Alquist-Priolo Act, the findings for both the Vesting Tentative Tract Map and the Site Plan Review are improper. The Vesting Tentative Tract Map findings state that "all project-related habitable structure are required to be set back from the fault trace by a minimum of 50 feet. Given compliance with this fault setback requirement, impacts regarding surface fault rupture would be less than significant, and no mitigation measure would be necessary." The tract map does not conform to the setback requirement, so this is a false statement.

The Alquist-Priolo Act applies to structures for human occupancy, not only habitable structures, and the proposed project includes structures for human occupancy within fifty feet of the fault trace. Moreover, mitigation *is required* by the City: the City is improperly using a "reinforced foundation" zone to mitigate the risk of surface fault rupture and off-fault deformation. Finally, the structure utilizes one foundation for all buildings, so all of the structures are within 50 feet of the fault. The findings in support of Site Plan Review do not include the reinforced foundation requirement. Regardless, no approval would be proper for the proposed project because no study has unequivocally demonstrated that the fault is not located immediately off-site. Under the Alquist-Priolo Act, a 50-foot exclusion zone is mandatory and this project would be an illegal and hazardous risk otherwise.

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[1] California Geological Survey Note 49, "Guidelines for Evaluating the Hazard of Surface Fault Rupture," 2002, states that the most appropriate mitigation method is the setback. It suggests that "engineering strengthening or design may be of additional mitigative value..." p. 1. Thus a reinforced foundation may be ***in addition*** to a setback, but ***not as a substitute*** for a setback. (Emphasis added; see Exhibit 1 [Cal Geo Survey].)

[2] The Lytton Bank Building, as a pre-existing historic structure, may remain in this portion of the site, subject to special exception in the Alquist-Priolo Act. (See Public Resources Code, § 2621.7, subd. (e)(4).)

The staff response to Fix the City's appeal does not address the problems with the proposed project's construction in the Alquist-Priolo exclusion zone. Staff contends that the fault trace is "approximately" 100 feet to the northwest, and not within, the project site. Staff ignores the fact that there has been no study of the fault within fifty feet of the site to the northwest, and erroneously describes the Alquist-Priolo Act as simply prohibiting construction directly on a fault. In the absence of adequate study, the Alquist-Priolo Act *requires* that the City *presume* the presence of surface faulting or fault traces within fifty feet of a mapped fault. No study in the record extends under Sunset Boulevard toward the mapped fault, and therefore the fifty foot exclusion zone is required. Staff misrepresents both the law and the facts on this critical issue.

II. THE DENSITY BONUS IS IMPROPER BECAUSE THE SITE HAS A 1:1 FLOOR TO AREA RESTRICTION IMPOSED AS A CEQA MITIGATION MEASURE

The Floor to area ratio (FAR) for this site is expressly limited in the Hollywood Community Plan to 1:1, beyond the typical 1.5:1 FAR for a commercially zoned site. As documents reviewed by Fix the City unequivocally demonstrate, this 1:1 FAR restriction was imposed on this property as a CEQA mitigation measure as part of the adoption of the Framework Element and the 1988 Hollywood Community Plan. The massive increase in density to 3:1 FAR requested for the site is *inconsistent* with the site's designation in the Hollywood Community Plan. Critically, the site's zoning is C4-1**D, with a FAR of 1:1**. This D Limitation was included as a mitigation measure in the certified Environmental Impact Report for the 1988 Hollywood Community Plan (See Exhibit 2 [Ordinance 164,714]) in order to account for the impacts on infrastructure and traffic from the expansion permitted in the 1973 plan. Even in the most recent HCP update, which was overturned by the Los Angeles Superior Court, the D Limitation remained in place, restricting the FAR to 1:1. There has been no disclosure of the attempt to remove the D Limitation as required by LAMC 17.15 D.

