

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning

Regarding Case Number: 3 ~~VTT 72370VN 1A~~ VTT 72370CN HA

Project Address: 8150 Sunset Blvd et al.

Final Date to Appeal: 08/29/2016

Type of Appeal: ☒ Appeal by Applicant/Owner
☐ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Susane Manners

Company: _____

Mailing Address: 1229 N. Olive Drive

City: West Hollywood State: Calif Zip: 90046

Telephone: (310) 666-1800 E-mail: mannersgroup@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self ☐ Other: and Manners Trust owner of the Property as Sole Trustee

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Allan Wilion, Esq.

Company: _____

Mailing Address: 8383 Wilshire Blvd.,

City: Beverly Hills State: Calif. Zip: 90211

Telephone: (310) 435-7850 E-mail: aew@aewlaw.net

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: *S. M. [Signature]* Date: 08/29/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- ✓ ● Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- ✓ ● A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- NA ● A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Annam Vidal</u>	Date: <u>8/29/16</u>
Receipt No: <u>0201346821</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Office: Van Nuys
Applicant Copy
Application Invoice No: 31718

City of Los Angeles
Department of City Planning



LA Department of Building and Safety
VN ERNI 201088804 8/29/2016 3:05:22 PM

PLAN & LAND USE \$106.80

Sub Total: \$106.80

Receipt #: 0201346821

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: MANNERS, SUSANE (B:310-6661800)
Representative: WILION, ESQ., ALLAN (B:310-4357850)
Project Address: 1435 1/2 N CRESCENT HEIGHTS BLVD, 90046

NOTES:

VTT-72370-CN-2A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
OSS Surcharge (2%)	\$1.78
Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
Grand Total	\$106.80
Total Invoice	\$106.80
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$106.80

Council District: 5
Plan Area: Hollywood
Processed by VIDAL, ANNA on 08/29/2016

Signature: 

Receipt #: 0201346821

Sub Total:

\$106.80

PLAN & LAND USE

\$106.80

LA Department of Building and Safety
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APPEAL BY MANNERS FROM VTT 727230CN 1A

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310-435-7850 PHONE; AEW@AEWLAW.NET

August 29, 2016

City Council Los Angeles

Hn. Jose Huisar Chair
City Council Planning and Land Use Committee

RE: APPEAL TO CITY COUNCIL OF LOS ANGELES RE 8150
Sunset Blvd. (short term "8150") Hearing 7-28-16 Planning
Commission RE VTT727230CN 1A

Vesting Tract MapNo: VTT 72730-CN;
Related: CPC-2013-2551-MCUP-DB-SPR;
CEQA: ENV-2013-2552-EIR, SCH No. 2013091044
ADDRESSES:

8148-8182 West Sunset Blvd., Los Angeles
1438-1486 N. Havenhurst Drive, Los Angeles
1435-1443 N. Crescent Heights Blvd., Los Angeles

APPELLANT: SUSANNE MANNERS OWNER OF 1477-79
HAVENHURST DRIVE LOS ANGELES AN 8 UNIT APARTMENT
BUILDING SITUATED DIRECTLY ACROSS THE STREET FROM
THE 8150 MONSTROSITY PROJECT AND MOST NEGATIVELY
AFFECTED PROPERTY

PART 1:

APPELLANT STANDING

Appellant Susanne Manners ("Appellant") has standing both as a member of the public and as the owner of the Apartment Building located at 1477-79 Havenhurst Drive which is located directly across the street from the Monstrosity Project. It is approximately 70 feet away. (See **Exhibit 1a, 1b** for photos). Havenhurst is 38 feet across not 60 as represented in the Decision. (**Exhibit 1a**). Manners is the sole trustee and beneficiary of the Manners Trust that owns the 8 unit apartment building ("Appellant's Property" or "Apartment Building") (**Exhibit 1a-1b**). **FN 1**

The key fact is that Apartment Building is located within the 1905 Crescent Heights Tract Map Book 6, pages 92-93 ("1905 Tract Map" or "Tract Map" or Map") (**See Exhibit 3a**). Her property will be the most negatively affected by the MONSTROSITY Project along with the Andalusia a world famous historical property next door, and the Senior Citizens Home of West Hollywood located to the south of the Andalusia and literally across the street from the proposed exits to be located on Havenhurst. A photo of the right turn from the exits onto Havenhurst to Sunset is attached as **Exhibit 1c**). Havenhurst one of the most beautiful streets in Los Angeles is about to be ruined. The demarcation line between Los Angeles and West Hollywood is at the Senior Citizens Home of WEHO (**Exhibit 1d**) which is directly across the street on Havenhurst from the proposed exits for the Monstrosity Project, and the remainder from that point south is located within City of West Hollywood (WEHO). (**Exhibit 1e**). The street is pinched at this location just south of the proposed exits at the demarcation lines between the City of LA and the City of WEHO and one lane is removed approx. (**Exhibit 1c1, 1e, and 1d3; and 1D4 photo of Fire Department Truck and the narrow area**). **FN 2**

The Planning Commission illegally approved the VTT which includes a 234 foot Monstrosity that the Developer claims is 15-16 stories but in fact is close to 22 stories, and it is out of touch with the area. (**Exhibit 2; and 1h2**).

FN 1: All References are to the LD Decision regarding the CPC 2013-2551-MCUP-DB. The VTT is referred to as VTTetc.

FN 2: The City of WEHO is not insane and opposes the project. It is categorically opposed to it. See discussion infra.

The closest buildings that are 22 stories are located in Hollywood and Century City and/or Wilshire Blvd with one exception. There is one 31 story condominium known as the Sierra Towers that was constructed by the same architect that constructed the Apartment Building and it is located on Doheny North of Sunset in the City of WEHO. It is about a mile or so away. The largest building in the area is the La Ronda Apartment (4 stories and 45 feet) and the Colonial House (7 stories and 80 feet) both of which are historical monuments. **(Exhibit 2d). The Monstrosity is the royal finger to the residents of Los Angeles and West Hollywood.**

Under the Decision Letter of Determination, the Developer part of a bait and switch plan engaged in by the City of LA without notice wherein they surreptitiously and illegally changed the project completely and called for inter alia: (i) illegal vacation of a dedicated right turn lane on Sunset south onto Crescent Heights, and vacation of the traffic island (known as traffic island) which is located in the middle of Crescent Heights; (ii) changed exits to Havenhurst drive which is a 38 foot (not 60) small little street with a pincher right at the exits **(Exhibit 1e and 1d1)**; (iii) increased the amount of dirt to be hauled from 58,000 to 136,000 cy of dirt and 13,600 truck semi truck loads of 10 cy each to be removed by exiting right on Havenhurst north to Sunset **(Exhibit 1b and 1c1)**, and then right turn east on Sunset (Exhibit 1f-1g, ; (iv) the post hauling truck deliveries and all business invitee exists and resident exits would be right on Havenhurst and then right on Sunset. The area will be a sig alert; (v) a 234 foot Monster Project which is 22 stories. **(Exhibit 2)**

Appellant objects to the entirety of the Monstrosity Project which is illegal for many reasons including that the current version illegally interferes with her Private Easement. The City of LA is completely unaware of the fact that the Appellant's Property falls within the 1905 Crescent Heights Tract Map and has a Private Easement over all property designated in the Map. Appellant **and everyone else in the area** who falls under the Tract Map has a Private Easement over the streets designated which include Havenhurst and Sunset as well as the dedicated right hand turn lane which the City seeks to vacate, and the traffic island, and other areas.

There is a dedicated right hand turn lane that has existed from Sunset east to south on Crescent Heights since at least 1905 **(Exhibit 3a-3b)** which the City seeks to vacate and give away for nothing, as well as the island in the

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middle of Crescent Heights. **(Exhibit 1g1-1g3, 3b)**. There is an identical dedicated right hand turn lane east onto Sunset from Crescent Heights. Laurel Canyon ends at Sunset and curves on the other side of the Island to the south and becomes Crescent Heights.

The Decision is illegal since it seeks to interfere with a Private Easement. The law is clear that a vacation does not affect a private easement. (CSHC 8352). See discussion infra.

In addition, even in the absence of a Private Easement, the Monstrosity Project interferes with her rights as a citizen of Los Angeles. It significantly negatively impacts the entire community, and destroys the beauty of Havenhurst as one of the most beautiful streets in Los Angeles, and specifically negatively impacts affects Appellant's Property, and the tenants use of the streets, and quiet enjoyment of their homes. The most impacted properties include Appellant's Property, the Andalusia a historical apartment and now condominium, as well as the Senior Home of the City of WEHO which is located directly across from truck hauling exit and 13,600 trips as well as the Monstrosity Construction, and in the future the proposed exits on Havenhurst and the truck hauling exit. These four properties will be referred to collectively as the "Abused Properties by the City of Los Angeles" and have in effect been condemned.

All residents and properties in the area will negatively impacted due the insane nature of the Project, the traffic, the noise, the fumes, the vibration, the hauling, and drunks, the bums, and then later the truck deliveries, and the business invitees exiters, and the elimination of the one of the best things on Sunset to wit the dedicated right hand turn lane and the traffic island, and the proposed placement of an insane hard right hand turn at Crescent Heights which had to have been developed by three stooges. However, the Abused Properties are especially negatively impacted inter alia because all the 13,600 truck loads of semi trucks will haul right past, and stand in line to make the right hand turn, while their motors eliminate diesel fuel, and fumes, and vibrations, and with the construction right across the street.

