Public Comments Not Uploaded CF 22-0922; 22-0922-S1; 22-0922-S2; supplemental appeal justifications

greg@channellawgroup.com <greg@channellawgroup.com> Thu, Oct 27, 2022 at 5:07 PM
Reply-To: clerk.plumcommittee@lacity.org
To: paul.krekorian@lacity.org, armando.bencomo@lacity.org
Cc: Jamie Hall <jamie.hall@channellawgroup.com>, clerk.plumcommittee@lacity.org

On behalf of Beverly Wilshire Homes Association, please find the attached supplemental appeal justifications and exhibits.

--

Greg Wittmann

Channel Law Group, LLP
8383 Wilshire Blvd., Suite 750
Beverly Hills, CA 90211
Phone: (814) 323-3892
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Email:greg@channellawgroup.com
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2 attachments

BWHA - Final Letter to Council - Exhibits-compressed.pdf
3298K

BWHA - Final Letter to Council.pdf
861K

EXHIBIT 1

Mobility Plan 2035

An Element of the General Plan




















Los Angeles Department of City Planning

Approved by City Planning Commission: **June 23, 2016**
City Plan Case No. CPC-2013-0910-GPA-SPCA-MSC

Adopted by City Council: **September 7, 2016**
Council File No. 15-0719-S15

Street Classifications

Each of the city's arterial streets included in the General Plan Circulation System Maps (found in this chapter) have been re-designated from the 1999 Transportation Element to reflect the new arterial types included in the Street Standard Plan S-470. The updated S-470 includes five arterial road types (Boulevard I, II, Avenue I, II, III) whereas the current S-470 has only three (Major Highway Class I, II, Secondary Highway). The expanded range of dimensions more accurately reflects the range of street dimensions that exist today and acknowledges that there are many arterial streets that are, and should remain, narrower than their current designation would permit. In a majority of instances, today's arterial streets have not yet been expanded to reflect the full dimension envisioned by the current designation, as physical changes to the roadway are not made until adjacent parcels are redeveloped.

In recognition of this, and since the 1999 Transportation Element was last adopted, there has been growing interest in restricting streets from being widened to match their currently assigned designation. To align with this interest, as community and specific plans have been updated and/or introduced over the past 14 years (since 1999), footnotes have been added and street modifications have been made that would restrain a street from future widening. In most instances, the street retained its designation in name only, but the footnotes and modifications indicated that the street was not to be widened in the future. Unfortunately, this collection of footnotes and modified references has made it difficult for city engineers, consultants, property owners, developers and community members alike to have a full grasp of the city's long-term vision for its streets.

To rectify this situation, the Mobility Plan, in the majority of cases, assigns new street designations that are more closely aligned with the streets' current dimensions and thus future dedications and/or widenings will be smaller in dimension than would be required under the current designation. Streets that had been previously "modified" will retain their corresponding "modified" dimension under the new designations unless their "modified" dimensions are in alignment with one of the new street designations in which case the modified term will be eliminated. An inventory of modified street segments is included in Appendix F.

In the interest of protecting our adjacent land uses, living within our current right-of-way, and managing our streets efficiently, all of the City's arterial streets have been reclassified according to the new system. The former functional classification nomenclature will still remain for reference purposes. Any changes to these street designations would require a general plan amendment.

Street Designations and Standard Roadway Dimensions

Previous Designation	Previous Designated Dimensions	Example of Previous Built Dimensions	New Designation(s)	New Designated Dimensions (right-of-way/(Right-of-Way/Roadway widths, feet) Roadway widths, feet)
Major Highway Class I	(126/102)	(126/102)	Boulevard I	(136/100)
		(110/80)	Boulevard II	(110/80)
Major Highway Class II	(104/80)	(104/80)	Boulevard II	(110/80)
		(100/70)	Avenue I	(100/70)
		(86/56)	Avenue II	(86/56)
		(72/46)	Avenue III	(72/46)
Secondary Highway (90/70)	(90/70)	(100/70)	Avenue I	(100/70)
		(86/56)	Avenue II	(86/56)
		(72/46)	Avenue III	(72/46)
		(66/40)	Collector Street	(66/40)
Collector Street	(64/44)	(64/44)	Collector Street	(66/40)
Industrial Collector Street	(64/48)	(64/48)	Industrial Collector Street	(68/48)
Local Street	(60/36)	(60/36)	Local Standard	(60/36)
		(50/30)	Local Limited	(50/30)
Industrial Local	(60/44)	(60/44)	Industrial Local	(64/44)
Standard Walkway	10	10	Pedestrian Walkway	(10–25)
(New Designation)			Shared Street	(30' / 10')
(New Designation)			Access Roadway	(20 right-of-way)
Service Road	20	Various	One-Way Service Road – Adjoining Arterial Streets	(28–35/12 or 18)
			Bi-Directional Service Road – Adjoining Arterial Streets	(33–41/20 or 28)
Hillside Collector	(50/40)	(50/40)	Hillside Collector	(50/40)
Hillside Local	(44/36)	(44/36)	Hillside Local	(44/36)
Hillside Limited Standard	(36/28)	(36/28)	Hillside Limited Standard	(36/28)

N

DOWNTOWN LOS ANGELES

PEDESTRIAN ENHANCED DISTRICTS

An Analysis of Walkability and Safety Factors
Map F

- Pedestrian Segments
- Arterials
- Freeways
- City of Los Angeles Boundary

Consider incorporating pedestrian type improvements to any street that serves a school, park, community gathering place or major employment destination within Cal EPA's SB 535 list of Disadvantaged Communities to ensure a safe and pleasant active transportation option. This map may further be amended, as described in program PL 4, as a result of future analysis during a community plan update

0 2 4 6 8 Miles

September 2016

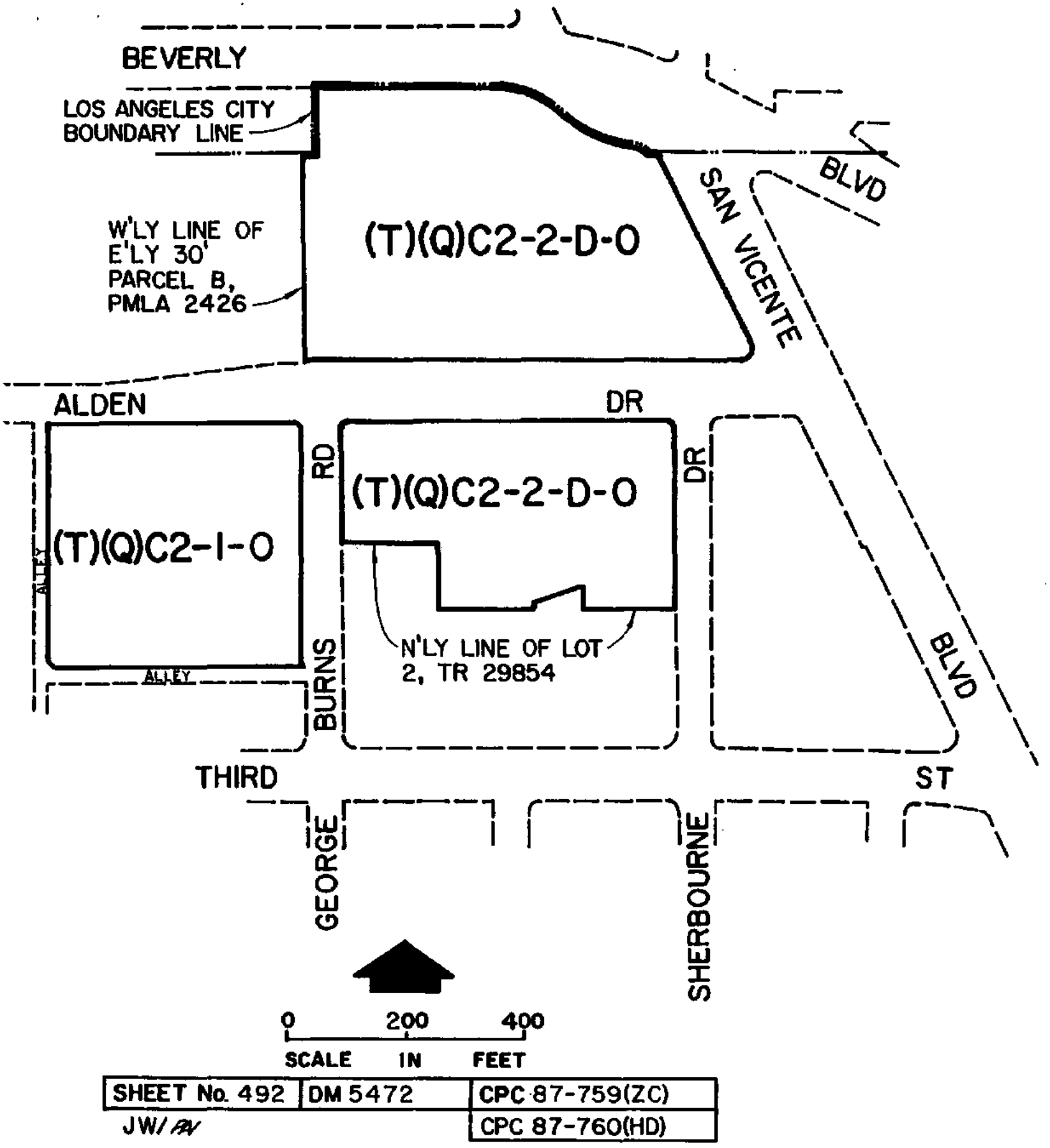
EXHIBIT 2

ORDINANCE NO. 163952

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1, of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



SHEET No. 492	DM 5472	CPC 87-759(ZC)
JW/AV		CPC 87-760(HD)

Sec. 2. Pursuant to Section 12.21-J of the Los Angeles Municipal Code, the following limitations are hereby imposed upon the use of that property shown in Section 1 hereof which is subject to the "Q" Qualified classification.

1. Air Quality. The project shall be provided with an air filtration system to improve the air quality for the project's tenants. However, this requirement shall not preclude the installation of operable windows which permit passive heating and cooling.

2. Noise (mobile). All exterior windows having a line of sight of Beverly Boulevard shall be constructed with double-pane glass. Any exterior wall having a line of sight of Beverly Boulevard shall be constructed so as to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition or any revision thereof. The developer, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for building permit, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45 dBA in any habitable room.

3. Energy Conservation. Prior to project construction, the Department of Water and Power and the Southern California Gas Company shall be consulted regarding feasible energy conservation features which can be incorporated into the design of the office building.

4. Parking. Until a parking study has been completed, reviewed and approved by the Commission as provided herein, the applicant shall provide 456 parking spaces for Phase I of the research facility and 20 additional parking spaces for Phase II of the research facility, for a total of not less than 476 spaces. A portion of such parking may be provided as tandem parking to the satisfaction of the Department of Transportation. The Planning Commission may increase the total required parking for the research facility of 550 parking spaces based upon the recommendation of the Departments of Transportation and Planning with respect to a parking study to be performed by the applicant. The applicant shall record a covenant and agreement to provide such additional parking up to 550 spaces as may be required by the Planning Commission. The parking study shall survey the building occupancy of the research facility for one year after the Certificate of Occupancy is issued for the completed facility. The study shall survey building occupancy for two different weekdays (excluding holidays) in each quarter between 9 A.M. and 11 A.M. or between 2 P.M. and 4 P.M. A final parking study based thereon shall be submitted within thirty days of the final survey date. The Planning Commission shall determined whether additional parking for the research facility shall be required based upon the study within three months of its submission to the Planning Commission for review. Cedars shall provide the additional parking required by the Planning Commission, if any, within the time determined by the Planning Commission. The 476 space requirement may be further adjusted (but shall be no less than 476 spaces) by the Planning Commission in connection with its review of the Master Plan in accordance with Condition No. 10 hereof.

5. Location of Parking. To the extent the parking required hereby is not provided on the "Ralphs Site" (Lot 6, Tract 7617, Book 110, pages 97 and 98 of maps of the Los Angeles County Recorder) or in the event such parking is at any time relocated from the Ralphs Site, such parking shall be located (a) in accordance with Section 12.21A,4, (g) of the Los Angeles Municipal Code, February 1986 edition; or (b) after a public hearing, in accordance with Section 12.27J of the Los Angeles Municipal Code, February 1986 edition. If such parking is not provided the certificate of occupancy for the research facility shall not issue or shall be revoked if already issued.

6. Landscaping. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped in accordance with a licensed architect or landscape contractor to the satisfaction of the Planning Department.

7. Lighting. All lighting shall be directed onto the site and no floodlighting shall be located so as to be seen directly by adjacent residential areas. This condition shall not preclude the installation of low-level security lighting.

8. Signs. All signs shall be of an identifying nature only and shall be arranged and located so as not to be a distraction to vehicular traffic or adjacent residential areas. No roof top or off-site signs are permitted.

9. Use Limitations. The following use and development limits shall apply:

   9A. The research facility shall not be utilized as a conference center. No classrooms or seminar rooms for teaching activities shall be permitted; however, meeting rooms ancillary to the research programs shall be permitted. Meeting rooms shall be limited to a maximum capacity of 20 persons except that one room may have a maximum capacity of 40 persons.

   9B. No diagnostic rooms therapeutic treatment rooms or clinics shall be permitted. Except as part of a research program, use of medical offices for patient consultation with physicians, nurses or other medical professionals shall not be permitted. Parking policies and rates for patients and visitors to the research building shall be on the same basis as the policies and rates for other Cedars facilities.

   9C. Any food service facility shall have no direct outside access, nor shall it be available to the general public.

   9D. No certificate of occupancy for Phase I of the research facility shall be issued unit 456 parking spaces have been provided for Phase I as required herein, and no certificate of occupancy for Phase II of the research facility shall be issued until 20 additional parking spaces have been provided for Phase II as required herein.

9E. There shall be an occupancy limit for the research facility of 300 full or part-time employees, and independent contractors.

10. Development Plans. Cedars-Sinai shall prepare a Master Plan supported by a full Environmental Impact Report (EIR) for all property which it owns within the Hollywood and Wilshire Community Plan areas as of the date of this Ordinance. The Master Plan shall be submitted for approval by the City in one of the following ways: (a) as a Specific Plan application; (b) as a general plan amendment and zone change application pursuant to the Periodic Comprehensive General Plan Review process (Batching); or (c) any other similar process that amends the General Plan. No new building (other than the proposed research facility and any parking facilities Cedars may elect to construct) shall be constructed on the properties which are the subjects of the Master Plan until the City has adopted a Master Plan as provided by is Paragraph. Notwithstanding the obligation to prepare and process the Master Plan, rehabilitation or remodeling of existing space and the installation of temporary facilities (for the functions in the space being rehabilitated/ remodeled) by Cedars shall be permitted.

11. Floor Area. All development on the southwest parcel shall be limited to the maintenance of the amount of floor area existing as of the date of this Ordinance plus 157,900 total square feet of new floor area as defined by Los Angeles Municipal Code Sections 12.21.1A,5, 12.21.1A,6 and 12.21.1B,4.

12. Plans. Prior to the issuance of any building permits, specific site plans shall be submitted to the Director of Planning.

13. Employee Parking. Parking policies and rates for employees and rates for employees and independent contractors at the research building shall be on the same basis as the policies and rates for other Cedar employees.

14. Transportation Demand Management Program. The applicant shall retain a parking coordinator to prepare a Transportation Demand Management program ("TDM") for the research facility to the satisfaction of the Department of Transportation. The TDM program shall be submitted to and approved by the Department of Transportation prior to the issuance of a certificate of occupancy for the completed research facility. The program may include, but not be limited to, preferential parking for car pools and vans, subsidized bus passes, tandem parking, training of valet parking attendants, etc.

Sec. 3. Pursuant to Section 12.32-L of the Los Angeles Municipal code, the following limitations are hereby imposed upon the use of the only that property shown in Section 1 hereof which is subject to the "D" Development Limitations Classifications.

1. Floor Area. Approval of this grant shall be for the maintenance on the northeast and southeast parcels of the amount of floor area existing as of this Ordinance and the development of 116,800 additional total square feet of floor area, as defined by Los Angeles Municipal Code Sections 12.21.1A,5, 12.21.1A,6 and 12.21.1B,4, as part of the research facility authorized hereby. A research facility of up to 151,000 total square feet, as defined by Los Angeles Municipal Code Sections 12.21.1A,5, 12.21.1A,6 and 12.21.1B, 4, may be constructed in two phases (Phases I and II). During Phase I, up to 105,000 total square feet may be constructed. During Phase II, the balance of the permitted floor area may be constructed. As part of Phase II, the existing Halper Building will either be demolished or remodeled and integrated into the new structure.

2. Termination. If the zoning is not effectuated pursuant to City Plan Case No. 87-759-ZC, then this grant and the conditions thereof shall become null and void.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of AUG 12 1988

ELIAS MARTINEZ, City Clerk,

By Edward L. Ashdown
Deputy.

Approved AUG 17 1988

Tom Bradley
Mayor.

Approved as to Form and Legality

JAMES K. HAHN, City Attorney,

By
Deputy.

