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June 20, 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 Members of the Planning and Land Use Committee:

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 have previously provided a "Justification of Appeal," which sets forth the reasons that the City Council cannot uphold the Central Area Planning Commission's (CAPC's) decision to grant the applicant the requested setbacks and density-increasing variances. Appellants therefore focus in this letter on the other entitlements requested for the project that Appellants were not permitted to appeal, as well as on the deficiencies of the Mitigated Negative Declaration (MND).

The City Council should not grant any of the requested entitlements. The proposed project is out of scale and inconsistent with neighboring properties and the entirety of the neighborhood surrounding the site. Most importantly, granting the applicant significant exemptions to height limits that have applied consistently throughout this community since Proposition U was enacted, without requiring *any* affordable housing or other community benefit, creates a dangerous precedent that will undermine the goals of SB 1818 and the density bonus afforded to those who truly provide a benefit to the City.

The Height District, Floor Area Increase, and Zone Change Are Inconsistent with the General Plan and No Plan Amendment Has Been Requested

The applicant requests a height district change to 56 feet (height district 1-D) on this parcel. Footnote #5 of the Wilshire Community Plan provides that Commercially-zoned parcels in areas designated for Neighborhood Commercial General Plan Land Use, such as the subject site, are effectively limited to a maximum FAR of 1.5:1. The Wilshire Community Plan provides that "Each plan land use category indicates the corresponding zones permitted by the plan, unless further restricted by the plan text, footnotes, specific

plans, or other limitations established by discretionary approval.” The Framework Long Range Plan also provides relevant information regarding the zoning for the area: it is not generated as Regional Commercial, nor as a Mixed-Use Boulevard. (See Exhibit 1, showing excerpt from Framework Long Range Plan.)

As the Planning Department’s Recommendation Report stated, “This portion of La Cienega Boulevard is not identified as a District or Center in the Framework Long-Range Land Use Diagram, and therefore development at a higher density and intensity is not appropriate in this location. The project’s recommended intensity and lower height will be compatible with existing development along North La Cienega Boulevard and will not create negative impacts to the adjacent lower –density residential neighborhoods to the east.” (Findings, p. 1.) Indeed, the Recommendation Report correctly found that projects zoned as RAS4 require a finding that development is consistent with adjacent residential neighborhoods.

Yet in the Findings issued by the Planning Commission, the CAPC concludes that, “The project, at the recommended floor area, height, scale, and layout, will prove to be a compatible addition to the local neighborhood, serving to infuse vitality and a sense of place into the La Cienega corridor that is distinct and unique from that of the Regional Center located to the south of Beverly Boulevard and would follow principals of good planning.” This finding ignores the height limit imposed the General Plan for the parcel in question, the height limit imposed city-wide by Proposition U, and the height of existing structures both on La Cienega, and, significantly, in the residential neighborhood directly adjacent to the site.

The RAS4 zone change requested by the applicant does not provide a justification for the height limit in excess of the 45 foot limit imposed by the 1-VL zone, nor does it justify the use of a 3:1 floor to area ratio. The character of La Cienega on this block is generally commercial in nature, designated in the General Plan as “Neighborhood Commercial.” Municipal Code section 12.21.1, subdivision A.1 provides that “The total Floor Area contained in all the main Buildings on a Lot in a commercial or industrial zone in Height District No. 1 shall not exceed one-and-one-half times the Building Area of the Lot.” The zone in which the project is located is commercial under the General Plan, and is included in Height District No. 1 on the Land Use Map of the Wilshire Community Plan, as shown in footnote 5. The City appears to take the position that a RAS property is no longer “commercial,” but RAS is a permitted use in “commercially zoned” properties under the General Plan. The General Plan specifies that in this community, Neighborhood Commercial properties are in Height District No. 1, and the code restricts the floor area ratio in such commercial areas to 1.5:1. The project massively exceeds this FAR limitation, effectively requiring a Plan Amendment to designate the zoning for this parcel something other than Neighborhood Commercial in order to achieve the requested density. No such amendment has been requested, however.

