

HOLMBY-WESTWOOD TRAFFIC COMMITTEE
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April 6, 2009

City Council Traffic Committee
Attn.: Sharon Hin
Attn.: Adam Lid
City Hall Office
200 N. Spring Street
Los Angeles, CA 90012

FOR INCLUSION IN THE COMMITTEE RECORD

RE: Vote "No" on April 8th Traffic Committee Meeting Agenda Item # 8; Resolution No. 07-3905-S1

Honorable Members of the Traffic Committee:

Request for Postponement:

We respectfully request that the Committee postpone for two weeks consideration of Item # 8 on its April 8, 2009 agenda regarding traffic mitigation measures in Westwood. In addition to having only three days' notice of the agenda item, the Committee meeting is scheduled for a date and time that is just a few hours before the commencement of the Passover holiday, thereby precluding several of directly affected residents from appearing at the Committee meeting and addressing the Committee. As well, although Holmby-Westwood Traffic Committee members and other neighbors have been in almost daily contact with the District 5 Council office about this issue, disturbingly, no one at the Council office has ever mentioned the making of this motion or its placement on the Traffic Committee's agenda. Moreover, there is no urgency to this motion and no basis for Rule 16 consideration, particularly inasmuch as the irreparable harm will result from the *removal* of the traffic mitigation measures, not from their existence for another couple of weeks or more, as the traffic mitigation measures resulted in a demonstrated benefit to the residential neighborhood – reducing overall cut-through traffic by 14.5% and reducing traffic speeds by at least 10% and up to 26%.

Summary of Necessity for "NO" Vote:

When the Traffic Committee does undertake the motion substantively, the Traffic Committee members are urged to side with the directly-affected residents by voting "NO" on the matter. The "NO" vote on the motion is appropriate because:

- 1) The Motion *incorrectly* states that the survey of residents failed, when the survey results actually reflect that it **passed with a 72.1%** vote of the residents of the "Affected Area" and a street beyond.
- 2) The Motion fails to provide the Members with the fact that 93.6% of all residents – even in the greater, expanded survey area – favored some traffic mitigation measures and that

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75.8% of the residents favored some or all of the already-implemented traffic mitigation measures *which this motion seeks to remove!*

3) The Motion fails to inform the Members that the Department of Transportation (i) failed to follow the Planning Commission's conditions for approval of the Palazzo Westwood development, (ii) failed to abide by the contract between the City, the developer and the neighborhood association, and (iii) patently violated its own regulations for determining a street to be "significantly impacted" when it enlarged the survey participants by nearly two-thirds.

4) The Motion fails to inform the Members that the DOT designed a confusing and misleading ballot that led voters to believe incorrectly that they could vote for traffic mitigation measures a-la-carte, when it was an "all or nothing" vote.

5) The Motion's diversion of money from this project guarantees that the residents will not receive any traffic mitigation measures – even though 93.6% of the expanded area residents want some traffic mitigation measures.

The details supporting the foregoing facts are set forth below.

The Underlying Facts Require a "NO" Vote on the Motion in Support the Affected Area Residents:

As the Holmby-Westwood Traffic Committee ("Committee"), we seek your immediate intervention in halting Council Motion 07-395-S1, dated March 27, 2009 and presented by Jack Weiss. This Motion is an abuse of discretion, as it fails to implement on a permanent basis the mandatory traffic mitigation measures for the residential neighborhood adjacent to the Palazzo Westwood development in Westwood Village. Without such intervention in the next few days, residential traffic mitigation measures currently in place reducing neighborhood traffic by approximately 24.2% (2,171 cars/day) in the core "Affected Area" will be removed -- and will be removed against the will of what appears to be at least three-quarters of the affected area residents. The facts substantiating our request follow below.

The City's Adoption of the Neighborhood Protection Plan:

As a condition of granting the developer permits to build the Palazzo development, the City Planning Commission required the developer to enter into an agreement with the adjacent property owners' association providing for the implementation of traffic mitigation measures in the affected area in the easterly adjacent residential neighborhood, at the expense of the developer.¹ Such an agreement was reached between the developer, the City and the Association

¹ The developer's EIR over-inflated the figures for the pre-project traffic into the adjacent residential neighborhood by a later-demonstrated 50.1%, so as to claim a lower post-development increase in traffic, yet the City still required traffic mitigation in the adjacent residential neighborhood as a condition of the development.