Pursuant to Sec. 97.8 of the City Charter, approval of this ordinance recommended for the City Planning Commission

JUL 27 1988

See attached report

Kenneth C. Topping
Director of Planning

File No. 88-0046
LAS 364561 8-29

City Clerk Form 23

EXHIBIT 3

LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAR 15 2022

Case No. CPC-2018-176-DB-BL-VCU-CU-MCUP-DD-SPR Council District: 1 – Cedillo
CEQA: ENV-2018-177-EIR; SCH No. 2018051043
Plan Area: Central City North
Related Case: VTT-80315-1A

Project Site: 1111 – 1115 West Sunset Boulevard

Applicant: Brian Falls, 1111 Sunset Blvd., LLC
Representative: Jim Ries, Craig Lawson & Co., LLC

At its meeting of **February 24, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

The 1111 Sunset Project (Project) is a multi-building, mixed use development with up to 1,019,034 square feet of new floor area on an approximate 6.19 acre site, with a maximum of 994,982 square feet of habitable floor area. The Project proposes two development scenarios: The Mixed-Use Development Scenario and the No-Hotel Development Scenario. Under the Mixed-Use Development Scenario, up to 737 residential units (including up to 76 Very Low-Income units), 180 hotel guest rooms, 48,000 square feet of office, and 95,000 square feet of general commercial floor area would be constructed. Under the No-Hotel Development Scenario, up to 827 residential units (including up to 76 Very Low-Income Units), 48,000 square feet of office, and 95,000 square feet of general commercial floor area would be constructed. The additional 90 residential units under the No-Hotel Development Scenario would replace the 180 hotel guest rooms proposed under the Mixed-Use Development Scenario and would be located in the same building. Under either scenario, the proposed uses would be built within four primary structures above a screened six-level parking podium, which would be partially below grade and partially above grade, including two residential towers (Tower A and Tower B), a hotel/residential tower (the Sunset Building), and a commercial building that could include office, retail, restaurant, and parking uses (the Courtyard Building). Separate from the primary structures, three low-rise, non-residential structures would be oriented towards Sunset Boulevard and Beaudry Avenue. In addition, a portion of the proposed residential uses would be located in low-rise residential buildings (not part of Towers A and B) dispersed throughout the eastern and southern portions of the Project Site around the base of Towers A and B. The existing Elysian apartment building, which is located on the Project Site, would remain, is not part of the Project and its surface parking would be relocated with a newly constructed parking facility. The Project also includes the removal of four existing vacant buildings comprising approximately 114,600 square feet of floor area.

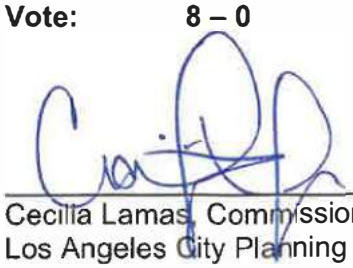
1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in previously certified 1111 Sunset Project Environmental Impact Report No. ENV-2018-177-EIR, SCH No. 2018051043 certified on February 24, 2022; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;

2. **Approved,** pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review, reserving at least 11 percent of the Project's base density units for Very Low-Income households, for a period of 55 years, seeking the following incentives and waiver:
   a. An Off-Menu Incentive to allow for a portion of over-dedicated public-right-of-way areas along Sunset Boulevard and Beaudry Avenue (approximately 3,373 square feet) to be counted towards the Site's lot area and permitted density;
   b. An Off-Menu Incentive to permit an approximately 40 percent increase in the maximum allowable floor area ratio (FAR) from 3:1 to 4.19:1, for a total of 1,129,370 square feet, of which 110,336 square feet is allotted to the existing Elysian apartment building; and
   c. A Waiver of Development Standards to permit a zero-foot building separation between the Elysian Parking Garage building and the 1111 Sunset Project, in lieu of the 114-foot building separation as required by LAMC Section 12.21 C.2(a);
3. **Approved** and **Recommended** that the Mayor and City Council **adopt**, pursuant to LAMC Section 12.32 R, a Building Line Removal of a variable building line along Beaudry Avenue, established under Ordinance No. 101,106;
4. **Approved**, pursuant to LAMC Section 12.24 T and 12.24 W.24, a Vesting Conditional Use Permit to allow a hotel use within 500 feet of a R Zone (for the Mixed-Use Development Scenario);
5. **Dismissed**, pursuant to LAMC Section 12.24 U.14, a Conditional Use Permit for a Major Development Project for the construction of 100,000 square feet or more (for the Mixed-Use Development Scenario or No-Hotel Development Scenario) of nonresidential floor area and up to 180 hotel guests rooms (for the Mixed Use Development Scenario) in the C2 Zone;
6. **Approved**, pursuant to LAMC Section 12.24 W.1, a Main Conditional Use Permit for the for the sale or dispensing of alcoholic beverages for on-site and off-site consumption within 13 commercial establishments (for the Mixed-Use Development Scenario and No-Hotel Development Scenario) and the hotel with one or more operators for the hotel (for the Mixed-Use Development Scenario);
7. **Approved**, pursuant to LAMC Section 12.21 G.3, a Director's Decision to permit 262 trees in lieu of the 293 trees for the Mixed-Use Development Scenario and 262 trees in lieu of the 315 trees for the No-Hotel Development Scenario;
8. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development that results in an increase of 50 or more dwelling units and/or hotel guest rooms and over 50,000 square feet of commercial floor area;
9. **Adopted** the attached Modified Conditions of Approval; and
10. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved:	Millman
Second:	Dake Wilson
Ayes:	Campbell, Choe, Leung, López-Ledesma, Mack, Perlman
Absent:	Hornstock

Vote: **8 – 0**



Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

EXHIBIT 4

LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAY 04 2021

Case No. CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR Council District: 14 – de León
CEQA: ENV-2017-438-EIR; SCH No. 2018051050
Plan Area: Central City North
Related Case: VTT-74890-CN-1A

Project Site: 2117 – 2147 East Violet Street; 2118 – 2142 East 7th Place

Applicant: Mark Spector, Onni Capital, LLC
Representative: Dale Goldsmith, Armbruster, Goldsmith & Delvac, LLP

At its meeting of **April 8, 2021**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

The Project includes up to 347 new live-work units, approximately 187,374 square feet of new office space, 21,858 square feet of new commercial uses, and a 926 square-foot community room on a 96,523 square foot (2.2-acre) Site (Project Site) of the 347 new live-work units, in compliance with Measure JJJ, five percent of the total proposed rental units (up to 18 units) would be set aside for Extremely Low-Income Households and 11 percent of the total proposed rental units (up to 39 units) would be set aside for Very Low-Income Households. If the new residential units are provided for-sale, then instead, 11 percent of the total proposed for-sale units (up to 39 units) would be set aside for Very Low-Income Households. Further, in accordance with LAMC 11.5.11(a).4, if both rental and for-sale units are provided, the Project shall comply with the applicable rental and for-sale provisions. The uses would be located in a 36-story residential tower with a maximum height of 425 feet and an eight-story office building with a maximum height of 131 feet. In addition, five existing buildings located on the northern portion of the Project Site, that comprise approximately 56,686 square feet, would be retained with six live-work units, office, retail, restaurant, and warehouse uses. Two additional existing buildings that comprise approximately 6,844 square feet, and contain four vacant live-work units, as well as two open sheds and surface parking areas located on the southern portion of the Site, would all be demolished. Upon completion, the Project's total floor area would be 569,448 square feet, with a maximum floor area ratio (FAR) of 6:1.

1. **Found,** based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the previously certified 2143 Violet Street Project Environmental Impact Report No. ENV-2017-438-EIR, certified on April 8, 2021; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Approved** and **Recommended**, that the Mayor and City Council **adopt**, pursuant to the Los Angeles City Charter Section 555 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment to the Central City North Community Plan to change the land use designation from Heavy Industrial to Regional Center Commercial;
3. **Approved** and **Recommended**, that the City Council **adopt**, pursuant to LAMC Section 12.32 Q, a Vesting Zone and Height District Change from M3-1-RIO to [T][Q]C2-2-RIO and a Developer Incentive to permit a zero-foot side yard in lieu of the 16 feet for the residential floors along the eastern property line;

4. **Approved**, pursuant to LAMC Section 12.24 W.19, a Vesting Conditional Use Permit to permit floor area averaging and density transfer within a Unified Development in a C Zone;
5. **Approved**, pursuant to LAMC Section 12.24 W.1, a Main Conditional Use Permit for the onsite sale of a full-line of alcoholic beverages within 10 establishments;
6. **Approved**, pursuant to LAMC Section 16.50, a Site Plan Review for a project that results in an increase of 50 or more dwelling units and more than 50,000 gross square feet of non-residential floor area;
7. **Adopted** the attached Modified Conditions of Approval; and
8. **Adopted** the attached Amended Findings.

The vote proceeded as follows:

Moved:	Hornstock
Second:	Leung
Ayes:	López-Ledesma, Mack, Perlman
Recuse:	Choe
Absent:	Millman

Vote: 5 – 0

Cecilia Lamas (Electronic Signature due to COVID-19)
Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission as it relates to the General Plan Amendment is final. The Zone Change and Height District is appealable by the Applicant only, if disapproved in whole or in part by the Commission. The decision of the Los Angeles City Planning Commission, regarding the remaining approvals, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: MAY 24 2021

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Zone Change Ordinance, Maps, Modified Conditions of Approval, Amended Findings, Resolution, Interim Appeal Filing Procedures

c: Milena Zasadzien, Senior City Planner
Kathleen King, City Planner
Rey Fukuda, Planning Assistant

EXHIBIT 5

Cases Requesting Site Plan Review with Other Entitlements Listed in LAMC Section 16.05-B.2

CPC-1999-2493-ZC-SPR	CPC-2019-5750-ZC-HD-SPR
CPC-2000-536-GPA-ZC-SPR-ZV-YV	CPC-2020-1685-ZCJ-SPR-VHCA
CPC-2001-4928-ZC-SPR-HD	CPC-2020-3850-ZC-HD-SPR-MCUP-CDO
CPC-2002-1991-ZC-SPR	CPC-2020-4011-GPAJ-ZCJ-HD-SPR-HCA
CPC-2002-6089-ZC-CU-DA-HD-SPR	CPC-2020-6828-GPA-ZC-HD-SPR-MCUP
CPC-2003-3798-ZC-SPR	CPC-2020-87-VZCJ-GPAJ-HD-SPR-HCA-PHP
CPC-2003-5554-ZC-SPR	CPC-2021-2544-GPAJ-ZCJ-SPR-PSH-HCA
CPC-2003-8049-ZC-SPR	CPC-2021-4080-ZC-SPR-CDO-BL-HCA-PHP
CPC-2003-9144-GPA-ZC-SPR	DIR-2018-1094-SPR
CPC-2004-1016-ZC-GPA-HD	ZA-2005-1867-ZV-CU-YV-ZAA-SPR
CPC-2004-1288-ZC-ZV-SPR	ZA-2005-2948-ZV-ZAA-SPR
CPC-2004-2957-VZC-ZV-ZAA-HD-SPR	ZA-2005-296-ZAA-SPR
CPC-2005-1138-GPA-ZC-SPR-CDP-ZV-ZAA	ZA-2005-336-ZV-ZAA-SPR
CPC-2005-6038-ZC-SPR	ZA-2005-3482-CU-ZV-ZAA-SPR
CPC-2005-70-ZC-SPR	ZA-2005-3563-CU-ZV-ZAD-ZAA-SPR
CPC-2005-7106-ZC-SPR	ZA-2005-3672-ZAD-ZAA-SPR
CPC-2005-7487-ZC-HD-SPR	ZA-2005-5398-ZAA-SPR
CPC-2005-7528-ZC-SPR	ZA-2005-62-CUB-CUX-ZV-ZAA-SPR
CPC-2005-8628-ZAA-ZC-SPR	ZA-2005-7588-ZV-ZAA-SPR
CPC-2005-8658-ZC-ZV-SPR	ZA-2005-7838-CU-ZV-YV-ZAA-SPR
CPC-2006-10244-ZC-SPR	ZA-2005-8231-ZAA-SPR
CPC-2006-10252-ZC-SPR	ZA-2005-8445-ZAA-SPR
CPC-2006-10403-ZC-SPR-ZAA	ZA-2005-9474-ZAA-SPR
CPC-2006-10540-GPA-ZC-SPR	ZA-2005-9483-ZV-ZAA-SPR
CPC-2006-1771-GPA-ZC-SPR	ZA-2006-2318-YV-SPR
CPC-2006-8394-ZC-SPR	ZA-2006-2356-ZV-ZAA-SPR
CPC-2006-8630-GPA-ZC-HD-SPR	ZA-2006-2725-CU-ZV-ZAA-SPR
CPC-2007-1178-ZC-HD-SPR-ZAA-VCU	ZA-2006-3449-ZV-ZAA-SPR
CPC-2007-1607-ZC-HD-SPR	ZA-2006-5066-YV-ZAA-SPR
CPC-2007-2622-GPA-ZAD-HD-SPR-PUB-PA-VZC-DA	ZA-2006-544-ZV-SPR
CPC-2007-3082-VZC-SPR-SPP	ZA-2006-5927-ZV-ZAA-SPR-SPP
CPC-2007-5307-ZC-ZV-PUB-ZAA-SPR	ZA-2006-6350-YV-ZAA-SPR
CPC-2007-5520-ZC-HD-SPR	ZA-2006-6513-CUB-CUX-CU-ZV-ZAA-SPR
CPC-2007-778-GPA-ZC-SPR-ZAA	ZA-2006-6582-ZV-YV-ZAA-SPR
CPC-2008-1660-GPA-ZC-ZV-ZAA-SPR	ZA-2006-7207-ZV-YV-ZAA-SPR
CPC-2008-3042-VZC-ZAA-SPR	ZA-2006-8014-ZAA-SPR
CPC-2008-3087-ZAA-ZC-HD-SPR	ZA-2006-8529-ZV-ZAA-SPR
CPC-2008-3087-ZAA-ZC-HD-SPR	ZA-2006-9254-ZV-ZAA-SPR
CPC-2008-3761-ZC-SPR	ZA-2006-9296-ZV-ZAA-SPR
CPC-2008-4001-ZC-HD-SPR-ZAA-CUB-CUX	ZA-2007-1179-ZV-ZAA-SPR
CPC-2008-4228-ZC-HD-SPR	ZA-2007-2617-ZV-ZAA-SPR
CPC-2008-4730-VZC-SPR-DB-CDO	ZA-2007-3695-ZV-YV-ZAA-SPR
CPC-2008-596-GPA-ZC-SPR	ZA-2007-4048-ZAA-SPR
CPC-2008-866-ZC-HD-SPR	ZA-2008-4140-ZAA-SPR
CPC-2009-132-GPA-ZC-HD-SPR	ZA-2008-421-ZV-ZAA-SPR
CPC-2009-234-ZC-HD-SPR	ZA-2008-4895-ZAA-SPR
CPC-2009-2504-GPA-ZC-HD-SPR-GB	ZA-2008-962-ZAA-DB-SPR
CPC-2009-254-ZC-HD-SPR-GB	ZA-2009-1231-CU-CUB-ZV-ZAA-SPR

CPC-2009-3158-GPA-ZC-SPR	ZA-2009-1242-ZAI-ZAA-DB-SPR
CPC-2009-3174-ZC-SPR	ZA-2009-1457-ZV-ZAA-SPR
CPC-2009-507-GPA-ZC-HD-SPR	ZA-2009-1513-ZV-ZAA-SPR
CPC-2009-542-GPA-ZC-ZV-ZAA-SPR	ZA-2009-1726-ZAA-SPR-DB
CPC-2010-1945-HD-SPR	ZA-2010-2040-ZV-ZAD-ZAA-SPR
CPC-2010-2841-VZC-SPR-CDO	ZA-2010-861-CUB-CU-ZV-ZAA-SPR
CPC-2010-760-GPA-VZC-HD-SPR	ZA-2011-1137-ZV-ZAA-SPR
CPC-2012-1214-GPA-ZC-SPR	ZA-2011-319-ZV-ZAA-SPR
CPC-2012-1363-GPA-ZC-SPR-BL	ZA-2011-3297-ZAA-SPR-ZV
CPC-2012-2054-GPA-ZC-HD-MCUP-SPR	ZA-2011-401-ZAA-SPR
CPC-2012-551-ZC-SPR	ZA-2011-448-ZAA-SPR
CPC-2012-579-ZC-SPR	ZA-2011-830-ZAA-SPR-SPP-ZAI
CPC-2012-972-ZC-HD-SPR-CU-ZV	ZA-2011-961-ZV-ZAA-SPR
CPC-2013-1996-GPA-ZC-HD-SPR	ZA-2012-1216-ZAA-SPR
CPC-2013-2184-GPA-ZC-HD-DB-SPR	ZA-2012-2467-ZV-ZAA-SPR-DD
CPC-2013-2630-ZC-SPR	ZA-2012-3354-CUB-CU-CDP-MEL-WDI-SPP-SPR
CPC-2013-3151-ZC-SPR	ZA-2012-705-ZAA-SPR
CPC-2013-4028-GPA-ZC-SPR-ZAA	ZA-2013-1165-ZAA-SPR
CPC-2013-4176-ZC-HD-SPR	ZA-2013-1-ZAA-SPR
CPC-2013-555-ZC-SPR	ZA-2013-2606-ZAA-SPR
CPC-2014-1759-ZC-SPE-SPR-ZAA-CDO	ZA-2013-2800-ZAA-SPPA
CPC-2014-2850-GPA-ZC-HD-SPR-ZAA	ZA-2013-3197-CU-ZV-ZAA-SPR
CPC-2014-4042-GPA-ZC-SPR	ZA-2013-4075-ZV-ZAD-SPR
CPC-2014-4222-GPA-ZC-SPR	ZA-2014-1557-ZV-ZAA-SPR
CPC-2014-4279-ZC-HD-ZAA-SPR	ZA-2014-2077-ZV-ZAA-SPR
CPC-2015-1341-GPA-ZC-ZV-ZAA-SPR	ZA-2014-2476-CU-ZV
CPC-2015-2361-ZC-HD-SPR	ZA-2014-4180-CU-CUB-ZV-ZAA-SPR
CPC-2015-2424-ZC-SPR-DB	ZA-2014-4392-ZAA-SPR
CPC-2015-2597-ZC-SPR	ZA-2014-4603-ZAA-ZAI-SPR
CPC-2015-2607-GPA-ZC-HD-SPR	ZA-2015-4525-ZV-ZAA-SPR
CPC-2015-300-GPA-ZC-SPR	ZA-2015-4699-ZAA-SPR-DD
CPC-2015-3702-GPA-VZC-SPR	ZA-2016-2457-CUB-CU-ZAA-SPR
CPC-2016-1027-ZC-SPR-ZAA-CDO	ZA-2016-272-ZAA-SPR-CLQ
CPC-2016-1495-VZC-ZAA-SPR	ZA-2016-2994-ZV-CU-ZAA-SPR
CPC-2016-1706-VZC-HD-SPR	ZA-2016-311-VCU-CUB-ZV-ZAA-SPR
CPC-2016-2118-VZC-MCUP-CU-SPR-CDO-DD	ZA-2016-4254-ZV-ZAA-SPR-MSC
CPC-2016-2232-GPA-HD-SPR-VZC	ZA-2017-259-CU-CUB-ZAA-SPR
CPC-2016-2612-VZC-SPR-DB	ZA-2017-3446-VCU-CUB-ZAA-SPR
CPC-2016-2944-VZC-SPR-DB-CDO	ZA-2017-3996-CU-ZAA-SPR-CCMP
CPC-2016-3064-ZC-SPR-CU-CUB	ZA-2017-4087-ZAA-SPR
CPC-2016-3479-GPA-VZC-HD-SPR	ZA-2017-4169-ZV-ZAA-ZAI-SPR
CPC-2016-3635-GPA-VZC-HD-SPR-ZAD	ZA-2017-4204-ZAA-SPR
CPC-2016-3683-GPA-VZC-HD-SPR	ZA-2017-800-ZV-ZAA-SPR
CPC-2016-3847-VZC-HD-DB-SPR	ZA-2018-1216-CU-CUB-ZAD-ZAA-SPR
CPC-2016-3866-VZCJ-SPR	ZA-2018-2177-CU-ZV-ZAA-SPR
CPC-2017-324-GPAJ-ZCJ-HD-SPR	ZA-2018-3516-CU-CUB-ZAA-SPR
CPC-2017-403-GPAJ-VZCJ-HD-SPR-RDP	ZA-2018-3601-ZAA-SPR
CPC-2017-420-GPAJ-VZCJ-HD-SPR	ZA-2018-4475-ZV-ZAA-SPR
CPC-2017-467-GPA-VZC-HD-SPR	ZA-2018-5746-ZAA-SPR-WDI
CPC-2017-552-GPAJ-VZCJ-HD-SPR	ZA-2018-6232-ZAA-SPR
CPC-2017-589-GPAJ-ZCJ-HD-SPR	ZA-2018-7490-ZAA-SPR

