Allan Wilion

From:	Allan Wilion
Sent:	Monday, October 31, 2016 8:30 PM
To:	clerk@lacity.org
Cc:	Allan Wilion
Subject:	FW: Appeal by Susanne Manners File 16-1011 8150 Sunset Hearing on 11-1-16 10:00am
Attachments:	10211500.PDF

From: Allan Wilion
Sent: Monday, October 31, 2016 8:28 PM
To: catherine.landers@lacity.org; clerk.@lacity.rg; clerk.cps@lacity.org; david.ryu@lacity.org; clare.eberle@lacity.org; shawn.kuk@lacity.org; paul.habib@lacity.org; councilmember.englander@lacity.org; councilmember.cedillo@lacity.org; councilmember.Krekorian@lacity.org; councilmember.blumenfeld@lacity.org; paul.koretz@lacity.org; councilmember.martinez@lacity.org; councilmember.harris-dawson@lacity.org; councilmember.price@lacity.org; councilmember.wesson@lacity.org; councilmember.bonin@lacity.org; councilmember.ofarrell@lacity.org; councilmember.huizar@lacity.org; councilmember.buscaino@lacity.org
Cc: Allan Wilion <aew@aewlaw.net>; Laura Lake <laura.lake@gmail.com>; Kristina Kropp <kkropp@lunaglushon.com>; n2swimng <n2swimng@aol.com>
Subject: Appeal by Susanne Manners File 16-1011 8150 Sunset Hearing on 11-1-16 10:00am

Enclosed are papers we are filing in conjunction with the hearing on 11-1—16 regarding the 8150 matter (File 16-1011) at 10:00 am

These are filed by Appellant Susanne Manners
The City Council cannot approve the project since there must be a hearing in front of the City Council not the PLUM committee under CEQA
The entire system used by the City is invalid.

In addition, the approval is illegal for at least 17 different reasons each of which is sufficient to defeat the project, and also interferes with a private easement owned by many including the appellant, and it is also invalid and or erroneous for a variety of reasons. The list is not complete. A complete argument is set forth in the 101-10-16 lengthy 87 page filing/

I will bring a copy for each member of the council in the morning

If you have any questions, please e mail anytime, or call 3104357850
Allan Wilion, Esq.

ALLAN E. WILION, ESQ.
Attorney at law
8383 WILSHIRE BLVD., #1018
Beverly Hills, CALIF. 90211
310-435-7850 PHONE; aew@aewlaw.net

October 27, 2016

City Council of Los Angeles

10:00 AM

Council File: 16-1011

Title
8148-8182 West Sunset Boulevard / 1438-1486 North Havenhurst Drive / 1435-1443 North Crescent Heights Boulevard / Vesting Tentative Tract Appeal

Reference Numbers
Case: VTT-72370-CN-1A
Environmental: ENV-2013-2552-EIR
State Clearinghouse: 2013091044
Related Case: CPC-2013-2551-MCUP-DB-SPR
Related Case: 16-1074

Council District
4

Pending in Committee
Planning and Land Use Management Committee

Dear Council:

Appellant Susanne Manners objects to this Council hearing this matter on several grounds:

=1. Failure to Hold a Public Hearing in front of the City Council in Violation of Public Resources Code Section 21151©:

CEQA is set forth in the Public Resources Code Section 21151©:

(c) If a nonelected decision making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.

CEQA 15025(b)(1) is the Guidelines (See Title 14, Section 3) provides that the duty cannot be delegated to an inferior body. **FN 1:**

"b) The decision-making body of a public agency **shall not** delegate the following functions:

(1) Reviewing and considering a final EIR or approving a Negative Declaration prior to approving a project.

(2) The making of findings as required by Sections 15091 and 15093.

(c) Where an advisory body such as a planning commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the EIR or Negative Declaration in draft or final form."

A hearing in front of the PLUM committee is not a hearing in front of the City Council. **(No Oil Inc. v. City of Los Angeles 13 Cal. 3d 68, at 87):**

"10a] Having decided that the trial court's instruction to the city council erred both in its definition of "significant impact" and in its omission of considerations suggesting the need for an EIR in the instant case, we must now determine whether that error prejudicially affected the proceedings before the city council. The principal issue here is whether the city council, on remand, did in fact employ the test stated by the trial court.

