# ANSMITTAL TO CITY COUNCIL

<table>
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<th>Case No.</th>
<th>APCW-2010-3464-ZC-ZAA-DD</th>
<th>Planning Staff Name(s) and Contact No.</th>
<th>Greg Shoop (213) 978-1243</th>
<th>C.D. No.</th>
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<td>Related Case No(s).</td>
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<td>Last Day to Appeal</td>
<td>October 27, 2011</td>
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**Location of Project (Include project titles, if any.)**

10475 Santa Monica Boulevard

**Name(s), Applicant / Representative, Address, and Phone Number (email if available)**

Shahab Ghods of Plus Architects  
1770 Sawtelle Boulevard  
Los Angeles, CA 90025  
(310) 478-6149  Email: PLUSARCH@AOL.COM

**Name(s), Appellant / Representative, Address, and Phone Number (email if available)**

Shahab Ghods of Plus Architects  
1770 Sawtelle Boulevard  
Los Angeles, CA 90025  
(310) 478-6149  Email: PLUSARCH@AOL.COM

**Final Project Description** (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. “from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)

**Proposed Project:** The demolition of three (3) apartment buildings housing a total of 14 residential units and the construction of an approximately 26,631 square foot, 5-story apartment building consisting of 24 rental units. Of the 24 dwelling units proposed, 12 will be 2-bedroom units (approximately 1,000 square feet); seven (7) will be 1-bedroom units (approximately 775 square feet); and five (5) studio units (approximately 500 square feet). A total of 39 parking stalls composed of 22 subterranean parking spaces and 17 grade level parking spaces would be provided. The project is located on a 9,020 square foot site currently classified in the [Q] C2-1VL-O zone.

Pursuant to Section 12.32 of the Municipal code, a Zone Change from [Q]C2-1VL-O (Commercial Zone with Qualifications) to (T)(Q)RAS4-1VL-O (Residential/Accessory Service Zone with tentative T Conditions and Q Conditions).

**Items Appealable to Council**

**Zone Change**

**Fiscal Impact Statement**

*If determination states administrative costs are recovered through fees, indicate "Yes."*

Yes  
**ENV. No.**  
ENV-2010-3463-MND  
**Commission Vote:**  
4 - 0

[Signature]  
Commission Executive Assistant  
Date: October 25, 2011
APPEAL TO THE: CITY COUNCIL  
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)  

REGARDING CASE #: APCCW_2010-3464_ZC_ZAA_DD  

PROJECT ADDRESS: 10475 SANTA MONICA BLVD.  

FINAL DATE TO APPEAL: OCT. 27, 2011  

TYPE OF APPEAL:  
1. ☒ Appeal by Applicant  
2. ☐ Appeal by a person, other than the applicant, claiming to be aggrieved  
3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety  

APPELLANT INFORMATION – Please print clearly  

Name: SHANAHB GHODS OF FEUS ARCHITECTS  

- Are you filing for yourself or on behalf of another party, organization or company?  
  ☐ Self ☒ Other: 10475 SANTA MONICA LLC  

Address: 1770 SANTETTE BLVD.  
LOS ANGELES, CA Zip: 90025  

Telephone: (310)478-0149 E-mail: FEUSARCH@AOL.COM.  

- Are you filing to support the original applicant's position?  
  ☒ Yes ☐ No  

REPRESENTATIVE INFORMATION  

Name: same as above  

Address:  

Telephone:  

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.
JUSTIFICATION/REASON FOR APPELLING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

☐ Entire
☒ Part

Your justification/reason must state:

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

ADDITIONAL INFORMATION/REQUIREMENTS

☒ Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter

☒ Original applicants must provide the original receipt required to calculate 85% filing fee.

☒ Original applicants must pay mailing fees to BTC and submit copy of receipt.

☒ Applicants filing per 12.26 K “Appeals from Building Department Determinations” are considered original applicants and must provide notice per 12.26 K 7.

☒ Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

☒ A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc…) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."

—CA Public Resources Code § 21151 (c)

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

Appellant Signature: ___________________________ Date: October 12, 2011

Planning Staff Use Only

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☐ Determination Authority Notified by Telephone

Original Receipt and BTC Receipt (if original applicant)

CP-7769 (11/09/09)
LETTER OF JUSTIFICATION
An "Appeal" to City Council for Case Number: APCW-2010-3464-ZC
10475 Santa Monica Blvd., Los Angeles, CA 90025
October-18-2011

Project was revised to address the concerns of the neighbors, Westwood Home Owner's Association and City Council’s office as per following:

1- Proposed building height was reduced from 57' to 50', in order to comply with the LA Municipal Code under RAS-4.
2- Area of required Open Space was enlarged to comply with the LA Municipal Code.
3- Proposed building was modified to provide planter area with 24' box tree and shrubs at the Alley side.
4- Use of roof deck will be restricted to 10:00 am to 10:00 pm daily.
5- Rear Alley from the project’s Easterly border to Thayer Avenue to the West will be repaired and or reconstructed as per the Department of Public Works’ requirements.
6- This application is to appeal the Planning Commission’s Disapproval of the “Zone Change” only.
CASE: APCW-2010-3464-ZC-ZA-DD
CEQA: ENV-2010-3463-MND

Location: 10475 Santa Monica Boulevard
Council District: 5
Plan Area: Westwood
Zone: [Q]C2-1VL-O

Applicant: Shahab Ghods, Plus Architects

At its meeting on August 17, 2011, the following action was taken by the West Los Angeles Area Planning Commission:

1. Disapproved the requested Zone Change from [Q]C2-1VL-O (Commercial Zone with Qualifications) to (T)[Q]RAS4-1VL-O (Residential/Accessory Services Zone with tentative T Conditions and permanent Q Conditions).
2. Disapproved without prejudice a Zone Change from [Q]C2-1VL-O (Commercial Zone with Qualifications) to (T)[Q]RAS4-1VL-O (Residential/Accessory Service Zone with tentative T Conditions and Q Conditions).
3. Disapproved without prejudice the requested Adjustment to permit an additional height of three (3) feet for a total overall building height of 53 feet instead of the 50 foot height limitation.
4. Disapproved without prejudice the requested Director’s Decision to permit an 8% reduction (216 square feet) of Open Space from the minimum required 2,700 square feet to 2,484 square feet.
5. Did not adopt the mitigated Negative Declaration, ENV-2010-3463-MND for the above referenced project.
6. Adopted the attached Findings.

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

This action was taken by the following vote:

Moved: Commissioner Donovan
Seconded: Commissioner Foster
Ayes: Commissioners Donovan, Foster, Linnick, and Martinez

Vote: 4 - 0

Rhonda Ketay, Commission Executive Assistant
West Los Angeles Area Planning Commission
Appeals: If the Commission has disapproved the Zone Change request, in whole or in part, only the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination. 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 Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

LAST DAY TO APPEAL OCT 27 2011

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: Findings

c: Notification List
Greg Shoop, City Planner
FINDINGS

General Plan Findings

1. General Plan Land Use Designation. The subject property is located within the Westwood Community Plan area, which was updated by the City Council in May 2001. The Plan Map designates the subject property for General Commercial land use with corresponding zones of C1, C1.5, C2, C4, RAS3, and RAS4. The zoning for the subject site is [Q]C2-IVL-O.

The zone change from [Q]C2-IVL to (T)(Q)RAS4-IVL-O IS CONSISTENT with the General Commercial land use designation and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

2. General Plan Text. The following Westwood Community Plan's land use objectives are consistent with the proposed development:

   Policy 1-2.1 Locate higher density residential development within designated multiple family areas and near commercial centers and major bus routes where public services facilities and infrastructure will support this development. Santa Monica Boulevard has two local bus lines 4 and 16 stops within a 5 minute walk and a Metro Rapid Line 704 stop directly in front of the subject property.

   Policy 1-1.2 The residential densities proposed by the Plan are predicated upon the full development of the designated major and secondary highways. Santa Monica Boulevard fronting the subject is a designated Major Highway Class II and is developed with a landscaped median that separates the east and west bound traffic. The eastbound lane has higher elevation than the westbound lane. The Los Angeles Metropolitan Transit Authority recently completed substantial public transportation upgrades to the Boulevard that added capacity and increased safety.

3. The Transportation Element of the General Plan will be affected by the recommended action herein. Santa Monica Boulevard is developed to its full right-of-way width of 200 feet. However, any necessary improvements of Santa Monica Boulevard to Major Highway Class II street standards will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.

4. The Sewerage Facilities Element of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

5. Street Lights. Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoins the subject property.

6. Zone Change.

Pursuant to Section 12.32.C.7 of the Municipal Code, and based on these findings, the recommended action is deemed not consistent with public necessity, convenience, general welfare and good zoning practice.
The proposed Zone Change from [Q]C2-1VL to (T)(Q)RAS4-1VL-O is not consistent with public necessity, convenience, general welfare and good zoning practices. The stated intent of the City Council in creating the RAS zone is to create incentives along underutilized commercial strips and transportation corridors. In addition, the RAS zone does allow for a 100% residential project. However, the increase in floor area and height allowed by the RAS zone must be compatible with the surrounding land uses. In denying the requested zone change, the West Los Angeles Area Planning Commission had two major concerns with the project as proposed: The first concern is that the height and massing of the proposed project was not compatible with the surrounding neighborhood. The applicant requested an additional height of seven feet above the 50 feet that is permitted in the RAS4 zone. The current height district of IVL limits the height of any building or structure to 45 feet. However, the RAS4 zone permits a height of 50 feet. Even at the 50 height permitted the massing of the building along the alley, in the view of the Commission, would impact the two and three story multiple family dwellings across the alley. The second issue is that the proposed project would have placed the first floor garage along the property lines, which may have impacted the integrity of the building located west of the proposed project site.