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and, in reliance upon the parties' implementation of the traffic mitigation measures, and conditioned upon such implementation, the development was approved by the City.

The traffic mitigation plan that was approved defined the "Affected Area" as being the residential streets east of Hilgard, from Lindbrook on the south to LeConte on the north, but south-west of Manning and not including Manning. Accordingly, with the consent of more than two-thirds of the residents in the Affected Area, certain limited traffic mitigation measures were installed on a temporary basis more than a year and a quarter ago. The measures consist of turning restrictions at the intersections of Hilgard and Lindbrook, Hilgard and Weyburn, and Hilgard and LeConte.

The Measurement of Dramatic Reductions in Cut-Through Traffic in the Residential Neighborhood:

The Los Angeles Department of Transportation (“DOT”) measured traffic flows in the Affected Area and in the neighborhood beyond, both before and after the installation of the mitigation measures. Although some of the post-mitigation data collection was not taken in accordance with DOT standards (thereby resulting in the reporting of higher traffic than would have been reported if the measurement guidelines had been followed), and although the DOT decidedly ignored those irregularities, the comparison of pre-mitigation and post-mitigation traffic data nevertheless showed a *sharp reduction in cut-through traffic* in the neighborhood as a whole. The data reflected that the entire neighborhood – even beyond the original Affected Area -- enjoyed a reduction of 1,539 cut-through vehicles per day (equating to about a 12% reduction in traffic through the residential neighborhood). As noted above, on the streets in the Affected Area – being those nearest to the development -- the reduction in traffic was nearly a fourth of the daily volume. On LeConte Avenue, there was a reduction of 2,151 cars per day, being 55.4%. The peak hour cut-through traffic reduction was even higher -- 57.3%.

That traffic data is significant in that it proved unequivocally that: (i) the neighborhood as a whole experienced a high incidence of cut-through traffic traveling between Wilshire Boulevard and Westwood Village (not attributable to neighborhood residents) that was reduced significantly by the implementation of some simple, inexpensive mitigation measures; (ii) the average speed of cars traveling through the neighborhood was reduced across the board by at least 10% and as much as a 26.3% (on LeConte Avenue) – which overall reduction is desirable in itself in such a residential neighborhood where many small children live and play, but which also evidences that those vehicles that were merely cutting through the neighborhood were traveling at a higher rate of speed; and, (iii) the streets in the Affected Area were, indeed, *highly impacted* – as much as three times the DOT threshold for “significant impact.”

The DOT’s Expansion of the “Affected Area”:

After the release of the traffic study data, the DOT decided that the “Affected Area” would be expanded beyond the originally defined area so as to include Manning Avenue. That decision defied the terms of the Planning Department-approved and conditioned agreement between the developer, the City and the Association insofar as the agreement called for the boundaries of the Affected Area to be enlarged *only* if the traffic study showed that another street was “significantly” affected or impacted.² According to the Los Angeles Department of Transportation Traffic Study Policies and Procedures, for Manning Avenue to be deemed “significantly impacted,” the data would have had to show an average daily traffic volume

² The City-approved “Neighborhood Protection Plan” agreement states: “The geographical scope of the Affected Areas, for the purpose of the above poll, or otherwise, may be expanded at the sole discretion of LADOT to include additional residential areas east of Hilgard and north of Lindbrook *only* if such residential areas are deemed by the traffic count study to be significantly affected (according to LADOT criteria for significance) by the Plan Amendment.” (emphasis added.)

increase of 12% or more.³ It did not. Rather, the data (albeit flawed specifically in the post-mitigation measurements collection at the Manning-Hilgard intersection) showed only a 5.3% east-west impact at the Manning-Hilgard intersection – and even then, the data was not truly the average *daily* traffic volume because only weekday traffic was measured.⁴

As a result, the DOT abused its discretion in deciding to expand the survey area for assessing whether to make permanent the traffic mitigation measures to include Manning Avenue residents. This “Expanded Affected Area” increased the number of residents participating in the survey by 33%.