FN 1: It also violates **Guidelines Section 15090 (3)** which provides that the final EIR must reflect the independent judgment and analysis of the lead agency.

Upon the remand of the matter to the council, that body scheduled a public hearing on January 8, 1973, at **which it received additional testimony and argument concerning the environmental effect of the drilling project. The council then resolved, by an eight-to-seven vote,** not to require an EIR. Several councilmen explained their votes; four councilmen, two who favored and two who opposed the resolution, explicitly **[13 Cal.3d 87]** phrased their determination in terms of the trial court's test. Another councilman, who had previously voted in favor of the drilling districts, asked the city's assistant administrative officer for petroleum matters whether the effect of a blowout would have a "permanent long-enduring nature." Receiving a negative reply, he stated that he had heard nothing to change his mind, and voted for the resolution." **FN 2**

See also: Kleist v. City of Glendale (1976) 56 Cal. App 3d 770, 778-779

In addition to violation of CEQA Section 21151©, the City Council has violated Public Resources Code Section 21168.5 which provides that if there is a failure to proceed in the manner required by law, it is a prejudicial abuse of discretion as a matter of law. (Id. At

=2. The City is In a Conflict Position as the Lead Agency under CEQA and ELDP and Failure to Follow the Law.

The proposal violated the ELDP since it did not meet the standards. The revised proposal Alternative 9 which was part of a fraudulent notice dated 5-26-16 violated the ELDP since the square footage and the jobs do not qualify. The City as lead agency was required to disqualify the proposal but did not do so, since the City is in bed with the developer (Public Resources Code Section 21183(d) and 21178). This is illegal

FN 2 : In fact it is submitted there was no viable hearing in front of the PLUM Committee since most of the members were not in their seats for the hearing.

=3. The Planning Commission Violated the Brown Act.

Government Code Section 54950 (Section 54952.2b(1)by holding ex parte meetings in a serial scheme to violate the Brown Act. (See Page 37 of the October 10, 2016 filing). See **Stockton Newspapers Inc. v. Redevelopment Agency**, 171 Cal. App 3d 95 (1985)

ILLEGALITY

=4. Illegally and Blatantly in Corrupt Nature Fail to Comply with the D Limitation which mandates a 1-1 ratio FAR rather than 3-1

The City at the Planning Commission hearing (See October 10, 2016 filing, page 30) **admitted** at tape A2:38 that this is a D Limit zone with a 1-1. The City also admitted that the area is zoned Z4-1D with a 1.5 max FAR (2:25).

=5. Illegally and Blatantly in Corrupt Nature Wrongfully Granted an Off menu Item Density bonus under LAMC 12.22 A.25 (f)(4)(i) and (ii) because it Failed to Meet the Requirements and is NOT within 1500 feet of a major metro bus stop rather 1560 according to the Applicant and 1720 according to everyone else who can look at a measuring stick.

The City at the Planning Commission hearing **admitted** that it fell outside of the LAMC 12.22 A.25(f)(4)(i) and (ii)(b) since it was at least 1560 feet from a major metro stop. (See A12:50 and A 12:08, A7:15). In fact it is 1720 feet from such stop.

=6A. Illegally and Blatantly in Corrupt Nature Wrongfully Failed to follow the Law and Obtain a Vacation of the Dedicated Right Hand Turn Lane from Sunset to Crescent Heights sough, and the Traffic Island in the middle of Crescent Heights

The City acted illegally and violated the **California Streets and Highway Code Section 8308-8209, 8324(b) etc. and 8353(b) -8354) and D 700 of the LAMC.**

It is illegal to try to get rid of any portion of a street, here the dedicated right hand turn lane and the traffic island since it will never be unnecessary for the use as such in the future. **(See 8324(b).**

=6B. The May 25, 2016 Notice Was Fraudulent. It Announced that Land Would Be Set Aside for Street Purposes (the only thing it noticed) when It Was Taken Away, and Then Claims That the Street is Not Being Changed in Violation of the California Street and Highway Code Section 8308-8309, 8324, 8353-8354).

=7. In addition, Reliance by the City on a B permit is Cowardly, Worthless and in Bad Faith Since a B permit does not apply, and a Tentative Tract does not cover public street property and cannot be included in a TT.

