

Crescent Heights – Havenhurst Neighborhood Preservation Association

Environmental Analysis Section
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012-4801
Attn: Ms. Srimal Hewawitharana

January 15, 2015

Re: Public Comment- Draft Environmental Impact Report for 8150 Sunset Boulevard

Dear Ms. Hewawitharana:

Please accept these comments in response to the Draft Environmental Impact Report for City Case no. ENV-2013-2552-EIR issued for public review on November 20, 2014. These comments are not as comprehensive and potentially helpful to the City, because the draft E.I.R does not summarize the existing conditions and the proposed land use load assumptions in a publically accessible chart or graphics that most other Reports generally follow. Instead the public is asked to play detective and try to wade through confusing and sometimes contradictory exhibits, appendices and separate studies merely to understand the proposal.

GENERAL COMMENTS:

First, the current site is indeed in need of an upgrade, and a new sustainably patterned and thoughtfully designed and programmed project would be very welcome on this site. However, it is very difficult for the public to provide insightful feedback on a proposed project when the description and analysis of the existing conditions compared to the proposed project is lacking fundamental information.

A. Existing Conditions: The Report describes the existing site development pattern as containing “two commercial uses and other site improvements” along with 222 parking spaces. **In order to more effectively evaluate the proposed project, it would be helpful to have the final environmental document be more descriptive in terms of summarizing the current conditions and site usage. Namely, what are the currently land uses and floor areas and how are the parking spaces allocated and configured for each of them?**

For example:

- a. Total Existing Commercial Land Uses = 80,000 s.f.

Bank Building = _____ s.f. (eg. @ 1 space per ??? s.f. = no. of spaces allocated)

Retail Uses = _____ s.f.

Drive-Thru Restaurant = _____ s.f.

Restaurant/Café Spaces = _____ s.f.

Art Storage = _____ s.f.

b. Parking Spaces: Current % of Standard + % of Compact Spaces = ???

B. Current Zoning & Applicable Ordinances: The Report does adequately break out the general description of the proposed Project. However, with respect to this specific property, it does not appear to describe for the public the adopted Community Plan vision, adopted ordinances that affect the allowable density, the baseline zoning allowances and the allowable increases permitted by State Law and L.A. City Ordinances with respect to affordable housing and transit proximity.

In the final Report please include an easily accessible summary of the Community Plan, applicable ordinances and baseline zoning for this parcel. In addition please indicate how the addition of 28 affordable housing for low income households impacts the baseline density and parking requirements, exclusive of variances to qualify for off menu incentives.

For example:

1. Baseline Zoning for the site:

Site Area – 2.56 acres (@ 43,560 s.f./acre) = ± 111,500 s.f. (0.71:1 FAR)

Maximum Allowable Density (@ 1:1 FAR) = ± 111,500 s.f.

Height District 1 = 45 feet maximum

Community Plan provisions: ???

Maximum Residential Density: ??? (i.e. Maximum unit count follows R4 provisions?)

Residential Parking Requirements: (i.e. Condominiums in an impacted parking zone?)

2. Affordable Housing Incentives:

Up to a maximum of 35% increase in density may be granted if the Project sets aside units for lower income households.

- Maximum Allowable Residential Density w/ Incentives = 1.35:1 FAR (applies to the residential portion of the project only, in order to better accommodate the residential units?)

The basis for many conclusions in the draft Report relies on “existing conditions and credits” yet this data is not readily found in the document. If it is in the draft, please reference its location, and, if not, please include it in the revisions to the Report.

C. Proposed Project Comparison: Although there are some numbers spread throughout the Report in various sections, it would be helpful to have a breakdown of the proposed

Commercial Use mix with the proposed commercial parking as well as the proposed Residential allocations and the change this proposal represents:

Proposed Comm'l Floor Area = 111,339 s.f. (1:1 FAR)

Current Comm'l Floor Area = 80,000 s.f.

Proposed Increase in Comm'l Floor Area = 31,339 s.f.

Percentage increase in Floor Area = 39% increase in commercial floor area

Proposed Increase in Residential Floor Area = 222,564 s.f. (2:1 FAR increase)

Current Residential Floor Area = None

Proposed Number of Units = 249 dwelling units, including 28 affordable units (± 11% set aside)

Proposed Number of One- Bed and Two-Bed etc. units?

Proposed Site Density = 3.0:1 FAR

Allowable Site Density = 1.0:1 FAR

Current Site Density = 0.71:1 FAR

Increase to Site Density = 317% proposed increase (333,903 s.f – 80,000 s.f. / 80,000 s.f.)