CPC-2017-610-GPAJ-VZCJ-HD-MCUP-SPR	ZA-2019-5239-CU-CUB-ZAA-SPR-WDI
CPC-2017-614-GPAJ-ZCJ-HD-SPR	ZA-2019-5590-TOC-ZV-ZAA-SPR
CPC-2017-739-GPAJ-VZCJ-HD-SPR	ZA-2020-1408-ZAA-SPR-WDI
CPC-2017-849-GPAJ-VZCJ-HD-SPR	ZA-2020-5179-CU-ZAA-SPR
CPC-2018-3450-ZC-HD-SPR-WDI	ZA-2022-3789-ZAA-SPR-WDI
CPC-2018-6436-ZCJ-SPR	ZA-2022-4283-CU-CUB-ZAA-SPR
CPC-2019-1267-ZCJ-SPR	

EXHIBIT 6

LOS ANGELES FIRE COMMISSION

ERIC GARCETTI
Mayor

SUE STENGEL
INDEPENDENT ASSESSOR

EXECUTIVE OFFICE
200 NORTH MAIN STREET, SUITE 1840
LOS ANGELES, CA 90012

(213) 978-3838 PHONE
(213) 978-3814 FAX

AGENDA
BOARD OF FIRE COMMISSIONERS
REGULAR MEETING
Tuesday, October 7, 2014 at 9:00 a.m.
FIRE COMMISSION MEETING ROOM, CITY HALL EAST, ROOM 1820
200 N. MAIN STREET, 18th FLOOR, LOS ANGELES

PUBLIC INPUT AT MEETINGS - The public may comment on any matter that is within the jurisdiction of the Board during public comment. Members of the public are invited to address the Board on any agenda item prior to action by the Board on a specific item.

Comments from the public will be limited to two (2) minutes per individual, with ten (10) minutes total allowed for public presentation. Members of the public who wish to address the Board are urged to complete a Speaker Card and submit it to the Board Secretary prior to commencement of the public meeting. The cards are available in the Fire Commission Meeting Room.

CONSENT ITEMS - Designed to minimize the meeting time relative to routine matters, the documentation provided to the Board for these items contains sufficient information for approval without inquiry or discussion. The President will call for a vote on the Consent Agenda as a whole. The Board's vote will be treated as separate votes for each item considered. Any item may be moved to the Regular Agenda for discussion at the request of a Board member or if a member of the general public submits a request to speak on the subject matter, prior to the vote.

DISPOSITION OF ITEMS - Actions of the Board shall become final at the expiration of the next five (5) meeting days of the City Council during which the Council has convened in regular session, unless the Council acts within that time by two-thirds vote to bring the action before it or to waive review of the action.

NOTE: Meeting dates and times are subject to change or cancellation. Please visit us at:
http://lafd.org/about/organization/fire-commission
You may also contact the Board of Fire Commissioners at (213) 978-3838 to confirm the Board Meeting schedule.

SERVICES - The Board of Fire Commissioners Office may provide listening devices, sign language interpretation, or other auxiliary aids and/or translation services with 72-hour advance notice. Contact the Board Office at (213) 978-3838.

Si requiere información en español o servicio de traducción, favor de comunicarse a la Oficina de Comisión al (213) 978-3838.

- **ROLL CALL**
- **FLAG SALUTE AND MOMENT OF SILENCE** in honor of past and present members of the Los Angeles Fire Department who devote their lives to the protection of the community.

BOARD OF FIRE COMMISSIONERS
AGENDA
TUESDAY, OCTOBER 7, 2014

1. COMMISSION COMMENTS

2. 2014-2015 FIRE COMMISSION COMMITTEES AND LIAISON APPOINTMENTS

3. REPORT OF THE FIRE CHIEF

A. Announcements/Meetings/Events

B. Significant Incidents/Activities

1. Verbal report by Department on significant incidents and activities for the period of September 17, 2014 through October 7, 2014.

2. Verbal report by Medical Director relative to medical emergencies for the period of September 17, 2014 through October 7, 2014.

4. PRESENTATIONS

5. CONSENT AGENDA ITEMS

A. [BFC 14-102] – Report by Department on the status of LAFD projects.
Recommendation: Receive and file.

B. [BFC 14-099] – Report by Department on write-off of uncollectible LAFD Emergency Ambulance Service Charges each valued less than $5,000 for Fiscal Years 2010-11 to 2012-13 (from November 2010 through October 2012).
Recommendation: That the Board approve the report and transmit to the Collections Board of Review, Office of the Controller.

C. [BFC 14-100] – Report by Department on proposed Agreement between the LAFD and Michael Baker for the design, development, implementation, and integration of Medical Dispatch Protocol Software.
Recommendation: That the Board approve the report and transmit to the Mayor.

D. [BFC 14-103] – Report by Department on 2012 FEMA Urban Search and Rescue Task Force Cooperative Agreement Fund Transfer Request CF 12-1627.
Recommendation: That the Board approve the report and transmit to Mayor and City Council.

E. [BFC 14-104] – Report by Department on 2013 FEMA Urban Search and Rescue Task Force Cooperative Agreement CF 13-1618 Fund Transfer Request FY 2014-15.
Recommendation: That the Board approve the report and transmit to Mayor and City Council.

6. REGULAR AGENDA ITEMS

A. [BFC 14-101] – Report by Department on the status and disposition of LAFD matters considered by or referred to City Council/Committees, other City departments, officers and agencies.
Recommendation: Receive and file.

B. [BFC 14-084] – Report by Department on Automatic Vehicle Location (AVL) – Project Update.
Recommendation: Receive and file.

C. Discussion and possible Board action relative to the job requirements for Fire Assistant Chief and the posting of the job bulletin for the position.

D. Verbal presentation by Department on recent emergency operations in L.A. Port.

E. Verbal presentation by Department on change to helipad requirement.

7. PUBLIC COMMENT PERIOD

ADJOURNMENT

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EXHIBIT 7

May 4, 1988
First Interstate Bank Fire

AIR OPERATIONS
at the
WORST HIGH-RISE FIRE IN LOS ANGELES HISTORY

By Michael Roy, Pilot II
LAFD Air Operations

When the announcement of fire came over the loudspeaker at the First Interstate Bank Building, Robert Lopez scrambled to the stairwell and started down. After descending ten stories, the smoke drove him back to the fiftieth floor where he had been vacuuming -- hopefully he would find some fresh air.

At 10:37 p.m. the fire department received the first call reporting a fire in the Interstate Bank building. L.A's tallest. A short time later, pilot Rick Lawin, flying Police Air-3 on regular patrol, spotted the fire. Along with Air-8, he landed on the roof heliport and evacuated Zora Imamovic and five others of her cleaning crew who were fortunate enough to have been working on the upper floors of this 62 story building.

When Chief Don Cate (Battalion 1) arrived on scene, he observed fire coming out most windows on about the 9th floor -- he immediately called for more resources. Among these were Fire-3 with Airborne E-78 and Fire-6 with a Nightsun.

Pilot Paul Shakstad, a 17 year veteran of the department, started a floor by floor search in Fire-6 while helitac Dick Davis operated the Nightsun. Larry Harris, flying Fire 2 placed E-78 on the roof; they opened the penthouse to release hot smoke and gases, donned breathing apparatus and entered the building to search for more victims.

By now it had become the worst high-rise fire in L.A.'s history. Large shards of glass sailed dangerously to the street, cutting hoselines. The 12th and 13th floors were fully involved with flames roaring up to threaten the 14th. Quoting Pilot Shakstad, "Turbulence, caused by the fire and eddies swirling around the building, made it difficult to hover near the windows. Sometimes rising smoke engulfed the building, reducing visibility to almost nothing."

TRAPPED MAN

Roberto Lopez saw the light shining through thick smoke. He frantically waved a curtain at the helicopter hovering outside the 50th floor office he had taken refuge in. Shakstad quickly zeroed in on that window; he and Davis started computing which floor they were at so they could assist the Incident Commander in directing rescue personnel to him. They requested Air-3 to tell Lopez with their P.A. to stay put -- help was on the way.

Two other helicopters were dispatched, Fire-1 as an air ambulance/hoist rescue and Fire-2 carrying Airborne E-100. Engine 78 and 100 were twice driven back by the intense heat and smoke after being able to penetrate only a few floors. The helicopters brought more crews, air bottles and other support equipment (supplied by E-102 at the helispot) to the roof. E-78 was flown to Temple and Grand to confer with Chief McMaster who was assigned as Air Operations Chief.

They decided to make up several two person teams with specific floor assignments to find

and rescue Lopez. Fire-1, configured as an air ambulance, stood by. Larry Harris, after delivering E-78, idled his helicopter on the roof, fearing that if he had to extract the rescue teams heavy smoke would not allow a return approach to the building. While a police ship continued

to search, Shakstad stayed with the victim on the 50th floor because, "With the smoke building up, I felt if we left him he may go down and the rescue team wouldn't be able to find the correct office." He hovered there for over an hour until he was low on fuel, then George Barti, flying fire-2 relieved him.

While forty percent of the department's on-duty firefighters were valiantly fighting to stop the fire at the 16th floor, the rescue teams from the roof were finally able to penetrate further into the building. Shakstad in Fire-6 returned to relieve Barti after refueling and making several recons of the fire floors for the incident commander.

One team, consisting of FF Bruce Young and Eng. Ron Bruno, searching on the 55th floor ran low on air and Bruno became ill from exposure to heat and smoke (he was later diagnosed as having walking pneumonia). They requested help and broke out a window while waiting for another team to bring them fresh air bottles. They were then able to make it back to the roof and were transported to a hospital for observation.

VICTIM RESCUED

About 2:30 a.m. flashlights from a rescue team could be seen on the floor below Roberto Lopez; Shakstad could no longer see Roberto -- he had gone down. He directed that team of A/O Paul Hilzer & FF Mike Meadows to the correct office. They, along with other teams from L.F. 85 & 37 commanded by Capt. Bill Tannahill, found Lopez in the smoke under the drapes, on the floor.

About the same time FF/Paramedic Eric Lauridsen and Capt. Mark Jones reached Lopez. They administered oxygen to Lopez and the firefighters all took turns carrying Roberto to the roof where he was transported by Pilot Cooper in Fire-1 to the hospital.

A total of 26.9 hours were flown by the L.A. Fire Department and 2.6 by the L.A. Police Department helping to abate this emergency. L.A. County Fire and Sheriff's birds stood by in case more people had to be evacuated. The firefighters, paramedics, pilots, helitac, police and others who supported air operations at this fire can feel satisfied that their dedication and tenacity paid off with saving at least one life -- possibly more.

According to Deputy Fire Chief Don Anthony, helicopters proved their worth, "I really think fire helicopters were critical on this fire, and I think if we had had hundreds of people on the roof, they could have effected a tremendous number of rescues."

One man died when he became trapped in the elevator at the fire floor. Luckily, although some were injured, everyone else escaped the towering inferno.

EXHIBIT 8

NavigateLA Screenshot Identifying R Permits at 6600-6610 Orange Avenue

EXHIBIT 9

Certificate of Occupancy for 6610 Orange Street

66100 Orange St. — Address of Building
CC#44056
Owner
Owner's Address
(Post Office) (Zone) (State)
262773 Permit Number 1928 Year

Form B-95—30M—11-48
CITY OF LOS ANGELES
DEPARTMENT
OF
BUILDING AND SAFETY

CERTIFICATE OF OCCUPANCY

Date Certificate Issued:
June 10, 1929, 19

This certifies that, so far as ascertained by or made known to the undersigned, the building at the above address complies with the applicable requirements of the Municipal Codde, as follows: Chapter 1, as to permitted uses of said property; Chapter 9, Articles 1, 3, 4, and 5; and with the applicable requirements of the State Housing Act,—for the following occupancies:

2 Story, Class D, 18 Rooms, 6 Unit Apartment House.

COPY

NOTE: Any change of use or occupancy must be approved by the Department of Building and Safety.

G. E. MORRIS
Superintendent of Building

By .....

EXHIBIT 10

STATE OF CALIFORNIA

RULES

FOR

Overhead Electric Line Construction

Prescribed by the

PUBLIC UTILITIES COMMISSION

OF THE

STATE OF CALIFORNIA

4. Mature trees whose trunks and major limbs are located more than six inches, but less than 18 inches, from primary distribution conductors are exempt from the 18-inch minimum clearance requirement under this rule. The trunks and limbs to which this exemption applies shall only be those of sufficient strength and rigidity to prevent the trunk or limb from encroaching upon the six-inch minimum clearance under reasonably foreseeable local wind and weather conditions. The utility shall bear the risk of determining whether this exemption applies, and the Commission shall have final authority to determine whether the exemption applies in any specific instance, and to order that corrective action be taken in accordance with this rule, if it determines that the exemption does not apply.

Note: Added October 22, 1997 by Decision No. 97-10-056.

36 Pole Clearances from Railroad Tracks

Poles or other supporting structures which are set in proximity to railroad tracks shall be so located that the clearance requirements of General Order 26-D are met. The clearance requirements of General Order 26-D, applicable to pole line construction, are contained in Appendix E.

Note: Revised February 1, 1948 by Supplement No. 1 (Decision No. 41134, Case No. 4324).

37 Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Etc.

Clearances between overhead conductors, guys, messengers or trolley span wires and tops of rails, surfaces of thoroughfares or other generally accessible areas across, along or above which any of the former pass; also the clearances between conductors, guys, messengers or trolley span wires and buildings, poles, structures, or other objects, shall not be less than those set forth in Table 1, at a temperature of 60_ F. and no wind.

The clearances specified in Table 1, Case 1, Columns A, B, D, E and F, shall in no case be reduced more than 5% below the tabular values because of temperature and loading as specified in Rule 43. The clearances specified in Table 1, Cases 2 to 6 inclusive, shall in no case be reduced more than 10% below the tabular values because of temperature and loading as specified in Rule 43.

The clearance specified in Table 1, Case 1, Column C (22.5 feet), shall in no case be reduced below the tabular value because of temperature and loading as specified in Rule 43.

The clearances specified in Table 1, Cases 11, 12 and 13, shall in no case be reduced below the tabular values because of temperatures and loading as specified in Rule 43.

Where supply conductors are supported by suspension insulators at crossings over railroads which transport freight cars, the initial clearances shall be sufficient to prevent reduction to clearances less than 95% of the clearances specified in Table 1, Case 1, through the breaking of a conductor in either of the adjoining spans.

Rule 37

Where conductors, dead ends, and metal pins are concerned in any clearance specified in these rules, all clearances of less than 5 inches shall be applicable from surface of conductors (not including tie wires), dead ends, and metal pins, except clearances between surface of crossarm and conductors supported on pins and insulators (referred to in Table 1, Case 9) in which case the minimum clearance specified shall apply between center line of conductor and surface of crossarm or other line structure on which the conductor is supported.

All clearances of 5 inches or more shall be applicable from the center lines of conductors concerned.

Note: Modified January 8, 1980 by Decision No. 91186, March 9, 1988 by Resolution E-3076; and November 6, 1992 by Resolution SU-15, September 20, 1996 by Decision 96-09-097 and January 23, 1997 by Decision 97-01-044.

