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Ref: 73832-0001

November 18, 2016

VIA COURIER

Honorable Planning and Land Use Management Committee
Los Angeles City Council
c/o: Sharon Dickinson, Legislative Assistant
Office of the City Clerk
200 N. Spring Street
City Hall, Room 395
Los Angeles, CA 90012

Re: Council File No. 16-0972
ENV-2014-1094-MND (the "MND")
611 S. Gayley Avenue (the "Property")
Opposition to California Environmental Quality Act ("CEQA") Appeal

Dear Chair Huizar and Honorable Members of the Planning and Land Use Management Committee ("PLUM"):

This office represents Dr. Stephen Copen and 611 Gayley, Los Angeles 90024 LLC, owner of the Property referenced above (the "Owner" or "Applicant"). This responds to the August 12, 2016 appeal of the adoption of the MND by the West Los Angeles Area Planning Commission ("WLAAPC").

The WLAAPC adopted the MND on July 6, 2016, when it denied an appeal of the Zoning Administrator's approval for a conditional use for a four-story over subterranean garage, 57 foot high, 15,481 sq. ft. fraternity house with 22 guest rooms and 31 parking spaces near the campus of the University of California, Los Angeles ("UCLA"), (the "Project"). Steven D. Sann and Stephen Resnick ("Appellants") filed the above referenced appeal of the MND for the project on August 12, 2016 (the "Appeal"). The Appeal is fatally flawed and should be denied allowing construction of the Project to proceed.

I. THE APPEAL IS UNTIMELY.

The written decision of the WLAAPC was released July 12, 2016, after which a Notice of Determination was filed and posted at the Los Angeles County Clerk's Office on July 14, 2016. Appellants filed their appeal under the authority of Public Resources Code ("PRC")

Section 21151(c) which provides that an approval of a MND by a non-elected decision making body may be appealed to the lead agency's elected decision making body, i.e., the City Council.

The only City procedure for the City Council's consideration of decisions of nonelected decision making bodies is provided in City Charter Section 245, which requires a City Council action to assert jurisdiction over the matter within five City Council meeting days. The Appeal was filed two days after the last available day for City Council to assert jurisdiction. Therefore, the Appeal is untimely and should not have been accepted or presented to PLUM. Attached hereto as Exhibit "G" is our September 28, 2016 letter to the Office of the City Attorney explaining in detail why the Appeal is invalid. We received no written reply to our September 28th letter.

II. THE PROJECT HAS UNDERGONE INTENSE PUBLIC SCRUTINY.

First, it is important to note that the Project was initially designed and presented to the Westwood Design Review Board ("DRB") as an apartment building allowed as a matter of right at the Property. At the unrelenting insistence of the community, led by Appellant Steven Sann, the Applicant voluntarily abandoned his plans for an apartment building and completely redesigned the building as a fraternity house, even though a fraternity house requires a discretionary entitlement for a conditional use permit ("CUP") under the North Westwood Village Specific Plan.

Having the personal assurance of the Appellant Steven Sann that he would support the Project throughout the CUP process, work with the Applicant to garner support from others in the community and thereby avoid the time and expense of appeals to the CUP approval, the Applicant agreed to change the Project from a by-right apartment to a fraternity house. The Applicant did this as a good faith gesture to the community with the sincere desire to cooperate with the community, give it what it asked for and design a Project that would fit into the character of UCLA's fraternity row.

The Applicant and his representatives attended and participated in several voluntary community meetings. Beginning in early 2014, the Applicant attended at least four meetings with community members, including Appellant Steven Sann, in Council Member Paul Koretz's office. The Applicant and his representative attended at least two meetings with the Westwood Community Council, chaired by Appellant Steven Sann. The Applicant agreed to tour several fraternity houses on Westwood's fraternity row led by Appellant Steven Sann and spent several hours touring at least a half dozen fraternity houses and interviewing fraternity members and other fraternity advocates.

After the initial presentation of the apartment building to the Westwood Community Design Review Board ("WCDRB"), the Applicant and his representatives returned for three more meetings with the WCDRB, presenting building design changes each time, before earning acceptance of the present design for a fraternity house. The Applicant and his representatives also appeared at least three times before the Westwood Neighborhood Council

Land Use and Planning Committee and at least twice before the full Westwood Neighborhood Council ("WNC"). How would the Owner know that after spending untold amounts of money on revised plans, architecture, engineering and legal representation that the community would turn on him and fight every miniscule design detail and appeal every decision along the way?

