



CENTRAL AREA PLANNING COMMISSION

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

Determination Mailing Date: SEP 26 2014

CASE NO.: DIR-2013-3495-CCMP-1A
CEQA: ENV-2005-8131-MND-REC1

Location: 849-859 South Lucerne Boulevard
Council District: 4 - LaBonge
Plan: Wilshire
Zone: R3 - 1 - HPOZ

Applicant: Ik Kyoon Ahn
Representative: Peter Wilson

Appellants: 1) Chong Paik, Kyung Paik, and Joseph Hoffman
2) Windsor Village Association
Representative: R. J. Strotz, Esq.

At its meeting on **August 26, 2014**, the following action was taken by the Central Area Planning Commission:

1. Granted the appeals in part.
2. Sustained the Director of Planning's Determination to approve the Certificate of Compatibility, subject to modified Conditions of Approval.
3. Adopted the Findings.
4. Adopted the environmental clearance Mitigated Negative Declaration ENV-2005-8131-MND-REC1.

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 Millman
Seconded:	Commissioner Chung Kim
Ayes:	Commissioners Millman, Chung Kim, and Brogdon
Noes:	Commissioner Chemerinsky
Absent:	Commissioner Lopez

Vote: 3 - 1

Effective Date
Effective upon the mailing of this notice

Appeal Status
Not further appealable to City Council



 Rhonda Ketay, Commission Executive Assistant I
 Central Area Planning Commission

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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: Modified Conditions of Approval and Findings

cc: Notification List
Nora Dresser
Michelle Levy
Ken Bernstein

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CONDITIONS OF APPROVAL

1. The use and development of the subject property shall be in substantial conformance with this approval and the plans submitted by the applicant, signed and dated by staff and attached to the case file as **Exhibit A as Revised by Central Area Planning Commission**. Any changes to the project or these plans shall be approved by the Director of Planning and may require additional review by the HPOZ Board. Each change shall be identified and justified in writing. Modified plans shall be signed and dated by staff and attached to the case file as **Revised Exhibit A**, etc.
2. The project shall be executed with the following design feature, as Conditioned by the Central Area Planning Commission at its hearing of August 26, 2014:

The Revised Exhibit A plans shall include the modification of the south wall - an increased articulated setback from seven feet to nine feet (on each of the four levels) for a 24'-11" portion of the south facing wall to maintain a minimum of nine foot side yard setback for the length of the neighboring duplex.

3. *Prior to the issuance of a building permit*, the applicant shall submit the two final sets of architectural/construction drawings that have been reviewed by LADBS plan check engineers, as well as two additional sets of architectural drawings for final review and approval by Department of City Planning staff (four sets of plans total). Final drawings shall substantially resemble the Approved Exhibit (or any subsequent Modified Exhibits) and shall be stamped and dated by staff and attached to the case file as **Final Exhibit**.
4. *Prior to the issuance of a building permit*, The following statement shall be imprinted on the site plan, floor plan, elevations and any architectural detail sheets of any construction drawings submitted to the Department of Building and Safety:

NOTE TO PLAN CHECKER AND BUILDING INSPECTOR - These plans, including conditions of approval, shall be complied with and the height, size, shape, location, texture, color, or material shall not differ from what the Director of Planning has approved under DIR-2013-3495-CCMP, except as modified by Condition No. 2 above. Any change to the project shall require review by the Director of Planning and may require additional review by the Historic Preservation Overlay Zone (HPOZ) Board. A request for variation shall be submitted in writing and include a specific notation of the variation(s) requested. Should any change be required by a public agency then such requirement shall be documented in writing.

5. *Prior to the issuance of a building permit*, these Conditions of Approval shall be printed on the cover sheet of all four sets of drawings submitted for review as Final Exhibits.
6. The granting of this determination by the Director of Planning does not in any way indicate compliance with applicable provisions of LAMC Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
7. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of

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consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

- 8. Code Compliance. All area, height and use regulations of the zone classification for the subject property shall be complied with.
- 9. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
- 10. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.

Observance of Conditions – Time Limits

All terms and conditions of this Certificate of Compatibility shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of this determination and if such privileges are not utilized within said time, the authorization shall terminate and become null and void. Privileges shall be considered utilized when a valid permit from the Department of Building and Safety has been issued and construction work has begun and been carried out without substantial suspension or abandonment of work. An approval not requiring permits for construction or alteration from the Department of Building and Safety shall be considered utilized when operations of the use authorized by the approval have commenced.

