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January 24, 2011

Ryan Leaderman
DLA Piper LLP
1999 Avenue of the Stars, 4th Floor
Los Angeles, CA 90067

Mark Philips
Brookfield Office Properties
601 S. Figueroa Street, Suite 2200
Los Angeles, CA 90017

Dear Mr. Leaderman,

RE: APPEAL OF CPC-2009-3416-DA-TDR-CUB-CU-CUW-ZV-SN-ZAD-SPR-GB & ENV-2009-1577-EIR

This letter is to inform you which portions of your appeal of the above referenced-case have been determined to be appealable to the City Council, and which portions of the above referenced case are non-appealable, although they may still be under City Council's jurisdiction.

Your appeal of the above-referenced case was received by the Planning Department on January 14, 2011. The appeal submitted indicated that all portions of the approval were being appealed, with the exception of the determination to alter the definition of buildable area and the variance for outdoor dining above the ground floor.

The Director of Planning, in consultation with the City Attorney and the City Clerk, has determined that certain elements of the submitted appeal involve non-appealable actions per the LAMC. These specific portions of the appeal will therefore not be agendized by the City Clerk for City Council review. The remainder of the appeal will be agendized by the City Clerk for City Council review.

Please note that all items determined to be non-appealable, with the exception of the buildable area definition, involve actions that require City Council action regardless of an appeal. Therefore you will have an opportunity to present any concerns at the future City Council public hearing on these matter. Any submitted material and testimony in regards to these items will be treated as public comment during the public hearing on these matters. Please contact the City Clerk as to final hearing dates on the above-referenced case.

Transfer of Floor Area Rights (LAMC 14.5.6 and 14.5.8 through 14.5.12): The City Planning Commission approved the request. Per the code, only the applicant may appeal the action to City Council. The appeal submitted by Brookfield is therefore not valid and is not accepted. However, the item itself requires City Council approval in any instance, and the City Council will hold a hearing on this request. Brookfield may participate in this and all hearings. The appeal materials submitted by Brookfield will be entered into the record as public comment for the future City Council hearing on the matter.


Sign District (LAMC 13.11 and 12.32 S): The City Planning Commission approved the request as modified. Pursuant to Section 12.32, only the applicant may appeal the action to City Council. The item itself requires City Council approval in any instance. The applicant has appealed this action, and the appeal and item will be heard by the City Council. The appeal submitted by Brookfield is therefore not valid and is not accepted. The appeal materials submitted by Brookfield will be entered into the record as public comment for the future City Council hearing on the matter.

Buildable Area Entitlement (Article 1, Section 104(e) of the Los Angeles Charter): The City Planning Commission denied the request to redefine buildable area. This action is not appealable by a private party pursuant to Section 12.32. The appeal submitted by the applicant is therefore not valid and is not accepted. The item will not be heard by the City Council. The City Council may introduce a motion for the Planning Department to study alternatives, or to review the City Planning Commission action.

Development Agreement (Section 65868 of the State Government Code and the City implementing procedures): The City Planning Commission approved the development agreement. Pursuant to the City's Development Agreement Guidelines, an appeal may only be filed if the City Planning Commission recommends denial of the agreement. The appeal submitted by the applicant and by Brookfield is therefore not valid and not accepted. The development agreement will be heard by the City Council. The appeal materials submitted by the applicant and Brookfield will be entered into the record as public comment for the future City Council hearing on the matter.

This letter has been prepared to notify you of the actions related to the appeals filed. Please be assured that as stated above, all of the above items with the exception of the buildable area definition will be reviewed by the City Council regardless of an appeal from the City Planning Commission determination. You will have an opportunity to participate in this hearing. All materials submitted for non-appealable portions of the entitlement will be entered into the record as public comment for the future City Council hearing on the matter. The remainder of the appeal will be agendaized by the City Clerk for City Council review.

For any questions, please contact Shana Bonstin at 213-978-1207.



KEVIN J. KELLER, AICP
Senior City Planner

cc: Patrice Lattimore, City Clerk
Michael Espinosa, City Clerk
Michael Bostrom, City Attorney

Marie Rumsey, Council District 9

Greg Fischer, Council District 9

Shana Bonstin, City Planning

James Williams, City Planning