The City of LA claims that it is not vacating the dedicated right hand turn, and the traffic island, and instead is changing it to off site open public space and the open space is for pedestrians. This position is ludicrous and illegal since street use (does not matter amount type or degree) is being eliminated. This is a per se violation of the California Street and Highways Code

("CSHC") Section 8308-8308, 8324, 8352-8353 as well as D700 issued by the City of LA to incorporate State law. (**Exhibit 6**). In addition, Appellant submits that the City of LA is unlawfully giving away public property to the Developer.

The Hollywood Earthquake **fault runs directly under the proposed project** (the City claims it is 100 feet but the new maps show it is under about 75% of the subject property and the City does not care.)

The Approval permits the construction of a 235 which 22 stories tall not 15, Monstrosity on top of an earthquake fault which will totally out of touch with the neighborhood.

SPECIFIC BASIS FOR STANDING BY APPELLANT

The areas of negative impact will be discussed separately infra. The following is a list:

ADVERSE IMPACT ON APPELLANT'S PROPERTY AND TENANTS OF THE APARTMENT BUILDING. THE PROJECT WILL SUBSTANTIALLY INTERFERE WITH THE QUIET ENJOYMENT OF THE APPELLANT'S PROPERTY

Illegal Taking of Property that is Subject to a Private Easement and Its Elimination Which is Illegal. See discussion infra.

=(i) Appellant has a private easement right for passage over the curved right hand turned lane and Sunset east as the feeder lane and all other streets in the area under the 1905 Crescent Heights Tract. (**Exhibit 3a**). The elimination of the dedicated right hand turn lane from Sunset south onto Crescent Heights (**See Exhibit 1g, and 3b** for diagrams of area) is illegal and violates the Private Easement owned by Appellant and other owners of property that are in 1905 Crescent Heights Tract. (**Exhibit 3a**).

In addition the attempted vacation of the traffic island in the middle of Crescent Heights in conjunction with the dedicated right hand turn lane (total of 9134 feet) is illegal as well and violates the Private Easement. (**Exhibit 3ba-c, 1g1-1g3**).

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=(ii) Separate and apart from interference with the Private Easement, there is wrongful and illegal vacation of the 9134 (VTTL114) feet of the dedicated right hand turn lane and the island in the middle of Crescent Heights in violation of the California Streets and Highways Code Section 8308-8309, 8324, and 8352 and 8353 et. al. The traffic island is a bizaare piece of property and has its own address 8181 and zoned for affordable housing although it has been a traffic island since the mid 1960s when the Pandora's box was torn down.

=(iii) Illegal and wrongful removal of the traffic island and area 9134 feet (VTTL114) apprx from street use to off site open public space for pedestrian use for the exclusive benefit of the Developer. This also constitutes a violation of California Streets and Highways Code noted since it is also a vacation of a street which is illegal.

Blockage of Havenhurst North with 13,600 Trucks Semi Trailers Hauling 136,000 cy of dirt, and de facto closure of Havenhurst north post hauling as trucks try to use Havenhurst which is a small street, and residents and invitees exiting on Havenhurst try to go North and then east on Sunset in the dedicated feeder lane on Sunset without a dedicated curved right turn land which now exists.

=(iv) Wrongful and illegal blockage of Havenhurst north for removal of 136,000cy of dirt (which is enough to fill the Los Angeles Coliseum) by 13,600 trucks (LD9) by way of Havenhurst and east on Sunset. The 2 trucks exits part of the bait and switch campaign promulgated the Developer in conjunction with the City of LA proposed on Havenhurst will substantially and de facto block use of Havenhurst. **(Exhibits 1b, 1c1, and 1d1 and 1d4)** This will force traffic of 13,600 semi trucks. All of the above will go by Appellant's Property and the other Abused Properties north on Havenhurst and east on Sunset and will result in the defacto closure of Havenhurst at times 6 days a week during the 13,600 trucks hauling, and during most of the time when the project is opened. This is a de facto closing of Havenhurst and is illegal.

A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

Hauling of Dirt on Saturday Also. It is Not Enough for the Capitalists to Interfere on M-F but now Also Saturday.

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=(v) Hauling dirt on Saturday as well as M-F. (LD9)

Post Hauling Truck Usage and Business Invitee Usage and Resident Usage with Exit North on Havenhurst Past Appellant's Property, and east on Sunset.

Noise, Horns, Fumes, Vibration from Trucks 13,600 Trips.

=(vi) Can you imagine 13,600 semi trucks hauling 136,000 cy of dirt past your house. Perhaps we should do this and schedule a haul past each of your houses to demonstrate the noise, the vibration, and negative impact of one truck, let alone 13,600 truck loads, and then deliveries. The trucks will stand idle and there will be toxic fumes, and noise, and vibration. It is a nightmare scene.

=(v) The noise level generated by the construction and the trucks as mitigated to 58 (VTTLTD) will be about 85-90 is which the equivalent of a motorcycle charging by (**Exhibit 11**), and continued use by drunk and alcoholic patrons including amplification noise of 86 which is again in motorcycle range.

Traffic Jams, and Total Chaos.

=(via) Sunset currently is completely jammed most mornings for several hours west on Sunset as cars empty from Laurel Canyon which is the main pass route from the Valley where it joins in with Sunset and becomes Crescent Heights with a name change, and east every day M-F for several hours in the morning; and both east and west especially in the afternoon from 230pm onward til 730pm at least; and east and west late on Friday (Saturday and some days on Sunday) past Havenhurst

=(vib) There is also traffic on Sunset on Saturday east and west mainly from 11:00 am and during light hours and then virtual massive traffic nearly total blockage Friday night and Saturday night, and at times on Sunday as well.

=(vic) There is massive traffic south over Laurel Canyon which becomes Crescent Heights M-F in the morning for hours,

=(vid) There is also massive traffic north on Crescent Heights, and Sunset over Laurel Canyon from about 230pm to 8:00pm M-F.

=(vie) There is also morning Laurel Canyon traffic on Saturday morning south, and heavy traffic from 3:00pm thru the night depending on what is

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going on with heavy traffic usually at night as cars pour into the Sunset Strip.

=(vif) There is also traffic north on Laurel Canyon Saturday during the afternoon and into the evening. It becomes heavier in the afternoon and heavy into the evening as vehicles pour into the Sunset Strip.

=(vig) The same is true as to Sunday.

=(vih) Traffic on Fountain is also heavy most of the time in the afternoon all the time. (**Exhibit 15** taken from Santa Monica and Crescent Heights intersection as there is traffic backed up to Melrose in afternoon)

=(vii) Traffic on Havenhurst will become unpassable at most times. A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

=(vij) Throw in 38 other projects and you have the 405 freeway and gridlock.

And this insane project wants to dump 13,600 truck loads onto Sunset Blvd., east, and business invitees, and remove the dedicated right hand turn lane etc. that will create a standstill on Sunset and Crescent Heights and a sig alert in the area.

Post Hauling: Noise, Horns, Fumes, Lights, Sounds, from Tenants, and Business Invitees Using Havenhurst, North to Sunset, Let Alone at Night from the Bars and Drunken Hell Holes

=(viii) Post Hauling of 136000 cy, the vehicles exiting the project on Havenhurst by residents of the multi million dollar condos, and the mass business invitees visitors to the commercial project with the restaurants. It appears that the vehicles will be required to turn right north on Havenhurst etc. and then east on Sunset. (**Exhibits 1b and 1c1**). Most drivers at night will be drunken fools especially after sleeping hours while the alcholics drink and could care less about the residents.

=(ix) The drunken invitees will have to wait in line along Havenhurst to get to Sunset. They will honk their horns, yell, and there will be fumes and loud music playing, and at night the lights will flash all over the place. Alcohol, horns, lights==a formula for disaster. It will materially interfere with the sleep of the residents as late nights drunks will exit and create havoc.

It is clear from the past that new liquor licenses will attract alcoholics, drunks, drug addicts, bums, and others especially after closing hours and late at night who urinate, try to have sex, and or sleep in the area.

It will act as an attractive nuisance like a bee to honey for drunken drivers and limousine and Uber drivers who are insensitive and will have lights on and honk their horns because they could care less, and play loud music, and wake people up, especially while waiting in line to exit on Havenhurst to traverse to Sunset to make a right turn..

=(x) The noise level generated by the trucks and vehicles as mitigated will be about 85-90 (**Exhibit 11**) is which the equivalent of a motorcycle charging by, and continued use by drunk and alcoholic patrons including amplification noise of 86 which is again in motorcycle range. This is like having a hells angel gang living in the area. They should be directed to the areas where you live.


Post Hauling: Noise, Horns, Fumes, Lights, Vibration, Sounds, from Delivery Trucks Using Havenhurst, North to Sunset Especially in Morning.

=(xi) The trucks deliveries will have substantial problems making a right turn on Havenhurst and will block the street, and create traffic, and noise, and vibration and fumes and will substantially impact everyone along Havenhurst north and a degree south as well. A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck. It is going to be almost impossible to traverse the turn.