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Table 1: Basic Minimum Allowable Vertical Clearance of Wires above Railroads, Thoroughfares, Ground or Water Surfaces; Also Clearances from Poles, Buildings, Structures or Other Objects (nn) (Letter References Denote Modifications of Minimum Clearances as Referred to in Notes Following This Table)

		Wire or Conductor Concerned

Case No.	Nature of Clearance	A Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	B Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	C Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	D Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	E Supply Conductors and Supply Cables, 750 - 22,500 Volts	F Supply Conductors and Supply Cables, 22.5 - 300 kV	G Supply Conductors and Supply Cables, 300 - 550 kV (mm)
1	Crossing above tracks of railroads which transport or propose to transport freight cars (maximum height 15 feet, 6 inches) where not operated by overhead contact wires. (a) (b) (c) (d)	25 Feet	25 Feet	22.5 Feet	25 Feet	28 Feet	34 Feet	34 Feet (kk)
2	Crossing or paralleling above tracks of railroads operated by overhead trolleys. (b) (c) (d)	26 Feet (e)	26 Feet (e) (f) (g)	19 Feet (h) (i) (eee)	27 Feet (e) (g)	30 Feet (g)	34 Feet (g)	34 Feet (g) (kk)
3	Crossing or along thoroughfares in urban districts or crossing thoroughfares in rural districts. (c) (d)	18 Feet (j) (k) (ii)	18 Feet (j) (l) (m) (ii) (aa)	19 Feet (hh) (eee)	20 Feet (ii)	25 Feet (o) (ii)	30 Feet (o) (ii)	30 Feet (o) (ii) (kk)
4	Above ground along thoroughfares in rural districts or across other areas capable of being traversed by vehicles or agricultural equipment.	15 Feet (k)	15 Feet (m) (n) (p)	19 Feet (eee)	19 Feet	25 Feet (o)	30 Feet (o) (p)	30 Feet (o) (kk)
5	Above ground in areas accessible to pedestrians only	8 Feet	10 Feet (m) (q)	19 Feet (eee)	12 Feet	17 Feet	25 Feet (o)	25 Feet (o) (kk)
6	Vertical clearance above walkable surfaces on buildings, (except generating plants or substations) bridges or other structures which do not ordinarily support conductors, whether attached or unattached.	8 Feet (r)	8 Feet (r)	8 Feet	8 Feet	12 Feet	12 Feet	20 Feet (ll)
6a	Vertical clearance above non-walkable surfaces on buildings, (except generating plants or substations) bridges or other structures, which do not ordinarily support conductors, whether attached or unattached	2 Feet	8 Feet (yy)	8 Feet	8 Feet (zz)	8 Feet	8 Feet	20 Feet
7	Horizontal clearance of conductor at rest from buildings (except generating plants and substations), bridges or other structures (upon which men may work) where such conductor is not attached thereto (s) (t)	-	3 Feet (u)	3 Feet	3 Feet (u) (v)	6 Feet (v)	6 Feet (v)	15 Feet (v)
8	Distance of conductor from center line of pole, whether attached or unattached (w) (x) (y)	-	15 inches (s) (aa)	15 inches (aa) (bb) (cc)	15 inches (o) (aa) (dd)	15 or 18 inches (o) (dd) (ee) (jj)	18 inches (dd) (ee)	Not Applicable

9	Distance of conductor from surface of pole crossarm or other overhead line structure upon which it is supported, providing it complies with case 8 above (x)	-	3 inches (aa) (ff)	3 inches (aa) (cc) (gg)	3 inches (aa) (dd) (gg)	3 inches (dd) (gg) (jj)	1/4 Pin Spacing Shown in Table 2 Case 15 (dd)	1/2 Pin Spacing Shown in Table 2 Case 15 (dd)

Table 1 (Continued)

		Wire or Conductor Concerned						
Case No.	Nature of Clearance	A Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	B Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	C Trolley Contact, Feeder and Span Wires, 0 - 5,000 Volts	D Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	E Supply Conductors and Supply Cables, 750 - 22,500 Volts	F Supply Conductors and Supply Cables, 22.5 - 300 kV	G Supply Conductors and Supply Cables, 300 - 550 kV (mm)
10	Radial centerline clearance of conductor or cable (unattached) from non-climbable street lighting or traffic signal poles or standards, including mastarms, brackets and lighting fixtures	-	1 Foot (u) (rr) (ss)	15 inches (bb) (cc)	3 Feet (oo)	6 Feet (pp)	10 Feet (qq)	10 Feet (ll)
11	Water areas not suitable for sailboating (tt) (uu) (ww) (xx)	15 Feet	15 Feet	-	15 Feet	17 Feet	25 Feet	25 Feet (kk)
12	Water areas suitable for sailboating, surface area of: (tt) (vv) (ww) (xx)							
	(A) Less than 20 acres	18 Feet	18 Feet	-	18 Feet	20 Feet	27 Feet	27 Feet (kk)
	(B) 20 to 200 acres	26 Feet	26 Feet	-	26 Feet	28 Feet	35 Feet	35 Feet (kk)
	(C) Over 200 to 2,000 acres	32 Feet	32 Feet	-	32 Feet	34 Feet	41 Feet	41 Feet (kk)
	(D) Over 2,000 acres	38 Feet	38 Feet		38 Feet	40 Feet	47 Feet	47 Feet (kk)
13	Radial clearance of bare line conductors from tree branches or foliage (aaa) (ddd)	-	-	18 inches (bbb)	-	18 inches (bbb)	1/4 pin spacing shown in table 2, Case 15 (bbb) (ccc)	1/2 pin spacing shown in table 2, Case 15

References to Rules Modifying Minimum Clearances in Table 1 Rule Rule

(a) Shall not be reduced more than 5% because of temperature or loading 37

1 Supply lines 54.4-B1

2 Communication lines 84.4-B1

(b) Shall be increased for supply conductors on suspension insulators, under certain conditions 37

(c) Special clearances are provided for traffic signal equipment 58.4-C

(d) Special clearances are provided for street lighting equipment 58.5-B

(e) Based on trolley pole throw of 26 feet. may be reduced where suitably protected 56.4-B2

1 Supply guys 56.4-B2

2 Supply cables and messengers 57.4-B2

3 Communication guys 86.4-B2

4 Communication cables and messengers 87.4-B2

(f) May be reduced depending on height of trolley contact conductors

1 Supply service drops 54.8-C5

2 Communication service drops 84.8-D5

(g) May be reduced and shall be increased depending on trolley throw

1 Supply conductors (except service drops) 54.4-B2

2 Communication conductors (except service drops) 84.4-B2

(h) Shall be increased where freight cars are transported

1 Trolley contact and feeder conductors 74.4-B1

2 Trolley span wires 77.4-A

(i) May be reduced for trolley contact and span wires in subways, tunnels, under bridges and in fenced areas

1 Trolley contact conductors 74.4-E

2 Trolley span wires 77.4-B

References to Rules Modifying Minimum Clearances in Table 1 Rule Rule

(j) May be reduced at crossings over private thoroughfares and entrances to private property and over private property

1 Supply service drops 54.8-B2

2 Supply guys 56.4-A

3 Communication service drops 84.8-C2

4 Communication guys 86.4-A

(k) May be reduced along thoroughfares where not normally accessible to vehicles

1 Supply guys 56.4-A1

2 Communication guys 86.4-A1

(l) May be reduced where within 12 feet of curb line of public thoroughfares

1 Supply service drops 54.8-B1

2 Communication service drops 84.8-C1

(m) May be reduced for railway signal cables under special conditions 84.4-A4

(n) May be reduced in rural districts

1 Intentionally left blank

2 Intentionally left blank

3 Communication conductors along roads 84.4-A2

(o) May be reduced for transformer, regulator or capacitor leads

1 Transformer leads 58.1-B

2 Regulator or capacitor leads 58.1-B

(p) May be reduced across arid or mountainous areas

1 Supply conductors of more than 22,500 volts 54.4-A1

EXHIBIT 11

Mark-Up of Sheet A-5 Illustrating Utility Poles Do Not Encroach into Alley

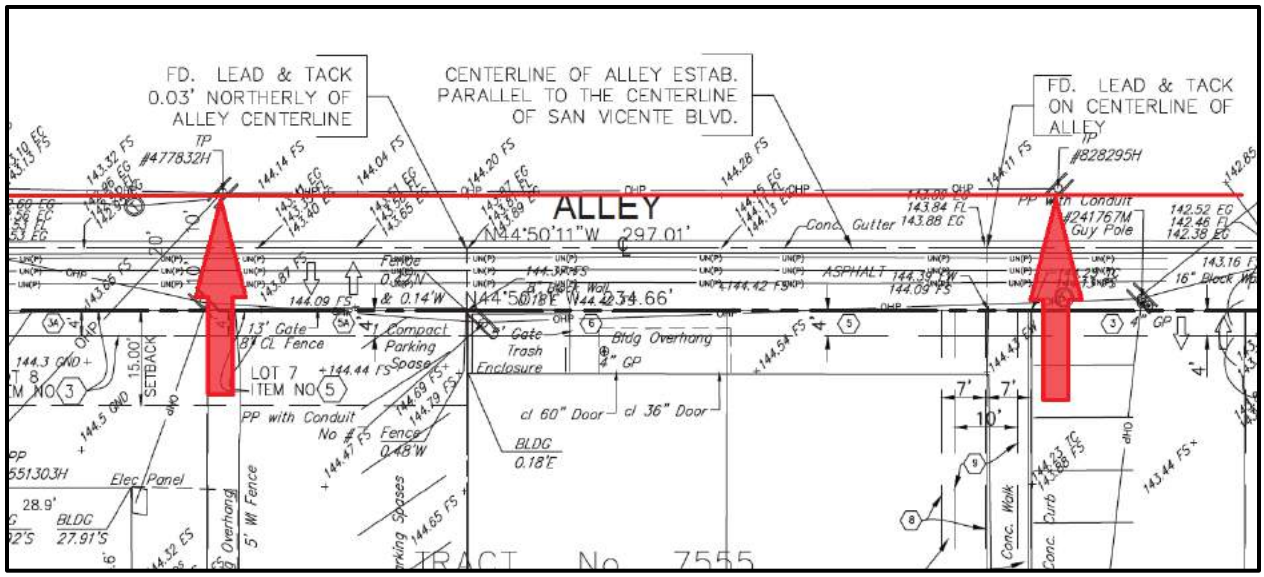

EXHIBIT 12

I. Purpose

This Section provides the basic criteria for review of driveway designs.

The Department of Transportation (DOT) has a broad responsibility to ensure the safe and efficient use of City streets. The impact on streets is influenced by the design and use of off-street parking and loading facilities to accept and discharge vehicles. The goal of good driveway design is to minimize adverse effects on street traffic.

II. Conditions of Tracts or Other Actions

DOT requirements of driveways, prohibitions of driveways on certain streets, limitations of turning movements, and other conditions are often imposed through:

A. Zone Changes: These requirements usually originate in DOT during the zoning review process and are adopted by the Council.

B. Conditional Uses: Hearing examiners obtain the recommendations of DOT and often include traffic requirements.

C. Tract Review: All Tract maps are subject to approval by the Advisory Agency (i.e., a deputy of the Director of Planning). The Advisory Agency is assisted by the Subdivision Committee, on which DOT is represented. The Advisory Agency frequently includes traffic requirements in its final determination.

It is necessary in many cases to “clear” these traffic requirements, i.e., certify that they have been carried out. This is done by DOT’s representative on the Subdivision Committee, who must approve any plans affected by such requirements.

III. Code Requirements

The Los Angeles Municipal Code (LAMC) specifically requires DOT to carry out certain functions with relation to off-street parking facilities. The Bureau of Transportation Programs and Development Review of the Department serves as a review agency for driveways and other off-street uses through the required approval of Building Permit Applications. Relevant Municipal Code Sections are:

12.21 A-4(g)
12.21 A-5(e)
12.21 A-5(i)
12.21 A-5(j)
12.21 C-6(a)

See Appendix C for further information.

IV. Definitions

For purposes of this Section, certain terms and words are defined as follows:

A. Arterial Highway - A street that either:

1. Accommodates 10,000 or more vpd (vehicle trips per typical weekday), or
2. Is designated as a Major or Secondary Highway on the City's Highways and Freeways Plan.

B. Collector Street - A street that either:

1. Accommodates more than 1500 but less than 10,000 vpd, or
2. Is a designated Collector Street on the applicable Community Plan.

V. Driveway Location Planning

The basic principle of driveway location planning is to minimize possible conflicts between users of the parking facility and users of the abutting street system. The public interest requires optimum capacity of streets and highways to carry traffic with minimum potential for traffic accidents. The safety of pedestrians is also considered.

This calls for the minimum number of driveways, consistent with street and lot capacity, located on streets with the least traffic volume, when there is a choice. Driveways should provide high-entry capacity from the abutting street. To determine if a facility will meet the desired criteria, it is necessary to check location of driveways, size of driveways, number of driveways, operation and design of entrances and exits, and internal circulation.

A. Number of Driveways Along Arterial Frontage

Driveways should not be permitted along arterial highways where the proposed development is:

1. Residential, and access is possible using an alley or non-arterial street, or
2. Industrial or commercial, and

   a. At the intersection of the arterial highway with a non-arterial street, and

   b. Access is possible along the non-arterial frontage.

Otherwise the maximum number of driveways along arterial frontage should be:

Maximum Number of Driveways Along Arterial Frontage	
FRONTAGE (FEET)	NO. OF DRIVEWAYS
0 to 200	1[1]
200+ to 400	2

For every additional 400 feet of frontage, 1 additional driveway is allowed. However, for minimum distance between driveways see Sub-Section V.D. Exceptions may be granted by the Transportation Engineer in charge based on review of specific project design or capacity needs (see Appendix A).

B. Location of Driveways Adjacent to Intersections

Driveways should be located such that two-way left turn lane channelization will provide storage space for left-turn entry, and for refuge for left-turn exiting. Where the arterial does not have two-way left turn lane median channelization, the driveway should be as far from the intersecting street as possible.

Driveways on arterial highways serving lots with frontages greater than 250 feet should not be placed within 150 feet of the adjacent street. Driveways on collector or local streets serving lots with frontages greater than 250 feet should not be placed within 75 feet of the adjacent street.

Turning prohibitions should be considered on approvals whenever the following would occur and an alternate ingress/egress point is not available:

a) Entering vehicles would need to make left-turns from the number one thorough lane of an arterial highway.

b) Exiting vehicles making left-turns to an arterial highway would be required to turn through the queue from adjacent signalized intersections and the exiting vehicle would cross a left-turn lane or on an unchannelized street from within 150 of the crosswalk at the signal.

c) When the proposed driveway causes a signalized T-intersection to become a left-jogged intersection and the proposed driveway becomes the right-jogged jog, the exiting driveway vehicles making left-turn movements shall be prohibited unless a new design for the newly-formed left-jogged intersection will signalize both jogged legs.

Where alternate access does not exist for a proposed driveway, turn restrictions may be considered, as authorized by the Transportation Engineer of the appropriate district office of the Transportation Engineer of the Signal Systems and Research Section.

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[1] Two driveways may be approved if they are to each be one-way (i.e. one ingress only and one egress only).

Modifications to channelization to make proposed driveway locations acceptable shall be paid for by the permittee requesting the change, prior to approval of the permit. Such modifications shall be approved by the Transportation Engineer of the appropriate district office.

C. Driveways at Tee Intersections

Driveways for properties at the top of a "T" intersection are to be centered within one foot of the prolongation of the terminating street center line. The driveway at the top of the T-intersection should be a Case 3 type driveway in a residential area, and a Case 4 type driveway in a commercial area (see attached Department of Public Works Standard Plan No. S-440-3). Where this is not possible, the driveway should conform to Sub-Section V.B (Location of Driveways Adjacent to Intersections).

D. Distance between Driveways

Wherever possible, two-way driveways should be separated by a minimum of 50 feet of full height curb to minimize conflict between vehicles using the adjoining driveways.

VI. Driveway Design

A. Basic Principles

Driveways should be designed to minimize possible conflicts between users of parking facilities and users of abutting street systems. The design should address pedestrian safety, sight distance, width of the lane from which the right turns into the driveway are made (i.e. 12 foot curb lane requires a wider driveway), size and turning characteristics of vehicles using the driveway (i.e. delivery trucks require wider driveways), complexity of vehicular movements, density of traffic on the abutting street (traffic and street width), speed of vehicles on the abutting street, arrival or departure rate of vehicles using the driveway, and any other considerations that would affect the safety and efficient use of City streets. It should be recognized that driveway design recommendations may vary depending upon site constraints, location, and usage. Existing driveways can be approved as constructed if the project which has necessitated their review is of limited scope or is re-striping only.

B. Width of Driveways

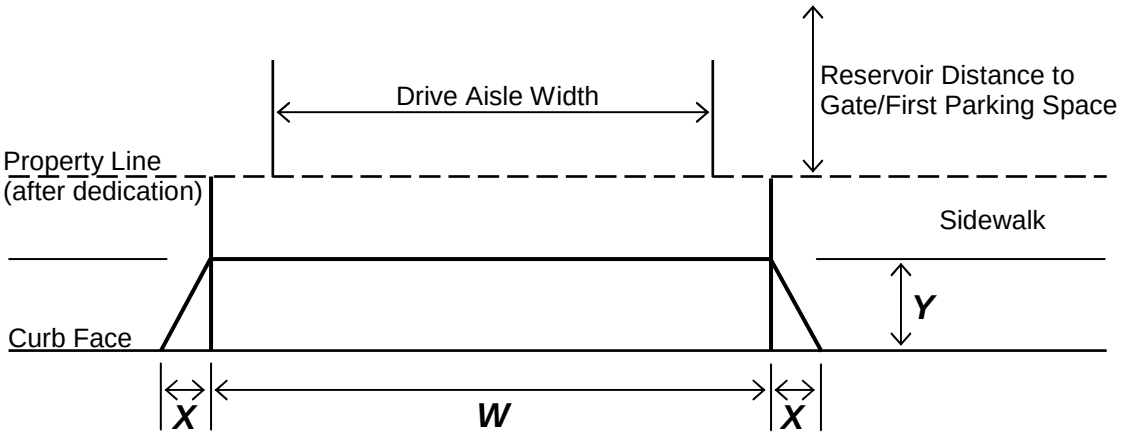
Not withstanding existing Code requirements, the following driveway widths are recommended:

Recommended Widths of Driveways
(*W* dimension of driveway apron, in feet)[2]

Type of Development	Two-Way	One-Way
Commercial	30 ft	16 ft
Industrial	30 ft	16 ft
Single Family Residential		
1 or 2 car garage	18 ft	–
3 or more car garage	26 ft	–
Multi-Family Residential		
More than 25 spaces	30 ft	16 ft
5 to 25 spaces	28 ft	16 ft
Less than 5 spaces	18 ft	16 ft

These recommended widths assume standard passenger vehicles turning right from an 18 foot wide curb lane under typical conditions. Wider driveways may be appropriate to accommodate large commercial vehicles or multiple entry lanes. Shorter driveway widths may be considered where it may be more appropriate to use narrower driveway or field conditions preclude use of recommended widths.

