

February 7, 2016

Doug Haines, La Mirada Avenue Neighborhood Association
P.O. Box 93596
Los Angeles, CA 90093-0596

Planning and Land Use Management Committee,
Los Angeles City Council
c/o Office of the City Clerk
City of Los Angeles, City Hall
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

Date 2-9-16

Submitted in PLUM Committee

Council File No. 16-0023

Re 3

Commissioner Fred Kocher

RE: Council File 16-0033

Case No.: CPC-2015-74-GPA-CUB-SPP-SPR

CEQA No.: ENV-2008-1421-EIR

Project Location: 5500 – 5544 Sunset Blvd., 1417 – 1441 N. Western Ave., 1414 St. Andrews Pl.,
and 5505 – 5545 De Longpre Ave.

Dear Chair Huizar, and Honorable Council members:

Attached are additional exhibits regarding the “Target at Sunset and Western” project. The Planning and Land Use Management Committee is scheduled on February 9, 2016 to hear our neighborhood association’s appeal of the City Planning Commission’s November 12, 2015 re-approval of the proposed 420,000 sq. ft. development.

Target seeks to amend the General Plan, the Vermont/Western Transit Oriented Specific Plan, and the Hollywood Community Plan to proceed with its project, which the Courts invalidated in 2014.

Please note the attached exhibits:

Exhibit 1: 12/31/12 letter from the City Attorney in response to alleged Brown Act violation.

Exhibit 2: 11/19/12 La Mirada objection letter to the City Council.

Exhibit 3: 11/19/12 Art Kassan objection letter to the City Council.

Exhibit 4: 11/19/12 Ed Hunt objection letter to the City Council.

Exhibit 5: 11/13/12 Silverstein Law Firm objection letter to PLUM

Exhibit 6: 11/9/12 La Mirada objection letter to PLUM

Thank you for your time and consideration of this matter.

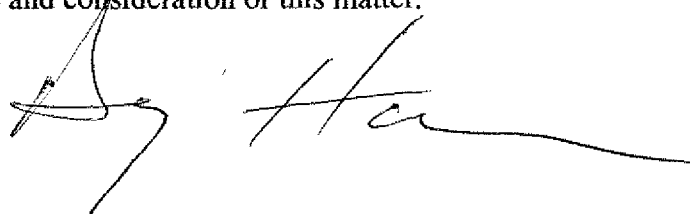


EXHIBIT 1

COUNCIL FILE
12-1604

CF-12-1604-1962

L.A. CITY ATTORNEY

Fax 12139788214

Dec 31 2012 01:27pm POC2/902

City Hall East
200 N. Main Street
Room 701
Los Angeles, CA 90012

(213) 978-8233 Tel
(213) 978-8214 Fax
terry.kaufmann-macias@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

December 31, 2012

VIA FACSIMILE (626) 449-4205
AND FIRST CLASS U.S. MAIL

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, California 91101-1504

Re: Target Hollywood Project

Dear Mr. Silverstein:

We are in receipt of your December 12, 2012 Demand to Cure and Correct letter, alleging a Brown Act violation in connection with the November 13, 2012 and November 20, 2012 PLUM and Council agendas for the Target Hollywood project (the Project).

The City does not concede that the referenced agendas constitute a violation of the Brown Act. Nevertheless, out of an abundance of caution, the City will rehear the Project at both PLUM and City Council. Given the date of your Demand, the holidays and the City Council recess, the City will take these actions as soon as practicable and inform you of the new dates.

Please do not hesitate to contact me if you have further questions regarding this matter.

Very truly yours,

TERRY P. KAUFMANN MACIAS
Supervising Attorney
Land Use Division

TPKM:gl

cc: June Lagmay, City Clerk
Marcel Porras, Council District 13
William F. Delvac, Esq. (via email)
R.J. Comer, Esq. (via email)

M:\Real Prop_Env_Land Use\Land Use\Terry K. Macias\Silverstein.Target.doc

RECEIVED
CITY CLERK'S OFFICE
2013 FEB 19 PM 12:48
CITY CLERK
BY _____

EXHIBIT 2

November 19, 2012

Doug Haines, La Mirada Avenue Neighborhood Association
P.O. Box 93596
Los Angeles, CA 90093-0596

Los Angeles City Council
c/o Office of the City Clerk
City of Los Angeles, City Hall
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

CITY CLERK'S OFFICE
2012 NOV 20 AM 9:21
CITY CLERK
BY _____ CITY

RE: Council File 12-1604

Case No.: APCC-2008-2703-SPE-CUB-SPP-SPR

CEQA No.: ENV-2008-1421-EIR

Project Location: 5500 – 5544 Sunset Blvd., 1417 – 1441 N. Western Ave., 1414 St. Andrews Pl.,
and 5505 – 5545 De Longpre Ave.

Dear President Wesson, and Honorable Council members:

Please note the following exhibits supporting our neighborhood association's appeal of the Central Area Planning Commission's August 14, 2012 approval of a proposed Target retail development at 5520 Sunset Boulevard, at the intersection of Western Avenue in Hollywood. The City Council is tentatively scheduled to act on the matter at its November 20, 2012 regular meeting.

If constructed as described on page I-3 of the Draft *Environmental Impact Report* ("DEIR"), "Proposed Project," and slightly modified by the Commission's action, the Target development would consist of a structure 74 feet, 4 inches in height, with 194,749 sq. ft. of retail development and 225,286 sq. ft. of above-grade parking spaces in two levels totaling 458 stalls. Total site development is 420,035 sq. ft. The net lot area is 160,678 sq. ft. The primary component of the project would be a 163,862 sq. ft. Target retail store on the third level, with 30,887 sq. ft. of unidentified retail at ground level (hereinafter the "Project"). The applicant is Target Corporation ("Applicant").

Attached at **Exhibit 1** is a November 19, 2012 letter from traffic consultant Art Kassan detailing deficiencies in the Project's EIR. Attached at **Exhibit 2** is a November 4, 2012 insert in the Los Angeles Times advertising "*Groceries fresh from Target.*" Note Target's "*Savory Savings*" on frozen food items that include "*Premium All-Natural Butterball Turkey,*" "*Claim Jumper Pies,*" and "*All-Natural Ground Beef.*" All such items require refrigeration both during transportation and unloading.

Los Angeles City Council, Council Files 12-1604 & 09-2092

Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR

November 19, 2012; Page 2

Attached at Exhibit 3 is an August 18, 2004 Los Angeles Times article regarding the sale of the West Hollywood Gateway project by developer J.H. Snyder Co. to ING Clarion for \$72 million. The West Hollywood Gateway development places all parking in a subterranean garage and includes a 137,500 sq. ft. Target store. Despite false claims to the contrary by the Applicant in its Supplemental Findings, Target does not own the Gateway site, and Target did not design, build or in any manner develop the property. Target has in fact never constructed a project in North America with subterranean parking.

Note photo below showing the surface parking lot reserved for residents of the residential affordable housing component of the Ralph's development at Hollywood Blvd. and Western Ave. Despite the Applicant's false claims to the contrary, the Ralph's development is financially separate from this affordable housing component, which was developed by the Hollywood Community Housing Corporation.



Attached at Exhibit 4 is a November 7, 2005 Los Angeles Business Journal article detailing attempts by Councilman Eric Garcetti to force the Clarett Group to abandon its plans for low-rise buildings for its Blvd. 6200 project and instead construct skyscrapers on its property located less than one mile west of the Target site. The Blvd. 6200 project includes 5 levels of subterranean parking, two public plazas, 157,000 square feet of stores and restaurants, and 1,014 residential units, with 100 units reserved for affordable housing. The project received no public subsidies, and its approval was supported by all of the Hollywood area neighborhood councils and the Hollywood Design Review Committee. In contrast, Target's Project is opposed by those same community organizations.

Los Angeles City Council, Council Files 12-1604 & 09-2092

Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR

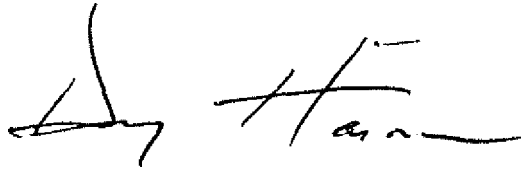
November 19, 2012; Page 3

Attached at **Exhibit 5** is a definition by former Zoning Administrator Jon Perica of the term "vicinity" as applied by the Los Angeles Department of City Planning.

Attached at **Exhibit 6** please note a Google Earth photo showing the existing low-scale development of Sunset Blvd. in the vicinity of the Project site.

As a low-level community in historic Hollywood, we ask that the City Council recognize the negative impacts associated with this and similar developments inconsistent with our community's land use and planning, and support our appeal. We further ask that the City Council deny the Applicant's request to adopt its Supplemental Findings.

Thank you for your courtesy and attention to this matter.

A handwritten signature in black ink, appearing to read "Doug Haines". The signature is stylized with a large initial "D" and a long horizontal stroke at the end.

Doug Haines, for the
La Mirada Avenue Neighborhood Association

Exhibit 1

CF-12-1604Rescan-001516
ARTHUR L. KASSAN, P.E.
Consulting Traffic Engineer

November 19, 2012

Honorable Herb Wesson, President, and Honorable Members
Los Angeles City Council
c/o Los Angeles City Clerk
Room 395
City Hall
200 N. Spring Street
Los Angeles, CA 90012

Subject: Council File 12-1604
ENV-2008-1421-EIR
5520 Sunset Boulevard, Hollywood
Target Retail Shopping Center Project

Dear Honorable Council Members:

On behalf of the La Mirada Neighborhood Association of Hollywood, I am addressing the responses to comments that have been incorporated into the Final Environmental Impact Report (FEIR) for the above project.

According to the Caltrans comment letter, "The Hollywood Freeway (US-101) currently operates at level-of-service (LOS F) during peak periods ... [FEIR pagelll-132] In response to Comment 10-2, page III-126, the FEIR states, "The future Target traffic from the 101 Hollywood Freeway traveling northbound will exit the freeway near Sunset Boulevard via the northbound off ramp at Harold Way and Wilton Place located one block west of the store site not further south at Santa Monica Boulevard and Serrano Avenue which is considerably farther from the Target site, approximately ¾ mile." That is a questionable statement with no supporting evidence and ignoring observable patterns of driver behavior on congested freeways throughout the metropolitan area.

It is well known among those who observe urban traffic patterns that drivers encountering severe congestion on a freeway will exit the freeway if there is a viable alternative routing on the surface street network. With the Hollywood Freeway already operating at LOS F, as stated by Caltrans, many drivers, recognizing that the Target project is near and that Western Avenue is a direct access route to the project, will exit at the Santa Monica Boulevard off-ramp and travel through the neighborhood that is immediately north of that ramp to reach Western Avenue by way of La Mirada Avenue.

A traffic engineer/analyst familiar with the traffic flow conditions and the street pattern in that area should be able to make reasonable estimates of the traffic that will be attracted to that freeway-to-neighborhood bypass routing. Those estimates should have been included in the original traffic impact study for the Draft EIR (DEIR) to provide the conservative analysis that is required. The DEIR should be recirculated with a more realistic distribution of the freeway-oriented Target project traffic.

Telephone
(310) 558-0808

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Culver City, CA 90230

FAX
(310) 558-1829

Honorable Herb Wesson, President, and Honorable Members
Los Angeles City Council
November 19, 2012

Page 2

The FEIR states that "The cut-through route via Serrano Avenue and La Mirada Avenue is not a Target traffic route." [FEIR page III-126, response to Comment 10-2] That statement is unsubstantiated, and there is no supporting evidence. Many drivers, familiar with the neighborhood, will turn right from Santa Monica Boulevard to enter the neighborhood and exit on Western Avenue, having avoided the congestion at the Santa Monica Boulevard/Western Avenue intersection. Others will exit the freeway at Santa Monica Boulevard, as described above, and travel through the neighborhood to Western Avenue. A conservative, worst-case analysis should have taken those movements into account. A recirculated DEIR would present the opportunity to do so.

Several FEIR responses acknowledge that the DEIR contained substantial errors in the characterization of the project's impacts and the feasibility of mitigating those impacts particularly at two critical intersections – Santa Monica Boulevard/ Western Avenue and Hollywood Boulevard/Wilton Place. [FEIR pages III-97 and III-98, responses to Comments 8-35 and 8-36] Then, in response to Comment 8-37 regarding impacts on emergency services, the FEIR states "Furthermore, the Draft EIR was provided to LAPD and LAFD for review. Neither agency expressed concerns regarding the project's impact on response times." [FEIR page III-98]

However, if the DEIR contained errors, as acknowledged in the FEIR, then the LAPD and LAFD did not have the opportunity to review accurate traffic impact information from which to draw their conclusions. At a minimum, those two agencies should be provided with correct and accurate information regarding the future congestion conditions and unmitigated impacts that will occur at the two critical intersections for their further review as to the impacts on future emergency response times.

On FEIR page III-116, in response to Comment 9-8, is the statement, "The Target trucks do not carry perishable goods; therefore, and [sic] they do not have refrigeration generators." The FEIR is dated June 2012. By that time, Target was well into a program to provide substantial grocery sections in their stores. They have been advertising those essentially supermarket components with special inserts in Sunday newspapers for many months. Those supermarket sections contain dairy products and frozen foods among other perishable items.

Surely, those items are delivered by refrigerated trucks, and the Applicants, their consultants, and City staff members must be well aware of that. Their response describing potential truck operations is incorrect in its estimate of the number of truck deliveries per day, which must be higher than the stated average of 1.7 heavy trucks per day when food deliveries are considered. The trailer drop-off operation that they describe, in which the "... Target delivery trucks would drop their trailers off at the loading dock and then leave the site ...", will not be feasible with the refrigerated food trucks.

Honorable Herb Wesson, President, and Honorable Members
Los Angeles City Council
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Page 3

Further, the potential restaurants in the "shopping center" component of the project will also need food deliveries, many of which will arrive in refrigerated trucks that cannot be accommodated on-site.

The truck operations should be reconsidered and the site plan should be redesigned appropriately to accommodate the trucks that will actually be needed to serve the project occupants. Then, the DEIR should be revised and re-circulated for evaluation of the new truck service plan.

Taken together, the DEIR and the FEIR are seriously deficient in their analysis of the proposed project's impacts on the La Mirada neighborhood, of impacts on emergency response times throughout the area, and of truck access/service at the site. Further analysis is called for in order to achieve the conservative, worst-case evaluation of impacts that is required.

I would be pleased to discuss my above comments with Members of the Council and with City staff members.

Very truly yours,

Original signed by Arthur L. Kassan, P.E.

Arthur L. Kassan, P.E.
Registered Traffic Engineer No. 152
Registered Civil Engineer No. 15563

Exhibit 2



GROCERIES FRESH FROM



SAVORY SAVINGS.



99¢/lb. 10- to 24-lb. Premium All-Natural Butterball Turkey Limit 2 per guest



75¢ 14.25-oz. to 15.25-oz. Del Monte Canned Vegetables



3/\$3 Stove Top



3/\$3 Betty Crocker Potatoes



1.50 Libby's Pumpkin

Flip for more groceries on sale.



EXPECT MORE. PAY LESS.®

SALE PRICES END SATURDAY, NOVEMBER 10.

Find a Target near you at Target.com/storelocator • Prices valid 11/4/12-11/10/12



2.29 Gold Medal Flour



2.99 Pam OR Wesson Oil



2.99 Holiday Oreo



1.89 Select Betty Crocker Cookie Mixes



4.99 Claim Jumper Pies



2/\$5 15.2-oz. Naked Juice
In assorted flavors
+CRV



5.99 Gatorade
+CRV



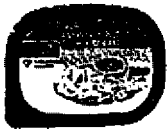
3/\$4 2-Liter
Coke
+CRV



3.99 Dasani
+CRV



7.99 Selected 11- or 12-oz.
Starbucks Bagged Coffee



2/\$5 7- or 9-oz.
Market Pantry
Lunch Meal
In assorted varieties



2.49 1-lb. Pkg. Driscoll's
Fresh Strawberries
Quantities may vary by store



\$1 Select Del Monte
Canned Fruit



2.39 8-oz. Market Pantry
Block or
Shredded Cheese



2/\$7 1-lb. Pkg. All Natural
93% Lean, 7% Fat
Ground Beef OR
20-oz. Pkg. Jennie-O
Lean Ground Turkey



59¢ 14-oz. Swanson
Chicken Churn



75¢ 10.75-oz. Campbell's
Cream of Mushroom
or Cream of Chicken
Soup



2.79 Special K
Cracker Chips



3.25 Family Size
Wheat Thins OR Triscuits



4.99 20-oz. Planters
Cocktail Peanuts

Exhibit 3

Los Angeles Times

LOCAL, B.S., WORLD, BUSINESS, SPORTS, ENTERTAINMENT, HEALTH, LIVING, TRAVEL, OPINION

Search

MarketWatch

New Mall in West Hollywood Is Sold

By David Karger and Robert D. McElroy

West Hollywood's shopping center on the east edge of West Hollywood was sold by Los Angeles developer H. Stanley to a \$12 million to a real estate investment advisory firm [New Capital Partners] and a local investor.

Stanley completed the 2.7-acre square block in 1985 near Santa Monica Boulevard and La Brea Avenue. Anchored by Target and Best Buy, the two-story center is 90% leased.

Company founder, Kenney Stanley, who founded and operated many other properties it has developed, said the market was just as strong as it was when he sold.

The mall is east of the Lot, a filming facility owned by actors Mike York and Douglas Fairbank that was last owned by Warner Hollywood Studios.

West Hollywood officials required Stanley to preserve the adjacent Blaine Farmers Cafe historic structure. The farmers opened as a historic site in 1927 and has served generations of movie stars and studio executives.

Designed by Frank Partlesch, a Los Angeles architect of fame, the site includes a landscaped open area with a fountain, water table, sculpture, along with John F. Kennedy and an extensive billboard.

Stanley will be responsible for a second phase that would consist of apartments of condominiums on land to the west owned by Southern California Gas Co.

New York-based IFC Channel bought the mall on the left side of its commercial block, said a state broker. Lawrence H. Krass and Ch. Robert D. McElroy represented the seller with his partner David Dreyfus.

FROM THE AIR TODAY

Mass. State Police West Hollywood arrested a couple for...

VIDEO STORIES ABOUT

...

...

DATELINE



Are raspberries Latinos a 'miracle' food source? Or weight gain.



Non-bible voters and cultural shifts make 2012 election pivotal.



Red meat: What makes it so healthy?

MORE

The FBI warns against using granite for dog stamps

Hormone may help protect man-gorilla relationships

Exhibit 4

Los Angeles Business Journal PRINT | CLOSE WINDOW

Pantages Theater Development Criticized for Lacking Creativity

By ANDY FIXMER - 11/7/2005

Los Angeles Business Journal Staff

Clarett Group faces stiff opposition to its initial plans to develop a 7-acre site near the Pantages Theatre in Hollywood.

Councilman Eric Garcetti, whose 13th District includes the site, said he is disappointed that developers are proposing six-story buildings instead of towers, and that they have not included other uses, such as offices, performing arts theaters or enough affordable housing and open space.

"This is a world-class site and it deserves a world-class development," Garcetti said. "I don't think we're there yet."

Helmi Hisserich, administrator for the Hollywood project area of the Community Redevelopment Agency of Los Angeles, said that Clarett has turned down her offer to have the agency help finance community-serving elements that aren't economically viable. "We are losing an opportunity to do something really grand and very important for the Hollywood community," she said.

Garcetti said he is also disappointed that Clarett executives have resisted altering their plans to take into account his concerns, along with those of the CRA and community groups.

"In my four years in office, this is the least flexibility I've seen from a developer," he said. "I have faith that Clarett is a good developer. It's not a question of ability, there's just less flexibility than I would like to see."

Executives have been showing plans to community and business groups for a project containing 1,000 apartments in four low-rise buildings spanning both sides of Hollywood Boulevard between Argyle and El Centro avenues.

The project, designed with Moderne elements by Santa Monica architecture firm Van Tilberg Banvard &

Soderbergh, would contain 157,000 square feet of shops and restaurants and have between 2,500 to 3,000 underground parking spaces. Two public plazas - each roughly the size of the courtyard at Hollywood & Highland - would be located at the entrance to the developments.

Clarett executives said they will consider feedback once more groups have had a chance to review the plans.

Frank A. Stephan, a Clarett Group managing director who heads up the company's L.A. office, says that the project, as proposed, would generate \$4.5 million in tax revenues for the city. Of that, \$500,000 would go toward building affordable housing.

Additionally, Stephan said Clarett has voluntarily offered to set aside 5 percent of the project for families who fall between 80 percent and 120 percent of L.A. County median income.

There are no city ordinances that require developers of privately financed projects to provide low-income housing, said attorney Benjamin Reznik, a partner with Jeffer Mangels Butler & Marmaro LLP, who is representing Clarett Group.

"We have asked for no government subsidies and we don't require eminent domain," said Victoria Hackett, Clarett's managing partner. "No one is being displaced because of our project."

The land that Clarett wants to develop has belonged to Nederlander Producing Co. of America Inc., which owns the Pantages Theatre and manages other nearby venues. After turning down developers for nearly two decades, few believed that Nederlander would sell the land, which is currently being used as parking lots for theatergoers.

Hackett had an inside track with company owner Jimmy Nederlander from when the two worked on revitalizing Times Square in New York. At first, Hackett brought a developer interested in the Hollywood site to Nederlander, but then realized she could do a better job. "I understood Jimmy would never sell the land," she said. "It was a matter of tailoring a project to fit."

Exhibit 5

**FROM THE DESK OF JON PERICA
10338 ETIWANDA AVE, NORTHRIDGE, 91326**

Honorable City Council

COMMENTS ON CF 08-1509-S1 - SUNSET AND GORDON MIXED USE PROJECT

I have provided a June 27, 2008 evaluation of the merits of the proposed project from my perspective as a retired Zoning Administrator who acted on over 2, 500 cases over a 20 year period. I concluded that none of the requested zone variance requests for this project could be approved because not all the required legal findings could be made. In particular, there was no City imposed "hardship" because the project could be built without variances by right and there were no comparable "precedent approvals" for other such variance requests in the local community. The attorney for the applicant has challenged two issues of my evaluation and these challenges are factually wrong and need to be corrected.

1. Lack of local precedent - One of the zone variance findings is that the City must have granted a similar variance approval for the same case in the "vicinity" of the new requested variance. The Zoning Administrators in the Office of Zoning Administration used the case required 500-ft radius map for the zone variance project for the standard determination of "vicinity". The attorney challenges this because he claims there is no written policy that restricts this definition of "vicinity" to just 500-ft. The attorney cites a conversation with a retired Chief Zoning Administrator as indicating that it was the "discretion" of each Zoning Administrator what distance to use for "vicinity".

Reply - There has been no Zone Code definition of the word "vicinity" but without an informal standard for Zoning Administrators to use, there would be inconsistency among the different Zoning Administrators and that would be unfair to different applicants and put the City at risk of legal challenge for having different standards of review for zone variances. Without a standard distance, one ZA could choose other variance grant examples from 8 miles away, which is what the applicant for the Sunset-Gordon Project has done in his Zone Variance application, and another ZA could pick only abutting properties and there would be wide disparities between ZA. Webster's Unabridged Dictionary defines vicinity as "pertaining to or belonging to a neighborhood or district". There needs to be a specific way to implement the term "vicinity" in a way everyone can understand and accept as being reasonable and fair.

When I worked as a Zoning Administrator from 1986-2005, the Zoning Administrators wanted to have an informal, uniform standard for the sake of consistency and decided that using the required 500-ft radius map was a clear standard measuring point that everyone would agree

upon. This radius map distance was a standard part of each variance application and the only measureable distance that already existed and with which everyone was familiar. The Zoning Administrators were aware that one of their cases was the basis for a Superior Court judge to overturn a City variance approval in *Stolman v. City of Los Angeles*. No new arbitrary distance would have to be created by using this existing standard shown on the required application radius map.

The logic of 500-ft distance to compare a new variance with a similar existing local variance is that it represents a reasonable neighborhood reference several blocks away from the site of the previous similar zone variance where it would be visible for all the local residents. Residents would understand that there was a previously approved variance in their community and therefore, another similar project in the same local community should be given the same property rights. The distance had to be relatively short so that the overall conditions of the local community would be the same as the previous approved variance in the same local area. This 500-ft distance standard policy clearly met the dictionary definition of belong to a neighborhood. If the distance to use to define "vicinity" could be 1 or 8-miles, there was no way that the local community characteristics could be the same.

The applicant's attorney citing an "alleged" precedent example of a previously granted variance 3 communities and 8 miles away from the subject Hollywood site with different surrounding land uses, building heights and zones would be like comparing "apples to oranges" as the saying goes. This is why the Zoning Administrators wanted to have an informal policy among themselves that was comparing existing and proposed zone variances in the same local 500-ft vicinity where the local characteristics would be the same.

The judge in the *Stolman* case clearly warned the City in his action by saying that distance to a precedent previous approval must be in the same zone and vicinity. A valid precedent to justify a zone variance must be "within a reasonably close proximity" to the project site and without this, "the (variance) finding can't be made and the variance should be denied".

The retired Chief Zoning Administrator had no policy either in writing or orally on what each Zoning Administrator could do to determine a definition of "vicinity" and he left it up to his Zoning Administrators to act in a fair and logical manner based on a defensible standard. The Chief ZA was never a part of the informal ZA policy to use the 500-ft radius as a standard for "vicinity" because he trusted his staff to make the right decision and the Chief never interfered with ZA case decision on how they based their written findings.

The attorney for the applicant could never have known this internal ZA policy and he has filed so few ZA cases that he simply has not experienced this informal standard before. Veteran land use legal firms, like those at Jeffers, Mangels, Butler and Marmaro as an example, have experienced this informal policy because they once lost a key appeal where the sole basis for their loss was that they could not point to another similar commercial variance on a radius map for a proposed similar project on Venture Blvd.

2. Project is without precedent - I continue to maintain that the number of Zone Code deviations (17) requested is without precedent in any previous City reviewed project and the majority of those are zone variances which have the hardest findings of any type of land use request to justify. I have previously referenced a comparison of a more modest project at 1633 La Brea Blvd, approved under ZA 2005-1856, in my letter of June 27th which requested far fewer variances for a similar mixed use project. The attorney for the applicant claims that this La Brea project is "comparable" to the Sunset Gordon project.

Reply – The factual comparison between the similar 2005 mixed use project cited above and the applicant's Sunset Gordon project clearly shows that the two projects are not comparable and that the current project should be denied. The La Brea project requested only four Code deviations and they are clearly much less of a Code deviation in scale of deviation than the Sunset Gordon project with its 17 Code deviations. The La Brea project asked to park 40 parking spaces in the residential zone while meeting Code required parking, increase the height from 45 to 98-ft and increase the Floor Area Ratio from 3:1 to a maximum of 4: 1 and 3.5:1. The Sunset Gordon project significantly increases the Code deviations by asking for 523 parking spaces in a garage located in a residential zone which has 66% compact parking in lieu of the required 1 standard size parking space for each dwelling unit, an increase in the height from 45-ft to 260-ft and an increase in Floor Area. Ratio from 3:1 to 6:1.

This comparison above shows that the applicant's project is wildly out of scale compared to a normal mixed use project in the community that was reasonably approved. The applicant's project is out of control in its size, height and unprecedented Code deviations which sets a terrible precedent for other excessive projects to follow. Neither the applicant nor the City has identified a similar approval for a previous mixed use project built locally in this Hollywood neighborhood with anything close to 17 Code deviations and comparable to the scale of deviations being so much more than the Zone Code allow by right. **Without this legally required precedent**, this Sunset Gordon project cannot be approved. The *Stolman* case law precedent ruling has clearly shown that, without strong City supporting findings including local precedents of similar zone variance grants and for comparable number of deviations and similar scale of the deviations from the Zone, any action by the City Council to approve his project will again fail on appeal at significant cost to the City and the applicant.


Jon Perica

Exhibit 6

Council File 09-2092, regarding
/ ENV-2008-1421-MND

APCC-2008-2703-SPE-CUB-SPP-SPR



Sunset Blvd., looking east from Wilton Place. Note Home Depot store at right.

EXHIBIT 3

ARTHUR L. KASSAN, P.E.
Consulting Traffic Engineer

November 19, 2012

Honorable Herb Wesson, President, and Honorable Members
Los Angeles City Council
c/o Los Angeles City Clerk
Room 395
City Hall
200 N. Spring Street
Los Angeles, CA 90012

Subject: Council File 12-1604
ENV-2008-1421-EIR
5520 Sunset Boulevard, Hollywood
Target Retail Shopping Center Project

Dear Honorable Council Members:

On behalf of the La Mirada Neighborhood Association of Hollywood, I am addressing the responses to comments that have been incorporated into the Final Environmental Impact Report (FEIR) for the above project.

According to the Caltrans comment letter, "The Hollywood Freeway (US-101) currently operates at level-of-service (LOS F) during peak periods ... [FEIR pageIII-132] In response to Comment 10-2, page III-126, the FEIR states, "The future Target traffic from the 101 Hollywood Freeway traveling northbound will exit the freeway near Sunset Boulevard via the northbound off ramp at Harold Way and Wilton Place located one block west of the store site not further south at Santa Monica Boulevard and Serrano Avenue which is considerably farther from the Target site, approximately ¾ mile." That is a questionable statement with no supporting evidence and ignoring observable patterns of driver behavior on congested freeways throughout the metropolitan area.

It is well known among those who observe urban traffic patterns that drivers encountering severe congestion on a freeway will exit the freeway if there is a viable alternative routing on the surface street network. With the Hollywood Freeway already operating at LOS F, as stated by Caltrans, many drivers, recognizing that the Target project is near and that Western Avenue is a direct access route to the project, will exit at the Santa Monica Boulevard off-ramp and travel through the neighborhood that is immediately north of that ramp to reach Western Avenue by way of La Mirada Avenue.

A traffic engineer/analyst familiar with the traffic flow conditions and the street pattern in that area should be able to make reasonable estimates of the traffic that will be attracted to that freeway-to-neighborhood bypass routing. Those estimates should have been included in the original traffic impact study for the Draft EIR (DEIR) to provide the conservative analysis that is required. The DEIR should be recirculated with a more realistic distribution of the freeway-oriented Target project traffic.

Telephone
(310) 558-0808

5105 Cimarron Lane
Culver City, CA 90230

FAX
(310) 558-1829

Honorable Herb Wesson, President, and Honorable Members
Los Angeles City Council
November 19, 2012

Page 2

The FEIR states that "The cut-through route via Serrano Avenue and La Mirada Avenue is not a Target traffic route." [FEIR page III-126, response to Comment 10-2] That statement is unsubstantiated, and there is no supporting evidence. Many drivers, familiar with the neighborhood, will turn right from Santa Monica Boulevard to enter the neighborhood and exit on Western Avenue, having avoided the congestion at the Santa Monica Boulevard/Western Avenue intersection. Others will exit the freeway at Santa Monica Boulevard, as described above, and travel through the neighborhood to Western Avenue. A conservative, worst-case analysis should have taken those movements into account. A recirculated DEIR would present the opportunity to do so.

Several FEIR responses acknowledge that the DEIR contained substantial errors in the characterization of the project's impacts and the feasibility of mitigating those impacts particularly at two critical intersections – Santa Monica Boulevard/ Western Avenue and Hollywood Boulevard/Wilton Place. [FEIR pages III-97 and III-98, responses to Comments 8-35 and 8-36] Then, in response to Comment 8-37 regarding impacts on emergency services, the FEIR states "Furthermore, the Draft EIR was provided to LAPD and LAFD for review. Neither agency expressed concerns regarding the project's impact on response times." [FEIR page III-98]

However, if the DEIR contained errors, as acknowledged in the FEIR, then the LAPD and LAFD did not have the opportunity to review accurate traffic impact information from which to draw their conclusions. At a minimum, those two agencies should be provided with correct and accurate information regarding the future congestion conditions and unmitigated impacts that will occur at the two critical intersections for their further review as to the impacts on future emergency response times.

On FEIR page III-116, in response to Comment 9-8, is the statement, "The Target trucks do not carry perishable goods; therefore, and [sic] they do not have refrigeration generators." The FEIR is dated June 2012. By that time, Target was well into a program to provide substantial grocery sections in their stores. They have been advertising those essentially supermarket components with special inserts in Sunday newspapers for many months. Those supermarket sections contain dairy products and frozen foods among other perishable items.

Surely, those items are delivered by refrigerated trucks, and the Applicants, their consultants, and City staff members must be well aware of that. Their response describing potential truck operations is incorrect in its estimate of the number of truck deliveries per day, which must be higher than the stated average of 1.7 heavy trucks per day when food deliveries are considered. The trailer drop-off operation that they describe, in which the "... Target delivery trucks would drop their trailers off at the loading dock and then leave the site ...", will not be feasible with the refrigerated food trucks.

Honorable Herb Wesson, President, and Honorable Members
Los Angeles City Council
November 19, 2012

Page 3

Further, the potential restaurants in the "shopping center" component of the project will also need food deliveries, many of which will arrive in refrigerated trucks that cannot be accommodated on-site.

The truck operations should be reconsidered and the site plan should be redesigned appropriately to accommodate the trucks that will actually be needed to serve the project occupants. Then, the DEIR should be revised and re-circulated for evaluation of the new truck service plan.

Taken together, the DEIR and the FEIR are seriously deficient in their analysis of the proposed project's impacts on the La Mirada neighborhood, of impacts on emergency response times throughout the area, and of truck access/service at the site. Further analysis is called for in order to achieve the conservative, worst-case evaluation of impacts that is required.

I would be pleased to discuss my above comments with Members of the Council and with City staff members.

Very truly yours,

Original signed by Arthur L. Kassan, P.E.

Arthur L. Kassan, P.E.
Registered Traffic Engineer No. 152
Registered Civil Engineer No. 15563

EXHIBIT 4

From: HSDNC Chair <chair@hsdnc.org>
Sent: Tuesday, November 20, 2012 9:14 AM
To: Edward Hunt <edvhunt@earthlink.net>
Cc: sharon.dickenson@lacity.org; ericgarcetti@gmail.com;
eduardo.sorianohe Witt@lacity.org; ed.reyes@lacity.org; Christine Jerian
<christine.jerian@lacity.org>; Bob Blue <camarobob@hotmail.com>; Ziggy Kruse
<ziggykruse2005@yahoo.com>
Subject: Re: Council File #12-1604 Case #APCC-2008-2703 Address: 5500-5544 Sunset Blvd.
Proposed Target Project

Ed,
Thank you for your insightful comments.

Sent from my iPhone

On Nov 20, 2012, at 6:15 AM, "Edward Hunt" <edvhunt@earthlink.net> wrote:

To: the Honorable Los Angeles City Council
C/O Sharon Dickenson

Subject: RE: Council File #12-1604 Case #APCC-2008-2703 Address: 5500-5544 Sunset Blvd. Proposed
Target Project

Dear City Council Members:

I am a California licensed Architect and Landscape Architect, mostly retired after a 50-year career including working all over the world and working on virtually all building types for some of the largest architectural firms in the US including SOM (New York City Office) and HKS and Partners, Dallas. I am currently restoring a 1905 Craftsman in Hollywood a few blocks from the target site for my own account in addition to a few other small development projects.

The purpose of this letter is to address the claim by the Target Corporation that a single level project on their site at Western and Sunset would have to be developed 6' below grade on Sunset Boulevard. I have reviewed the design in the Draft EIR and per my below letter I am familiar with the entire history of the project. I can state as an experienced Architect (and Landscape Architect) that a single level project entering at grade on Sunset meeting all of Target's objectives can indeed be constructed.

To do so Target would only need to reconfigure its layout to incorporate underground parking, loading and storage using creative established procedures and methodology readily employed by similar development. In my view, the claim that Target's objectives cannot be accomplished within the 35' height limit is not true.

Sincerely,

Edward Villareal Hunt, AIA, ASLA
4828 West Melrose Hill, Hollywood, CA 90029
323-646-6287

On Nov 4, 2012, at 10:19 PM, Edward Hunt wrote:

The Honorable City Council
Chair, LA PLUM Committee
C/O Sharon Gin
Regarding Council File #12-1604 Case #APCC-2008-2703 Address: 5500-5544 Sunset Blvd. Proposed Target
Store Project

RL11686

Dear Councilman Reyes,

I read the letter dated 11/1/12 from one of the applicants' lobbyists, Dale Goldsmith, and would like to make a few comments.

First, I am a currently licensed California Architect and Landscape Architect and was the founding chair of the Hollywood Studio District Planning and Land Use Committee serving about 6 years in that capacity before resigning about a year ago to become President of the Melrose Hill Neighborhood Association. I have lived and worked in our NC area for 33 years and am very familiar with developments in Hollywood during that period.

Other members of our Neighborhood Council PLUM included Juri Ripinski, a major developer; Samir Srivastava, a major developer, and Pablo and Jackie Ruiz, retired Architects, and other dedicated members of the community. I believe that Mr. Goldsmith is trying to give you a false impression that our Committee or our Neighborhood Council were just a bunch of Bumpkins that knew nothing about costs, construction, development, interest rates, etc., or did not represent the local neighborhood.

I did attend all key meetings regarding this project up to a year ago and a few since. In the earliest meetings, the story we got from the Target development team was they first approached Council Member Garcetti with an entirely code compliant project in a private meeting. According to the project team, CM Garcetti rejected the one story design with the parking underground and made it clear that he would only support a high rise version on top of an above ground parking garage. Our PLUM Committee repeatedly asked to see this early one story version but it was never shown to us.

From the Beginning our Committee and our Neighborhood Council has always been in favor of a code and SNAP-compliant Target Store with underground parking and consistently told the project team, primarily to comply with the SNAP regulations worked out with the Community about 10 years ago and to preserve views to and from the Hollywood Hills. Again, we never received any code compliant alternatives from the development team.

The general impression I have gotten was that the Target project team felt that as long as they had the local Councilman's backing, they could ignore the our PLUM Committee's, our NC's and our Community's requests for a code compliant project and could save a few bucks in the process with a cheaper parking garage. I suspect Mayor Candidate Garcetti's early and continued insistence on and insistence on a high rise solution was to break the back of the SNAP plan, to create a precedent for ignoring views and to please the Chamber, Construction Union and the Development Community.

It is my understanding that Target's current annual high profit sales are on the order of \$70 Billion. I believe their now insistence that they cannot afford to place the parking underground simply shows their desperation.

Sincerely,

Edward Villareal Hunt, A.I.A.
4928 West Melrose Hill
Hollywood, CA 90029
323-646-6287

EXHIBIT 5

THE SILVERSTEIN LAW FIRM

A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

ROBERT@ROBERTSILVERSTEINLAW.COM

WWW.ROBERTSILVERSTEINLAW.COM

November 13, 2012

VIA HAND DELIVERY

Hon. Edward P. Reyes, Chair
Hon. Jose Huizar
Hon. Mitchell Englander
City Hall, Room 410
200 North Spring Street
Los Angeles, CA 90012

Re: Appeal of Case Nos. APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR; City Council File No. 12-1604

Dear Chair Reyes and Members of the PLUM Committee:

I. **INTRODUCTION.**

This firm and the undersigned represent the La Mirada Avenue Neighborhood Association of Hollywood ("La Mirada"), members of which work and reside near, and will be significantly and adversely affected by, the Target Retail Store ("Project") as currently proposed. We submit these comments and objections on its behalf and renew all comments and objections previously submitted as if set forth herein. These comments and objections are applicable to the appeal of the Central Area Planning Commission's decision dated September 4, 2012.

Please ensure that all communications from the City to our client regarding the Project are also promptly copied to our office. All objections, including those regarding proper notice and due process, are expressly reserved. Please also ensure that notice of all hearings, actions, events and decisions related to the Project are timely provided to this office.

PLUM Committee
November 13, 2012
Page 2

II. THE CITY'S PATTERN AND PRACTICE OF FAILING TO ADOPT A FAIR AND OPEN HEARING PROCESS FOR ZONING AND PLANNING APPEALS TO THE CITY COUNCIL DENIES LA MIRADA AND ALL LAND USE HEARING APPELLANTS THEIR CONSTITUTIONAL AND STATUTORY HEARING RIGHTS, INCLUDING UNDER GOVERNMENT CODE SECTION 65804.

Government Code Section 65804, in relevant part, provides:

“It shall be the purpose of this section to implement minimum procedural standards for the conduct of city and county zoning hearings. Further, it is the intent of the Legislature that this section provide those standards to insure uniformity of, and public access to, zoning and planning hearings while maintaining maximum control of cities and counties over zoning matters.

The following procedures shall govern city and county zoning hearings:

- (a) All local city and county zoning agencies shall develop and publish procedural rules for conduct of their hearings so that all interested parties shall have advance knowledge of procedures to be followed. The procedural rules shall incorporate the procedures of 65854.
- (b) [Omitted.]
- (c) [Omitted.]
- (d) [Omitted.]

Notwithstanding Section 65803, this section shall apply to chartered cities.” (Emphasis added.)

The Los Angeles City Charter and Municipal Code, consistent with minimum due process rights of landowners in the City, provide for quasi-judicial zoning and planning appeals that are administratively heard by inferior administrative bodies and the Los Angeles City Council.

When the Los Angeles City Council conducts zoning and planning hearings it acts in its capacity as a municipal zoning and planning administrative agency. As such,

PLUM Committee
November 13, 2012
Page 3

Government Code Section 65804 imposes a mandatory duty upon the City to adopt, publish and follow at City Council public hearings procedural rules that are different from and exceed those supplied by mere compliance with the Brown Act.

The Los Angeles City Council and its Planning and Land Use Management Committee are currently violating, and have a pattern and practice of not complying with, the mandatory duties imposed by Government Code Section 65804. The City Council's failure to adopt, publish and follow such procedural due process rules denies Zoning and Planning Appellant, La Mirada, and all Zoning and Planning Appellants, the minimum due process rights guaranteed not only by the United States and California Constitutions, but also as imposed as an affirmative duty of all cities and counties by the Government Code.

Appellant's minimum procedural due process rights are violated by the City of Los Angeles by conducting a hearing today without having adopted, published and followed such minimum hearing standards so that "all interested parties shall have advance knowledge of the procedures to be followed." Because this hearing is being conducted without such adopted standards, any decision rendered by this body or the Los Angeles City Council will be *void ab initio*.

Accordingly, the City Council must cancel this hearing and enact the statutorily required minimum zoning and planning hearing procedures before proceeding with this hearing.

III. THE CITY HAS REFUSED TO BRING ITSELF INTO COMPLIANCE WITH GOVERNMENT CODE SECTION 65804 AND CONSTITUTIONAL MINIMUM DUE PROCESS REQUIREMENTS.

In the case of La Mirada Avenue Neighborhood Association of Hollywood v. City of Los Angeles (BS 132533) involving the Hollywood Gower Project, the Los Angeles County Superior Court concluded that the City's failure to conduct a hearing at the PLUM Committee with minimum procedural due process was a violation of La Mirada's constitutional due process rights. As a result of the due process violations and violations of the California Environmental Quality Act ("CEQA"), the Court issued a writ commanding the City to set aside all project approvals to the lowest administrative body level and prepare a new environmental analysis. (**Exhibit 1.**)

A second cause of action in that litigation challenging the City Council's pattern and practice to conduct public hearings is still pending and awaits litigation and decision.

PLUM Committee
November 13, 2012
Page 4

The Hollywood Gower Project litigation was commenced on June 15, 2011 and therefore, the City has been on notice for more than a year that its lack of due process protections for hearings before the City Council endangered the validity of its decisions. Nonetheless, the City has continued to conduct zoning and planning hearings without any adopted minimum due process rules.

Let the record also show that the attorneys previously representing the Hollywood Gower developer is the firm of Armbruster, Goldsmith & Delvac. This firm is representing Target Corporation in these proceedings as well. And just as with the actions found by the Court to be part of an unlawful hearing and violation of CEQA in the Hollywood Gower case, counsel for Target here is attempting to insert new evidence into the record of these proceedings and asking the City Council to approve re-written findings that cite as alleged substantial new evidence significant new information never previously circulated or considered during the CEQA process. The Court found this "technique" to be a complete "derailing" of the CEQA public input process. The City now risks a similar conclusion here where it lacks any procedural process to allow fair consideration of new proposed findings and new supporting evidence.

IV. UNDER CURRENT CITY COUNCIL RULES, ONLY THE FULL CITY COUNCIL MAY CONDUCT THE FINAL HEARING OF LA MIRADA'S ZONING AND PLANNING APPEAL.

The City Council Rules provide that all business of the City Council may be assigned to one of numerous subject matter committees. Under Rule 68, each City Council Committee, including the Planning and Land Use Management Committee, "shall report their findings and recommendations on matters referred to them to the Council."

In some prior litigation, the City has argued to the court of this state that the PLUM Committee's "decision" marks the end of the City Council's decisionmaking process. Under this theory, the City Council Rules delegate the City Council's decisionmaking power to the PLUM Committee. On this theory, even though the full City Council may ratify the PLUM Committee's "decision" in a later consent vote at a Council meeting, the administrative record and all decisionmaking ended at the PLUM Committee.

In the Hollywood Gower case, the City took the exact opposite position. It claimed that, consistent with the wording of the City Council Rules, the PLUM Committee's action is merely a recommendation report for the full City Council to

PLUM Committee
November 13, 2012
Page 5

consider at its meeting. On this theory in that recent case, the City tried to argue that the full City Council conducted a "hearing" of La Mirada's zoning and planning appeal when no testimony was taken and the project approval was merely by a consent vote. The Court rejected the City's claim that a consent vote before the full City Council, i.e., without receiving any testimony by the parties of the appeal or the interested public, could be a "hearing."

La Mirada contends that the City Council Rules as written in fact purport to refer zoning and planning hearings to the PLUM Committee without the authority to make a final decision for the City. The City Council Rules purport to retain the City Council's power to place zoning and planning hearings on the full City Council meeting agenda without a requirement that the full City Council hear the testimony, evidence and argument. To this end, the Rules purport to allow the full City Council to choose whether or not to approve the PLUM Committee's recommendation by consent, without receiving testimony, evidence and argument from the parties to the zoning and planning hearing.

But the City has no power to conduct a zoning and planning hearing with testimony only at the PLUM Committee, and then subsequently merely adopt the PLUM Committee's recommendation as the "decision" of the full City Council, without hearing testimony. If the City Council reserves the right at the full City Council to cast a vote to approve, modify or reject the PLUM Committee's recommendation report, then constitutional due process mandates that such a full City Council vote can only occur after affording the parties to the zoning and planning hearing a right to present testimony, evidence, and argument, while affording minimum due process rules adopted pursuant to Government Code Section 65804.

This minimum due process has not been afforded in the City Council's Rules.

The City Council Rules are not consistent with minimum due process. The City Council must delegate the final decision on zoning and planning hearings to the PLUM Committee for a final City decision, or the City Council must conduct a full zoning and planning hearing at the City Council meeting, affording hearing parties full procedural due process rights.