The trucks with the vehicles mixed at times with vehicles will all go north past the Apartment Building, and then east on Sunset. The City of WEHO has refused to permit any access exit or otherwise by trucks on Havenhurst.

Lies about the Height of the Project Which is 234 feet or 22 Stories NOT 16. This will create shadows, and blockage of sunlight let alone business invitees who will pollute the area.

=(xii) The proposed project **falsely states that it will be 15 stories** when it is 234 feet (LD38 and VTTC1) or 21.6 stories which will interfere with the

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light, heat, shadow, on her property which will be directly across the street (when they try to tear down the Lytton building which is a historical building). See **Exhibit 2a-2d** for photos of the proposed building. The Building is gigantic and overwhelms anything except buildings in Hollywood, Century City and the Sierra Towers on Doheny and Sunset at 31 stories.

Substantial Interference with Ability to Travel in Area with 38 Projects on the Board for Approval. Total Traffic Stoppage.

= (xiii) The Project would substantially interfere with the ability to travel in the area with the Monstrosity Project, and the cumulative impact of 38 other projects. There will be long line for cars and trucks going north on Havenhurst and then right or east on Sunset without the ability to turn on a dedicated right hand turn lane at Crescent Heights etc. The idea of a hard turn lane at Crescent Height is insane. (**Exhibit 1g2-1g3, 1h1-1h2**).

Construction Noise, Fumes, Vibration of 234 Foot Monstrosity

=(xiv) The construction will interfere with the quiet enjoyment of the tenants and everyone in the area. The noise, the fumes, vibration, and blockage of Havenhurst.

The Project Would Impact Noise Sensitive Receptors.

It is admitted that the project would increase noise levels at adjacent noise sensitive receptors. (LD87;(VTTF5)

Removal of 136,000 cy of dirt In a Project that is Within an Earthquake Fault is Not Only Illegal, but Insane, and Could Well Trigger an Earthquake. The vibration impacts alone are enormous.

=(xv). The Montrosity is located directly on top of an earthquake Hollywood Fault. As best as one can deteremine, at least 75 of it is under the fault. (**Exhibit 7**). The removal of 136,000 cy of dirt which is enough to fill the coliseum and 13,600 trips will cause massive vibration and threat to trigger an earthquake.

=(xvi) Vibration impact which is significant, and the threat of earthquake trigger due to the removal of 136,000 cubic yards dirt and 13,600 truck trips.

Fire Department Impact is Enormous and Police.

=(xvii) Delay of Fire Department and Police response time which will be almost impossible during certain hours of the day. See traffic concerns. The City has issued a Statement of Overriding Conditions due to the traffic. (LD5; 29, 129, 198-199; VTTF8, VTTF143)). A review of Photo **Exhibit 1d4** reflects that narrow area south from the demarcation and the exits and the Fire Department Truck.

Illegal Removal of a Historical Building, Now the Chase Building.

=(xviii) The Lytton building now Chase is a historical building and cannot be torn down. There is currently a hold on any tear down action and it is highly likely that the building will be designated a historical modern building. The issue is that the Chase is utilized by residents on Havenhurst.

In summary, Appellant has standing and is aggrieved to file this appeal due to the illegal action by the City.

PART 2:

OBJECTION TO THE ENTIRE CITY OF LOS ANGELES FRAUDULENT ACTIVITY IN REGARD TO THIS PROJECT

As Set forth below, the entire City of LA is in a conflict position and is acting contrary to their role mandated under law and should be disqualified, especially the City Attorney who cannot represent the City Council, and the Planning Commission, and also render legal advice.

The City of Planning Commission violated the Brown Act in this matter. They (and the hearing office, and the entire staff) had no clue that there is a Private Easement. They stated that the Monstrosity Project was 15 or 16 stories which is a patent lie when in fact it is 234 and 22 stories. They claim that Havenhurst is 60 feet when in fact it is 38 feet. They are oblivious to the fact that there is a Senior Home of WEHO across from the exits as proposed. They permitted fraudulent notice as part of a joint bait and switch campaign. They fraudulently claim that they are not vacating the dedicated right hand turn lane, and the traffic island which is per se violation of the CSHC 8308 et. Seq. They claim that the Project is 100 from an Hollywood Earthquake fault when in fact they are relying on an OLD MAP. The refiled application in 2016 mandates a new Map be used, and it is clear cut to a blind person that at least 75pc of the Project falls DIRECTLY ON TOP OF THE FAULT. In addition, there was no testing at all done in conformity with the law. The City claims it can get away with this outrageous conduct because the Tract Map is used with a B Permit. Well the City again can't read, because the Tract Map cannot apply to commercial property, and the B Permit does not facially apply.

In addition the Decision by the Planning Commission conveniently omits (Appellant believes that this is another example of an intentional omission or fraudulent nondisclosure or outright fraud perpetrated let alone illegality and invalidity) this important critical point since the entire decision is predicated on a mitigation factor MTR1 which calls for a street light at Fountain and Havenhurst (south of the Monstrosity). The City of WEHO categorically refuses to install one and OPPOSES the PROJECT. The City of LA has been aware of this since mid May. (Exhibit 4).

It is also omitted that the City of WEHO will not permit hook up to the sewer line unless City of LA meets its standards and the City of LA refuses to do so. (See **Exhibit 4**).

In addition, the City is cloaked with ELDP duty to act as the lead agency to verify and mandate compliance with all mitigation measures, and changes that are made to make sure it falls under the ELDP. (Here, the ELDP was fraudulently obtained as well). The City has refused to exercise its duty after a materially changed Alternative 9 was dumped with no legal Notice that failed to disclose material items such as the fact that there would be 2.3 times the dirt hauled away, that it would be hauled on Havenhurst, and that the dedicated right hand turn lane and the traffic island (9134 feet) would be given away and removed as part of the street system. In addition, the City failed to take action when it learned that the project would be reduced from 111,000 commercial to 58,000 and there would be no high paying jobs which is the legal hook or sine qua non to falling under the ELDP and the representations made. As such, the City is under a mandatory duty to remove the Project from ELDP and deny it. It has refused to do so.

The City claims that it has issued a statement of overriding consideration about the fact the key Mitigation measure cannot be met (MTR1; VTTC23-24; F19 & F26, F154-155) and the sewer line has not been resolved, and that the traffic will be gridlock. Yet, there is alternatives which the City completely failed to review and in fact totally failed to have any review of Alternative number 9. It is totally missing from the LD.

The City claims that the reduction from 111000 to 58000 sq feet and 192 jobs is not a material change in the ELDP. Appellant challenges the City to find one high paying job other than retail and restaurant that was created. There are none.

The entire process reflects that the City has acted in a conflict situation and is not neutral and the entire judgment and decision of everyone involved by the City is challenged. This failure to disclose the position of the City of WEHO is particularly shameful and is another glaring example of the non objectivity of the City and the failure to act in a neutral manner in violation of CEQA and the ELDP (discussed infra).

PART 3

PART 1 OF APPEAL: PRIVATE RIGHTS OF APPELLANT

APPEAL RE INTERFERENCE WITH APPELLANT'S PRIVATE EASEMENT RIGHTS TO USE THE DEDICATED RIGHT TURN LANE, AS WELL AS SUNSET AND ALL STREET IN THE 1905 CRESCENT HEIGHTS MAP, AND THE STREETS.

=1. THE CITY IS ILLEGALLY INTERFERING WITH THE PRIVATE EASEMENT RIGHTS OF APPELLANT AND ALL OWNERS OF PROPERTY THAT FALL WITHIN THE 1905 CRESCENT HEIGHTS TRACT. THE CITY CANNOT ELIMINATE THE CURVED RIGHT HAND TURN LANE FROM SUNSET ONTO CRESCENT HEIGHTS BACKGROUND RE 8150 AND THE LANE ON SUNSET LEADING TO IT.

AND IT CANNOT TRANSFER THE SUBJECT AREA FROM STREET USE INTO OPEN SPACE, LET ALONE FOR THE SPECIFIC USE OF THE APPLICANT WHICH ARE PROJECT ISSUES DISCUSSED INFRA.

SEPARATELY, THE CITY CANNOT APPROVE DE FACTO BLOCKAGE PUBLIC STREETS FOR 13,600 TRUCK LOADS BY SEMI TRUCKS OF 136,000CY OF DIRT ON SUNSET FEEDER LANE AND THE CURRENT DEDICATED RIGHT HAND TURN LANE SOUTH ONTO CRESCENT HEIGHTS, AND BLOCK HAVENHURST.

The statement in the LD206 that there are no easements known to exist:

“(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

No such easements are known to exist. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract.”

Obviously, this statement is dead wrong. As set forth herein, the 1905 Crescent Heights Tract Map contains inherent easements across all roads including the dedicated right hand turn lane and Sunset east leading to it.

A. INTERFERENCE WITH PRIVATE EASEMENT OWNED BY APPELLANT AND OTHERS IS ILLEGAL AND INVALID BY REASON OF VACATION OF CERTAIN STREETS INCLUDING THE DEDICATED RIGHT HAND TURN LAND, AND THE ISLAND, AND OTHER PARTS OF THE STREETS IN THE AREA

The area underlying the 8150 property is located within the 1905 Crescent Heights Tract and Appellant’s Apartment Building, and so are the streets. **(See Tract Map 1905 Exhibit 3a)**. As one can see, the 1905 plan included two curved intersections and lanes on Sunset Blvd. (east and west on Crescent Heights), with one providing a right turn off from Sunset south onto Crescent Heights, and the other north on Crescent Heights and eastbound on Sunset Blvd. There is symmetry on the other side with a right turn lane from Crescent Heights east onto Sunset. This was the intent.