Transferability

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

Violation of These Conditions is a Misdemeanor

Section 11.00 M of the Los Angeles Municipal Code states in part: "It shall be unlawful to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be in charged by the City Attorney as either a misdemeanor or an infraction." Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

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FINDINGS

A. **12.20.3.L.3.(b) – Recommendations from the Country Club Park-Wilshire Park-Windsor Village HPOZ Board:**

Section 12.20.3.L. of the LAMC requires that Department of City Planning staff refer applications for Certificates of Compatibility to the HPOZ Board within a 30-day period of the application having been deemed complete. The purpose of this requirement is to allow the subject application to be discussed in a public meeting with both public and expert testimony.

Having deemed the subject application complete on November 7, 2013, Department of City Planning staff sent copies of the application with relevant materials to the HPOZ Board on the same day. Notice was posted for the meeting at the site, and at City Hall, and mailed to abutting property owners on November 7, 2013. After ten (10) days of public notice via Agenda posting and site posting, the Country Club Park-Wilshire Park-Windsor Village HPOZ Board met on November 19, 2013 and conducted a public hearing on the proposed project at the meeting, pursuant to LAMC Section 12.20.3.M: Notice and Public Hearing. The HPOZ Board, with a six-member quorum, split its vote on the project: three recommended approval, three recommended denial of the project, and one recused herself. Because a Board majority (four votes) is required for a Board action, there was no official recommendation by the HPOZ Board.

A hold was placed on the case on November 20, 2013, as agreed by the applicant and Planning staff, to make additional changes to the proposed project to address some of the Board members' concerns regarding massing and height. Subsequent meetings with staff resulted in further changes to the Plan including the removal of the application for the 15th unit in the new building (resulting in 32 units total) and additional setbacks at the southwest corner. Planning staff has taken into consideration the concerns and recommendations of the HPOZ Board and community members who spoke at the hearing and provided written communications. Approval of the subject application is therefore consistent with 12.20.3.L. of the LAMC

B. **12.20.3 L 4 (b). Standards for Issuance of Certificate of Compatibility for New Building Construction or Replacement, and the Relocation of Buildings or Structures Not Dating from the Preservation Zone's Period of Significance Onto a Lot Designated as a Non-Contributing Element, as it relates with the adopted Preservation Plan.**

The proposed project, as conditioned in this Determination, substantially complies with LAMC Section 12.20.3.L.4 because the proposed project complies with and is consistent with the adopted Preservation Plan.

9.3 Setting, Location and Site Design

1. New residential structures should be placed on their lots to harmonize with the existing historic setbacks of the block on which they are located. The depth of the front and side yards should be preserved, consistent with other structures on the same block face.

There is a diversity of front and side yard setbacks among both Contributing and Non-Contributing structures on the same block face, with the Contributing structures having the most variability. No changes to the footprint of the existing apartment building will be

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made. The new proposed building provides a transition from the deeper setback of the Contributing apartment building on the south (33.5 feet) and shallower setback of the project's existing building to the north (21 feet). The proposed new building's front yard setbacks range from 24 to 17.6 feet from the front property line at the ground level. Above the ground floor, the new building will have articulated front, southerly side and rear setbacks, stepping back each story horizontally from the first floor building line. Finally, to reduce its visibility from the street view, the fourth story is set back at a total of 44 feet from the front property line.

Along the south edge of the building, to harmonize with and provide separation from the adjacent two-story Contributing Element, the project's south side yard setback is articulated at the ground level varying from seven feet from the property line towards the rear, increasing to 11 feet towards the front. In addition, at the southwest corner, the south side yard setback increases with each successive story from 11 feet at the ground floor to approximately 15 feet on the fourth story to add further distance from the neighboring Contributor apartment building, as per Exhibit A Plans.

2. A progression of public to private spaces from the street to the residence should be maintained. One method of achieving this goal is to maintain the use of a porch to create a transitional space from public to private.

The property is located on a significant slope, downward from north to south. Accessible ramps and stairways will lead to the front entrance of the new building. Terraced planters will provide a progression of public to private spaces from the street to the entrance into the building. New landscaping in the front yard of the existing apartment building will also be added. Each entrance will have a front porch area at the top of the stairs and ramp.

3. Historic topography and continuity of grade between properties should be maintained.

Lucerne Boulevard slopes downward from north to south. In addition, there is an approximately 8-foot grade change from the sidewalk to the pad area of the lot. The new building and two stories of subterranean parking have been lowered as much as possible to provide a reduced total height. However, the grade between the two existing buildings on each side maintains the continuity of the historic topography.