The City claimed that all it needed was a B permit to vacate (LAMC 62.106(b), and or it could be included in a Tentative Tract. (D211.62 Department of Planning re Private Streets). This is both illegal and nonsense.

=8. The City Violated Section 12.22 A-25 (f)(4)(ii)(b) Because the Project is Not Commercial, rather Mixed used and (ii)(b) only applies to Commercial.

=9. The City Violated Section 12.22 A-25(f)(4(ii)(b) Because the Maximum Density is 35pc if Applied for, and no Application was Filed.

=10. The City Violated Public Resources Code Section 21002(b) by Failing to List Alternatives to Mitigation TR1 the Light at Fountain and Havenhurst

CEQA Public Resources Code Section 21002(b) mandates alternatives ("shall"). The City refused to list them for TR1.

See also Clover Valley Foundation vs. Rocklin, 197 Cal. App 4th 200, 244

=11. The City Violated Government Code Section 3603 Because the Project Lies over the Hollywood Earthquake Fault, No Testing was Done of the West Corner closes to the Fault, and at a Minimum, a 50 foot Set Back Should Have Been Required. The Latest Evidence is That at Least 75pc of the Project Lies Over the Fault.

See Exhibit 6 a copy of the Map of the area.

In addition, 13,500 truck loads by semi trucks Monday through Saturday will rumble and remove 135,000 cy of dirt and should create an earthquake.

=12. The Building Will Be over 150 Feet from the Street, and is Illegal and Violates the Fire Department Rules.

=13. The Approval is Illegal since the Wrong Standard for Noise, Vibration, Light etc was Used Since there is an Old Age Public Home owned by the City of West Hollywood directly across from the proposed exits. The Sensitive Receptor standard should have been used.

-14. The Approval is Also Illegal and Violates the General Plan, the Hollywood Community Plan, and MP 2035.

The entire Project is totally inconsistent with the General Plan, the Hollywood Community Plan, and MP 2035. **(Government Code Section 66474.61)**

Section 66474.61 provides that a Tentative Tract must be denied if it is not consistent with the General Plan.

=15. The City is Illegally Giving Away 9134 Feet of Area Covered by the Traffic Island and parts of the Dedicated the Right Hand Turn Lane.

=16. The May 25, 2016 Notice Was Fraudulent. It Announced that Land Would Be Set Aside for Street Purposes (the only thing it noticed) when It Was Taken Away, and Then Claims That the Street is Not Being Changed in Violation of the California Street and Highway Code Section 8308-8309, 8324, 8353-8354).

=17A. The CUP Re Alcohol Is Illegal and Violates the Number of Licenses that May Be Issued in Tract 1942. There is a limit by statute to 5 on site and 4 off site. It has 13 on site, and 4 off now in the tract. Within 600 feet, there are 12 on and 2 off sites. This does not Include the Separate Tract which starts a Few Feet Away and goes West from Havenhurst and South. It is Illegal to Grant More Licenses.

=17B. The Licenses Cannot Legally Be Granted Since No Notice was given and it would Interfere with the Quiet Enjoyment of Residents. Government Code Section 23789, Rule 61.4) Notice Must be Given to All Residents with 100 Feet and It was Not Given. Section 23789(a) Provides that a LiCense Should Be Denied if it is Within 600 Feet of a Church. Here, the Buddhist Tempt is next door.

Here, the residents in the Appellants Apartment building are 38 feet plus 20 for the sidewalks. Notice was also not given to others residents. Moreover, the Buddhist Temple is adjacent on the east south end.

INTERFERENCE WITH THE EASEMENT HELD BY APPELLANT AND OTHERS

=20a. The City is Illegally Interfering with the Private Easement of the Appellant Manners and Others under the 1905 Crescent Heights Tract which Gives Them Access over the Streets. No Change to the Streets can Take Place such as the Removal of the Dedicated Righ Hand Turn Lane and the Traffic Island in the middle of Crescent Heights without Approval since it Would Interfere with their Easements.

The Appellant and others own a private easement over the Sunset Area and streets and the dedicated right hand turn lane, and the area cannot be removed. (**Danielson v. Sykes**, 157 Cal. 686, 109 P. 87; **Neff v. Ernst,** 48 Cal. 2d 628 (1957).