III. THE APPEAL REACHES FAR BEYOND THE AUTHORITY OF THE CITY COUNCIL UNDER PUBLIC RESOURCES CODE SECTION 21151(c).

As the Appeal correctly states in the first paragraph,

"[t]he Project land-use approvals are now final under the Los Angeles Municipal Code and cannot be further appealed. [Appellants] appeal the City's adoption of the CEQA Mitigated Negative Declaration for the Project under Public Resources Code § 21151(c), which allows CEQA determinations made by non-elected City bodies to be appealed to the City Council."

The Appellants' statement notwithstanding, the Appeal addresses several issues unrelated to the California Environmental Quality Act ("CEQA") and should not be considered in the City Council's decision on this Appeal.

Further, and more revealing of the motivation of the Appellant to use whatever process is available to delay the Project, with or without merit, **the Appellant never once mentioned a single word in opposition or criticism of the MND in any of the several meetings and public hearings regarding this matter.** In fact, no member of the public appearing at the public hearings or neighborhood meetings and no written materials presented by anyone, mentioned anything about the MND. Accordingly, these arguments are waived.

IV. THE APPEAL MISSTATES THE FACTS.

Several statements of facts about the Project are incorrect.

The Appeal incorrectly states that the Project could potentially allow up to 150 residents. The correct fact about the occupancy level of the building appears in Condition No. 9 of the WLAAPC determination which leaves the limits of the occupant level up to the Fire Department in accordance with codified occupant load limits, which will not allow up to 150 residents.

The Appeal incorrectly states that there is insufficient parking. The correct fact is that no relief was requested or granted from the parking requirements of either the North Westwood Village Specific Plan (the "Specific Plan") or the Los Angeles Municipal Code ("LAMC"). In fact, 28 parking spaces are required under the Specific Plan, which is greater than the parking required under the LAMC, and 31 parking spaces are provided. Further, 44 bicycle spaces are provided in accordance with the LAMC requirements for providing bicycle parking.

The Appeal incorrectly states that since some residents may not necessarily be affiliated with a specific fraternity that the use of the facility somehow becomes a dormitory and not a fraternity house. Condition No. 7 of the WLAAPC determination provides:

"Use of the facility shall be for the housing of collegiate fraternity members, unaffiliated boarders, or a combination of both. The facility shall maintain affiliation with a collegiate fraternity at all times. The boarding of any individual within the facility shall be for terms of not less than 31 days and no longer than four years."

This condition was negotiated with the WNC. The WNC stated in its deliberations at the various public hearings conducted by the Land Use and Planning Committee ("LUPC") and the full WNC that it wanted a condition preventing the building on the Property from being used as a "boarding house." The WNC insisted that the only way to prevent a boarding house type use would be to strictly limit the use to members of a single collegiate fraternity – not by members of different fraternities.

However, based on the testimony of several members of the community, some of whom have been associated with fraternities for three or more decades, there is not a single fraternity house existing on UCLA's fraternity row (nor at other universities nationwide) that could possibly function under such a restriction. The reality of the nature of fraternities is that the fraternity population varies considerably from year to year. For years where the popularity and thus the number of students interested in joining a fraternity falls, it would be impossible for a single fraternity to populate a fraternity house to the level necessary to financially sustain the house and property. So, we were told at the hearing, all fraternity houses accept members of various fraternities and unaffiliated boarders on a regular basis to maintain the level of rent revenue necessary to support the financial needs of the house and property. A true and correct copy of the June 22, 2016 letter from B&B Management Services, Inc. explaining typical fraternity house use is attached hereto as Exhibit "F."

The Appeal incorrectly states that use of the terrace area on the fourth story of the building presents a safety problem by allowing roof access. The statement in the Appeal intentionally attempts to confuse the terrace area on the fourth story, which is designed to be occupied, with a dangerous sloping roof with no safety barriers. Condition No. 10 of the WLAAPC determination provides:

"Except for necessary repairs and maintenance, no tenant or other person shall be allowed on the roof at any time. The parts of the terrace area on the fourth floor designed for use and occupancy shall not be restricted, but shall be separated from the landscaped areas not designed for use and occupancy by a 6"0" high fence with locked gate(s) as shown on the plans submitted with the application."

At the public hearings the Appellant expressed concerns about the safety of the building occupants stating that there have been numerous incidents of students falling off "elevated surfaces." The Applicant whole-heartedly agrees that no one should be allowed on the roof, i.e., that sloping surface designed to shed water and not designed to support human occupancy. However, the terrace area at the fourth floor level is designed for occupancy and incorporates safety features separating occupants from the edge of the building.