The origin of the D limitation on the site is relevant to understanding its continued significance. The City of Los Angeles, for several years after general plan consistency became a state law requirement, resisted changing its zoning to conform to its General Plan. In 1979, the state legislature adopted Assembly Bill 283 (AB 283), which required the City of Los Angeles to amend its zoning ordinance to be consistent with the City's general plan by July 1, 1982. (See Government Code, § 658670, subd. (d).) When the City did not take the necessary steps to update its zoning ordinance, a coalition of citizens filed suit, in *Federation of Hillside and Canyon Associations v. City of Los Angeles.* The Superior Court promptly issued a writ of mandate commanding the City to update its zoning ordinance.

The City then recirculated several relevant EIRs, including the Hollywood Community Plan EIR in February 1988. (See Exhibit 3 [1988 Hollywood Community Plan EIR].) That EIR makes clear why numerous sites in Hollywood, including the project location at 8150 Sunset, were "down-zoned." The 1988 EIR analyzed a plan for Hollywood that included "development standards" aimed at achieving specific "development character" for each area. "Neighborhood-Oriented Commercial" uses would be "permitted to be built to 1 time the lot area." (*Id.*, p. 23.)

The 1:1 FAR limitation is also linked to "an effort to make the transportation system and other public facilities and service systems workable." (*Id.*, p. 29.)

The downzoning of these sites was not just an idea intended to create a certain neighborhood character, however. Downzoning was in specific response to development patterns that had been instituted in Hollywood under the 1973 Hollywood Community Plan and the City's inconsistent former zoning. The 1988 EIR noted that under the 1973 Plan,

> "this level of development activity has resulted in significant burdens on the traffic circulation system within the Community Plan area, as well as other adverse impacts on public services and infrastructure. Development activity has also resulted in numerous land use conflicts and incompatibilities reflected in parking problems, aesthetic impacts, light, shade-shadow impacts of new larger buildings on existing lower density properties, the removal of architecturally or historically significant buildings, among other impacts." (*Id.*, pp. 31-32.)

Accordingly, one of the "major objectives" was to reduce the capacity of the Hollywood Community, which required "down zoning." The 1988 EIR provides as a mitigation measure for the land use effects of the plan that "the Proposed Plan is intended as mitigation for the effects of the Current Plan." (*Id.*, p. 35.) Throughout the EIR, reference is made to reducing development density in order *to mitigate the impacts of development at greater intensities elsewhere in Hollywood.* (Emphasis added; see *id.* at p. 77 [limit future land use densities to those consistent with the Proposed Plan]; p. 84; p. 116.) In staff reports regarding the Hollywood Community Plan, staff explained that, in commercial zones, the plan included a "floor area ratio (FAR) for each commercial land use designation . . . in quantitative terms in addition to referencing a height district." (Exhibit 4, p. 8.)

SB 1818 does not confer the right to violate the Subdivision Map Act. Under LAMC 17.15.D, the VTT cannot be approved unless there is a height district amendment to make it consistent with the General Plan map, which shows a limitation of 1:1 FAR. At best, the City Council can approve the VTT conditionally, pending the height district is amended to make it consistent with the project approvals, and mandatory findings required by LAMC 12.32.4.D can be made to support the change. No such application is in the record. It is doubtful that those findings can be made.

After the 1988 EIR was finalized, the City began to adopt a series of zoning ordinances to conform the underlying zoning to the 1988 Hollywood Community Plan. On March 22, 1989, the City Council adopted Ordinance No. 164714, imposing a permanent "D" limitation on the subject property, specifying that development "shall not exceed one time the buildable area of the lot." (Exhibit 2.) This restriction is entirely consistent with the General Plan designation of Neighborhood Office Commercial that was included in the 1988 Hollywood Community Plan, and the "D" limitation was plainly intended to implement the downzoning that was a mitigation measure of the 1988 Hollywood Community Plan. *The mitigation that was put in place, therefore, remains a commitment by the City under the California Environmental Quality Act.* The City may not disregard a development limitation imposed as a CEQA mitigation measure