=20b. The same with rgard to 13,500 Truck loads of semis trucks up and down Havenhurst haluing 135,000 cy yards dirt,

=20c. After construction the mass usage of Havenhurst after Construction at night.

ERRONEOUS DECISION

=21. The City Breached its Duty by Failing to Hold Hearing on the approval of the nomination of the Lytton Building as a Historical Monument, and Rejected the Request for Continuance to Delay Ruling on the Project, and instead Acted to Delay and Sandbag the Approval of th Lytton Since it Would Impact the Approval of the Project and Approved the Project first. The City is Corrupt and Embarked on a Death March to Approval the Project Regardless of the Law and its Duties.

=22. The Traffic Island Has its Own Address 8118 Sunset and Zoning C4 and is zoned for Affordable Housing. The City Lies When It Claims It is Interested in Low Cost Housing and Needs 100,000 units. It Sold Its Soul for Money in Lieu of Low Cost Housing Units to wit 9134 feet and 22 units with 1818 to be applied.

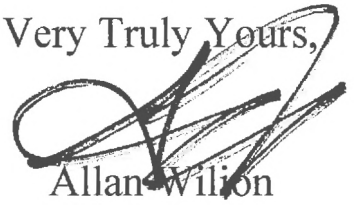
=23. The Project Lied and Claimed that Havenhurst is a 60 feet street when it is 36-38, that the project was 15-16 stories when it was 234 feet or 22 stories (now reduced), and that the Trucks will have noise level of 58 when it fact is it closer to 90

=24. The Monstrosity Project is Out of Touch with Anything in the Area Outside of Century City. As Modified, it is now 17 Stories, and the Closest Tall Buildings is the Colonial House on Havenhurst at 80 feet, and the Granville on Crescent Heights at 80 feet.

=25, There Was No Discussion About Alternative 9 in the Decision and in the Planning Commission Report. Alternative 9 was a Fraudulent Bait and Switch that was added in the Notice but not Reviewed in Violation of CEQA.

Appellants adopts the 10-10-2016 letter, and its prior earlier letter and appeal in this regard.

Very Truly Yours,



Allan Wilton

Cc: Susanne Manners
Fix the City
Appellants

City Council Agenda - Tuesday Nov 1 - 8150 Sunset Blvd

http://ens.lacity.org/clk/councilagendas/clkcouncilagendas3107254_11012016.html

ITEM NO. (9)
16-1011
CD 4

ENVIRONMENTAL IMPACT REPORT (EIR) AND ERRATA, MITIGATION MEASURES, MITIGATION MONITORING PROGRAM, STATEMENT OF OVERRIDING CONSIDERATIONS and PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT relative to Vesting Tentative Tract appeals for the properties located at 8148-8182 West Sunset Boulevard, 1438-1486 North Havenhurst Drive, and 1435-1443 North Crescent Heights Boulevard.

Recommendations for Council action:

1. FIND that the EIR and Errata (No. ENV-2013-2552-EIR; State Clearing House No. 2013091044) has been completed in compliance with the California Environmental Quality Act (CEQA), the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file No. 16-1011 in the custody of the City Clerk and in the files of the Department of City Planning (DCP) in the custody of the Environmental Review Section; and, ADOPT the EIR.

2. ADOPT the FINDINGS pursuant to and in accordance with Section 21081.6 of the California State Public Resources Code, the Mitigation Monitoring Program as the Findings of Council and ADOPT the Mitigation Monitoring Program.

3. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the DCP and ADOPT the Statement of Overriding Considerations.