Proposed Comm'l Parking = 554 spaces (4.98 per 1000 s.f. average load)

Current Comm'l Parking = 222 spaces

Increase to Comm'l Parking = 331 spaces (49% increase)

Proposed Increase to Resid'l Parking = 295 spaces (allocated at 1.18 spaces per unit)

Current Resid'l Parking = None

D. Public Plaza: An off-site public plaza is referred to throughout the document as part of this project. The Applicant does not own this property nor does the proposed Project appear to be part of a development agreement that might take into account a public benefit such as this plaza. In fact, the neighbors and City of West Hollywood were told that the current median was already part of a previous entitlement across the street. Therefore, it should be the responsibility of that previous Applicant to perform improvements. Regardless, the proposed plaza is an independent question and any consideration of its design should be handled as part of a separate stakeholder outreach process distinct and independent from the proposed Project.

E. Affordable Housing Incentives/Concessions: The proposed Project looks to affordable housing incentives to justify significantly large “off menu” density bonus requests. In order to qualify for this bonus, selected criteria must be met. The Applicant has presented an opinion that the site rests 1560 feet from Major Stop/Transit. The burden falls to the City to make a written finding assessing the applicability of each incentive as well as the need for specific requests. **Please request that the EIR Consultant prepare an independent Map indicating the distance from Major Stop/Transit AND a**

description how this distance the method through which this distance was determined.

Under State Law (Gov't Code Section 65915-18), upon receipt of an Applicant's proposal for the specific incentives or concessions, the city "shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

The draft Report did not look at an alternative that would have included the feasibility of what most developers would have proposed for this property (Ref: the Wells Fargo Mixed Use Project on Sunset and Hayworth two blocks away), namely a 1:1 FAR Mixed Use Project that requested 35% density bonus incentives for affordable housing.

SPECIFIC COMMENTS ON THE REPORT:

- A. Areas of Controversy and Issues to be Resolved (SEC. D, Draft page ES-2)
1. Based on attendance at previous scoping and community meetings, two issues were raised as key areas of study, yet they are not identified in this section of summarized items.

First, HYDROLOGY concerns were raised with respect to the underground parking proposed. This portion of the City has had many dealings with subsurface water issues when underground parking more than one story is undertaken. The current site is parked fully on-grade and therefore has no real sub-surface impacts. Specifically how will the new multiple level subterranean parking and foundation walls affect the underground water by damming the existing flow and diverting water into the adjacent sites some of which have very old, one-story subterranean parking garages? Will there be impacts on the foundation systems of the adjacent residential properties? How can this site specific condition be mitigated if at all?

Second, SEISMIC concerns were raised. Surely studied in the Report, how were these concerns not at least deemed to be “less than significant” with mitigations knowing that the Hollywood fault is proximate to this construction?

B. Significant Unavoidable Impacts (SEC. E, Draft page ES-3)

1. Beyond the historic and construction-related impacts, there does not appear to be any unavoidable impacts related to the underground water table and to the proposed vehicular access/egress locations with respect to the ability to move in all four directions when leaving the property. Please explain how these result in a “less than significant impact”?

C. Project Alternatives (SEC. F, Draft page ES-4 thru ES-10)

1. The “Alternatives” segment of the Report is a bit perplexing. Alternative #1 is a mandated alternative. Of the remaining seven “Alternatives”, only one alternative (Alternative #2) studied a conventional “commercial only” Project based on the Community Plan and the Zoning Code. Six other alternatives were studied that would involve increased density (and in some cases height) not permitted under current incentive or bonus initiatives adopted by the City. Who generated these non-code compliant alternatives and why?
2. Public comments and written cards completed during the Scoping Meetings had specifically requested that at least three project alternatives be studied under the current Community Plan and Zoning allowances. The following three alternatives that had been requested were never studied:
 - i. **Alternative A- Commercial Addition and Remodel** of up to \pm 31,300 s.f. to upgrade and update the site preserving the Bank building but, through selective demolition, adding neighborhood serving commercial uses, new parking if needed and new landscaping to activate pedestrian life on Sunset. The Traffic consultant’s Report, if accurate, indicates that the commercial trips generated would go down (5296 current trips down to 4809 trips) by adding new commercial floor area of 31,339 s.f. **Please evaluate how this Addition and Remodel strategy would result in a similar reduction and would result in benefits at the intersection and traffic flow in the area. Would traffic signal mitigations at Havenhurst/Sunset and Havenhurst/Fountain be eliminated?**
 - ii. **Alternative B- A Mixed Use Project** of 45 feet max. consisting of commercial and residential uses at a density of 1:1 FAR with incentives up to 35% density bonus and an add’l story for affordable unit set asides of 20% unit count. This alternative should include the same 1/3 comm’l and 2/3 resid’l ratio proposed

by the Applicant (i.e. 37,075 s.f. commercial and 74,264 s.f. residential). Using the applicants same unit size ratios and assuming a 35% density bonus on the residential portion, this would result in a project of 112 residential units. Comm'l Parking (@ 5/1000 avg.) would require 74 spaces + Residential Parking (@ 1.5.spaces/unit avg.) would require 168 spaces for a total of ± 242 parking spaces.