without conducting an analysis as to why the mitigation measure has become "infeasible" and what would replace it. The staff response fails to address the significance of the inclusion of the D condition in the mitigation measures for the adopted 1988 Hollywood Community Plan. The EIR for the current project nowhere discloses that the D limitation on the site was included as mitigation to permit increasingly dense development *elsewhere* in the Hollywood Community Plan area. The limitations on density on this site permitted increased density elsewhere, and no analysis has been conducted in the EIR of the impacts of the removal of this mitigation on the Hollywood Community Plan and its mitigation. The mitigation measure, as staff explained, is now replaced with a statement of overriding considerations reflecting the *inability to mitigate* all of the impacts of this project. The D Limitation was placed on the site in order to mitigate widespread infrastructure failures, including and not limited to traffic, sewers, police and fire response times and facilities, etc. The project EIR does not address these plan-wide infrastructure issues.

SB1818 density bonus rules do not require that a density bonus be awarded to every property. As set forth in Fix the City's appeal, the site is not eligible to apply for a density bonus to 3:1 FAR because it is not in a height district where 1.5:1 FAR applies. The density increase is *tripling*, not *doubling*, the permissible density. The 3:1 FAR incentive is therefore not available for this property in the first instance. The staff response does not address this issue, and misleadingly conflates the 3:1 FAR increase with the permissible number of residential units that can be constructed on site. Looking solely at the number of units ignores the fact that commercial square footage on the site also will increase significantly. The staff response also contends that General Plan findings for density increases on projects with subdivisions are inapplicable, even though one of the requested entitlements for the project is a subdivision!

The City has adopted a similar approach to the density increases permitted with RAS zoning. In 2005, the Planning Department issued an interpretive memorandum explaining the increased density permitted in RAS zoning would not apply when a parcel-specific restriction (in that case, a community plan footnote) restricted the density to levels below that allowed by RAS3 and RAS4 zoning. (See Exhibit 5.) "In one particular plan, the Plan Footnote on a Neighborhood Commercial area states: 'Floor Area Ratio 1:1.' In this specific situation it cannot be the intent of Council to allow a 3:1 FAR since they knowingly restricted the property to a 1:1 FAR. INTERPRETATION: It is hereby interpreted that the RAS Zones can exceed a Community Plan Footnote when that footnote is general in nature and generally refers to all parcels under that plan category. Where there is a specific footnote that refers to (a) specific parcel(s) that is more restrictive, the RAS Zone would not be permitted without a corresponding Plan Amendment." (*Id.*)

Similarly, in 2006 when the City was considering how to implement the density bonuses for affordable housing, Planning staff opined that permitting a 3:1 FAR density bonus on "every commercially zoned parcel without additional study is potentially too significant to recommend at this time." (See Exhibit 4.) The clear implication of these approaches is that there are parcels where density increases are inappropriate, and that those specific parcels are those that have been in some way identified with a parcel-specific development limitation—like the D limitation imposed on this parcel, limiting the density to a 1:1 FAR, unlike the majority of C4 properties.

Granting a 3:1 FAR for this property unlawfully treats it as if it has no D limitation and is the same as any C4 property and ignores a CEQA mitigation measure without any justification.

Moreover, in this case, the City could easily make the required finding that the incentive "will have a Specific Adverse Impact upon public health and safety or the physical environment . . ." (LAMC 12.22 A 25 (g).) A "Specific Adverse Impact" is "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." (LAMC 12.22 A 25 (b).) The fact that a specific D limitation was imposed on this site as a CEQA mitigation measure establishes that the 1:1 density restriction is intended to mitigate broader development impacts. The site is ineligible for increased FAR to 3:1 as an incentive or otherwise, without a legislative process to change the site's zoning that include findings that the infrastructure and traffic have improved since 1988 and the mitigation is therefore no longer required. In addition, the density bonus may be denied because of the unmitigable traffic impacts of the project, which would be further increased because the City lacks the ability to implement the mitigation measures located in the City of West Hollywood. Finally, the density bonus can be denied because the Lytton Bank is a cultural resource, according to the Cultural Heritage Commission and is on the agenda for approval by the City Council. For all these reasons, the density bonus can be denied by the City.