The Commission was willing to allow the applicant to continue the case, in order to allow the applicant additional time to discuss changes with the community. However, neither the applicant or property owner attended the Commission hearing. The Commission denied the case without prejudice.


A. That the granting of the adjustments will result in a development that is not compatible and nor consistent with the surrounding uses.

Though the applicant has agreed to step back a portion of the building at the fifth floor from both rear and side yards to reduce the massing and shadow effects on the rear and site properties the building would still be taller in relationship to the multiple family dwellings located across the alley. The current height district of IVL is 45 feet. The proposed RAS4-IVL zone will permit a height of 50 feet which is more than adequate to develop the project.

B. That the granting of the adjustments will not be in conformance with the intent and purpose of the General Plan of the City.

The General Plan will not be adversely affected by the denial of this height adjustment. The Westwood Community Plan discusses the need to encourage higher density and taller building along major transportation corridors. In addition, increasing the number and type of housing projects within proximity to jobs and services will reduce vehicular trips, congestion and air pollution. However, the General Plan strongly encourages that higher density development be consistent with surrounding developed properties. Allowing a height of 57 feet would create too much massing along the alley separating the project from less taller multiple family dwellings across the alley.

C. That the granting of the adjustments is not in conformance with the spirit and intent of the Planning and Zoning Code of the City.

The granting of the requested Adjustments is in not conformance with the spirit and intent of the Planning and Zoning Code property today. Limiting the height of the building to the 50 feet permitted by the RAS4 zone is required to ensure a consistent development pattern and to protect the availability of natural light, air and ventilation to neighboring residential properties.
D. That there are adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.

There will be adverse impacts in that proposed height of 57 feet will create massing along the alley that is shared with two and three story buildings. Though the applicant has agreed to step back the portions of the building at the fifth floor level at the rear and side yards to reduce the massing and shadow effects on the rear and side properties the additional height will still create adverse impacts.

E. The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.

The 3 to 4 foot grade differential from the alley to the Little Santa Monica does make it difficult to allow straight in access and sufficient height in the parking garage to accommodate the required handicap van parking space. However, the garage can be redesigned to reduce the height of the building to the 50 feet that is permitted in the RAS4 zone.

8. Directors Determination Pursuant to Section 12.21 G 3 of the Municipal Code

A. That the open space provided conforms with the objectives of this subsection; and

The reduction in open space area from 2,700 square feet to 2,484 square feet a 216 square foot decrease is not a reasonable request. The open space standard sets reasonable standards at a City-wide level. These standards allow for developers to create opportunities for a mix of private and common open spaces. The applicant can redesign the open space areas by adding additional common open space areas.

B. That the proposed project complies with the total open space requirements

The project will provide open space that does not meet the strict code requirements of usable open space, but will nevertheless be fully utilized by tenants of the building. The project will provide at least an additional 800 square feet of usable open space for a total of 3,284 square feet that can be used by the tenants.
NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

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

Applicant: PLUS ARCHITECTS - GHODS, SHAHAB (310-4786149)
Representative: PLUS ARCHITECTS - GHODS, SHAHAB (310-4786149)
Project Address:

NOTES: This Appeal fee consists of 85% of the base fee for Zone Change which is $9,121.00 and the 18% surcharge fees for APCW 2010-3464-ZC-ZAA-DD-IA(A1).
City Planning Request

City of Los Angeles
Department of Planning

You will analyze your request and accord the same full and impartial consideration to your application, whether or not you obtain the services of anyone to represent you.

Applicant: 10475 SANTA MONICA, LLC
Representative: PLUS ARCHITECTS - GHODS, SHAHAB (310-4786149)
Project Address: 10479 1/4 W SANTA MONICA BLVD, 90024

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Check: $16,244.12

Applicant Signature: ____________________________

Printed by AHADIAN, DANIEL on 12/28/2010
Case No. APCW-2010-3464-204A
Reference No. PD-A
Site Address: 10475 SANTA MONICA BLVD

Received From: SHAHAB GHODS/PLUS ARCHITECTS

MATERIALS RECEIVED FROM APPLICANT/MAP MAKER:
- Approved Radius Map/Plot Plan
- Certification
- Ownership/Occupant Lists
- Labels - owner/app/rep marked
- Copy of Transparency

PAYMENT RECEIVED FROM APPLICANT/MAP MAKER:

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TOTAL DUE: $1,009.84

A COPY OF THIS FORM MUST BE PRESENTED TO THE PLANNING DEPARTMENT AT THE TIME OF FILING TO HAVE YOUR APPLICATION DEEMED "COMPLETE".