The DOT’s Improper Further Expansion of the Survey Area to Include Peripheral Areas:

Just before the survey of residents was to be mailed out gauging the approval of making permanent the existing traffic mitigation measures and the installation of two additional stop signs, the DOT improperly, unilaterally decided to increase the survey area *again*, this time by a half mile geographically (the “Periphery”) and by 64.7% in the number of voters, even though the streets in the Periphery did not meet the DOT’s own regulations for being “significantly impacted.” In fact, the traffic study did not even include some of the streets that were given voting rights. As a result, the further expansion of the survey area to include the Periphery had the effect of diluting to less than half the relative strength of the vote of the original Affected Area residents – such residents being those most impacted by the development.

Although the Committee protested the DOT’s decision to include residents of the Periphery in the survey as if they were “significantly impacted,” even though they were not “significantly impacted,” the DOT nevertheless proceeded to conduct a survey that included those Periphery residents.

The DOT Improperly Designed the Ballot in a Confusing Manner that Diverted “Yes” Votes.

In further sabotage of the City-mandated traffic mitigation measures, and over the objections of the Committee, the DOT designed the survey ballot in a confusing and misleading manner, having the effect of diverting “yes” votes in favor of the existing Plan’s traffic mitigation measures to “No” votes.

³ A local residential street shall be deemed significantly impacted based on an increase in the projected average daily traffic (ADT) volumes:

Projected Average Daily Traffic with <u>Project (Final ADT)</u> 0 to 999 1,000 or more 2,000 or more 3,000 or more	Project-Related <u>Increase In ADT</u> 16 percent or more of final ADT* 12 percent or more of final ADT 10 percent or more of final ADT 8 percent or more of final ADT
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⁴ In addition, the mid-street traffic data collection on Manning was only collected in the short distance between Hilgard and Malcolm, where there are no residential addresses. Yet, the DOT allowed all Manning Avenue residents – all the way through to Wilshire Boulevard – to vote in the traffic survey.

The DOT designed the actual voting portion of the ballot to appear as follows:

PLEASE RESPOND TO THESE QUESTIONS:

MEASURES ON THE NTM PLAN	REQUIRED INFO	OPTIONAL INFO
<p>A: Prohibit LEFT TURN TRAFFIC going SOUTH on Hilgard to EAST on Lindbrook, as is temporarily placed.</p> <p>B: Construct sidewalk bumpouts and median island at Hilgard and Lindbrook, replacing the temporary bollards.</p> <p>C: Prohibit STRAIGHT THROUGH TRAFFIC going EAST and WEST on LeConte at Hilgard, as is temporarily in placed.</p> <p>D: Prohibit STRAIGHT THROUGH TRAFFIC going EAST and WEST on Weyburn at Hilgard, as is temporarily placed.</p> <p>E: Install speed humps on selected blocks of Westholme, Manning, Malcolm, Weyburn, Lindbrook, if at least 75% of the residences on the individual block indicate support for speed humps. <i>(See enclosed map for approximate locations.)</i></p> <p>F: Install 4-way stop control at Manning and Malcolm, and at Manning and Le Conte (currently 2-way stop control).</p>	<p>Do you support the proposed NTM Plan, which includes ALL of the measures on the left?</p> <p>(Please check only one box)</p> <p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>	<p>If you checked "NO" on the left, please also indicate which of the corresponding individual measures you favor, if any:</p> <p>(You may check more than one box)</p> <p><input type="checkbox"/> A</p> <p><input type="checkbox"/> B</p> <p><input type="checkbox"/> C</p> <p><input type="checkbox"/> D</p> <p><input type="checkbox"/> E</p> <p><input type="checkbox"/> F</p>