4. ADOPT the FINDINGS of the Los Angeles City Planning Commission (LACPC) as the Findings of the Council.

5. RESOLVE TO GRANT IN PART/DENY IN PART THE APPEALS filed by Assistant City Manager Stephanie DeWolfe on behalf of the City of West Hollywood (Representative: Beth Collins-Burgard and Dylan Johnson, Brownstein Hyatt Farber Schreck LLP); JDR Crescent LLC and IGI Crescent LLC (Representative: Robert L. Glushon and Kristina Kropp, Luna and Glushon); Susane Manners (Representative: Allan Wilion, Esq.); Fix the City, Incorporated (Representative: Beverly Grossman Palmer, Strumwasser and Woocher LLP); Laurel Canyon Association (Representative: Jamie T. Hall, Channel Law Group LLP), and THEREBY DENY the appeals and APPROVE Vesting Tentative Tract Map No. VTT-72370-CN-1A, for a revised project consisting of one master lot and ten air space lots for the development of 229 residential dwelling units, including 26 units set aside for Very Low Income households and 65,000 square feet of commercial uses, for the properties located at 8148-8182 West Sunset Boulevard, 1438-1486 North Havenhurst Drive, and 1435-1443 North Crescent Heights Boulevard, subject to Conditions of Approval, as modified by the PLUM Committee and attached to Council file No. 16-1011.

Applicant: AG SCH 8150 Owner, LP

Representative: Michael Nyizen, Paul Hastings, LLP

Case No. VTT-72370-CN-2A

CEQA No. ENV-2013-2552-EIR

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 4, 2016

(LAST DAY FOR COUNCIL ACTION - NOVEMBER 4, 2016)

ITEM NO. (10)
16-1011-S1
CD 4

ENVIRONMENTAL IMPACT REPORT (EIR) AND ERRATA, MITIGATION MEASURES, MITIGATION MONITORING PROGRAM, STATEMENT OF OVERRIDING CONSIDERATIONS, PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT relative to Conditional Use and Site Plan Review appeals for the properties located at 8148-8182 West Sunset Boulevard, 1438-1486 North Havenhurst Drive, and 1435-1443 North Crescent Heights Boulevard.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR (CONDITIONAL USE ONLY):

1. FIND that the EIR and Errata (No. ENV-2013-2552-EIR; State Clearing House No. 2013091044) has been completed in compliance with the California Environmental Quality Act (CEQA), the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file No. 16-1011 in the custody of the City Clerk and in the files of the Department of City Planning (DCP) in the custody of the Environmental Review Section; and, ADOPT the EIR.

2. ADOPT the FINDINGS pursuant to and in accordance with Section 21081.6 of the California State Public Resources Code, the Mitigation Monitoring Program as the Findings of Council and ADOPT the Mitigation Monitoring Program.

3. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the DCP and ADOPT the Statement of Overriding Considerations.

4. ADOPT the FINDINGS of the Los Angeles City Planning Commission (LACPC) as the Findings of the Council.

5. RESOLVE TO GRANT IN PART/DENY IN PART THE APPEALS filed by Assistant City Manager Stephanie DeWolfe on behalf of the City of West Hollywood (Representative: Beth Collins-Burgard and Dylan Johnson, Brownstein Hyatt Farber Schreck LLP); JDR Crescent LLC and IGI Crescent LLC (Representative: Robert L. Glushon and Kristina Kropp, Luna and Glushon); Susane Manners (Representative: Allan Wilion, Esq.); Fix the City, Incorporated (Representative: Beverly Grossman Palmer, Strumwasser and Woocher LLP); Laurel Canyon Association (Representative: Jamie T. Hall, Channel Law Group LLP), and THEREBY DENY the appeals and APPROVE the revised project for a Master Conditional Use to permit the sale and/or dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with four restaurants/dining uses, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a grocery store; and in approving a Site Plan Review for a mixed-used development with 229 residential dwelling units including 26 units set aside for Very Low Income households, a reduced height of 178 feet, 65,000 square feet of commercial uses and 820 parking spaces within four subterranean and semi-subterranean levels, for the properties located at 8148-8182 West Sunset Boulevard, 1438-1486 North Havenhurst Drive, and 1435-1443 North Crescent Heights Boulevard, subject to Conditions of Approval, as modified by the PLUM Committee and attached to Council file No. 16-1011-S1.

PART 5:
THE CITY OF WEST HOLLYWOOD IS AN APPELLANT.

The position of the City of WEHO is discussed infra. See **Exhibit 4A** and **4B**). (See discussion Part 15, page 53 et seq).