The law is clear since the old days that the 1905 Map is sufficient to impose a private easement with regard to the streets by reference to a Tract Map. **(Danielson v. Sykes, 157 Cal. 686, 109 P. 87; Neff v. Ernst, 48 Cal. 2d 628 (1957). See Exhibit 5 for a copy of the Ernst case.)** It creates a Private Easement in the owners of property within the Tract Map. Appellant holds such rights as a successor which is transferred to the renters in its Apartment Building, as well as all the other members to wit owners of property within the 1905 Tract Map. **FN 3**

A copy of the current situation is set forth in the documents attached as **Exhibit 3b and 1g1-1g3)**.

FN 3: Appellant is suing and such suit will be joined by others who own land in the Tract, and if not, a class action will be filed.

The City of Los Angeles is totally oblivious to the easement in the LD206 claiming none exist.

The City of Los Angeles intends to do away (eliminate) the subject existing dedicated curved right hand turn lane south on Sunset to Crescent Heights. It also seeks to eliminate the traffic island in the middle of Crescent Heights which together with the dedicated right hand turn lane totals 9134 feet. It claims that it will turn it into non site open space and sidewalk (LD161), and it claims it will build a new hard right turn lane somewhere in the area. It also claims it is not vacating the Street but rather will be transmuting the area of the right turn lane into a pedestrian zone and making it public use but giving it to the Developer which is illegal.

The City cannot remove the dedicated right hand turn lane nor the traffic island, and cannot interfere with the private easement of Appellant and all members of the Tract Map 1905. In effect, the City is vacating the part of the street which is illegal. See infra violation of California Streets Highways Code. Part 4 infra.

The California Supreme Court in Ernst v. Neff, 48 Cal. 2d 628 (1957)(**Exhibit 5**) made it clear that even though a public use ceases on a vacation of a street, the rights acquired by the owners who have rights to a private easement in such streets are not affected. (See California Streets Highway Code 8352; 8324; see also 8350-8353; and all other sections; see also City of LA D700 adopting State Law). As the Court ruled:

“No relinquishment of the private easements in these streets by the plaintiffs or the grantor was shown, and the private rights of these parties therefore continued”. (Id. 637)

Thus, the City may not approve removal of the dedicated right hand turn lane from Sunset south onto Crescent Heights nor the use of feeder lane on Sunset or any other streets in the area or engage in any interference with the easements by overburdening them with semi trucks, and increase traffic intentionally that will cause blockage.

It claims it will be adding a new hard right turn lane. This is insane. The photos reflect that it would be a three stooges turn. (**Exhibit 1h**). Laurel

Canyon empties into Crescent Heights but it makes a sharp turn and the area is curved in nature. The hard right turn would be impossible let alone for a truck and it cause massive road blockage west on Sunset.

**=B. INTERFERENCE WITH PRIVATE EASEMENT BLOCKING
USE OF PART OF HAVENHURST AND THE DEDICATED LANE
ON SUNSET THAT TURNS INTO THE DEDICATED RIGHT HAND
TURN LANE SOUTH ONTO CRESCENT HEIGHTS CAUSED BY
HAULING OF 13,600 SEMI TRUCK TRIPS CARRYING 136,000 CY
OF DIRT, AND POST HAULING BY TRUCK DELIVERIES, AND
BY BUSINESS INVITEES ALL MAKING RIGHT HAND TURNS
OUT THE EXITS ONTO HAVENHURST NORTH TO SUNSET, AND
THEN RIGHT ON SUNSET.**

This is discussed above. The City's approval substantially interferes with the Private Easement and in effect blocks a city street Havenhurst north to Sunset, and then right on Sunset with the hauling of 13,600 truck trips by semi trucks; and post hauling by business invitees, and residents and others including delivery truck blocking Havenhurst north. It will materially negatively impact use of Havenhurst for all time.

PART 4

PART 2 OF APPEAL REGARDING PUBLIC RIGHTS OTHER THAN THE PRIVATE EASEMENT OWNED BY APPELLANT. THE CITY CANNOT VACATE THE DEDICATED RIGHT TURN LANE AND ANY OTHER PART OF THE STREETS INCLUDING THE ISLAND, BECAUSE IT VIOLATES CALIFORNIA STREETS HIGHWAYS CODE. THIS IS RAISED BY APPELLANT AS A MEMBER OF THE PUBLIC (AND PRIVATE EASEMENT HOLDER).

Under California law, Appellant holds a private easement over the subject streets by reference to the recorded 1905 Tract map including use of the public streets which includes inter alia the subject right hand turn lane which commences on the south side of Sunset closest to the sidewalk and becomes the subject right turn lane. This subject right turn lane cannot be eliminated nor transmuted into off site open space, nor to pedestrian easement.

Even in the absence of the Private Easements,

In terms of State law, elimination of any **portion of or right in a** public street or highway requires a formal vacation procedure and to try to vacate the private easement which would be illegal to do. (California Streets Highways Code Sections 8308-8309, 8324, and 8353; See **Exhibit 6)**. (Also a violation of D700 of the LA City Regulations). Section 8308 is clear that one cannot interfere with any rights connected with a street including the **right of access**, easements.

The de facto illegal attempted vacation of the dedicated right hand turn violates the California Streets Highways Code 8324 and the City can never establish that the area is totally unnecessary for present or future public use.

Furthermore, State law requires a hearing procedure under Section 8320-8325 with due process and notice to the public, separate dedicated hearings, findings, etc. No notice was given and no hearings were noticed nor held. **Under no circumstances would the City be able to meet the proper standard for vacation of the curved right hand turn lane which is that it will never be reasonable necessary for its current use. This mickey mouse attempt to circumvent the Code is illegal.**

In any event as separately discussed infra, it cannot do so since it is subject to a private easement held by Appellant and others.

=B. Tract Map Argument Raised by City is Facially Illegal and Patently Fraudulent

The City also claims that a vacation is not required because the subject curved right hand turn property and the island property which both total about 9134 feet (and which has its own address 8181 Sunset) and which is in the middle of Crescent Heights and is part of the street, would become non site open space and sidewalk and merged through the tract map (merger and resubdivision). This misses the point.

The City cannot eliminate the area because it is subject to a private easement(s), and it cannot do so in any event.

And even if arguendo they could which they can't, a Tract Map only **encompasses private property and does NOT cover the public streets,** and thus use of a subdivision to take away City property subject to a private easement is illegal and invalid. The only proper procedure is vacation of a part of a street and the required notice etc and the very difficult standard which the City will never ever be able to overcome.

Even with a formal vacation under Section 8308 et al if that were possible somewhere in the universe (which it is not), Appellant's private easement and that of the other owners of property in the Tract Map 1905 cannot be interfered with and cannot be extinguished. (CHSC 8350-8353).

All private easement owners in the 1905 Tract are required to be notified that their private easement rights are being interfered with and the City is conspiring to take away private property rights. No such notice has been given by the City and nay notice that was given was fraudulent. See infra.

=C. The City claims with a straight face that it is not vacating the street merely changing its use to open public space for pedestrian usage. However, it is seeking to **totally eliminate vehicular use of a street to wit the heavily used subject** dedicated right turn lane (through a Ministerial B permit and a revocable permit.) This it cannot do as well. It cannot eliminate



vehicular use of the subject dedicated right turn lane, nor can it transmute it into a hard right turn lane, and it cannot vacate it without compliance with the applicable code sections noted.

In any event, the City cannot seek to circumvent the applicable State law by means of a mickey mouse ministerial B permit and a revocable permit which interferes with the private easement and is illegal. A “B” permit is for a massive construction project, and transmutation of any property into open space is a devious attempt to try to circumvent the law re compliance with the vacation law. (See **Exhibit 12**):

“5.1 B Permit Description and Purpose

The B Permit is required for major street construction in the public right of way. This includes widening of streets, the changing of existing street grade, and the installation of sewers, storm drains, street lights, and traffic control signals. Street widening generally includesB Permit construction plans are often complex and prepared by an Engineer hired by the B Permit Applicant.”

And

“The primary purpose of a BC-Permit is to manage the City’s inspection of major street construction work.”

And:

“The B Permit is frequently issued for major street improvements **adjacent to land under private development.**”

A B permit is not used to steal public property and give it to a Developer. It has nothing to do with changing use, let alone vacation of part of a public street. The position by the City is condoning theft by the City. Use of a B Permit to try to cover up the illegal give away of public property would not be valid even if there had been no private easement. (LAMC 62.106(b). It is for extensive public work improvements. The City knows this and the attempted giving away of property with a B Permit is an intentional wrongful act and is illegal.

In regard to the last fraudulent ludicrous argument by the City about an encroachment permit, that the City will issue an encroachment permit which is revocable, try moving a building that is constructed. It is an insane argument as a last ditch effort by the City to permit a fraud to take place and to steal public property subject to Private Easements. In any event, it cannot encroach into an area that is a street covered by private easement, and it cannot be given away. There is no encroachment. The City is giving away its land that is street use and vacating vehicular use of the streets.