The City may not lawfully allow the PLUM Committee's decision to be a mere recommendation, unless the City Council is prepared to conduct a full zoning and planning hearing before the full City Council. Because the City Council's Rules fail to assure protection of the due process rights of parties to zoning and planning hearings, the

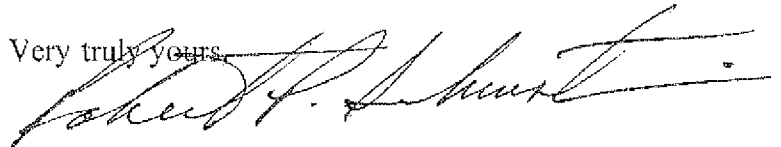
PLUM Committee
November 13, 2012
Page 6

PLUM Committee must not proceed with hearing this matter until such time as the City Council's Rules are amended.

V. CONCLUSION.

As an additional and significant ground for objection, La Mirada asserts that the PLUM Committee and City Council must comply with Government Code Section 65804 and amend its City Council Rules to comport with minimum constitutional and statutory guarantees of procedural due process before proceeding with a hearing in this case.

Very truly yours,



ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM

RPS:jmr
cc: Client

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ORIGINAL FILED

AUG 13 2012

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE SILVERSTEIN LAW FIRM, APC
215 North Mariposa Avenue, 3rd Floor
Pasadena, CA 91101-1304

LA MIRADA AVENUE
NEIGHBORHOOD ASSOCIATION OF
HOLLYWOOD, a California
unincorporated association,

Petitioner and Plaintiff,

vs.

CITY OF LOS ANGELES, a municipal
corporation; LOS ANGELES CITY
COUNCIL; and DOES 1 through 10,
inclusive,

Respondents and Defendants.

6104 HOLLYWOOD, LLC, a California
limited liability company; and ROES 1-10,
inclusive,

Real Parties in Interest.

Case No. BS132533

~~PROPOSED~~ JUDGMENT
GRANTING PEREMPTORY WRIT
OF MANDATE

Trial Date: July 20, 2012
Time: 1:30 p.m.
Dept: 86

[Hon. Ann L. Jones]

~~PROPOSED~~ JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena CA 91101-1504

1 Petitioner La Mirada Avenue Neighborhood Association of Hollywood's
 2 ("Petitioner") verified petition for writ of mandate against Respondents City of Los
 3 Angeles and the Los Angeles City Council ("Respondents"), and naming Real Party in
 4 Interest 6104 Hollywood, LLC ("Real Party"), came on for trial on July 20, 2012, the
 5 Honorable Ann I. Jones, presiding. Robert P. Silverstein appeared on behalf of Petitioner,
 6 Deputy City Attorneys Adlene, Howard Comer and
 Timothy Mc Williams appeared on behalf of Respondents, and R.J. Comer and Howard
 7 Weinberg appeared on behalf of Real Party. Petitioner's action challenged Respondents'
 8 certification of an Environmental Impact Report ("EIR") and approval of land use
 9 entitlements for the development project commonly known as the "Hollywood Gower
 10 Project," located at 6100-6116 Hollywood Boulevard and 1633-1649 Gower Street;
 11 Council File No. 11-0317; and Related Case Numbers VTT-70119, CPC-2008-3087-ZC-
 12 HD-ZAA-SPR, and ENV-2007-5750-EIR.

13 On July 23, 2012 the Court entered an order granting the petition for writ of
 14 mandate as to Petitioner's first cause of action for unfair hearing and Petitioner's third and
 15 fourth causes of action for violation of the California Environmental Quality Act
 16 ("CEQA") for the reasons set forth in the Court's "Ruling on Petition for Writ of Mandate
 17 Heard on July 20, 2012," attached hereto at Exhibit 1 and incorporated in full herein by
 18 this reference. Petitioner's second cause of action regarding the City's pattern and
 19 practice of conducting unfair hearings for land use projects was severed and stayed by
 20 prior order of the Court.

21 The Court, having read and considered the pleadings on file in this case, having
 22 reviewed and considered the administrative record admitted into evidence in this case,
 23 having considered the argument of counsel, having taken the matter under submission and
 24 issued its ruling in this case, and being fully advised, ^{including having read Respondents' and} **DOES HEREBY ORDER,** ^{Real Party's}
 25 **ADJUDGE, AND DECREE** as follows: _{certification} ^{Revised}

26 Regarding the CEQA violations, the petition for writ of mandate is granted and
 27 Respondents' EIR for the Hollywood Gower Project is ^{certification} ~~invalidated~~. A peremptory writ of
 28 mandate shall issue from the Clerk of the Court commanding Respondents to:

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

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- (1) Fully comply with the requirements of the California Environmental Quality ^{inter alia} Act by re-circulating a Draft EIR for the Hollywood Gower Project;
- (2) ~~Invalidate~~ ^{Set aside} all approvals already obtained for the Hollywood Gower Project which relied upon the prior EIR and CEQA approvals, and
- (3) Be restrained and enjoined from any actions or approvals, including granting any authority, permits, or land use entitlements, in furtherance of the Hollywood Gower Project and/or in furtherance of construction of the Hollywood Gower Project (other than prerequisites for restarting the CEQA process) unless a new EIR has been prepared, publicly circulated, and certified consistent with CEQA, the CEQA Guidelines, and all other applicable laws.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Respondents violated Petitioner's constitutional due process rights and denied Petitioner a fair hearing, as more fully described in Exhibit 1 hereto. All approvals by the City Council or its Committees that relied on or were made at the subject unfair hearing are invalidated on this further ground. Accordingly, the peremptory writ to issue from the Clerk of the Court shall also command Respondents to:

- (4) In connection with any further hearings for the Hollywood Gower Project, provide Petitioner a hearing process that assures it the "basic right to have before it the information upon which the administrative decision rests and an opportunity to be heard as to the competency or adequacy of the information."

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Respondents shall make a return to the peremptory writ of mandate under oath specifying what Respondents have done or are doing to comply with the writ, and to file that return with the Court, and serve that return by hand or facsimile upon Petitioner's counsel of record in this proceeding, no later than 90 days after issuance of the writ and service on Respondents.

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

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IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the peremptory writ of mandate shall be served on Respondents by personally delivering the writ to Respondents, Attn: Ms. June Lagmay, City Clerk, City of Los Angeles, 200 N. Spring Street, Room 360, Los Angeles, CA 90012, during regular business hours.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Petitioner may seek an award of attorney fees, which award of attorney fees shall be determined by the Court based upon noticed motion, and shall be awarded costs in the amount of \$ _____ as the prevailing party in this proceeding.

The Court reserves jurisdiction in this action until there has been full compliance with the writ as provided in Code of Civil Procedure Section 1097.

LET THE WRIT ISSUE.

DATED: AUG 13 2012 By: ANN I. JONES
HON. ANN I. JONES
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/23/12

DEPT. 86

HONORABLE ANN I. JONES

JUDGE

N DIGIAMBATTISTA

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

M. D. CLARK/COURTROOM ASST

ELECTRONIC RECORDING MONITOR

1

NONE

Deputy Sheriff

NONE

Reporter

8:30 am

BS132533

Plaintiff

Counsel

LA MIRADA AVE NEIGHBORHOOD ASSO
OF HOLLYWOOD

Defendant NO APPEARANCES

VS

Counsel

CITY OF LOS ANGELES ET AL

CEQA case

NATURE OF PROCEEDINGS:

HEARING ON PETITION FOR WRIT OF MANDATE
RULING ON SUBMITTED MATTER

The court having taken the above matter under sub-
mission on July 20, 2012, now makes its ruling as
follows:

The petition for writ of mandate is granted for the
reasons set forth in the document entitled COURT'S
RULING ON PETITION FOR WRIT OF MANDATE HEARD ON
JULY 20, 2012, signed and filed this date.

Counsel for petitioner is to prepare, serve and lodge
the proposed judgment and writ within ten days. The
court will hold the documents ten days for objections.

A copy of this minute order as well as the Court's Ru-
ling are mailed via U.S. Mail to counsel of record
addressed as follows:

ROBERT P. SILVERSTEIN, ESQ., 215 N. MARENGO AVE., 3RD
FL., PASADENA, CA 91101-1504

TIMOTHY MCWILLIAMS, ESQ., L.A. CITY ATTY'S OFFICE, 200
N. MAIN ST., CHE - ROOM 701, LOS ANGELES, CA 90012

R. J. COMER, ARMBRUSTER, GOLDSMITH, ET AL, 11611 SAN
VICENTE BLVD., SUITE 900, LOS ANGELES, CA 90049

MINUTES ENTERED
07/23/12
COUNTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ORIGINAL FILED

JUL 23 2012

LOS ANGELES
SUPERIOR COURT

LA MIRADA AVE NEIGHBORHOOD ASSN)
ETC.)
Pctitioner)
vs)
CITY OF LOS ANGELES, ET AL)
Respondents)

CASE NO. BS132533

COURT'S RULING ON PETITION FOR WRIT OF MANDATE HEARD ON
JULY 20, 2012

Petitioner La Mirada Avenue Neighborhood Association of Hollywood ("La Mirada") challenges the decision of the Respondents City of Los Angeles and the Los Angeles City Council ("Los Angeles" or "City") to certify an Environmental Impact Report ("EIR") and to approve the Hollywood/Gower Project ("Project"), a proposed residential condominium tower with retail spaces on the ground floor. Real Party in Interest 6104 Hollywood, LLC ("6104 Hwd") is the Project developer. Petitioner asserts two arguments: (1) that the City denied La Mirada a fair hearing and (2) that the City violated CEQA in connection with the Project approvals.

In opposition, the City and the Real Party in Interest assert that Petitioner received a fair hearing and that its CEQA challenges are without merit. The City asserts that it afforded Petitioner ample and legally sufficient due process in this instance. And, the City argues that the EIR's analysis, most specifically of parking effects of the project, is adequate and supported by substantial evidence.

After considering the parties' briefs, the augmented administrative record and judicially noticed materials,¹ having heard argument and having taken the matter under submission, the Court rules as follows:

¹ The Petitioner's motion to augment the record to include e-mails by certain staff members (tabs 1-5) and "declaratory evidence of Petitioner's representative and counsel" (tabs 6-7) is granted.

With respect to the staff generated e-mails contained in tabs 1-5, the motion is granted. The e-mail chatter of certain staff members, while not ordinarily relevant, may be added to the record when it evinces impropriety in the process itself. Code of Civ. P. 1094.5; *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152, 1170 n. 17 (1996). And, this material existed before the agency made its decision and Petitioner was not able with the exercise of reasonable diligence to present these facts to the decision maker before the decision was made. See *Western States Petroleum Association v. Superior Court*, 9 Cal. 4th 559, 577-578 (1995). Nor are these documents protected under the deliberative process privilege. These documents show the timing by which certain materials were obtained, whether

Statement of Facts

The Project site consists of a 47,000+ square foot site that is currently vacant. (AR 258). Petitioner plans to construct a 20-story mixed use building with 192,000+ square feet of total floor area. (Id.) The building was originally planned to contain 151 residential units and 6,200 square feet of ground-level retail located along Hollywood Boulevard. (Id.) The project included five levels of parking with 331 spaces for residential development and 14 spaces for the

those materials were placed in the public file, whether those materials were considered by the decision-maker at the hearing and the access afforded by interested parties to the decision-makers. All of these non-deliberative facts are highly probative on the issue of whether the administrative process in this instance was "fair."

With regard to the "declaratory evidence" set forth in tab 6, the motion is denied. The facts set forth in paragraphs 1-9 were known by the declarant before the final administrative action in this case on May 10, 2011 and there is nothing that would have stopped Petitioner in the exercise of reasonable diligence from presenting this information to at the PLUM Committee hearing. Thus, this declaration fails to meet the strict and narrow exceptions to the general rule of inadmissibility of extra-record evidence in administrative mandamus proceedings. Western States Petroleum Association v. Superior Court, 9 Cal. 4th 559, 577-578 (1995). Paragraph 10 is covered in the Declaration of Daniel Wright and is, therefore, cumulative.

With regard to tab 7, that same objection applies to paragraphs 2-6 of the Wright Declaration. However, in Paragraph 7, Attorney Wright notes that the May 10, 2011 letter from Dale Goldsmith, containing the Hirsch/Green Parking Study, was not available to the public until May 11 – one day *after* the PLUM Hearing was held and closed. This fact and this information could not have been presented to the PLUM Committee before the hearing, nor (given the nature of the City Council's determination of this matter without further hearing) could it have been presented in the exercise of reasonable diligence to the City Council. Accordingly, the Court grants the motion to augment the administrative record to include tab 7, paragraphs 1 and 7.

The Petitioner's motion to further augment the administrative record is granted. Although late, it requests that the court consider additional e-mails showing exactly when the Hirsch/Green parking study was provided to the City Planning staff and the timing of staff revisions to the developer's supplemental findings. As discussed above, these materials are relevant, existed at the time of the administrative proceeding and could not have been obtained and put into the record with the exercise of reasonable diligence. As before, these e-mails were never presented to the decision-makers in the matter or considered by them. They are, therefore, not protected by the deliberative process privilege.

Petitioner's requests for judicial notice of exhibits A-C are denied. While records of the Superior Court are ordinarily subject to judicial notice, these decisions involve a wholly different case. The unremarkable proposition that different judges rule in different ways is not sufficiently relevant to allow these documents to be judicially noticed. To be judicially noticed, the evidence must also be relevant. Evid. Code 350.

Respondents' and Real Party's joint request for judicial notice of Exhibit 1 is denied. Although selected portions of the California Natural Resources Agency's December 2009 Statement of Reasons for Regulatory action may constitute official acts of a public entity and otherwise no subject to dispute and capable of immediate and accurate determination, they are properly objected to as partial and irrelevant. The responses to comment, which makes up a substantial part of the Request for Judicial Notice, appears merely to be staff responses at a public hearing that were not adopted by any official act of the Natural Resources Agency's Board. Additionally, this partial document did not inform any aspect of the environmental review conducted by the City in this case.

The Court does, however, grant judicial notice of the City's Administrative Code (Exhibit 2), without deciding the issue of whether it is valid after the enactment of the new City Charter in 1999. The Court shall also take Judicial Notice of Exhibit 3, which is a portion of the LAMC.

retail development, for a total of 345. (AR 258, 315). As of the date of the PLUM Committee hearing, the Project had grown to include 176 condominiums and 7,200 square feet of ground floor retail uses – with the same number of parking spaces. (AR 2106).

On January 28, 2008, the City issued a notice of preparation of an Environmental Impact Report (“EIR”) on the Project.² (Id.) In October 2009, the Draft EIR was completed. (AR 1724). In the summary of impacts prepared as part of the Draft EIR, the City noted that the proposed project would not meet the Planning Department’s Residential Parking policy. (AR 315). Under that Policy, a condominium is required to have two spaces per unit, plus .5 spaces per unit for guest parking. (Id.) Using that model, the project would have 109 spaces less than required.³ (Id.)

Although the applicant expressed “confidence” that it would have sufficient parking because the project would operate initially as an apartment building rather than a condominium, it was noted in the Draft EIR that the Project location was in a “parking congested area.”⁴ (Id.) The Draft EIR also noted that “the Project was targeted” to individuals and households attracted by walking and public transit. (Id.) No additional mitigation measures were proposed. (Id.)

In a later portion of that same Draft EIR, however, the agency opined that “[g]iven the urban surroundings of the project, and the availability of public transit opportunities adjacent to and in close proximity to the site, the proposed amount of residential parking is anticipated to be adequate to meet the needs of the project. (AR 334). It was also noted that a recently approved project in the vicinity was required only to provide .25 guest spaces per unit, rather than the .5 spaces required by the Parking Authority Guidelines. Under this model, the Project would be only 65 “resident” spaces deficient. (Id.) Nonetheless, the applicant would request a waiver from the Planning Department’s Residential Parking policy.⁵ (Id.) And, to state the obvious, were the project to provide less parking than needed, it would result in a significant impact on parking. (AR 661). But, it might occasion a reduction in the significant and unavoidable traffic impacts at adjacent intersections during peak traffic time. (AR 754).

² The City’s Initial Study identified inadequate parking capacity as a potentially significant impact of the Project which would be evaluated in an EIR. (AR 850-51). Respondent wishes to retract this admission based on a state agency’s Statement of Reasons for Regulatory Action promulgated after the Draft EIR was prepared and circulated. The Natural Resources Agency’s Statement did not inform the instant CEQA process, nor was it cited by or relied upon by the decision maker in this case. Accordingly, it is outside of the record and shall not be considered as part of this mandamus proceeding. Western States Petroleum, *supra*, 9 Cal. 4th at 577-578.

³ In its current dimension, the Project’s residential parking spaces are thirty percent below what is required by the Planning Department’s Residential Parking policy for condominiums. (AR 2290).

⁴ While the initial development might be rented as apartments, the developer requested a subdivision map that would allow the units to become condominiums in the future were the market demand for such units develop. (AR 1845). For a proper assessment of the Project’s potential effects, therefore, the Project would be evaluated under the parking policy relating to condominiums. (AR 1846). The Real Party’s effort to characterize the Project as “code compliant” by applying the apartment standard is wholly incorrect. (AR 4664).

⁵ The Draft EIR assumed that the City’s parking requirements applied to the proposed Project. (AR 685).

In a report dated September 2008, Hirsch/Green Transportation Consulting, Inc. made many of the claims contained in the Draft EIR. Because the Project was located in an urban neighborhood with proximate public transit, the expert assumed that it would not be necessary for residents to own and park two vehicles per unit. (AR 1488). In addition, the consultants assumed that the project could secure an exemption to allow .25 guest space model, as had been used at another near-by development.⁶ (Id.) Without further analysis, the expert declared the parking for the Project to be adequate. (Id.)

A number of comments were submitted by interested persons in response to the Draft EIR. (AR 1828-1835). One commentator challenged the use of the .25 guest space model because the project for which that variance was provided had a surplus of parking for its retail component. (AR 1831). Such an assumption for this Project, however, would be improper as there was no retail parking surplus. (Id.) In reply, the agency made the same argument as was contained in the Draft EIR – this is an urban setting in which public transit would be available and, by implication, two cars per household would not be necessary. (AR 1846). Nothing is mentioned about surplus retail parking at the other location or the sufficiency of guest parking with a .25 per unit ratio. (Id.)

In June 2010, a Final EIR was prepared. (AR 1925). In the Final EIR, the City noted that the Project's parking spaces would fall well below the applicable recommended residential parking ratios. (AR 1811). In response, there were no mitigation measures required and the claimed impact of such parking shortages was deemed "less than significant." (Id.) Again, the parking was presumed adequate because of the urban surroundings and the availability of public transit. (AR 1812). Once again, the EIR noted that the developer would apply to obtain a reduction in the required number of guest parking spaces, but noted that the Project would still fail to meet existing parking requirements. (AR 1812).

In August 2010, the City's Advisory Agency, which is responsible for subdivision map applications, and a hearing officer, conducted a joint public hearing on the project. (AR 2105-07). At that hearing, Petitioner and others made objections to the proposed Project. (AR 2029). Nevertheless, the Advisory Agency approved the tentative tract map, including a reduction in the parking required for the Project. (AR 3078-83). Petitioner timely appealed that decision to the Planning Commission.

In December 2010, the Planning Commission heard the appeal of the tentative tract map decision and the zoning entitlements sought by the Real Party. (AR 3195-96). Over expressed reservations regarding the adequacy of the parking in the building, the Commission adopted the EIR, approved the Project and denied Petitioner's appeals. (AR 2217, 2229, 3352, 3378, 3407-08, 3440, 3461, 3487). Petitioner timely appealed. (AR 3517-35, 3669-82).

⁶The Consulting Report is confusing on this point. At one point, the consultant's note that the City of Los Angeles' policy is to require additional guest parking at .5 spaces per unit and that this rule applied to this project. (AR 1486-87). At another point, they use .25 guest spaces per unit to conclude that "the proposed amount of residential parking is anticipated to be adequate to meet the needs of the project." (AR 1488). There is no discussion as to any similarity or dissimilarity of the other project's parking situation with those present in the proposed Project.

On April 7, 2011 – four months after the Planning Commission adopted the EIR and approved the project and five days before Petitioner appeal was to be heard by the PLUM Committee -- 6104 Hwd's land use consultant submitted a letter that was added to the City Council file for on line viewing. (Joint Answer ¶ 26). That letter urged the members of the Planning and Land Use Management (PLUM) Committee of the City Council to adopt "Supplemental Findings" provided by the Planning Department. (AR 4077-83). At that time, there were no "Supplemental Findings" in the City Council File. (Joint Answer ¶ 27).

On that same day, April 7, the developer's consultant submitted draft review supplemental findings to City Planner Jae Kim "for his independent review and consideration." (Joint Answer ¶ 32.)

On April 12, the PLUM Committee continued the meeting to approve the project and to consider Petitioner's appeal until May 10, 2011. (AR 2269-70).

During the brief continuance, Petitioner repeatedly checked the City Council's public file and inquired of City Council staff regarding the existence of such "supplemental findings." On May 5 or 6, City Planner Jae Kim acknowledged that the developer had provided the Planning Department with "courtesy" supplemental findings, but Kim stated that the City had no intention of submitting any such findings at the May 10 hearing. (Verified Petition at 34).

Nevertheless, Petitioner's representative traveled to City Hall the next day and obtained a copy of these "courtesy supplemental filings" (Id. ¶ 35). One document contained 139 single-spaced pages of "Findings," and another was 110 single-spaced pages of "Findings of Fact (CEQA)." Id. Three days before the hearing, therefore, Petitioner received for the first time over 200 pages of proposed "courtesy supplemental filings" what had been provided by the developer to the City almost a month earlier. And, these "supplemental findings" further referred to a "parking utilization study" that was not included in the materials. (Verified Petition ¶ 39).

Immediately before the PLUM Committee meeting commenced, City Planner Jae Kim handed Petitioner's representative a set of "revised findings" that would be presented to the PLUM Committee. (Joint Answer ¶ 39; AR 2105). The first document, entitled "Supplemental Findings," was 134 single-spaced pages. The other document, entitled "Findings of Fact (CEQA)" was 97 pages in length. (Id.; AR 27-257) The 295 page "parking utilization study" referred to in the findings was not included in these materials. (Augmented Record at Tab 7, ¶ 7; AR 2288).

Despite Petitioner's request for a two-week continuance in order to give Petitioner an opportunity to rebut these newly submitted findings, PLUM concluded the hearing and voted to adopt the EIR, approve the Project without modification and deny Petitioner's appeals.⁷ (AR 2284-2288, 2325-2326).

⁷ Although RPI argued that this meeting remained open for submission of additional materials after the vote had been taken, the decision/recommendation by PLUM had occurred. The courts have articulated (and CEQA Guidelines have restated) six separate policy grounds justifying the requirement that agencies seek and respond to comments: (1) "sharing expertise; (2) disclosing agency analysis; (3) checking for accuracy; (4) detecting omissions; (5) discovering public concerns; and (6) soliciting counterproposals. CEQA Guidelines § 15200. The process

One day after the PLUM hearing, the City Clerk made available in the City Council file the May 10, 2011 letter from Real Party's attorney and the March 2011 Hersch/Green parking study and other sources. (AR 4727-4790).

On May 17, 2011, the City Council certified the EIR and adopted the findings of the PLUM Committee and denied the Petitioner's appeal without further hearing. (AR 2331).

Petitioner filed the Instant writ on June 15, 2011.

Statement of Issues

Both Respondent and Petitioner have set forth the Statement of CEQA Issues pursuant to Public Code Section 21167.8(f). The court incorporates those statements as if fully set forth herein.

Standard of Review

In any action or proceeding . . . to attack, review, set aside, void or annul a determination, finding or decision of a public agency on the grounds of non-compliance with CEQA, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law, or if the determination or decision is not supported by substantial evidence." Madrigal v. City of Huntington Beach, 147 Cal. App. 4th 1375, 1381 (2007).

Substantial evidence is defined as "enough relevant evidence and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." 14 CCR § 15384(a). Substantial evidence, however, is not "argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate or evidence of social or economic impacts which do not constitute or are not caused by physical impacts . . ." 14 CCR § 15384(a).

In applying the substantial evidence standard, "the reviewing court must resolve reasonable doubts in favor of the administrative finding and decision." Topanga Ass'n for a Scenic Community v. County of Los Angeles, 11 Cal. 3d 506, 514 (1974). However, a clearly inadequate or unsupported study is entitled to no judicial deference. Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs., 91 Cal. App. 4th 1344, 1355 (2001).

Persons challenging an EIR bear the burden of proving that it is legally inadequate and that the agency abused its discretion in certifying it. Cherry Valley Pass Acres and Neighbors v. City of Beaumont, 190 Cal. App. 4th 316, 327-28 (2010).

employed in this case effectively negated the benefits of meaningful public participation. CEQA's policy of inviting effective public participation was wholly derailed by the process adopted by the City in this case.

Analysis

Petitioner asserts a number of different arguments in support of its claim that the Respondent abused its discretion under CEQA and that it violated due process by denying Petitioner a fair hearing. Considering those two arguments separately:

1. The City Failed to Proceed in a Manner Required by CEQA

In lawsuits challenging agency decisions for alleged non-compliance with CEQA, the Court “can and must . . . scrupulously enforce all legislatively mandated CEQA requirements.” Citizens of Goleta Valley v. Board of Supervisors, 52 Cal. 3d 553, 564 (1990). One of those legislatively mandated requirements requires that the public be allowed to participate in the CEQA process. Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist., 116 Cal. App. 4th 396, 400 (2004) (“[e]nvironmental review derives its vitality from public participation.”) Comments from the public “are an integral part of the [final] EIR.” Sutter Sensible Planning, Inc. v. Board of Supervisors, 122 Cal. App. 3d 813, 820 (1981).

The purpose of requiring public review is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. Public review permits accountability and informed self-government Public review ensures that appropriate alternatives and mitigation measures are considered, and permits input from agencies with expertise. . . . Thus, public review provides the dual purpose of bolstering the public’s confidence in the agency’s decision and proving the agency with information from a variety of experts and sources.

Schoen v. Department of Forestry & Fire Protection, 58 Cal. App. 4th 556, 573-74 (1997).

Consistent with this interest in ensuring meaningful public participation, the law also requires that, if subsequent to the commencement of public review, but prior to final EIR certification, the lead agency adds “significant new information to an EIR, the agency must issue new notice and re-circulate the revised EIR or portions thereof, for additional commentary and consultation.” Pub. Res. Code § 21092.1; CEQA Guidelines § 15088.5; Laurel Heights Improvement Assn. v. Regents of the University of California (“Laurel Heights II”), 6 Cal. 4th 1112 (1993). The revised environmental document must be subjected to the “same critical evaluation that occurs in the draft stage,” so that the public is not denied “an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom.” Sutter Sensible Planning, Inc. v. Board of Supervisors, 122 Cal. App. 3d 813, 822 (1981). Recirculation of an EIR requires notice pursuant to Section 15088.5, subd. (d).⁸

In this case, the PLUM Committee relied extensively upon the Hirsch/Green Transportation Consulting, Inc.’s March 28, 2011 parking “study” as “substantial evidence” to support its

⁸This issue has been exhausted administratively. (AR 4157).

findings that the Project would not result in a substantial adverse impact because the proposed parking spaces were sufficient to meet the needs of the residents.⁹ (AR 75-76).

Petitioner asserts that this study constitutes "significant new information" as defined in the Guidelines and under relevant case law. CEQA Guidelines 15088.5; Pub. Res. Code section 21092.1. Specifically, "new information added to an EIR is "significant" if the EIR is changed in a way that deprives the public of a *meaningful opportunity to comment* upon a substantial adverse environmental effect of the project. *Id.* For example, where a draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded, significant new information that may constitute substantial evidence requires recirculation in order to ensure meaningful public review. CEQA Guidelines Section 15088.5, subd. a (4); Mountain Lion Coalition v. Fish and Game Commission, 214 Cal. App. 3d 1043 (1989).

Respondent and Real Party assert that the new parking study did not require recirculation because it only clarified, amplified or made insignificant changes to an adequate EIR.¹⁰ See

⁹The Court does not reach, nor does it decide, whether the March 28, 2011 Hirsch/Green study constitutes substantial evidence to support a finding that the number of parking spaces proposed for the Project are sufficient to meet both resident only and residential guest parking. This material was added to the record without a sufficient time for the public to consider and question its contents. Looking at it more carefully, however, may reveal its defects. First, the projects relied upon by the expert are not particularly good proxies to the Hollywood/Gower Project. The 2001 Kaku study focused on both apartments and condominiums in Long Beach, Santa Monica and San Diego. It is unclear whether any of the locations studied were in the severely parking-scarce adjacent neighborhood as is true in this case. (AR 4740- 4766). Nor can it be determined whether these studies considered "luxury projects"—such as this one -- where residents are more likely to retain their cars and drive in higher numbers than the general public. (AR 94, 106). As for the "Shared Parking" book, it provides only "a systematic way to apply" adjustments to parking ratios, but then states that "a poorly designed site for shared parking often cannot be significantly improved, and more spaces may ultimately have to be added." (AR 4777). The City of Los Angeles, obviously with access to such treatises, has decided in the Advisory Agency's Residential Parking Policy No. AA 2000-1, issued May 24, 2000. That Policy requires new residential condominiums to provide 2 parking spaces per dwelling unit plus .5 guest spaces per dwelling unit in light of the unique and particular car-centric nature of Los Angeles. That academics or consultants suggest a change in that policy is not substantial evidence that the Project in this case will provide sufficient parking without occasioning an overflow into the surrounding neighborhood. The third "study" upon which the March 28 "study is based involves high-rise apartments, not condominiums. (AR 4787-88). Finally, the chart showing the developers other projects is immaterial to the question of whether the current parking ratio is sufficient to meet demand. (AR 75, 4790). See Berkeley Keep Lets Over the Bay Comm. V. Board of Port Comm'rs, 91 Cal. App. 4th 1344, 1355 (2001)(a clearly inadequate or unsupported study is entitled to no judicial deference); Laurel Heights Improvement Assn. v. Regents of the University of California, 47 Cal. 3d 376, 404-09 (1988)(findings must be adequate, complete and not based on erroneous calculations or misinterpretations of the studies they rely upon.)

The Court, however, rejects RPI's claim at oral argument that this study was simply composed of already published information and that it added no new information for public review. The record shows that the March 28, 2011 report was neither a summary nor simply a regurgitation of existing reports/studies already in the record. (AR 56, 4681).

¹⁰ Respondent and Real Party also appear to argue that under the most recent CEQA Guidelines, a project's inadequate parking capacity is not considered an adverse environmental impact. Whatever recent changes have taken place in the Guidelines, those do not affect this case. The NOP in this case was published at a time when parking capacity was considered an adverse environmental effect. (AR 850-51). The initial study acknowledged

California Oak Foundation v. Regents of the University of California, 188 Cal. App. 4th 227, 266 (2010). CEQA Guidelines Section 15088.5, subd. b. An agency's decision not to recirculate an EIR must be supported by substantial evidence in the administrative record. CEQA Guidelines Section 15088.5, subd. (e).

The agency's decision not to recirculate the Draft EIR in this instance is not supported by substantial evidence in the administrative record. The March 28, 2011 parking study – no matter how flawed – was a monumental improvement from what was presented in the Draft EIR. The Draft EIR contained only unsubstantiated opinions and conclusory statements that allowing a Project with parking spaces below the City's policy requirements would not cause any significant impacts. (AR 315-16, 685-86, 1486-88). For example, the Draft EIR notes that the "project applicant is confident that the amount of proposed parking would meet the needs of the proposed project." (AR 315). Developer "confidence" does not constitute substantial evidence to support a fact. Nor can it be fairly argued that parking ratios for "apartments" should be used, as the Project is clearly one for condominiums.¹¹ Finally, while the Draft EIR notes that the Project is "targeted to individuals attracted by the location," and that there are "public transit opportunities available within the project vicinity," fails to bridge the analytic gap. That some residents may like to walk around the area or that there are public transit stops nearby does not explain how the construction of a project with 109 too few parking spaces will not occasion inadequate parking for residents and their guests. Unless and until objective evidence is posited showing that occasional use of public transit or preference for walkable neighborhoods obviates the need of high-wage earners to own and park a car at one's residence, the link between these facts and the conclusion for which they are posited has not been established. In fact, the substantial evidence in the record is to the contrary. (AR 106)(Planning Commissioner Epstein's contrary opinions based on experience).

Moreover, authorizing a departure from existing parking requirements – the recommendation made by PLUM with regard to the Project – will have a substantial adverse environmental effect. While any new information does not trigger re-circulation, section 21092.1 requires an agency to provide the public with "new information" that was a substantial change/improvement on the

such an effect. The City is bound by the legal framework it has proceeded under. Gentry v. City of Marietta, 36 Cal. App. 4th 1359, 1404-05 (1995).

Moreover, under the new CEQA Guidelines Appendix Checklist, inadequate parking capacity can still be considered an adverse environmental impact if the project would "conflict with an applicable plan or policy . . . establishing measures of effectiveness for the performance of the circulation system." Without any discussion in this record that the circulation system of Hollywood is sufficiently robust to withstand untold numbers of new residents and their guests cruising for non-existent street parking, the Respondents' claim that the Project's variance from City-established parking ratios cannot cause an adverse environmental effect is unsupported by substantial evidence.

¹¹ Although the Real Party repeatedly refers to the City's parking requirement for apartments, this project was a condominium project. Further, while there is some discussion about the Paseo Plaza project as a "proxy" to demonstrate that the parking spaces in the Project are not insufficient, that building only reduced the ratio of guest parking spaces from .5 per unit to .25 per unit because in that instance, as noted by a speaker at the public hearing, there were surplus retail parking spaces. That project is not sufficiently similar to the Hollywood/Gower project to support a finding that the reduced parking spaces at the Project were "consistent with other high-rise mixed use buildings in the Central Hollywood area."

previously provided information. See also CEQA Guidelines sections 15162 and 15163. Where, as here, the March 2011 Hersch/Green parking study made a significant modification to an otherwise inadequate EIR, recirculation is required. Laurel Heights II, 6 Cal. 4th 1112, 1121-22 (1993).

Without having an opportunity to review the new traffic study evidence – which is the only evidence to support the EIR’s finding of no significant environmental impacts – the public was deprived of its right to fulfill its proper role in the CEQA process. See Laurel Heights Improvement Assn. v. Regents of the University of California, 47 Cal. 3d 376, 404-05 (1988).

By failing to recirculate for public comment, Respondent’s approval of the EIR failed to comport with the law under CEQA and, therefore, constitutes an abuse of discretion.

For that reason and on that ground, the Writ is granted.

2. “Fair Hearing” Claims

While the Court initially declined to reach the question of whether the process afforded by the Respondent in this case was constitutionally deficient, it shall do so here.

While a court must give substantial deference to the *good faith judgment* of an agency that its procedures afforded fair consideration of a party’s claims, that deference is not unlimited. A local agency’s adjudicatory decisions must be made pursuant to principles of due process. Horn v. County of Ventura, 24 Cal. 3d 605, 610 (1979).

In this case, the first time that Petitioner even *heard* that a March 29, 2011 report compiling parking utilization at a total of 18 residential developments in the Southern California region and supplemented by recommendations provided by the Urban Land Institute and the Institute of Transportation Engineers would be relied upon as substantial evidence that the parking ratio provided by the applicant would be sufficient to meet demand was provided one business day before the PLUM hearing. (AR 5243, 5293, 5380). This late disclosure was compounded by the fact that the City Planner had repeatedly reassured Petitioner’s representative that no additional evidence would be submitted. (AR 22-23, 26-27). The first time that the petitioner was able to see the evidence in the new parking study was on May 11, 2011, the day after the PLUM Committee held the hearing on this Project. (AR 4663-4790). This parking study is the only substantial evidence cited in the revised findings adopted by the PLUM Committee that the reduction in parking proposed for this Project would not result in overflow parking impacts in the adjacent neighborhood. (AR 75-77, 199-201).

And, while the City contends that its deprivation of notice and opportunity to Petitioners was “cured” at the City Council, that claim is simply incorrect. The parking study upon which the PLUM Commission relied was made public one day after the matter was referred to the full City Council. (AR 4124, 4734-4790). There was no hearing at the next level; the only “hearing” at

which Petitioner could have proffered "rebuttal" was at the PLUM Commission hearing.¹² (AR 2328-2332, 4124).

While there is no express statute that affords Petitioner the right to have notice and an opportunity to be heard, the doctrine of due process applies to land use administrative hearings of the type at issue here. Mohlief v. Robert Janovici, 51 Cal. App. 4th 267, 302 (1996) (standards regarding adequacy of due process apply at administrative hearings). The deprivation of process in this case – of a basic right to have before it the information upon which the administrative decision rests and an opportunity to be heard as to the competency or adequacy of that information – is patent.¹³ The City put more than 200 pages of new findings that relied upon a new planning book not generally available to the public on short notice and the undisclosed 56-page Hirsch/Green Parking Report into the record less than one business day before the hearing on this matter. Having deprived the Petitioner and the public a reasonable advance opportunity to review the new findings and the new evidence cited in support of these findings, the City failed to afford Petitioner a fair hearing in this case. See Clark v. City of Hermosa Beach, 48 Cal. App. 4th 1152, 1171-72 (1996) ("A hearing requires that the party be apprised of the evidence against him so that he may have an opportunity to refute, test and explain it.")

As the PLUM Commission's approvals of the Project violated the due process requirements of a fair hearing, the Writ is granted on this ground as well.

Conclusion

For the reasons stated above, the Court grants the Writ of Mandate.

Counsel for Petitioner is to submit to this Department a proposed judgment and a proposed writ within 10 days with a proof of service showing that copies were served on Respondent by hand delivery or fax. The Court will hold these documents for ten days before signing and filing the judgment and causing the clerk to issue the writ.

The administrative record is ordered returned to the party who lodged it to be preserved without alteration until a final judgment is rendered and to forward it to the Court of Appeal in the event of appeal.

DATED: JULY 23, 2012

ANN I. JONES

ANN I. JONES, JUDGE OF THE SUPERIOR COURT

¹² Both RPI and the City sought to assert that the PLUM Committee decision was only a recommendation, not a decision. Constitutionally, the one who "decides, must hear." Vollstedt v. City of Stockton, 220 Cal. App. 3d 265, 274-75 (1990). If the actual decision-maker was the City Council, it decided the issue without hearing any testimony, much less rebuttal experts. Although Petitioner and its counsel submitted speaker cards at the City Council meeting on the project, no testimony was allowed. (AR 5039-41, 2330, 2340-43).

¹³ The Petitioner has a property interest sufficient to allow its due process claim to be heard. An neighborhood adversely affected by a proposed development has a deprivation substantial enough to require procedural due process protection. Cf. Horn v. County of Ventura, 24 Cal. 3d 605, 615 (1979).

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 AFFORDABLE CLEAN WATER
14 ALLIANCE, a California unincorporated
15 association,

16 Petitioner,

17 vs.

18 SANTA CLARITA VALLEY SANITATION
19 DISTRICT OF LOS ANGELES COUNTY, a
20 special district; and DOES 1 through 20,
21 inclusive,

22 Respondents.

23 LOS ANGELES REGIONAL WATER
24 QUALITY CONTROL BOARD, a
25 governmental agency; and ROES 1 through 20,
26 inclusive,

27 Real Parties in Interest.

Case No. BS145869

**PLAINTIFF'S OPPOSITION TO
SANTA CLARITA VALLEY
SANITATION DISTRICT OF LOS
ANGELES COUNTY'S MOTION
TO STRIKE IRRELEVANT
PORTIONS OF PETITIONER'S
OPENING MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF PETITION FOR
WRIT OF MANDATE AND
COMPLAINT FOR
DECLARATORY RELIEF**

Date: February 23, 2016

Time: 1:30 p.m.

Dept.: 85

[Hon. James C. Chalfant]

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THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

1 **I. INTRODUCTION AND SUMMARY OF ARGUMENT.**

2 The District's Motion to Strike portions of ACWA's Opening Brief that discuss
3 Alternative 2, the Alternative approved by the District as the Project, should be denied for
4 the following reasons:

- 5 1. As the Motion itself frankly admits, there is no statutory authority for such a
6 motion (Mtn. to Strike at p. 5:18-19), the motion to strike being authorized
7 by Code of Civil Procedure sections 435 and 436 for use against pleadings,
8 not briefs;
- 9 2. The District bases its Motion on the District's incorrect and vastly
10 overbroad reading of this Court's directive from the bench telling ACWA
11 not to re-argue in its trial briefs the illegality of the particular sites proposed
12 and analyzed in the EIR for Deep Well Injection. The Motion argues that
13 this Court's order found any and all Alternative 2 issues to be moot, despite
14 this Court's own statement that all such issues are not moot.
- 15 3. One passage that Respondent asks be struck concerns only Alternative 4,
16 and has nothing to do with Alternative 2 or the Motion's reasoning.
- 17 4. ACWA respects, and has made every effort to comply with, this Court's
18 order not to re-argue the legality of the use of Sites A and B for Deep Well
19 Injection.

20 **II. THE MOTION TO STRIKE WOULD GO FAR BEYOND THIS COURT'S**
21 **DIRECTION TO ACWA, AND IS IMPROPER AND OVERLY BROAD.**

22 **A. Background**

23 This case concerns the District's proposal to remove excess chlorides (salts) from
24 its treated sewage effluent, pursuant to an order from the California Regional Water
25 Quality Control Board. (CITE.) The EIR for this project analyzed four alternative
26 approaches to the project, selecting Alternative 2 as the Project. (AR00001-02.)
27 Alternative 2 would use advanced waste treatment techniques to remove salts from the
28

1 District's effluent discharge. Such treatment would produce a highly salty wastewater,
2 called "brine." Alternative 2 would dispose of this brine by using Deep Well Injection to
3 put the brine into underground aquifers that are already unsuitable for drinking water. It
4 would also divert a portion of the effluent for use by the Castaic Lake Water Agency for
5 municipal and industrial purposes. AR CITE. ACWA moved to augment the
6 administrative record ("AR") to include a Conservation Easement that forbids drilling and
7 other activities on land designated in the EIR for Deep Well Injection under Alternative 2.
8 This Court granted ACWA's motion, and issued a further order from the bench forbidding
9 the District from performing Deep Well Injection on the two sites (Sites A and B) that
10 were proposed and analyzed in the EIR, because these sites were on land covered by the
11 Conservation Easement (see transcript of August 8, 2015, hearing, Exh. @@ to Dec. of
12 Durbin, at @@@@CITE). This Court then directed ACWA not to re-argue the illegality
13 of performing Deep Well Injection on the land covered by the Conservation Easement; that
14 issue was already decided in ACWA's favor. (*Id.*, at p. 5, line 27 to P. 6, line 4.)

15 The District in its Motion to Strike argues that, because ACWA was directed not to
16 present arguments as to the illegality of use of Sites A and B (on Conservation Easement
17 land), that this Court found all issues touching on Alternative 2 to be moot, and that it
18 forbade any argument by ACWA on any such issue. (CITE.)

19 **B. The Motion Is Improper.**

20 As the Motion itself admits, a motion to strike is only properly brought to strike
21 portions of actual pleadings, such as petitions/complaints, answers, and the like. (Cal.
22 Code of Civil Proc. §§ 435, 436.) There is no statutory authority for bringing such a
23 motion as to a brief. While Respondent is correct that a court has considerable authority to
24 control the admission of evidence and the conduct of a trial (Mtn. at @@), the District
25 should have made its arguments in its opposition on the merits, rather than bringing a
26 separate motion that misappropriates the statutory method for striking false, irrelevant, or
27
28

1 scandalous material from pleadings, thus creating more pages for ACWA to respond to,
2 and for this Court to read.

3 The Motion is also overbroad. While this Court regarded the use of Sites A and B
4 for Deep Well Injection to be resolved through its order for the District not to use them, the
5 Motion does not limit itself to arguments on this narrow issue, but seeks to strike virtually
6 any argument regarding any aspect of Alternative 2, despite the fact that it is the actual
7 Project approved by Respondent.

8 The Motion even seeks to strike material that does not mention or concern
9 Alternative 2, as shown below. It also seeks to strike material that this Court has already
10 stated is relevant to Petitioner's cause of action for declaratory relief, without including
11 any argument in the Motion relative to that cause of action.

12 **C. The Court's Rulings and Directions.**

13 As a foundation for discussing the relevance of the portions of ACWA's brief that
14 the Motion seeks to have struck, ACWA will set out the actual rulings and directions made
15 by this Court at the August 6, 2015 hearing on ACWA's motion to augment the
16 administrative record in this case.

17 First, regarding the admissibility of the Conservation Easement (AR33718-738) that
18 restricted the use of land intended by the District for installation of Deep Well Injection
19 facilities, this Court ruled that "there is a dec relief claim, and the easement is clearly
20 improperly authenticated, going to be admitted as relevant evidence for the dec relief
21 claim." (Tr., p. 3: 10-12.)¹

22
23
24 ¹ Since the time of the August 6, 2015 hearing, Petitioner has obtained and
25 submits herewith a certified copy of the Conservation Easement in order to satisfy the
26 concern about proper authentication; it is attached to the @@@, 2016 Dec. of Durbin as
27 Exhibit @@.

1 Second, as to what issues regarding the Conservation Easement and Alternative 2
2 in general are or are not moot, the transcript shows several statements by this Court,
3 interspersed throughout the hearing, regarding what issues were moot. The most salient
4 are:

- 5 1. Line 1, lines 23-27: The Court: “The [District’s] opposition says they [the
6 documents ACWA moved to add to the record] are irrelevant because the
7 matter is moot. They are not – the respondent is not placing the deep well
8 injection site at the site indicated in the final environmental impact report,
9 and some supplemental environmental review will be required.”
- 10 2. Page 4, line 28 to page 5, line 2: The Court: “*There are other issues*, but on
11 this point, the *location* of DWI, the issue is mooted. They are not going to
12 be on site A or site B.” (Emphasis added.)
- 13 3. Page 5, line 27 to page 5, line 4: The Court: “Well, so for mootness
14 purposes, I have your [the District’s counsel’s] commitment that *they* [the
15 District] *are not going to* [use] *site A or site B*, and I will issue an order that
16 I don’t care whether they change their minds a[s] elected bodies or not, if
17 they do change their minds they are going to have to come back to me and
18 obtain court approval *to go back to site A or B*.” (Emphasis added.)
- 19 4. Page 7, lines 13-17: Mr. Silverstein: “We would submit on your adopting
20 the tentative. I understand what you are saying about whether they [the
21 Conservation Easement and other documents admitted to the record at the
22 hearing] are relevant or not, but *as long as they are part of the record and*
23 *can be argued* –“
24 The Court: “*Right*. We have cut a piece of this case out.” (Emphasis
25 added.)
26

27 ACWA believes that this Court’s rulings and colloquy with Petitioner’s counsel
28 show that, while the use of Sites A or B for Deep Well Injection was rendered moot,

1 Alternative 2 as a whole was not ruled on or made moot. Only the issue of the choice of
2 “location of DWI,” namely on Sites A or B was ruled on and made moot, not the overall
3 use of Deep Well Injection as part of Alternative 2; only the use of Sites A or B was “cut
4 out” of the case. Further, the Conservation Easement was explicitly ruled to be part of the
5 administrative record and available to be argued. The claim by the District that any
6 argument relating to Alternative 2 is moot and should be struck is contradicted by the
7 record, and is simply false.