This alternative would result in surface parking and perhaps one semi subterranean level of parking if necessary with a density/intensity increase of 57,331 s.f. of floor area, but because of the new residential use the parking space count would only need to increase from 222 spaces to approx. 242 spaces. **Please evaluate the environmental benefits or impacts of this alternative. Would traffic signal mitigations at Havenhurst/Sunset and Havenhurst/Fountain be eliminated in this alternative?**

- iii. **Alternative C – A Mixed Use Project + Bank Preservation Project with terraced, tuck-under Surface Parking.** Because of the Bank's fortunate location on the northwest corner of the site and the sloping nature of the lot, a new Project at a density of 1:1 FAR, preserving the existing Bank structure, and adding new retail and residential floor area over three or four stories can easily be achieved. This strategy would eliminate the need for currently proposed extensive site excavation and a large amount of soil export thus eliminating many anticipated construction-related impacts. **Please evaluate the environmental benefits or impacts of this alternative. Would traffic signal mitigations at Havenhurst/Sunset and Havenhurst/Fountain be eliminated in this alternative?**

Based on some of the Report's conclusions, any of these three alternatives (A, B or C) would likely result in a far more sustainable and desirable "environmentally superior alternative" than the one (Alternative #6) identified in the Report. Alternative # 6 represents a non-compliant development concept not supported by the Community Plan or the Zoning Code.

3. Alternative #7 refers to an "On-Menu" Alternative. The Applicant has elected to request "Off Menu" incentives for the proposed Project without demonstrating how these incentives are needed to accommodate the added units for affordable housing under State Law 65915. If the applicant plans to include 28 affordable dwelling units of approx. 18,000 s.f. to 19,000 s.f. of floor area, how does the Project require an additional 203,000 s.f. of leasable or saleable bonus floor area to offset these costs?

COMMENTS RELATED TO PROJECT IMPACTS:

A. Parking and Traffic Impacts

The public and community members are not specialists in this process and must trust that the Consultants are independent, objective and impartial in gathering and analyzing data. Clearly, based on the assumptions and the comments made by the Consultants in the Report and in the meetings, the Applicant's team has had a direct influence on this Report. The EIR Consultant at the most recent meeting referred to this EIR process as a "full disclosure exercise" in which transparency is paramount. **In the final Report, please disclose the number of calls or direct meetings between the Consultant and the Applicant's team and describe the nature of direction given** (i.e. with respect to programs, land uses assumptions, project goals, etc.).

1. **Trip Generations:** The draft Report indicates that 31,330 s.f. of new commercial spaces will necessitate an increase of 332 new commercial parking spaces (554 spaces proposed and 222 spaces current). This change represents a 50% increase in commercial parking spaces yet the traffic study finds that there will be a 9% reduction of 487 commercial trips (5296 -4809 trips) even though the site will be intensifying with a new supermarket and new restaurant floor area. **How does an intensification of commercial use and a 50% increase in commercial parking result in a reduction in commercial trip generations?**

Table ES-1, Regional Traffic Analysis, Impact Statement TR-4 concludes that, "Project-generated traffic would be below the CMP 50-trip threshold at the CMP intersections..." Given the intensification in land use and the introduction of well over 1000 new trips and a resultant 20% increase in trips (1077 new trips) from the current site, how can a 50-trip threshold not be exceeded?