The architect of record's April 28, 2016 letter to the WLAAPC explains, there is considerable difference between the roof and terrace, most notably that the terrace will be "lighted, without tripping hazards, and is surrounded by a 6 foot high fence to provide fall-off protection. The fence is additionally set back an average of 10 feet from the edge of the building, and the space between the fence and the building edge is filled with a landscaped planter." A true and correct copy of the architect's April 28, 2016 letter is attached hereto as Exhibit "D." The design of the terrace area is inherently safe for occupancy and does not provide access to the sloped roof areas that Condition No. 10 forbids occupancy.

V. PUBLIC NOTIFICATION WAS COMPLIANT WITH THE MUNICIPAL CODE.

A. The Municipal Code Public Notice Requirements Are Clear.

Section 12.24 W¹ provides that the procedures for reviewing applications for a Conditional Use for a fraternity house are as provided in Sections 12.24 B through Q. Section 12.28 C provides that the procedures for a ZA Adjustment are as provided in Section 12.24 B through J. The specific requirements for public hearing and notice are contained in Section 12.24 D.

Section 12.24 D provides:

"Public Hearing and Notice. Upon receipt of a complete application, the initial decision-maker² shall set the matter for public hearing at which evidence shall be taken and may conduct the hearing itself or may designate a hearing officer to conduct the hearing.

"The Department shall give notice in all of the following manners:

"1. **Publication.** By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, no less than 24 days prior to the date of hearing; and

¹ All Code Section references are to the Los Angeles Municipal Code unless noted otherwise.

² The Zoning Administrator pursuant to Section 12.24 W.

"2. **Written Notice.**

"(a) By mailing a written notice no less than 24 days prior to the date of the hearing to the applicant, the owner or owners of the property involved, and to the owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved, using for the purpose of notification, the last known name and address of owners as shown on the records of the City Engineer or the records of the County Assessor. Where all property within the 500-foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, shall also be notified as set forth above; and **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

"(b) By mailing a written notice no less than 24 days prior to the date of the hearing to residential, commercial and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing the notice to "**occupant**"; and

"(c) If notice pursuant to Paragraphs (a) and (b) above will not result in notice being given to at least 20 different owners of at least 20 different lots other than the subject property, then the 500-foot radius for notification shall be increased in increments of 50 feet until the required number of persons and lots are encompassed within the expanded area. Notification shall then be given to all property owners and occupants within the expanded area.

"3. **Site Posting.** By the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. If a hearing examiner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, shall also post notice of the initial meeting of the decision-making body on the matter. This notice shall be posted in a conspicuous place on the property involved at least ten days prior to the date of the meeting. The Director of Planning may adopt guidelines consistent with this section for the posting of notices if the Director determines that those guidelines are necessary and appropriate."

B. The Municipal Code Public Notice Requirements Were Followed Precisely.

1. Publication.

A Notice of Public Hearing for the July 23, 2015 ZA hearing was published in the June 26, 2015 edition of the Los Angeles Daily Journal. Attached hereto as Exhibit "A" is a true and correct copy of the Proof of Publication obtained from the ZA's file.

2. Written Notice.

Written notice was mailed to all property owners and occupants within a 500-foot radius of the Property by the City Planning Department's public notice contractor Better Technology Company ("BTC"). Attached hereto as Exhibit "B" is a true and correct copy of the BTC Mailing Affidavit certifying that on June 25, 2015, it mailed the Notice of Public Hearing for the July 23, 2015 ZA hearing to property owners and occupants within a 500-foot radius of the Property, adjacent Cities, Applicant and Representative, LA Unified School District, Caltrans, Certified Neighborhood Council, Council Office and Council District Office.

3. Site Posting.

BTC conspicuously posted a Notice of Public Hearing on the fence at the front of the Property. Attached hereto as Exhibit "C" is a Certificate of Posting For Public Hearing certifying that the site was posted on July 12, 2015 with a Notice of Public Hearing for the July 23, 2015 ZA hearing.

Nevertheless, members of the WNC complained they did not receive notice of the July 23, 2015 Zoning Administrator's hearing, as required. The WNC members and the Appellant asserted that the mailing address included with the certified mailing list from BTC was incorrect and is not the address listed on the WNC's website. For this reason, they testified, the Appellant and WNC's members did not attend the July 23, 2015 Zoning Administrator's hearing.