By adding the "Optional Info" section to the ballot contiguous with the "Yes/No" section of the ballot, it presented the optical illusion that voters could choose their traffic mitigation measures a-la-carte, even though that was not true (and despite some contrary instructional language in the survey materials). If voters did not vote "Yes," the Affected Area, the Extended Affected Area, and the Periphery, alike, would receive **no** mitigation measures whatsoever and the developer would be relieved of all obligations to pay for traffic mitigation. Any future traffic mitigation measures were only speculative and, if implemented, would be at City expense. The other effect of the DOT's ballot design suggesting to voters that mitigation measures could be selected a-la-carte was to pit the Periphery residents against the Affected Area and Expanded Affected Area residents. That is so because the Periphery residents favored mitigation measures on their own streets, but did not favor them on the Affected Area streets. As a result, the Periphery residents were understood to be under the mistaken impression that, if they voted "No" on the survey, they would be able to divert developer traffic mitigation funds from the Affected Area to implementing mitigation measures just on their own streets. That is not true.

Jack Weiss initiates Motion to Remove All Traffic Mitigation Measures, Despite the Overwhelming Support for the Implementation of Mitigation Measures.

Although the DOT’s improper expansion of the survey area and its misleading ballot design succeeded in diluting the Affected Area residents’ vote (so that the overall support in the enlarged survey area for the complete Plan was diluted to being 59.3%), the true support for the existing mitigation Plan is nevertheless apparent from the survey results. As the table below reflects, even in the enlarged survey area (that includes the Periphery), 93.6% of the voting residents support some or all of the existing traffic mitigation plan and 75.8% of the voters in the enlarged survey area support some or all of the measures that have already been implemented on a temporary basis. Had the survey been limited in geographic scope even to the Expanded Affected Area, the “Yes” vote enjoyed 72.1% support and, therefore, the “Yes” vote would have carried. It is presumed that the “Yes” vote would have exceeded 72.1% had the survey been limited in scope to the original Affected Area residents, given that the Plan’s support was gauged to be highest in that core affected area.

	% of Vote (of Total Enlarged Survey Area, including Periphery)	% of Vote (of Expanded Affected Area Only)	% of Vote (of original Affected Area Only)	Mitigation Measures DOT will Implement as a Result of Vote
Residents Favoring Some or All of Existing Mitigation Plan Measures	93.6%	DOT refuses to release data; Presumed to exceed 72.1%	DOT refuses to release data	None – will remove existing mitigation measures & will return to full cut-through traffic levels
Residents Favoring Some or All of Already-Implemented Mitigation Measures	75.8%	DOT refuses to release data; Presumed to exceed 72.1%	DOT refuses to release data	None – will remove existing mitigation measures & will return to full cut-through traffic levels
Expanded Affected Area Residents Favoring Existing Mitigation Plan Measures	N/A	72.1%	DOT refuses to release data	None – will remove existing mitigation measures & will return to full cut-through traffic levels

If the Traffic Mitigation Measures are Removed, The City's Own Development Conditions will have been Disregarded, All Nearby Residents Lose and Their Safety is in Jeopardy, the Most Impacted Residents Lose the Most and their Safety is Most Jeopardized, and the Developer Gains the Most, Saving about a Quarter Million Dollars:

By the agreement of the interested parties, traffic mitigation measures in the affected area were required as a condition of development. By official act of the City and its Planning Commission, traffic mitigation measures in the affected area were required as a condition of development. The actual traffic data collected reveals a dramatic decrease in cut-through traffic and in the speed of cars passing through the Affected Area. Yet, by virtue of the DOT's abuse of its discretion in enlarging the survey area to include the Periphery and as the result of its confusing ballot design, there will be no traffic mitigation measures whatsoever. That is an especially harsh result when even one of the traffic mitigation measures – the one at LeConte – reduced speeds by as much as 26.4% on that residential street and reduced cut-through traffic by 55.4% -- approaching 100 cars per hour!

Without the Traffic Committee's "NO" vote, the residents most affected lose. The City loses the neighborhood's safety and residential character, as well as the funds to implement those safety measures. And, the developer wins – saving about a quarter-million dollars.

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Motion refers to City Council Resolution 07-3905-SI (CD5)