PART 6:
ADMISSIONS MADE BY CITY OF LA

The City of LAPC ADMITTED ~~the following:~~

=1. The Hollywood Community Plan applies (Audio2:20)
=2. The area is zoned Z4-1D with a 1.5 maximum FAR (A2:25)
=3. But there is a D limit of 1-1 imposed. (A2:38)
=4. Applicant did Not satisfy the On Menu item density because 50 pc of commercial zoned parcel must be within 1500 feet of metro rapid stop and it is not (A12:50)
=5. The property is within 1560 feet of a metro rapid stop (A12:08; A7:15))
=6. The hearing notice of May 24, 2016 hearing states that that there is an off menu item called "lot area including any **land to be set aside for street purposes to be included in calculating the maximum foor area. . . . "** (**Exhibit 8**). There is no indication that a portion of the street to wit the dedicated right hand turn lane from Sunset onto south on Crescent Heights, and the lane on Sunset would be given away and removed for vehicular use. This language used intentionally fraudulent, confusing, and misleading and states that land will be set aside for **street purposes not removal of it. The exact opposite**. The notice is fraudulent. This violates California Streets and Highway Code Section 8324(b), and 8353(b). (See **Exhibit 6**) and LAMC 12.37. (**Exhibit 10**) **Yet, the City LA fraudulently speaks with crooked tongue and claimjs that the area is not being given away and is not being used for street purposes rather for off site public space.**

STREETS AND HIGHWAYS CODE
SECTION 8300-8309

8300. This part may be cited as the Public Streets, Highways, and Service Easements Vacation Law.

8301. Unless the provision or context otherwise requires, the definitions in this chapter shall govern the construction of this part.

8302. "Adoption" of a resolution includes passage or enactment of a resolution.

8303. "Clerk" includes a person or officer who is the clerk of a legislative body.

8304. "Legislative body" means:
(a) In the case of a county or city and county, the board of supervisors.
(b) In the case of a city, the city council or other body which, by law, is the legislative body of the government of the city.
(c) In the case of the California Transportation Commission, the commission.

8305. "Local agency" means a county, city, or city and county.

8305.5. "Public entity" means a local agency or the California Transportation Commission.

8306. "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, pathways, storm drains, drainage, canal, water transmission lines, light and air, and other limited use public easements other than for street or highway purposes.
(b) An easement or right of a type described in Section 8340.

8306.5. "Public utility" means a public utility as defined in Section 216 of the Public Utilities Code.

8307. "Resolution" includes an ordinance.

8308. "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 rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway.

8309. "Vacation" means the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement.

6

STREETS AND HIGHWAYS CODE SECTION 8320-8325

8320. (a) The legislative body of a local agency may initiate a proceeding under this chapter in either of the following ways:

(1) On its own initiative, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(2) Upon a petition or request of an interested person, at the discretion of the legislative body, except as provided in subdivision (e) of Section 8321, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(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.

8321. (a) Ten or more freeholders may petition the board of supervisors to vacate a street or highway under this chapter. At least two of the petitioners shall be residents of the road district in which some part of the street or highway proposed to be vacated is situated and shall be taxable therein for street or highway purposes.

(b) Five or more freeholders may petition the board of supervisors to vacate a public service easement under this chapter. At least one of the petitioners shall be a resident of the township in which the public service easement proposed to be vacated is situated.

(c) The residence address of each petitioner shall be set forth in the petition.

(d) The board of supervisors may require the payment of a fee for filing a petition to defray the expenses of investigations, mailings, publications, and postings under this chapter.

(e) Upon the filing of a petition and the making of the deposit, if any, required under this section, the board of supervisors, by order, shall fix the date, hour, and place of the hearing on the petition. At least two weeks before the day set for the hearing, the clerk of the board shall mail a notice of the date, hour, and place of the hearing to each of the petitioners at the address set forth in the petition.

(f) Nothing in this section shall affect the right of a legislative body to initiate a proceeding under this chapter upon its own initiative, or upon petition or request of an interested person, or prevent the board of supervisors from vacating a street, highway, or public service easement without charging costs if the board determines it is in the public interest to do so.

8322. (a) Except as provided in subdivisions (b) and (c), notice of the hearing on the proposed vacation shall be published for at least two successive weeks prior to the hearing in a daily, semiweekly, or weekly newspaper published and circulated in the local agency conducting the proceeding and which is selected by the legislative body for that purpose or by the clerk or other officer responsible for the publication where the legislative body has not selected any newspaper for that purpose.