=D. An EIR is Required with Full Disclosure Re the Scam Merger Argument by the City.

In addition, the attempted removal of the curved right hand turn lane also requires evaluation under in the EIR since it is a discretionary approval. It must be fully disclosed which never took place here. There was no notice.

The Notice, and the EIR, the Staff Reports, and the Letters of Determination failed to disclose that the dedicated right hand turn lane and that the 9123 feet would be given to the Developer consisting of the island and the dedicated right had turn lane and used by the Developer for in effect for nothing.

III: POST HAULING INTERFERENCE WITH PRIVATE EASEMENT BLOCKING USE OF PART OF HAVENHURST AND THE DEDICATED LANE ON SUNSET THAT TURNS INTO THE DEDICATED RIGHT HAND TURN LANE SOUTH ONTO CRESCENT HEIGHTS

This is discussed above. The City's approval substantially interferes with the Private Easement and in effect blocks a city street Havenhurst north to Sunset, and then right on Sunset with the hauling of 13,600 truck trips by semi trucks; and post hauling by business invitees, and residents and others including delivery truck blocking Havenhurst north. It will materially negatively impact use of Havenhurst for all time.

Accordingly, demand is made that the City has no right to eliminate the subject right turn nor change the island a total of 9134 feet, without approval of the Appellant and other holders of similar rights under the Tract Map. Demand is made that City must reject the Monstrosity the Project and that the appeals filed be granted to avoid the City facing lawsuits. There are other

options that do not call for removal of the island and the dedicated right hand turn lane that can be considered perhaps.

PART 5

FRAUDULENT AND ILLEGALITY RE APPROVAL OF 8150. THE APPROVAL PROCESS FOR VESTING TT IS ILLEGAL AND THE BASIS FOR APPROVAL IS EITHER ILLEGAL OR INVALID.

The Letters of Determination (LD for CPC, and VTTLTD) were issued on 8-17-16. The LD was illegally and ultra vires granted and is replete with illegality invalidity, and outright fraud. Certain of these impact the private easement legal rights of Appellant and others are public in nature. The following is the appeal based on non private easement rights which are set forth above to separate them.

=1. The PC Violated the Ralph Brown Open Meetings Act (Government Code Section 54950 et. seq) By Holding Ex Parte Meetings and/or Conversations by a Majority of the Commissioners in a Serial Scheme to Violate the Brown Act

The approval by the City is illegal. There were several ex parte communications held by several meetings or conversations or discussions with the Developer and the project architectural firm. This was disclosed and admitted in open discussion at the PC hearing. They are ex parte communications and serial meetings and they violate the Brown Act. (Government code Section 54952.2b(1) et. seq; **Stockton Newspapers Inc. v. Redevelopment Agency, 171 Cal. App 3d 95 (1985).** Therefore the vote taken by the PC is illegal and unlawful and impeaches the entire City of LA and all of its personnel. **FN 4**

FN 4: The only PC commissioner who recused himself was Richard Katz. The other four commissioners all held ex parte communications. Appellant believes that there were other ex parte communications and wants to conduct discovery regarding the nature of such contacts in this regard.

In addition, the City Attorneys office which has represented the City is now caught in a conflict itself due to this, and due to the City's failure to act as the lead agency and remove the Project from the ELDP list. Since it has failed to do so, the City is not neutral and is biased.

=2. The ELDP Designation Was Fraudulent, and the Material Bait and Switch Change Re Alternative 9 is also Fraudulent and Illegal and Does Not Fall Under the ELDP, and the City of LA is Obligated to Verify the Same. As a Result, the City of LA is in a Conflict Position and Needs to Delegate that Review to an Independent Body other than the City of LA Which Must Take Place Before Review of the Appeal. The DECISION IS ILLEGAL Because There was No Recertification of the Alternative 9 That Was the Bait and Switch Scam Perpetrated which Materially Changed the Plan and Compliance with the ELDP

This Project received fast tract approval under the ELDP based on false promises of high paying jobs. (See LD45):

“In certifying the original Project, the Governor determined that the original project would result in a minimum investment of \$100 million, would create high wage jobs, . . .” (LD45).

The certification was not based on construction jobs

This was a total lie and a fraud.

After the total material changes in the Alternative 9 which is the bait and switch scam that was perpetrated, there was no effort to seek reapproval by the City of Los Angeles who is charged to do so with regard to the Environmental Leadership Development Project.

The Alternative 9 lowered the square footage commercial by 40pc from 111,000 to 65,000 and there are no high paying jobs or high tech jobs just menial workers in retail and restaurants. (LD46). It now claims there are only 192 full and part time positions which is a euphemism for low paid employees. They are no high wage high skill jobs in the amended ELDP Alternative 9 required by the Code Section 21183(d) and 21178.

“7. CEQA requires the Lead Agency approving a project to adopt a

Mitigation Monitoring Program ("MMP") or (sic?) the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all mitigation measures and project design features adopted by the City in connection with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP."

The City of Los Angeles is obligated to enforce any changes or mitigation requirements as the lead agency. (LD195) It failed to do so.

The City claims that this does not constitute a material change. If this is not a material change then nothing is. I dare the City to show one high paying job that is not a manager of a restaurant or retail store.

Appellant contends that it does and the City has no authority to proceed with any review because it is violated its duty. Appellant objects to any further interaction by the City until it acts to disqualify the project from ELDP.

=3a. The Approval Fraudulently States that the Project is 15 or 16 Stories When In Fact it is 234 feet which is 21.6 Stories. The Monstrosity Is Totally Not Consistent with the Community. The Tallest Building is the Sierra Towers at Sunset and Doheny a long way away.

It is claimed that the project will be 16 stories, but this is false, it will be 234 feet high (LD38; VTTC1) which is the equivalent of 21.6 stories or 22 stories. (See Exhibit 2 and 1h1, group for photos of the Monstrosity). It is completely out of touch with the community. The closest structure of this height is in Hollywood and or Century City; the Sierra Towers on Doheny north on Sunset which has been there for 30 plus years is also present at 31 stories condo non mixed project. The La Ronda is 4 stories and 45 feet, and

the Colonial House is 7 stories and 80 feet. Both are historical buildings, along with the Andalusia (next to Appellant's Property and Mia Casa (south)

Furthermore, the Monstrosity is totally out of touch with the low level nature of the Community let alone Havenhurst which is a historical street and masterpiece which will be ruined by this Monstrosity Project.

=3b. The Approval Fraudulently States that Havenhurst is 60 Feet Wide When in Fact It is 38 Feet, and the South Side is Pinched AT the Demarcation Point Between LA and WEHO.

The Approval again misleads when it states that Havenhurst is 60 feet wide. (LD204). In fact, it is a little more than half of that size at 38 feet. See **Exhibit 1a and 1b.** Obviously no one has been out there to walk the street.

=4. The Notice for the Hearing on May 26, 2016 Is Invalid and Thus The Entire Hearing Process is Illegal and Must be Set Aside. It is Part of a Fraudulent Scheme Engaged in by the City of LA.

=A. Nothing Was Disclosed About the Bait and Switch with Regard to the Vacation of the Island and the Dedicated Right Turn Lane etc. and the Alleged Change to Non Site Public Use.

The Monstrosity Project is predicated on a bait and switch participated in by the City of Los Angeles by failure to give Notice to the public that a new Alternative 9 which changed everything would be considered which called for exits on Havenhurst and the end of the curved right hand turn lane on Sunset, and the fraudulent and illegal giveaway by the City of the island and the curved right hand turn lane over 9134 square feet to the Developer for a few pieces of Silver, and that the amount of dirt hauled away would be increased by 2.3x. (See LD37 re no notice given, rather a recirculated DEIR or RP-DEIR; and LD67).

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 floor 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.** This violates California Streets and Highway Code Section 8324(b), and 8353(b). (See **Exhibit 6**) and LAMC 12.37. (**Exhibit 10**)

The tract map was silent regarding the proposed closure and the give away of the median island and the dedicated right hand turn lane area , let alone a gift to the Developer of 9123 square feet of City Property for off site open space. (LD161).

There was no indication that there would be off menu incentives granted. Moreover, it failed to disclosure that certain discretionary approvals were required for FAR as well as the following:

“1. Elimination of vehicular access on the dedicated right hand turn lane area etc.

2. Street vacation of part of a street in conjunction with the Tract Map and the City Engineer’s Report

3. Height District change from 1-1 to 3-1 since it is in a 1-1 zone and violates the Hollywood General Community Plan

4. General Plan Amendment to the HCP to amend MP2035 to show that the island and dedicated right turn lane are closed. The Map for the intersection of Crescent Heights and Sunset in MP2035 conflict with the changes and would require hearings. “

In closing, **the EIR, the Staff Reports, and the Letters of Determination failed to disclose that the dedicated right hand turn lane and that the 9123 feet would be given to the Developer consisting of the island and the dedicated right had turn lane and used by the Developer for in effect for nothing. The Notice is evidence of a fraud.**

=B. The Notice is Fraudulent and Fails to Disclose that a Change from 58,000 cy to 136,000 cy and 13,600 Would Exit on Havenhurt and go North to Sunset.