When larger vehicles and trucks are going to be the predominant users of a particular driveway, turning templates shall be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.



[2] See attached Department of Public Works Standard Plan No. S-440-3.

Driveway widths (*W* dimension) are intended to facilitate turning movements such that vehicles entering and exiting do not interfere with one another. The *W* dimension will commonly be larger than the on-site aisle width. This allows vehicles to enter from or to curb lanes without interfering with one another or hitting the *X* (sloping) portion of the curb.

C. Street-Type Driveways

Where a large parking facility is being constructed with signalized access along an arterial highway, a street-type driveway (i.e. having curb returns instead of sloping sides) with full height curb returns approximately 25 feet in radii will be required if the expected peak volume exceeds 250 cars per hour or 50 trucks per hour[3] or a traffic signal with normal signal operation is designed for the driveway. Standard driveway design may be used for driveways with signal flashing red operations. All new traffic signals must be warranted and approved by the Bureau of Traffic Management of DOT.

D. One-Way Driveways

One-way driveways should be permitted only if one-way-only usage is assured by:

1. Angled parking stalls, or

2. Other positive control (e.g. tire spikes or mechanical gate).

E. Reservoir and Maneuvering Space

Any entrance driveway from an arterial highway should provide reservoir space between the back of the sidewalk and the first parking stall.

Minimum Clear Reservoir Distance (feet)

Total Spaces	Reservoir
Up to 100	20
101 to 300	40
More than 300	60

Where more than 300 parking spaces are provided or where ticket dispensers and/or mechanical gates are used, the reservoir should be based upon calculated “traffic intensity” for each street access (see Appendices A & B). Gates or guard booths should be set back far enough from the back of the sidewalk to ensure that entering or exiting vehicles will not block sidewalk, signalized crosswalks or extend into street. The reservoir distance between the driveway approach limit lines and gates/or guard booths should provide sufficient vehicle storage space for traffic queuing during the duration of red indication, if the driveway is controlled by a traffic signal with normal operations.

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[3] Decisions require concurrence by Bureau of Engineering, Department of Public Works.

F. Each parking space, parking area, or loading area should be located such that vehicle maneuvers can be accomplished without driving onto the public right-of-way, except an alley.

G. Drive-up service windows should be designed as drive-out-only facilities with adequate storage off-street to accommodate waiting vehicles. Reservoir space should be based upon calculated "traffic intensity".

VII. Internal Circulation

LAMC Section 12.21 A-5 (j) (see Appendix C) provides authority for DOT review of the Internal Circulation. "All portions of a public parking area or public garage shall be accessible to all other portions thereof without requiring the use of any public street, unless the Department of Transportation determines that such use is not detrimental to the flow of traffic." The purpose of this section is to prevent (or control) the use of public streets for circulating between one part of a parking facility and another. Exceptions to this policy:

A. Residential Parking Areas – Parking areas for occupants of residential buildings are not "public," therefore, this section is not applicable to residential parking areas. Parking areas for visitors to residential buildings, however, are public. LAMC (Section 12.03).

B. Off-site Parking Facilities – LAMC Section 12.21 A-4(g) (see Appendix C) permits the provision of parking facilities within a certain distance of the building site. This provides that off-site parking facilities may be separated by public streets. However, each such facility should conform to the internal circulation test.

C. Employee Parking – Some parking for industrial or commercial facilities may be assigned (by a note on the building plans) "for use by employees only". However, in approving an exception, care should be taken to ensure that parking spaces are assigned and that the facility is not likely to be used for parking by customers or other visitors.

Parking stalls shall not be designed so that a vehicle is required to back out onto any public street or sidewalk. Parking stalls that serve two dwelling units or less with driveway access that is not from a major or secondary highway are exempt from this restriction. (LAMC Section 12.21 A-5 (i), see Appendix C)

VIII. Loading Docks

In the review of plans for driveways or parking facilities, DOT also reviews the design, location, and adequacy of truck loading docks.

Back-in or back-out loading facilities should not be permitted along arterial highways or collector streets. It is the policy of this Department to approve only those designs which entirely remove loading operations from these classification of streets.

Back-in loading facilities may be permitted on commercially-developed local streets if off-street space is insufficient for truck maneuvering. These back-in loading facilities should have a minimum reservoir area of 45 feet back of sidewalk. If all or a portion of the back-in loading facility is within a building, the reservoir area should be depressed to prevent other use of the reservoir space.

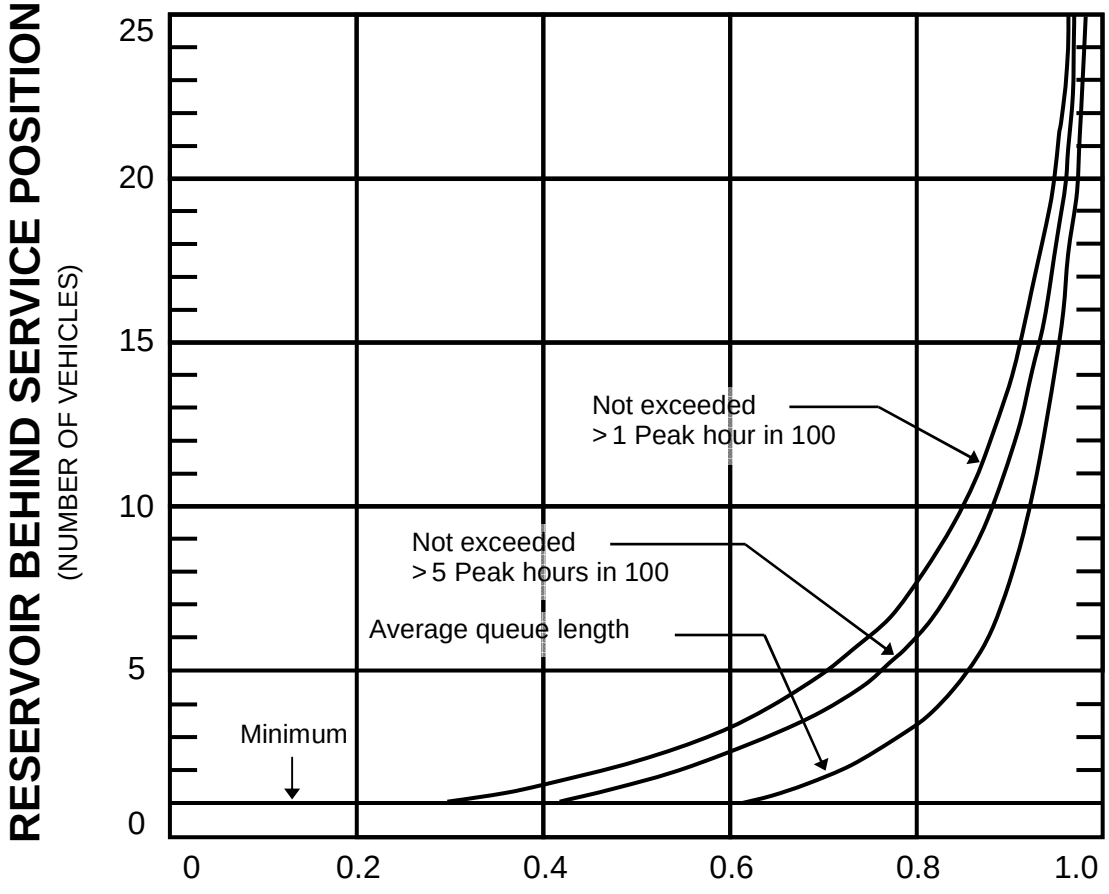
APPENDIX A – PARKING CONTROL SERVICE RATE

Type of Control	Typical Service Rates Per Lane[4] Average Headway (Sec/Veh)	Capacity (Veh/Hr)
Entering:		
Clear aisle, no control	3.6	1,000
Ticket dispenser, no gate	5.0	720
Time stamp and handed to driver	8.5	425
Coded-card operated gate	8.9	405
Cashier, flat fee, no gate		
No information given	9.2	390
Direction-info needed	14.8	250
Ticket dispenser with gate		
Sharp turn @ approach	9.5	380
Easy direct approach	5.5	650
Coin-operated gate	20.4	175
Internal:		
Clear aisle or ramp, no parking	2.0	1,800
Straight ramp w/bend @ end	2.2	1,650
Circular ramp, 30´ R @ C/L	2.2	1,650
Aisle with adjacent 9´ x 18´ stalls		
Inbound	3.5	1,040
Outbound	8.6	420
Exiting:		
Light street congestion	7.2	500
Moderate street congestion	9.0	400
Coded card/token-operated gate	9.0	400
Cashier, flat fee with gate	13.4	270
Cashier, variable fee with gate	19.5	185
Coin operated gate	20.4	175

[4] Assumes no significant interference by pedestrians, other traffic, etc.

APPENDIX B

RESERVOIR NEEDS VS. TRAFFIC INTENSITY



Assumptions: Arrivals follow a Poisson Distribution.
Service rate can be represented by an exponential probability function.
Flow is equally divided between each line if more than one if available.

Notes:

1. To obtain total reservoir length, use 20 feet per vehicle + 20 feet for the service position (or 12 feet to the driver of the vehicle in the service position).
2. For peak-hour arrival rate contact City-Wide Planning Coordination Section at (213) 482-7024.
3. See Appendix A for parking control service rate.

APPENDIX C – LOS ANGELES MUNICIPAL CODE REFERENCES

1. Section 12.21 A-4(g) Location of Parking Area. The automobile parking spaces required by paragraphs (b), (c), (d), and (e) hereof, shall be provided either on the same lot as the use for which they are intended to serve or on another lot not more than 750 feet distant therefrom; said distance to be measured horizontally along the streets between two lots, expect that where the parking area is located adjacent to an alley, public walk or private easement which is easily useable for pedestrian travel between the parking area and the use it is to serve, the 750-foot distance may be measured along said alley, walk or easement (Amended by Ord. No. 145,088, Eff. 10/20/73.)

2. Section 12.21 A-5(e) Driveway Location. Access driveways to every parking area and garage shall be designated in accordance with Section 62.105.1, 62.105.2, 62.105.3 and 62.105.4 for this Code, and in a manner to provide the minimum practical interference with the use of adjacent property and with pedestrian or vehicular traffic.

   Such driveways shall be located in accordance with a plan approved by the Department of Building and Safety in the following instances:

   a. On a lot in a “P” (including any combination with an “A” or “R” Zone) or “PB” Zone.

   b. For every parking area and garage having a capacity of more than 25 automobiles or trucks.

   The Department of Building and Safety shall disapprove any plan which it determines fails to meet the standards established by this Paragraph.

3. Section 12.21 A-5(i) Parking stall Location. Each automobile parking stall shall be so located that:

   a. No automobile is required to back onto any public street or sidewalk to leave the parking stall, parking bay or driveway, except where such parking stalls, parking bays or driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway. (Amended by Ord. No. 151,608, Eff. 11/27/78.)

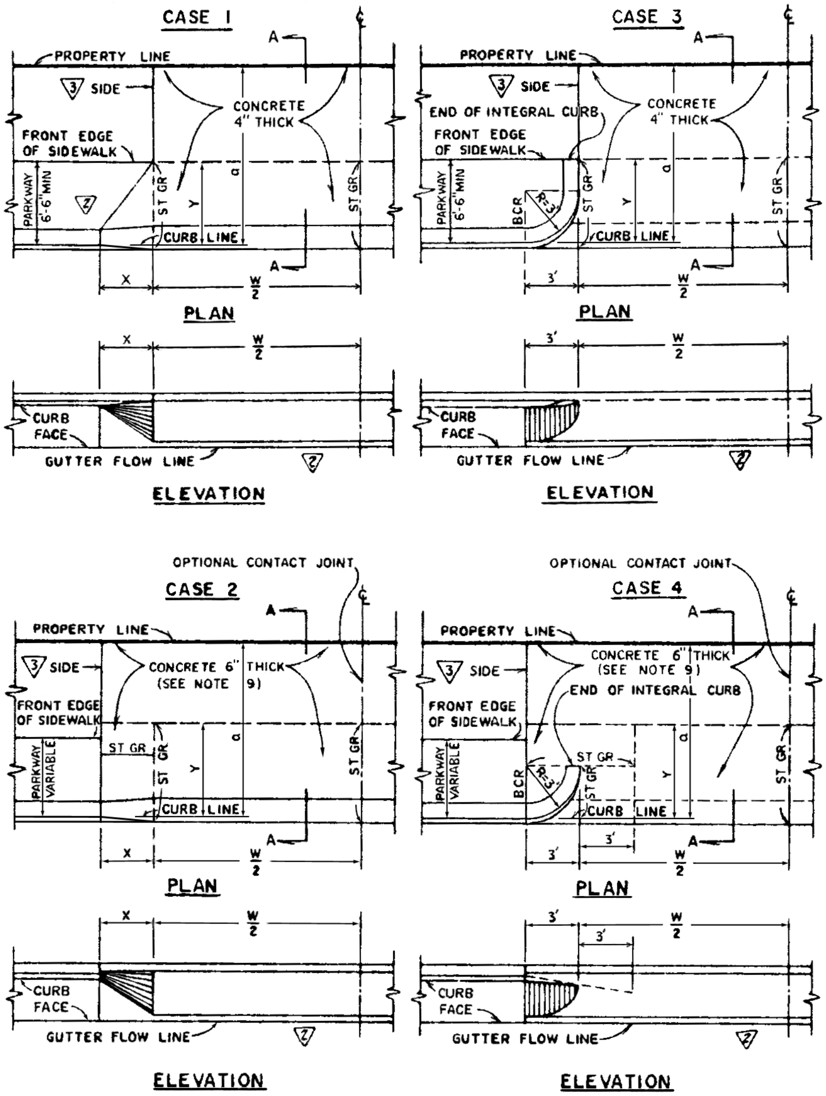
   b. Parking maneuvers can be accomplished without driving onto that portion of a required front yard where driveways are prohibited. Car stops or other barriers shall be provided in accordance with Section 12.21 A-6. (Amended by Ord. No. 144,082, Eff. 12/11/72.)

4. Section 12.21 A-5(j) Internal Circulation. All portions of a public parking area or public garage shall be accessible to all other portions thereof without requiring the use of any public street, unless the Department of Transportation determines that such use is not detrimental to the flow of traffic. (Amended by Ord. No. 152,425, Eff. 6/29/79.)

5. Section 12.21 C-6(a) Loading Space. A loading space shall be provided and maintained on the same lot with every hospital, hotel, or institution building. A loading space shall be provided and maintained on the same lot with every building in the “C” or “M” Zones, where the lot on which said building is located abuts an alley, provided that when the lot is occupied by a use, such as a service station or drive-in business, in which the building covers less than

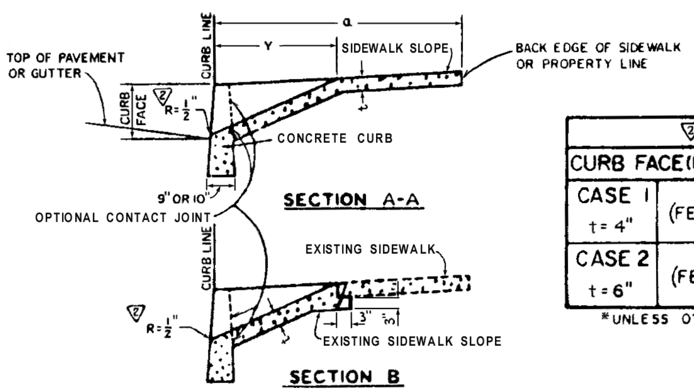
the total buildable area, a suitable loading space must be provided, but it need not comply with all the provisions of this section if its location, size and means of access are approved by the Department of Building and Safety.

EXCEPTION: No loading space shall be required on a lot that abuts an alley in the “C” or “M” Zones when all the buildings are erected, structurally altered, enlarged, or maintained and used solely as dwellings or apartment houses and the total number of dwelling units on the lot does not exceed 20. (Amended by Ord. No. 138,685, Eff. 7/10/69.)