(b) If the proceeding is conducted by a city and there is no daily, semiweekly, or weekly newspaper published and circulated in the city, the notice shall be published in some newspaper published in the county in which the city is located.

(c) Notice need not be published under this section where there is no daily, semiweekly, or weekly newspaper published and circulating in the county in which the local agency conducting the proceeding is located.

8323. At least two weeks before the day set for the hearing, the legislative body shall post conspicuously notices of vacation along the line of the street, highway, or public service easement proposed to be vacated. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted. If the line of the street, highway, or public service easement proposed to be vacated exceeds one mile in length, the legislative body may, in lieu of posting not more than 300 feet apart, post notices at each intersection of another street or highway with the street, highway, or public service easement to be vacated and at one point approximately midway between each intersection, but at least three notices shall be posted.

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.

8321. (a) Ten or more freeholders may petition the board of supervisors to vacate a street or highway under this chapter. At least two of the petitioners shall be residents of the road district in which some part of the street or highway proposed to be vacated is situated and shall be taxable therein for street or highway purposes.

(b) Five or more freeholders may petition the board of supervisors to vacate a public service easement under this chapter. At least one of the petitioners shall be a resident of the township in which the public service easement proposed to be vacated is situated.

(c) The residence address of each petitioner shall be set forth in the petition.

(d) The board of supervisors may require the payment of a fee for filing a petition to defray the expenses of investigations, mailings, publications, and postings under this chapter.

(e) Upon the filing of a petition and the making of the deposit, if any, required under this section, the board of supervisors, by order, shall fix the date, hour, and place of the hearing on the petition. At least two weeks before the day set for the hearing, the clerk of the board shall mail a notice of the date, hour, and place of the hearing to each of the petitioners at the address set forth in the petition.

(f) Nothing in this section shall affect the right of a legislative body to initiate a proceeding under this chapter upon its own initiative, or upon petition or request of an interested person, or prevent the board of supervisors from vacating a street, highway, or public service easement without charging costs if the board determines it is in the public interest to do so.

8322. (a) Except as provided in subdivisions (b) and (c), notice of the hearing on the proposed vacation shall be published for at least two successive weeks prior to the hearing in a daily, semiweekly, or weekly newspaper published and circulated in the local agency conducting the proceeding and which is selected by the legislative body for that purpose or by the clerk or other officer responsible for the publication where the legislative body has not selected any newspaper for that purpose.

(b) If the proceeding is conducted by a city and there is no daily, semiweekly, or weekly newspaper published and circulated in the city, the notice shall be published in some newspaper published in the county in which the city is located.

(c) Notice need not be published under this section where there is no daily, semiweekly, or weekly newspaper published and circulating in the county in which the local agency conducting the proceeding is located.

8323. At least two weeks before the day set for the hearing, the legislative body shall post conspicuously notices of vacation along the line of the street, highway, or public service easement proposed to be vacated. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted. If the line of the street, highway, or public service easement proposed to be vacated exceeds one mile in length, the legislative body may, in lieu of posting not more than 300 feet apart, post notices at each intersection of another street or highway with the street, highway, or public service easement to be vacated and at one point approximately midway between each intersection, but at least three notices shall be posted.

8324. (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.

8325. (a) The clerk shall cause a certified copy of the resolution of vacation, attested by the clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the office of the recorder of the county in which the property is located. No fee shall be charged for recordation.

(b) Upon such recordation, the vacation is complete.

STREETS AND HIGHWAYS CODE SECTION 8350-8353

8350. Except as provided in Chapter 5 (commencing with Section 8340), the vacation of a street, highway, or public service easement extinguishes all public easements therein.

8351. Except as otherwise provided in Chapter 5 (commencing with Section 8340) or in this chapter, upon the vacation of a street, highway, or public service easement:

(a) If the public entity owns only an easement for the street, highway, or public service purpose, title to the property previously subject to the easement is thereafter free from the easement for use for street, highway, or public service purposes, but not from any easement for vehicular or nonvehicular trail use that the public entity has previously granted to any other state or local public agency. If the easement is abandoned by resolution of the state or local public agency that was granted an easement for vehicular or nonvehicular trail use, the title to the property previously subject to the vehicular or nonvehicular easement is thereafter clear of the easement.