2. **Proposed Driveway on Crescent Heights:** The draft Report indicates that the Crescent Heights driveway will be used for commercial uses on the site. Please have the Consultant indicate the number trips per day of the total count that will be exiting on to Crescent Heights. Of this number, how many trips are projected to turn left (north) to Sunset. The left turn is currently prohibited because of mitigations to address previous impacts in this location. **Please explain how left turns out of the driveway will not result in the impacts previously identified?**
3. **New Traffic Signals on Sunset/Havenhurst and Sunset/Fountain:** There is no exiting from the current site on to Havenhurst Drive. In addition, the City of West Hollywood installed speed bumps and then subsequently a choker to mitigate significant undesirable impacts from City of Los Angeles traffic short cutting up and down Fountain to or from

Sunset Boulevard. The draft Report discusses a need for two new traffic signals based on the anticipated residential entry and exiting and the commercial exiting needs of the project. The Report identifies 1596 daily trips for the residential component. How many additional trips are assumed for the commercial portion on Havenhurst? **Please address why the current design proposes to introduce new significant impacts on to Havenhurst Drive? Please explain in the revised Report how new signalization will address the City of West Hollywood’s attempts to stop L.A. City based traffic from moving up and down Havenhurst Drive?**

A signal at Havenhurst and Fountain will not affect west bound traffic on Fountain at all, because the same right turns heading north will still take place. In fact, the greatest benefit of a signal at Havenhurst and Fountain would be to facilitate left turns from Havenhurst on to Fountain in order to head east. If this result is correct, it would encourage even more cut through traffic from Sunset heading south, especially but not limited to those who want to divert down to Fountain to head east. **Please have the Consultant respond to this concern.**

4. **Parking:** If the project did not contain affordable housing, the proposed project would require well over 1100 parking spaces, yet the project is proposing only 849 spaces or approximately a 300 space reduction because 28 affordable housing units will be provided. **Assuming this reduction is in fact compliant per laws and codes, please study the potential impacts on adjacent streets if a project contains a 300 parking space reduction from conventional mixed-use projects without affordable housing.**

Ref: TABLE ES-1, SECTION 4.A: AESTHETICS

Urban Design Analysis related to “Aesthetics” –

- a. **Sustainable Design/Green Space:**
The proposed Project seeks to create a large amount of open space and public-oriented spaces by moving its density into a vertical two-tower configuration. Without comment specifically on the proposed number of stories or scale, in most cases if the solar exposure is taken into account, this can be a sound strategy and in this situation a private courtyard or series of paseo-like spaces do make sense as a general site development approach.

When tower solutions are pursued, the resultant open space solutions become critical to the success of the project. In these cases, for sustainable design motives, one looks for excellent sun orientation, increased green spaces, new canopy trees, and ample permeable surfaces

to keep storm water on site. Unfortunately, because of its substantial density requests and resultant subterranean parking needs, **this project proposal does not accommodate the effective, on-grade planted sustainable solutions and urban design benefits one would expect.** Instead, plantings appear to be heavily reliant on pots sitting on concrete decks or roof decks where the majority of the public could not enjoy them. The general public space is overwhelmingly concrete or hardscape surfaces necessitating substantial (and likely unnecessary) surface drainage provisions that will further tax the storm drain system.

The Applicant team should be encouraged to re-examine the location of the new buildings and explore how moving taller portions toward Sunset might result in more on-grade green space and canopy trees planted in the ground.

b. **Site Topography:**

The project site slopes downward from north to south rather significantly. The existing commercial development acknowledges this slope and, through a terracing strategy, effectively situates the commercial uses so as to not require a great deal of excavation and soil export. Unfortunately, the proposed project appears to lack familiarity with the site specific conditions and to have been conceived in the computer as if it were more of a flat site. As discussed above, a thoughtful mixed-use design solution that takes advantage of the topography makes sense for this property if more adequately sized to include surface and/or tuck under commercial parking so that a substantive portion of the property can take advantage of the fertile soils that took centuries to create and that lie under the current parking surface.

The team should be encouraged to study a more terraced design solution that not only cleverly integrates necessary parking but also results in better massing and scale variations with more distinct interior programs so the site is more about passive enjoyment for the new residents and less a commercially based destination attracting cars to the site.

c. **Open Space Orientation:**

We know from a long history in Los Angeles that north-oriented, south side of the boulevard commercial uses on east-west arteries are difficult. In this case, the design proposes a grand east-west pedestrian-oriented promenade space in the middle of the site between its tall towers. Based on this orientation, the promenade will have very few hours of sunlight because of the shadows cast by the towers. Should the project's density move to the northerly portion near Sunset, adjacent to Bank structure, the former public plaza and promenade spaces can be repositioned as a

south-oriented open space(s) for the residents thus greatly reducing the destination-based strategy now in place and providing a buffer for the adjacent residential properties to the south.

The Consultant team should study an alternative location for the scale and massing along the Sunset and Crescent Heights perimeters and evaluate any resultant benefits or impacts on adjacent residential properties.