8 **D. The Motion Seeks to Strike Permissible and Relevant Material.**

9 ACWA here will set out a section-by-section description of the portions of its
10 Opening Brief that the District seeks to have stricken (listed on page 2 of the Motion), with
11 the reasons why such material should not be stricken:

- 12 1. Page 1, lines 12-18: This passage in ACWA’s brief argues the requirement
13 of CEQA that an agency select a project that is feasible, including legally
14 feasible. It also summarizes why Alternative 2, the chosen Project, violates
15 this CEQA requirement, an argument that cannot be made without
16 explaining why Alternative 2 is not legally feasible. ACWA does not
17 believe that this Court intended to preclude ACWA from making this
18 argument, only to preclude it from setting out a full and duplicative
19 argument as to why the sites chosen for Deep Well Injection in the EIR
20 cannot be used, an issue on which this Court has already ruled. (See Section
21 II C, numbers 2 and 3, above.) ACWA did not set out such an argument in
22 this passage, only a summary of what this Court has already decided and
23 ruled upon. Further, lines 12-14 are description based on the Conservation
24 Easement, which is allowed under the ruling cited above at II.B number 4.²
25

26 ² It was necessary for ACWA to include some argument on the legality of the use of Sites A
27 and B, in order to make (and to preserve in case of appeal) the point that this Court also made, that “the
28 respondent is not placing the deep well injection site at the site indicated in the final environmental impact
report, and some supplemental environmental review will be required.” (Tr. at page 1, lines 23-27.) NOT
SURE WEHRE TO PUT THIS, BUT I DO WANT TO REMIND JUDGE CHALFANT OF IT.

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- The passage does not violate this Court’s directive and should not be stricken.
2. Page 4, lines 9-14: This passage simply describes Alternative 2, which is the Alternative chosen as the Project. It is impossible to litigate this case without reference to, and a description of, the Project actually chosen by the Respondent. It is also impossible to make the argument that Respondent selected a legally infeasible Alternative as the Project in violation of CEQA, Public Resources Code section 21002, subdivision (c), without explaining why it is legally infeasible. The passage does not make an extended argument; lines 10-11 refer only briefly to the Conservation Easement whose discussion is allowed under the ruling set out in II C, number 4, above. This material is proper and should not be stricken.
 3. Page 6, lines 1 through 5. These lines refer to Alternative 4, and have nothing to do with Alternative 2. The Motion presents no grounds whatever for striking this passage.
 4. Page 7, line 1 through page 10, line 11: Portions of this section do discuss the specific drilling sites analyzed in the EIR, and do remind this Court of the foundation for its ruling that these sites may not be used for Deep Well Injection pursuant to the Conservation Easement, which restricts the use of the relevant land in ways that would preclude performance of Deep Well Injection there. However, the purpose of this section of ACWA’s brief, and the bulk of the section’s argument, is to show that the District abused its discretion by failing to proceed in the manner required by law, in violation of CEQA, Section 21168.5.
Rather than re-arguing the illegality of the use of Sites A and B for Deep Well Injection, this section of the brief argues the legal effect and legal consequences of this Court’s ruling that those sites cannot be so used, given that they are the only sites analyzed in the EIR for Deep Well Injection.

1 Those consequences are: 1) the fact that the EIR's environmental impact
2 analysis was done on the wrong sites renders the discussion of Alternative 2
3 inaccurate and misleading (ACWA OB at p. 9, lines 18-20); 2) the fact that
4 the EIR performed no environmental analysis on any site that legally could
5 be used for Deep Well Injection means that the EIR's analysis is
6 incomplete, and not disclose or mitigate potential environmental harm; and
7 3) the fact that Alternative 2 was legally infeasible at the time of Project
8 approval, due to the restrictions on the relevant land, resulted in the District
9 violating CEQA's procedures by selecting an infeasible Alternative as the
10 Project. (P. 10, lines @@@@.) Further, the references to the Conservation
11 Easement in this passage are allowable under the ruling set out above at II.B
12 number 4. None of this section of the brief should be struck.

- 13 5. Page 9, lines 4-10: This section of ACWA's brief argues the merits of
14 Petitioner's Declaratory Relief claim. Pursuant to this Court's admission of
15 the Conservation Easement to the administrative record specifically on
16 grounds of its relevance to this cause of action (see above at @@ and Tr., p.
17 3: 10-12³), this portion of ACWA's brief is indisputably relevant, and
18 should not be struck.

19 None of the passages and sections of ACWA's Opening Brief that the District
20 seeks to have struck violates this Court's directives, and none of them argues issues that
21 are moot. Even if a motion to strike were proper here, the District's Motion fails to show
22 grounds on which this material should be struck.

23
24 **III. CONCLUSION.**

25 The District should not be allowed to use a motion that is intended for challenges to
26 formal pleadings as a vehicle to frame a collateral attack on ACWA's well-founded

27
28 ³ See also, FAP, ¶ 51, and District's Answer to FAP, ¶ 40, which admits the allegations in
FAP ¶ 51 regarding the Conservation Easement.

1 arguments as to Alternative 2, arguments that are central to its case. Rather, the District
2 should have made its own opposing arguments directly in its Opposition brief, instead of
3 bringing this somewhat questionable motion. The Motion should be denied.

4 **THE SILVERSTEIN LAW FIRM, APC**

5 DATED: February 8, 2016

6
7 By:

8 _____
9 ROBERT P. SILVERSTEIN
10 SUSAN L. DURBIN
11 Attorneys for Plaintiffs
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EXHIBIT 6

November 9, 2012

Doug Haines, La Mirada Avenue Neighborhood Association
P.O. Box 93596
Los Angeles, CA 90093-0596

2012 NOV 13 PM 1:30
CITY CLERK'S OFFICE
CITY CLERK
BY _____

Planning and Land Use Management Committee,
Los Angeles City Council
c/o Office of the City Clerk
City of Los Angeles, City Hall
200 N. Spring Street, Rm. 395
Los Angeles, CA 90012

RE: Council File 12-1604

Case No.: APCC-2008-2703-SPE-CUB-SPP-SPR

CEQA No.: ENV-2008-1421-EIR

Project Location: 5500 – 5544 Sunset Blvd., 1417 – 1441 N. Western Ave., 1414 St. Andrews Pl.,
and 5505 – 5545 De Longpre Ave.

Dear Chair Reyes, and Honorable Council members:

Please note the following comments and exhibits supporting our neighborhood association's appeal of the Central Area Planning Commission's August 14, 2012 approval of a proposed Target retail development at 5520 Sunset Boulevard, at the intersection of Western Avenue in Hollywood. The Planning and Land Use Management Committee is tentatively scheduled to hear our appeal at its November 13, 2012 meeting.

If constructed as described on page I-3 of the Draft *Environmental Impact Report* ("DEIR"), "Proposed Project," and slightly modified by the Commission's action, the Target development would consist of a structure 74 feet, 4 inches in height, with 194,749 sq. ft. of retail development and 225,286 sq. ft. of above-grade parking spaces in two levels totaling 458 stalls. Total site development is 420,035 sq. ft. The net lot area is 160,678 sq. ft. The primary component of the project would be a 163,862 sq. ft. Target retail store on the third level, with 30,887 sq. ft. of unidentified retail at ground level (hereinafter the "Project"). The applicant is Target Corporation ("Applicant").

The Applicant's representative, Dale Goldsmith of Armbruster, Goldsmith & Delvac, LLP, makes several assertions in a November 1, 2012 letter regarding his justification for the Project, and discounting our neighborhood association's appeal. These assertions lack any supporting evidence.

The Goldsmith letter also contains proposed "*Supplemental City Council Findings in Response to Appeal.*" Target is requesting that the City Council adopt these supplemental findings as its own. Please note the following comments in response to both Mr. Goldsmith's letter and the attached documents, including evidence detailing why the proposed supplemental findings are without merit and should not be adopted by the City.

Los Angeles City Council, Council Files 12-1604 & 09-2092

Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR

November 9, 2012; Page 2

I. The Goldsmith letter provides no comparative evidence to support its claim that project economics are significantly more difficult for a Target development.

Among Mr. Goldsmith's comments in his November 1, 2012 letter are: 1) Our appeal lacks "credential or experience in land development;" 2) Examples cited in our appeal of other developments in the same zone and vicinity lack comparisons of "land costs, construction costs or financing arrangements;" and 3) Two of the developments cited in our appeal involved public funding, and therefore cannot be compared to the Project. No documentation is presented with these claims.

On October 9, 2007, Target secured a 75-year Ground Lease agreement for the subject site with property owner Jordan Man See Chin of Hong King at \$1,895,000 per year (see Exhibit 1). Target therefore does not own the land comprising the subject site, and Mr. Goldsmith offers no examples of surrounding properties developed as leases for comparative analysis. Mr. Goldsmith also does not offer information regarding year-to-year construction cost index figures or Prime lending rates for analysis, nor does he detail Target's internal accounting practices since Target self-finances its developments [See comments by Target representative Eric Pagent at the June 29, 2010 PLUM Committee hearing for the Project].

Note at Exhibit 2 historical U.S. Federal Reserve System federal effective lending rates spanning the period 1955 to 2011, with the current interest rate of 0.1% being the lowest ever offered. Note also as a comparative example that the Federal Funds lending rate for year 2000 was 6.24%, or 6,240 times the current rate.

Note also at Exhibit 3 a chart detailing the U.S. Prime Rate History spanning the years 1930 to 2011. This chart, with source information provided by the U.S. Federal Reserve Board, shows the current 3% Prime interest rate at its the lowest level since 1955. Note also as a comparison that the Prime interest rate in year 2000 was 7.8%.

At Exhibit 4, note U.S. Census data detailing "*Unemployment Rates by Industry, and by Sex: 2000 to 2010.*" Note that unemployment in the Construction Industry increased from 6.2% in year 2000 to 20.6% in year 2010. At Exhibit 5, note NPR's "Planet Money" 1/12/11 article "*Which Jobs Have the Highest and Lowest Unemployment Rates?*" This article identifies construction laborers such as cement masons, concrete finishers and brick masons with a 25.0% unemployment rate; roofers with a 27.1% unemployment rate; structural iron and steel workers having a 28.4% unemployment rate; drywall and ceiling tile installers suffering a 24% unemployment rate; and construction trade helpers with a 36% unemployment rate. By comparison locomotive operators, who like construction trade workers do not require a college degree, have a 0.4% unemployment rate.

Such factual information clearly shows that U.S. Prime lending rates are near historic lows, while the availability of skilled construction laborers is at historic highs. Mr. Goldsmith's claim in his November 1, 2012 letter that "project economics were significantly different than today" is therefore correct — projects cited in our appeal as having subterranean parking and being compliant with the restrictions of the Specific Plan were far more expensive to build years ago than they would be today. [Note also the attached 11/8/2012 LA Times article on the failure of ballot Measure J, which is described as "*a missed opportunity to take advantage of low interest rates and cheaper construction costs*"].

Los Angeles City Council, Council Files 12-1604 & 09-2092
 Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR
 November 9, 2012; Page 3

II. Subterranean parking is the norm for new retail and mixed-use developments in Hollywood.

Attached at **Exhibit 6** is a June 1, 2012 Curbed LA article announcing the start of construction of the first phase of the Blvd. 6200 project, a 1.2 million sq. ft., 1,014-unit, mixed-use project on a leased, 7.46-acre site near Hollywood's Pantages Theatre. Located approximately three quarters of a mile northwest of the subject site, the Blvd. 6200 project was approved by the Los Angeles City Planning Commission in 2007 and dedicates 10% of its apartment units for affordable housing. The project received no public subsidies, and features a five-level subterranean parking garage for 2,696 cars.

Attached at **Exhibit 7** is an October 22, 2012 Los Angeles Times article announcing the start of construction of an 85-unit apartment complex atop shops and restaurants at Melrose Ave. and Larchmont Blvd., approximately 1 mile southwest of the Project site. The Melrose Ave. development received no public subsidies and features a two-level, 180-car subterranean parking garage [note attached rendering].

Attached at **Exhibit 8** is a March 21, 2011 LA City Planning Department approval letter for a 49-unit mixed-use development at 5245 Santa Monica Blvd., located approximately a half mile southeast of the Project site. This development received no financial subsidies and features a two-level, 192-car subterranean parking garage.

Mr. Goldsmith further states in his November 1, 2012 letter that the subterranean parking garage constructed as part of the Ralph's Grocery Store development at Hollywood Blvd. and Western Ave. cannot be compared to the Target project, claiming that the Ralph's development "*was approved over 10 years ago when land costs in Hollywood were much lower than they are today.*" No evidence is presented by Mr. Goldsmith to support this claim. Mr. Goldsmith further states that the Target project cannot be compared with the Ralph's development because the Ralph's project has two anchor tenants and a publicly subsidized affordable housing component.

Mr. Goldsmith's letter provides no documentation to accompany his claims regarding the Ralph's development, yet such comments have no merit even if factual evidence were presented. As previously noted, financial carrying costs for the Ralph's development were proportionately far higher in the year 2000 than they are today, while his comment that the proposed Target development has one anchor store instead of two is solely the result of a decision by the Target Corporation to not include another major retailer in its Project.

Also, public subsidies associated with the 100-unit senior housing complex adjacent to the Ralph's retail development were completely separate from the retail component. Parking for the housing complex is also separate. The same applies to the Walgreen's mixed-use development at 1500 N. Western Ave. Despite assertions by the Applicant to the contrary, the Walgreen's retail component did not receive any financial subsidy, while the affordable housing development on the upper levels resulted only after efforts were made by Council District 13 to include this element in the final design. Please note that Target has rejected the inclusion of a residential component within its Project. Note also that the Applicant had ample opportunity to seek public funding from the Community Redevelopment Agency prior to that agency's demise in February of this year.

Los Angeles City Council, Council Files 12-1604 & 09-2092

Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR

November 9, 2012; Page 4

Mr. Goldsmith further states in his November 1, 2012 letter that the Hollywood Home Depot store immediately west of the Project site cannot be compared with the Project, reasoning that it *“was built many years before the SNAP, with land and financing costs at that time that bear no resemblance to contemporary land and financing costs.”* The Hollywood Home Depot was built in 1996 (Exhibit 9) when the Prime Lending rate was over 9% (see Exhibit 3) as compared to today’s rate of 3%. Financing costs in 1996 were therefore three times what they are today. Mr. Goldsmith further describes the Home Depot store as *“a windowless box with a vast surface parking lot and rooftop parking that, if it were built today, would require more exceptions from the SNAP than the proposed Project.”*

Mr. Goldsmith does not provide a breakdown detailing how the Hollywood Home Depot store would not comply with the Vermont/Western Transit Oriented District Specific Plan (“SNAP”), yet the point is irrelevant. The Hollywood Home Depot building would not be built today, since SNAP was created specifically to prevent it and other boxy developments -- like the proposed Project -- from being constructed.

III. The Applicant’s reference to other properties with a claimed greater Floor Area Ratio than the Project is both irrelevant to the requirements of LAMC Section 11.5.7.F.2 and unsupported by documentation.

Mr. Goldsmith cites nine buildings in his November 1, 2012 letter that he claims are in the same zone and vicinity as the Project while benefiting from a higher Floor Area Ratio (“FAR”) than the Project is seeking. Mr. Goldsmith points to *“each of these properties enjoy(ing) a substantial property right regarding the amount of permitted floor area ratio that Target would be denied unless the exception is granted.”* Mr. Goldsmith, however, does not identify in his letter exactly which one of Target’s many exceptions to the Specific Plan he is referring to, since Target is not seeking an exception to the permitted FAR on the site.

As noted in our appeal, the Los Angeles Municipal Code does not include parking areas when calculating FAR. Due to this, Target’s 420,035 sq. ft. development does not include the 225,286 sq. ft. parking podium in its FAR calculation. The City therefore considers the Project to have a 1.15:1 FAR, which is below the maximum FAR of 1.5:1 allowed on the site. If the parking structure were included in the calculation, the Project’s FAR would be 2.5:1. If the Project retained the same amount of retail square footage but constructed a subterranean parking garage rather than an above-grade structure, the FAR would still be 1.15:1. How then is Target being denied a substantial property right?

Such dubious arguments apply to the nine properties referenced by Mr. Goldsmith in his letter, for which a footnote states: *“The information in this section is based on field inspection, a comprehensive review of the City’s ZIMAS website and Google Earth.”* Unfortunately, none of that information is included as exhibits with the letter. Of the nine referenced properties, four are hospital buildings (which under SNAP and State of California law are regulated differently than commercial development), one is a church occupying a 1929 former hospital building, two are hotels, one is Walgreen’s, and one is a building that doesn’t exist.

Mr. Goldsmith states that the Super 8 Motel at 1538 N. Western Ave. *“covers all of the 5,438 sq. ft. lot on which it is located, as well as half of the adjacent lot,”* and claims that it is *“built to a floor area ratio of 2 to 1, which is higher than that of the Project.”* As noted, no documentation is attached as reference.

Los Angeles City Council, Council Files 12-1604 & 09-2092

Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR

November 9, 2012; Page 5

As seen in the attached Parcel Profile Report (**Exhibit 10**), the Motel 8 building covers multiple parcels and was built in 1995, years before passage of either the Specific Plan or its precursor, the Interim Control Ordinance. The motel features a surface parking lot and has no retail storefronts. The design of the building would not be allowed under SNAP, and it has no relevance to Target's proposed development.

Similarly, the Hollywood Hotel (formerly Ramada) at 1160 N. Vermont Avenue, approximately 1 mile east of the subject site, was constructed in 1964, or 37 years before passage of SNAP (see **Exhibit 11**). The Hollywood Hotel is a 128-room, 3-level structure with a height under 35 feet. It is setback from Vermont Ave. on a 1.578-acre site with a surface parking lot located behind the building. The hotel has no retail storefronts, is not in the same vicinity as the Project, and is in no manner relevant to Target's proposed development.

Mr. Goldsmith's November 1, 2012 letter refers to two hospitals and two medical office buildings, but provides an address for only one, the "Acute care hospital" at 4650 Sunset Blvd. Children's Hospital of Los Angeles is located at this address. The three other buildings referenced in the letter are described as: "Kaiser Permanente –Sunset Boulevard and Edgemont Street," which is located at 4867 Sunset Blvd.; "Kaiser Medical Office Building – Sunset Boulevard and Kenmore Avenues," located at 4950 Sunset Blvd.; and "Medical Office Tower – Sunset Boulevard & Alexandria Avenue," which is located at 5000 Sunset Blvd.

Hospitals and related Medical Uses within Subarea C have separate regulations under SNAP in order to respond to State and Federal requirements for seismic upgrades. This requirement is emphasized in SNAP's preamble: "*Whereas the Vermont/Western Transit Oriented District Specific Plan desires to promote and facilitate the objectives of the State of California under the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 and the Federal Emergency Management Agency's (FEMA) Public Assistance Programs.*"

Purpose "P" of the Specific Plan strengthens this objective, stating that the Plan is intended to: "*Support the ability of local hospitals to respond successfully to the new requirements in The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, as amended and set forth in the Statewide Health and Safety Code Sections 129675, et seq., for seismic upgrades of acute care facilities.*"

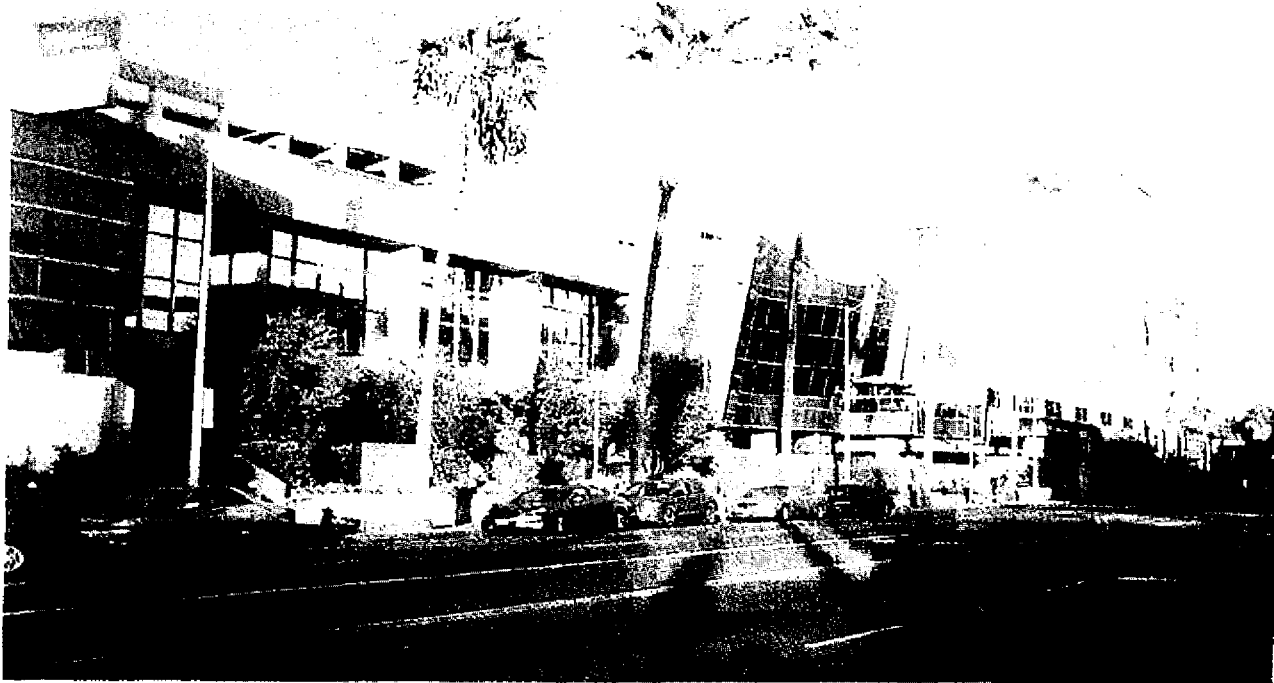
The Alfred E. Alquist Hospital Facilities Seismic Safety Act, updated in 1994 by California Senate Bill SB1953, requires acute care hospitals to be up to current seismic standards (see **Exhibit 12**). In order to accomplish this mandate, the hospital facilities cited in Mr. Goldsmith's letter have to be torn down to be reconstructed to the higher seismic standards. Unified Hospital Development Sites are therefore permitted in Specific Plan Sections 6L and 9B.3(a) to have a by-right building height of 100 feet and a FAR of 3.0:1. Existing hospital Replacement In-Patient Facility Projects, such as for Children's Hospital and Kaiser Permanente, may be built up to 150 feet by-right, or up to 200 feet with an FAR of 4.5:1 if approved by the Director of Planning.

Children's Hospital of Los Angeles is near completion of its rebuilding program, replacing the 1963 original structure with a modern facility. Kaiser Permanente is also near completion in abiding by State law for seismic upgrades, replacing its original 1951 building with a unified development. Kaiser Permanente's seismic upgrade approvals pre-date SNAP, and its overall FAR is 3.5:1, not 6:1 as claimed in Mr. Goldsmith's letter. Also, neither complex can be considered to be in the same vicinity as the Project.

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Kaiser Permanente Hospital's ongoing reconstruction, as required by State and Federal law.

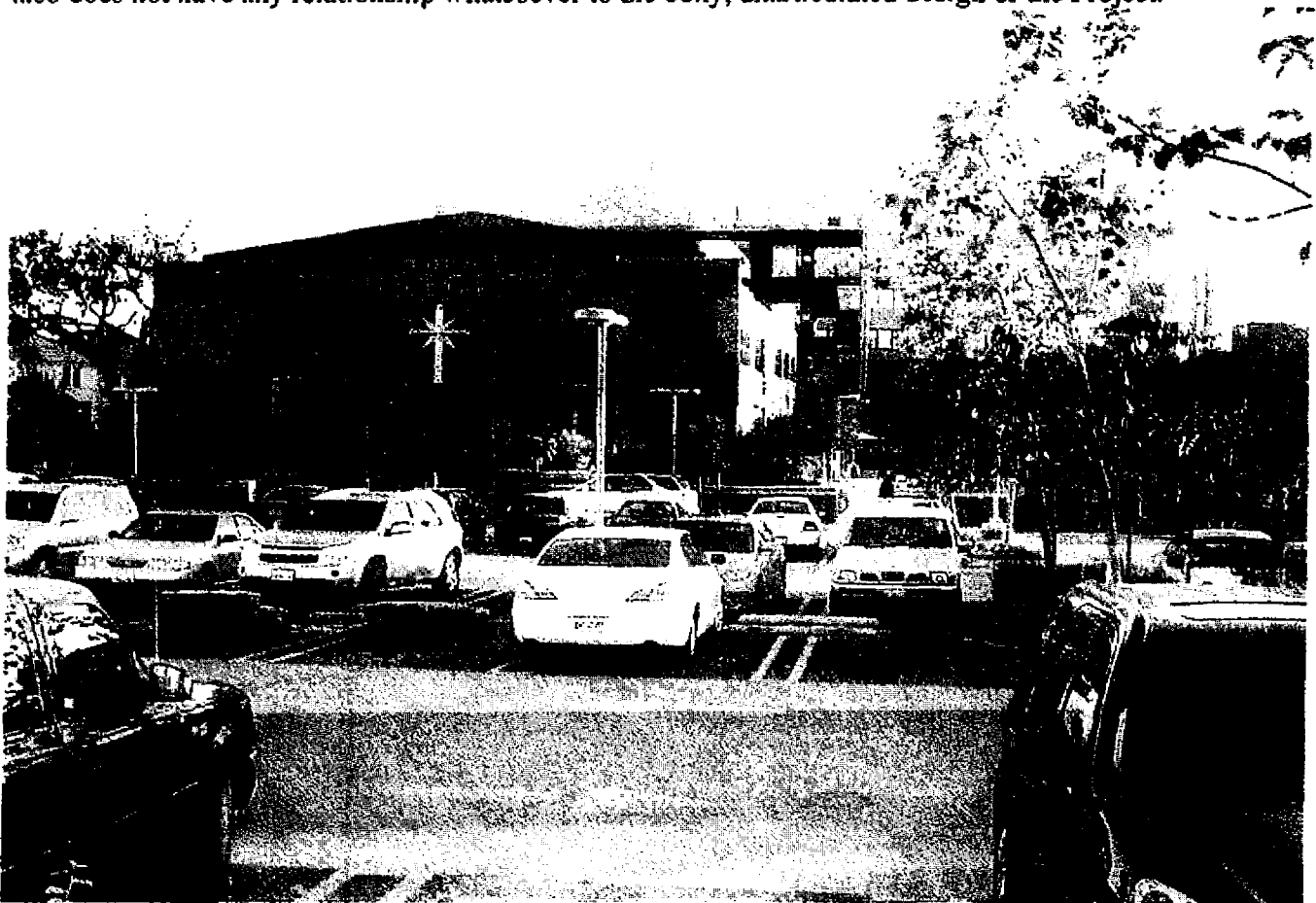


Reconstructed low-level design of new Kaiser Permanente building, which is completely SNAP compliant.

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The medical office building cited in Mr. Goldsmith's November 1, 2012 letter as located on Sunset Blvd. between Kenmore and Alexandria Avenues, almost a mile from the subject site, was constructed in 1982 (see **Exhibit 13**), predating SNAP by almost 20 years. The medical building at 5000 Sunset Blvd., which is occupied by Citibank on the ground floor and Children's Hospital in the offices, was built in 1987, and has subterranean parking, not an above-ground parking structure as claimed by Mr. Goldsmith.

Mr. Goldsmith also cites the Church of Scientology building at 4830 Sunset Blvd. as comparable to the Project. This building -- originally the Cedars of Lebanon hospital -- was constructed in 1929, is located on an open campus of two city blocks totaling 6.23 acres, and is served by a surface parking lot (see **Exhibit 14**). It has an FAR of 1.36:1, not the 6:1 FAR claimed without any evidence by the Applicant. The campus also does not have any relationship whatsoever to the boxy, unarticulated design of the Project.



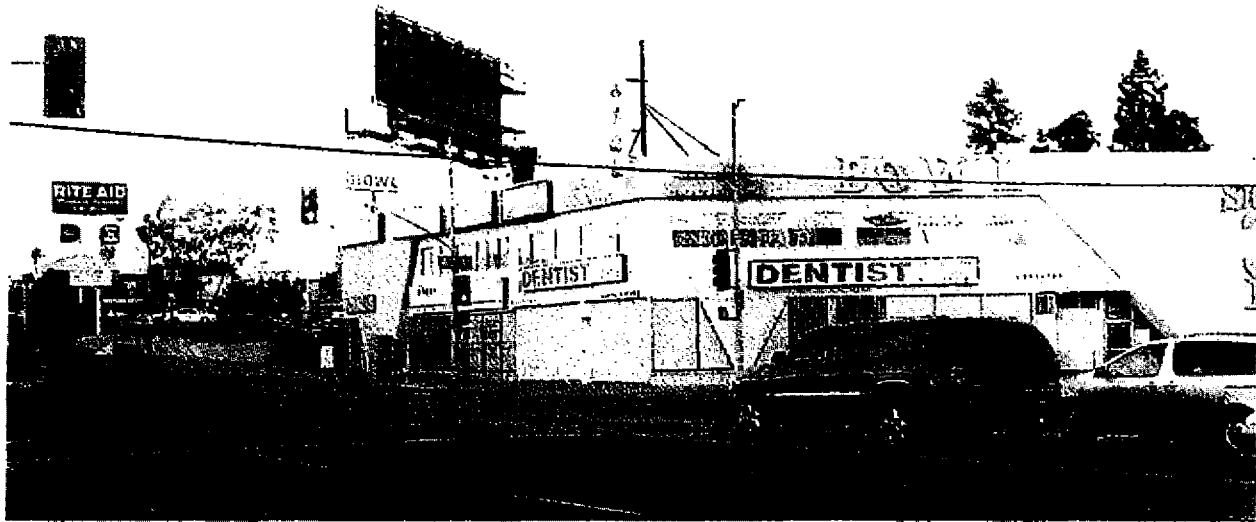
1929 building constructed as Cedars of Lebanon Hospital, now Church of Scientology.

As noted in Exhibit 14, the Church of Scientology campus consists of 4 buildings constructed between 1929 and 1959. The main building, constructed in 1929, is 210,966 sq. ft. In 1948, a 32,127 structure was added to the site. In 1952, the former hospital was expanded with a 101,782 sq. ft. addition. In 1959, a 24,271 sq. ft. annex was added. Total square footage for all of the buildings is 369,146 sq. ft., or almost 51,000 sq. ft. smaller than the Target Project, on a site 2 1/2 acres larger [Note: The Scientology lot has 290 feet of frontage on its northern and southern ends (Sunset Blvd. and Fountain Ave.), and 936 feet of frontage on its western and eastern perimeters (Catalina St. and L. Ron Hubbard Way), for a total 271,440 sq. ft.].

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Mr. Goldsmith's letter also states that the Walgreen's mixed-use project has a 2:1 FAR and received exceptions from the requirements of SNAP. No documents are attached to support these claims or to explain the justification for any discretionary approvals, nor does Mr. Goldsmith explain why the Walgreen's project's FAR is relevant to the Project. None of the claimed exceptions to the Walgreen's development were cited by either the Applicant or City in justifying the Target project, and are therefore obviously unrelated to the instant case.

Mr. Goldsmith's letter also claims that a 6-story mixed-use project with a FAR of 6:1 is located at 346 S. Vermont Avenue. No such development exists at this address, which is outside of the boundaries of the Vermont/Western Transit Oriented District Specific Plan (note photos below).



Bowling alley, dentist, and hair stylist at 350 – 356 S. Vermont Avenue.



Rite Aid pharmacy at 334 – 348 S. Vermont Avenue.

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Entrance to subterranean parking garage for medical offices at 5000 Sunset Blvd. – incorrectly cited by the Applicant as being “structured parking above-ground.”

IV. The Applicant has provided no evidence that Target would experience a financial hardship by including subterranean parking in the Project, or that above-grade parking is a right possessed by other properties in the same zone and vicinity.

Mr. Goldsmith states in his November 1, 2012 letter that subterranean parking for the Project would be more expensive than Target’s proposed above-grade parking structure, claiming that a subterranean garage for 458 parking spaces would cost \$13.2 million versus \$5.6 million for an above-grade podium. Yet Mr. Goldsmith provides no evidence that Target would experience a financial hardship were it to pay more for subterranean parking, which as previously noted is the norm for Hollywood, or that constructing a parking podium is a right possessed by other properties in the same zone and vicinity.

The reality is that money is apparently of little consequence to the Target Corporation, which generated \$69 billion in revenue in 2011 (see Exhibit 15), and has expended \$9,632,917 for rent in the 5 years and 1 month that it has leased the site. Target also acknowledges that it first presented Council District 13 with a code-compliant project, which precludes its claims for any SNAP exception.

This issue, however, is merely a distraction from the fact that no one is forcing Target to build a subterranean parking garage. The Specific Plan prohibits the Project from having a building height above 35 feet and total parking beyond 390 spaces. Target has therefore created its own hardship by seeking to build a development that is too large for the lot, with 68 more parking spaces than are allowed by SNAP.

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V. The Applicant has provided no evidence that Target would experience a hardship by providing free delivery to residents within SNAP.

Mr. Goldsmith claims in his November 1, 2012 letter that the Specific Plan's requirement for Target to provide free delivery to residents of the Plan area would create a practical difficulty, in addition to creating more delivery vehicle trips in residential neighborhoods than would internet orders. Mr. Goldsmith cites an attached letter from Target's entitlement consultant, Greenberg Farrow, as evidence supporting these conclusions.

Yet Greenberg Farrow's October 31, 2012 letter explicitly acknowledges that its conclusions are based "upon information provided by Target for this purpose," rather than upon an independent analysis, and is therefore of no value.

Mr. Goldsmith states that "requiring the Project to implement home delivery from an individual store would be a practical difficulty for the store and for local customers because it would increase the likelihood of delays, as goods are more likely to need to be ordered by the store before a local delivery could be made. Thus, home delivery directly from the Project would be less attractive and convenient for customers."

Section 6N of the Specific Plan requires the Applicant to design a program for free delivery of purchases **made at the site**. If Target is out of stock of an item desired by a patron, than no purchase would have been made at the site and Target would not have to deliver it.

Mr. Goldsmith also claims in his letter that making customers order items on the internet and pay for home delivery would alleviate residential traffic because "most of the journey would be on freeways and not local streets." Such nonsensical reasoning turns logic on its head, postulating that requiring shoppers to order on-line for items already in stock at a nearby Target store benefits the community by requiring duplicate items to be shipped hundreds of miles on freeways rather than being delivered from the point of purchase. Under such perverse logic, there is no need for Target to build a physical store.

The reality is that numerous local retailers offer free delivery of their merchandise directly from the retail store where the customer makes the purchase, including Sit 'n' Sleep, Paul's TV, Video and Audio Center, and virtually every franchise pizza outlet in the United States.

VI. The Applicant has provided no legal justification for omitting the Hollywood Central Park from the EIR's List of Related Projects.

Mr. Goldsmith states in his November 1, 2012 letter that the Hollywood Central Park ("Cap Park") was not a funded project as of the date of Target's December 6, 2010 Notice of Preparation ("NOP"), and "is not appropriate for inclusion in a cumulative impacts analysis because it was not a reasonably foreseeable project at the time the environmental setting was established..."

As noted in the Project's *Draft EIR*, all proposed, recently approved, under construction, or reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed Project are required under CEQA to be included in the EIR.

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The Hollywood Central Park received initial funding from the Los Angeles Community Redevelopment Agency ("CRA") for feasibility studies in 2006. A Memorandum of Understanding ("MOU") was approved by the CRA in 2007, and the first draft of the feasibility study was completed in 2008 (see **Exhibit 16**).

Mr. Goldsmith's letter includes a partial quote from page 6 of the December 15, 2011 Staff Report to the CRA Board of Commissioners for the Cap Park MOU, which Mr. Goldsmith includes with his letter as Attachment D. Mr. Goldsmith uses this quote out of context. The full quote is: "*The recommended action does not constitute a 'project' as defined by the California Environmental Quality Act (CEQA). The action being taken is to provide the resources to prepare the necessary environmental reviews for any requested future actions regarding the project.*" This is standard language for all MOU agreements by the CRA, and does not in any manner lessen the significance of the Cap Park as being a proposed or reasonably foreseeable project as defined under CEQA.

Note at **Exhibit 17** the April 28, 2011 NOP for the Millennium Hollywood Project, a 1.05 million square foot development planned adjacent to the Capitol Records building (approximately 0.9 miles northwest of the Target site). The Millennium Hollywood Project's NOP was issued just 4 1/2 months after Target's December 6, 2010 NOP. Also note at **Exhibit 18** the Millennium Hollywood Project's October, 2012 cover page for its completed *Draft EIR*, and that EIR's List of Related Projects. Included in Millennium Hollywood's List of Related Project is the Hollywood Central Park (#51).

Target's *Draft EIR* on Page III-12 includes the Millennium Hollywood Project in its List of Related Projects (number 43), and grossly misrepresents the scope of the project, misidentifying it as a 180,000 sq. ft. commercial development rather than its actual scale of 1.05 million sq. ft. Target's *Draft EIR* included the Millennium Hollywood Project even though its NOP would not be issued for another 4 1/2 months, and despite rampant speculation that the massive project -- with two 55-story skyscrapers -- will never be built. Yet Mr. Goldsmith claims in his letter that Target properly omitted the Hollywood Central Park in its cumulative analysis, which would be constructed one block west of the Project site, "*because it is not a reasonably foreseeable project.*"

If it is "reasonable and practical" to include other projects in a project's cumulative impacts analysis, then the lead agency is required to do so." San Franciscans For Reasonable Growth v. City and County of San Francisco, *supra*, 151.App.3d at 77. "The Guidelines explain that a discussion of cumulative effects should encompass 'past, present, and reasonably anticipated future projects.'" Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 394; citing Guidelines § 15130 (b)(1)(A); italics in original.

For example, Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421, 431-432. explicitly states that while projects "currently under environmental review unequivocally qualify as probable future projects to be considered in a cumulative analysis...even projects anticipated beyond the near future should be analyzed for their cumulative effect." *Id.* at 168.

"Proper cumulative impacts analysis is absolutely critical to meaningful environmental review..." Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1217. "[Q]uestions concerning...cumulative impacts constitute important issues of broad public interest that are likely to reoccur." (*Id.* at 1184, 1203).

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There is no legal or practical justification for the Applicant to omit the cumulative impacts associated with construction of the Hollywood Central Park, and the EIR must be amended to include it and be re-circulated to the public for review.

VII. The Applicant's proposed supplemental findings lack substantial evidence to support any of the Project's requested exceptions to the Specific Plan.

A. Target acknowledges that it originally presented a Code-compliant project to Council District 13.

The Applicant's proposed Supplemental Findings state on page 2: *"The Applicant initially planned a stand-alone Target store the (sic) property. The initial concept would have complied with the SNAP height requirements and many other SNAP requirements. The Applicant discussed this initial concept with Council District 13 and key community stakeholders, who expressed concerns that a stand-alone Target store would not fulfill important pedestrian-friendly and neighborhood-serving goals of the SNAP or conform to good planning principles."*

The Applicant does not explain how a SNAP compliant, stand-alone Target store would not fulfill "important" goals or conform to good planning principles by following SNAP – which, as stated in its preamble, *"was created for the purpose of making the neighborhood more livable, economically viable, as well as pedestrian and transit friendly..."* The Applicant also does not identify precisely what these superior planning goals are, and why a SNAP compliant development does not achieve them. "In the absence of a specific 'bonus' or 'merit' system of zoning enacted by the municipal or county legislature, a variance applicant may not earn immunity from on one code provision merely by overcompliance with others." Orinda Association v. Board of Supervisors of Contra Costa (1986) 182 Cal.App.3d 1145, 1166

The Applicant also does not identify who the "key community stakeholders" were who rejected a code-compliant Target project, but they apparently did not include anyone serving on the Hollywood Studio District Neighborhood Council, the Hollywood Design Review Committee, the Melrose Hill Neighborhood Association, the East Hollywood Neighborhood Council, the Greater Griffith Park Neighborhood Council, the Hollywood United Neighborhood Council, Hollywood Heritage, the Community Redevelopment Agency, or our neighborhood association. No presentation was ever made to any of these organizations of a stand-alone, SNAP height compliant Target store, and no SNAP compliant Target design is included within the Planning Department's files.

Also, at the July 9, 2012 Hearing Officer hearing for the Project, Target's architect stated for the record that he has never presented any design to the community other than the multi-level structure now before the City Council.

Obviously, then, only Councilman Garcetti and his staff reviewed the SNAP compliant Target design originally planned for Hollywood, which was apparently rejected in a backroom deal absent any community awareness or input. The Applicant's proposed Supplemental Findings therefore cannot conclude that *"the decision-makers take stakeholder and other public input...very seriously,"* when it was not considered at all, or that ignoring the Zoning Code at the illegal behest of a termed-out councilmember justifies a self-imposed hardship. The Project was instead a "done deal" before the review process even began.

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As stated by the Court of Appeal in Orinda Association v. Board of Supervisors of Contra Costa:

“[D]ata focusing on the qualities of the property and Project for which the variance is sought, the desirability of the proposed development, the attractiveness of its design, the benefits to the community, or the economic difficulties of developing the property in conformance with the zoning regulations, lack legal significance and are simply irrelevant to the controlling issue of whether strict application of zoning rules would prevent the would-be developer from utilizing his or her property to the same extent as other property owners in the same zoning district.” Orinda Association v. Board of Supervisors of Contra Costa *supra*. (emphasis added)

B. The Alternatives section of the Draft EIR is deficient because it does not include the SNAP compliant project originally planned by Target and rejected by CD13, and therefore it does not offer a reasonable range of alternatives to the Project.

The Applicant acknowledges that it initially planned a stand-alone Target store that “would have complied with the SNAP height requirements and many other SNAP requirements.” This SNAP compliant store also obviously met Target’s goals and objectives for economic feasibility. However, no such project is included in the Alternatives section of the *Draft EIR*. The closest to this design is Alternative D, “Reduced Project Alternative,” which consists of a 28.5-foot tall, 149,400 sq. ft. Target store above 1.5 levels of subterranean parking for 351 cars. The *Draft EIR* rejects this alternative on the superfluous grounds that it would not provide a mix of commercial uses. However, under the *Draft EIR*’s “Alternatives to the Proposed Project,” Section 2, “Alternatives Considered but Rejected as Infeasible,” the Applicant describes an alternative of a single-level retail project that does include a mix of commercial uses (DEIR page VI-3), but rejects this configuration as infeasible without further analysis.

The Project EIR is therefore deficient since it does not consider a reasonable range of alternatives to the preferred Project. If Target originally intended to build a 149,400 sq. ft. store with 351 parking spaces, as detailed in Alternative D, then the Applicant does not need a 163,862 Hollywood outlet with 458 parking spaces to meet its objectives. The Project can therefore accommodate a reduced-scale Target with a mix of commercial uses to satisfy both the Applicant’s fiscal goals and its apparent desire to now include other retail options and a public plaza within the complex.

As noted in previous correspondence, Target is opening several smaller “urban” stores in Los Angeles, including a 104,000 sq. ft. facility in Downtown LA. (see **Exhibit 19**). The Downtown Target -- part of a 330,000 sq. ft. retail mall with parking for 500 cars -- also offers considerably less parking spaces per retail square foot than the Project. The Downtown Target has 1 parking spot per 660 sq. ft. of retail space versus 1 parking spot per 425 sq. ft. of retail space proposed for Hollywood. If Target applied the same ratio of parking spaces per retail square footage at its Downtown store to Hollywood, only 295 spaces would be required for the proposed Project.

No such alternatives are analyzed in the *Draft EIR*, which therefore is deficient in its lack of a reasonable range of alternatives to the Project. Reasonable alternatives must be considered “even if they substantially impede the project or are more costly.” San Bernardino Valley Audubon Society v. County of San Bernardino (1984) 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

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An EIR must consider a “range of reasonable alternatives.” Citizens of Goleta Valley v. Board of Supervisors (Goleta II) (1990) 52 Cal.3d 553; Guideline § 15126.6(c). An EIR must include sufficient information about each alternative “to allow meaningful evaluation, analysis and comparison with the proposed project.” Guideline § 15126.6(d). Each alternative “must be described in sufficient detail to permit comparison with the proposed project. The key issue is whether the selection and discussion of alternatives fosters informed decision-making and informed public participation.” Laurel Heights Improvement Association v. UC Regents (Laurel Heights I) (1988) 47 Cal.3d 376, 404.

The Project EIR has not considered a reasonable range of alternatives and must be re-circulated.

C. There are no special circumstances to the Project site due to the natural grade not being level.

The Applicant’s proposed Supplemental Findings state on page 3 that the subject lot is not level, that the southwest corner of the site where height is measured is 6 feet lower than the northern portion of the lot, and that this discrepancy is a special circumstance. Yet every property in Hollywood has the same naturally sloping grade, a feature that is in no manner unique to the subject site.

In Los Angeles a building’s height is defined under LAMC Section 12.03 as the vertical distance from the lowest natural grade to the highest point of the roof. The Los Angeles Department of Building and Safety measures 5 feet in from the lowest point of natural grade to determine building height. With the exception of Century City and Hillside areas covered by separate ordinance, the height of every property in Los Angeles is measured under this universal standard. How then is the Applicant able to claim this as a hardship?

Furthermore, the Applicant has acknowledged that it originally proposed a Target store compliant with the height requirements of SNAP. How can the Applicant now claim a hardship due to the natural slope of the lot when it previously wasn’t considered a hardship?

The Applicant further claims that the Project site is at the intersection of two “important” commercial thoroughfares, and that this location “*makes the site more appropriate for a destination retail use...that is also pedestrian-friendly and responsive to SNAP’s most important goals and purposes.*” The Applicant does not reveal which of SNAP’s goals are “most important,” and why those goals require a taller retail store. Nor does the applicant explain why the thoroughfare of Sunset Blvd. and Western Ave. is more important than the intersection of Hollywood Blvd. and Western Ave., which features the SNAP compliant Ralph’s development across from a Red Line subway station.

The proposed Supplemental Findings also assert that our appeal is incorrect in claiming that the City approved the requested SNAP exceptions to serve the financial interests of the Applicant, and that “*appellants do not provide any credible evidence to support these contentions.*” Yet Mr. Goldsmith’s November 1, 2012 letter clearly states on page 5 that “*subterranean parking would significantly increase building costs.*” No plausible reason has ever been given by the Applicant to explain why subterranean parking is otherwise infeasible. Target has instead repeatedly stated that an above-grade parking structure would be cheaper to build. What other evidence is therefore necessary to support this fact?

D. Target cannot redefine which purposes of SNAP are “important” and “unimportant,” and the City Council cannot independently change the wording of the SNAP ordinance to suit the Project.

Target is requesting that the City change the language of the Vermont/Western Transit Oriented District Specific Plan to find that SNAP’s regulation of height and bulk is no longer designed “to ensure a well-planned combination of commercial and residential uses,” as stated in Purpose H, but is instead now intended to “promote a flexible regulation of the height and bulk of *all* buildings” (emphasis is in Applicant’s original verbiage in its proposed Supplemental Findings). The City Council has no authority to single-handedly rewrite the SNAP ordinance without entering a Motion to do so and having the City Planning Commission review the proposed changes and vote on them. The City Charter delineates the approval process for changes to the language of the Zoning Code, and does not include a provision ceding dictatorial powers to the Applicant.