III. STREET VACATION PROCEDURES HAVE NOT BEEN FOLLOWED

The project proposes to remove a dedicated right turn lane and to convert a city-owned median island into privately-controlled open space. Fix the City's appeal addresses this issue at length. Without duplication of its earlier arguments, Fix the City notes that there is no evidence in the record that the City or the applicant have taken the necessary procedural steps to begin a street vacation proceeding. The staff responds concedes that no vacation request has been submitted. Staff contends that an encroachment permit can be used for the closure of the free right turn lane on Crescent Heights, but an encroachment permit is not appropriate for use for a permanent removal of street access.

Nor has there been a zone change commenced to the change the use for the triangular city-owned parcel (8118 Sunset) or to modify this property for street purposes (rounding the corner if the turn lane is closed to traffic). The staff fails to respond to Fix the City's observation that the proposed project will "gift" City property to a private developer without any proper procedures. Use of the city-owned property also requires an ordinance. The vacation requires an ordinance of intention and all of the findings mandated by state law. The city property has not been declared surplus, and Fair Market Value is not being provided to the City, in violation of the City Charter. The full impacts of the project have not been analyzed, nor have the due process rights of property owners within the Crescent Heights Tract been protected under California Streets and Highways Code Section 8353(b).

IV. ANY ADDITIONAL CHANGES THAT AFFECT TRAFFIC, EMERGENCY SERVICES, AND AFFECT THE ABILITY TO IMPLEMENT PREVIOUSLY DISCLOSED MITIGATION MEASURES REQUIRE ADDITIONAL ANALYSIS AND POSSIBLE RECIRCULATION OF THE EIR

A major area of concern for the communities adjacent the proposed project is its traffic generation. Any changes made to the project that might affect traffic or proposed traffic mitigation, such as the traffic light at Havenhurst and Fountain, must be properly disclosed and analyzed. These types of mitigations include the creation of a cul-de-sac street near the project, which could significantly affect circulation, emergency response, and the efficacy of various mitigation measures. If these types of changes are announced at the last minute, without adequate opportunity for public review and comment, the intent of CEQA to have full public disclosure and deliberation of the environmental effects of a proposed project.

V. STAFF COMMENTS REGARDING EMERGENCY RESPONSE ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

Staff's response to the emergency response and public safety issues raised in Fix the City's appeal relies entirely on surmise. Staff's response simply lists a number of actions that the Fire Department could take to improve response times. No evidence is provided that these actions actually have improved response times in a meaningful way. Staff focuses on the fact that the "one impacted intersection" is located in an area unlikely to be traversed by first responders accessing the project. Of course, the project and the cumulative impact of other area development projects, plus the many already constructed projects have contributed to area traffic that is already highly impacted. It is not simply a question of whether first responders will be able to access the project, but whether first responders will be able to access other area emergencies. The project admittedly has a significant impact on traffic and will create additional congestion in roadways that inhibits emergency response. Given LAFD staffing shortages, the fact that the city is losing more firefighters than it is hiring, stations responding to an emergency come frequently from much farther than the stations listed in the staff report and EIR. Those distant responders encounter increased traffic congestion and thus response time is diminished not only by local traffic, but regional congestion. No analysis has been provided regarding response time from other stations, and how the project and cumulative projects will impact response time. The improvements cited in the staff response do not quantify how much time is saved, versus how much time is lost due to distant stations responding, and worsening traffic in the project area as well as regionally. By contrast, ATSAC is presented in EIRs with a numerical value of reduced traffic congestion. How would the innovations being considered and someday in the future implemented, impact response time?

Fix the City has raised serious concerns about the approval of the proposed project and its conformity to state and local law. Fix the City urges the PLUM Committee to recommend denial of the proposed project so that these concerns may be addressed and a less impactful project presented to the City for review.

Respectfully submitted,

Beverly Grossman Palmer