4. Attached garages are generally inappropriate; detached garages are preferred. Garages should be located to the rear of the property.

Contributing properties along Lucerne Boulevard either do not provide parking, locate garages in the rear, or provide subterranean parking. Historically, the sloping lots have provided unique opportunities for subterranean or semi-subterranean parking for these multi-family structures. The subject project provides subterranean parking via a single driveway, similar to the project's existing apartment building.

5. Parking areas should be located to rear of a structure. Designation of parking spaces within a front yard area is generally inappropriate.

Access to subterranean parking is provided, similar to other Contributor multi-family sites, along Lucerne Boulevard. As proposed, there are no opportunities for parking within the front yard.

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6. Front and side yard areas should be largely dedicated to planting areas. Large expanses of concrete and parking areas are inappropriate.

Other than walkways, stairways, and ramps, all proposed available areas in the front, sides and rear of the project are to be landscaped. The walkway and center courtyard are paved, with planters along the walkway and gathering areas, as per the Landscape Concept Plan.

7. The lot coverage proposed for an in-fill project should be substantially consistent with the lot coverage of nearby Contributor properties.

Along Lucerne Boulevard, there is a variety of lot coverage ratios among the 12 Contributing multi-family developments, ranging from 27% to 73%. The average lot coverage is approximately 53% whereas the subject project is 57%, which is substantially consistent with the nearby Contributor properties.

9.4 Massing and Orientation

1. New residential structures should harmonize in scale and massing with the existing historic structures in surrounding blocks. For instance, a 2.5 story structure should not be built in a block largely occupied by single-story bungalows.

The multi-family buildings in the area have primarily two and three stories with a few one and four story structures. Perceived scale and massing may fluctuate due to the sloping lots of the Contributor buildings along Lucerne Boulevard. The proposed project is a total of four stories, articulated, and stepped back on the front, south side, and rear edges with the greatest step back proposed at the southeast corner. The articulated north side is adjacent to the project's existing apartment building and is not stepped back. The fourth story of the new building is set back in the front by 44 feet from the front property line and in the rear by 25 feet from the rear property line, thus creating a minimal profile from the street and rear neighbors.

2. When found to be appropriate, new structures that will be larger than their neighbors should be designed in modules, with the greater part of the mass located away from the main facade to minimize the perceived bulk of the structure.

Given that the new proposed building is larger than the neighboring building to the south, it has a modulated design to reduce the overall massing and appearance of upper stories.

The building takes advantage of changes in topography to emphasize the building entrance, which helps to break down the massing of the front façade. In addition, each floor is articulated with indentations to provide visual breaks in the façade. These elements, combined with the landscaping at the ground floor will help to soften the appearance of the overall structure.

The building will have an articulated front, southerly side, and rear, with each upper story successively scaled back, most notably at the southwest corner that is adjacent to a two-story, Contributing Element, apartment building. The cumulative building setback at the fourth story is 44 feet in the front and 25 feet in the rear from each property line. The project's south side yard setback is 7 feet from the property line towards the rear and 11 feet towards the front, scaling back incrementally each story to approximately 15 feet on the fourth story, where the neighboring apartment building is located, as illustrated on the Exhibit A floor plans and elevations.

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3. New residential structures should present their front door and major architectural facades to the primary street and not to the side or rear yard.

The project's two buildings will each have a primary entrance with a porch, in the front, with separate walkways, ramps and stairs.

9.5 Roof Forms

1. New residential structures should echo the roof forms of the surrounding historic structures. For instance, if the majority of structures along a particular street utilize front-facing gable-ends, the in-fill structure should likewise utilize a gable-end. Where a diversity of roof forms exist on a street, a predominant form should be used. It would be inappropriate to introduce a new roof form that is not present on the street.

There is a diversity of roof forms along Lucerne Boulevard. The majority of the buildings have flat roofs. The project's existing building has a flat roof as well as the proposed new building.

2. Roofing materials should appear similar to those used traditionally in surrounding historic residential structures. If modern materials are to be used, such materials should be simple and innocuous.

The roofing material will be similar to historic flat roofs and will not be street-visible.

4. In HPOZs where roof edge details, such as corbels, rafter tails, or decorative vergeboards are common, new construction should incorporate roof edge details which echo these traditional details in a simplified form.

Flat simple projection awnings and/or eaves will be added above some balconies and portions of the roofs in keeping with the Streamline Moderne style.