The April 2005 General Plan interpretation by then-Planning Director Con Howe does not provide support for the City’s deviation from the 1.5:1 FAR or the 45-foot height limit. The memorandum declares: “It is hereby interpreted that the RAS Zones can exceed a Community Plan Footnote when that footnote is general in nature and generally refers to all parcels under that plan category. Where there is a specific footnote that refers to (a) specific parcel(s) that is more restrictive, the RAS Zone would not be permitted without a corresponding Plan Amendment.” However, while the document purports to be an interpretation, it is in effect an *amendment* of the Plan. The Planning Director may not unilaterally amend the height or density limits of the Plan: Council approval is required under the City Charter and the Municipal Code. Accordingly, the invalid interpretation cannot alter the height and density limits in the Wilshire Community Plan. Thus, the FAR limit

on commercial properties in Height District No. 1 applies and the project cannot exceed a 1.5 to 1 FAR. What's more, even if the interpretation were valid, it would not permit a 56-foot high structure on this property. The interpretation alone is insufficient justification for the City's approval violating the decades-old 45 foot height limit. Indeed, no "interpretation" of the Wilshire Community Plan justifies the change in height limit or permitted density without a corresponding Plan Amendment – yet no Plan Amendment has been requested or recommended by the Planning Commission, a critical failing of the project application.

Moreover, increasing the height limit and density is inconsistent with numerous policies in the Wilshire Community Plan. These include:

- "Need to maintain low density character of single family neighborhoods, avoiding encroachment from other users, commercial off-street parking, and 'spillover' traffic from adjacent development." The approval does not adequately consider the spillover effects into the adjacent residential neighborhood of increased traffic and looming height over the height limit on parcels directly adjacent to residences.
- "Need to preserve the existing character of residential neighborhoods while accommodating more affordable housing and child care facilities." The project does not assist the City in providing affordable housing or child care facilities, and by permitting over-height development directly adjacent to residences, destroys the existing character of residential neighborhoods.
- "Improved land use transitions are needed between commercial uses and single family and multiple family areas." The project exacerbates land use transitions between the commercial uses and single/multiple family homes adjacent. The project will take what is presently a conforming structure adjacent to a residential neighborhood and create a non-conforming structure, adding impacts to the residential neighborhood rather than improving the transition.
- The Wilshire Community Plan adopts as a fundamental premises of its residential land use planning: "a general limitation of residential densities in various neighborhoods to the prevailing existing density of development within these neighborhoods." The project significantly increase the density of the residential development compared with the adjacent residential neighborhood, without consideration of the negative impacts of increasing the residential density, particularly as to traffic and aesthetics.
- "Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life." The project is not compatible in scale and character to adjacent residences, as the Planning Department's Recommendation Report concluded.
- "Create Mixed Use Districts along targeted boulevards identified in the General Plan Framework to support the construction of mixed use development." The project calls for Mixed Use, but is not in a Mixed Use District. (See Exhibit 1.)
- "Encourage multiple family residential and mixed use development in commercial zones. . . . The community plan identifies area for mixed use development in commercial zones, as illustrated on the General Plan Framework Map." This portion of La Cienega Boulevard is not designated as a mixed use

zone, and thus the mixed use project is inappropriate on this block. The City has already determined where Mixed Use development is to be encouraged in its Long Range Framework Plan, and it is therefore inconsistent with that Plan to approve such development outside of these locations. The City has already approved the mixed-used Luxe project across the street and if it continues to approve such projects on this block of La Cienega it makes a mockery of the Framework plan for this neighborhood.