NOTES

1. ALL WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST STANDARD SPECIFICATIONS.
2. ∇2 CASE 2 SHALL BE USED IN MOST CIRCUMSTANCES EXCEPT THAT CASE 1 MAY BE USED TO SERVICE R-1 OR R-2 PROPERTY PROVIDED THE "Y" SLOPE DOES NOT ENCROACH INTO THE SIDEWALK.
3. ∇2 CASE 3 OR 4 SHALL BE USED IN LIEU OF CASE 1 OR CASE 2 RESPECTIVELY TO PRECLUDE THE FOLLOWING CONDITIONS.
   A. A DISTANCE OF LESS THAN 5 FEET BETWEEN A PROPOSED TOP OF "X" AND THE CENTER LINE OF AN ELECTROLIER OR FIRE HYDRANT.
   B. TRAFFIC SIGNALS, UTILITY POLES AND SIGN POSTS IN THE "X" AREA OF A PROPOSED DRIVEWAY.
4. ∇2 WHERE CASE 3 OR 4 IS USED, AN ELECTROLIER OR HYDRANT SHALL NOT BE CLOSER THAN 1'-6" FROM THE BC, AND A TRAFFIC SIGNAL, UTILITY POLE OR SIGN POST SHALL NOT BE CLOSER THAN THE BC.
5. ∇2 ∇3 WHERE THERE IS EXISTING INTEGRAL CONCRETE CURB AND GUTTER, BOTH CURB AND GUTTER MUST BE REMOVED. OPTIONAL, IF THE GUTTER IS IN GOOD CONDITION, THE GUTTER MAY BE SAW CUT 4 INCHES TO 6 INCHES FROM THE FLOW LINE AND THE OUTSIDE PORTION LEFT IN PLACE, PROVIDING THAT IT IS NOT LESS THAN 18 INCHES.
6. ∇1 ∇2 ∇3 PLASTIC CONTROL WEAKENED-PLANE JOINTS SHALL BE INSTALLED AT BOTH SIDES OF A DRIVEWAY AND AT APPROXIMATELY 10' INTERVALS WITHIN THE DRIVEWAY. WHERE THE DISTANCE BETWEEN THE SIDES OF THE DRIVEWAY DOES NOT EXCEED 15', AN INTERMEDIATE WEAKENED-PLANE JOINT WILL NOT BE REQUIRED.
7. THE AREA INCLUDED WITHIN THE "X" AND "Y" SLOPES (INCLUDING TOP OF CURB) WITHIN DRIVEWAY SHALL BE FINISHED WITH A WOOD FLOAT. THE BALANCE OF THE DRIVEWAY SHALL BE FINISHED IN ACCORDANCE WITH THE LATEST SPECIFICATIONS FOR SIDEWALK.
8. ∇2 SECTION B MAY BE USED WHEN A DRIVEWAY WHICH SERVICES R-1 OR R-2 PROPERTY JOINS EXISTING SIDEWALK IN GOOD CONDITION AND THERE IS ADEQUATE "Y" DISTANCE BETWEEN CURB AND EDGE OF SIDEWALK.
9. ∇2 A "t" OF 4-INCHES MAY BE USED FOR CASE 2 AND 4 DRIVEWAYS SERVING NOT MORE THAN FOUR DWELLING UNITS.
10. ∇2 FOR THE "W" WIDTH OF DRIVEWAYS, SEE SECTION 62.105.2 OF THE LOS ANGELES MUNICIPAL CODE.
11. ∇2 ∇3 CURB FACE FOR DRIVEWAY DEPRESSION SHALL BE 3/4-INCH.



SECTION A-A

SECTION B
(SEE NOTE 8)

∇2 TABLE OF "X" & "Y" DIMENSIONS *

CURB FACE (INCHES)			6 OR LESS	7	8	9	10	11	12 OR MORE
CASE 1	(FEET)	X	3						
t = 4"		Y	6½			9	10	11	12
CASE 2	(FEET)	X	3	3½	4	4½	5	5½	6
t = 6"		Y	6	7	8	9	10	11	12

*UNLESS OTHERWISE APPROVED BY THE ENGINEER

DEPARTMENT OF PUBLIC WORKS

BUREAU OF ENGINEERING — CITY OF LOS ANGELES

DRIVEWAYS

STANDARD PLAN
S-440-3

SUBMITTED: _____ 197_
APPROVED: _____ 197_

REVISIONS

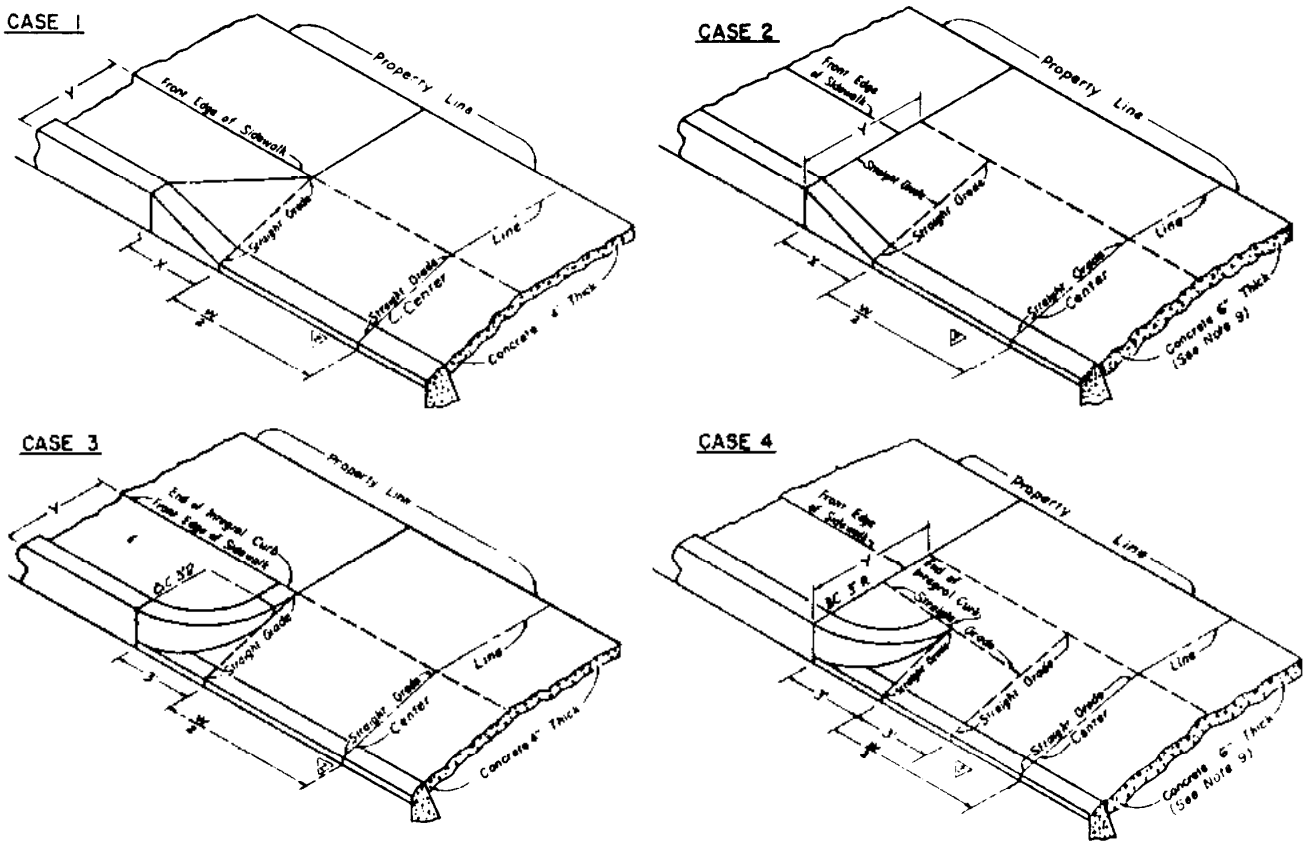
NO	DATE	DESCRIPTION	DIV ENG'R	CITY ENG'R
∇1	11-19-71	PLASTIC CONTROL JOINTS NOTE NO 6		
∇2	7-31-74	REVISED NOTES REMOVED DIMENSION AT CURB FACE AND ELECTROLIER		
∇3	7-29-76	REVISED NOTES NO 5, 6 & 11 ADD THE WORD "SIDE"		

DESIGNED BY	DRAWN BY	CHECKED BY
WDT		SS

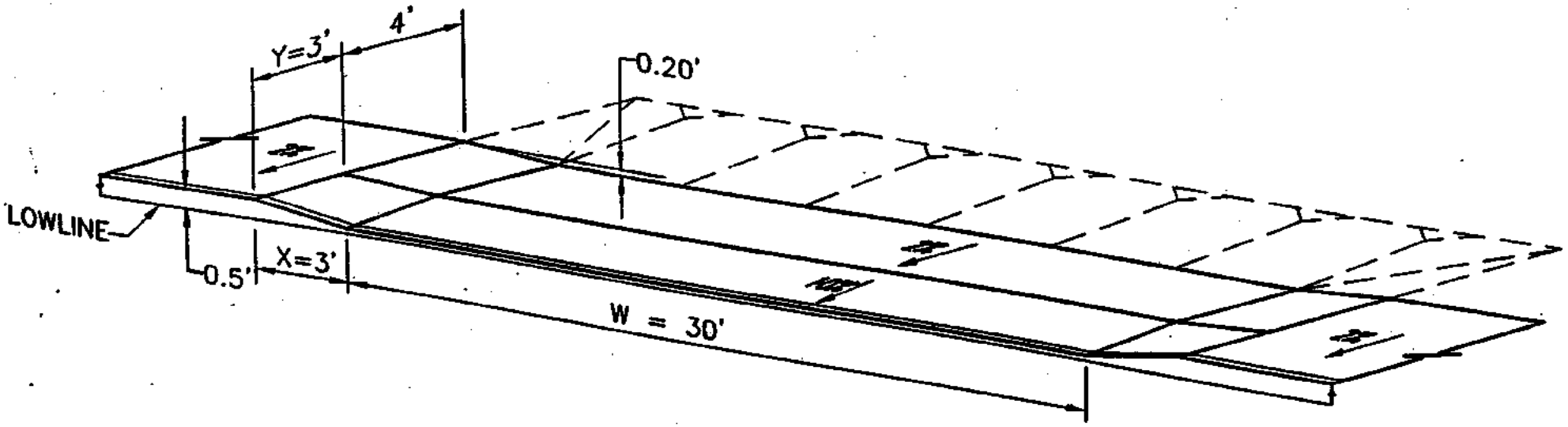
SUPERSEDES	REFERENCES
D-14817 B-3788 B-3799 B-3815	

VAULT INDEX NUMBER B-3890

SHEET 1 OF 2 SHEETS



STANDARD PLAN NO. S-440-3 VAULT INDEX NUMBER 8-3890 SHEET 2 OF 2 SHEETS



DRIVEWAY DETAIL

N.T.S.

SAMPLE

CASE II DRIVEWAY

From
Building & Safety Standard Plan No. S-440-3

EXHIBIT 13

LADOT

Transportation Assesment Guidelines

August 2022

Step 1. Complete the Transportation Study Assessment Referral Form (CP-2151.1) with the Department of City Planning. Contact LADOT with a request to prepare a new transportation assessment. During this initial communication, the following information must be provided:

A. Project Description – Provide a general description of the proposed Project, including size (defined by square footage per use and/or number of dwelling units), uses, and heights of proposed new buildings and other structures to be remodeled and/or removed. The Project description should include information on any sequence of phased construction and any unusual conditions. Specify a building address, legal description and project title.

   For Projects that require the preparation of an EIR, the transportation analysis may include Project alternatives. For such Projects, the LADOT assessment letter will be limited to summarizing the findings and requirements for the preferred Project alternative or the alternative that generates the highest VMT. Should the Project Applicant request separate assessments for each alternative, then additional review fees may be required.

B. Proposed Study Assumptions and Content – Present the assumptions and contents of the transportation assessment in accordance with:

   a. California Environmental Quality Act guidelines (see the current City of Los Angeles CEQA Thresholds Guide),
   b. Any applicable Transportation Specific Plan (TSP), and
   c. Other applicable plans, laws, or ordinances (see **Section 2.1** for guidance).

C. Project Site Plan –Submit the proposed project site plan, which must clearly identify driveway or access location(s), loading/unloading areas, and parking design and circulation to help define the distribution of project trips according to any necessary turn prohibitions at the proposed driveways. Considerations for traffic flow and movement must be designed and incorporated early in building and parking layout plans. In order to minimize and prevent last minute building design changes, Project applicants should contact LADOT for driveway width and internal circulation requirements before finalizing the building and parking layout design.

   Additionally, the project applicant, or their consultant, must address the following considerations and recommendations in the project's site design and circulation:

   a. Project site access and circulation should integrate existing alleys, if available.
   b. While existing alleys may be prioritized for vehicular access, loading, and service access to the project site, in some contexts, alleys should be considered for mid-block paseos and paths for pedestrians and bicyclists.
   c. Projects should consider reducing the number of existing driveways and avoid creating new driveways along streets included in the City's High Injury Network or the Bicycle Enhanced Network, where protected bicycle lanes are planned.
   d. Project site access, circulation, and parking plans must be compliant with the transportation and public accommodation provisions of the Americans with Disabilities Act (ADA). Proposed development

projects that are not able to meet parking-code requirements and cannot provide accessible parking on-site may be required to install universally accessible on-street parking space(s) with the complementary ADA access ramp(s). Additionally, the design of driveways requires approval by LADOT and the Bureau of Engineering. Please refer to the LADOT "Driveway Design" Guidelines for additional information.

e. If a Development Project requires the permanent or temporary removal of any metered parking spaces, payment to LADOT for lost parking meter revenue is required. See Section 4.4.2.b for further discussion regarding the Calculation of the Meter Revenue Recovery Fee (MRRF).

f. Where the project exceeds the screening criteria in Section 3.2.2, the applicant may need to submit additional exhibits that characterize the neighborhood land use context and nearby infrastructure conditions as described in Section 3.2.4.

Generally, final recommendations of driveway location(s) and parking scheme will be issued at LADOT's Citywide One-Stop Counter, the Valley Development Review Office, or West Los Angeles Development Review Office (see **Section 5** for contact information) as a clearance on the Project's building permit.

Step 2. Consult with other agencies or adjacent jurisdictions (i.e., California Department of Transportation (Caltrans), Los Angeles County Public Works, other cities, transit agencies, etc.) that may be affected by access demands and travel generated by the Project to ensure those agencies' transportation-related concerns and issues are properly addressed in the transportation assessment. If, as part of site access and circulation evaluation (see **Section 3.3**), a transportation assessment includes the evaluation of an intersection or intersections in a neighboring local jurisdiction, then any corrective actions deemed necessary to address circulation concerns should be reviewed by that jurisdiction. Projects proposed adjacent to Los Angeles County Metropolitan Transportation Authority (Metro) right-of-way (i.e., Metro Rail alignment) shall refer to the Metro Adjacent Development Handbook and should initiate a separate but consistent development review process with Metro.

Step 3. Consult with the Bureau of Engineering and LADOT to determine any highway dedication and street improvement requirements (see **Attachment B**), as well as requirements under the Americans with Disabilities Act (ADA) for the Project. The transportation assessment should identify the street classifications and designations, and roadway and right-of-way standard dimensions of any streets that front the proposed Project as identified in the Mobility Plan 2035 or subsequent, relevant Community Plan.

Step 4. Submit payment of necessary fees per LAMC Section 19.15 (see **Attachment A**).

Step 5. Prepare and execute a study scoping Memorandum of Understanding (MOU) (see **Attachment C**) with LADOT. The MOU describes the assumptions and parameters that must be included in the transportation assessment, including approach to estimate project VMT; study area for pedestrian, bicycle, and transit facilities assessment; number and location of street intersections and residential street segments for analyses; related projects to be included in the analysis; trip generation rates; ambient growth rate; trip distribution pattern and trip assignments; trip credits for existing active or qualified previous land use; projected buildout year; estimating cumulative impact with reliance on the City's Travel Demand Forecasting (TDF) Model, if necessary, and study methodology.

Step 6. Gather all qualitative and quantitative data needed to address all required analyses and components of the transportation assessment. Collect traffic count data in accordance with standards and methods established in **Section 3.3** and at LADOT's discretion

Step 7. Inform LADOT on the progress made in completing the transportation assessment. LADOT approval is required for any deviations from the assumptions and parameters described in the executed MOU or any other changes made to the analysis without LADOT's knowledge and consent, before the final report is prepared.

Step 8. Submit the complete transportation assessment comprised of all components listed in **Section 4** of these Guidelines and payment of the required fees to initiate LADOT's review. The consultant must also submit proof of possessing a valid Los Angeles City Business Tax Certificate.

Step 9. After reviewing the submittal, LADOT will prepare and distribute a Project assessment report. LADOT will not prepare their Project assessment report until all necessary review fees are received and the complete and final electronic version of the transportation assessment in portable document format (PDF) has been submitted.

Step 10. Depending upon the nature of the mitigation measures and corrective actions to be implemented by the Project, ongoing reporting by the Project Applicant or other qualified representative and monitoring and review by the City may be required. Reporting on and monitoring of Transportation Demand Management (TDM) measures implemented by the Project to improve mobility options at and around a project site may also be required, in accordance with the City's TDM ordinance (LAMC 12.26J).

1.5 STUDY HIATUS AND INTERRUPTIONS

Occasionally, LADOT reviews a transportation assessment for a Project that is modified after the transportation assessment has been finalized. If LADOT determines that the description or scope of the Project has changed such that extensive and major revisions to the transportation assessment are required, then LADOT shall consider the revised Project a new Project, which will require a new transportation assessment and payment of the applicable review fees. If LADOT determines that revisions to the transportation assessment can be accomplished without the preparation of a new transportation assessment, then LADOT may require the preparation of a supplemental analysis and payment of any necessary review fees.

Similarly, if, after LADOT has commented on a transportation assessment, LADOT staff does not receive written communication from the Project Applicant or the Consultant on the status of the Project for one year or more, then LADOT may assume that the Project is no longer being pursued. To reinstate the Project after this time, a new transportation assessment and traffic review fee may be required and the timeline for transportation assessment processing could begin again.

1.6 MINISTERIAL PROJECTS NOT REQUIRING CEQA REVIEW

For those projects that do not require CEQA review, either because they are ministerial or are otherwise exempt, but a transportation assessment is required pursuant to a transportation specific plan (e.g., WLA TIMP), the analysis under **Section 2** and **Section 3**, with the exception of **Section 3.4**, shall not apply. For these projects, the transportation assessment must focus on whether impacts are identified under **Section 3.4** and, if so, LADOT will review for impacts based on the standards therein, relying on professional traffic engineering standards and practices. If the Project is expected to result in impacts, measures must be required to ensure the access needs of all roadway users are accommodated during the construction phase of the projects.

the project site is an Avenue or Boulevard and it is determined that additional dedication, or physical modifications to the public right-of-way are proposed or required, the answer to this question is yes. For projects not subject to dedication and improvement requirements under the Los Angeles Municipal Code, though the project does propose dedications or physical modifications to the public right-of-way, which may also include new physical modifications along streets classified as either Collectors or Locals, the answer to this question is yes.