The Notice is also fraudulent it states that there would be removal of **58, 500 cubic yards of dirt NOT 136,000 cy THAT IS PART OF A BAIT AND**

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SWITH THAT TOOK PLACE. Actual fraud took place by the Developer with approval by the City.

=C. No Disclosure in the Notice that the Private Easements of Owners in the 1905 Crescent Heights Tract Was Being Attacked.

Finally, there was no disclosure that there were private easement rights of dozens of owners of Property within the 1905 Crescent Heights Tract.

=5a. Failure to Disclose in the Decision by the PC that the City of WEHO Has Refused to Permit a Light at Fountain and Havenhurst which is the key mitigation factor under TR1, and Refuses to Permit Sewer Hookup. Thus, the entire Project falls.

TR1 is the key mitigation measure. It calls for a traffic light at Sunset and Fountain. The City of WEHO who controls the light **refuses to permit it and refuses to permit any exits on Havenhurst. It also refuses to permit sewer** hookup. (LD34; 128). This **is not disclosed in the LD** as best one can determine but the City of WEHO advised the City that this is the case in July early. (See **Exhibit 4** for latest letter from City of WEHO) (LD9, 29, 129,133,145, 198; VTTC23-24, F96, F155).

The most outrageous point is that:

=(i) the City designated the City of WEHO as the enforcing agency when it knew that WEHO would not enforce it because it refused to grant approval to TR1. This was all part of a fraudulent attempt by the City to seek to enforce use of alternative exits such as the obvious one Crescent Heights. The City did not do so. The City never evaluated this scenario.

=(ii) The City violated the ELDP which granted them a mandatory duty to review changes and to enforce compliance with any mitigation measures. (See ELDP 4(2) supra). It failed to do so and to disclose it in the LD.

The City is now attempting to circumvent violation of the law by claiming that this calls for a Statement of Overriding Considerations. (LD198; VTTF8, F55) This is illegal and improper and it must be disqualified from acting any further in this matter since it has violated its duty and requiring Mitigation TR1 compliance and it cannot circumvent it by undermining its own duty by issuance of a fraudulent Statement of Overriding Considerations because the City of WEHO refused to approve a light at

Fountain and Havenhurst and permit sewer hook up except on its terms, and the City of LA refuses to do so.

It is illegal to utilize the term unavoidable when it is not unavoidable, since the problem would be reduced if the exits are placed on Crescent Heights, as well as the dirt removal..

=5b. Reduction in Response Time by the Fire Department.

See 15a infra.

It is admitted that it would reduce the time for the fire department to reach the area:

“Furthermore, if the City of West Hollywood elects not to implement Mitigation Measure TR-1, project related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain **significant** and unavoidable.” (Emp. Added).(LD129)(See also LD 29, 129,145, 198; VTTF96, F155; C23-24).

New emergency responses times by the Police and Fire must be recalculated due to the non implementation of the TR1 all thanks to the City of LA.

A photo of the Fire Truck dealing with the narrow street south of the demarcation is attached as **Exhibit 1d4**).

=6. NO CEQA Review by the Hearing Officer of the PC of Alternative 9. This was Skipped over.

There is no analysis in the Decision by the hearing officer, nor in the LD about Alternative 9. It does not exist. (LD 183; VTT137). There is no compliance with CEQA. The City abdicated its duty to conduct a proper CEQA review. The Decision goes from 1-8 and 10, and the Decision by the PC stops at 8. (LD178; VTT137). Unbelievably Alternative 9 is not discussed as required under CEQA.

=7. The Monstrosity Project Falls Apprx 75% plus In the Hollywood Earthquake Fault. As Such It is Illegal to Approve the Project.

=A. At Least 75Pc of the Property Lies over the Fault as Reflected in the Latest Map. Only 1 Bore Location Took Place and There is No Way to Be Sure Where the Fault is Exactly Without Borings On All Sides Especially the Southern Side.

The CPC was revised in April 2016. Thus, the new earthquake maps are applicable. The PC had to make a finding that there is no public safety threat. It is also a CEQA issue. The PC adopted the argument by the Developer hook line and sinker and failed to make any independent analysis.

The Monstrosity Project falls within the Hollywood Earthquake Fault Zone. (LD75;125;VTTF51). In fact, at least 75pc of the project and perhaps more falls inside the Zone and is over the Fault according to the latest maps. (**Exhibit 7**). The latest map is 11-14.

The City claims that the fault is 100 feet away, and requires a 50 foot setback from the edge of the fault according to their outdated map. This is no valid. There is no way to know where the exact fault lies but the latest map shows it under at least 75pc of the 8150 property. **FN 5 The Applicant ONLY tested ONE LOCATION.**

The only way to be sure is to test all sides of the property which was not done. It could be at the Southern end where the residences were moved. The borings provided do not answer the question needed to make a determination if it under the site, if it active, and/or how far away the fault is from the line.

It should be noted that the fault if it is not part of the Raymond Fault, will trigger every 1600 years at 5.8 to 6.5. If it is part of the Raymond Fault it will trigger every 3,000 to 5,000 year at up to 7.0.

FN 5: Government Code Section 3603 prohibits construction over an active fault.

=B. There Is No Analysis Regarding the Removal of 136,000 cy of dirt and 13,600 Trip Loads of Dirt Over the Area, Plus Construction Will Have.

There is also no analysis regarding removal of 136,000 cubic yards of dirt and 13,600 huge semi trucks impact on Havenhurst and Sunset. The City claims that no analysis is needed because it has been determined that removal of 136,000 of a project sitting on an earthquake fault with 13,600 truck trips it is not significant impact (LD125; VTTF51). This position standing alone impeaches the credibility of the entire City of Los Angeles Review staff and they should be disqualified from further review of this case.

=8. The City Cannot Remove the Dedicated Right Hand Turn Lane from Sunset south onto Crescent Heights, nor the feeder lane on Sunset Because It violates the Private Easement Rights.

See supra.

=9. The City Cannot Remove the Dedicated Right Hand Turn from Sunset south onto Crescent Heights, nor the feeder lane on Sunset Because it Violates the California Streets and Highways Code Sections 8308, 8309, 8324, 8353, and D700 of the City of LA Provisions Adopting State Law, and all other related Sections.

See supra.

The improvement of the intersection also violates LAMC 12.37.A.3 which provides that no additional improvement shall be required on such a lot where "complete roadway, curb, gutter and sidewalk" exist.

=10. The City Cannot Interfere With the Private Easement Rights Re Use of Havenhurst and Cause De Facto Blockage of Havenhurst north to Sunset By Reason of the 13,600 Truck Loads of Dirt, and the Post Hauling Use by Business Invitees and Residents and Delivery Trucks, All of Whom Will be

See Supra.

=11. The City Cannot Violate the State Streets and Highways Code Section 8308-8309, 8324, and 8353 et al. (Exhibit 6) and Interfere With the Rights Re Use of Havenhurst and Cause De Facto Blockage of Havenhurst north to Sunset By Reason of the 13,600 Truck Loads of Dirt, and the Post Hauling Use by Business Invitees and Residents and Delivery Trucks, All of Whom Will be Required to Travel North On Havenhurst and then right or east on Sunset.

See Supra.

=12. The City Cannot Change the Use of the Dedicated Right Hand Turn Lane and the Island in the middle of Crescent Heights Which Totals 9123 Feet From Street Use into Open Space Since it Also Violates the Private Easement Rights of Appellant et. al.

See Supra. The 9134 square feet of the island, plus the dedicated right hand turn lane, as non site open space and sidewalk. (LD161).

=13. The City Cannot Remove 9134 Feet from Street Usage, and Transform It into Open Space. Let Alone Give it to the Developer for Peanuts.

The City cannot give away of 9134 feet of its property which covers the island and the dedicated right hand turn lane as non site open space and sidewalk. (LD161). It is illegal to do so by reason of the Street Highways Code vacation Sections discussed supra, 8308-8309, and 8353, and 8324.

=14. There is No Cumulative Analysis of the Impact of 38 Other Projects. This is Illegal. The City Should be Disqualified For Abdicating Their Mandatory Duty.

There are 38 other projects going up in the vicinity and the claim is there is no significant impact from this project. (LD128; VTTF42, F95) As noted, this is another example of a false claim and the insanity of the City of LA and how desperate they are to approve this Monstrosity. This position further impeaches the credibility of the entire City of Los Angeles Review staff and they should be disqualified from further review of this case.

The issuance of the Statement of Overriding Considerations at LD 196 et seq **IMPEACHES THE FRAUDULENT ANALYSIS IN THE DECISION** and clearly shows that there is a significant adverse impact from this Project (traffic (LD198-199; VTTF8, F154-155, F96) and emergency response time(LD198; VTTF95) and noise and vibration. (LD197;F8, F154, F107), let alone during construction.(LD198F8).

There is no cumulative traffic analysis re 38 projects and the added congestion of MP2035.

=15a. The City Ignores the Impact of the Traffic on Fire and Police Response.