Target cannot likewise determine which purposes of SNAP are “important” and which are not. Ironically, Target’s proposed Supplemental Findings single out SNAP Purpose G as an “important” purpose consistent with the Project. Yet Purpose G calls for, among other things, “*guidelines that establish building façade treatments.*” Target’s requested entitlements include exceptions to the requirements for roof lines to be broken up; relief from the requirement that the second floor have a 10-foot setback; that transparent building elements occupy a minimum 50% of the ground floor facade; and that entrance canopies not exceed a maximum height of 30 feet. Purpose G is therefore in direct conflict with the Project.

Target’s proposed Supplemental Findings also repeatedly claim that compliance with SNAP would force the Project “to not provide an 11,000 square foot plaza or neighborhood serving retail in addition to the Target store.” The Applicant also states on page 11 that rooftop open space is infeasible. Yet the Paseo Plaza project, approved for a 4.9-acre site just 5 blocks south of the Target lot, will consist of 377,900 sq. ft. of retail/commercial space and 375 residential units with a rooftop park, a public pedestrian plaza, and subterranean parking for 1,811 cars (see Exhibit 20). 10% of the residential units are voluntarily set aside for affordable housing. The project, approved in 2007, received no public subsidies.

E. Target does not offer free delivery of all online purchases, and the Central Area Planning Commission improperly granted an exception to the Free Delivery requirement.

The Applicant’s proposed Supplemental Findings state on page 5 that Target has “an ‘always free delivery’ program for on-line purchases,” and that this service “fulfills the original intent of the SNAP’s free delivery requirement – which was to reduce traffic trips by consumers...”

Target does not provide “always free delivery” for on-line purchases. As noted in Exhibit 21, free delivery is available from Target only when ordering with Target’s new REDcard credit card system. Orders using a check or money order do not necessarily qualify for free delivery. Also, Target’s on-line offerings are limited to non-food items and larger, more expensive products. A person lacking transportation who purchases groceries and other items not available through Target’s on-line website would experience difficulty bringing such merchandise home without a free delivery program.

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Furthermore, Target claims "*SNAP predates the dramatic increase of internet purchases...This online service fulfills the intent of the Specific Plan...*" This statement is nonsense. Online purchase do not fulfill the intent of the Specific Plan requirement for free delivery any more than print catalogs did when SNAP was approved.

Finally, the Applicant's proposed Supplemental Findings claim that an exception from the Specific Plan "*calls for a comparison of existing uses; it does not limit that comparison only to uses established after the SNAP.*" This assertion is flat wrong. Projects approved years ago under different zoning regulations are exempt from the new provisions of SNAP. New developments such as the Project must conform to SNAP. Target cannot claim that being required to follow the law is an unnecessary hardship or special circumstance.

F. Target did not design, finance or build the West Hollywood Target store building.

In an attempt to justify its refusal to reduce the height of the Project through subterranean parking, the Applicant makes the following claim on page 10 of its proposed Supplemental Findings: "*The fact that Target has recently designed and built the West Hollywood Target store is evidence that the Applicant is a credible source for information regarding the cost of subterranean parking and its relationship to overall project costs.*"

Target had nothing to do with the design, financing or construction of its West Hollywood store's building and related complex. The West Hollywood Gateway is a 250, 000 sq. ft. development on a 7.75-acre site that was conceived and financed by the J.H. Snyder Company, designed by The Jerde Partnership International and constructed by Swinerton Builders (see **Exhibit 22**). Target Corporation merely leases the location. Target in fact cannot cite one example of its company ever constructing a retail outlet that features subterranean parking.

G. The Applicant and City still have not produced the required individual findings for Target's requested exceptions from the Development Standards.

For all of the Applicant's blather contained in their proposed Supplemental Findings, they still have not provided the individual findings required for four of the five exceptions requested from the Development Standards.

As noted on page 38 of our appeal, Target has requested approval of five exceptions from the Specific Plan Development Standards, requiring 25 separate findings. Yet four of the five exceptions are grouped under the common heading "Building Design." The Applicant incorrectly claims in their proposed Supplemental Findings that because SNAP's Development Standards and Design Guidelines list the standards under the heading "Building Design," it provides relief from the requirement of LAMC Section 11.5.7.F.2. to individually provide the 5 required findings for each requested exception. Nowhere in the LAMC, the Specific Plan or State law is there supporting evidence for this conclusion.

The City instead has the burden of showing that it has satisfied all of the elements required for the approval of an exception to the Specific Plan. Tustin Heights Assoc. v. Orange County (1959) 170 Cal.App.2d 619. Failure to prove any of the matters required by the zoning ordinance must result in a denial of the exception applications. Minney v Azusa (1958) 164 Cal.App.2d 12.

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Here, neither the Applicant nor the City even remotely approached the required showings. Therefore, on this foundational question the application must be denied. See, e.g., Moss v Board of Zoning Adjustment (1968) 262 Cal.App.2d 1, 3, holding that a determination of the existence of all of the facts essential to making the necessary findings must precede any grant of a variance.

Case law and the Los Angeles Municipal Code act as a limitation upon the power to grant exceptions absent proper findings. Accordingly, each of the numerous requests must be denied on this ground.

The five requested exceptions from the Development Standards are:

- An Exception allowing the applicant to be exempt from the requirement that all roof lines in excess of 40 feet be broken up through the use of gables, dormers, cut-outs or other means;
- An Exception to allow relief from the requirement that the second floor of the development be set back a minimum of ten feet from the first floor frontage;
- An Exception to allow entrance canopies and balconies within 15 feet of the property line to exceed the maximum permitted height of 30 feet;
- An Exception from the requirement that transparent building elements occupy a minimum 50% of the ground floor facade;
- An Exception to allow store deliveries between the hours of 5 AM and 12 AM Monday – Sunday, in lieu of the requirement that deliveries shall occur no earlier than 7AM and no later than 8PM, Monday through Friday, and no earlier than 10AM and no later than 4PM Saturdays and Sundays.

There are five findings for an exception, and in order to grant the exception all five findings must be made. If even a single finding cannot be made, the exception must be denied. The Municipal Code provisions under LAMC § 11.5.7.F.2 are strictly construed and require that an exception approval be supported in writing for each of the five findings.

An exception is a safety valve preventing a property from becoming unusable if the zoning code were strictly applied. Its approval is not allowed to be “perfunctory or mechanically superficial.” Orinda Association v. Board of Supervisors (1986) 182 Cal.App. 3d 1145, 1161. Merely stating that denial of an exception would be “contrary” to another provision of the Code for which a project “materially conforms” does not rise to the standard of substantial evidence required under State law.

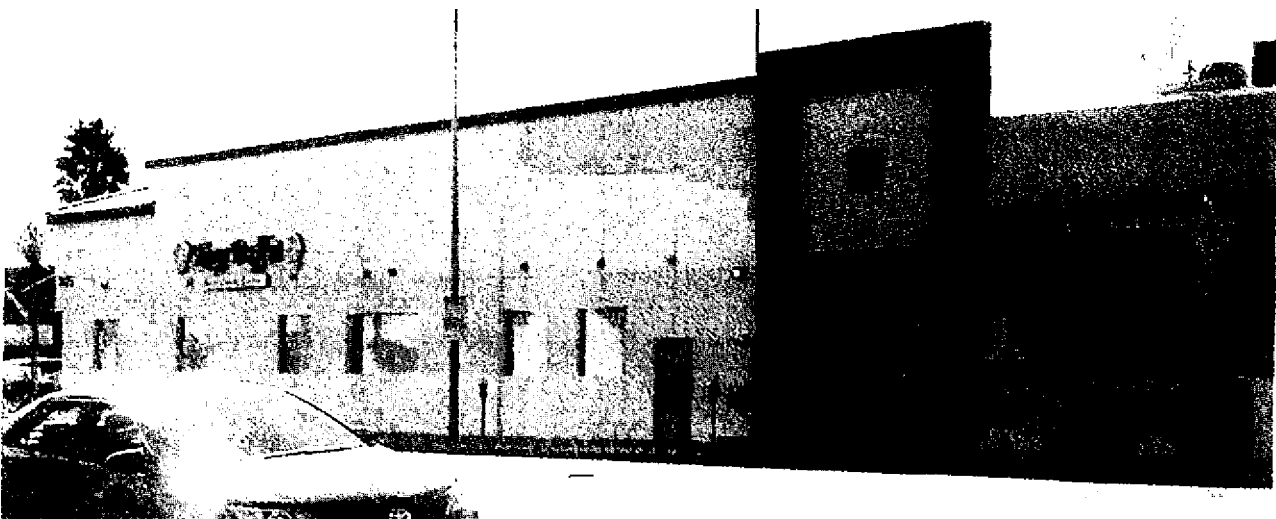
The Planning Dept. is required under the LAMC and City Charter §§ 552 & 562 to “bridge the analytic gap between the raw evidence and its ultimate decision or order,” with the intended effect of facilitating orderly analysis and legally relevant sub-conclusions supportive of its ultimate decision. Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal. 515. Here, there is no indication of the analytic route between the raw evidence and the ultimate decision, and the requested exceptions must therefore be denied.

Los Angeles City Council, Council Files 12-1604 & 09-2092
Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR
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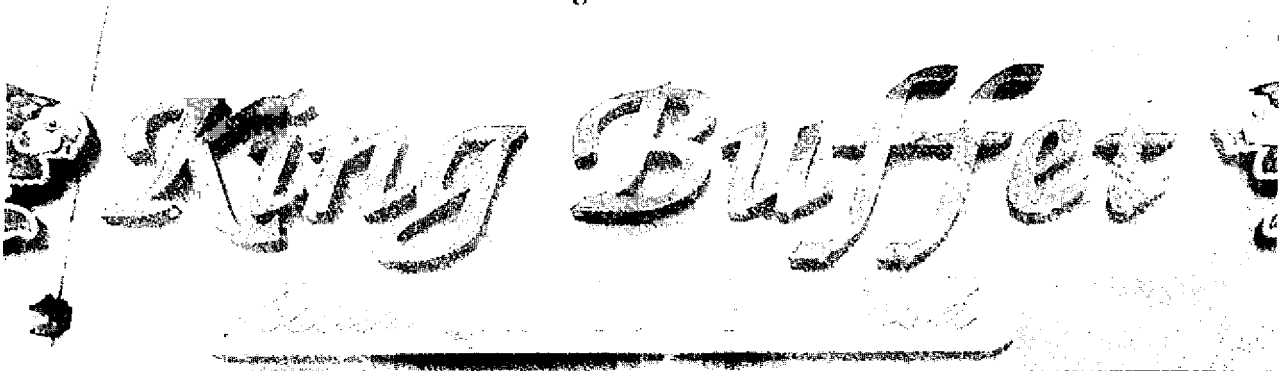
H. The Applicant incorrectly states that the U.S Post Office at 1358 N. Western Ave. commences its operations at an early hour.

The Applicant's proposed Supplemental Findings state on page 23 that "*the enclosed loading and delivery area of the Project is located on DeLongpre across from a US Postal Service facility which also commences its operations in the early morning hours. Granting the requested deviation from the SNAP's permitted delivery hours will be proper in relation to this adjacent use.*"

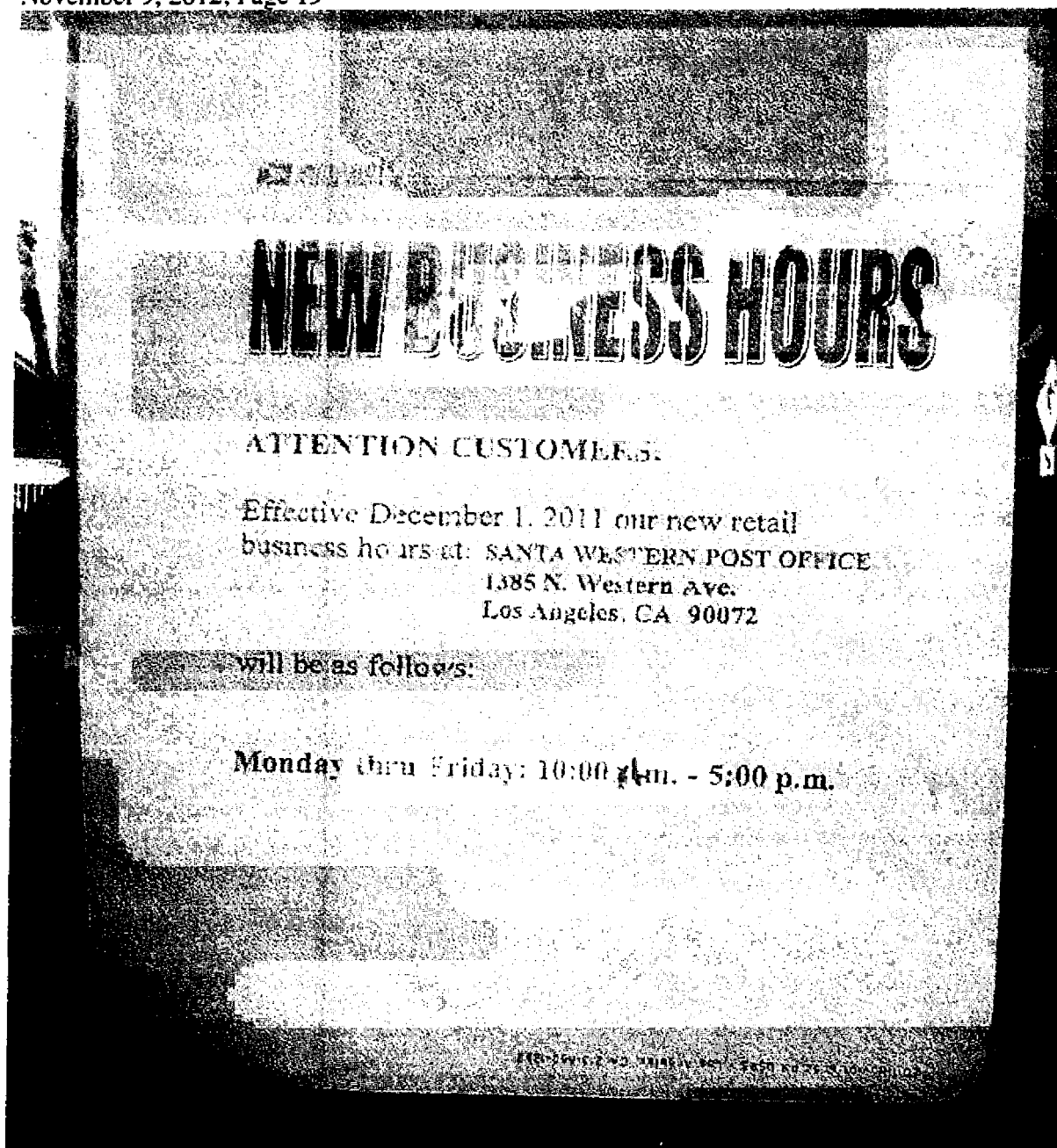
Due to nationwide cutbacks by the U.S. Postal Service, the Post Office at 1385 N. Western Ave. has since December 1, 2011 had reduced hours of 10AM to 5PM, Monday to Friday. One clerk serves the entire office, and this facility is at risk of being eliminated due to cutbacks in postal services. The U.S. Postal Service does not own the property or building, and the former auto-garage service section of the structure (1375 N. Western Ave.) has been converted into a King Buffet seafood restaurant, which is open between 11AM and 9:30PM (see **Exhibit 23**). The Applicant cannot therefore claim that granting an exception for store deliveries between the hours of 5AM to Midnight is in proper relation to existing uses.



Remodeled U.S. postal building at 1375 – 1385 N. Western Ave., near the subject site, now features reduced hours of 10AM to 5AM and a King Buffet restaurant tenant.



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Business hours posted at U.S. Post Office at 1385 N. Western Ave.

The Applicant further states in its proposed Supplemental Findings that allowing early deliveries is "proper in relation to the Assistance League of Southern California facility because deliveries would occur entirely within an enclosed area." Yet Target proposes to locate its loading docks across the street from the Assistance League's Children's Learning Center and Theatre for Children, and directly across from the Assistance League's parking facilities. This configuration will require large container delivery trucks to use the public street to maneuver and back into the parking structure, creating the highest opportunity for a collision involving a pedestrian or passenger vehicle. The same potential for accidental impacts applies to off-hours trash collection.

Los Angeles City Council, Council Files 12-1604 & 09-2092

Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR

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Target further claims in its proposed findings that the Project will be desirable to the public convenience or welfare because "*employment opportunities are among the most important elements of public welfare*" (Page 24). However, Target is a non-union, minimum-wage employer, and its Project is being appealed by the Los Angeles Alliance for a New Economy because it threatens hundreds of highly paid union grocery positions in the area.

VIII. The Applicant's appeal is without merit.

The Applicant is appealing Condition 119 of the Determination Letter that permits only 1 "Bulls Eye" Target sign above a height of 35 feet. The Applicant argues that the Central Area Planning Commission abused its discretion by limiting such signage to only the eastern corner of the building's north elevation.

Yet Condition 119 was included in the Staff Recommendation Report with exactly the same restrictive language, and Target's representatives voiced no objections to the condition either in writing or at the August 14, 2012 hearing. Target has therefore waived its right to now raise the issue and cannot cry foul for not bothering to proofread the documents. This is especially true since Target essentially wrote both the Recommendation Report and the Determination Letter.

IX. The General Manager of the Los Angeles Department of Recreation and Parks has recommended that Target's request to make a cash payment in lieu of providing childcare be denied, and therefore the PLUM Committee and City Council cannot act until after the Commission has decided the matter.

Target has requested that it be permitted to make a one-time cash payment in lieu of providing 3,895 sq. ft. of childcare space in the Project as required under Section 6.G of the Specific Plan. The Department of Recreation and Parks retains jurisdiction on the matter, and its General Manager has recommended in Report 12-307 (attached at Exhibit 24) that the request be denied. At its Special Meeting of November 7, 2012, the Board of Recreation and Park Commissioners agreed to the Applicant's request for a continuance to hear the matter until Wednesday, November 21, 2012. The City Council, however, is scheduled to vote on the PLUM Committee's recommendation on Tuesday, November 20.

If the Department of Recreation and Parks denies Target's request for a one-time cash payment, Target will need to redesign its Project to accommodate the childcare facility for its 250 employees, or locate a suitable site within 5,280 feet of the subject lot.

Purpose T of SNAP is to: *Support, in anticipation of the full implementation of the Welfare to Work Reform Program, the provision of childcare facilities within the neighborhoods, at transit stops and at large employment sites such that all working parents and their children are accommodated.*

The Project consists of a 420,035 sq. ft. structure with 194,749 sq. ft. of retail. Under SNAP, Target is required to provide less than 1% of that space as a childcare facility for its 250 employees. Target can also work with the Assistance League of Southern California to provide the facility. Target can also request an exception to the requirement. However, the City Council cannot act on the Project until the matter is settled.

Los Angeles City Council, Council Files 12-1604 & 09-2092

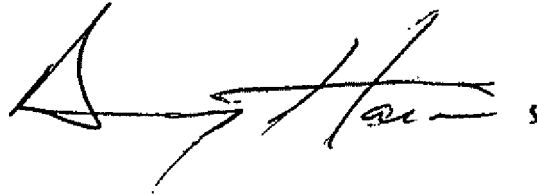
Appeal of APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR

November 9, 2012; Page 21

X. Conclusion.

As a low-level community in historic Hollywood, we ask that the City Council recognize the negative impacts associated with this and similar developments inconsistent with our community's land use and planning, and support our appeal. We further ask that the City Council deny the Applicant's request to adopt its Supplemental Findings.

Thank you for your courtesy and attention to this matter.

A handwritten signature in black ink, appearing to read "Doug Haines". The signature is stylized with a large initial "D" and a long horizontal stroke.

Doug Haines, for the
La Mirada Avenue Neighborhood Association

Exhibit 1



TARGET

REAL ESTATE
Document Routing & Closing Authorization Form

Location/ Project Code: T-XXXX Site: Los Angeles Sunset State: CA

Identity of document(s):	Memorandum of Ground Lease and Ground Lease
Purpose of document(s):	To lease property for the construction of a Target store. Rent for first 10 years after Rent Commencement Date will be \$157,916.66 per month or \$1,895,000 annually.
Routing Team Member:	Kristine Semsar Ext: 11546 Date: October 9, 2007

** Signatures should be obtained as follows: Environ Rep, DM & REM (no specific order), Director, SVP and EVP **

APPROVED BY:

Email Approval (Attached)

Brad Ullery
Environmental Representative Date

APPROVED BY:

Exhibits Complete

N/A

only attachment is ATTA Survey

Verbal Approval - 11:40 am
Eric Padget
Development Manager Date

APPROVED BY:

Open/ Operating Cov.

N/A

Repurchase Option

N/A

Gov. Incentives Used

N/A

[Signature]
Diefrich Haar
Regional Real Estate Manager Date 10/9/07

APPROVED BY:

Transaction Memo Checklist (Attached)

Robert DaVita
Sills Cummis Date

APPROVED BY:

[Signature]
Brad Byersoy
Director - Real Estate Date

APPROVED BY:

[Signature]
Scott Nelson
SVP Real Estate Date

APPROVED BY:

[Signature]
John Griffith
EVP Property Development Date 10/9/2007

Improvements are herein collectively called the "Premises". The Premises shall include, without limitation, any items of machinery, fixtures, equipment, signs and other personal property not the property of any Existing Tenant, and all rights, benefits, easements, appurtenances and hereditaments attaching, belonging, or pertaining thereto.

Landlord acknowledges that this is a ground lease, with Tenant retaining fee title ownership to all Tenant Equipment and Tenant Improvements during the Term of the Lease.

TERM

The Term of the Ground Lease shall consist of the Initial Term and, to the extent exercised, the Option Terms. The Initial Term shall commence on January 1, 2008 and shall expire at 11:59 P.M. on January 31, 2033, the last day of the twenty fifth (25th) Lease Year. The term Lease Year shall mean each successive period of twelve (12) consecutive calendar months, commencing on the first day of February.

Tenant shall have the right to extend the Term hereof for five (5) consecutive periods (each an "Option Term") of ten (10) years each (each an "Option Term").

THE FOLLOWING PROVISIONS, AMONG OTHERS, ARE CONTAINED IN THE GROUND LEASE.

USE

Tenant may use the Premises and Tenant's Improvements for any lawful purpose.

PURCHASE OPTIONS

If at any time during the Term of this Lease Landlord intends to offer the Premises or any portion thereof for sale to third parties, Landlord shall first give written notice to Tenant of the purchase price and other material terms and conditions upon which Landlord is willing to sell the Subject Property ("Landlord's Sale Notice"). Landlord's Sale Notice shall constitute an offer to sell the Subject Property to Tenant at the price and upon the terms and conditions contained in Landlord's Sale Notice. Tenant shall have thirty (30) days after receipt of Landlord's Sale Notice in which to accept or reject such offer in Tenant's sole discretion. The preceding Right of First Offer shall not apply to (a) sales or transfers among entities or persons related to Landlord, including, but not limited to: partners, if Landlord is a partnership; members if Landlord is an LLC; shareholders if Landlord is a corporation; or family members of any individual Landlord or any such partner, member or shareholder; (b) any transfer or disposition by assignment, gift, devise, testamentary transfer or interstate succession; or (c) any transfer to a trust for the benefit of any heir at law of Landlord (or any heir at law of any partner, member or shareholder of Landlord) or for the benefit of Landlord.

If a bona fide offer Landlord intends to accept is received (x) at any time prior to Landlord giving Landlord's Sale Notice, or (y) a period of nine (9) months after the Effective Date of Tenant's failure to accept the offer contained in Landlord's Sale Notice, which is (i) for a price of less than ninety-five percent (95%) of the price set forth in the Landlord's Sale Notice or (ii) otherwise on terms less favorable (other than in *di minimis* respects) to Landlord than those set forth in Landlord's Sale Notice; then, in either of such events, Landlord shall give written notice to Tenant of such bona fide offer, including a copy of all documents constituting such bona fide offer, and the Tenant shall have the option to purchase the Subject Property, at the price and on the same terms and conditions substantially similar to those set forth in such bona fide offer.

The foregoing Right of First Offer and Right of First Refusal shall terminate and be of no further force or effect as to the Subject Property:

- (i) upon a sale to a bona fide third party after compliance with the terms of the Ground Lease;
- (ii) The rights contained in this section shall be personal to the original Tenant or an affiliate or successor by corporate merger, acquisition, consolidation or reorganization, and may only be exercised by the original Tenant, its affiliates and corporate successor (and not an assignee, sublessee or other transferee of the original Tenant's interest in this Lease except an assignee in a sale/leaseback transaction (and the successors/assigns of such assignee) where the leaseback is to Tenant or an affiliate of Tenant of the Premises, or a portion thereof, for the remainder of the Term, as extended; and
- (iii) upon termination of the Ground Lease.

Landlord further agrees that any disposition shall be for a consideration expressed and payable solely in United States dollars.

WAIVER

Except as otherwise required by the terms of the Ground Lease, Landlord waives any requirement for the giving of notice by prospective assignees, sublessees, Leasehold Mortgagees or other parties claiming by, through or under Tenant pursuant to that certain "Notice to Prospective Lenders and Purchasers", recorded on August 24, 1990 as Instrument No. 90-1470815, in Official Records, Recorder's Office, Los Angeles County, California.

07 2685880

Nothing in this Memorandum of Ground Lease shall be deemed to modify, amend, alter, limit or otherwise change any of the provisions of the Ground Lease, and reference is hereby made to the Ground Lease for all of its terms, covenants and conditions, all of which are hereby incorporated herein by reference, and in the event of any conflict between the terms of this Memorandum of Ground Lease and the Ground Lease, the terms of the Ground Lease shall control.

[The remainder of this page intentionally left blank]

07 268880

This Memorandum of Ground Lease may be executed in any number of counterparts, each of which, when executed and delivered shall be deemed an original, but such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum of Ground Lease of the date first above written.

LANDLORD:

THE CHIN TRUST,
under Declaration of Trust dated December 29, 1986

By: [Signature]
Name: Jordan Man See Chin
Title: _____

By: [Signature]
Name: Angela Chin
Title: Co-trustee

TENANT:

TARGET CORPORATION,
a Minnesota corporation

By: [Signature]
Name: Scott Nelson
Title: Sr. Vice President
Target Corporation

Consulate General of the
United States of America } SS:
at Hong Kong

Acknowledged before me this
23rd day of October, 2007
by - Jordan Man See Chin

[Signature]

Daniel S. Duane
U.S. Vice Consul

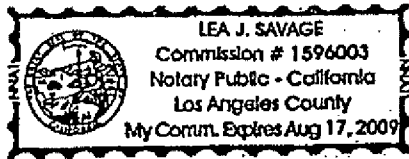
07 2685880

LANDLORD'S ACKNOWLEDGMENT

STATE OF California)
) ss.
COUNTY OF Los Angeles)

On Oct. 15, 2007, before me, Lea J. SAVAGE, Notary Public, the undersigned Notary Public, personally appeared Angela Chin, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or entity upon behalf of which the person acted, executed this instrument.

[SEAL]



Lea J. Savage
NOTARY PUBLIC

TENANT'S ACKNOWLEDGMENT

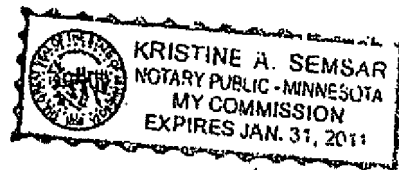
STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On October 10, 2007, before me, Kristine A. Semsar, Notary Public, the undersigned Notary Public, personally appeared Scott Nelson, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or entity upon behalf of which the person acted, executed this instrument.

[SEAL]

NOTARY PUBLIC

Kristine A. Semsar



07 2685880

Exhibit 2

CF-12-1604Rescan-001354

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Historical Data

Instruments	Frequency
Federal funds (effective) 1 2 3	Business day Daily Weekly (Wednesday) Bi-Weekly (AW)
Commercial Paper 3 4 5 6	
Nonfinancial	
1-month	Business day Week
2-month	Business day Week
3-month	Business day Week
Financial	
1-month	Business day Week
2-month	Business day Week
3-month	Business day Week
3-month nonfinancial or financial (discontinued)	
posted by CPFF (discontinued) 1 8	
Without surcharge (discontinued)	Business day Week
With surcharge (discontinued)	Business day Week
Commercial paper (discontinued) 3 4 19	
1-month (discontinued)	Business day Week
3-month (discontinued)	Business day Week
6-month (discontinued)	Business day Week
Finance paper placed directly (discontinued) 3 4 20	
1-month (discontinued)	Business day Week
3-month (discontinued)	Business day Week
6-month (discontinued)	Business day Week
Bankers acceptances (top rates) (discontinued) 3 4 21 22	
3-month (discontinued)	Business day Week
6-month (discontinued)	Business day Week

Series Desc Federal funds effective rate

Unit: Percent:_Per_Year

Multiplier: 1

Currency: NA

Unique Ide H15/H15/RIFSPFF_N.A

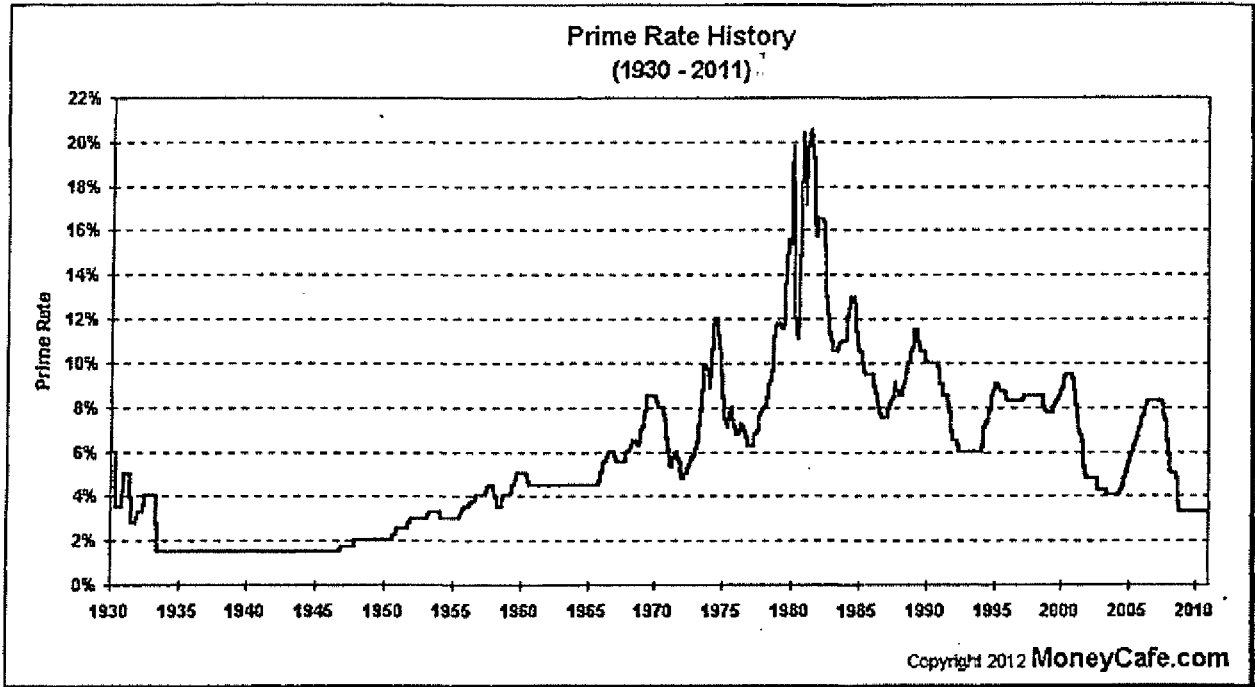
Time Period RIFSPFF_N.A

1955	1.79
1956	2.73
1957	3.11
1958	1.57
1959	3.31
1960	3.21
1961	1.95
1962	2.71
1963	3.18
1964	3.5
1965	4.07
1966	5.11
1967	4.22
1968	5.66
1969	8.21
1970	7.17
1971	4.67
1972	4.44
1973	8.74
1974	10.51
1975	5.82
1976	5.05
1977	5.54
1978	7.94
1979	11.2
1980	13.35
1981	16.39
1982	12.24
1983	9.09
1984	10.23
1985	8.1
1986	6.8
1987	6.66
1988	7.57
1989	9.21
1990	8.1
1991	5.69
1992	3.52
1993	3.02
1994	4.21
1995	5.83

1996	5.3
1997	5.46
1998	5.35
1999	4.97
2000	6.24
2001	3.88
2002	1.67
2003	1.13
2004	1.35
2005	3.22
2006	4.97
2007	5.02
2008	1.92
2009	0.16
2010	0.18
2011	0.1

Exhibit 3

CF-12-1604Rescan-001358



Source: Federal Reserve Board
(Data points from 1930 to 1949 are based upon incomplete information and are best estimates.)

Reasonable efforts are made to maintain accurate information. However, information could contain errors or inaccuracies and is presented without warranty. No liability is assumed for errors or omissions.

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Exhibit 4

CF-12-1604Rescan-001360

Table 625. Unemployment Rates by Industry, and by Sex: 2000 to 2010

In percent. Rate represents unemployment as a percent of labor force in each specified group. Civilian noninstitutional population 16 years old and over. Annual averages of monthly figures. Based on Current Population Survey, see text, Section 1 and Appendix III and Appendix III.

Industry										Male			
	2000	2004 \1	2005 \1	2006 \1	2007 \1	2008 \1	2009 \1	2010 \1	2000	2006 \1	2007 \1	2008 \1	
All employed \2	4.0	5.5	5.1	4.6	4.6	5.8	9.3	9.6	3.9	4.6	4.7	6.1	
Wage and salary workers:													
Agriculture and related industries	9.0	9.9	8.3	7.2	6.3	9.2	14.3	13.9	6.3	6.6	5.4	8.9	
Mining, quarrying, and oil and gas extract	4.4	3.9	3.1	3.2	3.4	3.1	11.6	9.4	4.6	3.1	3.3	3.2	
Construction	6.2	6.4	7.4	6.7	7.4	10.6	19.0	20.6	6.4	6.8	7.5	11.0	
Manufacturing	3.5	5.7	4.9	4.2	4.3	5.9	12.1	10.0	3.0	3.7	3.8	5.3	
Wholesale trade	3.3	4.6	4.0	3.2	3.3	4.5	7.2	7.3	2.8	3.1	2.6	4.1	
Retail trade	4.6	6.1	5.7	5.4	6.1	6.2	9.5	10.0	4.0	4.9	4.8	5.6	
Transportation and utilities	3.4	4.4	4.1	4.0	3.9	5.1	8.9	8.4	3.2	3.8	3.9	4.9	
Transportation and warehousing	3.8	4.9	4.5	4.3	4.3	5.6	9.7	9.4	1.9	4.2	4.2	5.5	
Utilities	1.9	1.9	1.9	2.0	1.5	2.6	4.8	3.4	2.8	1.8	1.4	1.9	
Information	3.2	5.7	5.0	3.7	3.5	5.0	9.2	9.7	2.7	3.5	3.4	4.9	
Telecommunications	2.3	6.0	5.2	3.6	3.1	4.4	6.4	9.2	1.5	3.0	3.1	3.3	
Financial activities	2.4	3.6	2.9	2.7	3.0	3.9	6.4	6.9	2.1	2.6	2.9	3.9	
Finance and insurance	2.2	3.4	2.7	2.6	2.7	3.6	5.9	6.6	1.7	2.5	2.5	3.3	
Real estate and rental and leasing	3.1	4.1	3.3	3.2	3.7	4.8	6.1	7.6	2.9	2.9	3.6	4.7	
Professional and business services	4.8	6.8	6.2	5.6	5.3	6.5	10.8	10.8	4.4	5.4	5.2	6.6	
Professional and technical services	2.5	4.1	3.5	3.0	3.0	3.8	6.7	6.5	2.2	2.6	2.7	3.6	
Management, administrative, and waste services	8.1	10.6	10.2	9.2	8.5	10.5	16.7	16.8	7.6	8.9	8.5	10.5	
Education and health services	2.5	3.4	3.4	3.0	3.0	3.5	5.3	5.8	2.2	2.8	3.0	3.4	
Educational services	2.4	3.7	3.7	3.1	3.8	4.8	6.6	6.4	2.1	3.2	4.3	4.9	
Health care and social assistance	2.5	3.4	3.3	3.0	2.6	3.2	4.9	5.5	2.3	2.6	2.5	2.9	
Leisure and hospitality	6.6	8.3	7.8	7.3	7.4	8.6	13.7	12.2	6.2	7.0	7.2	8.5	
Arts, entertainment, and recreation	5.9	7.2	6.9	7.2	7.3	8.2	11.1	11.6	6.1	7.2	8.2	9.1	
Accommodation and food services	6.8	8.6	8.0	7.3	7.4	8.8	11.9	12.3	6.2	6.9	7.0	8.3	
Other services \3	3.9	5.3	4.8	4.7	3.9	5.3	7.5	8.5	3.7	4.6	3.6	5.7	
Government workers	2.1	2.7	2.6	2.3	2.3	2.4	3.6	4.4	2.1	2.2	2.3	2.5	

FOOTNOTES

\1 Data not strictly comparable with data for earlier years. See text, this section, and February 1994, March 1996, February 1997-99, and February 2003-11 Issues of Employment and Earnings.

\2 Includes the self-employed, unpaid family workers, and persons with no previous work experience not shown.

\3 Includes private household workers.

Source: U.S. Bureau of Labor Statistics, "Employment and Earnings Online," January 2011 Issue, March 2011, <<http://www.bls.gov/opus/cc/home.htm>> and <<http://www.bls.gov/cps/tables.htm>>.

Table 625. Unemployment Rates by Industry, as

in percent. Rate represents unemployment as noninstitutional population 16 years old and over, see text, Section 1 and Appendix 1

Industry	Female							
	2009 \1	2010 \1	2000	2006 \1	2007 \1	2008 \1	2009 \1	2010 \1
All employed \2	10.3	10.5	4.1	4.6	4.5	5.4	6.1	6.6
Wage and salary workers:								
Agriculture and related industries	14.1	13.2	11.5	8.9	9.4	10.3	15.3	16.4
Mining, quarrying, and oil and gas extract	12.2	9.5	2.8	4.0	4.1	2.0	7.2	8.4
Construction	19.6	21.1	5.1	5.7	6.6	7.1	13.8	16.0
Manufacturing	11.8	9.9	4.5	5.3	5.4	6.9	12.7	12.4
Wholesale trade	6.9	7.2	4.4	3.6	4.9	5.4	7.8	7.7
Retail trade	9.6	10.0	5.1	5.9	5.4	6.8	9.3	10.1
Transportation and utilities	8.9	8.3	4.2	4.6	4.5	5.8	8.9	8.8
Transportation and warehousing	9.9	9.3	4.6	5.0	4.8	5.9	9.0	9.8
Utilities	3.9	3.3	2.1	2.5	2.3	5.4	8.6	3.7
Information	8.5	9.4	3.7	4.1	3.9	5.2	10.3	10.2
Telecommunications	7.4	8.3	3.3	4.7	3.3	6.2	10.0	10.8
Financial activities	6.5	7.0	2.6	2.8	3.1	4.1	6.3	6.8
Finance and insurance	5.6	6.6	2.5	2.6	2.8	3.8	5.9	6.6
Real estate and rental and leasing	8.5	7.8	3.2	3.9	3.8	5.0	7.7	7.3
Professional and business services	10.2	10.6	5.2	6.0	5.5	6.5	11.6	11.1
Professional and technical services	6.0	5.7	2.9	3.4	3.4	4.0	7.6	7.5
Management, administrative, and waste services	15.8	16.7	8.8	9.9	8.5	10.5	18.3	17.0
Education and health services	5.5	5.9	2.9	3.1	3.0	3.5	5.2	5.7
Educational services	6.8	6.9	2.5	3.1	3.5	4.7	6.6	6.2
Health care and social assistance	5.0	5.4	2.5	3.1	2.9	3.3	4.9	5.7
Leisure and hospitality	11.6	12.4	7.0	7.6	7.5	9.8	11.8	11.9
Arts, entertainment, and recreation	11.6	13.4	5.7	7.2	6.2	7.1	10.5	9.4
Accommodation and food services	11.6	12.1	7.3	7.6	7.7	9.1	12.0	12.5
Other services \3	8.3	9.3	4.0	4.8	4.2	4.9	6.8	7.8
Government workers	3.9	4.5	2.2	2.4	2.4	2.4	3.4	4.3

FOOTNOTES

\1 Data not strictly comparable with data for February 1997-99, and February 2003-11 Issues

\2 Includes the self-employed, unpaid family

\3 Includes private household workers.

Source: U.S. Bureau of Labor Statistics, "Eng
<http://www.bls.gov/opub/cc/home.htm> and <ht

ELECTION 2012

Mayor sees other transit options

With Measure J lagging, Villaraigosa cites some 'very innovative' ideas.

BY ARI BLOOMEKATZ

With a county transit tax measure he backed teetering between failure and approval, Los Angeles Mayor Antonio Villaraigosa said Wednesday he will go "back to the toolbox" if necessary to accelerate several projects, including a subway to the Westside.

The sales tax extension proposal, Measure J, came up just short of the two-thirds majority needed to pass, with 100% of precincts reporting. The vote tally Wednesday was 1,367,357 votes or 64.72% in support and 35.28% against, according to the Los Angeles County registrar-recorder.

But there were close to 800,000 outstanding vote-by-mail and provisional ballots that had not been counted, election officials said.

Villaraigosa has made transportation improvements a centerpiece of his mayoral legacy as he reaches the end of eight years in office. He tried to put a positive face on the results at a news conference Wednesday. "We learned that 65% of county voters want a fast-track completion of one of the most ambitious regional transportation plans in the country," he said, noting there was still a possibility of reaching a two-thirds majority.



CARLA GONZALEZ chants during a demonstration against Measure J in Los Angeles. Critics say the ballot item would expand the rail network at the expense of bus riders, who use the transit system in larger numbers.

Isn't my first election; I'm also realistic," he said. If the measure fails, "We're going back to the toolbox. We have some very innovative ideas about how we can accelerate transportation funding in this state."

Measure J would extend a 30-year half-cent transportation tax voters originally passed in 2008 another three decades until 2069. Proponents say it would allow them to borrow against fu-

that money to speed up transit projects and create hundreds of thousands of jobs in a down economy.

Critics say the money would help expand the county's rail network at the expense of bus riders, who use the transit system in far larger numbers.

Gary Toebben, president of the Los Angeles Area Chamber of Commerce, a major supporter of Measure J, said Tuesday's results

transportation advocates, who hoped to take advantage of low interest rates and cheaper construction costs to extend rail lines. "This was an opportunity to move forward and save money, and we just won't be able to do that," Toebben said.

Jaime Regalado, professor emeritus of political science at Cal State L.A., said the mayor's legacy isn't likely to be tarnished if Measure J fails. "It will be

tempt to pass a very difficult measure," Regalado said. "I don't think it's going to spell doom and gloom for the mayor, though."

"The more personal thing for [Villaraigosa] is he won't get to leave something in place as large as Measure J, that would have helped enormously to carry out some of his transportation desires," Regalado said.

Proponents said several factors may have depressed

ing lower voter turnout than in 2008, when President Obama's initial candidacy drew larger crowds to the polls.

Also, allies in organized labor were directing much of their campaign effort toward state measures that affected government spending and how union dues could be used, backers said. And Villaraigosa said voters may have been confused by Measure J's language, thinking that it was a new levy rather than a tax extension.

Opponents said that if Measure J fails, it will be because voters saw through the Yes on J campaign.

"Despite the big-bucks campaign of distortions, the voters defeated this special interest tax," said county Supervisor Michael D. Antonovich, who is also chairman of Metro's board.

Sunyoung Yang of the Bus Riders Union, which campaigned against Measure J, said in a news release Wednesday that Metro's "record of disdain for the civil rights of the county's working class Black and Latino majority, and Measure J's heavy emphasis on corporate boondoggle rail and highway projects simply did not warrant giving the agency more money."

She said the vote could force a shift in the debate over allocating Metro funds "with racial equality, social justice, and a good transit policy for all at the core."

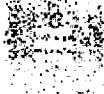
ari.bloomekatz@latimes.com
Times staff writer David Zahndser contributed to this

Exhibit 5



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Which Jobs Have The Highest And Lowest Unemployment Rates?
 by Jacob Goldstein
 January 12, 2011 11:42 AM



The unemployment rate for dentists is less than 1 percent.

(iStockphoto.com)

We've looked at unemployment rates by gender, education, and age. We've shown jobs lost and gained in different industries over the past decade. Now, the WSJ has a table showing unemployment rates by occupation.

There is, of course, a massive range — from less than 1 percent unemployment for some jobs, to more than 30 percent for others. The trends at both ends of the spectrum mirror some of the big shifts we've seen in the economy.

Of the 10 occupations with the lowest unemployment rate, five are in healthcare, which has been the big jobs winner in recent years. And of the 10 occupations with the highest rate, seven are in construction, which has been hit hard by the recession.

Occupations with the lowest unemployment rates:

Appraisers and assessors of real estate: 0.3%
 Therapists, all other: 0.3%
 First-line managers of police and detectives: 0.3%
 Executive engineers and operators: 0.3%
 Directors, religious activities and education: 0.3%
 Dentists: 0.3%
 Speech-language pathologists: 0.3%
 Detectives and criminal investigators: 0.3%
 Physicians and surgeons: 0.9%
 Occupational therapists: 1.0%
 (Note: "Therapists, all other" refers to therapists that don't fall into any of several categories of therapists tracked by the government.)
 Occupations with the highest unemployment rates:
 Helpers, construction trades: 36.8%
 Teleoperators: 34.8%
 Structural iron and steel workers: 28.4%
 Runners: 27.1%
 Millwrights: 25.3%
 Cement masons, concrete finishers, and terrazzo workers: 25.3%
 Bricklayers, blocklayers, and stonemasons: 25.1%
 Construction laborers: 25.0%
 Drywall installers, ceiling tile installers, and tapers: 21.9%
 (Note: Here's an explanation of "Inactive w/e": except eligibility and loan.)

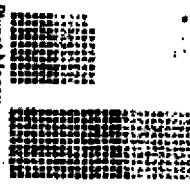
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 Even After Solid Gains, 22 Million Americans Are Unemployed Or Underemployed



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Appraisers and assessors of real estate: 0.4%
 Therapists, all other: 0.4%
 First-line managers of police and detectives: 0.4%
 Locomotive engineers and operators: 0.4%
 Directors, religious activities and education: 0.8%
 Dentists: 0.8%
 Speech-language pathologists: 0.8%
 Detectives and criminal investigators: 0.8%
 Physicians and surgeons: 0.9%
 Occupational therapists: 1.0%
 (Note: "Therapists, all other" refers to therapists that don't fall into any of several categories of therapists tracked by the government.)
 Occupations with the highest unemployment rates:
 Helpers, construction trades: 36.0%
 Telemarketers: 34.8%
 Structural iron and steel workers: 28.4%
 Roofers: 27.1%
 Millwrights: 25.5%
 Cement masons, concrete finishers, and terrazzo workers: 25.3%
 Brickmasons, blockmasons, and stonemasons: 25.1%
 Construction laborers: 25.0%
 Drywall installers, ceiling tile installers, and tapers: 23.9%
 Interviewers, except eligibility and loan: 23.4%
 (Note: Here's an explanation of "interviewers, except eligibility and loan.")