Urban Design Analysis related to “Impacts on Streets” –

- d. **Public Plaza** at the Sunset & Crescent Heights Corner:
Both the Applicant’s representatives and Staff have discussed how dangerous the Sunset & Crescent Heights intersection has been for pedestrians. Their inference is that the best solution is creating a large + 9000 s.f. urban plaza on the corner as a grand public space. In reality, the bigger problem with danger in this intersection is on the east corner not the west. Nonetheless, when a dangerous vehicular and pedestrian condition exists, the solution is not to introduce more pedestrians, more bicycles and more visual and physical distractions for the driver! In this case, the proposed design solution is actually backwards. The Project would improve by moving its density north to better hold the corner physically through a series of pedestrian-oriented facades (see Sunset Plaza, Larchmont, etc.) and eliminate any destination-based public at the corner altogether. The corner median is a separate question and should be handled as a separate process. It would probably work better as a non-occupyable urban marker referring to its history on the Strip. (Perhaps a design competition in the future?)

- e. **Sunset Strip in Los Angeles- Visual Compatibility and adjacent Residential Zones:**

The Los Angeles portion of the Strip itself starts with the Chateau Marmont as a residential/hotel use and heads east with a majority of commercial uses for two miles until one reaches the heart of Hollywood at Cahuenga and Vine. Residential towers are rare with an occasional residential/hotel project appearing once or twice. Historically, the Strip has been home to entertainment, hospitality, service-oriented and commercial uses. Free-standing commercial structures and mini-malls have held to surface parking one or two stories for this stretch and include more neighborhood serving uses. A new five-story mixed-use building was constructed at Sunset and Hayworth with less than exceptional urban activating results (ref. north-facing commercial uses discussed previously). Crescent Heights is a residential street, so the proposed mix of commercial and residential uses if designed well could be an appropriate and sustainable-growth based solution. However,

there is no evidence that occupants at Sunset and Hayworth have embraced transit when their building is very close to the Fairfax/Sunset junction. Therefore, granting transit-based density increases beyond the extended range already identified in the Code is without basis and the actual data to support it. The evidence based on real life usage not theoretical thresholds actually suggests otherwise.

f. Relocation of the Bus Shelter/Bus Stop:

Those who live in the area talk regularly of the problematic bus stop location. Many comments were received on this topic. The Report does not appear to address re-location options, address the current problems or suggest how the increased intensity on the site and purported use of transit by the building's occupants will be supported.

Please have the Consultant team assess whether or not improvements can be made to the south east corner of Sunset/Crescent Heights so that the bus stop can move closer to Sunset/Laurel (nearer the majority of the current residents) and the smaller triangular median on the east corner can be modified.

CONCLUSIONS:

Overall, while uninspired as currently conceived from a sustainable design and site orientation standpoint, the proposed uses described in the project are reasonable. However, serious concerns remain unaddressed in the draft Report with respect to environmentally superior alternatives that were not studied despite public comments in the scoping process to do so.

The Report itself is lacking in project information and detail to support some of the "assumptions" and conclusions drawn within.

The Report did not study specific alternatives posed by the public during the scoping process and instead studied high density/high intensity alternatives never proposed by the public or the applicant.

From an urban programming standpoint, the public plaza as a destination space is a complete misstep that will introduce more problems than it will solve.

From an urban scale standpoint, a tall tower solution would visually be much grander than anything in the area, including the historic Chateau Marmont. The Chateau is nettled in the hillside behind large growth trees and billboards. If anything, the proposed towers would not visually compliment it, rather they would diminish the urban presence of the Chateau across the street.

With respect to commercial uses, lower-scaled, more neighborhood-oriented uses would be more appropriate (especially along Havenhurst Drive on the westerly edge).

The Bank is an asset and its conservation on the site does not preclude a mixed-use development that conforms to the underlying zoning. Keeping the resource in place is demonstrably viable.

A more appropriately scaled solution that reflected the Sunset Strip's character and further enhanced the Strip's creativity and walkability would be most welcome.

Based on the well-documented history of this site and the complexity associated with the intersection, commuting to the San Fernando Valley, tourism associated with the Strip, and adjacent residential uses the Project should rise to exceptional quality that solves current issues without introducing new problems. The applicant and its design team have received respectful and specific feedback about the type of project that could work on this site. The Project site could benefit from re-development and the proposal merely needs a stronger vision to ensure economic, social and urban design success, one that does not rely on unsubstantiated density and needless increases to public space intensity as its crutch.

This site has had its density reduced twice in recent times, in 1984 and 1989. The EIR consultant should review the reasons for this reduction and include those comments in the final EIR.

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