The Required Findings for the Height District Change Cannot Be Made

In order to accommodate the way over-limit height of the project, 11 feet in excess of the 45-foot height limit, the project requires a change in Height District to -1D. The Planning Department's Recommendation Report denied the request, finding that "Because of the project's location adjacent to the Regional Center containing the Beverly Center, Beverly Connection, and Cedars Sinai Hospital, it is appropriate to locate increased residential density and ground floor commercial uses at this location. However, in order to ensure the design of the structure is compatible with the neighborhood, the project's height is recommended to be limited to 50 feet, with a step-back in the rear down to 495 feet. This recommended project will provide for adequate new multiple family residential choices in the neighborhood while respecting the scale of adjacent residential neighborhoods." The Recommendation Report further concluded that the 56 foot -1D limit is not consistent with public necessity, convenience, general welfare and good zoning practice. Such a height is "not compatible with adjacent residential neighborhoods, which are developed with two-story duplexes zoned R2-1-O, with a height limit of 33 feet. It would set a precedent for adjoining properties to seek similar Height District changes, which would create even more incompatibility with adjacent residential neighborhoods." Furthermore, the Recommendation Report noted that "This is a neighborhood commercial area – dissimilar to the Regional Center south of Beverly Boulevard. . . . The properties along this stretch of North La Cienega Boulevard all share the 1VL Height District limitation, and only one project has been entitled for additional height – the affordable housing density bonus project at 375 North La Cienega Boulevard (the Luxe). This increased height was permitted as a development incentive for the creation of affordable housing units." As the Recommendation Report correctly noted, "This portion of La Cienega Boulevard has a different character than that south of Beverly Boulevard where the Regional Center is located. The subject site is located adjacent to one- and two-story commercial structures and directly abuts an R2 Duplex zoned residential neighborhood."

The City's Findings ignore the accurate descriptions in the Recommendation Report regarding the surrounding neighborhood. Instead, the Findings rely on the project's location "adjacent" to the Beverly Center, Beverly Connection and Cedars Sinai. The Findings fail to acknowledge that the project is not located adjacent to any of these properties, and is on a block that is populated by structures of a different character. (See Exhibit 2, photograph and illustration of La Cienega streetscape with project superimposed at different heights.) The findings also rely heavily on the fact that the project will step down to 45 feet in the rear of the property as justification for such over-height development adjacent to the low-rise R2 duplexes. Yet the City does not have before it plans showing how much of the project will be stepped down in the back. What is the appearance of such a stepped down project from the vantage point of a resident in the adjacent or nearby buildings? The City does not have this information before it, and cannot legitimately make a finding that the 45-foot step down actually mitigates the aesthetic impact of the large development directly adjacent to these homes. In order to impose a -D limit on a Height District, the City must conclude that the limit is protective of the adjacent neighborhood. The record before the City does not contain substantial evidence in support of that conclusion.

The Findings contend that the project will be the same height as the Luxe apartments on the other side of La Cienega. The Luxe project was built as an affordable housing project and given a density bonus under the SB1818 program. By using the Luxe project as a basis for the change in height district, the City gives this developer the reward that only a project that provides a significant amount of affordable housing is entitled to receive. Accommodating this over-height, over-size project in this manner guts the SB1818 program and gives developers less incentive to undertake socially responsible projects that provide a range of housing opportunities. That action undermines SB1818's policies, and weakens the City's abilities to achieve statutorily required affordable housing goals. The Height District change is not supported by substantial evidence or good policy, and must be denied.

The City Cannot Adopt the Mitigated Negative Declaration Because Appellants Present a Fair Argument of Environmental Impact

The record does not support the use of a mitigated negative declaration for this project, because Appellants and other community members have introduced evidence that presents a "fair argument" of environmental impact. A city's decision to certify a mitigated negative declaration is reviewed in courts under the "fair argument" test. (*County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1579.) "The fair argument standard establishes a low threshold." (*Consolidated Irr. Dist. v. City of Selma* (2012) 204 Cal.App.4th 187, 207.) "If substantial evidence establishes a *reasonable possibility* of a significant environmental impact, then the existence of contrary evidence in the administrative record is not adequate to support a decision to dispense with an EIR." (*County Sanitation Dist. No. 2, supra*, 127 Cal.App.4th at p. 1580 [emphasis added].) "CEQA provides that "substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact" (Public Resources Code, § 21080, subd. (e)(1)) and excludes "argument, speculation, unsubstantiated opinion or narrative, [or] evidence that is clearly inaccurate or erroneous..." (*Consolidated Irr. Dist., supra*, 204 Cal.App.4th at p. 207.)

