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August 1, 2013

City Clerk
City Hall, Room 395
200 North Spring Street
Los Angeles, CA 90012

RE: Council File 13-0509
CPC-2011-2103-VZC-HD-ZAA
320 N. La Cienega

To the Honorable City Councilmembers:

I write on behalf of Appellants Burton Way Foundation, Beverly-Wilshire Homes Association, Lorelei and William Shark, and Jack Cash, who are aggrieved by the approval of the above referenced project in violation of the height limits in the Wilshire Community Plan. Appellants greatly appreciate the recommendation of the PLUM Committee that the height of the 320 La Cienega mixed-use project be restricted to 50 feet, as required by the zoning code and as requested by Appellants and Councilmember Paul Koretz.

However, Appellants were quite dismayed upon review of the draft ordinance approving the project. The ordinance correctly limits the project's height to 50 feet. However, the ordinance fails to impose a 45-foot step down in height for the rear portion of the project that is *directly adjacent* to the R2-zoned 33-foot high residences. This is a significant omission, and it is one that fails to mitigate the impacts of the project on the nearby residents. The record before the City demonstrates that the 45-foot step down is necessary to mitigate the project's impacts on the adjacent residents, so the findings in the ordinance are not supported by the evidence before the decisionmakers.

A 45-foot rear step down was always a component of the proposed project, as the City's ordinance notes at p. F-8. The 45-foot step down was essential to the finding that the project was consistent with the land use element of the Wilshire Community Plan, and the omission of that step down calls into question the City's consistency determination, which is required by law. The 45-foot step down was included in the staff recommendation, and in the Central Area Planning Commission's approval as well. All concurred that the 45-foot step down was necessary to "respect the scale of adjacent residential neighborhoods," as required by the Wilshire Community Plan Policy 2-3.1. (See Recommendation Report at p. F-3; Central Area Planning Commission Report at p. F-3.)

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Moreover, the approval of the project requires certification of a mitigated negative declaration (MND) under the California Environmental Quality Act. The MND relies upon a statement that a “step back of the top floor adjacent to the residential uses” will “reduce the appearance of the building on the eastern and southern vantage points.” (MND, p. 24.) This last-minute switcheroo removing the step down requirement means that the MND no longer accurately evaluates the project’s aesthetic impacts.

Finally, the approval of the adjustments to the project’s permitted FAR and density rely upon the 45 step-down in order to make the finding that “in light of the project as a whole . . . the project’s location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, [or] the surrounding neighborhood.” Both staff and the Central Area Planning Commission agreed that the 45-foot step down was critical to making this finding. The proposed ordinance merely makes the finding that the 50-foot height limit will be protective of adjacent residential properties, without explaining in any way how conditions have changed since the project was previously reviewed such that the 45-foot step down is no longer required. The City’s findings are not supported by the evidence before it.

Omitting the 45-foot step down opens this project to challenge for failure to adequately address the obvious impacts of development adjacent to low rise residential structures. Appellants respectfully request that the proposed ordinance be revised to include this 45-foot rear step down, so that the project protects the neighboring residents from the adverse impacts of structures that are significantly higher than those present on the site at this time.

Sincerely,



Beverly Grossman Palmer

cc: Shawn Bayliss, Council District 5