The mailing label for the WNC in the BTC's certified notice list reads³:

WESTWOOD N.C.
1545 ENSLEY AVE
LOS ANGELES, CA 90024

Attached hereto as Exhibit "E" is a print-out of the WNC's home page from its website printed on June 23, 2016.⁴ Two mailing addresses are listed at the bottom of the right-hand column of the first page. The first address is listed as:

³ See the bottom of the fifth page of Exhibit "B".

⁴ The WNC website has since been changed to include

Mailing Address:
Westwood Neighborhood
Council
P.O. Box 24802
11000 Wilshire Blvd.
Los Angeles, CA 90024-
9998

The second address is listed as:

Planning Mailing Address:
WWNC LUPC
1545 Ensley Avenue
Los Angeles, CA 90024

BTC mailed the Notice of Public Hearing for the July 23, 2015 Zoning Administrator's hearing to the address listed on the WNC website for the Land Use and Planning Committee ("LUPC"), the same committee we appeared before at least three times. Given the two addresses listed on the website, it should be expected that notices for City Planning Department matters and other "Planning" issues would be sent to the "Planning Mailing Address."

When these facts were presented to the WLAAPC, Appellant and members of the WNC present at the hearing identified the "Planning Mailing Address" as the residence of its Land Use Committee Chair. The Land Use Committee Chair testified that she did not receive the Notice of Public Hearing for the July 23, 2015 Zoning Administrator's hearing. However, a review of the Zoning Administrator's file reveals that the letter mailed to the Planning Mailing Address was not returned.

VI. ANY IMPERFECTIONS OF THE MITIGATED NEGATIVE DECLARATION HAVE BEEN CURED.

The Appeal asserts that the Initial Study performed by the City Planning Department for the Project states that the Project will have potentially significant greenhouse gas effects if not mitigated, but did so without performing any type of acceptable analysis. The Appeal offers its own conclusion as to the potential effects of greenhouse gases attributable to the Project, but came to its conclusion without relying on any study or analysis at all. The

P.O. Box 24802
11000 Wilshire Blvd.
Los Angeles, CA 90024-
9998

as the address for both the "Mailing Address" and the "Planning Mailing Address."



Appellant suggests that the City Planning Department should amend the Initial Study by providing an analysis of potential greenhouse gas impacts and mitigate those identified.

The Appeal also points to a December 12, 2014 letter from the South Coast Air Quality Management District (the "SCAQMD") as substantial evidence that the Project may have significant air quality impacts. However, the Appellant incorrectly states that the conclusion in the Initial Study is not substantiated in the record. The Appellant, as with greenhouse gases, suggests that an analysis of potentially significant air quality effects should be performed and any identified impacts should be mitigated.

The Appellant is incorrect that there is no evidence in the record to support the conclusion that there are no significant air quality effects or greenhouse gas effects caused by the Project. The Applicant retained the services of environmental consultants Meridian Consultants to perform an air quality study. The air quality study, dated March 2015, concludes at page 3.0-4 that there are no significant air quality impacts caused by the Project. Therefore, no mitigation is required.

The air quality study was updated in an October 26, 2016 Meridian Consultants report expanding the study to specifically include greenhouse gas emissions. Meridian Consultants concludes, at page 5, that greenhouse gas emissions generated by the Project are below SCAQMD screening thresholds. Therefore, no mitigation is required. Both the March 2015 report and the October 26, 2016 update, too voluminous to attach here, are included in the environmental review documents as part of the administrative record.

VII. THE PROJECT DESCRIPTION IS ADEQUATE

The Appeal attacks the Project Description in the MND by fabricating the argument that the Project cannot be considered a "fraternity house" but should be considered a "dormitory" instead because Condition No. 7 of the WLAAPC approval allows housing for "collegiate fraternity members, unaffiliated boarders, or a combination of both". The Appeal then expands on its dormitory notion to pitch the ridiculous argument that the Project should be treated as if it contains 154 rooms, thereby requiring more than the 31 parking spaces provided. The Appeal offers no evidentiary support whatsoever that the Project could contribute to impacts to traffic, air quality and emergency-vehicles in the area. Appeal at p. 5. As stated above, the parking provided for the Project is in excess of what is required by the Specific Plan. When completed, the fraternity house at the Property will have more on-site parking than any UCLA fraternity house.