Appellants and other community members, in their testimony before the PLUM Committee as well as before the CAPC, have introduced credible evidence that the project may have adverse impacts on the environment. Included with this letter is Appellant's analysis of the traffic impact study prepared by Iteris. (See Exhibit 3, peer review by Iteris). In particular, Iteris noted that the traffic study did not analyze the impact of the project's traffic on nearby residential streets. Additionally, appellants note that the traffic study used generalized trip generation factors to estimate traffic generated from the businesses on site, which results in a grossly overstated baseline regarding traffic presently in the area. The psychic business rarely has any business. The frame store estimated 15-20 cars per day. The rug store is only open by appointment, and only after 3 PM, and the alterations business has only 15 patrons per day, maximum. Some patrons arrive from the neighborhood, on foot. Meanwhile, the traffic study estimates an implausible 126 daily trips for these businesses. This faulty assumption makes the additional traffic generated by the proposed project a net total of 602 trips, when it is in reality more like an additional 700 trips (727 new – 30 existing). The applicant failed to even test the underlying assumptions regarding traffic generation and so did not produce an accurate traffic study.

Worse still, the MND is missing the January 19, 2012 LADOT letter that purportedly sets forth mitigation measures to address traffic impacts. Without such measures being incorporated into the MND, the

public cannot know what is proposed and whether the proposal will actually address the traffic impacts. Iteris concurred that it could not evaluate the project without reviewing these mitigation measures.

Appellants have also presented testimony, as set forth above and before the CAPC, that the height of the project is inconsistent with the Wilshire Community Plan. It is well-established that inconsistency with a general plan or other land use documents can constitute a substantial impact to the environment under CEQA. The MND acknowledges that the project "will result in land use and/or planning impact(s)." However, it incorrectly concludes that those impacts will be mitigated by adhering to the other mitigation measures recommended in the MND. The mitigation measures recommended in the MND do not address the fundamental land use conflict that arises from this project: it is too high, out of scale with all other properties in the residential area.

CONCLUSION

The City Council cannot approve the project as requested. The approval creates an inconsistency with the General Plan, and is inconsistent with the zoning code. Moreover, the approval relies upon on an MND in disregard of the "fair argument" that Appellants and other community members have made that the project will have significant impacts that are not mitigated by the measures imposed in the MND. These flaws in the project's approval will not be viewed favorably by the courts. The Council should deny the requested entitlements, and make it clear to the applicant that the City will not grant increased height and density absent a significant community benefit, such as mandatory affordable housing.

Sincerely,



Beverly Grossman Palmer

EXHIBIT 1

INTRODUCTION

The General Plan Framework is a long range, citywide, comprehensive growth strategy. It is a special element of the general plan which looks to the future as required by law and replaces Concept Los Angeles and the Citywide Plan (adopted in 1974). Because it looks at the city as a whole, the Framework provides a citywide context within which local planning takes place. Both the benefits and challenges of growth are shared.

The Framework sets forth a conceptual relationship between land use and transportation on a citywide basis and defines new land use categories which better describe the character and function of the city as it has evolved over time. The new categories - Neighborhood District, Community Center, Regional Center, Downtown Center and Mixed Use Boulevards - are broadly described (with ranges of intensity/density, heights and lists of typical uses) and generally shown on this long range land use diagram. The definitions reflect a range of land use possibilities found in the city's already diverse urban, suburban and rural land use patterns - patterns which have evolved over time at different rates and in different locations. Their generalized locations reflect a conceptual relationship between land use and transportation.

Because it is citywide, the Framework cannot anticipate every detail. Therefore, the community plans must be looked to for final determinations as to boundaries, land use categories, intensities and heights that fall within the ranges described by the Framework.

The Citywide General Plan Framework Element neither overrides nor supersedes the Community plans. It guides the city's long range growth and development policy, establishing citywide standards, goals, policies and objectives for citywide elements and community plans. The Framework is flexible, suggesting a range of uses within its land use definitions. Precise determinations are made in the Community Plans.

LEGEND

Districts, Centers & Mixed Use Boulevards



Neighborhood District

A focal point for surrounding residential neighborhoods and containing a diversity of land uses such as restaurants, retail outlets, grocery stores, child care facilities, small professional offices, community meeting rooms, pharmacies, religious facilities and other similar services. The clustering of uses minimizes automobile trip-making and encourages walking to and from adjacent neighborhoods. Pedestrian-oriented areas are encouraged, and the district may be served by a local shuttle service. Generally, Neighborhood Districts are at a floor area ratio of 1.5:1 or less and characterized by 1- or 2-story buildings.