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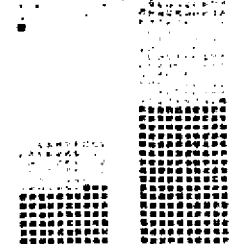
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Episode 414: After The Flood, The Backup Plan



Planet Money

Even After Solid Gains, 22 Million Americans Are Unemployed Or Underemployed



Planet Money

Photos: Halloween On Wall Street, 2012



Exhibit 6



LOS ANGELES

NEWEST POSTS

Work started on the huge Pantages-adjacent mixed-use Blvd6200 way back in May, but the project held an official groundbreaking yesterday at the W Hollywood. DJJ Real Estate and Claret West are building four buildings with 500 apartments, more than 74,000 square feet of retail, more than 1,300 parking spaces (including spaces for the Pantages), and a 7,000 square foot public plaza. [Curbed Inbox]



HOLLYWOOD / WEST
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Huge Hollywood Mixed-Use Blvd6200 Finally Breaks Ground



COMMENTS
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Huge Pantages-Adjacent Mixed-Use Blvd6200 Buys Out Neighbor, Work Could Start in January



COMMENTS
JUN 27 2012

Fresh Round of Legal Action for Claret's Blvd6200

Huge Hollywood Mixed-Use Blvd6200 Finally Breaks Ground

The sad area next to the Pantages Theater will soon be less horrifying to tourists, as the giant mixed-use Blvd6200 project has broken ground, according to Julie Wong in City Councilmember Eric Garcetti's office. It took more than half a decade to get here, with octogenarian legal disputes, fights over supergraphics, and developer switcharoo complicating matters, but crews are now beginning to construct the one million square foot project. Things really got rolling last year when developer Claret, facing heavy duty financial trouble, sold the project to New York-based DJJ Real Estate Capital Partners. The two companies are now working together to construct the project--its first phase includes 535 apartments and ample groundfloor retail. That phase, valued at \$200 million, will hopefully precede a second that will bring double the rentals and retail space. The project will rise six stories, with five levels of underground parking. The 7.3 acre site will be owned by DJJ, but leased for 99 years to the Nederlander family, which owns the Pantages and Greek Theatres, but leased to DJJ for 99 years. Blvd6200 is the first project to start up on Hollywood Blvd. in a while, though DJJ recently brought the nearby Taft building. Meanwhile, Sunset is seeing some action as well.

• Blvd6200 Archives [Curbed LA]



HOLLYWOOD / WEST
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COMMENTS
4:48 PM JUN 1 2012

Free Art on the Streets, Blvd6200 Owners Go Big in Hollywood

HOLLYWOOD / WEST
HOLLYWOOD
COMMENTS
8:38 PM JUN 5 2012

Exhibit 7

and AMC Networks, both of which are controlled by the Charles Dolan family.

Dish also said that it would resume carrying AMC, WE and other channels owned by AMC Networks that it dropped in

The settlement brings to an end a four-year breach-of-contract fight between Cablevision and Dish. At issue was Dish's decision to stop carrying Voom HD.

July. The settlement, announced Sunday, brings to an end a four-year breach-of-contract fight between Cablevision and Dish. At issue was Dish's decision to stop carrying Voom HD, a group of channels devoted to high-definition programming that Cablevision had launched.

AMC was caught in the middle of the Cablevision-Dish fight.

Although Dish said its decision to drop the AMC channels from its 14-million homes last summer had nothing to do with the Voom litigation, AMC said that was not true.

AMC said the channels were dropped in retaliation for the Voom fight.

joe.flint@latimes.com

THE BEVERLY WEST TOWER near Los Angeles Country Club was developed by Emaar Properties. Unit prices start at \$1.6 million.
CF-12-1604Rescan-001370

PROPERTY REPORT

L.A. luxury condo tower opens

BY ROGER VINCENT

A long-awaited luxury condominium tower developed by giant United Arab Emirates real estate company Emaar Properties has opened near the Los Angeles Country Club.

Emaar Properties bought the 22-story Beverly West tower at Wilshire Boulevard and Comstock Avenue for \$65 million in 2007 while it was under construction by a previous developer. The housing market crashed soon after in the economic downturn.

Mohamed Alabbar, chairman of Emaar, kept the property off the market until earlier this year, said Dario De Luca, president of the company's Los Angeles operations. One of the Beverly West's 35 units was sold in March for \$5 million.

Prices for the remaining units range from \$1.5 million to \$2.4 million.

The building at 1200 Club View Drive was designed by Los Angeles architect Richard Keating, whose projects include the Gas Company Tower office building in downtown Los Angeles and numerous residential high-rises.

The Beverly West is intended to have a "timeless" look, Keating said.

"Our city is one of many images, architectural styles

and periods, so it has been our desire to seek an architecture that remains quiet from a standpoint of form, and achieves its visual richness through detailing, materials and the play of light across the texture of the building."

Beverly West cost more than \$325 million to build, Emaar Properties said. The company also developed the world's tallest building, the more-than-160-story Burj Khalifa in Dubai.

There is a small but potent demand for ultra luxury condos in the region, said Stuart Gabriel, director of the Ziman Center for Real Estate at UCLA.

Prospective owners are wealthy enough not to feel buffeted by the economy and often own multiple homes.

"Like New York, like Tokyo, like London, like Paris, Los Angeles is an international superstar city," he said. "There will be a demand among buyers that come from all over the world for a very high-end project."

Apartments set near film studio

An 85-unit apartment complex atop shops and restaurants will be built near the main entrance to Paramount Studios by California



THE BUILDING AT Wilshire Boulevard and Comstock Avenue has 35 condominiums. Above, a unit offers a master bathroom with a view.

Landmark Group.

The project called the LC will be on Melrose Avenue across from the north end of Larchmont Boulevard, California Landmark expects to start work as soon as March and complete the \$40-million project by January 2015.

The price tag includes the acquisition of a 55,000-square-foot vacant lot split by an alley. The project will be built above the alley, which will remain in use, said Ken Kahan, chief executive of Westwood-based California Landmark.

Likely tenants are people who work at Paramount or elsewhere in the entertain-

ment industry, Kahan said. Rents will range from \$2,000 to \$3,500 a month.

Larchmont, a popular neighborhood shopping street, "is kind of sleepy north of Third Street," he said. "This will reinvigorate the north end of Larchmont."

The name LC comes from Larchmont Boulevard and Camerford Avenue, the northern boundary of the project.

Gains in rents, leasing forecast

The country's commer-

cial real estate recovery will advance in 2013 with modest gains in leasing, rents and sales prices, industry leaders said in a report.

Recent job creation should be enough to increase absorption and push down vacancy rates in the office, industrial and retail sectors.

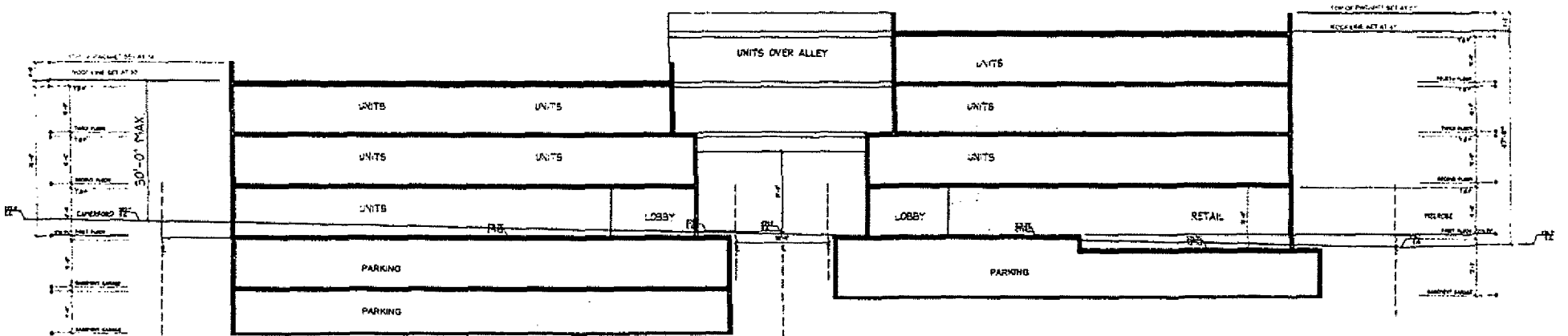
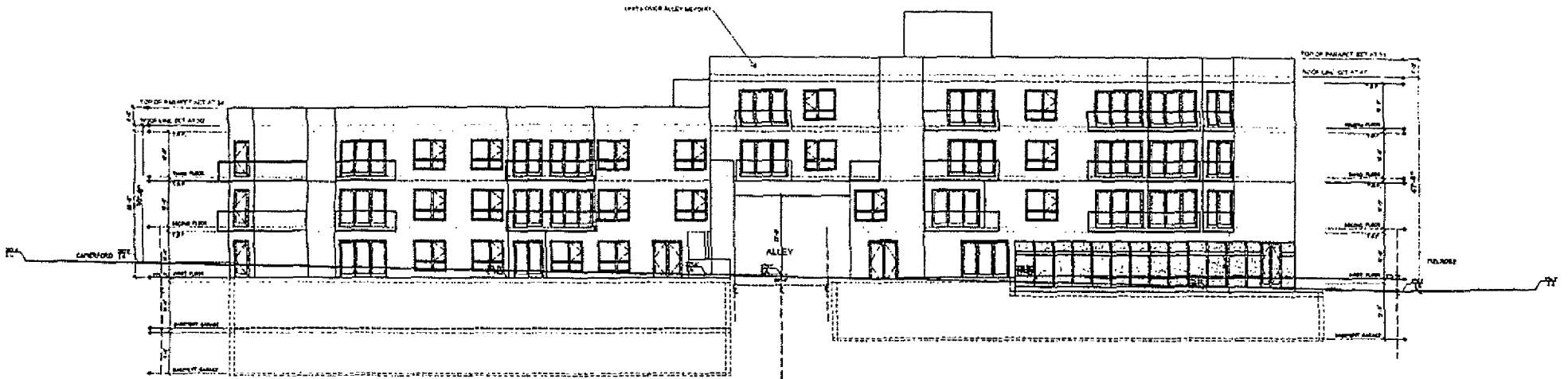
Despite being on a slower-than-normal real estate recovery track, property sectors and markets in the United States have "noticeably" better prospects compared with last year, the report said.

Developers, architects, brokers, lenders and other commercial real estate professionals were surveyed for the annual Emerging Trends in Real Estate report released by the industry think tank Urban Land Institute and accounting firm PricewaterhouseCoopers.

"What these findings suggest is that, in general, the industry is moving forward bit by bit," said Stephen Blank, a senior fellow at the Institute. "Nothing indicates a quick turnaround for commercial real estate, but it is improving."

Robust demand for apartments — the strongest real estate class — should continue even as construction of new units ramps up, the report said.

roger.vincent@latimes.com



SECTION
LOOKING EAST FROM EL CENTRO

Exhibit 8

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

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**DENSITY BONUS COMPLIANCE REVIEW
DIRECTOR OF PLANNING
DETERMINATION AND FINDINGS**

March 21, 2011

Kamik Shadbazian(A)
7651 Owens St.
Tujunga, CA 91042

Petros and Karine Taglyan (O)
5263 Santa Monica Blvd.
Los Angeles, CA 90029

Robert Lamishaw
C/O JPL Zoning Services, Inc
6263 Van Nuys Blvd.
Van Nuys, CA 91401

CASE NO. DIR-2009-2065-DB
DENSITY BONUS COMPLIANCE REVIEW
CEQA: ENV-2007-0365-MND
Location: 5241 – 5247 Santa Monica Blvd,
5238-5246 Virginia Ave.
Plan Area: Hollywood
Plan Land Use: Low Medium II Residential,
Highway Oriented Commercial
Council District: 13 - Garceffi
Neighborhood Council: East Hollywood NC
Zone: RD1.5-1XL, C2-1D,
District Map: 144B193,
Legal Description: Lots 11, 12, 14, 15,
portion of 13, Zahn Tract

Pursuant to Los Angeles Municipal Code Section 12.22 A.25, I have reviewed the subject request for a Density Bonus Compliance Review. As the designee of the Director of Planning, I hereby **deny as filed** the following project:

A Density Bonus Compliance Review for a mixed use project comprised of two buildings. The building fronting Santa Monica Boulevard contains approximately 32,272 square feet of commercial space on two floors and 39 residential units on three floors. The building fronting Virginia Avenue is a three-story building comprised of 10 residential units plus recreational facilities for a total of 49 units.

As the designee of the Director of Planning, I hereby grant approval of the following project subject to the conditions herein:

A Density Bonus Compliance Review to allow the construction of a mixed use project comprised of two buildings for a total of 49 residential units and 14,947 square feet of commercial space. The building fronting Santa Monica Boulevard will contain 14,947 square feet of commercial floor area, and 39 residential units within 46,678.5 square feet of residential floor area. The building will be a maximum of five (5) stories tall, with a maximum height of 60 feet. The building fronting Virginia Avenue will be a maximum three (3) story building, with a maximum height of 29 feet, comprised of 10 residential

units plus recreational facilities within 20,415.5 square feet of floor area. Two subterranean parking garages below both buildings and one semi-subterranean parking garage under the Virginia Avenue building will provide a minimum of 92 parking spaces for the residential units, and required parking per the LAMC for the commercial floor area. Two Density Bonus incentives are approved:

- a. Floor Area Ratio: A floor area ratio increase to 3:1 for the residential units on the commercially zoned properties fronting Santa Monica Boulevard in lieu of the permitted 0.5:1 floor area ratio
- b. Averaging: Averaging of parking, open space, and permitting vehicular access from a less restrictive zone to a more restrictive zone

Adopt the attached Findings and Conditions of Approval, including the environmental findings.

Adopt Mitigated Negative Declaration, ENV-2007-0365-MND (Exhibit B)

This Density Bonus Compliance Review approval is subject to the following additional terms and conditions:

CONDITIONS OF APPROVAL

Approval of the subject development project is made with the following Terms and Conditions imposed, in order to ensure compliance with applicable requirements of the State Government Code Section 65915 (State Density Bonus Program), and the promotion of development compatible with existing and future development of neighboring properties.

A. ENTITLEMENT CONDITIONS

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, floor plans, elevations, and landscape plans labeled **Exhibit A** and stamp-dated March 21, 2011, attached to the subject case file.

Prior to the issuance of any permits, revised detailed development plans incorporating the conditions below shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The revised plans shall include a detailed final landscape plan which follows the Landscape Ordinance as part of the final plans for review and approval by the City Planning Department. These plans shall become the final approved plans, and subsequently labeled **Exhibit D**. Any proposed changes in project design from the aforementioned Exhibits or following conditions shall be made by the Director of Planning. Each change shall be identified and justified in writing.

Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions and the intent of the subject permit authorization. Any such deviations shall be required to be approved by the Director of Planning.

PROJECT TITLE: PROPOSED COMMERCIAL, RETAIL OFFICE BLDG. & APARTMENT BLDG. (PETAG PLAZA)
 @ 5245 SANTA MONICA BLVD. & 5244 VIRGINIA AVE., LOS ANGELES, CA. 90027

RESIDENTIAL/APARTMENT BLDG. (ALONG VIRGINIA AVE.)
 BASEMENT FLOOR PLAN SUMMARY 1,091 SQ. FT.
 FIRST FLOOR 4,114 SQ. FT.
 SECOND FLOOR 10,117 SQ. FT.
 TOTAL FLOOR AREA 15,322 SQ. FT.
 RESIDENTIAL/APARTMENT (1) 11,220 SQ. FT.
 RESIDENTIAL/APARTMENT (2) 4,102 SQ. FT.
 RESIDENTIAL/APARTMENT (3) 15,322 SQ. FT.
 RESIDENTIAL/APARTMENT BLDG. (1) 11,220 SQ. FT. (1) 1,200 SF
 ACTUAL BUILDING HEIGHT: 1 STORY (2) - 14' - 0"
 COMMON OPEN SPACE: 1,000 SQ. FT.
 OPEN SPACE (OVER) AREA: 674 SQ. FT.
 BASEMENT PATIO: 120 SQ. FT.
 FIRST FLOOR BALCONY AREA: 981 SQ. FT.
 SECOND FLOOR BALCONY AREA: 4143 SQ. FT.

BUILDING SUMMARY - RESIDENTIAL/APARTMENT BLDG. (ALONG VIRGINIA AVE.)

RESIDENTIAL LOT AREA USED: 11,000 SQ. FT.
 UNIT #/NO. OF RESIDENTIAL UNITS:
 1 BEDROOM UNIT 3 UNITS
 2 BEDROOM UNIT 1 UNIT
 4 BEDROOM UNIT 1 UNIT
 FIRST FLOOR TOTAL NO. OF UNIT: 5 UNITS
 SECOND FLOOR TOTAL NO. OF UNIT: 1 UNIT
 TOTAL NO. OF RESIDENTIAL UNITS: 6 UNITS

REQUIRED NO. OF PARKING: 1 BEDROOM UNIT = 1 PARKING
 2 BEDROOM UNIT = 2 PARKING
 4 BEDROOM UNIT = 4 PARKING
 TOTAL NO. OF PARKING: 8 UNITS
 TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS

OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
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OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS

PROJECT DESCRIPTION

PROJECT TITLE: PROPOSED COMMERCIAL, RETAIL, OFFICE BLDG. & APARTMENT BLDG.
 ADDRESS: 5245 SANTA MONICA BLVD. & 5244 VIRGINIA AVE., LOS ANGELES, CA. 90027
 OWNER: P. TAGLYAN
 TOTAL LOT AREA: 44,844 SQ. FT. (1,048 SQ. FT.) (13,000 SQ. FT.)
 LOT AREA AFTER RESERVATIONS: 13,000 SQ. FT. (13,000 SQ. FT.) (13,000 SQ. FT.)
 RESIDENTIAL UNIT: 11,000 SQ. FT. (11,000 SQ. FT.)
 BUILDING CODE: D.C. 2007 BLDG. CODE
 PROJECT YEAR: YEAR 2009
 TOTAL AREA OF LOT: 44,844 SQ. FT.
 TOTAL AREA OF LOT: 44,844 SQ. FT.

COMMERCIAL, RETAIL, OFFICE BLDG. W/RESIDENTIAL:

FIRST FLOOR OFFICE: 14,300 SQ. FT.
 SECOND FLOOR OFFICE: 12,000 SQ. FT.
 THIRD FLOOR RESIDENTIAL/APP: 14,500 SQ. FT.
 FOURTH FLOOR RESIDENTIAL/APP: 14,500 SQ. FT.
 FIFTH FLOOR RESIDENTIAL/APP: 14,500 SQ. FT.
 TOTAL FLOOR AREA: 69,800 SQ. FT.
 BASEMENT PARKING 1 AREA: 42,615 SQ. FT. (OVERALL)
 BASEMENT PARKING 2 AREA: 48,000 SQ. FT. (OVERALL)
 OPEN SPACE: 4,371 SQ. FT.
 COMM. RETAIL & OFFICE: 26,300 SQ. FT.
 RESIDENTIAL AREA TO BE USED: 11,000 SQ. FT.
 ACTUAL BLDG. HEIGHT: 5 STORIES = 60'

BUILDING SUMMARY - COMMERCIAL, RETAIL, OFFICE BLDG. WITH RESIDENTIAL/APARTMENT UNIT.

UNIT #/NO. OF RETAIL UNITS:
 1 UNIT (1) RETAIL UNIT (COMMERCIAL)
 SECOND FLOOR, NO. OF MEDICAL OFFICE UNITS:
 1 UNIT
 TOTAL NO. OF MEDICAL OFFICE UNITS: 1 UNIT
 TOTAL NO. OF MEDICAL OFFICE UNITS: 1 UNIT

REQUIRED NO. OF PARKING: 1 BEDROOM UNIT = 1 PARKING
 2 BEDROOM UNIT = 2 PARKING
 4 BEDROOM UNIT = 4 PARKING
 TOTAL NO. OF PARKING: 8 UNITS
 TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS

OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS

OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS

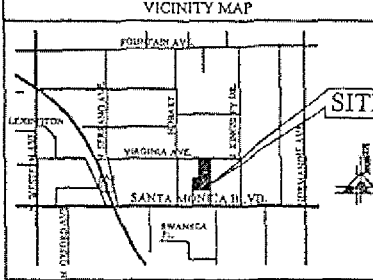
OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS

OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS

OVERALL TOTAL NO. OF PARKING PROVIDED: 18 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS
 OVERALL TOTAL NO. OF PARKING PROVIDED: 10 UNITS
 OVERALL TOTAL NO. OF PARKING REQUIRED: 8 UNITS

SHEET INDEX

DRWG. NO	DRAWING TITLE
A1	PROPOSED COMMERCIAL, RETAIL, OFFICE BLDG. & APARTMENT BLDG. (PETAG PLAZA) - SUMMARY
A2	BASEMENT FLOOR PLAN
A3	FIRST FLOOR PLAN
A4	SECOND FLOOR PLAN
A5	THIRD FLOOR PLAN
A6	FOURTH FLOOR PLAN
A7	FIFTH FLOOR PLAN
A8	BASEMENT ELEVATION
A9	FIRST FLOOR ELEVATION
A10	SECOND FLOOR ELEVATION
A11	THIRD FLOOR ELEVATION
A12	FOURTH FLOOR ELEVATION
A13	FIFTH FLOOR ELEVATION
A14	LANDSCAPE PLANNING PLAN



CONSULTANT

BLDG. DOCUMENTS: VARIOUS PERMITS & ASSOCIATED FILES & DRAWINGS, SPECIFIC TO THE COMMERCIAL, RETAIL, OFFICE BLDG. & APARTMENT BLDG. (PETAG PLAZA)

DATE: 04/11/10

BY: P. TAGLYAN

SCALE: AS SHOWN

PROJECT NO.: 09-001

CLIENT: P. TAGLYAN

LOCATION: 5245 SANTA MONICA BLVD. & 5244 VIRGINIA AVE., LOS ANGELES, CA. 90027

LEGAL DESCRIPTION

LOT: 11,044 & 11,045
 TRACT: 2481 TRACT
 MAP: 411-117

PROJECT TITLE: PROPOSED COMMERCIAL, RETAIL, OFFICE BLDG. & APARTMENT BLDG.
 ADDRESS: 5245 SANTA MONICA BLVD. & 5244 VIRGINIA AVE., LOS ANGELES, CA. 90027

DATE: 04/11/10

BY: P. TAGLYAN

SCALE: AS SHOWN

PROJECT NO.: 09-001

CLIENT: P. TAGLYAN

LOCATION: 5245 SANTA MONICA BLVD. & 5244 VIRGINIA AVE., LOS ANGELES, CA. 90027

A-1



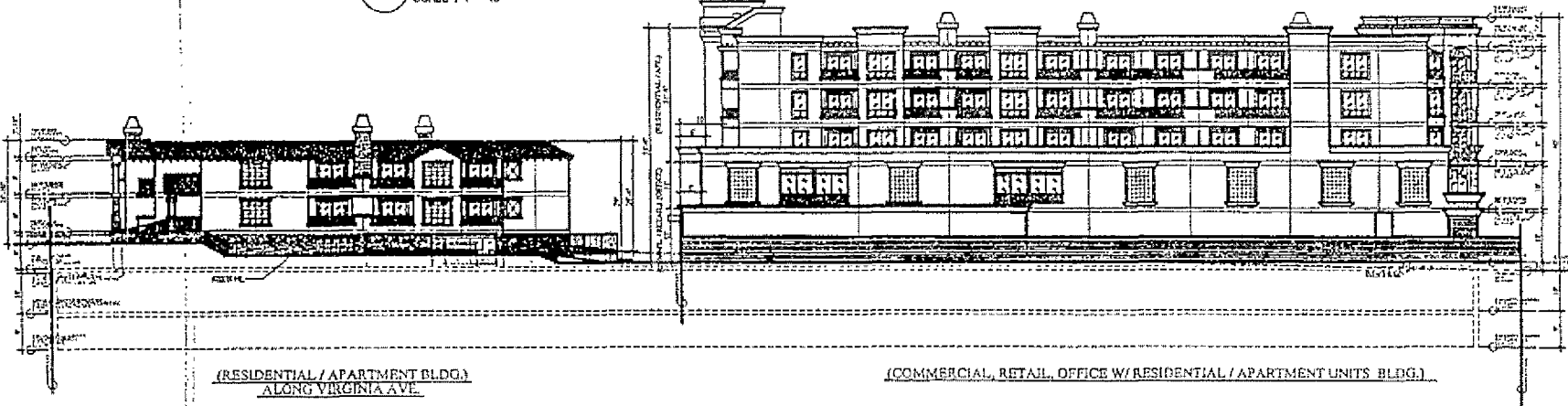
(RESIDENTIAL / APARTMENT BLDG.)
ALONG VIRGINIA AVE.

1 REAR / NORTH ELEVATION
SCALE : 1" = 10'



(COMMERCIAL, RETAIL, OFFICE W/
RESIDENTIAL / APARTMENT UNITS BLDG.)

2 REAR / NORTH ELEVATION
SCALE : 1" = 10'



(RESIDENTIAL / APARTMENT BLDG.)
ALONG VIRGINIA AVE.

(COMMERCIAL, RETAIL, OFFICE W/RESIDENTIAL / APARTMENT UNITS BLDG.)

3 WEST / LEFT SIDE ELEVATION
SCALE : 1" = 10'



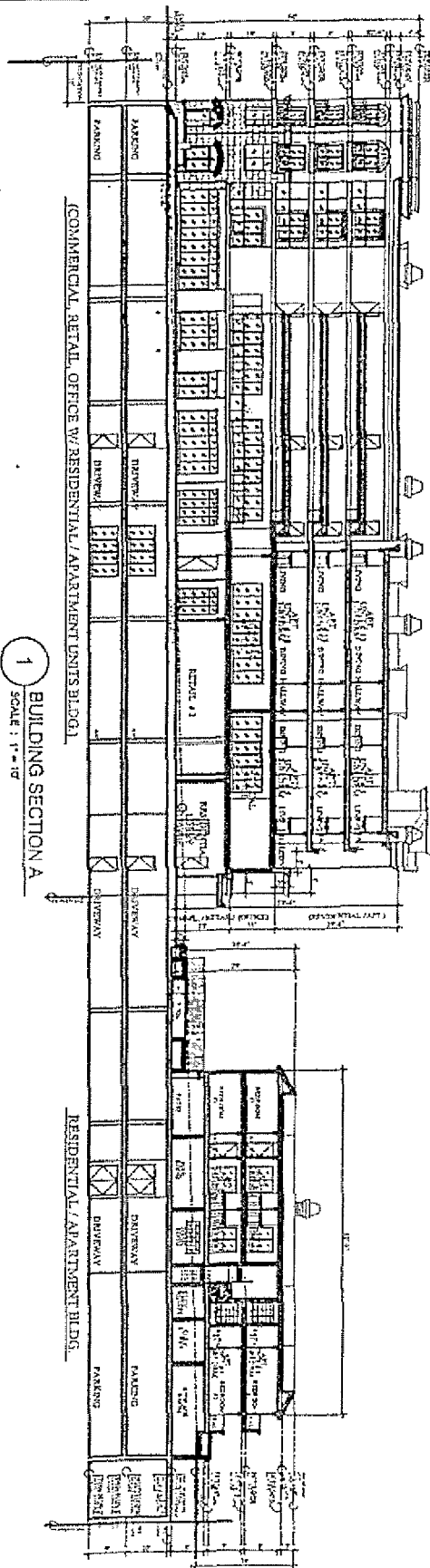
PREPARED BY
VARIAN JUNGCLAUS &
ASSOCIATES
ARCHITECTS
100 S. WILSON
LOS ANGELES, CA 90005

DESIGNED BY
P. TAGIYAN
ARCHITECT
100 S. WILSON
LOS ANGELES, CA 90005

PROPOSED COMMERCIAL, RETAIL, OFFICE
BLDG. & APARTMENT BLDG.
3245 SANTA MONICA BLVD., & 3244 VIRGINIA AVE.,
LOS ANGELES, CA 90005

DATE	APRIL 23, 2010
SCALE	1" = 10'
BY	DEL
CHECKED	P

A-10



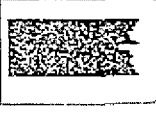
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SCALE: 1/8" = 1'-0"

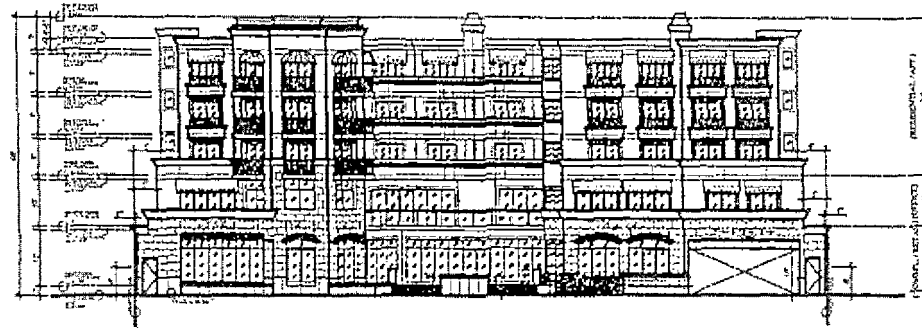
A-11

PROJECT TITLE:
**PROPOSED COMMERCIAL, RETAIL, OFFICE
 BLDG. & APARTMENT BLDG.**
 ADDRESS:
 5245 SANTA MONICA BLVD., & 5244 VIRGINIA AVE.,
 LOS ANGELES, CA. 90029

DRAWN BY:
P. TAGLYAN
 DRAWING TITLE:
 BLDG. SECTION

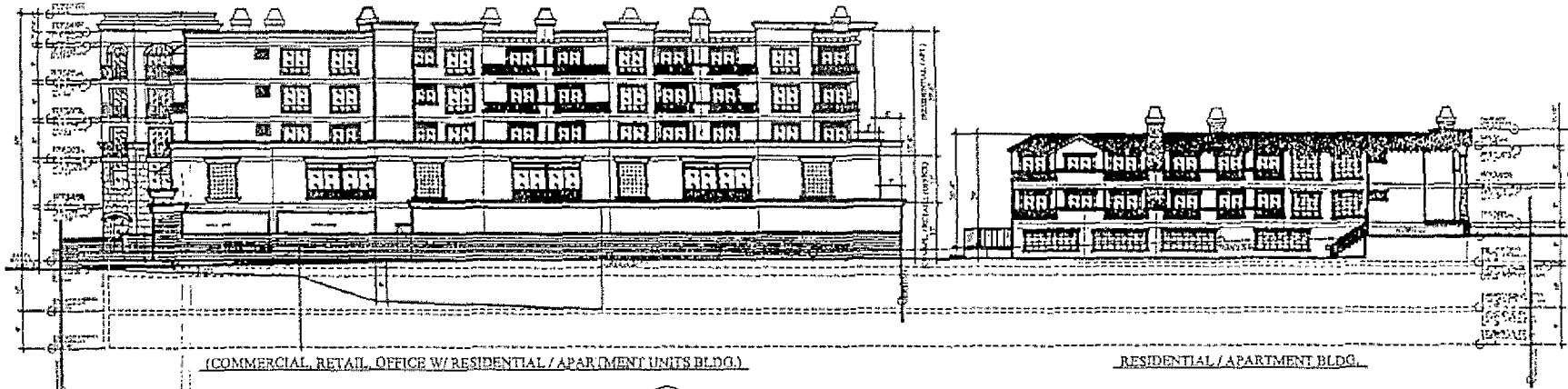
MARTAH JANGORAN & ASSOCIATES
 ARCHITECTS
 1000 W. 10TH ST. #100
 LOS ANGELES, CA 90057





(COMMERCIAL, RETAIL, OFFICE W/ RESIDENTIAL / APARTMENT UNITS BLDG.)

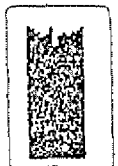
1 FRONT / SOUTH ELEVATION
SCALE : 1" = 10'



(COMMERCIAL, RETAIL, OFFICE W/ RESIDENTIAL / APARTMENT UNITS BLDG.)

RESIDENTIAL / APARTMENT BLDG.

2 EAST / RIGHT SIDE ELEVATION
SCALE : 1" = 10'



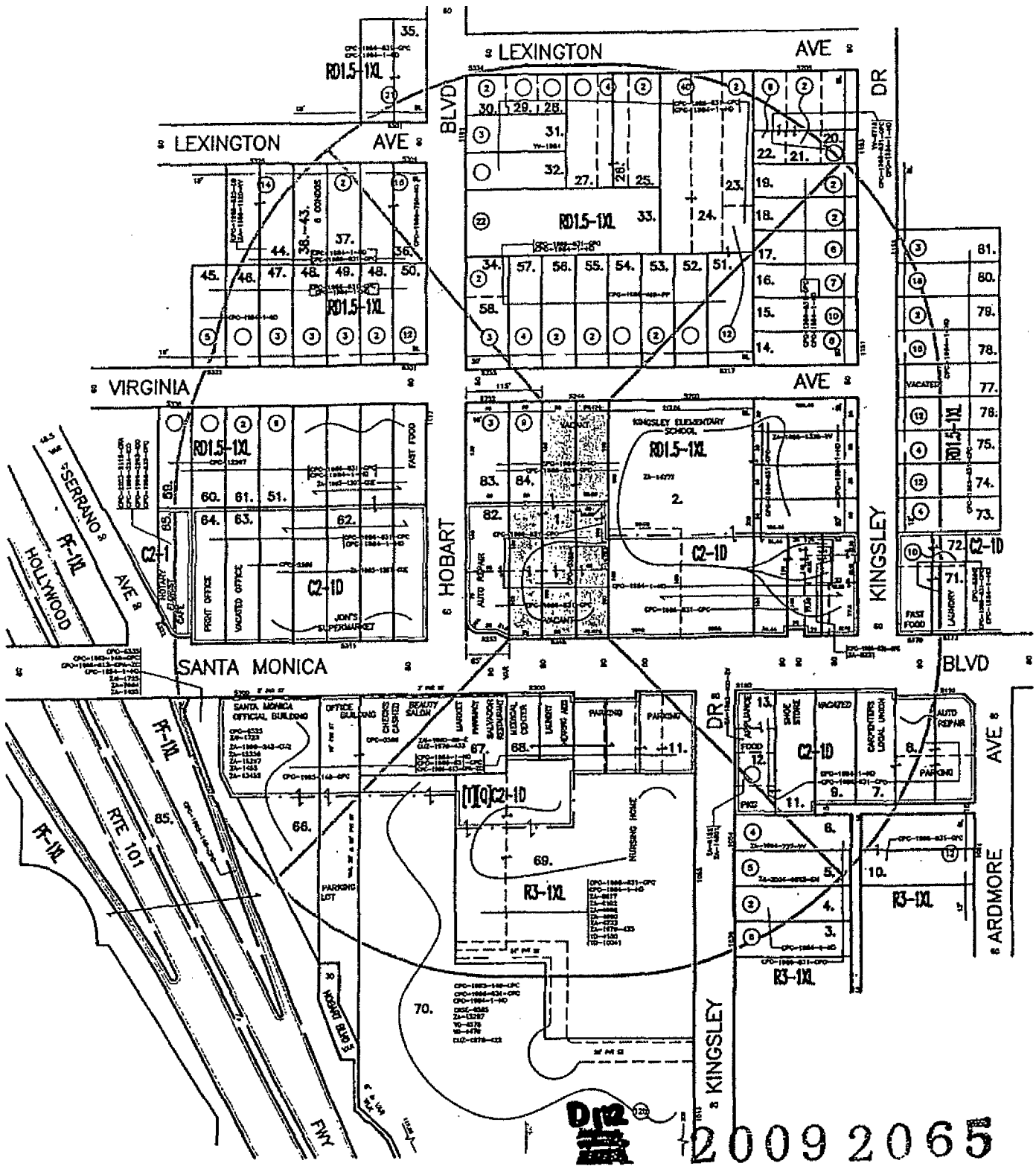
MARKAN ASSOCIATES & ASSOCIATES
ARCHITECTS
100 S. WILSON AVE. #200
LOS ANGELES, CA 90007
TEL: 213-480-1000
FAX: 213-480-1001

DESIGNED BY
P. TAGLYAN
ARCHITECT
EAST / SOUTH & RIGHT SIDE / EAST BLDG.
ELEVATIONS

PROPOSED COMMERCIAL, RETAIL, OFFICE
BLDG. & APARTMENT BLDG.
ADDRESS
5045 SANTA MONICA BLVD. & 5044 VIRGINIA AVE.
LOS ANGELES, CA 90029

DATE: 01.2012
SCALE: 1" = 10'
PROJECT: A
DATE: A
SCALE: A

A-9



LEGAL: LOTS 11-15, ZAHN TRACT, MD 12-127

NEW T.B.
PAGE 593
GRID J-5

C.D. 13-GARCETTI
C.T. 10/11/20
P.A. HOLLYWOOD

**ZONE VARIANCE, CONDITIONAL USE,
ZONING ADMINISTRATOR DETERMINATION,
& DENSITY BONUS**

CAD GRAPHICS BY
JPL Zoning Services
6263 Van Nuys Blvd
Van Nuys, CA 91401
(818)781-0016

CASE NO:
DATE: 06-12-09
DRAWN BY: JPL ZONING SERVICES
D.M. OR CAD: 1446193
SCALE: 1"=100'
USES: FIELD

CONTACT PERSON: ROBERT B. LAMISHAW
PHONE NO: 818-781-0016

NET ACRES
= 1.03± Acres



JPL-5996RM

Exhibit 9

CF-12-1604Rescan-001381

Property Detail Report
For Property Located At



CoreLogic
RealQuest Professional

Home Depot

5600 W SUNSET BLVD, LOS ANGELES, CA 90028-8524

Record #: 1

Owner Information:

Bldg Card: 000 of 002

Owner Name: HD DEVELOPMENT OF MARYLAND INC
Mailing Address: PO BOX 105842, ATLANTA GA 30348-5842 B001 C/O HOME DEPOT U S A
TAX DEPT 6616
Phone Number: Vesting Codes: //

Location Information:

Legal Description: LOTS 1,2,11 BLK 2 LEMONA TR, LOTS 4,5,7, 11,12, POR LOTS TR=1094, POR SD TR=10264
County: LOS ANGELES, CA APN: 5544-029-032
Census Tract / Block: 1909.01 / 3 Alternate APN:
Township-Range-Sect: Subdivision: LEMONA TR
Legal Book/Page: Map Reference: 34-D3 / 593-H4
Legal Lot: 1 Tract #: 1094
Legal Block: 2 School District: LOS ANGELES
Market Area: Munic/Township:
Neighbor Code:

Owner Transfer Information:

Recording/Sale Date: 10/12/2000 / 06/21/2000 Deed Type: GRANT DEED
Sale Price: 1st Mtg Document #:
Document #: 1595006

Last Market Sale Information:

Recording/Sale Date: 03/30/1995 / 1st Mtg Amount/Type: /
Sale Price: 1st Mtg Int. Rate/Type: /
Sale Type: 1st Mtg Document #: /
Document #: 454925 2nd Mtg Amount/Type: /
Deed Type: GRANT DEED 2nd Mtg Int. Rate/Type: /
Transfer Document #: Price Per SqFt:
New Construction: Multi/Split Sale: MULTIPLE
Title Company: CHICAGO TITLE INSURANCE COMPAN
Lender:
Seller Name: CHAPMAN TRUST

Prior Sale Information:

Prior Rec/Sale Date: 03/28/1995 / Prior Lender:
Prior Sale Price: Prior 1st Mtg Amt/Type: /
Prior Doc Number: 441758 Prior 1st Mtg Rate/Type: /
Prior Deed Type: GRANT DEED

Property Characteristics:

Year Built / Eff: 1996 / Total Rooms/Offices: Garage Area:
Gross Area: 231,188 Total Restrooms: Garage Capacity:
Building Area: 231,188 Roof Type: Parking Spaces:
Tot Adj Area: Roof Material: Heat Type:
Above Grade: Construction: Air Cond:
of Stories: Foundation: Pool:
Other Improvements: Exterior wall: Quality:
Basement Area: Condition:

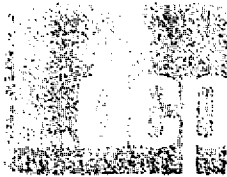
Site Information:

Zoning: LAC2 Acres: 6.08 County Use: BLDG SUPPLY STORE (1320)
Lot Area: 265,063 Lot Width/Depth: x State Use:
Land Use: RETAIL TRADE Commercial Units: Water Type:
Site Influence: Sewer Type: Building Class:

Tax Information:

Total Value: \$24,222,692 Assessed Year: 2011 Property Tax: \$319,246.71
Land Value: \$18,017,088 Improved %: 26% Tax Area: 201
Improvement Value: \$6,205,604 Tax Year: 2011 Tax Exemption:
Total Taxable Value: \$24,222,692

Exhibit 10



CF-12-1604 Rescan-001383

City of Los Angeles
Department of City Planning

11/4/2012

PARCEL PROFILE REPORT

PROPERTY ADDRESSES

5454 W HAROLD WAY
5448 W HAROLD WAY
5450 W HAROLD WAY
5452 W HAROLD WAY
1538 N WESTERN AVE
1536 N WESTERN AVE

ZIP CODES

90027

RECENT ACTIVITY

Adaptive Reuse Incentive Spec. Pin-
Ord 175038

CASE NUMBERS

CPC-2005-8250-ICO
CPC-2005-6082-CPU
CPC-2003-2115-CRA
CPC-2000-1976-SP
CPC-1999-324-ICO
CPC-1999-2293-ICO
CPC-1997-43-CPU
CPC-1986-835-GPC
ORD-182173-SA7
ORD-177557
ORD-173799
ORD-173749
ORD-173562
ORD-165668-SA465
ZA-1995-758-CUB-PAB
ZA-1994-833-PAD-YV
ZA-1984-933-PAD-ZV
BZA-4645
ENV-2005-2158-EIR
ENV-2000-1978-ND

Address/Legal Information

PIN Number 147A193 19
Lot/Parcel Area (Calculated) 5,482.5 (sq ft)
Thomas Brothers Grid PAGE 593 - GRID H4
Assessor Parcel No (APN) 5544022031
Tract HAMPTONIA TRACT
Map Reference M B 29-8/9
Block None
Lot 11
Arb (Lot Cut Reference) 1
Map Sheet 147A193
148-5A193

Jurisdictional Information

Community Plan Area Hollywood
Area Planning Commission Central
Neighborhood Council East Hollywood
Council District CD 13 - Eric Garcetti
Census Tract # 1905.10
LADBS District Office Los Angeles Metro

Planning and Zoning Information

Special Notes None
Zoning [O]C2-2D
Zoning Information (ZI)
ZI-2374 LOS ANGELES STATE ENTERPRISE ZONE
ZI-2353 Residential Hotel Unit Conversion Demolition Ordinance
ZI-2277 Hollywood Redevelopment Project
ZI-1352 Hollywood Redevelopment Project
ZI-2423 Hollywood Community Plan Update
General Plan Land Use General Commercial
General Plan Footnote(s) Yes
Hillside Area (Zoning Code) No
Baseline Hillside Ordinance No
Baseline Mansionization Ordinance No
Specific Plan Area Vermont / Western Station Neighborhood Area Plan
Special Land Use / Zoning None
Design Review Board No
Historic Preservation Review No
Historic Preservation Overlay Zone None
Other Historic Designations None
Other Historic Survey Information None
Mills Act Contract None
POD - Pedestrian Oriented Districts None
CDO - Community Design Overlay None
NSO - Neighborhood Stabilization Overlay No
Streetscape No
Sign District No
Adaptive Reuse Incentive Area Adaptive Reuse Incentive Areas Specific Plan
CRA - Community Redevelopment Agency Hollywood Redevelopment Project

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(* - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Central City Parking No
 Downlown Parking No
 Building Line None
 500 Ft School Zone No
 500 Ft Park Zone No

Assessor Information

Assessor Parcel No. (APN) 5544022031
 APN Area (Co. Public Works)* 0.184 (ac)
 Use Code 1830 - Motel (50+ units)
 Assessed Land Val. \$215,424
 Assessed Improvement Val. \$1,783,500
 Last Owner Change 01/31/00
 Last Sale Amount \$941,509
 Tax Rate Area 201
 Deed Ref No. (City Clerk) 7003S
 452997S
 452997
 40161S
 40160
 2092408
 198823
 184958S
 1555801
 1509170S
 1509169S
 143178
 1235093
 1226707-8

Building 1

Year Built 1995
 Building Class C6
 Number of Units 0
 Number of Bedrooms 0
 Number of Bathrooms 0
 Building Square Footage 24,108.0 (sq ft)

Building 2 No data for building 2
 Building 3 No data for building 3
 Building 4 No data for building 4
 Building 5 No data for building 5

Additional Information

Airport Hazard None
 Coastal Zone None
 Farmland Area Not Mapped
 Very High Fire Hazard Severity Zone No
 Fire District No. 1 No
 Flood Zone None
 Watercourse No
 Hazardous Waste / Border Zone Properties No
 Methane Hazard Site None
 High Wind Velocity Areas No
 Special Grading Area (BOE Basic Grid Map A-13372) No
 Oil Wells None

Seismic Hazards

Active Fault Near-Source Zone

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Nearest Fault (Distance)	1.0
Nearest Fault (Name)	Hollywood Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1
Slip Geometry	Left Lateral - Reverso - Oblique
Slip Type	Poorly Constrained
Down Dip Width (km)	14
Rupture Top	0
Rupture Bottom	13
Dip Angle (degrees)	70
Maximum Magnitude	6.4
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	No
Tsunami Inundation Zone	No

Economic Development Areas

Business Improvement District	None
Renewal Community	No
Revitalization Zone	Central City
State Enterprise Zone	LOS ANGELES STATE ENTERPRISE ZONE
State Enterprise Zone Adjacency	No
Targeted Neighborhood Initiative	None