While a typical dormitory has no fraternal affiliation at all, a fraternity house does. The Appeal conveniently truncates Condition No. 7 in the WLAAPC determination by leaving out the sentence "[t]he facility shall maintain affiliation with a collegiate fraternity at all times." The Appeal, at p. 4, mentions a condition in the 2008 CUP for the fraternity house next door at 613 S. Gayley Avenue that the fraternity house remain affiliated with UCLA and be

subject to fraternity rules imposed by UCLA.⁵ The fact that the Applicant did not agree to leave land use and zoning law enforcement to UCLA, but only to the City of Los Angeles, has no bearing on whether the facility will be affiliated with a collegiate fraternity, as Condition No. 7 requires.

In fact, Condition No. 7 for the Project has protections not included in the conditions for the 2008 Conditional Use approval for the fraternity house next door at 613 S. Gayley Avenue. Condition No. 7 for the Project requires the "boarding of any individual within the facility shall be for terms of not less than 31 days and no longer than four years." The Conditional Use approval for the 613 S. Gayley Avenue fraternity house has no such condition.

VIII. CONCLUSION.

The PLUM committee should recommend that the City Council deny the appeal of ENV-2014-1094-MND because it was untimely filed, the Project is responsive to what was expressly requested by the community, the Project is compliant with all public notice requirements and the Project complies with CEQA.

Further, the PLUM Committee should recommend that the City Council adopt the revised MND presented by City Planning Department staff which has incorporated the air quality study, dated March 2015, and the greenhouse gas update to the air quality study, dated October 26, 2016, as follows:

The Los Angeles City Council, after conducting an independent de novo review of the Project, adopts ENV-2014-1094-MND, as revised, including the following findings:

1. There is no substantial evidence in the record supporting the Appellant's claim that greenhouse gas emissions may have a significant effect on the environment. Mere speculation that greenhouse gas emissions caused by the Project may have a significant effect on the environment is not substantial evidence.
2. A conclusory statement in the Appeal that traffic, air quality and emergency-vehicles are heavily impaired in the UCLA area and contribute to cumulative impacts in these areas, without any analyses, is not substantial evidence to support a conclusion that the Project has deficient parking or that the Project may have a significant effect on the environment.
3. There is substantial evidence in the record, i.e., the March 2015 Meridian Consultants air quality study and the October 26, 2016 Meridian Consultants updated and expanded report including a detailed study of the potential effects of greenhouse gas emissions

⁵ Voluntary Condition No. 46 at p. C-9 of Case No. APCW 2007-4966-SPE-CU-ZV-ZAA provides "[t]he Applicant, and all residents in the premises, shall at all times conform to all applicable regulations and policies of the University of California, Los Angeles regulating men's and women's fraternities, as established by the UCLA Center for Student Programming/Office of the Fraternity and Sorority Relations, as well as the Code of Student Conduct."

caused by the Project, is substantial evidence to support the conclusion that there are no significant environmental effects associated with air quality and greenhouse gases caused by the Project.

4. The lead agency has determined that the mitigation measures incorporated into ENV-2014-1094-MND, as revised, will reduce any potential significant adverse effects to a level of insignificance.

Very truly yours,



KEVIN K. MCDONNELL of
Jeffer Mangels Butler & Mitchell LLP

KKM:kkm
Enclosures

cc: Honorable Paul Koretz
c/o: Mr. Faisal Alserri, via e-mail
Jonathan Hershey, Office of Zoning Administration, via e-mail

(When required)

RECORDING REQUESTED BY AND MAIL TO:

LOS ANGELES DAILY JOURNAL

- SINCE 1888 -

915 E FIRST ST, LOS ANGELES, CA 90012
Mailing Address: P.O. Box 54026, Los Angeles, California 90054-0026
Telephone (213) 229-5300 / Fax (213) 229-5481

Julia Amanti
CITY OF LA, CITY CLERK, ADMIN SERVICES
200 N SPRING ST ROOM 395
LOS ANGELES, CA - 90012

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Los Angeles) ss

Notice Type: GPN - GOVERNMENT PUBLIC NOTICE

Ad Description:
ZA 2014-1095

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the LOS ANGELES DAILY JOURNAL, a newspaper published in the English language in the city of LOS ANGELES, county of LOS ANGELES, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of LOS ANGELES, State of California, under date 04/26/1954, Case No. 599,382. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

06/26/2015

Executed on: 06/26/2015
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Handwritten signature of Paul Forch