Community Center

A focal point for surrounding residential neighborhoods and containing a diversity of uses such as small offices and overnight accommodations, cultural and entertainment facilities, schools and libraries, in addition to neighborhood oriented services. Community Centers range from floor area ratios of 1.5:1 to 3.0:1. Generally, the height of different types of Community Centers will also range from 2- to 6-story buildings, e.g., some will be 2-story Centers, some 4- or 6-story Centers depending on the character of the surrounding area. Community Centers are served by small shuttles, local buses in addition to automobiles and/or may be located along rail transit stops.



Regional Center

A focal point of regional commerce, identity and activity and containing a diversity of uses such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Generally, different types of Regional Centers will fall within the range of floor area ratios from 1.5:1 to 6.0:1. Some will only be commercially oriented; others will contain a mix of residential and commercial uses. Generally, Regional Centers are characterized by 6- to 20-stories (or higher). Regional Centers are usually major transportation hubs.



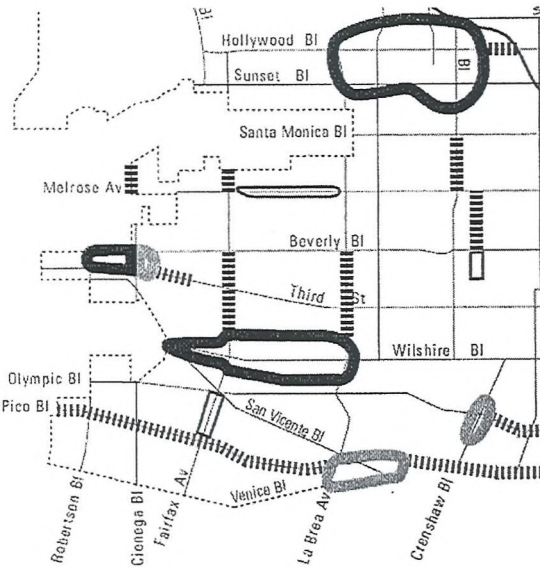
Downtown Center

An international center for finance and trade that serves the population of the five county metropolitan region. Downtown is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation facilities and the Convention Center. The Downtown Center is generally characterized by a floor area ratio up to 13:1 and high rise buildings.



Mixed Use Boulevard

These connect the city's neighborhood districts and community, regional and Downtown centers. Mixed Use development is encouraged along these boulevards, with the scale, density and height of development compatible with the surrounding areas. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4.0:1 and be generally characterized by 1- to 2-story commercial structures, up to 3- to 6-story mixed use buildings between centers and higher buildings within centers. Mixed Use Boulevards are served by a variety of transportation facilities.



Relationship To Community Plans

Adoption of the Framework neither overrides nor mandates changes to the Community Plans. The Community Plans reflect appropriate levels of development at the time of the Framework's adoption. As community plans are updated utilizing future population forecasts and employment goals, the Framework is to be used as a guide - its generalized recommendations to be more precisely determined for the individual needs and opportunities of each community plan area. During that process, nothing suggests that a community plan must be amended to the higher intensities or heights within the ranges described in the Framework. The final determination about what is appropriate locally will be made through the community plans - and that determination may fall anywhere within the ranges described.

As the city evolves over time, it is expected that areas not now recommended as Neighborhood Districts, Community and Regional Centers, and Mixed Use Boulevards may be in the future appropriately so designated; and areas now so designated may not be appropriate. Therefore, the Framework long range diagram may be amended to reflect the final determinations made through the Community Plan update process should those determinations be different from the adopted Framework.

Examples of the application of Framework definitions:

1. A *Regional Center* located in a low- to mid-rise suburban area characterized by large vacant lots may have a lower intensity; while an urban area, where most lots are smaller and built upon at higher intensities may have higher overall intensities. While the uses of these two types of *Regional Centers* will generally be the same (e.g., large office buildings, major entertainment facilities, extensive retail, including large shopping malls, overnight accommodations, served by major transportation and close to housing), the development characteristics will differ and be determined through the Community Plan process, taking into account the surrounding area.
2. A *Community Center* in one part of the city may be identified for a low intensity, e.g., floor area ratio of 1.5:1 and a height of 3 stories; while in another part of the City, a *Community Center* may start with a low intensity, e.g., floor area ratio of 1.5:1, but permit a bonus density (e.g., permit an additional floor area ratio of 0.5:1) and higher building heights whenever new development also includes housing.