Public Safety

Police Information

Bureau	West
Division / Station	Hollywood
Reporting District	648

Fire Information

Division	3
Battalion	5
District / Fire Station	82
Red Flag Restricted Parking	No

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CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CRC-2005-8250-ICO
Required Action(s):	ICO-INTERIM CONTROL ORDINANCE
Project Descriptions(s):	AN INTERIM CONTROL ORDINANCE TEMPORARILY SUSPENDING THE CONVERSION, DEMOLITION, OR CHANGE OF USE OF RESIDENTIAL HOTELS CITYWIDE.
Case Number:	ORD-2005-182173-SA7
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	Data Not Available
Case Number:	CRA-2005-177557
Required Action(s):	CRA-COMMUNITY REDEVELOPMENT AGENCY
Project Descriptions(s):	First Amendment to the Hollywood Redevelopment Plan
Case Number:	CRC-2005-177557-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s):	A PUBLIC HEARING REGARDING THE PROPOSED VERMONT/WESTERN TRANSIT ORIENTED DISTRICT NEIGHBORHOOD AND SPECIFIC PLAN ORDINANCE.
Case Number:	ORD-182173-ICO
Required Action(s):	ICO-INTERIM CONTROL ORDINANCE
Project Descriptions(s):	
Case Number:	ICR-182173-ICO
Required Action(s):	ICO-INTERIM CONTROL ORDINANCE
Project Descriptions(s):	INTERIM CONTROL ORDINANCE.
Case Number:	CPU-182173-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	COMMUNITY PLAN UPDATE FOR HOLLYWOOD WHICH IDENTIFIES AND REDEFINES OUTDATED LAND USE ISSUES AND INCONSISTENT ZONING, REVIEWS POLICIES AND PROGRAMS, AS WELL AS REVISING AND UPDATING THE PLAN MAP AND TEXT
Case Number:	GPC-1986-815-GRP
Required Action(s):	GPC-GENERAL PLAN/ZONING CONSISTENCY (A8283)
Project Descriptions(s):	PLAN AMENDMENTS AND ZONE CHANGES FOR THE HOLLYWOOD COMMUNITY PLAN REVISION/ZONING CONSISTENCY PROGRAM
Case Number:	ZA-1985-76-3-UB-PAB
Required Action(s):	CUB-CONDITIONAL USE BEVERAGE (ALCOHOL) PAB-PLAN APPROVAL BOOZE
Project Descriptions(s):	Data Not Available
Case Number:	ZA-1985-76-3-UB-PAD
Required Action(s):	YV-HEIGHT AND DENSITY ADJUSTMENTS 20% OR MORE PAD-PLAN APPROVAL ONLY FOR A DEEMED-TO-BE-APPROVED CU
Project Descriptions(s):	Data Not Available
Case Number:	ZA-1985-76-3-UB-ZV
Required Action(s):	ZV-ZONE VARIANCE PAD-PLAN APPROVAL ONLY FOR A DEEMED-TO-BE-APPROVED CU
Project Descriptions(s):	Data Not Available
Case Number:	ENV-2005-177557-EIR
Required Action(s):	EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	COMMUNITY PLAN UPDATE FOR HOLLYWOOD WHICH IDENTIFIES AND REDEFINES OUTDATED LAND USE ISSUES AND INCONSISTENT ZONING, REVIEWS POLICIES AND PROGRAMS, AS WELL AS REVISING AND UPDATING THE PLAN MAP AND TEXT
Case Number:	ND-2005-177557-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	Data Not Available

DATA NOT AVAILABLE

ORD-182173-SA7

ORD-177557

ORD-173799

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•
ORD-173749
• ORD-173562
ORD-165668-SA465
BZA-4645

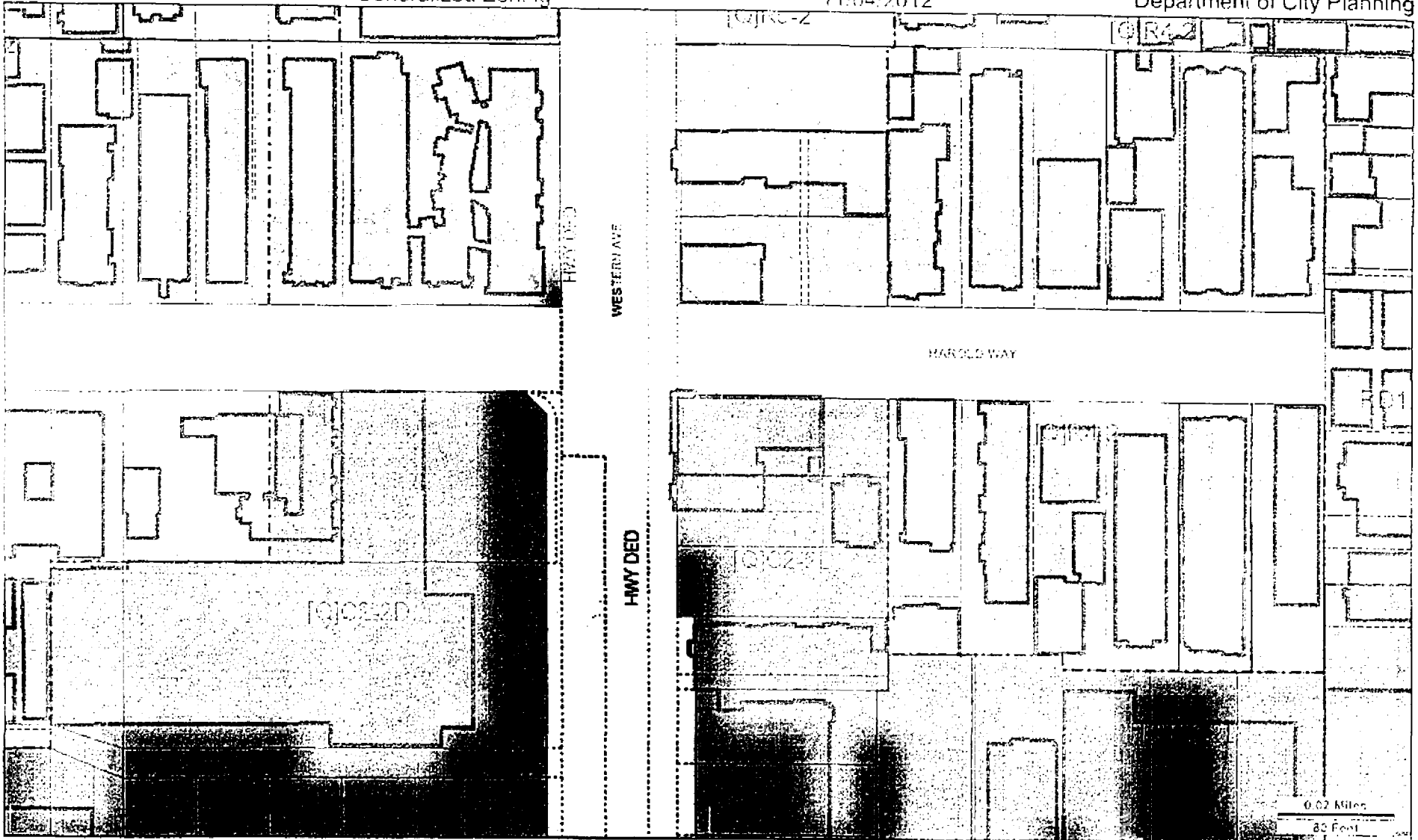
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ZIMAS PUBLIC

Generalized Zoning

11/04/2012

City of Los Angeles
Department of City Planning



Address: 1538 N WESTERN AVE
APN: 5544022031
PIN #: 147A193 19

Tract: HAMPTONIA TRACT
Block: None
Lot: 11
Arb: 1










Zoning: [Q]C2-20
General Plan: General Commercial



LEGEND

CF-12-1604Rescan-001389

GENERALIZED ZONING

-  OS
-  A, RA
-  RE, RS, R1, RU, RZ, RW1
-  R2, RD, RMP, RW2, R3, R4, R5
-  CR, C1, C1.5, C2, C4, C5, CW, ADP, LASED, WC
-  CM, MR, CCS, M1, M2, M3, SL
-  P, PB
-  PF
-  HILLSIDE










GENERAL PLAN LAND USE

LAND USE

RESIDENTIAL





-  Minimum Residential
-  Very Low / Very Low I Residential
-  Very Low II Residential
-  Low / Low I Residential
-  Low II Residential
-  Low Medium / Low Medium I Residential
-  Low Medium II Residential
-  Medium Residential
-  High Medium Residential
-  High Density Residential
-  Very High Medium Residential

COMMERCIAL





-  Limited Commercial
-  Limited Commercial - Mixed Medium Residential
-  Highway Oriented Commercial
-  Highway Oriented and Limited Commercial
-  Highway Oriented Commercial - Mixed Medium Residential
-  Neighborhood Office Commercial
-  Community Commercial
-  Community Commercial - Mixed High Residential
-  Regional Center Commercial

FRAMEWORK

COMMERCIAL

-  Neighborhood Commercial
-  General Commercial
-  Community Commercial
-  Regional Mixed Commercial






INDUSTRIAL

-  Commercial Manufacturing
-  Limited Manufacturing
-  Light Manufacturing
-  Heavy Manufacturing

PARKING

-  Parking Buffer






PORT OF LOS ANGELES

-  General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
-  General / Bulk Cargo - Hazard
-  Commercial Fishing
-  Recreation and Commercial
-  Intermodal Container Transfer Facility Site



LOS ANGELES INTERNATIONAL AIRPORT

-  Airport Landside
-  Airport Airside
-  Airport Northside

OPEN SPACE / PUBLIC FACILITIES
































-  Open Space
-  Public / Open Space
-  Public / Quasi-Public Open Space
-  Other Public Open Space
-  Public Facilities

INDUSTRIAL






-  Limited Industrial
-  Light Industrial

CIRCULATION





































STREET

 Arterial Mountain Road	 Major Scenic Highway
 Collector Scenic Street	 Major Scenic Highway (Modified)
 Collector Street	 Major Scenic Highway II
 Collector Street (Hillside)	 Mountain Collector Street
 Collector Street (Modified)	 Park Road
 Collector Street (Proposed)	 Parkway
 Country Road	 Principal Major Highway
 Divided Major Highway II	 Private Street
 Divided Secondary Scenic Highway	 Scenic Divided Major Highway II
 Local Scenic Road	 Scenic Park
 Local Street	 Scenic Parkway
 Major Highway (Modified)	 Secondary Highway
 Major Highway I	 Secondary Highway (Modified)
 Major Highway II	 Secondary Scenic Highway
 Major Highway II (Modified)	 Special Collector Street
	 Super Major Highway

FREEWAYS

 Freeway
 Interchange
 On-Ramp / Off-Ramp
 Railroad
 Scenic Freeway Highway




MISC. LINES

 Airport Boundary	 MSA Desirable Open Space
 Bus Line	 Major Scenic Controls
 Coastal Zone Boundary	 Multi-Purpose Trail
 Coastline Boundary	 Natural Resource Reserve
 Collector Scenic Street (Proposed)	 Park Road
 Commercial Areas	 Park Road (Proposed)
 Commercial Center	 Quasi-Public
 Community Redevelopment Project Area	 Rapid Transit Line
 Country Road	 Residential Planned Development
 DWP Power Lines	 Scenic Highway (Obsolete)
 Desirable Open Space	 Secondary Scenic Controls
 Detached Single Family House	 Secondary Scenic Highway (Proposed)
 Endangered Ridgeline	 Site Boundary
 Equestrian and/or Hiking Trail	 Southern California Edison Power
 Hiking Trail	 Special Study Area
 Historical Preservation	 Specific Plan Area
 Horsekeeping Area	 Stagecoach Line
 Local Street	 Wildlife Corridor

POINTS OF INTEREST

-  Alternative Youth Hostel (Proposed)
-  Animal Shelter
-  Area Library
-  Area Library (Proposed)
-  Bridge
-  Campground
-  Campground (Proposed)
-  Cemetery
- HW Church
-  City Hall
-  Community Center
-  Community Library
-  Community Library (Proposed Expansion)
-  Community Library (Proposed)
-  Community Park
-  Community Park (Proposed Expansion)
-  Community Park (Proposed)
-  Community Transit Center
-  Convalescent Hospital
-  Correctional Facility
-  Cultural / Historic Site (Proposed)
-  Cultural / Historical Site
-  Cultural Arts Center
- DMV DMV Office
- DWP DWP
-  DWP Pumping Station
-  Equestrian Center
-  Fire Department Headquarters
-  Fire Station
-  Fire Station (Proposed Expansion)
-  Fire Station (Proposed)
-  Fire Supply & Maintenance
-  Fire Training Site
-  Fireboat Station
-  Health Center / Medical Facility
-  Helistop
-  Historic Monument
-  Historical / Cultural Monument
-  Horsekeeping Area
-  Horsekeeping Area (Proposed)
-  Horticultural Center
-  Hospital
-  Hospital (Proposed)
- HW House of Worship
-  Important Ecological Area
-  Important Ecological Area (Proposed)
-  Interpretive Center (Proposed)
-  Junior College
-  MTA / Metrolink Station
-  MTA Station
-  MTA Stop
- MWD MWD Headquarters
-  Maintenance Yard
-  Municipal Office Building
-  Municipal Parking lot
-  Neighborhood Park
-  Neighborhood Park (Proposed Expansion)
-  Neighborhood Park (Proposed)
-  Oil Collection Center
-  Parking Enforcement
-  Police Headquarters
-  Police Station
-  Police Station (Proposed Expansion)
-  Police Station (Proposed)
-  Police Training site
- PO Post Office
-  Power Distribution Station
-  Power Distribution Station (Proposed)
-  Power Receiving Station
-  Power Receiving Station (Proposed)
- C Private College
- E Private Elementary School
-  Private Golf Course
-  Private Golf Course (Proposed)
- JH Private Junior High School
- PS Private Pre-School
-  Private Recreation & Cultural Facility
- SH Private Senior High School
- SF Private Special School
-  Public Elementary (Proposed Expansion)
-  Public Elementary School
-  Public Elementary School (Proposed)
-  Public Golf Course
-  Public Golf Course (Proposed)
-  Public Housing
-  Public Housing (Proposed Expansion)
-  Public Junior High School
-  Public Junior High School (Proposed)
-  Public Middle School
-  Public Senior High School
-  Public Senior High School (Proposed)
-  Pumping Station
-  Pumping Station (Proposed)
-  Refuse Collection Center
-  Regional Library
-  Regional Library (Proposed Expansion)
-  Regional Library (Proposed)
-  Regional Park
-  Regional Park (Proposed)
- RPD Residential Plan Development
-  Scenic View Site
-  Scenic View Site (Proposed)
-  School District Headquarters
-  School Unspecified Loc/Type (Proposed)
-  Skill Center
- SS Social Services
-  Special Feature
-  Special Recreation (a)
-  Special School Facility
-  Special School Facility (Proposed)
-  Steam Plant
-  Surface Mining
-  Trail & Assembly Area
-  Trail & Assembly Area (Proposed)
- utl Utility Yard
-  Water Tank Reservoir
-  Wildlife Migration Corridor
-  Wildlife Preserve Gate

SCHOOLS/PARKS WITH 500 FT. BUFFER

-  Existing School/Park Site
-  Planned School/Park Site
-  Inside 500 Ft. Buffer

- | | |
|--|--|
|  Aquatic Facilities |  Opportunity School |
|  Beaches |  Other Facilities |
|  Charter School |  Park / Recreation Centers |
|  Child Care Centers |  Parks |
|  Elementary School |  Performing / Visual Arts Centers |
|  Golf Course |  Recreation Centers |
|  High School |  Span School |
|  Historic Sites |  Special Education School |
|  Horticulture/Gardens |  Senior Citizen Centers |
|  Middle School |  Skate Parks |

OTHER SYMBOLS





























- | | | |
|--|---|--|
|  Lot Line |  Airport Hazard Zone |  Flood Zone |
|  Tract Line |  Census Tract |  Hazardous Waste |
|  Lot Cut |  Coastal Zone |  High Wind Zone |
|  Easement |  Council District |  Hillside Grading |
|  Zone Boundary |  LADBS District Office |  Historic Preservation Overlay Zone |
|  Building Line |  Downtown Parking |  Specific Plan Area |
|  Lot Split |  Fault Zone |  Very High Fire Hazard Severity Zone |
|  Community Driveway |  Fire District No. 1 |  Oil Wells |
|  Tract Map | | |
|  Parcel Map | | |
|  Lot Ties | | |
|  Building Outlines | | |

Exhibit 11



CF-12-1604Rescan-001394
 City of Los Angeles
 Department of City Planning

11/4/2012

PARCEL PROFILE REPORT

PROPERTY ADDRESSES

1160 N VERMONT AVE

ZIP CODES

90029

RECENT ACTIVITY

None

CASE NUMBERS

CPC-2005-6082-CPU
 CPC-2000-1976-SP
 CPC-1997-43-CPU
 CPC-1986-831-GPC
 CPC-1984-1-HD
 ORD-182173-SA31:1
 ORD-173799
 ORD-173749
 ORD-164687
 ORD-161116-SA18B
 ZA-2008-1726-CUB
 ZA-2001-1922-CUB-CUX-PA1
 ZA-1977-165
 BZA-2444
 ENV-2005-2158-EIR
 ENV-2001-1923-MND
 ENV-2000-1978-ND
 ND-77-185-CUZ
 ND-90-845-CUX
 PKG-2737
 AFF-4832-NC
 AFF-34061

Address/Legal Information

PIN Number 1448197 403
 Lot/Parcel Area (Calculated) 7,000.0 (sq ft)
 Thomas Brothers Grid PAGE 594 - GRID A5
 Assessor Parcel No. (APN) 5542028025
 Tract VERMONT PLACE TRACT
 Map Reference M B 7-93
 Block None
 Lot FR 4
 Arb (Lot Cut Reference) None
 Map Sheet 1448197

Jurisdictional Information

Community Plan Area Hollywood
 Area Planning Commission Central
 Neighborhood Council East Hollywood
 Council District CD 13 - Eric Garcetti
 Census Tract # 1913.01
 LADBS District Office Los Angeles Metro

Planning and Zoning Information

Special Notes None
 Zoning (U)C2-2D
 Zoning Information (ZI) ZI-2423 Hollywood Community Plan Update
 ZI-1117 MTA Project
 ZI-2374 LOS ANGELES STATE ENTERPRISE ZONE

General Plan Land Use

General Plan Footnote(s) Yes
 Hillside Area (Zoning Code) No
 Baseline Hillside Ordinance No
 Baseline Manslonization Ordinance No
 Specific Plan Area Vermont / Western Station Neighborhood Area Plan
 Special Land Use / Zoning None
 Design Review Board No
 Historic Preservation Review No
 Historic Preservation Overlay Zone None
 Other Historic Designations None
 Other Historic Survey Information None
 Mills Act Contract None
 POD - Pedestrian Oriented Districts None
 CDO - Community Design Overlay None
 NSO - Neighborhood Stabilization Overlay No
 Streetscape No
 Sign District No
 Adaptive Reuse Incentive Area None
 CRA - Community Redevelopment Agency None
 Central City Parking No
 Downtown Parking No
 Building Line None

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CF-12-1604Rescan-001395

500 Ft School Zone	No
500 Ft Park Zone	No
Assessor Information	
Assessor Parcel No. (APN)	5542028025
APN Area (Co. Public Works)*	1.578 (ac)
Use Code	1800 - Hotel (Under 50 Rooms)
Assessed Land Val.	\$1,863,375
Assessed Improvement Val.	\$1,380,274
Last Owner Change	12/28/94
Last Sale Amount	\$9
Tax Rate Area	13
Deed Ref No. (City Clerk)	97841

- 880725
- 7840001
- 784000
- 758797
- 758795
- 758793
- 758792
- 720058
- 607888-91
- 301766
- 282937
- 236709-10
- 2274178
- 1957390
- 1912324
- 1819209
- 155096
- 1406816
- 115096
- 1082010

Building 1	
Year Built	1984
Building Class	AXA
Number of Units	130
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	68,596.0 (sq ft)
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5

Additional Information

Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No

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Special Grading Area (BOE Basic Grid Map A- Yes
13372)

Oil Wells None

Seismic Hazards

Active Fault Near-Source Zone

Nearest Fault (Distance in km)	0.7912612
Nearest Fault (Name)	Upper Elysian Park
Region	Los Angeles Blind Thrusts
Fault Type	B
Slip Rate (mm/year)	1.3
Slip Geometry	Reverse
Slip Type	Poorly Constrained
Down Dip Width (km)	13
Rupture Top	3
Rupture Bottom	13
Dip Angle (degrees)	50
Maximum Magnitude	6.4
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	No
Tsunami Inundation Zone	No

Economic Development Areas

Business Improvement District	EAST HOLLYWOOD
Renewal Community	No
Revitalization Zone	Central City
State Enterprise Zone	LOS ANGELES STATE ENTERPRISE ZONE
State Enterprise Zone Adjacency	No
Targeted Neighborhood Initiative	East Hollywood

Public Safety

Police Information

Bureau	Central
Division / Station	Northeast
Reporting District	1162

Fire Information

Division	3
Battalion	5
District / Fire Station	35
Red Flag Restricted Parking	No

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CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-2005-6082-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	Data Not Available
Case Number:	CPC-2000-1976-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s):	A PUBLIC HEARING REGARDING THE PROPOSED VERMONT/WESTERN TRANSIT ORIENTED DISTRICT NEIGHBORHOOD AND SPECIFIC PLAN ORDINANCE.
Case Number:	CPC-1897-3-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	COMMUNITY PLAN UPDATE FOR HOLLYWOOD WHICH IDENTIFIES AND REDEFINES OUTDATED LAND USE ISSUES AND INCONSISTENT ZONING, REVIEWS POLICIES AND PROGRAMS, AS WELL AS REVISING AND UPDATING THE PLAN MAP AND TEXT
Case Number:	GPC-1986-331-GPC
Required Action(s):	GPC-GENERAL PLAN/ZONING CONSISTENCY (A8283)
Project Descriptions(s):	HOLLYWOOD COMMUNITY PLAN REVISION/GENERAL PLAN CONSISTENCY PLAN AMENDMENT, ZONE CHANGES AND HEIGHT DISTRICT CHANGES
Case Number:	GPC-1984-141D
Required Action(s):	HD-HEIGHT DISTRICT
Project Descriptions(s):	CHANGE OF HEIGHT DISTRICT WITHIN THE "CORE AREA OF L.A."- GENERAL PLAN ZONE CONSISTENCY PROGRAM.
Case Number:	CUB-2011-156-CUB
Required Action(s):	CUB-CONDITIONAL USE BEVERAGE (ALCOHOL)
Project Descriptions(s):	CONDITIONAL USE FOR FULL LINE ALCOHOL FOR ON SITE SERVICE IN CONJUNCTION WITH A EXISTING RESTAURANT IN HOTEL SEATING 142 OPERATING FROM 6 AM TO 2AM DAILY
Case Number:	CUB-2011-156-CUB
Required Action(s):	CUB-CONDITIONAL USE BEVERAGE (ALCOHOL)
Project Descriptions(s):	CUX-ADULT ENTERTAINMENTS
Case Number:	2-107-C
Required Action(s):	Data Not Available
Project Descriptions(s):	
Case Number:	ENV-2005-2168-EIR
Required Action(s):	EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	COMMUNITY PLAN UPDATE FOR HOLLYWOOD WHICH IDENTIFIES AND REDEFINES OUTDATED LAND USE ISSUES AND INCONSISTENT ZONING, REVIEWS POLICIES AND PROGRAMS, AS WELL AS REVISING AND UPDATING THE PLAN MAP AND TEXT
Case Number:	ENV-2001-5124-MND
Required Action(s):	MND-MITIGATED NEGATIVE DECLARATION
Project Descriptions(s):	ALCOHOLIC BEVERAGES, PATRON DANCING & LIVE ENTERTAINMENT IN A HOTEL, WITH BANQUET ROOMS, RESTAURANT AND LOUNGE.
Case Number:	ND-2005-1517-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	Data Not Available
Case Number:	ND-77-185-CUZ
Required Action(s):	CUZ-ALL OTHER CONDITIONAL USE CASES
Project Descriptions(s):	Data Not Available
Case Number:	ND-90-245-CUX
Required Action(s):	CUX-ADULT ENTERTAINMENTS
Project Descriptions(s):	Data Not Available
Case Number:	NC-182173-NC
Required Action(s):	NC-NONCONFORMING USE CASES
Project Descriptions(s):	Data Not Available

DATA NOT AVAILABLE

ORD-182173-SA31:1

ORD-173799

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ORD-173749
ORD-164687
ORD-161116-SA18B
BZA-2444
PKG-2737
AFF-34061

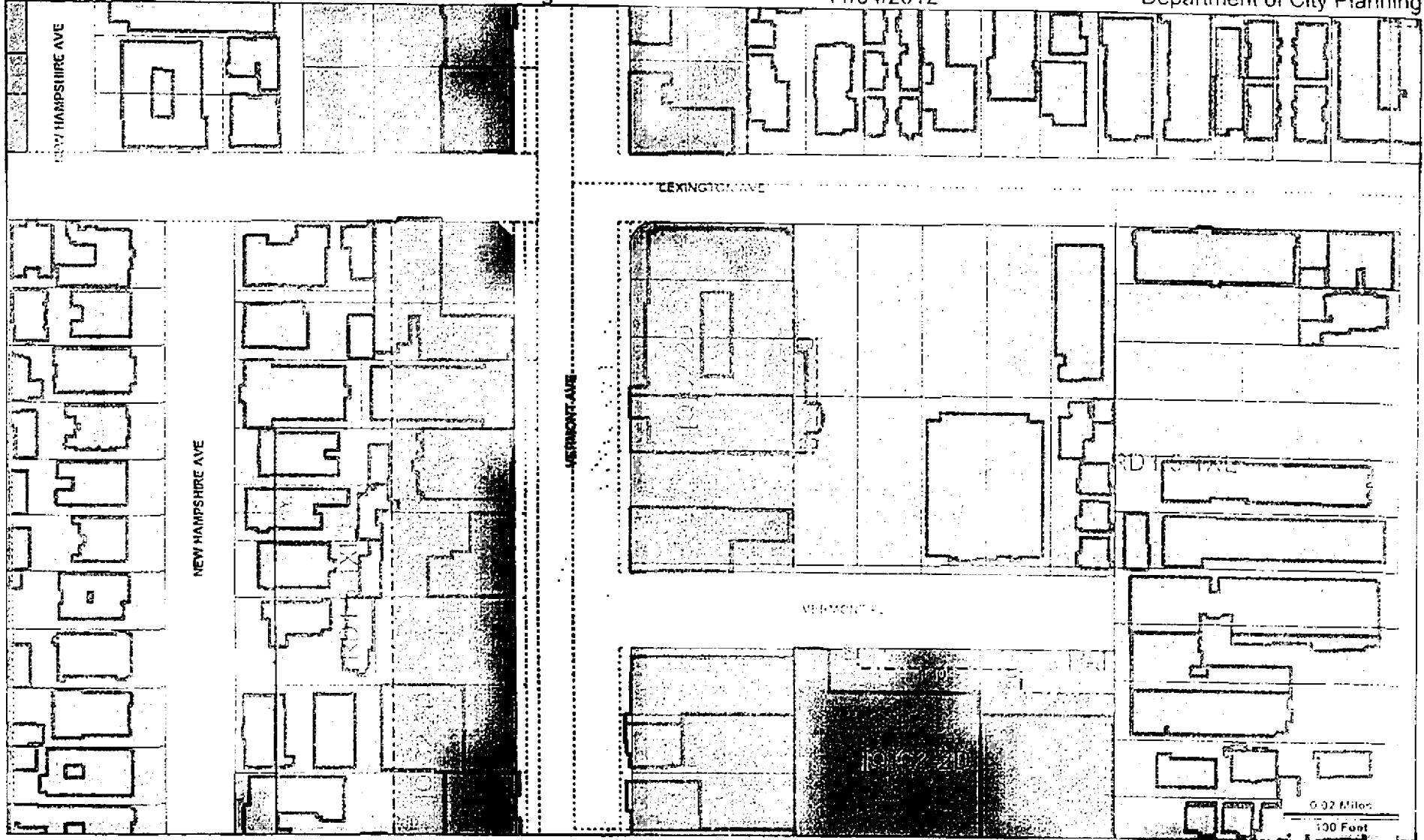
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ZIMAS PUBLIC

Generalized Zoning

11/04/2012

City of Los Angeles
Department of City Planning



Address: 1160 N VERMONT AVE
 APN: 5542028025
 PIN #: 144B197 403

Tract: VERMONT PLACE TRACT
 Block: None
 Lot: FR 4
 Arb: None

Zoning: [Q]C2-2D
 General Plan: General Commercial



Streets Copyright (c) Thomas Brothers Maps, Inc.

Exhibit 12

Facilities Development Division
1600 9th Street, Room 420
Sacramento, California 95814
(916) 654-3362
Fax (916) 654-2973
www.oshpd.ca.gov/fdd

Seismic Retrofit Program Overview

The Alquist Act establishes a seismic safety building standards program under OSHPD's jurisdiction for hospitals built on or after March 7, 1973. The Alquist Act was initiated because of the loss of life incurred due to the collapse of hospitals during the Sylmar earthquake of 1971. The Alquist Act emphasizes that essential facilities such as hospitals should remain operational after an earthquake. Hospitals built in accordance with the standards of the Alquist Act resisted the January 1994 Northridge earthquake with minimal structural damage, while several facilities built prior to the act experienced major structural damage and had to be evacuated. However, certain nonstructural components of the hospitals did incur damage, even in facilities built in accordance with the structural provisions of the Alquist Act. The provisions and subsequent regulation language of SB 1953 were developed to address the issues of survivability of both nonstructural and structural components of hospital buildings after a seismic event. Therefore, the ultimate public safety benefit of the Alquist Act is to have general acute care hospital buildings that not only are capable of remaining intact after a seismic event, but also capable of continued operation and provision of acute care medical services after a seismic event.

Hospitals as defined in Section 129725 and licensed pursuant to subdivision (a) of Section 1250 of the Health & Safety Code shall comply with the regulations developed by OSHPD as mandated by SB 1953. There are approximately 470 general acute care hospital facilities including the 2,673 hospital buildings that will be impacted by the provisions of SB 1953. If a facility is to remain a general acute care hospital facility beyond a specified date, the owner must conduct seismic evaluations, prepare both a comprehensive evaluation report and compliance plan to attain specified structural and nonstructural performance categories which must be submitted to OSHPD in accordance with these regulations.

The seismic evaluation procedure regulations consist of eleven articles. The primary purpose of these regulations is to evaluate the potential earthquake performance of a building or building components and to place the building into specified seismic performance categories. The evaluation procedures were developed from experience gained in evaluating and seismically retrofitting deficient buildings in areas of high seismicity.

One of the main provisions of SB 1953 is the development of earthquake or seismic performance categories, specifically the Structural Performance Categories (SPC) as found in Article 2 and the Nonstructural Performance Categories (NPC) as found in Article 11. These include seismic performance categories for new and existing general acute care hospital facilities in various subgradations, i.e., from those capable of providing services to the public after a seismic event to those at significant risk of collapse and that represent a danger to the public. Each facility would receive both an SPC and NPC, with both seismic performance categories

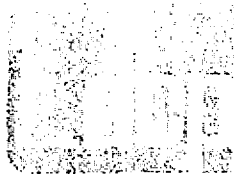


considered for determination of a facilities compliance with the provisions of the Alquist Act.

The seismic retrofit regulations, also known as Division III-R, apply to all existing general acute care hospital buildings. The goal of these regulations is to develop retrofit and repair designs for existing hospital buildings to yield predictable seismic performance, whether at the essential life safety level or post-earthquake continued operations level. The requirements of Division III-R must be used to upgrade from an existing seismic performance category to a higher category level. Specifically, these regulations were explicitly developed for use in the retrofit, repair, modification or alteration of existing hospital buildings.

Each general acute care hospital facility must be at certain seismic performance category levels by specified timeframes. For example, all general acute care hospital facility buildings must be at the SPC 2 ("Life Safety Level") by January 1, 2008 to be in compliance with the provisions of the regulations. In addition, timeframes for submittal of seismic evaluations, compliance plans, and other seismic performance levels are cited in the seismic evaluation procedure regulations.

Exhibit 13



CF-12-1604 Rescan 001405
 City of Los Angeles
 Department of City Planning

11/4/2012

PARCEL PROFILE REPORT

PROPERTY ADDRESSES

4950 W SUNSET BLVD

ZIP CODES

90027

RECENT ACTIVITY

None

CASE NUMBERS

CPC-2000-1976-SP
 CPC-1986-831-GPC
 ORD-173799
 ORD-173749
 ORD-164695
 ZA-1980-189
 ENV-2011-3293-CE
 ENV-2000-1978-ND
 94-262-PPR
 CND-80-702-ZV
 AFF-53692
 AFF-51748
 AFF-51362
 AFF-15143

Address/ Legal Information

PIN Number 147B197 751
 Lot/Parcel Area (Calculated) 10,832.5 (sq ft)
 Thomas Brothers Grid PAGE 593 - GRID J4
 Assessor Parcel No. (APN) 5543022015
 Tract A PORTION OF LYMAN'S SUBDIVISION OF LOT 61 LICK TRACT
 Map Reference M R 99-13
 Block None
 Lot FR 5
 Arb (Lot Cut Reference) None
 Map Sheet 147B197

Political Information

Community Plan Area Hollywood
 Area Planning Commission Central
 Neighborhood Council East Hollywood
 Council District CD 13 - Eric Garcetti
 Census Tract # 1912.01
 LADBS District Office Los Angeles Metro

Planning and Zoning Information

Special Notes None
 Zoning C2-CSA1
 Zoning Information (ZI) ZI-2374 LOS ANGELES STATE ENTERPRISE ZONE
 General Plan Land Use Community Commercial
 General Plan Footnote(s) Yes
 Hillside Area (Zoning Code) No
 Baseline Hillside Ordinance No
 Baseline Manslonization Ordinance No
 Specific Plan Area Vermont / Western Station Neighborhood Area Plan
 Special Land Use / Zoning None
 Design Review Board No
 Historic Preservation Review No
 Historic Preservation Overlay Zone None
 Other Historic Designations None
 Other Historic Survey Information None
 Mills Act Contract None
 POD - Pedestrian Oriented Districts None
 CDO - Community Design Overlay None
 NSO - Neighborhood Stabilization Overlay No
 Streetscape No
 Sign District No
 Adaptive Reuse Incentive Area None
 CRA - Community Redevelopment Agency East Hollywood / Beverly Normandie Earthquake Disaster Assistance Project
 Central City Parking No
 Downtown Parking No
 Building Line None
 500 Ft School Zone No
 500 Ft Park Zone No

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at zimas.lacity.org
 (*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Assessor Information GF-12-1604 Rescan-001406

Assessor Parcel No. (APH)	5543022015
APN Area (Co. Public Works)	1.582 (ac)
Use Code	7400 - Hospital
Assessed Land Val.	\$1,766,041
Assessed Improvement Val.	\$33,758,791
Last Owner Change	02/24/83
Last Sale Amount	\$9
Tax Rate Area	8827
Deed Ref No. (City Clerk)	322846
	211677
	211676
	137294-96
	1089533
	0-546

Building 1

Year Built	1983
Number of Units	0
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	14,500.0 (sq ft)

Building 2

Year Built	1982
Building Class	AX
Number of Units	0
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	148,488.0 (sq ft)

Building 3

Year Built	1982
Number of Units	0
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	166,712.0 (sq ft)

Building 4 No data for building 4**Building 5** No data for building 5**Additional Information**

Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Very High Fire Hazard Severity Zone	No
Fire District No. 1	Yes
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	No
Oil Wells	None

Seismic Hazards

Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	0.7483916
Nearest Fault (Name)	Upper Elysian Park
Region	Los Angeles Blind Thrusts

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Fault Type CF-12-1604Rescan-001407
Slip Rate (mm/year) 13
Slip Geometry Reverse
Slip Type Poorly Constrained
Down Dip Width (km) 13
Rupture Top 3
Rupture Bottom 13
Dip Angle (degrees) 50
Maximum Magnitude 6.4
Alquist-Priolo Fault Zone No
Landslide No
Liquefaction No
Tsunami Inundation Zone No

Redesignated Development Areas

Business Improvement District None
Renewal Community No
Revitalization Zone Central City
State Enterprise Zone LOS ANGELES STATE ENTERPRISE ZONE
State Enterprise Zone Adjacency No
Targeted Neighborhood Initiative None

Public Safety

Police Information

Bureau Central
Division / Station Northeast
Reporting District 1151

Fire Information

Division 3
Battalion 5
District / Fire Station 35
Red Flag Restricted Parking No

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CASE SUMMARIES

CF-12-1604Rescan-001408

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number: OPC-2000-1976-SP
Required Action(s): SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s): A PUBLIC HEARING REGARDING THE PROPOSED VERMONT/WESTERN TRANSIT ORIENTED DISTRICT NEIGHBORHOOD AND SPECIFIC PLAN ORDINANCE.

Case Number: GPC-1988-831-GPC
Required Action(s): GPC-GENERAL PLAN/ZONING CONSISTENCY (AB283)
Project Descriptions(s): HOLLYWOOD COMMUNITY PLAN REVISION/GENERAL PLAN CONSISTENCY PLAN AMENDMENT, ZONE CHANGES AND HEIGHT DISTRICT CHANGES

Case Number: ZA-1981-189
Required Action(s): Data Not Available
Project Descriptions(s):

Case Number: ENV-2011-32
Required Action(s): CE-CATEGORICAL EXEMPTION
Project Descriptions(s): CATEGORICAL EXEMPTION CLASS 2, CATEGORY 1; FOR SEISMIC REBUILD OF HOSPITAL; HAUL ROUTE - IMPORT/EXPORT OF MATERIALS; ; AND, WAIVER OF TRACT MAP REQUIRED UNDER 91.7006.8.2

Case Number: ENV-2011-32
Required Action(s): ND-NEGATIVE DECLARATION
Project Descriptions(s): Data Not Available

Case Number: PPR-2012-889
Required Action(s): PPR-PERIODIC PLAN REVIEW
Project Descriptions(s): Data Not Available

Case Number: ZV-2010-702-2A
Required Action(s): ZV-ZONE VARIANCE
Project Descriptions(s): Data Not Available

DATA NOT AVAILABLE

- ORD-173799
- ORD-173740
- ORD-164695
- AFF-53692
- AFF-51748
- AFF-51362
- AFF-15143

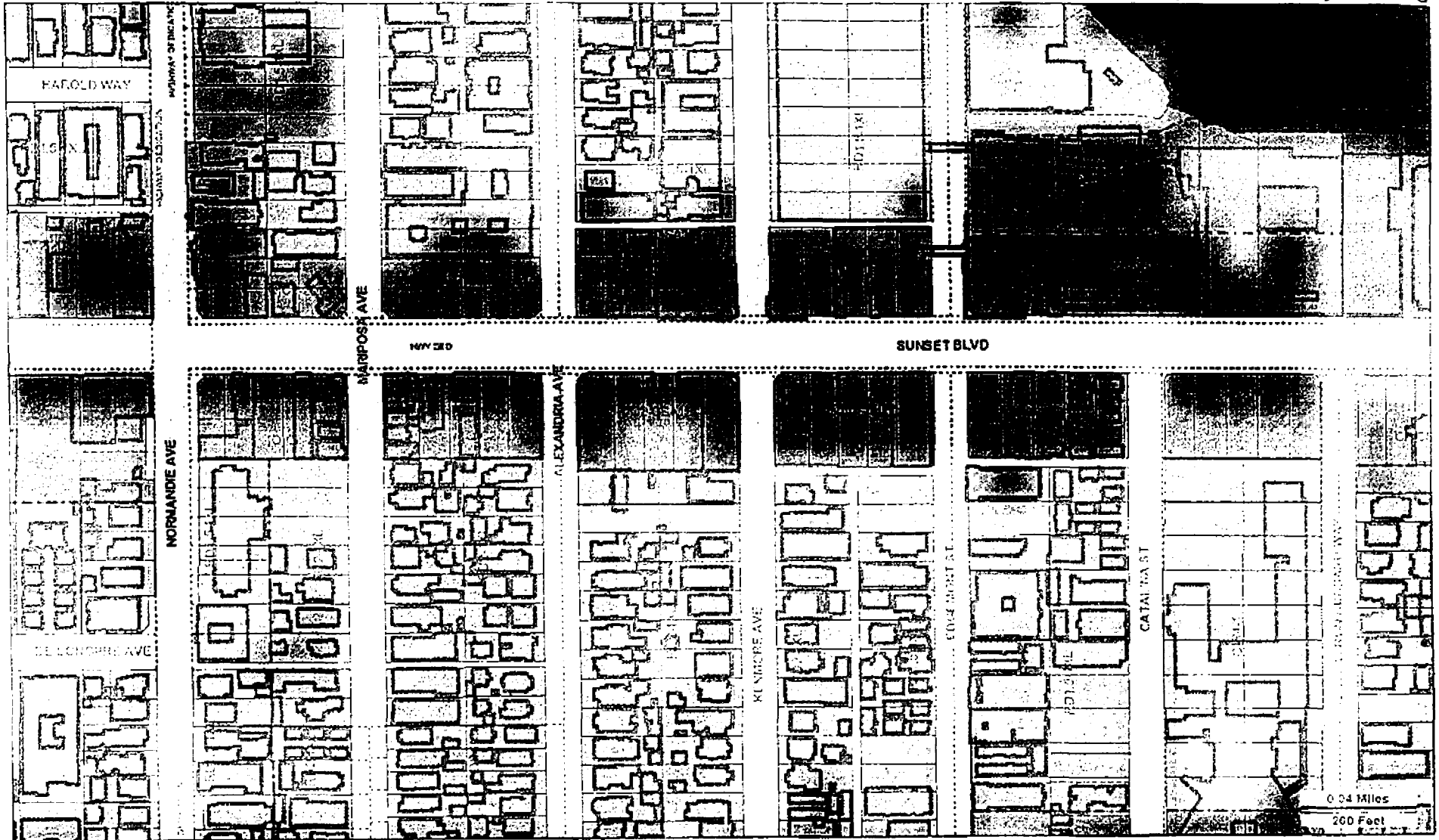
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ZIMAS PUBLIC

Generalized Zoning

11/04/2012

City of Los Angeles
Department of City Planning



Address: 4950 W SUNSET BLVD

Tract: A PORTION OF LYMAN'S
SUBDIVISION OF LOT 61 LICK
TRACT

Zoning: C2-CSA1

APN: 5543022015

PIN #: 147B197 751

Block: None

Lot: FR 5

Arb: None

General Plan: Community Commercial



Streets Copyright (c) Thomas Brothers Maps, Inc.

Exhibit 14



11/4/2012

PARCEL PROFILE REPORT

PROPERTY ADDRESSES

4810 W SUNSET BLVD
 4808 W SUNSET BLVD

ZIP CODES

90027

RECENT ACTIVITY

DIR-2010-853-SPP ; ENV-2010-854-CE

CASE NUMBERS

CPC-2000-1976-SP
 CPC-1986-831-GPC
 ORD-173799
 ORD-173749
 ORD-164695
 DIR-2010-853-SPP
 ZA-1996-688-ZV
 ZA-1978-306
 YD-4618
 ENV-2010-854-CE
 ENV-2000-1978-ND
 MND-92-1-CUZ
 MND-96-239-ZV
 AFF-60170
 AFF-44055
 AFF-43151
 AFF-43150
 AF-96-394291-MB

Address/ Legal Information

PIN Number	147B197 737
Lo/Parcel Area (Calculated)	8,099.8 (sq ft)
Thomas Brothers Grid	PAGE 594 - GRID A4
Assessor Parcel No. (APN)	5543017010
Tract	AVERY & TAGGARTS SUBDIVISION OF LOT 60 OF THE WESTERN SUBDIVISION OF THE LICK TRACT
Map Reference	M R 24-90
Block	A
Lot	2
Arb (Lot Cut Reference)	None
Map Sheet	147B197

Geographical Information

Community Plan Area	Hollywood
Area Planning Commission	Central
Neighborhood Council	East Hollywood
Council District	CD 13 - Eric Garcetti
Census Tract #	1912.01
LADBS District Office	Los Angeles Metro

Planning and Zoning Information

Special Notes	None
Zoning	C2-CSA1
Zoning Information (ZI)	ZI-2374 LOS ANGELES STATE ENTERPRISE ZONE
General Plan Land Use	Community Commercial
General Plan Footnote(s)	Yes
Hillside Area (Zoning Code)	No
Baseline Hillside Ordinance	No
Baseline Mansionization Ordinance	No
Specific Plan Area	Vermont / Western Station Neighborhood Area Plan
Special Land Use / Zoning	None
Design Review Board	No
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
POD - Pedestrian Oriented Districts	None
CDO - Community Design Overlay	None
NSO - Neighborhood Stabilization Overlay	No
Streetscape	No
Sign District	No
Adaptive Reuse Incentive Area	None
CRA - Community Redevelopment Agency	East Hollywood / Beverly Normandie Earthquake Disaster Assistance Project
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No

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Assessor Information

Assessor Parcel No. (APN) 5543017018
 APN Area (Co. Public Works)* 5.480 (ac)
 Use Code 7100 - Church
 Assessed Land Val. \$3,205,229
 Assessed Improvement Val. \$4,695,707
 Last Owner Change 04/01/88
 Last Sale Amount \$9
 Tax Rate Area 8827
 Deed Ref No. (City Clerk) 447519
 291774
 103342-43
 103342-3

Building 1

Year Built 1929
 Building Class BXA
 Number of Units 0
 Number of Bedrooms 0
 Number of Bathrooms 0
 Building Square Footage 210,966.0 (sq ft)

Building 2

Year Built 1952
 Building Class AXA
 Number of Units 0
 Number of Bedrooms 0
 Number of Bathrooms 0
 Building Square Footage 101,782.0 (sq ft)

Building 3

Year Built 1959
 Building Class AXA
 Number of Units 0
 Number of Bedrooms 0
 Number of Bathrooms 0
 Building Square Footage 24,271.0 (sq ft)

Building 4

Year Built 1948
 Building Class BXC
 Number of Units 0
 Number of Bedrooms 0
 Number of Bathrooms 0

Building 5

Year Built 1948
 Building Class BXA
 Number of Units 0
 Number of Bedrooms 0
 Number of Bathrooms 0
 Building Square Footage 32,127.0 (sq ft)

Additional Information

Airport Hazard None
 Coastal Zone None
 Farmland Area Not Mapped
 Very High Fire Hazard Severity Zone No
 Fire District No. 1 Yes
 Flood Zone None

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Watercourse **CF-12-1604Rescan-001414**

Hazardous Waste / Border Zone Properties No
Methane Hazard Site None
High Wind Velocity Areas No
Special Grading Area (BOE Basic Grid Map A-13372) No
Oil Wells None

Seismic Hazards

Active Fault Near-Source Zone
Nearest Fault (Distance in km) 0.5573595
Nearest Fault (Name) Upper Elysian Park
Region Los Angeles Blind Thrusts
Fault Type B
Slip Rate (mm/year) 1.3
Slip Geometry Reverse
Slip Type Poorly Constrained
Down Dip Width (km) 13
Rupture Top 3
Rupture Bottom 13
Dip Angle (degrees) 50
Maximum Magnitude 6.4
Alquist-Priolo Fault Zone No
Landslide No
Liquefaction No
Tsunami Inundation Zone No

Economic Development Areas

Business Improvement District EAST HOLLYWOOD
Renewal Community No
Revitalization Zone Central City
State Enterprise Zone LOS ANGELES STATE ENTERPRISE ZONE
State Enterprise Zone Adjacency No
Targeted Neighborhood Initiative None

Public Safety

Police Information
Bureau Central
Division / Station Northeast
Reporting District 1151
Fire Information
Division 3
Batallion 5
District / Fire Station 35
Red Flag Restricted Parking No

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CASE SUMMARIES

CF-12-1604Rescan-001415

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	GPC-2000-1976-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s):	A PUBLIC HEARING REGARDING THE PROPOSED VERMONT/WESTERN TRANSIT ORIENTED DISTRICT NEIGHBORHOOD AND SPECIFIC PLAN ORDINANCE.
Case Number:	GPC-2000-3314-EPG
Required Action(s):	GPC-GENERAL PLAN/ZONING CONSISTENCY (AB283)
Project Descriptions(s):	HOLLYWOOD COMMUNITY PLAN REVISION/GENERAL PLAN CONSISTENCY PLAN AMENDMENT, ZONE CHANGES AND HEIGHT DISTRICT CHANGES
Case Number:	ORD-173749
Required Action(s):	SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE
Project Descriptions(s):	A SPECIFIC PLAN PROJECT PERMIT (MINOR) FOR REPAIR AND UPGRADE OF AN ELECTRONIC SIGN (SAME SIZE AS EXISTING).
Case Number:	ZA-1976-387-V
Required Action(s):	ZV-ZONE VARIANCE
Project Descriptions(s):	REQUEST TEMPORARY TENT FOR ASSEMBLY PURPOSES IN THE (O)R4-1 AND C2 ZONES.
Case Number:	ZA-1976-316
Required Action(s):	Data Not Available
Project Descriptions(s):	
Case Number:	ENV-2000-1854-EPG
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	A SPECIFIC PLAN PROJECT PERMIT (MINOR) FOR REPAIR AND UPGRADE OF AN ELECTRONIC SIGN (SAME SIZE AS EXISTING).
Case Number:	ENV-2000-1878-N
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	Data Not Available
Case Number:	MND-96-291-202
Required Action(s):	CUZ-ALL OTHER CONDITIONAL USE CASES
Project Descriptions(s):	Data Not Available
Case Number:	MNF-96-299-ZV
Required Action(s):	ZV-ZONE VARIANCE
Project Descriptions(s):	Data Not Available

DATA NOT AVAILABLE

- ORD-173799
- ORD-173749
- ORD-164695
- YD-4618
- AFF-68170
- AFF-44055
- AFF-43151
- AFF-43150
- AF-96-394291-MB

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Address: 4810 W SUNSET BLVD

Tract: AVERY & TAGGARTS
SUBDIVISION OF LOT 60 OF THE
WESTERN SUBDIVISION OF THE
LICK TRACT

Zoning: C2-CSA1

APN: 5543017018
PIN #: 147B197 737

Block: A
Lot: 2
Arb: None

General Plan: Community Commercial



Exhibit 15

Newmont Mining Corp.
Potash Corp. of Saskatchewan Inc.
Praxair Inc.
Rio Tinto PLC
Syngenta AG
Vale S.A.