Signature



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Space for filing stamp or

DEPUTY

CITY CLERK

2015 JUN 29 AM 9:57

CITY CLERKS OFFICE

RECEIVED

Handwritten signature

DJ#: 2767393

NOTICE OF PUBLIC HEARING
Hearing: Office of Zoning Administration
Date: Thursday, July 23, 2015
Time: 10:00 a.m.
Place: West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Conant Avenue, Los Angeles, CA 90025
Staff Contact: Kinikia Gardner
Phone No.: (213) 978-1340, Kinikia.Gardner@lacity.org
Case No.: ZA 2014-1095(CU)(ZAA) (DRB) (SPPA)(SPP)
CEQA No.: ENV 2014-1094-MND
Council No.: 5
Plan Area: Westwood
Zone: [Q]R4-1VL
Applicant: 611 Gayley Los Angeles 90024, LLC
Representative: Kevin McDonnell
PROJECT LOCATION: 611 South Gayley Avenue
REQUESTED ACTION: The Zoning Administrator will consider:

1. As required by Section 5.B.2. of the North Westwood Village Specific Plan, A) a Conditional Use, pursuant to the provisions of Section 12.24-W.21 of the Los Angeles Municipal Code, to permit the construction, use and maintenance of a fraternity house in the [Q]R4-1VL Zone; B) Pursuant to the provisions of Municipal Code Section 12.28 an Adjustment to permit front yard setbacks ranging between 0 and 12 feet in lieu of the required 15 feet and to permit a 0-foot side yard setback in lieu of the required 7 feet; C) Pursuant to Section 16.50-C of the Municipal Code and Section 10. of the Specific Plan, a Director's Design Review Determination, and D) Pursuant to the provisions of Municipal Code Section 11.5.7.E, a Specific Plan Adjustment to permit an increase in height from the maximum 7 feet to 8 feet; and Project Permit Compliance with the North Westwood Village Specific Plan; all in conjunction with the construction, use and maintenance of a new 15,481 square-foot, 22-room fraternity house and a 31-space subterranean garage on an approximately 8,678 square-foot lot located in the [Q]R4-1VL Zone.
2. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, adopt the Mitigated Negative Declaration (MND) for the above referenced project.

The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this project. The environmental document will be among the matters considered at the hearing. The decision maker will consider all the testimony presented at the hearing, written communication received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations.

Exhaustion Of Administrative Remedies: If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

Advice To Public: The exact time this report will be considered during the

meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Los Angeles City Planning Department, Office of Zoning Administration, 200 N. Spring Street, Room 763, Los Angeles, CA 90012 (attention: Kinikia Gardner).

Review Of File: The file, including the application and the environmental assessment, are available for public inspection at this location between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Please call (213) 978-1318 several days in advance to assure that the files will be available. The files are not available for review the day of the hearing.

Accommodations: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. Other services, such as translation between English and other languages, may also be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice.

Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muñstra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance. Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance. Para asegurar la disponibilidad de estos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso. 6/26/15

DJ-2767393#

BTC

9

BETTER TECHNOLOGY CORPORATION

207 W. Los Angeles St., Ste. 13A
Los Angeles, CA 90012
(213) 617-9600
Fax (213) 617-9643

14540 Sylvan St., Ste. A
Van Nuys, CA 91411
(818) 779-8866
Fax (818) 779-8870

RECEIVED
CITY OF LOS ANGELES

JUL 01 2015

MAILING AFFIDAVIT

City Planning Commission
Case No. _____

Deputy Advisory Agency
Tentative Tract No. _____

CITY PLANNING DEPT.
ZONING ADMINISTRATION

CF No. _____

Parcel Map No. _____

Zoning Administrator
Case No. ZA-2014-1095 (CU)(ZAA)(DRB)(SPPA)(SPP)

Private Street No. _____

Coastal Permit
Case No. _____

Area Planning Commission
Central, Harbor, SV, ELA, SLA, WLA, NV
Case No. _____

Design Review Board
Case No. _____

SITE ADDRESS: 611 SOUTH GAYLEY AVENUE

I, Kim Behr certify that I am an employee of BTC, a contractor of the City of Los Angeles. Department of City Planning, State of California, and I did, on the 25th day of JUNE, 2015, mail, postage prepaid, to the applicant and all parties required by the Municipal Code, as detailed on the official ownership list, a notice of hearing, a true copy of which is attached.