The City again claims that the impact on Fire and Police is less than significant with the horrific gridlock on Sunset and Crescent Heights virtually all morning, and most of the afternoon, and at night on weekends. (LD129); (See also traffic LD29; 129; 145). Yet they issue a statement of overriding considerations. (VTTF154-155; F1-9, F96, F8) Laurel Canyon empties into Crescent Heights and there is bumper to bumper traffic most of the mornings in the week, and down Crescent Heights and on Sunset. In the afternoon, there is bumper to bumper traffic north on Crescent Heights to Laurel Canyon, and both directions on Sunset. In addition, Fountain is busy most of the afternoon as well and into the early evening. On weekends, Sunset is bumper to bumper, and so is parts of Fountain. The notion that there is less than a significant impact in the area for FD and Police is patently absurd.

There is also no analysis of the impact on the elimination of the dedicated right hand turn lane etc. on fire trucks. There is no chance they can make a right turn without it. Response time is more than 5 minutes 90 pc of the time per the Fire Department. Fire response is a key element of the HCP.

It is admitted that it would reduce the time for the fire department to reach the area:

“Furthermore, if the City of West Hollywood elects not to implement Mitigation Measure TR-1, project related traffic impacts at the intersection of Havenhurst Drive and Fountain Avenue would remain **significant** and unavoidable.” (Emp. Added).

The City issued a Statement of Overriding Considerations (LD29, 129, 145, 198-199); VTTF8, F154-155)

It is illegal to utilize the term unavoidable when it is not unavoidable, since the problem would be reduced if the exits are placed on Crescent Heights, as well as the dirt removal. The City never evaluated this scenario.

=15b. The Building Will Be Over 150 Feet from the Street and Thus It is Illegal to Approve Under the Fire Department Rules.

The Fire Rules provide that a building may not be more than 150 feet from the edge of a roadway. (LD5) This is the case here without the free gift of 9134 feet. A cursory walk of the area reveals that any building will be more than 150 feet from the edge of the roadway especailly because of the addition of the alleged 9134 feet.

=16. Blank

=17. The Decision Regarding Noise Level Is Not Valid. It States that a Standing Truck Has a dba of 58. Wrong. The level is 80-90.

The findings regarding noise level are fraudulent. It is noted that a standing truck has a dba of 58. (VTT58) Perhaps in fairy land. A review of any sound chart reflects that the noise of a standing truck let alone hauling diesel truck is in the 80-90 range which is motorcycle range. (LD87; VTT58). In addition, it permits amplification noise of 86 which again is in motorcycle noise range. (LD24). See Chart Noise Level Exhibit 11).

=18. The Decision Conveniently Seeks to Disregard the Fact That the 50 Trip standard is Violated and applies a Net Theory to try to circumvent it. (LD103, 145).

All of the figures utilized by the City re traffic are wrong let alone take into account 38 new projects. (VTTF42, F95) However, the fact is that any increase over 50 is a problem. Here, the 50 trip standard was violated.

However, the City ignores this and tries to apply a net theory of averaging which is illegal. (LD103, 145; VTTF51); VTTF129

=19. The Decision Totally Fails to Comply with the Hollywood Community Plan.

There is a total failure to comply with the Hollywood Community Plan. (Housing Standards and Criteria, page 2; **Exhibit 14**) and traffic, sewer, drainage fire protection etc, and hauling of 136,000 cy dirt, and 13,600 truck trips.

As noted, there is no compliance with section 3, to with no compliance with the General Plan and the Community Plan and is illegal. The project would be non compliant with the street map in the HCP and MP2035.

All of it is incompatible with the HCP. Not one thing is compatible.


=20. There was no Height District change from 1-1 to 3-1 under LAMC 12.32F and thus the Decision is Illegal.

A Height District change is mandatory from 1-1 to 3-1. See infra re FAR. Right now the Decision is illegal and violates the Hollywood General Community Plan. The failure to request a Height District amendment and General Plan Amendment means that the land use element would be inconsistent and not accurately reflect the tripling of FAR from 110,000 to an insane 330,000 feet. The Project would show a 1-1 FAR but the Project would have a 3-1 FAR.

In addition, the Project did not qualify for the off menu incentive bonus items because there are specific adverse impacts as documented by the Statement of Overriding Considerations.

=21. A General Plan Amendment to the HCP to amend MP2035 Is Required and Without It the Approval Is Illegal.

The Map for the intersection of Crescent Heights and Sunset in the MP2035 conflict with the approval and would require a hearing(s). MP 2035 must be amended to show that the island is gone and the dedicated right turn lane are closed forever.

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=22. The Approval of a CUP Even Though it Does Not Appear One was Requested and Noticed for Alcohol Which Violates the Maximum Number of ABC licenses Issued in the District 1942. It Will Negatively Materially Impact the Residents of the Apartment Building, and Others Including the Senior Home of WEHO, and the Buddhist Temple All Within 100 Feet.

=a. The Maximum Number of 5 On Site Licenses Has Been Exceeded And No New Licenses Can Be Issued.

The Decision purports to grant a liquor license upon application with the ABC. (VTTC3-C6)

There is a limit on alcoholic licenses that can be issued. Unless the owners of any restaurants who want to use liquor can obtain an existing license, no new license may be issued. The material disclosed is that there is an over concentration of on site liquor licenses in Census Tract 1942 which covers 8150 eastward and northward. There is a limit of 5 on site and 4 off site licenses in the Tract 1942. It has 13 on site, and 4 off site. Within 600 feet, there are 12 on site and 2 offsite. This does **not** include the Census Tract that starts at Havenhurst and goes West and South and there are many licenses in that Tract.

Therefore no new license can be issued since it exceeds the maximum permitted.

=B. No new License Can Be Issued Since It will Materially Impact the Residents of Appellant's Apartment, the Senior Home of WEHO, and the Buddhist Temple.

A liquor license or renewal etc. also cannot be granted (shall not be approved) if it will materially impact residents within 100 feet if it will interfere with the quiet enjoyment of the residents. (Government Code 23789, and Rule 61.4). The burden is on the Applicant to demonstrate no material impact of quiet enjoyment of the residents. The Applicant must fill out a form and list all residents within 100 feet. (See **Exhibit 13**) The distance is measured by a direct line from the closest edge of the residential structure to the closest edge of your structure or parking lot. Here, the Apartment Building is about 50-60 from the property. (Havenhurst is 38 feet

(not 60 feet as set forth by the City) plus the sidewalk of about 10 feet on either side. `

In addition, a license can be refused if it is within 600 feet of a church. (Section 23789(a). Here, the Buddhist Temple is 90 feet away.

The grant of ABC licenses will materially impact the residents in the area including the residents of Appellant's Apartment Building directly across the street which is 38 feet in width Havenhurst, and the residents in the Senior Home of WEHO directly across the street from the exits on Havenhurst, and the Buddhist Temple which is 90 feet away.

It is clear from the past that new liquor licenses will attract alcoholics, drunks, drug addicts, bums, and others especially after closing hours and late at night who urinate, try to have sex, and or sleep in the area.

It will act as an attractive nuisance like a bee to honey for drunken drivers and limousine and Uber drivers who are insensitive and will have lights on and honk their horns because they could care less, and play loud music, and wake people up, especially while waiting in line to exit on Havenhurst to traverse to Sunset to make a right turn. This is a recipe for a disaster.

PART 6 IS INCORPORATED INTO THE VTT APPEAL AS WELL.
ALL OF THE SECTIONS LISTED BELOW.

PART 6

SECOND APPEAL RE FAR RULING
CPC-2013-2551-MCUP-DB-SPR
ALSO PART OF THE VTT APPEAL

FAR 3-1 APPEAL

=A. THE GRANT OF FAR 3-1 IS ILLEGAL AND INVALID FOR
MANY REASONS. SUMMARY

Appellant also objects to the ridiculous and illegal density bonus (FAR 3 from 111,000 sq ft to 333,000 square feet which is insane) and incentives granted by the CPC on 7-28-16 with a letter issued on 8-17-16. (LD202;). The FAR Decision is also illegal and invalid.

The City illegally seeks to give away a FAR 3-1 ration in a 1-1 zone because of use of the scam 1818 provision by reason of including of some inclusionary low income housing.

Since there were other discretionary requests, it is illegal to grant additional non menu requests under 12.22A, g(iii). (**Exhibit 9**)

In addition, the project is more than 1500 feet from a major traffic stop it is illegal to use a **non menu** FAR increase item especially in a 1-1 zone within a Height District Change. **FN6**

FN 6: 27. At the outset, a CUP is needed under Cp-3251-DB for an off menu FAR incentive. (See LAMC 12.24 U.26 Density Bonus which exceed the maximum permitted under 12.22 A.25). There is none.

=A. The Grant of a Density Bonus of 3-1 Is Illegal Because It is an Off Menu Item

=25. The request for a FAR density bonus of **3-1 FAR** is invalid and illegal. The Applicant requested the following incentives: (**Exhibit 8**).