In addition to the screening questions above, if the answer is "yes" to all of the following questions, further analysis will be required to assess whether the project would result in impacts due to queuing from a freeway off-ramp that could lead to unsafe differential travel speeds:

- Does the land use project involve a discretionary action that would be under review by the Department of City Planning?
- Would the land use project generate a net increase of 250 or more daily vehicle trips?
- Would the land use project add 25 or more trips to any off ramp in either the morning or afternoon peak hour?

2.4.3 IMPACT CRITERIA

Threshold T-3: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Preliminary project access plans are to be reviewed in light of commonly accepted traffic engineering design standards [34] to ascertain whether any deficiencies are apparent in the site access plans which would be considered significant. The determination of significance shall be on a case-by-case basis, considering the following factors:

- The relative amount of pedestrian activity at project access points.
- Design features/physical configurations that the project introduces that affect the visibility of pedestrians and bicyclists to drivers entering and exiting the site, and the visibility of cars to pedestrians and bicyclists.
- The type of bicycle facilities the project driveway(s) crosses and the relative level of utilization.
- The physical conditions of the site and surrounding area, such as curves, slopes, walks, landscaping or other barriers, that could result in vehicle/pedestrian, vehicle/bicycle, or vehicle/vehicle safety hazards.
- The project location, or project-related changes to the public right-of-way, relative to proximity to the High Injury Network or a Safe Routes to School program area.
- Any other conditions, including the approximate location of incompatible uses that would substantially increase a transportation hazard.

To assess potential vehicle impacts that may result in unsafe vehicle queues from a freeway off ramp, if the project is forecasted to add two or more car lengths to the ramp backup that extends to the freeway mainline, and the speed differential is 30 mph or more, then there is a potentially significant safety impact.

2.4.4 METHODOLOGY

34 One example of traffic engineering design standards includes but is not limited to Section 321 of LADOT's Manual of Policies and Procedures, which provides guidance on driveway design.

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October 27, 2022

VIA ELECTRONIC MAIL

Honorable Paul Krekorian, President
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012
paul.krekorian@lacity.org

Re: C.F. Nos. 22-0922, 22-0922-S1 and 22-0922-S2; 650-676 S. San Vicente Blvd.;
Case Nos. CPC-2017-467-GPA-VZC-HD-SPR-1A and VTT-74865-1A;
ENV-2017-468-EIR (SCH No. 2020010172)

Dear Council President Krekorian and Honorable Councilmembers:

This firm represents the Beverly Wilshire Homes Association ("Appellant" or "Association") in its opposition to the above-referenced entitlements. This letter responds to the October 14, 2022 letter submitted by the applicant's counsel ("JMBM Letter") and supplements the Association's previous objections to the proposed medical office tower at 650-676 S. San Vicente Boulevard ("Project") and the General Plan Amendment, Vesting Zone and Height District Change, Site Plan Review, Vesting Tentative Tract Map and Environmental Impact Report ("EIR"). As demonstrated in this firm's October 3rd letter and in the responses below, the Project entitlements are improper and the EIR fails to comply with CEQA. We respectfully request that the City Council deny the Project and not certify the EIR.

I. Project Approval Without Further Opportunity to Review Recent Submittals Would Violate Appellant's Due Process Rights

Approval of the Project without an additional hearing and adequate opportunity to respond to new evidence submitted in the JMBM Letter and in the Department of City Planning response, submitted just days before the hearing, would violate Appellant's due process rights. In particular, the City's response dated October 24, 2022 was not uploaded to the Council File until the evening of October 26, 2022 – less than 48 hours before the hearing. The Appellant has not been given a fair opportunity to review this letter in advance of this hearing and prepare a response.

Under state law, specifically California Code of Civil Procedure 1094.5, appellants must be given a fair hearing. This requires an opportunity to be heard "at a meaningful time and in a meaningful manner." Further, one court has opined that due process "contemplates a meaningful opportunity to present evidence contrary [to an application] and a meaningful consideration of that evidence." The Appellant has not had a meaningful opportunity to consider this new evidence and present contrary evidence, especially considering that many of the subjects are highly technical and may require input from subject matter expert consultants. As such, Appellant's due process rights will be violated if this hearing is allowed to proceed. This is all the more important because the City refuses to give Appellants the right to speak at City Council after a PLUM hearing has been conducted. Appellant is therefore requesting a continuance of this matter - which we believe is required by law.

II. The Project Entitlements are Improper

A. The Project Fails to Provide Required Sidewalk Dedications on San Vicente Boulevard

The Project fails to provide required sidewalk dedications and therefore violates the Mobility Element of the General Plan and the required findings for approval of the Vesting Tentative Tract Map. The applicant's response dated October 14, 2022 asserts that "DOT has the sole authority to require and approve required dedications, and the Project complies with the requirements of the DOT letter." This response betrays an elementary misunderstanding of the LAMC. First, the Bureau of Engineering ("BOE") prepares letters identifying required dedications. Second, BOE does not have unfettered authority to arbitrarily require or waive dedications as it pleases; its requirements must be in conformance with applicable law, including the LAMC and the General Plan. Far from justifying the Project's compliance with required dedication standards, the applicant's conclusory response demonstrates that the failure to require additional dedications to provide a sidewalk compliant with the Mobility Plan is wholly without legal or practical justification.

The Mobility Element designates San Vicente Boulevard *Boulevard II*, which corresponds to both specific overall dedication standards and improvement standards for roadways and sidewalks. For streets designated *Boulevard II*, the minimum improvement standards require a minimum 15-foot sidewalk. Thus, the mandates of the Mobility Element require a minimum 15-foot sidewalk.

The Mobility Plan designates San Vicente Boulevard as a "Pedestrian Enhanced District"[1] where pedestrian improvements are to be prioritized. Policy 2.3 addresses improvements within Pedestrian Enhanced Districts, identifying "wider sidewalks" as a design feature that "encourages people to take trips on foot instead of car." The analysis in the Draft Environmental Impact Report ("DEIR") for the Mobility Plan is instructive, stating: "In general, sidewalks are 10 to 12 feet wide. Pedestrian Priority Street segments are recommended to have wider sidewalks of 15 to 17 feet in width[.]" Consistent with this requirement, the Mobility Plan itself provides for sidewalks between 16 and 17 feet on Service Roads.[2]

B. <u>The Project Requires a Major Development Project CUP</u>

The JMBM Letter asserts that the Project does not require a Major Development CUP pursuant to LAMC Section 12.24-U.14 because it is exempt. Section 12.24-U.14(c)(1) provides:

> *Notwithstanding any provisions of this article to the contrary, any development project which <u>received</u> one or more <u>still-valid</u> discretionary approvals, including but not limited to those listed below, shall be exempt from the conditional use requirement set forth in this subdivision: (i) zone change; (ii) height district change; […] (vii) tentative tract map; […]*
>
> *This exemption shall apply only if the applicable decision-making body determines in writing that the <u>prior discretionary approval</u>, and the required environmental review, <u>considered</u> significant aspects of the approved project's design (such as, but not limited to, building location, height, density, use, parking access) and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the present permit in light of the conditions specified in Section 21166 of the California Public Resources Code.*

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1 Mobility Plan (**Exhibit 1**), Map F, p. 164.

2 Mobility Plan, p. 19, describes the dimensions of a One Way Service Road as requiring between a 28 foot right-of-way with a 12-foot roadway (16 foot sidewalk) and a 35 foot right-of-way with an 18 foot roadway (17 foot sidewalk). These dimensions are identified as the "New Designated Dimensions" for Service Roads.

Here, the Project does not meet the plain terms of the exemption, which unambiguously requires a *previously approved* entitlement. The Project has not "received" (past tense) any discretionary approval, as all entitlements are either approved by the City Council (General Plan Amendment, Zone Change, Height District Change) or are under appeal, and are therefore not final (Site Plan Review, Tentative Tract Map).[3]

Nor can the applicant rely on this exception at the time of permit issuance to assert that, in the future, the Project entitlements are "still-valid" "prior discretionary approvals" allowing it an exemption from obtaining a Major Development Project CUP. The exemption requires that the "applicable decision-making body determines in writing that the prior discretionary approval, and the required environmental review, considered significant aspects of the approved project's design[.]" The verb "determines" is in present tense while the verb "considered" is past tense, indicating that the decision-making body's determination would occur subsequent to approval of the prior entitlements. As such, the Project would require a future hearing before the City Council to allow the Council to determine, in writing, whether the currently-proposed entitlements are sufficient to qualify for an exemption.

Moreover, City Charter Section 245 makes it theoretically impossible for there to be a "final" approval of any of the requested entitlements concurrently with the City Planning Commission's action on that approval. While this should be obvious on its face, Charter Section 245 provides that actions of boards of commissioners (such as the City Planning Commission) only become final after the expiration of five regularly scheduled meeting days of the Council.

The Department of City Planning has consistently interpreted Section 12.24-U.14 to require a Major Development Project CUP *even when a development requests contemporaneous approval of Site Plan Review, General Plan Amendment, Zone Change, Height District Change or Tentative Tract entitlements*. The JMBM Letter asserts that developments could have requested approval of a Major Development Project CUP in addition to a Zone Change in case the Zone Change would be denied. This response addresses only two of the many examples provided. In Case No. CPC-2019-6216-ZC-VCU-CDP, the proposed development, due to its location in the Coastal Zone, necessarily required approval of a Coastal Development Permit which is also listed as an exception to Projects requiring a Major Development Project CUP. In Case No. CPC-2021-3512-VZC-VCU, the proposed

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[3] LAMC Section 12.36-C.1 requires that the procedures for consideration of appeal of projects requiring any approval separately decided by the City Planning Commission and the Director of Planning, such as Site plan Review, shall follow the procedures of Section 12.32-B through D. Section 12.32-D.1 and Section 16.05-G.4 provides that determinations shall not be final if appealed. Section 12.36-C.5 provides that projects requiring multiple approvals and requiring any approval separately decided by the Advisory Agency shall follow the procedures of Article 7 of Chapter 1 providing for two levels of appeal to the City Planning Commission and City Council.

development required a Zone Change to amend the permanent [Q] Conditions on the site pursuant to Ordinance No. 163,952 which prohibited the use of the site for "diagnostic rooms, therapeutic treatment rooms or clinics[.]"[4] The development of a 405,000 square-foot hospital with 203 patient beds necessarily required the Zone Change because the [Q] Conditions effectively prohibited any hospital use or patient beds. Thus, there is no circumstance in which the Major Development Project CUP could have been approved for these developments without also approving the associated Coastal Development Permit and Zone Change.

Nor does this response even attempt to address the City's regular practice of requiring a Major Development Project CUP approval for developments contemporaneously requesting approval of other entitlements which, according to the demonstrably erroneous logic in the JMBM Letter, would also exempt those developments from the Major Development Project CUP.

The Department of City Planning has asserted that it has *twice* dismissed applications for Major Development Project CUPs in circumstances that suggest the Appellant's contention is erroneous. In both CPC-2018-0176-DB-BL-VCU-MCUP-SP[5] and CPC-2017-437-GPAJ-VZCJ-HD-VCU-MCUP-SPR,[6] the proposed developments included Conditional Use Permits for alcohol sales, which were not permitted by-right in the underlying zones.

Moreover, the exemption language for Major Development Project CUPs ("[A]ny development project which received one or more still-valid discretionary approvals … shall be exempt from the conditional use requirement set forth in this subdivision[.]") is functionally identical to exemption language for Site Plan Review ("Any development project with a still-valid discretionary approval … shall be exempt from site plan review[.]"). Yet, the City has *never* interpreted this language to exempt development projects from requiring Site Plan Review approval merely because it contemporaneously requested approval of a listed entitlement. A list of projects requiring Site Plan Review approval in addition to another entitlement supposedly exempting the project from Site Plan Review approval, according to the theory in the JMBM Letter, is attached as **Exhibit 5**.

The City's failure to require a Major Development Project CUP violates the LAMC and results in a failure to make legally required findings. LAMC Section 12.36 requires: "Applicants shall file applications at the same time for all approvals reasonably related and necessary to complete the project." Approval of a CUP would require additional findings and analysis not within the scope of the findings for the currently requested entitlements, including analysis of whether "the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and

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4 Ordinance No. 163,952, attached hereto as **Exhibit 2**.

5 LOD attached as **Exhibit 3**.

6 LOD attached as **Exhibit 4**.

character of the adjacent properties and surrounding neighborhood" and whether "the project will enhance the built environment in the surrounding neighborhood[.]" In addition, the failure to identify a Major Development Project CUP is a *per se* violation of CEQA because the Project Description does not identify a core entitlement required for Project approval.

C. The Project Fails to Provide a Required Emergency Helicopter Landing Facility

Contrary to the assertion in the JMBM Letter that the City Council "announced a change to a half-century old fire code," in fact the City has taken no action to amend the Fire Code or to properly issue regulations for rooftop helipads. Fire Code Sections 57.4705 applies to development of any "new high-rise" building, such as the Project. Fire Code Section 57.4705.4 provides that each new high-rise building "shall have a rooftop emergency helicopter landing facility[.]" The LAMC still requires rooftop helipads, and no informal press release by the City Council changes this applicable law. Nor does LAFD Requirement Number 10 have any legal significance, as it was promulgated by the Fire Marshal and not approved by the Board of Fire Commissioners pursuant to Fire Code Section 57.104.1.1.1. In fact, the agenda for the October 7, 2014 meeting of the Board of Fire Commissioners reveals only a "verbal presentation by Department on change to helipad requirement" – with no action of the Board to adopt any generally applicable regulations to allow alternatives to rooftop helipads.[7]

The fire at the First Interstate Bank high-rise demonstrates why rooftop helicopter landings continue to have value – and why they are still mandated by the Fire Code. According to LAFD archives, the ability to land helicopters on the rooftop of the First Interstate Bank was essential to timely firefighting and rescue efforts. The rooftop helicopter landing offered a secondary point of access for LAFD both to land firefighters and to facilitate evacuations. While the majority of LAFD personal fighting the First Interstate Bank fire were addressing the fire on the 9th through 16th floors, the secondary point of access allowed LAFD to conduct reconnaissance and rescue occupants who had become trapped, disoriented or panicked during the fire and fled *up* rather than *down* the stairwells. One such occupant, Roberto Lopez, was saved only because LAFD was able to dispatch rescuers in two-person teams from the rooftop to search for him, administer oxygen and evacuate him by helicopter. Five other cleaning crew members evacuated from the rooftop in addition to Lopez. Fortunately, the First Interstate Bank fire began at approximately 10:37 p.m., when the building was sparsely inhabited. Had hundreds of occupants panicked and fled to the roof, or required rescue efforts more quickly accessible from the roof, the results could have been dire without rooftop landing facilities. The LAFD archives validate the necessity of emergency helicopter landing facilities and quote the Deputy Fire Chief attributing great value to emergency helicopter access: "I really think fire helicopters were critical on this fire, and I

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[7] Board of Fire Commissioners Agenda for October 7, 2014, attached hereto as **Exhibit 6**.

think if we had had hundreds of people on the roof, they could have effected a tremendous number of rescues."[8]

The City's approach to waiving emergency helicopter landing facilities is emblematic of the crisis of corruption engulfing City Hall. Instead of removing the legal requirement to provide emergency helicopter landing facilities, as the JMBM Letter suggests would be wise policy, the City has instead maintained this requirement in the Fire Code and allowed waivers pursuant to illegally issued orders of the Fire Marshal, a mayoral appointee. Maintaining the legal requirement to provide an emergency helicopter landing facility allows powerful councilmembers to coerce developers to provide donations to campaign coffers or pet projects. To remove the taint of corruption scandals from the City Council, an essential first step is to enforce applicable laws and maintain an updated and generally-applicable Fire Code rather than approving waivers for favored developers.

D. The Project Violates Numerous Bicycle and Vehicle Parking Requirements

As described in this office's letter submitted October 3rd, the Project violates LAMC requirements regarding the number and location of bicycle and vehicle parking spaces. The Project improperly utilizes the legislative parking reduction pursuant to LAMC Section 12.32-P prior to ministerial bicycle parking reductions, artificially reducing the number of replacement bicycle spaces that are required. The JMBM Letter asserts that the ministerial bicycle parking substitution can be applied after the legislative reduction, or even during permitting. The City further asserts that no parking would be required per State Law, despite conditions of approval requiring conformance with Exhibit "A" with modifications only permitted to comply with applicable codes. The Project proposes a transparent roof over the bicycle parking, yet the Project Description fails to consider this an additional Story for Zoning Code purposes. LAMC Section 12.03 defines a Story as: "The space in a Building between two vertically adjacent finished floor levels or, for the topmost level of a Building, the space between its finished floor level and the roof directly above it." By providing a roof over the bicycle parking, the roof level constitutes an additional Story. As a result, the Project Description is deficient. Moreover, the Project further improperly locates parking spaces in obstructed tandem configurations and utilizes unstriped spaces in drive aisles in conflict with LAFD regulations and Zoning Code requirements.

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[8] "Air Operations at the Worst High-Rise Fire in Los Angeles History." May 4, 1988. LAFD Archives, available at: <https://www.lafire.com/famous_fires/1988-0504_1stInterstateFire/050488_0788gv_AirOps-Roy.htm>. Attached hereto as **Exhibit 7**.

E. The Project Improperly Locates a Structure Over the Storm Drain Easement

The structural integrity of the City's storm drain system is of profound public interest and of vital concern to the environment, as damage to the storm drain could require extensive additional excavation, re-routing of existing storm drains and catastrophic flooding if the drain is damaged during a storm event. Yet, contrary to BOE policy, the City is permitting the developer to construct a high-rise medical office structure directly over the storm drain with no discussion of the performance standards which must be satisfied to ensure the integrity of the storm drain.