- 500-foot radius
- Abutting the subject site
- Owners and Occupants
- Tenant Notice
- 100-foot coastal notice
- State Coastal Commission
- Adjacent City (ies)
- Applicant and Representative (where indicated)
- city Newspaper Notice
- LA Unified School District, LA County Regional Planning
- Caltrans
- Council's Own Initiative
- Metropolitan Transit Authority
- Certified Neighborhood Council (dept. of Neighborhood Empowerment)
- Council Office and Council District Office
- city Homeowners Associations
- Other
- Appeiant

There is a regular daily communication and service by mail between the City of Los Angeles and each of the Addresses to which notices were mailed.

Kim Behr
BTC Hearing Notice Mailing Clerk

CITY OF LOS ANGELES
CALIFORNIA



DEPARTMENT OF CITY PLANNING

NOTICE OF PUBLIC HEARING

To Owners: Within a 100-Foot Radius
 Within a 500-Foot Radius
 Abutting a Proposed Development Site

And Occupants: Within a 100-Foot Radius
 Within a 500-Foot Radius
And: Others

This notice is sent to you because you own property or are an occupant residing near a site for which an application, as described below, has been filed with the Department of City Planning. All interested persons are invited to attend the public hearing at which you may listen, ask questions, or present testimony regarding the project.

Hearing: Office of Zoning Administration
Date: Thursday, July 23, 2015
Time: 10:00 a.m.
Place: West Los Angeles Municipal Building
Second Floor Hearing Room
1645 Corinth Avenue
Los Angeles, CA 90025

Case No.: ZA 2014-1095(CU)(ZAA)
(DRB) (SPPA)(SPP)
CEQA No.: ENV 2014-1094-MND
Council No.: 5
Plan Area: Westwood
Zone: [Q]R4-1VL