“3. Pursuant to LAMC Section 12.22-A.25©, {1} a 22% density bonus to provide 45 additional units, **in lieu of the 35% density bonus**, where 11% (28 units of the total units will be set aside for Very Low income Households, **and** {2} the utilization of Parking Option 1 to allow one onsite parking space for each Residential Unit of zero to one bedrooms, two onsite parking spaces for each Residential Unit “ {brackets added}

“The Applicant is requesting two Off Menu Affordable Housing Incentives as follows:

- a. Pursuant to LAMC Section 12.22-A.25(g)(3), an Off Menu Incentive to allow the lot area including any land to be set side for street purposes to be included in calculating the maximum allowable floor area, in lieu of as otherwise required by LAMC Section 17.05; and
- b. **Pursuant to LAMC Section 12.22-A, 25(g)(3), an Off Menu Incentive to allow a 3:1 Floor Area Ratio for a Housing Development Project located within 1560 feet of a Transit Stop, in lieu of the 1,500 foot distance specified in LAMC Section 12.22-A,(f)(4)(ii)” (Emp. Added) FN 7**

FN 7: See Exhibit 9 for a copy of the Section 25 of Subsection A of 10.01 of the LAMC re Density Bonuses.

Thus a 3-1 FAR on menu incentive is based on ministerial approval and must meet the standards and it fails to legally do so. There is no discretion.

=1. It must be adjacent to a highway

=2. It must be in height district 1, 1XL, 1VL, 1L, with a FAR of 1.5:1 (as noted below it is not in a 1.5-1 FAR district but in a 1-1 FAR district);

=3. It must be within 1500 feet of a major transit stop.
(as noted it is not)

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The Applicant asked for

- i. Parking reduction
- ii. 22 pc extra units from 204 to 249
- iii. 3-1 FAR for the entire project which includes half public streets as lot area for FAR which is improper

Numbers 1 and 2 are permitted under what is called the 1818 low income housing rules but not 3 (LD202).

Thus, the Decision granting the FAR 3-1 pathetically fails to comply with a 3-1 FAR standard and the City had NO discretion and could not grant it since it is ILLEGAL.

=B. The Grant of FAR 3-1 Is Also Illegal Because Applicant Already Used Other Discretionary Applications.

=26. Here, Applicant was also subject to other discretionary applications (under CP 3251-DB, 5-19-16, p.3) which include:

- “a. Partial street vacation required in conjunction with the Tract Map Merger;
- b. Height District change from 1-1 to 3-1 {LAMC 12.32F}
- c. General Plan Amendment to amend MP 2035 to show the island and the dedicated right hand turn lane etc. closed to vehicular traffic.
- d. Inclusion of property beyond the middle of the street Crescent Heights in calculating FAR
- e. Off menu incentives require a Variance with substantial evidence that the bus service on the streets qualify for FAR increase **for housing** only, not commercial. This is a mixed use project and thus it is illegal to do so.
- f. Changes from HD1D to HD1 for FAR purposes

=C. It is Illegal to Grant 3-1 Because The Property Must be in a HD-1D Zone which is 1.5-1



=28. In addition, LAMC 12.22 Section 25 Affordable Housing Incentives—Density Bonus (f)(4)(ii) specifically requires that the property be within an HD-1D with a FAR of 1.5-1 not 3-1. This project is in a HD-1D with a far of 1-1 (**Exhibit 3c**) and thus it illegal to have granted the 3-1 FAR.

=D. The Project Admittedly Lies Outside the 1500 Foot Limit for a Non Menu Item.

=29. The project lies outside the 1500 feet. (LD44, 199, 202, 206; (VTTF11)). It is 1560 feet away from a major Metro Stop. (See (f)(4)(ii)(b); **Exhibit 9**). The City cannot rewrite State law to wit Government Code Section 65915-65918 which mandates it be within 1500 feet.

=E. A 35pc Increase In Bonus Was Not Requested. Since the City is In Bed with the Developer It Can Easily Switch Gears. This is Submitted in the Event it Tries to Do So. A 35PC Bonus Was Not Requested and Cannot be Added, and Would Degrade the Neighborhood And Would Violate the Hollywood HCP

=30. The Applicant did not ask for a 35pc bonus but since the City is a joint conspiracy with the Applicant it may seek to give it to him A CUP which calls for an increase of 35 pc or more in density as bonus requires an additional finding that the approval would not adversely affect or further degrade the adjacent properties, and the surrounding neighborhood.

“3. Pursuant to LAMC Section 12.22-A.25©, a 22% density bonus to provide 45 additional units, **in lieu of the 35% density bonus**, where 11% (28 units of the total units will be set aside for Very Low income Households, and the utilization of Parking Option”

(Housing Incentives in HCP, page 3, Conditional Use Permit for Greater than 35 pc). The following is required under the HCP:

1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide

a service that is essential or beneficial to the community, city, or region;

2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety;
3. The project substantially conforms with the purpose, intent and provision of the General Plan, the applicable community plan, and any applicable specific plan. (Emp. Added)

...

- Public Benefit Project: LAMC 14.00 A.2 – Density increase requests for a Housing Development Project to provide for additional density in excess of that permitted in LAMC Section 12.22 A.25 shall find that the proposed project substantially meets the purposes of the performance standards set forth in LAMC Section 14.00 A.2. If utilizing this process, also complete the Public Benefit Projects form (CP-7766).”

Appellant will be greatly adversely affected and impacted by traffic, and noise and vibrations, and lack of fire response because there is a Statement of Overriding Considerations on these issues. (LD29, 198-199).

The Decision and grant of FAR 3-1 is totally incompatible with the HCP.

In particular, the concept of removal of 136,000 cy dirt and 13,600 truck loads by huge double semi trucks for months which enough dirt to fill the Coliseum would damage any community let alone this one which is lovely tree lined residential with a bottleneck.

=E. The Approval Also Violates MP2035 and the HCP Since the Street Map Does Not Match.

As noted, there is no compliance with section 3, to with no compliance with the General Plan and the Community Plan and is illegal. The project would be non compliant with the street map in the HCP and MP2035.

Nor does the 9134 feet show up as off site open pace in the HCP. It is designated partially as street to with the dedicated right hand turn lane, and partially the island as affordable housing for the island even though it is in the middle of the street. The island has been present since the late 1960s when the Pandora's Box was wrongfully closed by the City of La during its tyrannical days which are continuing.

=F. THE ISLAND HAS ITS OWN ADDRESS AND IS ZONED FOR AFFORDABLE HOUSING EVEN THOUGH IT IS IN THE MIDDLE OF CRESCENT HEIGHTS AND IS NOW DE FACTO PART OF THE STREET (CRESCENT HEIGHTS AND SUNSET) SINCE THE LATE 1960s. THE 9123 FEET CONSISTING OF THE ISLAND AND THE DEDICATED RIGHT HAND TURN LANE WHICH IS BEING VACATED IS ILLEGALLY BEEN USED AS FAR 3-1 BECAUSE ONE CANNOT MERGE A C4-1 INTO A HD-1D WITH A FAR OF 1-1.

=31. The island is 8118 Sunset and it has a separate address even though it is part of the street area. The island is zone C4-1. It is zoned for affordable housing even though it is part of the street since late 1960s when the Pandoras Box was closed and torn down, and the island was placed in the middle of Crescent Heights as part of the street.

The Housing Element shows the island as a potential site for affordable housing. Assuming R-4 density (400 sf lot area of 9134 sq feet) in the C4 Zone, 22 units could be developed for low cost housing and eligible for 1818 incentives.

This area which is part of the 9134 feet which also includes the dedicated right hand turn lane has been improperly added to the FAR area, and it is illegal to try to merge C4-1 into HD-1D with a FAR of 1-1. The City contends it has not illegally been vacated and converted into off site open space. This is false but even if true, sorry City you can't have it both way.

- c. Pursuant to LAMC Section 12.22-A,25(g)(3), an Off Menu Incentive to allow the lot area including any land to be set side for street purposes to be included in calculating the maximum allowable floor area, in lieu of as otherwise required by LAMC Section 17.05; and (Emp added.)

If it was for street purposes it could be included but not if it is for off site open space which the City claims it is. (Another example of the City's manipulation of the situation.)

=G. THE ENTIRE PROCESS REFLECTS SPOT ZONING WHICH IS ILLEGAL

The grant of a FAR 3-1 out of the blue which violates the law reflects spot zoning which is illegal.

The ILLEGAL approval of FAR 3-1 is like giving the keys to the inmates in an insane asylum and unfettered right to regulate density bonuses. The City has abdicated its duties and instead has rolled over like a dog waiting to have its head rubbed by a Developer.

CONCLUSION

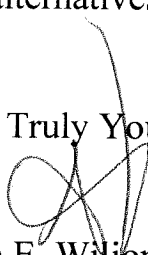
The entire process is wrought with fraud and conflict by the City of Los Angeles, and illegality. The Decision must as a law be reversed on so many grounds.

- =1. It illegally interferes with the Private Easement rights of Appellant and others,
- =2. It violates the Brown Act,
- =3. Fraudulent lack of notice,
- =4. Illegal violation of the ELDP and the Project does not qualify for ELDP and must be removed;
- =5. Illegal attempt to vacate the dedicated right hand turn lane and the traffic island,
- =6. Illegal mickey mouse attempt re the use of the Tract Map maneuver and the B Permit,
- =7. Illegal giving away of 9134 feet of property,
- =8. Illegal grant of a FAR 3-1.
- =9. Illegal grant of liquor license



In addition, there is the blatant abdication of a mandatory duty and the failure to follow and comply with CEQA re notice, and resolution of issues and alternatives.

Very Truly Yours,



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Cc:
Councilman Ryu
FixTheCity
All Appellants