These kinds of more precise determinations are made through the Community Plans. The General Plan Framework provides the range within which the determinations are made.

Relationship To Specific Plans

The city has a number of adopted specific plans which set detailed development regulations for local areas and include various types of regulatory limitations. Examples of these limitations include "trip caps," Design Review Boards, density/intensity limits, maximum heights, landscape, lot coverage, etc. The General Plan Framework is consistent with and does not supersede nor override these local requirements.

Footnotes

1. The General Plan Framework is comprised of the generalized Long Range Land Use Diagram, policies and programs. For a comprehensive understanding of the Framework's recommendations, both maps and text should be consulted.
2. *Special Study Area.* Future changes in use require approval by appropriate decision makers through appropriate studies and procedures. Changes may result in a community plan amendment, specific plan, development agreement, change of zone; and may include further restrictions, if necessary.
3. As decisions are made to fund or withdraw funding from transit stations, adjacent land uses will be re-evaluated.
4. Compact areas identified for future growth are known as Districts, Centers and Mixed Use Boulevards. They are also defined by their function within the community, citywide and regional context and take into consideration adjacent property in adjoining cities when appropriate. They offer a range of development potential because some are developed to their maximum, while others are not.

EXHIBIT 2

La Çienega Blvd



La Çienega Blvd



La Çienega Blvd



EXHIBIT 3



Memorandum

To: Beverly Grossman Palmer – Strumwasser & Woocher LLP
From: Sean Daly, PTP
Date: May 10, 2013
Re: Proposed 320 N. La Cienega Mixed-Use Development Traffic Impact Study Review

This memorandum summarizes our review of the revised traffic impact analysis report dated October, 2011 (TIA), prepared by Overland Traffic Consultants, Inc. as well as the mitigated negative declaration (MND) dated September 24, 2012 for the proposed mixed use development at 320 N. La Cienega Boulevard in the City of Los Angeles. The project is proposed to consist of a 45 unit apartment building with a maximum of 4,480 square feet of commercial space. This review focuses on the methodology and findings of the traffic impact analysis.

Findings

The study does comply with the generally accepted standards of transportation engineering; however the review resulted in the following findings and recommendations:

- Unsignalized intersections utilized as major site access points such as La Cienega Boulevard at the East/West alley, Alfred Street at Beverly Boulevard, and North/South alley at Oakwood Avenue, and Alfred Street at Oakwood Avenue should be analyzed for the potential for modified or additional traffic control devices due to the project
- The TIA does not address the condition of bicycle, pedestrian, and transit facilities in the study area and the potential impact the proposed project would have on those facilities.
- The TIA does not include an analysis of the potential local residential street impacts due to the project

Traffic Impact Analysis

The guidelines cited in the traffic study are the City of Los Angeles Department of Transportation (LADOT) and industry standards for traffic impact analysis utilized by transportation engineers for the analysis of the potential impact of new development projects.

City of Los Angeles Traffic Study Policies and Procedures

The City of Los Angeles Traffic Study Policies and Procedures provides standards, guidelines, objectives, and criteria to be used in the preparation of a traffic impact study within Los Angeles. A primary objective of the City's policies and procedures is to ensure consistency in the preparation of traffic studies and the planning of site access, on-site circulation, and off-site improvements for proposed land use development projects.

A traffic study is generally required of a development project due to environmental law or City regulations to predict and analyze the circulation and congestion impacts of project-generated traffic on the transportation

system and to identify feasible mitigation measures if a significant impact could potentially occur as a result of the project.

It should be pointed out that the City of Los Angeles guidelines for traffic studies focuses primarily on signalized intersections surrounding a proposed project but where needed they also require other types of analysis such as residential street impact analysis where a project could contribute trips to a local residential street. It guides transportation engineers to analyze the 'capacity' of intersections to move traffic in order to demonstrate the 'level of service' of the intersection on an 'A' (best) to 'F' (worst) by the ratio of the capacity of the intersection (cars passing through per hour) to the actual traffic counts. This measurement does not account for queuing and intersection overflow due to congestion. Therefore a TIA that follows the guidelines may not provide the best information to make site-specific recommendations for site access which may require more detailed review by LADOT as part of the site planning process.