Consumer Goods

Altria Group Inc.
Coca-Cola Co.
Colgate-Palmolive Co.
Diageo PLC
Honda Motor Co. Ltd.
Kimberly-Clark Corp.
Monsanto Co.
Nike Inc.
PepsiCo Inc.
Philip Morris International Inc.
Procter & Gamble Co.
Toyota Motor Corp.
Unilever N.V.

Consumer Services

CVS Caremark Corp.
Home Depot Inc.
Lowe's Cos. Inc.
McDonald's Corp.
Target Corp.
Time Warner Inc.
Wal-Mart Stores Inc.
Walgreen Co.
Walt Disney Co.
YUM! Brands Inc.

Health Care

Abbott Laboratories
AstraZeneca PLC
Baxter International Inc.
Bristol-Myers Squibb Co.
Eli Lilly & Co.
GlaxoSmithKline PLC
Johnson & Johnson
Medtronic Inc.
Merck & Co. Inc.
Novartis AG
Novo Nordisk AS
Pfizer Inc.
Sanofi
UnitedHealth Group Inc.

Industrials

3M Co.
ABB Ltd.

Target's retail stores generally record revenue at the point of sale. Sales from Target's online business include shipping revenue and are recorded upon delivery to the guest. Total revenues do not include sales tax as Target considers a pass-through conduit for collecting and remitting sales taxes. Generally, guests may return merchandise within 90 days of purchase. Revenues are recognized net of expected returns, which Target estimates using historical return patterns as a percentage of sales. Commissions earned on sales generated by leased departments are included within sales and were \$22 million in 2011, \$20 million in 2010 and \$18 million in 2009. Revenue from gift card sales is recognized upon gift card redemption. Target's gift cards do not have expiration dates. Based on historical redemption rates, a small and relatively stable percentage of gift cards will never be redeemed, referred to as "breakage." Estimated breakage revenue is recognized over time in proportion to actual gift card redemptions and was not material in 2011, 2010 and 2009.

Credit card revenues are recognized according to the contractual provisions of each credit card agreement. When accounts are written off, uncollected finance charges and late fees are recorded as a reduction of credit card revenues. Target retail sales charged on credit cards totaled \$4,686 million, \$3,455 million and \$3,328 million in 2011, 2010 and 2009, respectively.

In October 2010, guests began to receive a 5 percent discount on virtually all purchases at checkout every day when they use a REDcard at any Target store or on Target.com. The discounts associated with loyalty programs are included as reductions in sales in Target's Consolidated Statements of Operations and were \$340 million in 2011, \$162 million in 2010 and \$94 million in 2009.

Source: Target Corp., Annual Report

Top

Revenues as Reported

Target Corp., Income Statement, Revenues

USD \$ in millions

	12 months ended	Jan 28, 2012	Jan 29, 2011	Jan 30, 2010	Jan 31, 2009	Feb 2, 2008
Retail		88,466	65,786	63,435	62,884	61,471
Credit Card		1,399	1,604	1,922	2,054	1,896
Sales/Credit card revenues		89,865	67,390	65,357	64,938	63,367

Source: Target Corp., Annual Reports

Item	Description	The company
Sales/Credit card revenues	Aggregate revenue recognized during the period (derived from goods sold, services rendered, insurance premiums, or other activities that constitute an entity's earning process). For financial services companies, also includes investment and interest income, and sales and trading gains.	Target Corp.'s sales/Credit card revenues increased from 2010 to 2011 and from 2011 to 2012.

Exhibit 16

Hollywood Central Park

(HW 3410)

Project Area (Hollywood): US101 Hollywood Freeway between Bronson Avenue and Santa Monica Blvd

Project Description: Creation and development of new public open green space that spans the 101 freeway. Project could create:

- 44 acres of new active and passive park space
- A greenway linking parts of Hollywood
- Significant park space in an area underserved with green space

Developer: Hollywood Central Park Coalition, and the Hollywood Chamber of Commerce

Consultant: EDAW

History / Past Milestones / Current Status:

- MOU was approved on January 9, 2007
- Consultant was selected in April 2007
- Consultant began work in January 2008
- First Draft of Feasibility Study was completed in March 2008
- Feasibility study was completed in October 2008
- The final Feasibility Study was presented to the community in November 08
- Agency applied for \$9 million of the FY09 Earmark Federal Funds to the Mayor's office for the EIR and conceptual design phases of the Cap Park

Next Quarterly Milestone:

- Meeting to be scheduled in Jan 09 with Hollywood Central Park non-profit and staff to discuss AB31 grant application funding for the Cap Park

CRA/LA Assistance / Cost: \$120,205 for Feasibility Study

Total Development Costs: \$951,465,684.00

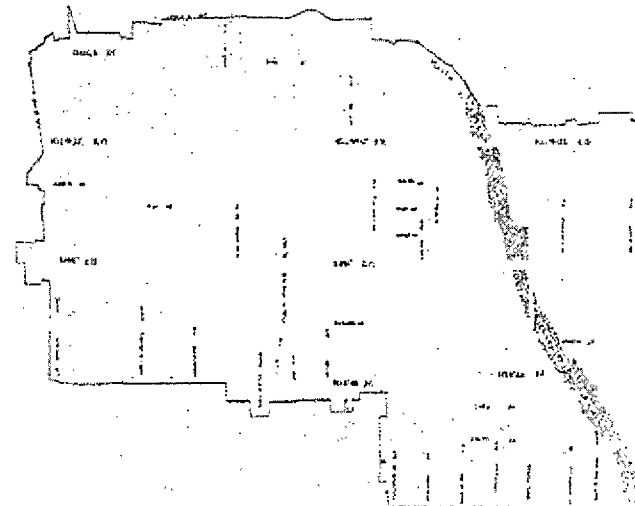
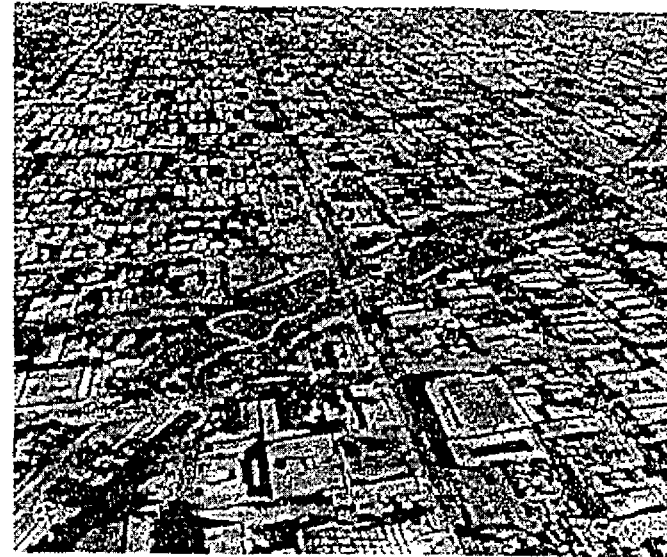
Community Benefits:

- Opportunity to provide open space
- Improve the quality of life for the Community

Jobs Generated:
4,853 Construction Jobs

Affordable Housing Units (HCD Income Levels):

Total Affordable Units: N/A



HOLLYWOOD & CENTRAL REGION

2/17/2009
HW 15



DATE _____

Public Information
354 South Spring Street, Suite 800
Los Angeles, California 90013-1258

Phone: 213-977-1666
www.crala.org

For immediate release:
November 6, 2006

Contact: Kiara Harris, CRA/LA
213-977-1951, 213-216-6898 (mobile)

CRA/LA Approves \$100K to Study Hollywood Freeway Cap Park

Los Angeles — The Board of Commissioners for the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) approved on Nov. 2, a memorandum of understanding with the Hollywood Chamber of Commerce that provides \$100,000 for a feasibility study for a cap park over the 101 Freeway.

Known as Hollywood Central Park, it would be built over portions of the 101 Freeway between Bronson and Wilton, linking two bridges to create a 24-acre park.

“This is great,” said CRA/LA Board member Alejandro Ortiz. “This is one of the most interesting projects that has ever come before this board.” Similar cap park projects have been established in Washington, Cincinnati and Seattle.

The Hollywood Chamber of Commerce is spearheading the park project and had previously established a trust fund for raising money for the feasibility study. CRA/LA’s contribution will cover a portion of the cost and additional dollars are being sought from corporations, business owners, organizations and individuals. An additional \$50,000 has already been raised from a variety of sources including Hollywood neighborhood councils and area businesses.

The project was recently designated a Demonstration Project by SCAG (Southern California Association of Governments) for its promotion of the goals of its Compass Blueprint program. The primary objective of the program is to provide a “blueprint” for regional growth and address various challenges such as providing livability, mobility, prosperity, and sustainability for the future. With Hollywood Central Park being designated a Demonstration Project, SCAG will be able to help with planning assistance, economic analysis, and public outreach. SCAG will also look into how other parcels surrounding the park might be developed to increase area livability and to integrate the park into the community. Demonstration Project status will help the park reach greater significance as it will be seen as a role model for the entire SoCal region.

To contribute to the Hollywood Cap Park, contact Rochelle Silsbee at the Hollywood Chamber of Commerce at 323-469-8311.

---END---



CRA/LA

Community Redevelopment Agency
of the City of Los Angeles

Community Redevelopment Agency
of the City of Los Angeles
CF-12-1604 Rescan-001423

DATE / October 31, 2006

FILE CODE /

354 South Spring Street / Suite 800
Los Angeles / California 90013-1258

T 213 977 1600 / F 213 977 1665
www.crala.org

SPECIAL AGENCY MEETING

10:30 a.m.

Notice is hereby given that the Chairman of the Community Redevelopment Agency of the City of Los Angeles, California hereby calls a Special Meeting to be held on **THURSDAY, NOVEMBER 2, 2006** at **10:30 a.m.**, or later upon recess or adjournment of the 10:00 a.m. Regular Agency Board Meeting located at 354 S. Spring St., Los Angeles, California, for the following purpose:

AGENDA

ROLL CALL

ACTION ITEM

HOLLYWOOD & CENTRAL REGION

1. AUTHORIZATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE HOLLYWOOD CHAMBER OF COMMERCE FOR THE FUNDING OF A FEASIBILITY STUDY FOR THE DEVELOPMENT OF THE PROPOSED HOLLYWOOD FREEWAY CAP PARK KNOWN AS "HOLLYWOOD CENTRAL PARK" LOCATED OVER THE US101 BETWEEN BRONSON AVENUE AND WILTON PLACE IN THE HOLLYWOOD REDEVELOPMENT PROJECT AREA IN AN AMOUNT NOT TO EXCEED \$100,000 (Councilmember Garcetti, CD #13)

Presenter: Helmi Hisserich

ADJOURNMENT

William H. Jackson, Chairman

Los Angeles Mayor Antonio Villaraigosa
City Council President Eric Garcetti
Councilmember Tom LaBonge
CRA/LA
&
Hollywood Central Park Coalition



Invites all Hollywood stakeholders

to the first

**Community-wide
Hollywood Central Park Meeting**

**Saturday - January 26th, 2007
9 AM – 1 PM**

**Selma Elementary School – Auditorium
6611 Selma Avenue
Los Angeles, CA 90028**

*Please join us! Learn more about this project and share with us your thoughts!
Morning refreshments and lunch will be served.*

For more information, please contact:
Helen Leung, Council District 13 – 323.957.4500 or helen.leung@lacity.org

CF-12-1604Rescan-001425

Los Angeles Mayor Antonio Villaraigosa
City Council President Eric Garcetti
Councilmember Tom Labonge
Assemblymember Kevin DeLeón
Assemblymember Mike Feuer
CRA/LA
&
Hollywood Central Park Coalition



Invites all Hollywood stakeholders

to the second

Community-wide Hollywood Central Park Meeting

Saturday – April 12th, 2008
9:30 AM – 1:00 PM

Breakfast & exhibits available at 8:30 am

Joseph LeConte Middle School – Theatre
1316 N. Bronson Avenue
Los Angeles, CA 90028
Parking off of La Mirada Ave.

*Please join us! Learn more about this project and share with us your thoughts!
Morning refreshments and lunch will be served.*

Please RSVP with:

Aida Alvarado, Council District 13 – 323.957.4500 or aida.alvarado@lacity.org



Los Angeles Mayor Antonio Villaraigosa, City Council President Eric Garcetti,
City Council Member Tom LaBonge, Assembly Member Kevin DeLeon,
Assembly Member Mike Feuer, CRA/LA Hollywood
and
Friends of the Hollywood Cap Park

invite all Hollywood Stakeholders
to a
Cap Park Community-Wide Meeting
Featuring
USC School of Architecture Master Landscape Studio
Class Presentations*
and
Plenty of Park Updates!!!

Saturday, July 11, 2009
9 – 11 AM
Historic Fountain Court
1370 North St. Andrews Place, Hollywood
(inside the Assistance League of Southern California)

Continental Breakfast will be served beginning at 8:30 AM

RSVP: Laurie Goldman, 310.364.4553 or by email to laurielgoldman@earthlink.net

PARKING: Parking available in the lot behind the building and just south of the building at St. Andrews and Fernwood + street parking also available

**USC School of Architecture Master Landscape Studio Class used the Cap Park as their semester project. You will be inspired by their excellent thinking, creativity and vision for YOUR PARK!*



El Alcalde de Los Ángeles, Antonio Villaraigosa
El Presidente del Consejo de la Ciudad de Los Ángeles, Eric Garcetti
El Miembro del Consejo de la Ciudad de Los Ángeles, Tom LaBonge
El Miembro de la Asamblea Kevin DeLeon
El Miembro de la Asamblea Mike Feuer
La Agencia de Reurbanización de Comunidades de la Ciudad de
Los Ángeles en Hollywood
Y
Los Amigos del Parque Cap de Hollywood

invitan a todos interesados de Hollywood
a una

Junta para toda la Comunidad del
Parque Sobre el Freeway 101

en la que se introducirán
Las presentaciones de la clase de
Taller de Paisaje Maestro de la Escuela de Arquitectura de la Universidad USC*
y
¡Mucha más información para estar al corriente de lo que ocurre en el Parque!

Sábado, 11 de Junio, 2009
9 – 11 AM

En el restaurante histórico 'Fountain Court'
1370 North St. Andrews Place, Hollywood
(dentro del edificio de 'Assistance League of Southern California')

Desayuno continental sera servida empezando a las 8:30 AM

Reservación: llame a Laurie Goldman, 310.364.4553 o por correo electrónico
laurielgoldman@earthlink.net

Estacionamiento: Estacionamiento gratis en el lote atras del edificio y al sur del edificio
entre St. Andrews y Fernwood. También hay estacionamiento en la calle.

**La clase de Taller de Paisaje Maestro de la Escuela de Arquitectura de la Universidad USC
uso el parque Cap como su proyecto del semestre. ¡Sea inspirado por el analisis excelente, la
creatividad y la visión para SU PARQUE!*

Exhibit 17

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

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(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
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EXECUTIVE OFFICES

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VACANT
DEPUTY DIRECTOR
(213) 978-1274

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

April 28, 2011

NOTICE OF PREPARATION AND PUBLIC SCOPING MEETING
ENVIRONMENTAL IMPACT REPORT

CASE NO.: ENV-2011-675-EIR

PROJECT NAME: Millennium Hollywood Project

PROJECT LOCATION/ADDRESS: (See attached Figure 1) The Project is located at the following addresses in Hollywood CA 90028: 1720, 1722, 1724, 1730, 1740, 1745, 1749, 1750, 1751, 1753, 1760, 1762, 1764, 1766, 1768, 1770 N. Vine Street, 6236, 6334 W. Yucca Street; 1733, 1741 N. Argyle Avenue; 1746, 1748, 1754, 1760, 1764, N. Ivar Street.

COMMUNITY PLANNING AREA: Hollywood

COUNCIL DISTRICT: 13

DUE DATE FOR PUBLIC COMMENTS: May 31, 2011

The City of Los Angeles, Department of City Planning, will be the Lead Agency and will require the preparation of an environmental impact report ("EIR") for the project identified herein (the "Project"). The Department of City Planning requests your comments as to the scope and content of the EIR.

The Project Description, location, and the potential environmental effects are set forth below. The environmental file is available for review at the Department of City Planning, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

PROJECT DESCRIPTION:**Project Location**

The Project Site is located in the Hollywood Community Plan area of the City of Los Angeles. The Project Site consists of 194,495 square feet (4.47 acres) of land area, located on two sites (designated herein as the "West Site" and the "East Site"), as indicated on the Plot Plan (see attached Figure 2). The West Site is bordered by N. Vine Street to the east, Yucca Street to the north, Ivar Street to the west and existing uses to the south which border Hollywood Boulevard. The East Site is bordered by Yucca Street to the north, Argyle Avenue to the east, N. Vine Street to the west and existing uses to the south which border Hollywood Boulevard.

Development Plan

The Project would include the construction of approximately 1,052,667 square feet of new developed floor area. The historic Capitol Records Tower and the Gogerty Building (the "Capitol Records Complex") are within the Project Site and would be preserved and maintained as office and music recording facilities. Including the existing 114,303 square-foot Capitol Records Complex, the Project would include a maximum of 1,166,970 net square feet of floor area resulting in a 6:1 Floor Area Ratio (FAR) averaged across the Project Site. The Project would also demolish and/or remove the existing 1,800 square-foot Enterprise Rent-a-Car structure (which the Applicant does not own) on the West Site.

The Project would develop a mix of land uses, including residential dwelling units, luxury hotel rooms, office and associated uses, restaurant space, health and fitness club uses, and retail establishments. To facilitate long-term buildout of the Project, the Applicant is seeking approval of a Development Agreement. The Development Agreement would have a 25-year term and embody the Project's pre-defined limits regarding developable floor area, permitted land uses, design guidelines, and site-specific development standards, which collectively would control the scale and massing of the Project.

Likewise, the Project would implement a Land Use Equivalency Program (the "Equivalency Program") to provide development flexibility for the future demands of the market and economy. The Equivalency Program would define a framework within which permitted land uses and square footages could be exchanged for certain other permitted uses so long as the limitations of the Equivalency Program are satisfied and no additional environmental impacts occur. In other words, the Equivalency Program would allow for a transfer of floor area among parcels within the Project Site whereby square footage increases in one land use category can be exchanged for corresponding decreases in other permitted land use categories. The Equivalency Program would consider the Project's entitlement program (presented in the Project's 2008 Master Land Use Application) as the initial development concept plan. From that starting point, the Equivalency Program would allow adjustments between land uses that could result in several potential development scenarios. All of the potential development scenarios, however, would

occur within the development thresholds contemplated in the Development Agreement including the not-to-exceed FAR.

For purposes of the Project's environmental analysis, the most intense combination of proposed land uses would be established to address the worst-case environmental impacts and maintain development flexibility with respect to the ultimate mix of land uses. Under all resulting development scenarios and combinations of land uses, however, the total project net square footage would not exceed an FAR of 6:1 or 1,166,970 square feet.

Project Entitlements

The Project would require the following discretionary actions: (1) Development Agreement to establish development parameters on the Site; (2) Vesting Tentative Tract Map for the mixed-use development components; (3) Vesting Zone Change from C4 Zone to the C2 Zone (to permit Sports Club use); (4) Height District Change to remove the D Development limitation; (5) Conditional Use Permit for limited sale and on-site consumption of alcoholic beverages, live entertainment, and floor area ratio averaging in a unified development; (6) Vesting Conditional Use Permit for a hotel within 500 feet of an R Zone; (7) Variance for sports club parking, and for restaurants with outdoor eating areas above the ground floor; (8) demolition, grading, excavation, and foundation permits; (9) haul route approval; and (10) Community Redevelopment Agency of Los Angeles design review and approval to permit a floor area ratio in excess of 4.5:1.

The City will prepare an Environmental Impact Report ("EIR") for the Project. The EIR will comprehensively analyze the potential environmental impacts associated with Project's development plan, a range of development scenarios, and the requested entitlements.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: Aesthetics, Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Noise, Population, Housing & Employment, Public Services (Fire, Police, Recreation & Parks, Schools), Transportation/Traffic, and Public Utilities/Service Systems (Water, Wastewater, Energy Demands, Solid Waste).

PUBLIC SCOPING MEETING: The location, date and time of the public scoping meeting are as follows:

Date: May 11, 2011

Time: 6:00 P.M. through 8:00 P.M.

Location: Taglyan Complex, 1201 N. Vine Street, Hollywood CA

(see attached Figure 3 for scoping meeting location and parking information)

Public testimony and written comments are encouraged and will be considered in the preparation the Draft EIR. Written comments must be submitted to this office by 5:00 p.m. on May 31, 2011.

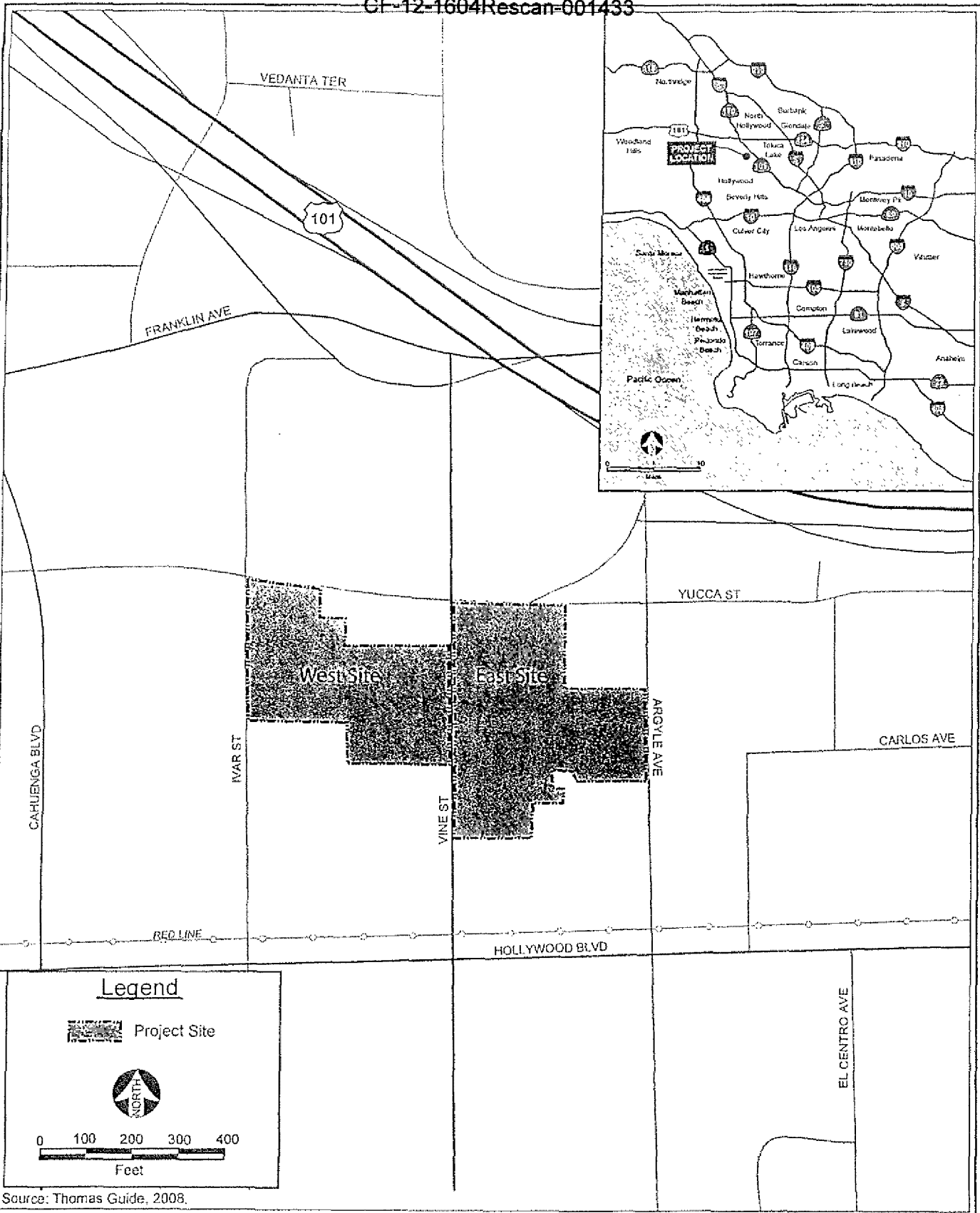
Please direct your comments to:

Srimal P. Hewawitharana, Environmental Specialist II
Department of City Planning, Environmental Analysis Section
200 N. Spring Street, Room 750
Los Angeles, CA 90012
Fax: (213)978-1343
E-Mail: Srimal.Hewawitharana@lacity.org

Michael J. LoGrande
Director of Planning

A handwritten signature in cursive script that reads "Srimal P. Hewawitharana".

Srimal P. Hewawitharana
Environmental Specialist II
Environmental Analysis Section



Legend

Project Site

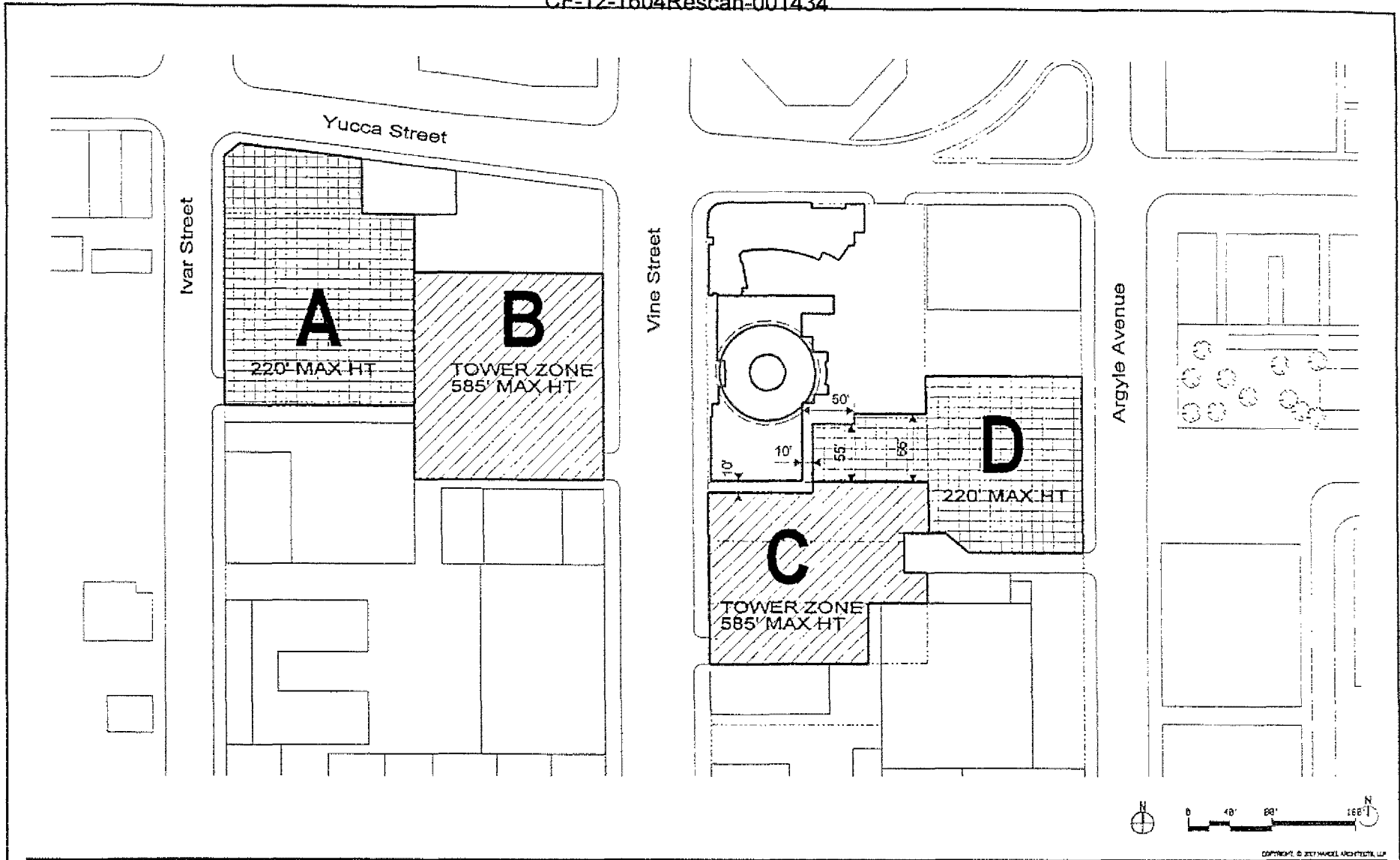


0 100 200 300 400
Feet

Source: Thomas Guide, 2008.



Figure 1
Regional and Project Vicinity Map



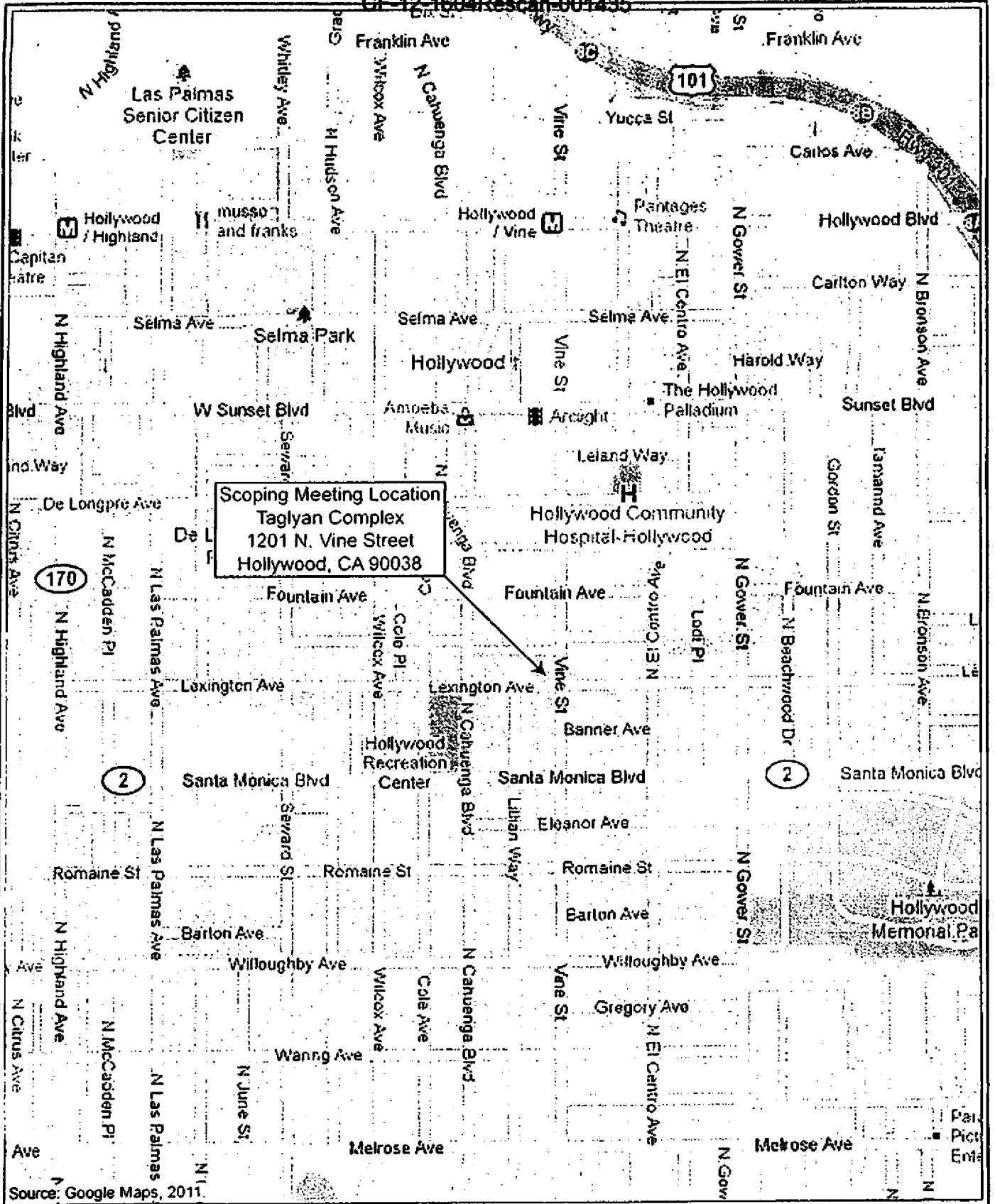
**Millennium
Hollywood Towers**
LOS ANGELES, CA

HANDEL ARCHITECTS LLP. &
ROSCHEN VAN CLEVE ARCHITECTS

Note: Plot Plan is conceptual and subject to change based on the proposed land use equivalency program.

 CAJA Environmental Services, LLC

Figure 2
Millennium Hollywood Site Plan



Source: Google Maps, 2011.



Figure 3
Scoping Meeting Location Map

Exhibit 18



City of Los Angeles

Department of City Planning • Environmental Analysis Section
City Hall • 200 N. Spring Street, Room 750 • Los Angeles, CA 90012



DRAFT ENVIRONMENTAL IMPACT REPORT

HOLLYWOOD COMMUNITY PLAN AREA

Volume 1 of 2

Sections I to IV.J.5

Millennium Hollywood Project

Case Number: ENV-2011-675-EIR

State Clearinghouse Number: 2011041094

Project Location: 1720, 1722, 1724, 1730, 1740, 1745, 1749, 1750, 1751, 1753, 1760, 1762, 1764, 1766, 1768, 1770 N. Vine Street; 6236, 6270, 6334 W. Yucca Street; 1733, 1741 N. Argyle Avenue; 1746, 1748, 1754, 1760, 1764 N. Ivar Avenue, Los Angeles, California, 90028

Council District: 13

Project Description: The proposed project includes the construction of approximately 1,052,667 net square feet of new developed floor area. The historic Capitol Records Building and the Gogerty Building are within the Project Site. These historic structures would be preserved and maintained and are operating as office and music recording facilities under long term lease. Including the existing approximately 114,303 square-foot Capitol Records Complex, the Project would include a maximum of approximately 1,166,970 net square feet of floor area resulting in a 6:1 Floor Area Ratio averaged across the Project Site. The Project would also demolish and/or remove the existing approximately 1,800 square foot rental car facility.

The Project would develop a mix of land uses, including some combination of residential dwelling units, luxury hotel rooms, office and associated uses, restaurant space, health and fitness club uses, and retail uses.

APPLICANT:
Millennium Hollywood LLC

PREPARED BY:
CAJA Environmental Services

ON BEHALF OF:
The City of Los Angeles
Department of City Planning
Environmental Analysis Section

OCTOBER 2012

In 2009 (the latest data available from the 2010 California Gas Report. The next report will be issued in 2012 and will provide updates through 2011), SCG's highest winter sendout for its entire service area (including areas outside of California) was 4,611 million cf/day and highest summer sendout was 3,311 million cf/day.⁴⁹

Demand

SCG projects gas demand for all its market sectors to contract at an annual average rate of approximately 0.212% from 2010 to 2030. Demand is expected be virtually flat for the next 21 years due to modest economic growth, PUC-mandated demand-side management (DSM) goals and renewable electricity goals, decline in commercial and industrial demand, and continued increased use of non-utility pipeline systems by EOR customers and savings linked to advanced metering modules.⁵⁰

Estimated Existing Natural Gas Use at Project Site

Based on the existing uses at the Project Site (rental car facility, surface parking lots and Capital Records Complex), the current natural gas usage is estimated to be approximately 232,206 cf/month (averages 7,740 cf/day).

Existing natural gas and electricity supply and infrastructure are described in further detail in Section IV.L.4, Energy Conservation, of this Draft EIR.

C. RELATED PROJECTS

Sections 15126 and 15130 of the State CEQA Guidelines provide that EIRs consider the significant environmental effects of a project as well as "cumulative impacts." "Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA Guidelines Section 15355). Cumulative impacts may be analyzed by considering a list of past, present, and probable future projects producing related or cumulative impacts [CEQA Guidelines Section 15130 (b)(1)(A)].

All proposed, recently approved, under construction, or reasonably foreseeable projects that could produce a related or cumulative impact on the local environment, when considered in conjunction with the Project, are included in Table III-1, Related Projects List, below. A total of 58 related projects were identified within the affected Project area. An analysis of the cumulative impacts associated with these related projects and the Project are provided under each individual environmental impact category in Section IV of this Draft EIR. The locations of the related projects are shown in Figure III-1, Related Projects Location Map.

⁴⁹ SCG 2010 California Gas Report, pg. 30: http://www.socalgas.com/regulatory/documents/cgr/2010_CGR.pdf

⁵⁰ SCG 2010 California Gas Report, pg. 66: http://www.socalgas.com/regulatory/documents/cgr/2010_CGR.pdf

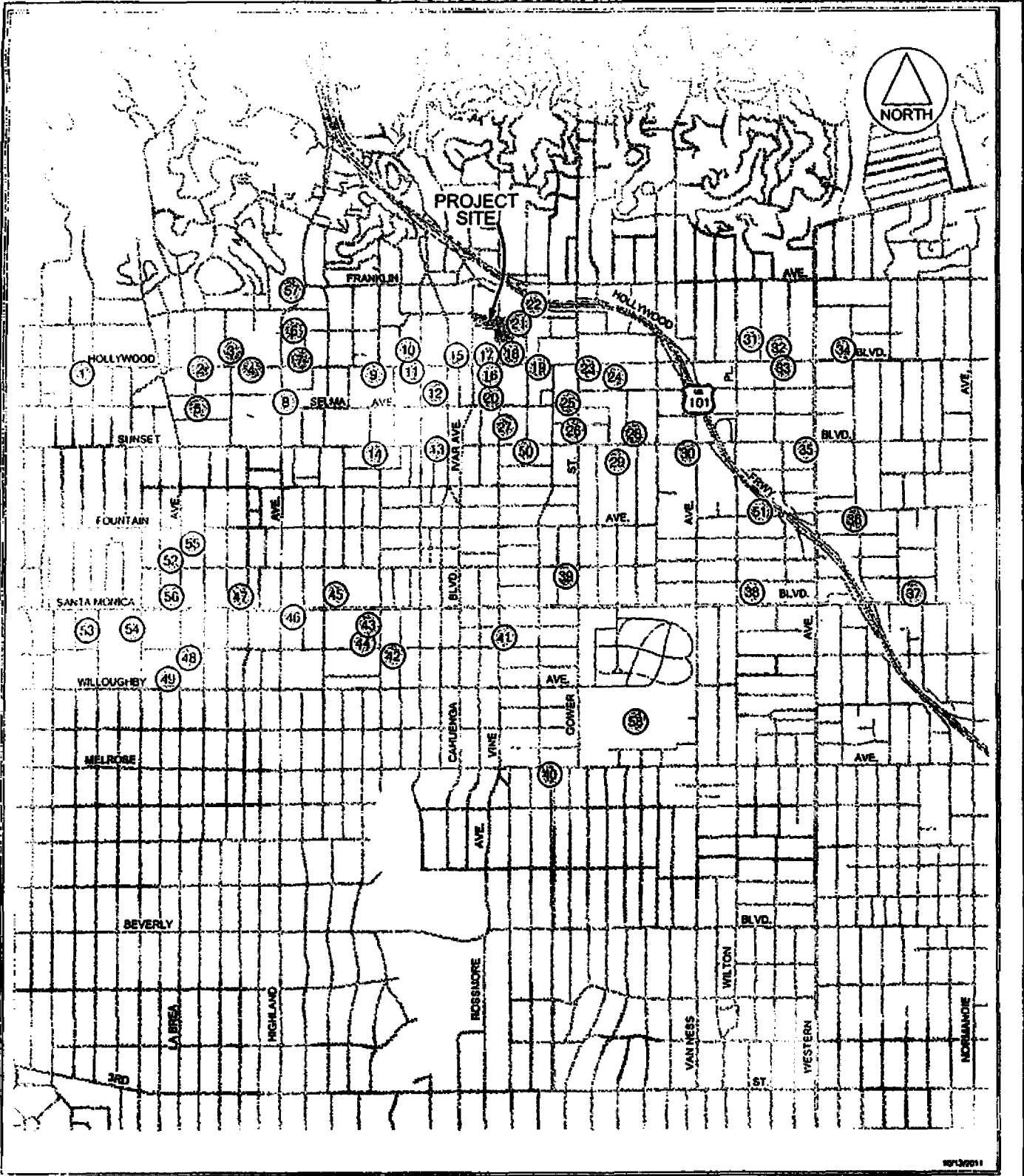
Table III-1
Related Projects List

#	ADDRESS	SIZE		PROJECT DESCRIPTION
1.	7300 W Hollywood Boulevard	3,000	sf	Synagogue Chapel Expansion
		79	st	Private School Expansion
2.	7046 W Hollywood Boulevard	42	du	Apartment
3.	6931 W Hollywood Boulevard Madame Tussauds Wax Museum ⁽¹¹⁾	42,869	sf	Museum
		1,405	sf	Retail
4.	6904 W Hollywood Boulevard	29,900	sf	Retail
		16,700	sf	Office
5.	7045 Lanewood Avenue	43	du	Apartment
6.	6758 W Yucca Street	270	du	Apartment
		8,500	sf	Specialty Retail
7.	6757 W Hollywood Boulevard	17,717	sf	High-Turnover Restaurant
8.	1600 Highland Avenue	496	du	Condominium
		300	rm	Hotel
		186,200	sf	Office
		45,400	sf	Retail
9.	6608 W Hollywood Boulevard	8,100	sf	Quality Restaurant
10.	6523 W Hollywood Boulevard	10,402	sf	Restaurant
		4,074	sf	Office
11.	6506 W Hollywood Boulevard	12,255	sf	Drinking Place
		745	sf	High-Turnover Restaurant
12.	6417 W Selma Avenue	100	rm	Hotel
		6,767	sf	Rooftop Pool Bar/Lounge
		6,246	sf	Quality Restaurant
		4,000	sf	Ballroom
		(12,840)	sf	Warehouse (to be removed)
13.	6430 W Sunset Boulevard	62	du	Apartment
14.	6600 W Sunset Boulevard	50	rm	Hotel
15.	6381 W Hollywood Boulevard	80	rm	Hotel
		15,290	sf	High-Turnover Restaurant
16.	1645 N Vine Street	95	du	Condominium
17.	6253 W Hollywood Boulevard	60	du	Apartment
18.	6225 W Hollywood Boulevard Pantages Theatre Office Building ⁽¹²⁾	214,000	sf	Office
19.	6200 W Hollywood Boulevard Hollywood Gateway (Blvd 6200) ⁽¹³⁾	1,018	du	Apartment
		24	du	Live/Work
		175,000	sf	Retail
20.	1601 N Vine Street Selma & Vine ⁽¹⁴⁾	118,996	sf	Office
		2,613	sf	Quality Restaurant
21.	6230 W Yucca Street	85	du	Condominium
		10	du	Live/Work
		13,790	sf	Office

#	ADDRESS	SIZE		PROJECT DESCRIPTION
		(18,614)	sf	Office (to be removed)
22.	1800 N Argyle Avenue	225	rm	Hotel
23.	6100 W Hollywood Boulevard	151	du	Apartment
		6,200	sf	Specialty Retail
24.	6001 W Carlton Way	42	du	Condominium
25.	6156 W Selma Avenue	85,000	sf	Office
26.	6121 W Sunset Boulevard Columbia Square ⁽⁵⁾	200	du	Condominium
		200	du	Apartment
		380,000	sf	Office
		125	rm	Hotel
		20,000	sf	Quality Restaurant
		11,000	sf	Fast Food without Drive-Through
		10,300	sf	Specialty Retail
27.	1538 N Vine Street	306	du	Apartment
		68,000	sf	Specialty Retail
28.	5935-5939 W Sunset Boulevard	144	du	Condominium
		10,455	sf	Office
		10,455	sf	Retail
		(13,500)	sf	Restaurant (to be removed)
29.	1460 N Gordon Street Emerson College Los Angeles Center ⁽⁶⁾	224	st	Student
		4	staff	Faculty
		12	staff	Administrative Staff
		6,400	sf	Specialty Retail
30.	5800 W Sunset Boulevard KTLA Office/Studio Expansion ⁽⁷⁾	397,929	gsf	Office
31.	1717 N Gramercy Place	350	st	Private High/Middle School
32.	5555 W Hollywood Boulevard 1717 Garfield Place	108	du	Apartment
		9,937	sf	Specialty Retail
33.	5550 W Hollywood Boulevard	216	du	Condominium
		18,353	sf	Specialty Retail
34.	5400 W Hollywood Boulevard	42	du	Apartment
		6,778	sf	Specialty Retail
35.	5520 W Sunset Boulevard	163,862	sf	Discount Retail (Target)
		30,877	sf	Shopping Center
36.	SWC of Fountain Avenue and	891	st	LAUSD Middle School
37.	5245 W Santa Monica Boulevard	68	du	Assisted Living
		51,674	sf	Specialty Retail
38.	5601 W Santa Monica Boulevard Paseo Plaza ⁽⁸⁾	437	du	Apartment
	5651 W Santa Monica Boulevard	377,900	sf	Retail
39.	1149 N Gower Street	21	du	Apartment
		36	du	Condominium
40.	5663 W Melrose Avenue	96	du	Condominium

#	ADDRESS	SIZE		PROJECT DESCRIPTION
		3,350	sf	Retail
41.	6311 Romaine Street	9,992	sf	Health Club & Dance Studio
		3,120	sf	Studio Office
		(3,120)	sf	Storage (to be removed)
42.	956 Seward Street	130,000	sf	Office
43.	6601 Romaine Street	104,155	sf	Studio Office
	Hollywood Center Studios ⁽⁹⁾	1,970	sf	Storage
44.	959 N Seward Street	237,568	sf	Office
	Seward & Romaine ⁽¹⁰⁾	4,000	sf	Quality Restaurant
45.	6677 W Santa Monica Boulevard	787	du	Mid-Rise Apartments
		12,700	sf	Retail
		9,500	sf	Quality Restaurant
46.	6766 W Santa Monica Boulevard	13,387	sf	Pharmacy/Drug Store
		(1,902)	sf	Fast-Food Restaurant (to be removed)
47.	6911 W Santa Monica Boulevard	374	du	Condominium
		15,000	sf	Specialty Retail
48.	936 N La Brea Avenue	88,750	sf	Office
		12,000	sf	Retail
49.	915 N La Brea Avenue	179	du	Apartment
		33,550	sf	Supermarket
50.	6254 Sunset Boulevard	223	du	Apartments
	Nickelodeon Hollywood ⁽¹¹⁾	23,000	sf	General Office
		5,000	sf	Shopping Center
51.	Along Hollywood Freeway between Bronson Avenue and Santa Monica	44	acre	Hollywood Central Park
52.	1201 La Brea Avenue ⁽¹²⁾	8,833	sf	Retail
		8	du	Apartment
53.	7302 Santa Monica Boulevard ⁽¹²⁾	n/a		Movietown
54.	SW corner Santa Monica Boulevard/Formosa Avenue ⁽¹²⁾	n/a		Warner Studios
55.	1222 La Brea Avenue ⁽¹²⁾	187	du	Apartment
		5,664	sf	Convenience Store
		7,089	sf	Restaurant
		2,300	sf	Coffee Shop
		4,506	sf	Bank
56.	7113 Santa Monica Boulevard ⁽¹²⁾	184	du	Apartment
		3,300	sf	Convenience Store
		4,800	sf	Restaurant
		3,250	sf	Pharmacy
		2,000	sf	Bank
57.	1841 N Highland Avenue ⁽¹³⁾	75	rn	Hotel

#	ADDRESS	SIZE		PROJECT DESCRIPTION
58.	5555 Melrose Ave. [Paramount Pictures Master Plan]	1,385,700	sf	Redevelopment of existing studio-related uses. (Size indicated represents net new development)
<p><i>Notes:</i></p> <p>[1] Trip generation from LADOT database. Directional split not provided; assumed 50/50 split between inbound and outbound trips.</p> <p>[2] Traffic Impact Report for Proposed Pantages Theatre Office Building, April 2008.</p> <p>[3] Traffic Impact Report for Proposed Blvd 6200 Mixed-Use Project in Hollywood Redevelopment Plan Area, March 2006.</p> <p>[4] Traffic Impact Study Report for Proposed Office Building Project at 1601 & 1605 N. Vine Street, Hollywood, September 2008.</p> <p>[5] Traffic Impact Report for Columbia Square Project in Hollywood, May 2009.</p> <p>[6] Draft Environmental Impact Report for Emerson College Los Angeles Center, October 2009.</p> <p>[7] Traffic Study Technical Letter for Sunset Bronson Studios, August 2010.</p> <p>[8] Traffic Impact Report for Proposed Paseo Plaza Hollywood Mixed Use Project, City of Los Angeles, December 2005.</p> <p>[9] Traffic Study for Hollywood Center Studios, Crain & Associates, July 2009.</p> <p>[10] Traffic Impact Study Report for Proposed Office Project at 959 Seward Street in Hollywood, March 2007.</p> <p>[11] Traffic Impact Report for Proposed Nickelodeon Site Hollywood Project in Hollywood Redevelopment Plan Area, January 2008.</p> <p>[12] Trip generation from City of West Hollywood Related Projects List, June 22, 2011.</p> <p>[13] Traffic Impact Analysis for the Proposed Indigo Hotel Project, July 2011.</p> <p>[14] Traffic Study MOU, September 30, 2011 and NOP dated October 13, 2011.</p> <p>Source: Crain & Associates, 2012</p>				



10/13/2011

Source: Crain & Associates, October 13, 2011.