9.6 Openings

1. New construction should have a similar façade solid-to-void ratio to those found in surrounding historic structures.

There are a variety of style types of the Contributing structures along Lucerne Boulevard, however, the overall solid-to-void ratio are all similar. The front facades tend to have a lower solid-to-void ratio. A Vernacular Modern building (on Lucerne Boulevard) has similar window groupings to the proposed new building which provides a slightly lower solid-to-void ratio in the front, wrapping around the corners. The ratio is balanced with higher solid-to-void along the visible side walls as per Exhibit A's "Perspective Lucerne Blvd".

2. New construction should use similar window groupings and alignments to those on surrounding historic structures.

The Vernacular Modern and Streamline Moderne styles in the area have similar window groupings as the proposed new building. They provide a row of windows that wrap from the front and around corners. In addition, window placement includes a balance between single windows and groupings of two or three, often repeated vertically from one story to the next.

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3. Windows should be similar in shape and scale to those found in surrounding historic structures.

The proposed windows are similar in shape and scale to other historic structures that are Streamline Moderne, Vernacular Modern, or other comparable styles in the area.

[4] 1. Windows should appear similar in materials and construction to those found in surrounding historic structures.

The historic Contributor multi-family structures in the area were built with either wood or steel windows, depending on the building's style and era built. The proposed windows are aluminum clad wood windows and will appear similar to other Contributing structures.

*[6] 3. Main entryways should be configured and emphasized similarly to those on surrounding structures. Attention should be paid to design similarities such as symmetry, depth, and the use of architectural features such as pediments, crowns, porches, etc.
And;*

[7] 4. Entrance enclosures, such as porches, porte-cocheres and overhangs should be used when similar features are widely used within the neighborhood.

Each of the Contributor, multi-family, buildings along Lucerne Boulevard has a simple main entryway consisting of a walkway and porch; some with stairs and ramps depending on the slope of the property from the sidewalk. There is no consistency of the location of the walkway with some centered at the front, some off-centered on one or the other side, and the rest leading to the side edge of the building. However, the existing apartment building of the subject project has a simple centered entryway and the new building's simple entryway is generally centered as well. The porch area of the existing apartment building and the proposed building is shallow leading into a patio area and lobby respectively. This is consistent with surrounding structures.

9.7 Materials and Details

1. New construction should incorporate materials similar to those used traditionally in historic structures in the area. If most houses within a neighborhood are wood clapboard, an in-fill house that is entirely stucco is generally inappropriate.

There are a variety of exterior materials applied to the Contributor multi-family buildings along Lucerne Boulevard and in the area; however, the use of smooth stucco is widespread. The proposed development maintains the smooth stucco on the existing apartment building and applies the same treatment to the new building as well. Windows shall be aluminum clad wood windows with the Hartford Green finish.

*3. Architectural details such as newel posts, porch columns, rafter tails, etc., should echo, but not exactly imitate, architectural details on surrounding historic structures. Special attention should be paid to scale and arrangement, and, to a lesser extent, detail.
And;*

4. Use of simplified versions of traditional architectural details is encouraged.

The project - renovation of the front façade of the existing apartment building and the new building - is inspired by the Streamline Moderne style. The style of the buildings includes an asymmetrical design, flat roof, smooth stucco walls, and wrap-around windows. Architectural details are simple horizontal railings and banding elements.

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- C. A Mitigated Negative Declaration (MND) was issued on December 20, 2005 (Environmental Case No. ENV-2005-8131-MND) for the proposed project in accordance with the California Environmental Quality Act (CEQA) pursuant to the City of Los Angeles CEQA Guidelines. A reconsideration was requested on May 6, 2013 by the Applicant in conjunction with a request to modify a Tentative Tract approval for the project (TT-63468-CC-M1) to accommodate an additional dwelling unit in the new building. The requested reconsideration was granted (Case No. ENV-2005-8131-MND-REC1) on June 13, 2013, stating that the only significant change in the Environmental Setting had been the adoption of the Windsor Village Historic Preservation Overlay Zone (Ord. No. 181373, adopted on October 20, 2010), which includes the subject site and surrounding properties. The request was subsequently withdrawn, resulting in no change to original project description as evaluated in 2005.

The project site is identified as a Non-Contributing Element because it does not have historical or culturally significant resources. Pursuant to LAMC Section 12.20.3.L, the construction of the proposed new building on the site requires review by the HPOZ Board and the issuance of a Certificate of Compatibility by the Director of Planning. As addressed in the above Findings, in conformance with the Windsor Village Preservation Plan, any potential impacts to the significance of historical resources in the area have been reduced to a less than significant level.

**DETERMINATION LETTER
DIR-2013-3495-CCMP-1A
MAILING DATE: 09/26/14**

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