(b) If the public entity owns the title, the legislative body may dispose of the property as provided in this chapter.

8352. (a) Except as provided in Section 8353, vacation of a street, highway, or public service easement pursuant to this part does not affect a private easement or other right of a person (including, but not limited to, a public utility, the state, a public corporation, or a political subdivision, other than the local agency adopting the resolution of vacation) in, to, or over the lands subject to the street, highway, or public service easement, regardless of the manner in which the private easement or other right was acquired.

(b) A private easement or other right described in subdivision (a) is subject to extinguishment under the laws governing abandonment, adverse possession, waiver, and estoppel.

8353. (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 completed, 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.

6

Electra Dr
Laurel View Dr
Hollywood Blvd
W Selma Ave
Courtney Ave
N Fairfax Ave
N Orange Grove Ave
N Ogden Dr
Havenhurst Dr
St Ambrose Sch
W Norton Ave
Norton Ave
BM
PO
SANTA MONICA
FAIRFAX
WILLOUGHBY

12.22 f 4

(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

EXH 9

Department of Alcoholic Beverage Control

STATEMENT RE: RESIDENCES
(Rule 61.4)

State of California
Edmund G. Brown Jr., Governor

Applicant: Please complete left side of form, then sign. List addresses of all residences within 100 feet of your proposed premises. If there are none, write "None." Measure all distances by direct line from the closest edge of the residential structure to the closest edge of your structure or parking lot, whichever is closer. Your "parking lot" includes any area that is maintained for the benefit of your patrons or operated in conjunction with your premises. Continue on reverse if needed.

1. APPLICANT NAME

2. PREMISES ADDRESS *(Street number and name, city, zip code)*

3. RESIDENCES WITHIN 100'	DEPARTMENT USE ONLY			
	LTR ☐ PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
1.	NAME			
	LTR ☐ PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
2.	NAME			
	LTR ☐ PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
3.	NAME			
	LTR ☐ PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
4.	NAME			
	LTR ☐ PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
5.	NAME			
	LTR ☐ PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
6.	NAME			
	LTR ☐ PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
7.	NAME			
	LTR ☐ PERS ☐	DATE	DISTANCE ft.	SEPARATION FACTORS
8.	NAME			

NON-INTERFERENCE (For Department Use Only)

I acknowledge that any false, misleading or omitted information required in this statement may constitute grounds for denial of application for the license, or if the license is issued in reliance upon information in this statement which is offered, false or misleading, then such misinformation or omission will constitute grounds for revocation of the license so issued.

4. APPLICANT SIGNATURE | DATE SIGNED

INFORMATION AND INSTRUCTIONS

Rule 61.4, Chapter 1, Title 4, California Code of Regulations states:

> No original issuance of a retail license or premises-to-premises transfer of a retail license shall be approved for premises at which either of the following conditions exist:
>
> (a) The premises are located within 100 feet of a residence.
> (b) The parking lot or parking area which is maintained for the benefit of patrons of the premises, or operated in conjunction with the premises, is located within 100 feet of a residence. Where the parking lot is maintained for the benefit of patrons of multiple businesses in the vicinity of the premises, the parking area considered for the purpose of this rule shall be determined by the area necessary to comply with the off-street parking requirements as mandated by the local ordinance, or if there are no local requirements for off-street parking, then the area which would reasonably be necessary to accommodate the anticipated parking needs of the premises, taking into consideration the type business and operation contemplated.
>
> Distances provided for in this rule shall be measured by airline from the closest edge of any residential structure to the closest edge of the premises or the closest edge of the parking lot or parking area, as defined herein above, whichever distance is shorter.
>
> This rule does not apply where the premises have been licensed and operated with the same type license within 90 days of the application.
>
> Notwithstanding the provisions of this rule, the department may issue an original retail license or transfer a retail license premises-to-premises where the applicant establishes the operation of the business would not interfere with the quiet enjoyment of the property by residents.

A residence is defined as a place where people actually live, such as a single family home, condo, residential hotel or motel, or mobile home.

A determination must be made as to whether or not your proposed premises is located in an area as described above. In order to make such determination, it will be necessary for you to complete the front of this form, to be submitted at the time you file a formal application.

If you can establish that your business will not disturb the residents, your license may be issued subject to appropriate conditions.