Subsequent to the writing of the TIA, the City of Los Angeles Traffic Study Policies and Procedures was updated—many transportation engineering guidelines are continually updated to keep pace with empirical data and policy objectives. The May 2012 version of the LADOT traffic study policies and procedures have an added emphasis placed upon transportation demand management and multi-modal strategies in an expanded mitigation toolkit. These changes reflect the City policy trend away from automobile-centric solutions and focus on trip reduction strategies and multimodal solutions on the mitigation of potential impacts with increased emphasis on bicycle, pedestrian and transit trip making from a proposed project. While the TIA under review was completed before these guideline changes were implemented, this review will indicate where bicycle, pedestrian and transit analysis would assist in describing the effect of the proposed project on the multimodal transportation system. It is nearly two years since the TIA was submitted and since the project has not been approved it seems reasonable that the new City policies and procedures may be applied.

The study does comply with the generally accepted standards of transportation engineering in the analysis of the impact of a land use development project; however the peer review has several findings and recommendations to inform all parties of the relationship of the proposed project to the transportation system in order to minimize its impact on the area transportation system. The following summarizes our findings and recommendations in the peer review of the TIA:

Chapter 3 – Environmental Setting

Transportation Facilities

The LADOT Traffic Study Policies and Procedures are focused on the potential of a project to impact signalized intersections. They clearly state that unsignalized intersections should be evaluated solely to determine the need for the installation of a traffic signal or other traffic control device, but will not be included in the impact analysis. While the study did analyze the appropriate adjacent signalized intersections, unsignalized intersections utilized as major site access points such as La Cienega Boulevard at the East/West alley, Alfred Street at Beverly Boulevard, and North/South alley at Oakwood Avenue, and Alfred Street at Oakwood Avenue may have the potential for modified or additional traffic control devices and should be analyzed as primary roadway network access points.

Typically this type of analysis involves a 'traffic signal warrants' study to determine if the traffic on the secondary (smaller) roadway is high enough to require a traffic control device on the primary (larger) roadway to allow for vehicles to access the primary street. Given the congested conditions surrounding the intersection of La Cienega Boulevard and Beverly Boulevard and the proximity of these locations to the intersection, additional attention should be given to avoiding the disruption of the operations of this major intersection.

Transit Information

The transit information in the TIA does not mention Metro Bus Routes 30 and 330 which operated in seven to eight minute headways along San Vicente near the project site providing service between Beverly Hills and Downtown Los Angeles.

Bicycle and Pedestrian Facilities

The TIA does not address the condition of bicycle and pedestrian facilities in the study area and the potential impact the proposed project would have on those facilities. The 2010 City of Los Angeles Bicycle Plan identifies several study area roadways as future components of the City's bicycle network. Beverly Boulevard and 3rd Street are identified as part of the Backbone Bikeway Network. Rosewood Avenue and Orlando Avenue are identified as part of the Neighborhood Bikeway Network.

Chapter 4 – Project Traffic Characteristics

Project Traffic Generation

The traffic-generating potential of the existing and proposed site land uses are based on the Institute of Transportation Engineers (ITE) Trip Generation Handbook, 8th Edition which is the industry standard for transportation engineering practice. The three land uses used to calculate the overall site trip generation are for the apartment, specialty retail and café portions of the project.

Subsequent to the development of the TIA, a 9th Edition of the ITE Trip Generation Handbook was released in which the only difference for the trip rates of land uses related to the project were the reduction of the number of total AM peak hour trips from Land Use 936 (café) from 117.23 trip to 108.38 trips. Therefore the TIA uses a higher rate for AM café trip generation than is in the most recent Trip Generation Handbook.

The TIA uses the San Diego Association of Governments (SANDAG) AM peak hour trip rates for Land Use 814 (Specialty Retail) without justification. This value of 1.33 is significantly lower than the Trip Generation Handbook rate of 6.84. It is possible that the expected land use would not be open in the AM peak hour; however in the absence of explanation we are unable to determine the intent. The effect of this lower trip generation rate is mostly nullified by the similarly-sized existing site uses analysis at the same trip generation rate, resulting in a net change of one trip in the AM peak hour (see attached comparison table).