Figure III-1
Related Projects Location Map

Exhibit 19

creis to his stunts, the most persistent question is, "How do you pay the bills?"

He may not have attained fame on the order of David Blaine or Penn and Teller, but Lovell, who would not disclose

water. Sometimes he is hired as an entertainer. Other gigs see Lovell, page 14

Finally, Target Hits Downtown

Long-Awaited Retailer to Open This Week As Part of \$40 Million Shopping Center Renovation

BY RICHARD GUZMAN
CITY EDITOR

The evolution of Downtown Los Angeles has been marked with milestones that would be taken for granted in many communities. While the opening of a Ralphs Fresh Fare might barely warrant a second look in, say, Brentwood or Pasadena, the store's arrival in South Park in 2007 was met with a line out the door, and local officials saw it as a symbol that major corporations were ready to invest in the Central City.

It's been a similar occurrence for Grand Park. Whereas

communal space with a fountain might seem unspectacular in many neighborhoods, in Downtown it has been celebrated not with one, but three major ceremonies and performances, the most recent on Oct. 6.

The latest in the line of celebrated openings comes this week. On Sunday, Oct. 14, at 8 a.m. sharp, Downtowners will finally have the opportunity to shop in their own Target.

The 104,000-square-foot store, technically known as a City Target, is the anchor tenant of the FIGat7th shopping center following a \$40 million renovation. The project see Target, page 16



photo by Gary Leonard
Bert Dezzutti of Brookfield Properties and Simone Tatvo, a manager of the City Target which opens on Sunday, Oct. 14, at the FIGat7th shopping center.

**SUPPORT LOCAL
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supportlocaljournalism](http://downtownnews.com/supportlocaljournalism)

Los Angeles Downtown News
10/8/12

Target

Continued from page 1

includes a batch of new stores and a redesigned, 25,000-square-foot food court with 500 seats.

Although most of the stores and the food court won't open for months, local stakeholders including 14th District City Councilman José Huizar are, indeed, looking at Target as both a store and a symbol.

"This is the type of critical amenity Downtown residents and workers need," Huizar said.

Early last week, dozens of the store's employees, dressed in the company uniform of a red polo shirt and beige pants, were busy putting the final touches on the store. Clothes were on the racks, the flat screen TVs in the electronics department were turned on, shelves in the grocery section were in place and the shopping carts were neatly parked at the front of the store. The in-house Starbucks was already serving coffee to workers on break.

Additionally, posters at bus stops have gone up, informing Downtowners of the shopping opportunity.

"We absolutely believe it is a catalyst for what will be a complete re-creation of Downtown from a retail perspective," said Bert Dezzutti, senior vice president of Brookfield Properties, the owner of the FIGat7th mall. "We have been missing shopping."

Downtown Hours

The long-awaited store will fill nearly one-third of the 330,000-square-foot shopping center. At 104,000 square feet, it is about 25% smaller than regular Targets, said Carmen Moch, Target group vice president.

The compact size earned the store the City Target moniker. The reduced space is also

what allowed officials with the Minneapolis-based retailer, which operates more than 1,700 stores nationwide, to come Downtown.

"We've been in the Los Angeles market since 1983 and the L.A. central area is an area we have not been able to serve mainly because of the format of our stores being very large," she said. "But with this smaller format what we hope to do is play a key role in the revitalization of Downtown Los Angeles."

Although the company has 58 stores in the Los Angeles area, the Downtown branch is only the second City Target. The first opened in Westwood in July and another is set to arrive at the Beverly Connection next year.

Moch would not discuss financial projections, but said she is confident the store at FIGat7th will be profitable. She said the company is counting on drawing customers from the rising Downtown residential population, the hundreds of thousands of people who work in the community and USC students.

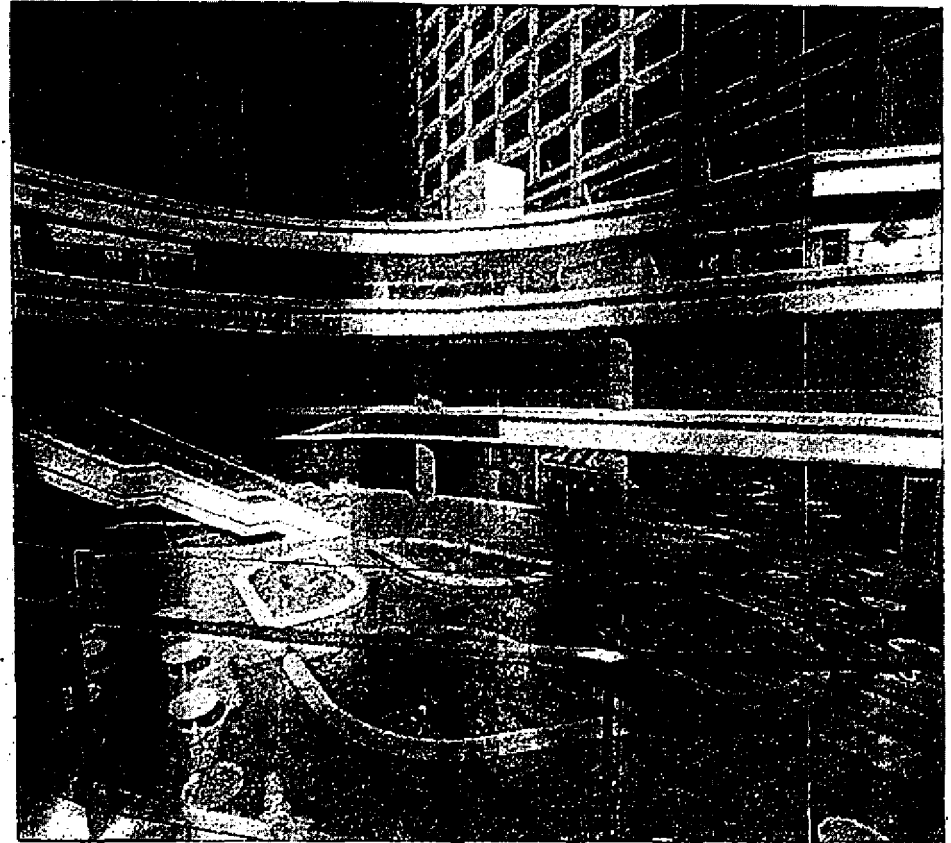
The store hours, Moch said, are specifically tailored to the Downtown crowd. Target will be open from 7 a.m.-9 p.m. Monday through Friday and 8 a.m.-9 p.m. on weekends.

Moch said they anticipate an early morning rush of customers stopping in for small items before work, a busy lunch hour and a big end-of-the-workday crowd.

One of the principal challenges in coming Downtown was parking, Moch said. That was resolved with some changes to the large parking structure behind the mall, which also serves a pair of office towers.

Dezzutti said 500 of the facility's 2,400 spaces have been dedicated solely for the retail center. The lower levels are reserved for shoppers while office workers are directed to the upper floors.

When it comes to bringing goods to the car, Target is echoing a plan in effect at a New York City store. After hitting the



The renovation of the mall will bring a Sports Chalet, which will debut next year on the ground level, and an upgraded food court with nearly 20 eateries. That will open in December.

photo by Gary Leonard

check-out line, customers can leave their items with a Target employee while they get their vehicle. They then drive to a ground floor loading area and the purchases are delivered to the car.

Easier Entry

Brookfield purchased the 41-story tower at 725 S. Figueroa St. and the adjacent shopping center in 2006. Plans to upgrade the outdated 1986 mall were one of the first items on the company's plate, said Dezzutti.

The renovation of the mall began in January 2011, two months after Target and

Brookfield signed a lease during a press conference attended by city leaders including Mayor Antonio Villaraigosa. Target is filling a portion of the mall formerly occupied by a Macy's and a Bullock's.

The renovation designed by Downtown-based Gensler addressed the mall's cumbersome, circular layout of stairways, zigzagging escalators and side elevators. Now, a grand stairway that faces Figueroa Street leads pedestrians directly into Target's middle floor entrance. The large metal frame that once hovered above the mall has been replaced

Exhibit 20

Project Overview

The Proposed Project would provide a pedestrian-friendly, mixed-use development with a variety of new housing and retail opportunities for the community. The Project Site is adjacent to and accessible by several bus lines and the Metro Red Line (approximately 1 mile from the Project Site at the Hollywood/Western station) and would offer significant public transportation opportunities and access for future residents, employees and patrons.

The Proposed Project would involve the development of a mixed-use development with approximately 437 residential units, and 377,900 square feet of commercial space (including, but not limited to, retail, restaurant and commercial office uses) on site. Total parking proposed would be 1,811 spaces in three below grade structures. The development would be provided on three sites as shown in Figure III-1, which presents the Proposed Plot Plan. Figure III-2 presents a conceptual Site Plan.

The Project Site currently has a total of 161,550 sq. ft. of retail development consisting of 7 buildings (including the Sears building), which is located on Site I. Site II and Site III are surface parking lots. Development of the Proposed Project would involve demolition on Site I of approximately 47,430 square feet of built space that includes 6 neighborhood retail buildings and ancillary structures to the 3-story (above grade) retail department store building (currently occupied by Sears). Of the 161,550 sq. ft. of existing retail space, the 3-story (above grade) department store building, totaling approximately 114,120 sq. ft.¹, would not be demolished and would be used as retail as part of the Proposed Project. As shown in Table III-1, new construction on Site I would total 263,780 sq. ft. and with the existing 3-story (above grade) department store building, retail/commercial space would total 377,900 sq. ft. Of the 377,900 sq. ft. of retail/commercial space, approximately 25,000 sq. ft. would be provided for restaurant space and up to approximately 50,000 sq. ft. devoted to office use.

¹ The existing 3-story (above grade) department store building currently occupied by Sears totals approximately 124,120 sq. ft. with ancillary structures. It is proposed that those ancillary structures, totaling approximately 10,000 sq. ft. would be demolished and the remaining structure would total approximately 114,120 sq. ft.

Table III-1
Proposed Project Land Use Summary

Use	Existing	Demolition	Existing After Demolition	New Construction	Net New Square Footage	Total (sf)
Site I						
Retail/Com.	161,550 sf	47,430 sf	114,120 sf	263,780 sf	216,350	377,900
Residential	0	0	0	375 units	397,870	397,870
<i>Subtotal:</i>					<i>614,220</i>	<i>775,770</i>
Site II						
Residential	0	0	0	24 units	17,750	17,750
Site III						
Residential	0	0	0	38 units	32,470	32,470
<i>Subtotal:</i>					<i>50,220</i>	<i>50,220</i>
					TOTAL	825,990

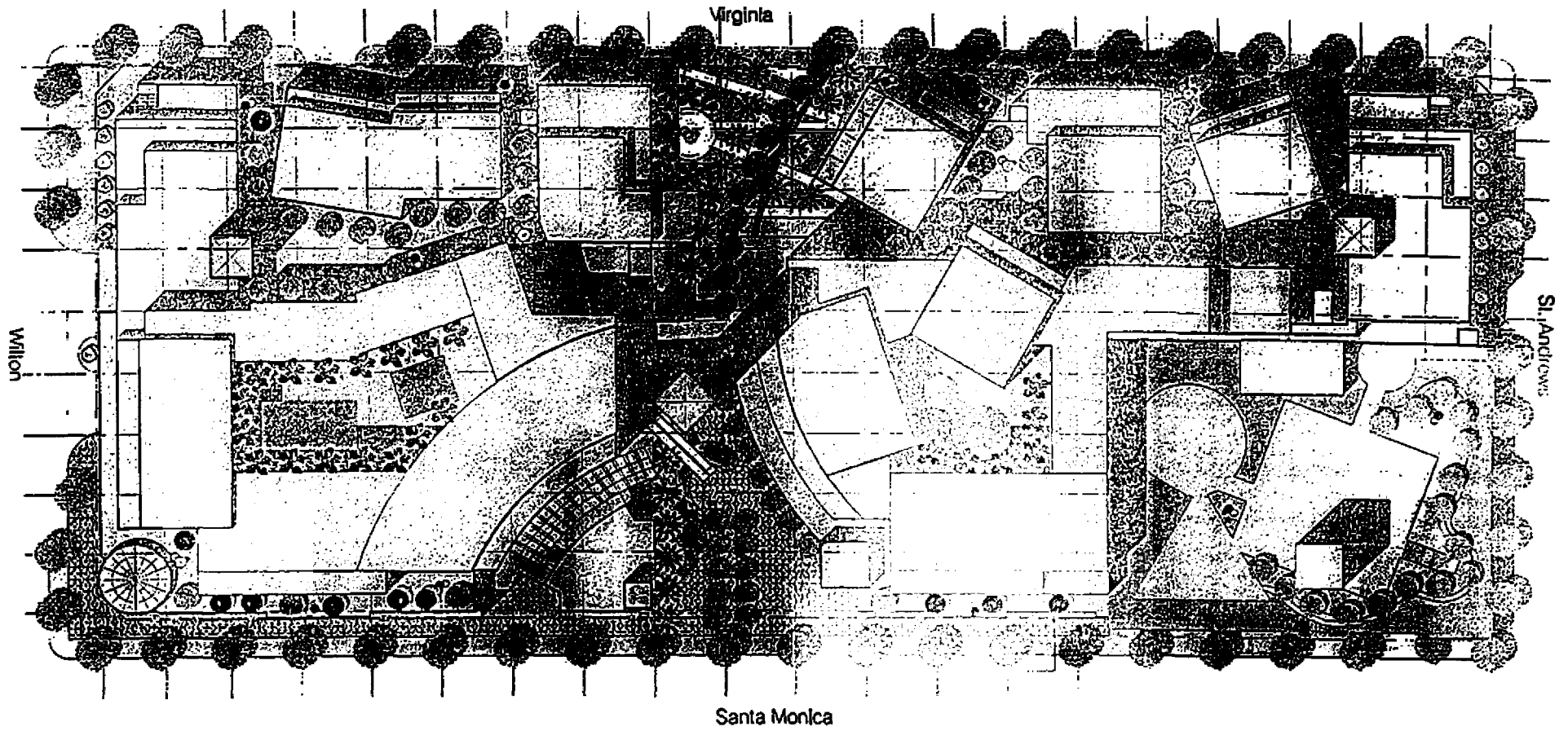
Source: Continental Development Group, October 2005

Detailed Project characteristics of each site are presented below:

Site I

Site I consist of the largest property, approximately 4.9-acres, and would include all of the proposed 377,900 sq. ft. of the retail/commercial space and 375 residential (apartment) units (397,870 square feet of floor area). Site I features 95,570 sq. ft. of a below grade department store, 102,440 sq. ft. at-grade, and 65,770 sq. ft. above grade neighborhood serving retail uses. In addition to the new construction, the Project would include the existing 3-story (above grade) retail department store (currently occupied by Sears) comprising of 114,120 sq. ft. Figure III-3 presents an elevation of Site I along Santa Monica Boulevard and Figures III-4 presents elevations of the Proposed Project as viewed from Santa Monica Boulevard, Virginia Avenue, Wilton Place and St. Andrews Place. Figure III-5 presents sections of Site I demonstrating the height and placement of the uses. Figure III-6 is a photograph of a model of the Proposed Project.

As shown on Figure III-2, the plan includes a public pedestrian plaza opening onto Santa Monica Boulevard. The intent of the plaza is to provide an opportunity for the public to gather informally. Features of the plaza include a water fountain and a clock tower element serving as an architectural feature and an identification focal point of the development. A landscaped open space area along Virginia Avenue is provided and is connected to the Santa Monica Boulevard plaza by a landscaped pedestrian walkway, pasco. The roof-top of the existing 3-story (above grade) retail department store building would be converted to a landscaped open space area for use by residents and the general public for leisure activities (see Figure III-6).

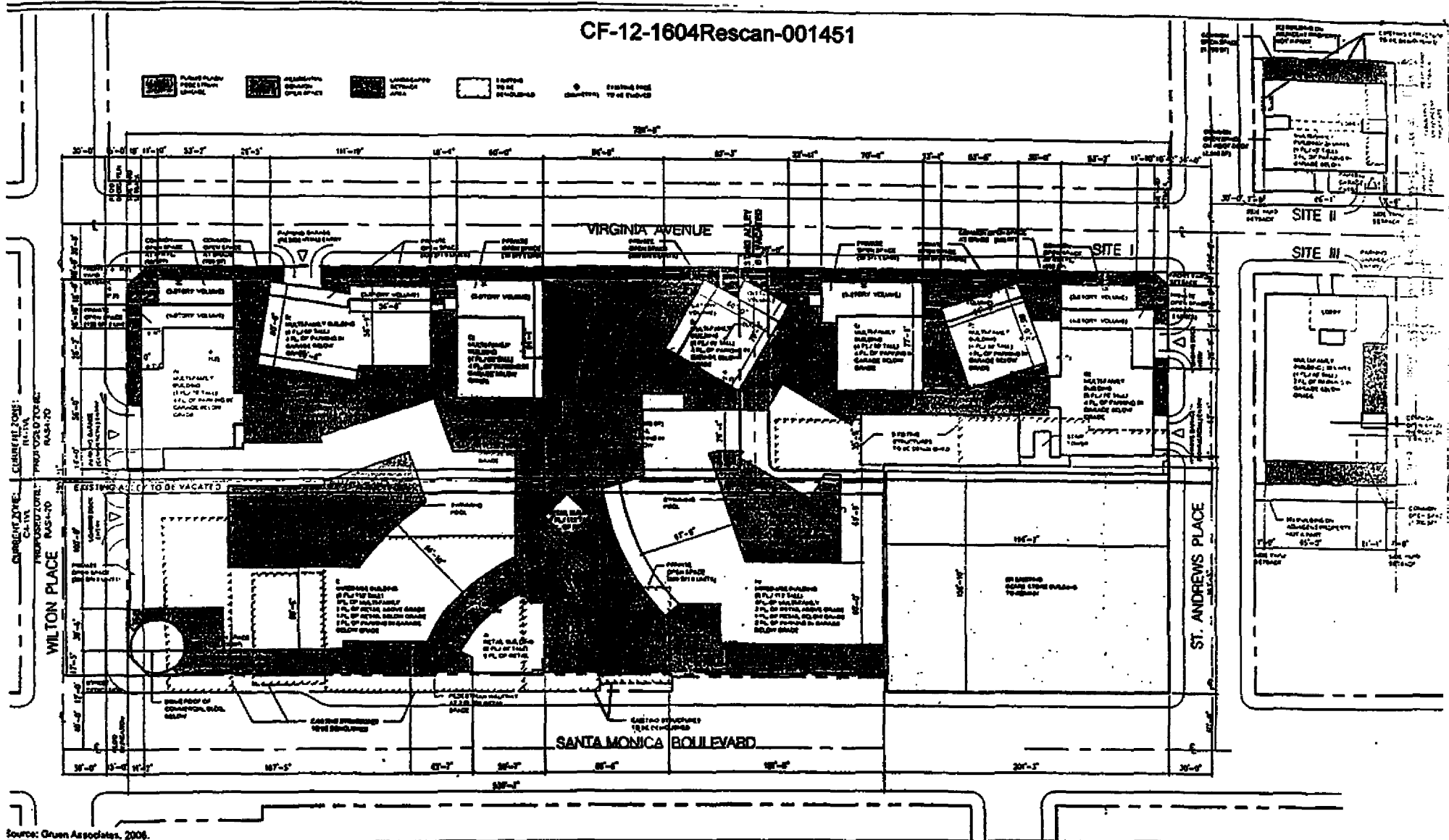


Source: Green Associates, 2004.

CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research



Figure III-2
Conceptual Site Plan



Source: Gruen Associates, 2006.

CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research



Figure III-1
Plot Plan

Exhibit 21

CF-12-1604Rescan 001453

20% OFF

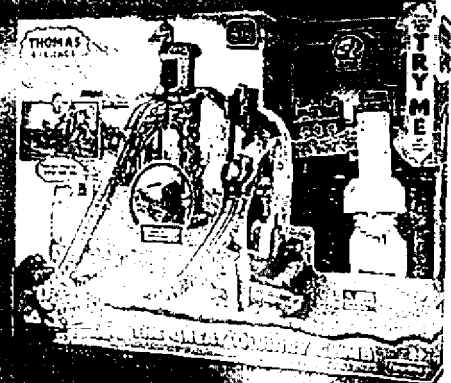
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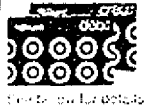
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See page 5 for details.

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with your purchase, so if you
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we can to make it right.
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Target.com/returns for details.

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REDCard Privacy Policy

Target Credit Card Agreement

Target Credit Card Rates & Fees

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- A Target Credit Card can be used at Target stores in the United States and at Target.com.
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- The application will take only 15 minutes.

personal information

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*first name middle initial

No special characters or spaces

*last name

No special characters

suffix

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If you provide a mobile telephone number, you agree to receive automated and prerecorded message calls from us or others, acting on our behalf.

*primary phone

*primary phone type

Select

secondary phone

secondary phone type

Select

We need your email address to send you updates on your application status.

*email address

*confirm email address

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View our Target Privacy Policy

How did you hear about this application?

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Commit

Cancel



Exhibit 22

BusinessWire

A Division of The McGraw-Hill Companies

June 27, 2003 02:00 PM Eastern Time

J.H. Snyder Tops Out West Hollywood Gateway Retail Project -- Grand Opening on Schedule for March 2004

LOS ANGELES--(BUSINESS WIRE)--June 27, 2003--The J.H. Snyder Company and Swinerton Builders celebrated the "topping out" of the West Hollywood Gateway, an outdoor retail center anchoring the eastern entry to the city of West Hollywood at the corner of Santa Monica Blvd. and La Brea Avenue. Snyder executives, members of the construction team and West Hollywood government officials signed the final beam before it was lifted into place marking the completion of the framing.

"With the subterranean parking and now the steel framing finished we're at an important milestone in the development. Passersby will now see the center take shape as we make steady progress on the facades and plazas," said Mill Swimmer, senior partner with the J.H. Snyder Company.

West Hollywood Gateway is a blend of shops and restaurants and is anchored by a 140,000-square-foot Target and a 45,000-square-foot Best Buy in store formats designed specifically for urban locations. Other retailers include Starbucks, Baja Fresh, Daphne's Greek Cafe, Ben & Jerry's, Cingular Wireless and Happy Nails & Spa. The company is currently negotiating with additional restaurants offering more formal dining. Grand opening is scheduled for March 2004.

"We are creating a cornerstone for the city at one of the busiest and most visible intersections in the region"

"We are creating a cornerstone for the city at one of the busiest and most visible intersections in the region," noted Swimmer. "It is a classic example of urban infill where we are enhancing the street level experience in the neighborhood in a way that compliments the existing character of the community."

West Hollywood Gateway will incorporate the adjacent historic Formosa Cafe which has long been a popular gathering spot for actors at the nearby studios. The Formosa remains as a stand alone structure but will be visually connected through landscaping and hardscape elements.

Set on 7.75 acres, the 250,000-square-foot, two level center features a large plaza at the corner of La Brea Avenue and Santa Monica Blvd. with an impressive fountain and abundant seating. West Hollywood Gateway is set back 10 to 12 feet from the property line to create wider sidewalks for comfortable pedestrian activity and outdoor cafe-style dining. A two-level subterranean parking garage provides approximately 1,142 spaces for visitors to the center.

Designed by The Jerde Partnership International, Swinerton Builders began construction in October 2002.

Lexington Commercial Holdings, a highly successful real estate investment firm based in Beverly Hills, is the Snyder Company's partner in the \$70 million development.

The J.H. Snyder Company has been at the forefront of Southern California retail, commercial and residential development for more than five decades. The firm is recognized for its large-scale retail projects that are sensitive to the needs of the surrounding community.

Exhibit 23



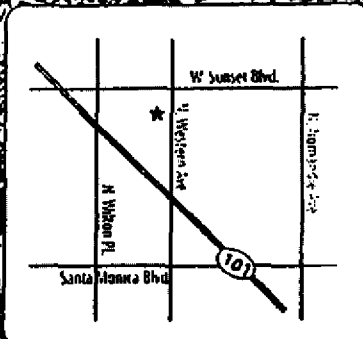
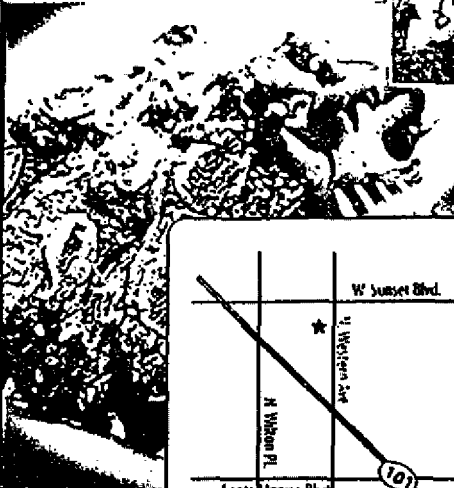
King Buffet

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Kids - \$1.30 per year of age
(age 2 ~ 10)

Mon. - Fri. 3:31pm - 9:30pm

Sat., Sun. & HOLIDAYS \$ 13.99

Kids - \$1.30 per year of age
(age 2 ~ 10)

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senior citizens

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*Price of subjected to change without notice.

Exhibit 24

REPORT OF GENERAL MANAGER

NO. 12-307

DATE November 7, 2012

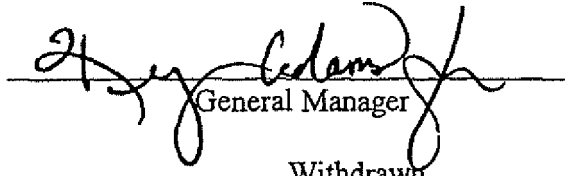
C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: TARGET RETAIL CENTER PROJECT - CHILDCARE FACILITY REQUIREMENTS PURSUANT TO SECTION 6.G OF THE VERMONT/WESTERN TRANSIT ORIENTED DISTRICT/SPECIFIC PLAN/STATION NEIGHBORHOOD AREA PLAN; REQUEST FOR IN-LIEU CHILD CARE FEE PAYMENT PURSUANT TO SECTION 6.G.4 OF THE VERMONT/WESTERN TRANSIT ORIENTED DISTRICT/SPECIFIC PLAN/STATION NEIGHBORHOOD AREA PLAN

R. Adams _____
H. Fujita _____
V. Israel _____

K. Regan _____
*M. Shull MS
N. Williams _____


General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board of Recreation and Park Commissioners (Board) deny the request submitted by representatives of Target Corporation for the Board to determine and authorize a cash payment in lieu of child care space required to be developed as a condition of approval of the Target Retail Center Project (APCC-2008-2703-SPE-CUB-SPP-SPR).

SUMMARY:

The Target Retail Center Project (Project) is a new multi-tenant commercial retail building proposed to be developed on a 3.88 acre parcel located at 5520 West Sunset Boulevard, in the East Hollywood community of the City. The Project proposes the demolition of the 59,561 square feet of single-story buildings, electrical substation, and surface parking lot existing at this site for the construction of a three level retail shopping center of 194,749 gross square feet, which would consist of an approximately 163,862 square foot Target store along with 30,887 square feet of other smaller retail and food uses.

The Project is located within the Hollywood Community Plan and within Subarea C of the Vermont/Western Transit Oriented District/Specific Plan/Station Neighborhood Area Plan (SNAP).

REPORT OF GENERAL MANAGER

PG. 2

NO. 12-307

The Project was approved by the Central Area Planning Commission on August 14, 2012 (APCC-2008-2703-SPE-CUB-SPP-SPR). The Central Area Planning Commission's approval of the Project is currently being appealed; therefore the Project has not yet received its final approvals.

Condition No. 133 of the Project's Conditions of Approval, as approved by the Central Area Planning Commission on August 14, 2012, is as follows:

Childcare Facility Requirements. Prior to the issuance of building permits, for every 50 square feet of net, usable, non-residential floor area, the project shall provide one square foot of Childcare Facility, plus Ground Floor Play Area, pursuant to Section G of the SNAP. A 3,895 square-foot indoor Childcare Facility, plus the required amount of Ground Floor Play Area, shall be required. As an alternative, and pursuant to Section G.4 of the Specific Plan, the applicant may provide a Cash Payment in lieu of some or all of the required indoor floor area and outdoor play area. The applicant shall request the Department of Recreation and Parks (Department) to determine and authorize a cash payment in lieu of the required Child Care Facility (pursuant to Ordinance 181192). If authorized, this cash payment shall be deposited into the Vermont/Western Station Neighborhood Area Plan Child Care Trust Fund (referred to as the Child Care Fund) prior to the issuance of building permits.

On October 18, 2012 representatives of Target Corporation, the applicant for the Project sent a letter to the Board formally requesting that the Board authorize the payment of a fee in-lieu of providing the required child care facility.

Vermont/Western Transit Oriented District/Specific Plan/Station Neighborhood Area Plan (SNAP)

Vermont/Western Transit Oriented District/Specific Plan/Station Neighborhood Area Plan covers an approximately 2.2 square mile area within the Hollywood and Wilshire communities. SNAP is a part of the City's General Plan (Ordinance No. 173749). SNAP contains both land use regulations and project development guidelines and standards. In general, projects located within SNAP are required to comply with applicable provisions of SNAP, unless otherwise granted an exception from a SNAP provision by the Central Area Planning Commission.

The Department operates two parks located within SNAP boundaries: Barnsdall Park and Madison West Park. Barnsdall Park is a 14.59 acre community park, located at 4800 Hollywood Boulevard, which features the Barnsdall Art Center, Junior Arts Center, Municipal Art Gallery, Galley Theater, and the Hollyhock House. Madison West Park is a 0.52 acre neighborhood park, located at 464 North Madison Avenue, which features a children's play area, covered picnic tables, and a small open field. A map of the SNAP is attached as Exhibit A.

REPORT OF GENERAL MANAGER

PG. 3 NO. 12-307SNAP Childcare Facility Requirements

SNAP Section 6.G requires all commercial and mixed-use projects located in Subareas B, C and D of the SNAP with 100,000 net square feet or more of non-residential floor area to include child care facilities to accommodate the child care needs of project employees for pre-school children, including infants.

SNAP Section 6.G.2 requires that the childcare facility be located on the ground floor of a project, unless otherwise permitted by State Law.

SNAP Section 6.G.3 permits the childcare facility to be located off-site of a project, provided that it is located within 5,280 feet of a project.

SNAP Section 6.G.7 requires project applicants to submit an annual report to the Department documenting the annual number of children served by a childcare facility required to be provided pursuant to SNAP Section 6.G. Originally, this was the Commission on Children, Youth and Their Families responsibility. However, oversight of the Vermont/Western Station Neighborhood Area Plan Child Care Trust Fund was transferred by Ordinance 181192 effective July 27, 2010 to the Department. The Ordinance states that "The Department of Recreation and Parks (Department) with the concurrence of the President of the City Council shall administer, have overall management of and expend funds from the Child Care Fund in accordance with the provisions of this Chapter. The Department with the concurrence of the President of the City Council shall also administer the Fund in accordance with established City practice and in conformity with Government Code Section 66000, *et seq.*" The Department is responsible for monitoring a project's compliance with SNAP Section 6.G and the Department of Building and Safety is responsible for enforcing a project's compliance with its requirements.

Cash Payment In-Lieu of Childcare Facility

SNAP Section 6.G.4 allows project applicants to request that the Board authorize a cash payment in-lieu of some or all of the indoor childcare facility and outdoor play area space required to be provided pursuant to SNAP Section 6.G. The Board may but is not required to approve such a request. Approval is discretionary.

Pursuant to Los Angeles Administrative Code Section 5.530, any in-lieu fees collected pursuant to SNAP Section 6.G.4 shall be deposited into Vermont/Western Station Neighborhood Area Plan Child Care Trust Fund (Child Care Fund). Fees deposited into the Trust Fund are to be administered and managed by the Department, with the concurrence of the President of the City Council. These funds can only be expended for the purpose of (1) acquiring facilities, developing, improving, and operating child care programs physically located within the

REPORT OF GENERAL MANAGER

PG. 4

NO. 12-307

boundaries of the SNAP, and (2) providing financial assistance with child care payments to qualified parents in the area, as determined by the Department.

Calculation of the In-Lieu Fee

Currently there is no adopted fee schedule for the collection of in-lieu fees to be paid pursuant to SNAP Section 6.G.4.

SNAP does not include a fee schedule for these in-lieu fees, nor does it provide a clear basis for the level of in-lieu fees to charge projects subject to SNAP Section 6.G. Furthermore, no project to date has been subject to the requirements of SNAP Section 6.G, so there is no example project to use as guidance for determining an in-lieu fee.

Therefore, in order for the Board to authorize a cash payment in-lieu of some or all of the indoor childcare facility and outdoor play area space required to be provided pursuant to SNAP Section 6.G, the Board would need to determine and adopt an in-lieu fee schedule. In order to do so, the Board would need to demonstrate that the proposed in-lieu fees are roughly proportional to the level of impact created by the project and would need to make written findings demonstrating both an essential nexus between the project at issue and the impact on the need for child care facilities.

Staff Recommendation

Staff recommends that the Board deny the request submitted by representatives of the Project for the Board to determine and authorize a cash payment in lieu of the child care space required to be developed as a condition of approval of the Project.

At this time, staff does not have the resources or ability to calculate and recommend an appropriate, and defensible, in-lieu fee for the provision of child care facilities and programs. Additionally, even if an appropriate in-lieu fee could be determined and collected, the Department lacks the ability to expend those funds, as it currently does not operate nor have future plans to operate, child care programs and facilities at the two park sites located within the boundaries of SNAP or childcare payment assistance programs for area parents.

As discussed above, the purpose of SNAP Section 6.G is to ensure that large commercial and mixed-use projects located in specific areas of SNAP provide child care facilities to accommodate the child care needs of project employees for pre-school children, including infants. As the Department currently does not operate nor have future plans to operate child care programs and facilities within the boundaries of the SNAP, the payment of an in-lieu fee to the Department would not be the optimal method to facilitate the achievement of the purpose of SNAP Section 6.G.

REPORT OF GENERAL MANAGER

PG. 5 NO. 12-307

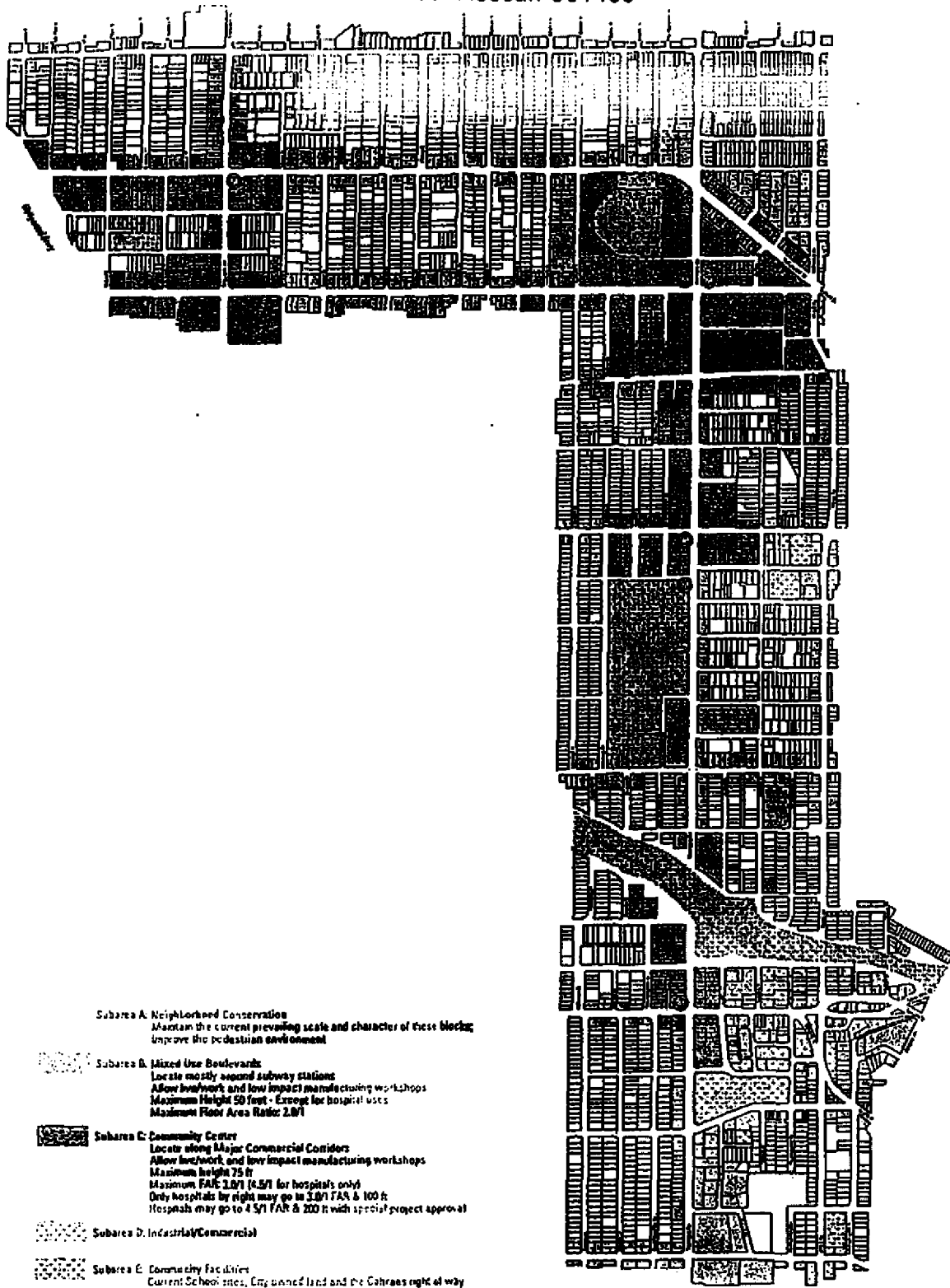
It is important to note that the Board's denial of this request would not relieve or eliminate the Project's requirement to provide a 3,895 square-foot indoor child care facility, plus any required amount of ground floor play area, either on or within 5,280 feet of the Project site.

Staff has determined the request for payment of in-lieu childcare fees will not be approved for the reasons set forth above, and therefore, is exempt from the California Environmental Quality Act (CEQA) in accordance with Article II, Section 2(j) of the City CEQA Guidelines.

FISCAL IMPACT STATEMENT:

Adoption of this report will have no fiscal impact on the Department's General Fund.

This report was prepared by Darryl Ford, Management Analyst II, Planning, Construction, and Maintenance Branch.



- Subarea A: Neighborhood Conservation**
 Maintain the current prevailing scale and character of these blocks;
 Improve the pedestrian environment
- Subarea B: Mixed Use Boulevard**
 Locate mostly second subway stations
 Allow low/medium and low impact manufacturing workshops
 Maximum Height 50 feet - Except for hospital uses
 Maximum Floor Area Ratio: 2.0/1
- Subarea C: Community Center**
 Locate along Major Commercial Corridors
 Allow low/medium and low impact manufacturing workshops
 Maximum Height 75 ft
 Maximum FAR: 3.0/1 (4.5/1 for hospitals only)
 Only hospitals by right may go to 3.0/1 FAR & 100 ft
 Hospitals may go to 4.5/1 FAR & 200 ft with special project approval
- Subarea D: Industrial/Commercial**
- Subarea E: Community Facilities**
 Current School sites, City owned land and the Caltrans right of way
- Subway Portal**

Map I

Vermont/Western Transit Oriented District Specific Plan

(Station Neighborhood Area Plan)

CPC 00-1976

Los Angeles Department of City Planning - Citywide Division - Graphics Section - as adopted by the City Council January 23, 2001



SPECIAL AGENDA

BOARD OF RECREATION AND PARK COMMISSIONERS
OF THE CITY OF LOS ANGELES

Wednesday, November 7, 2012, at 9:35 a.m.
Or as soon thereafter as the Commission
recesses its Meeting noticed for 9:30 a.m.

EXPO Center
Comrie Hall
3980 S. Bill Robertson Lane (Formerly Menlo Avenue)
Los Angeles, CA 90037

(Parking located in "Lot 1", at the corner of Martin Luther King
Boulevard and Bill Robertson Lane)

EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S
REQUEST FORM AT THE MEETING AND SUBMIT IT TO THE COMMISSION EXECUTIVE
ASSISTANT PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM.

PURSUANT TO COMMISSION POLICY, COMMENTS BY THE PUBLIC ON AGENDA ITEMS
WILL BE HEARD ONLY AT THE TIME THE RESPECTIVE ITEM IS CONSIDERED, FOR A
CUMULATIVE TOTAL OF UP TO FIFTEEN (15) MINUTES FOR EACH ITEM. ALL
REQUESTS TO ADDRESS THE BOARD ON PUBLIC HEARING ITEMS MUST BE SUBMITTED
PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM. EACH SPEAKER WILL BE
GRANTED TWO MINUTES, WITH FIFTEEN (15) MINUTES TOTAL ALLOWED FOR PUBLIC
PRESENTATION.

1. GENERAL MANAGER'S REPORTS:

- 12-304 As-Needed Environmental Impact Analysis - Award of
Contracts
- 12-305 As-Needed Environmental Site Assessment - Award of
Contracts
- 12-306 As-Needed Sewer Tie Repairs, Retrofit and/or New
Installations - Award of Contracts
- 12-307 Target Retail Center Project - Childcare Facility
Requirements Pursuant to Section 6.G of the
Vermont/Western Transit Oriented District/Specific
Plan/Station Neighborhood Area Plan; Request for In-Lieu
Child Care Fee Payment Pursuant to Section 6.G.4 of the
Vermont/Western Transit Oriented District/Specific
Plan/Station Neighborhood Area Plan
- 12-308 Hansen Dam Park - Discovery Science Center of Los
Angeles - Lease Agreement with the Discovery Science
Center for the Use, Operation, and Maintenance of
Discovery Science Center of Los Angeles
- 12-309 Fall 2012 Youth Baseball Program - Gift Agreement with
the Los Angeles Parks Foundation and Donation from the
Reviving Baseball in Inner Cities Program of Major
League Baseball, Inc.

November 7, 2012

12-310 Establishment of Accounts in Fund 302 for Deposit of Fees and Donations Pursuant to Partnership Division Agreements

2. NEW BUSINESS:

Consultation with Rita Moreno of the Community Development Department on the City of Los Angeles Housing and Community Development Five-Year (2013-17) Consolidated Plan

3. NEXT MEETING:

The next scheduled meeting of the Board of Recreation and Park Commissioners will be held on Wednesday, November 21, 2012 at 9:30 a.m., at Bellevue Recreation Center, 826 Lucile Avenue, Los Angeles, CA 90026.

4. ADJOURNMENT:

Under the California State Ralph M. Brown Act, those wishing to make audio recordings of the Commission Meetings are allowed to bring tape recorders or camcorders in the Meeting.

Sign language interpreters, assistive listening devices, or any auxiliary aides and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For additional information, please contact the Commission Office at (213)202-2640.

Finalization of Commission Actions: In accordance with City Charter, actions that are subject to Section 245 are not final until the expiration of the next five meeting days of the Los Angeles City Council during which the Council has convened in regular session and if Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

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For information, please go to the City's website:

<http://ita.lacity.org/Residents/CouncilPhone/index.htm>

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