Note - If applicant/map maker is retaining labels for addition of case number, labels must be returned to BTC 7 days from the date of this invoice, or BTC will be forced to produce labels and charge the applicant/map maker. If bill is not paid, further processing of your other cases will stop. For cases requiring immediate mailing, labels must be submitted on the day of payment, or BTC will be forced to produce labels and charge applicant/map maker.

Note: The City of LA usually generates a determination letter comprising of one(1) to three(3) pages—which requires 1st Class postage. If your project requires a determination letter that exceeds three pages, BTC will bill you for the excess postage and material costs and the bill will be paid upon presentation. Also, if you require a copy of the BTC file(s), a $.50.00 fee will be charged and must be paid upon presentation.

Signature
Telephone 310-478-6149
Print Name REPRESENTATIVE
Title

Cancellations and changes are subject to a 20% or $50.00 handling fee, whichever is greater. Returned checks subject to a $200.00 fee. If the check is fraudulent, the City will be notified that the invoice is null and void.

Refunds and credits: one year from the original filing date

If case goes to appeal, processing & mailing costs of $1.52/label will be paid.
PROJECT TEAM DRAWING INDEX

CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15 & PAGE 42 OF SAID MAP COUNTY.

A) BUILDING DATA

PROPOSED: 24 STORY, 300-UNIT APARTMENT BUILDING
PROJECT: A 5-STORY APARTMENT BUILDING
EXISTING USE: 2-STORY APARTMENT BUILDINGS
EXISTING ZONE: CS-1, Z
PROPOSED ZONE: RB-SVL-O
BUILDING CODE: 2010
CONSTRUCTION: TYPE VA/TYPE I

B) DENSITY PER PROPOSED RAS4-1

LOT GROSS AREA: 9,020 SQ.FT. = 250 SQ.FT. (1/2 ALLOT) = 9,020 SQ.FT.
22 UNITS per 2,400 SQ.FT.
24 UNITS PROPOSED = 24.0 UNITS ALLOWED

C) FLOOR AREA CALCULATION PER RAS4-1

F.A.R. ALLOWED AS PER PROPOSED RAS4-1: 3.1 = 27,000 SQ.FT. (500 SQ.FT. X 52 UNITS)
F.A.R. PROPOSED: 3.1 = 27,000 SQ.FT.

D) UNIT COUNT

2ND FLOOR
STUDIO 1 2 3 TOTAL
1 1 1 3
2ND FLOOR
STUDIO 1 2 3 TOTAL
1 1 1 3
3RD FLOOR
STUDIO 1 2 3 TOTAL
1 1 1 3
4TH FLOOR
STUDIO 1 2 3 TOTAL
1 1 1 3
5TH FLOOR
STUDIO 1 2 3 TOTAL
1 1 1 3
TOTAL 15 8 24

E) OPEN SPACE CALCULATION

OPEN SPACE REQUIRED:
6 UNITS (2-BDRM) X 100 = 600 SQ.FT.
15 UNITS (1-BDRM) X 100 = 1,500 SQ.FT.
TOTAL = 2,100 SQ.FT.

OPEN SPACE PROVIDED:
PRIVATE OPEN SPACE: 34 UNITS X 50 SQ.FT.
700 SQ.FT.
F) PARKING CALCULATIONS

PARKING REQUIRED:
6 UNITS (2-BDRM) X 2 = 12 STALLS
15 UNITS (1-BDRM) X 1.5 = 22.5 STALLS
1 UNIT (SINGLE) X 1 = 1 STALL
TOTAL = 46 STALLS

PARKING PROVIDED:
39 STALLS

G) GRADING CALCULATION

VOLUME OF CUT
4,000 CU.YD.
VOLUME OF SACK HILL
700 CU.YD.
VOLUME OF EXPORT
3,300 CU.YD.

10 LEGAL DESCRIPTION:
LOTS 10 & 16 IN BLOCK 32 OR TRACT NO. 4077, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15 & PAGE 42 OF SAID MAP COUNTY.

J) ZONING REQUEST

PURSUANT TO SECTION 12.32 CM, A ZONE CHANGE FROM C2-SVL-O TO RB-SVL-O.

GLENDALE, CA: 700 E. VILLAGE AVE.
SBTLE VILLAGE, SAN BERNARDINO: 236-174-19

PAGE 11 OF 14
PROPOSED 24-UNIT, MULTI-RESIDENTIAL PROJECT
5-STORY 0/ 1-LEVEL SUBTERRANEAN GARAGE