Trip Distribution and Assignment of Project Traffic

Detailed ingress/egress information is not available in the TIA that describes the use of the site access points at unsignalized intersections such as La Cienega Boulevard at the East/West alley, Alfred Street at Beverly Boulevard, and North/South alley at Oakwood Avenue, and Alfred Street at Oakwood Avenue. Based on the project trip distribution at study intersections figure, one can see that at least 55 percent of the outbound daily trips (165 trips) utilize the intersection of Alfred Street at Beverly Boulevard to exit the site.

This level of traffic and the assumed direction of travel of project traffic are potentially important in determining the presence of residential street impacts, defined in the LADOT Policies and Procedures as local residential street significance criteria:

- Projected Average Daily Traffic (ADT) with Project (final ADT) 0 to 999 with a project-related increase in ADT: 120 or more
- Projected Average Daily Traffic with Project (final ADT) 1,000 to 1,999 with a project-related increase in ADT: 12 percent or more
- Projected Average Daily Traffic with Project (final ADT) 2,000 to 2,999 with a project-related increase in ADT: 10 percent or more

Since the TIA contains no information regarding the average daily traffic of Alfred Street a determination in regard to residential street impacts cannot be made.

Parking, Access & Circulation

The description of the site access does not clearly state the assumptions for alley use and do not allow for a clear assessment of access to/from the site by the various potential ingress and egress locations:

- East-West Driveway at La Cienega Boulevard
- East-West Driveway at Alfred Street
- North-West Driveway at Oakwood Avenue

The potential for unidentified impacts on local residential streets and the potential need for additional traffic control devices at unsignalized intersection are mentioned in the review of Chapters 3 and 4 in this memorandum.

Chapter 5 – Traffic Conditions Analysis

Analysis of the potential impact of the proposed project on area signalized intersections and freeway facilities follows LADOT guidelines in both the scenarios analyzed and the criteria utilized for the findings of significance. LADOT significant impact criteria for signalized intersections is more stringent than the City of West Hollywood, therefore the project used LADOT impact criteria for intersections located in both cities, which is a common practice for traffic impact analyses.

Transit Analysis

The TIA uses a generalized transit analysis based on the Los Angeles County Metropolitan Transportation Authority (LACMTA) Congestion Management Program (CMP) which states that “the trips assigned to transit may be calculated by multiplying the person trips generated by 3.5%” in order to determine the potential impact of the proposed project on the transit system. Despite the general acceptance that the transit system can accommodate additional transit trips without an impact to service and operations, there may be specific impacts of the project on the local transit facilities (such as the Metro Bus and DASH stop adjacent to the gas station along La Cienega to the north of Beverly Boulevard).

Given the mix of land uses in the development and its proposed location it is reasonable to assume bicycle, walking and transit trips would form a large proportion of site trips, however neither the potential for these trips, nor the facilities they would utilize are described in detail in the impact analysis of the TIA.

Chapter 6 – Mitigation Measures

No signalized intersection significant impacts were determined as part of the study therefore there were no proposed mitigation measures. However, additional analysis of the local residential street impacts, bicycle, pedestrian and transit impacts of the project could potentially result in project impacts.

Mitigated Negative Declaration

The mitigated negative declaration for the proposed project includes the following findings:

An adverse impact may result from the project's traffic generation. An investigation and analysis conducted by the Department of Transportation has identified significant project-related traffic impacts which can be mitigated to less than significant level by the following measure (with our comments in *italics*):

- Implementing measures detailed in the Department of Transportation's communication to the Planning Department dated January 19, 2012 and attached shall be complied with:

This item was not attached to the copy of the MND we received; therefore we were not able to review it.

- Construction Impacts: DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work.

This is standard practice to ensure safety and access during the construction period

- Highway Dedication and Street Widening Requirements:

The width of La Cienega Boulevard based on aerial photograph measurement is the standard 104 foot right-of-way and has 17 foot sidewalks as a pedestrian priority segment.

- Parking Requirements

We checked the parking proposal and the proposed parking meets the City's requirements

- Driveway Access and Circulation: The review of this study does not constitute approval of the driveway dimensions.

This is a design-level item that would not be addressed in the traffic study and is handled during the site planning of the proposed project as described in the MND

Please let me know if you have any questions regarding the above comments and I will be glad to discuss them with you. I can be reached directly at (206) 913-9663 or via email at std@iteris.com