F. The Project Improperly Locates Loading Space on Orange Street

1. *The City Failed to Justify the Loading Space Waiver with Adequate Topanga Findings*

The JMBM Letter asserts that LADOT reviewed the site plan and determined that a loading space accessible from the alley could not "reasonably be provided or utilized," justifying locating the loading space on Orange Street. The JMBM Letter correctly notes that the alley is fully dedicated to 20 feet in width, the standard City width for alleys. However, the JMBM Letter next asserts that a loading space on the alley would be unusable because of "geometric constraints." To be clear, the LADOT letter failed to articulate any plausible geometric constraint on providing or utilizing a loading space along the alley; the analysis in the JMBM Letter is found nowhere in the City's findings. In any event, the LADOT letter fails to make the required findings to justify the loading space waiver, nor does it comply with the requirement to "set forth findings to bridge the analytic gap between the raw evidence and ultimate decision[.]" *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.App.3d 515.

2. *The Alley Meets City Standards and Nearby Improvements Not Encroaching onto the Alley are Irrelevant*

First, the JMBM Letter asserts that LADOT found that a loading space accessible from the alley could not reasonably be provided or utilized because the alley is "narrow" and has an adjacent structure with no setbacks. In fact, the alley is fully dedicated to meet the City standard of 20 feet. The existence of a structure on a lot across the alley, on a separate property, which does not encroach into the alley, has no logical bearing on the ability of delivery vehicles to access or use a loading space provided on the alley. The Bureau of Engineering website NavigateLA does not identify any Revocable Permits pursuant to LAMC Section 62.118.12 issued for the properties abutting the alley to allow the construction of

private improvements within the public right of way.[9] No such encroachments appear to exist, and even if LADOT were to claim such *de minimis* encroachments existed, they are not legal and would be subject to enforcement and removal if they interfered with use of a loading space on the alley. Delivery vehicles are not legally permitted to trespass onto adjacent private property in any event.

3. *The Existence of Windows on Nearby Property is Irrelevant*

The JMBM Letter asserts that LADOT found that a loading space accessible from the alley could not reasonably be provided or utilized because the properties on the opposite side of the alley have windows. However, the existence of windows has no bearing on whether the loading space can reasonably be provided or utilized. Windows on a nearby structure do not implicate the geometry of the site or the width of the alley, nor do they restrict the ability of trucks to maneuver into a loading space. Uses with windows facing alleys are inevitably confronted with vehicle noises and disruptions such as recycling and trash pickup, passenger vehicles and other trucks. Delivery vehicles backing into an on-site loading space several times per week would be an ordinary occurrence no different from the existing use of the alley. Fundamentally, the JMBM Letter fails to meet the fundamental legal standards for making findings because they fail to bridge the analytical gap between the evidence (the existence of windows) and the conclusion (the loading space cannot reasonably be provided or utilized).

4. *The Single Parking Space on the Alley is Not Required and is Irrelevant*

The JMBM Letter asserts that LADOT found that a loading space accessible from the alley could not reasonably be provided or utilized because there is an open area used as a single parking space accessible from the opposite side of the alley. However, this apparent parking space has no bearing on whether the loading space can reasonably be provided or utilized. Neither the parking space nor the proposed loading space would be located within the alley right-of-way. The Property has approximately 230 feet of frontage on the alley, of which perhaps 10 feet is adjacent to a parking space. This leaves ample frontage along the alley to locate the loading space without obstructing with a single vehicle using one parking space across the alley. Moreover, the parking space is not a legally required parking space, as the 1929 Certificate of Occupancy requires no parking for the building.[10] The parking space further appears to not meet the standards to be a non-required parking space pursuant to LAMC Section 12.21-A.5(a)(2) because it does not provide the required length for a parking space. Once again, the JMBM Letter does not bridge the analytical gap between the evidence

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[9] A screenshot from the Bureau of Engineering's NavigateLA website is attached hereto as **Exhibit 8**.

[10] Certificate of Occupancy is attached hereto as **Exhibit 9**.

(the existence of a single parking space) and the conclusion (the loading space cannot reasonably be provided or utilized).

5. *Existing Utility Lines are to be Relocated and Do Not Encroach Into the Alley*

The JMBM Letter asserts that LADOT found that a loading space accessible from the alley could not reasonably be provided or utilized because of existing overhead utility lines and poles. However, the alley is already used by front-loading garbage trucks which exceed the height of any delivery truck that would be using the alley. The height of communications lines and voltage-carrying lines is regulated by the California Public Utilities Commission; compliance with height standards ensures that public ways such as the alley are usable by vehicles of normal height, such as the standard commercial delivery trucks. Furthermore, construction of the Project would require removal and relocation of the utility poles on the side of the alley abutting the Project. The Project proposes ten stories with a zero-foot setback from the alley. As shown on Sheet A-6 (Demolition Site Plan) of the entitlement drawings, the existing utility poles on the side of the alley abutting the Project *physically overlap* with the proposed structure. Compliance with California Public Utilities Commission General Order Number 95 would prohibit construction or maintenance of any structure within 3 feet of communication lines or 6 feet of a voltage carrying line.[11] The Project would be required to relocate the utility poles and lines on the side of the alley abutting the Project. In fact, Condition S-3 of the Tentative Tract Map requires the applicant to pay for "removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05 N." Even if these poles would not be removed, they only encroach approximately one foot into the alley and are near the encroachment of poles on the opposite side, leaving approximately 100 feet between any encroaching poles with a full 20-foot alley without encroachments.

As for utility poles on the opposite side of the alley, only two utility poles would remain after Project construction, assuming they are not also required to be removed and relocated during construction. According to the survey attached as Sheet A-5 of the Project plans, the poles do not encroach into the alley and are located entirely on the property across the alley (or at most constitute a *de minimis* encroachment).[12] Thus, for almost its entire length from Orange Street to Sweetzer Avenue, the alley provides nearly 20 feet of unobstructed alley width to maneuver a typical commercial delivery truck. Moreover, the poles are located far from the alley intersections (at least 40 feet for the northerly pole and 55 feet for the southerly pole) with approximately 115 feet between them, according to the survey on Page A-5 of the Project plans. The 115-foot separation between power lines leaves

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[11] Public Utility Commission General Order No. 95 is attached hereto as **Exhibit 10**.

[12] A Google Street View image of the power line encroachment is attached hereto as **Exhibit 11**.

ample room for a typical commercial delivery truck to perform a single maneuver to back into a loading space. In any event, the JMBM Letter sheds no light on the logic of how two utility poles with minor encroachments would make a loading space not reasonably able to be provided or used and fails to bridge the analytical gap between the evidence (two utility poles) and the conclusion) the loading space cannot reasonably be provided or used).

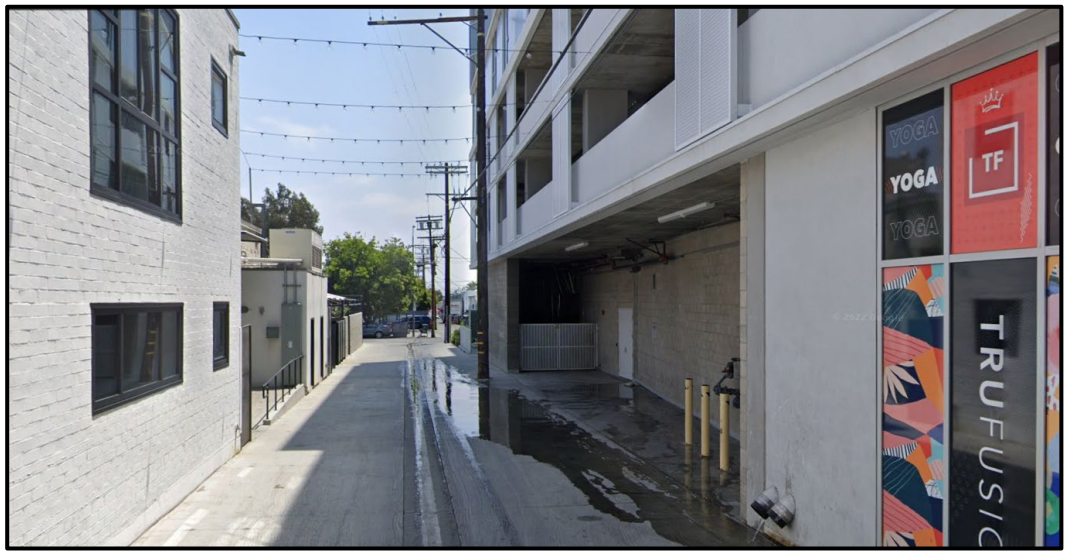
6. *Comparable Developments Provide Loading Spaces in Adjacent Alleys Notwithstanding Adjacent Structures, Windows and Utility Lines*

Not only does the LADOT letter fail to articulate a coherent rationale for why a loading space accessible from the alley could not reasonably be provided or utilized, it ignores that countless comparable developments have provided and utilized loading spaces under nearly identical circumstances. A brief survey of recent commercial and mixed-use developments on nearby alleys identified the examples below:

- The Target development at 415 S. La Brea Avenue provides an angled loading space accessible from the alley notwithstanding utility poles encroaching several feet into the alley and a structure across the alley built with no setback.

(Source: Google Maps)

- The mixed-use development at 900 N. La Brea Avenue provides an angled loading space accessible from the alley notwithstanding utility poles encroaching several feet into the alley, structures across the alley built with no setback and windows on adjacent structures.



(Source: Google Maps)

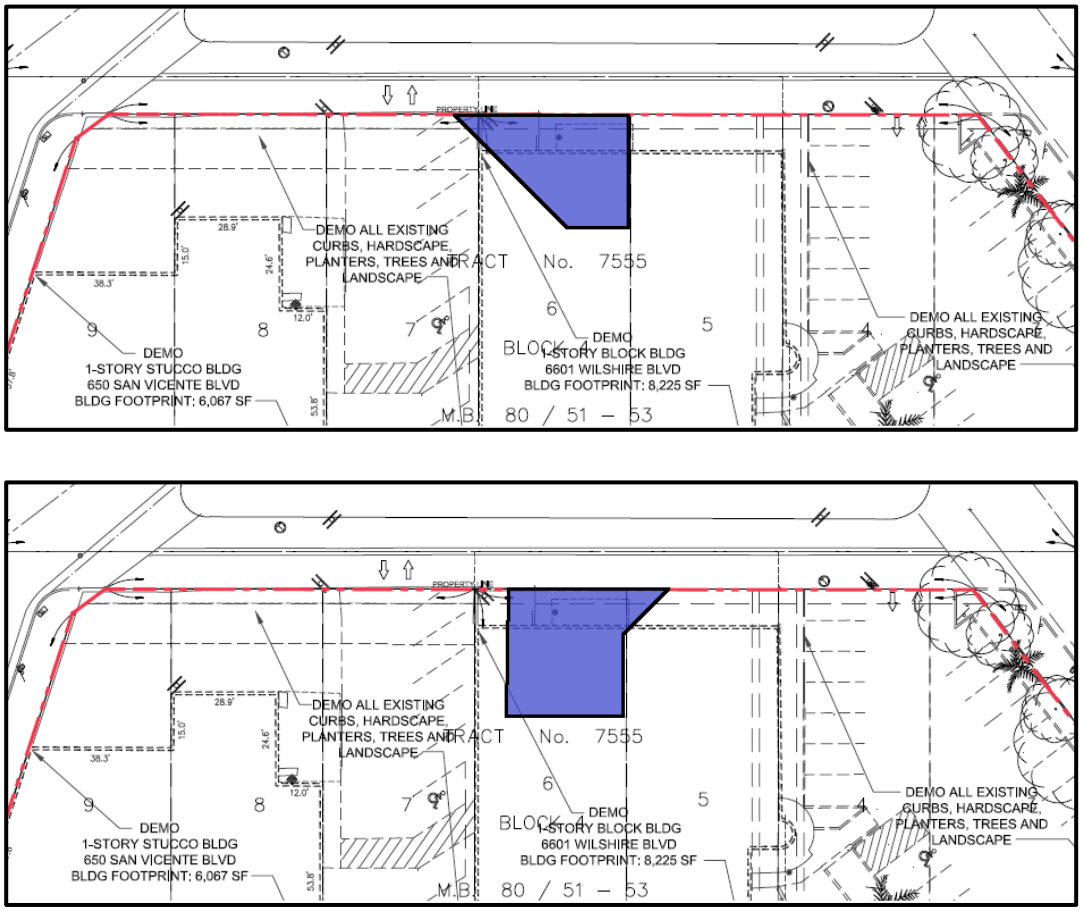
- The Cedars-Sinai Orthopedics Center at 444 S. San Vicente Boulevard provides a loading space with a width of approximately 20 feet but substantially deeper than loading spaces proposed at 415 N. La Brea Avenue or 900 N. La Brea Avenue, notwithstanding utility poles encroaching several feet into the alley and a fence built with no setback from the alley.

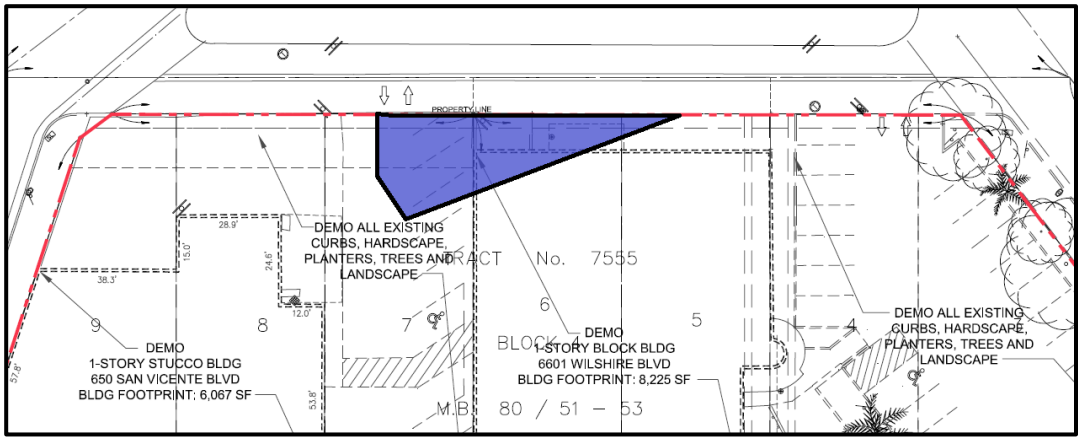
(Source: Google Maps)

7. *Numerous Configurations for a Legally Compliant and Usable Loading Space are Available*

To comply with the standards of LAMC Section 12.21-C.6, the loading space accessible from the alley must have (i) a minimum length of 20 feet parallel to the alley; (ii) a minimum depth of 10 feet perpendicular to the alley; and (iii) a minimum area of 800 square feet for developments between 100,000 and 200,000 square feet of floor area. The illustrations below provide conceptual loading space arrangements that meet these standards and are located away from the utility poles on the opposite side of the alley, which supposedly interfere with delivery truck maneuvers. Providing an angled opening would allow delivery trucks to back into the loading space, as the "narrow" alley supposedly interferes with truck turning movements. However, as the Cedars Sinai example above demonstrates, a usable loading space can be provided with an approximately 20-foot wide opening onto the alley and without an angled opening.

Conceptual Examples of Compliant Loading Space Configurations





8. *The Loading Space on Orange Street Violates LADOT Policy*

The LADOT Driveway Design Guidelines, attached hereto as **Exhibit 12**, states in Section VIII: "Back-in loading facilities may be permitted on commercially-developed local streets if off-street space is insufficient for truck maneuvering. These back-in loading facilities should have a minimum reservoir area of 45 feet back of sidewalk." The approval of a loading space on Orange Street violates this policy by approving a loading space without any reservoir from the sidewalk to prevent trucks from obstructing the sidewalk. Contrary to the assertion by the Department of City Planning, the City's Transportation Assessment Guidelines in fact reference and incorporate the Driveway Design Guidelines as shown in pages 1-5 and 2-20, footnote 34 of **Exhibit 13**.

9. *LADBS Must Make Required Findings to Authorize Deviations from Legislatively Adopted Standards*

Grasping at straws to defend the Project, the City Planning Department suggests that LADBS has unfettered authority to modify or waive the loading space standards in LAMC Section 12.21-C.6, citing the second sentence in Section 12.21-C.6(a):

> *A loading space shall be provided and maintained on the same lot with every building in the C or M Zones where the lot on which said building is located abuts an alley, provided that when the lot is occupied by a use, such as a service station or a drive-in business, in which the building covers less than the total buildable area, a suitable loading space must be provided, but it need not comply with all the provisions of this section if its location, size and means of access are approved by the Department of Building and Safety.*

Of course, the Department omitted the first portion of this sentence, which indicates it applies only to lots "occupied by a use, such as a service station or a drive-in business, in which the building covers less than the total buildable area[.]" The Project results in a structure covering the entire buildable area, and this authority does not apply. In any event, LADBS would

violate fundamental principles of constitutional and administrative law by asserting it has, or exercising, authority to waive legislatively required standards without findings, performance standards or enumerated authority.

10. *The Loading Space Modification is an Unlawful Favor to the Developer, Violating the LAMC and Facilitating Public Corruption*

The City's modification of the LAMC's loading space standards without even purporting to make the legally required findings in the LAMC is symbolic of corrupt development practices that are commonplace in City Hall. Here, LADBS and LADOT wield immense authority to require changes to the Project's site plan and require conformance with LAMC standards. Instead, they have granted illegal deviations without any plausible justification, allowing the developer to develop a site plan that maximizes profit, but results in significant negative externalities by having trucks obstructing and backing onto Orange Street. The power to grant illegal modifications from LAMC standards, behind closed doors and without public review of the justifications, is illustrative of the City's crisis of public trust and development corruption. The City's loading space modifications raises serious questions about the integrity of LADBS and LADOT, ensuring litigation to guarantee that back-room deals with preferred developers stop becoming the basis for waivers of generally applicable laws.

III. CONCLUSION

On behalf of the Beverly Wilshire Homes Association, this office respectfully requests that the City Council deny the Project. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

Jamie T. Hall