Applicant: 611 Gayley Los Angeles 90024, LLC

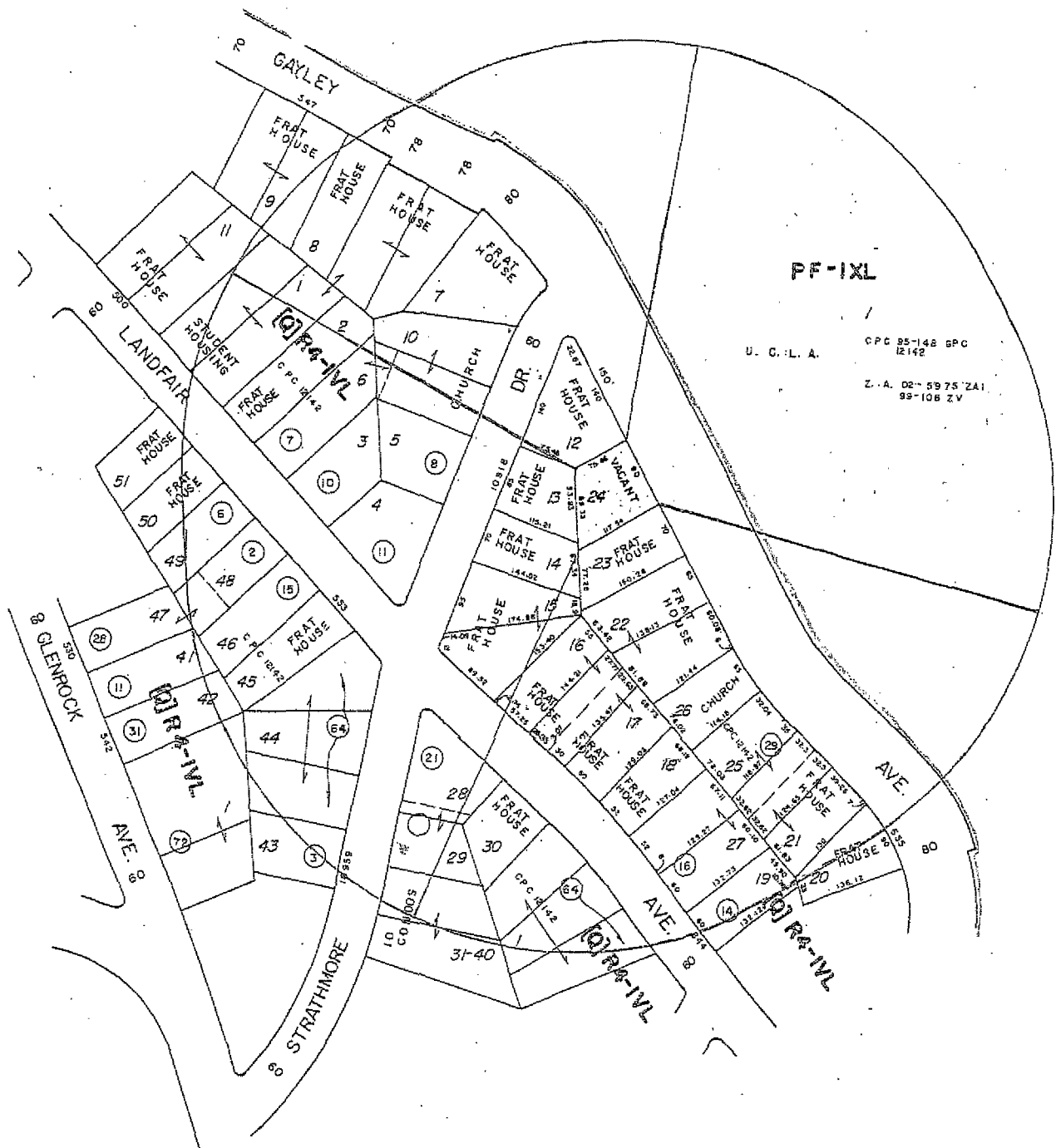
Representative: Kevin McDonnell

Staff Contact: Kinikia Gardner
Phone No.: (213) 978-1340
Kinikia.Gardner@lacity.org

PROJECT LOCATION: 611 South Gayley Avenue

REQUESTED ACTION: The Zoning Administrator will consider:

1. As required by Section 5.B.2. of the North Westwood Village Specific Plan, A) a Conditional Use, pursuant to the provisions of Section 12.24-W,21 of the Los Angeles Municipal Code, to permit the construction, use and maintenance of a fraternity house in the [Q]R4-1VL Zone; B) Pursuant to the provisions of Municipal Code Section 12.28 an Adjustment to permit front yard setbacks ranging between 0 and 12 feet in lieu of the required 15 feet and to permit a 0-foot side yard setback in lieu of the required 7 feet; C) Pursuant to Section 16.50-C of the Municipal Code and Section 10. of the Specific Plan, a Director's Design Review Determination, and D) Pursuant to the provisions of Municipal Code Section 11.5.7.E, a Specific Plan Adjustment to permit an increase in height from the maximum 7 feet to 8 feet; and Project Permit Compliance with the North Westwood Village Specific Plan; all in conjunction with the construction, use and maintenance of a new 15,481 square-foot, 22-room fraternity house and a 31 space subterranean garage on an approximately 8,878 square-foot lot located in the [Q]R4-1VL Zone.




PF-IXL

U. C. L. A. CPC 85-148 BPC 12142
 Z. A. 02-5975 ZA1 99-108 ZV

LEGAL: TRACT 9617, BLOCK 14, LOT 26
 SEE: APPLICATION



NET AC. = 0.20

THOMAS BROS. PAGE: 632 , GRID: 2/A	CONDITIONAL USE - Z. A.	CASE NO.: DATE: 6-24-15 SCALE: 1" = 100' USES: FIELD D.M.: 135B149
C.D. 5 C.T. 2653.05 P.A. 260	 CONTINENTAL MAPPING SERVICE 6315 Van Nuys Boulevard, Van Nuys, CA 91401 (818) 767-1663	<small>W.D. CDS 15-5787</small>

1
REGENTS OF UNIVERSITY/CA
FRANKLIN ST #6TH
LAND CA 94607

2
HATKOFF BRUCE A & TERRY S
18757 BURBANK BLVD #100
TARZANA CA 91356

3
ACA LLC
10966 ROEBLING AVE #6A
LOS ANGELES CA 90024

4
FEINSTEIN ABEL
20029 CONVINGTON PKWY
SOUTHFIELD MI 48076

5
GHAFARI MAHIN M
PO BOX 49234
LOS ANGELES CA 90049

6
BUCKLEY WALTER S III & WALTER S
660 HAMPSHIRE RD #200
WESTLAKE VILLAGE CA 91361

7
GAMMA NU HOUSE ASSN OF
924 WESTWOOD BLVD #550
LOS ANGELES CA 90024

8
WEST RANGE CORP
PO BOX 3400
MANHATTAN BEACH CA 90266

9
THETA DELTA CHI HOUSE ASSN
1221 FRANKLIN ST #10
SANTA MONICA CA 90404

10
PACIFIC SOUTHWEST DISTRICT OF
1530 CONCORDIA
IRVINE CA 92612

11
UNIV COOPERATIVE HOUSING
500 LANDFAIR AVE
LOS ANGELES CA 90024

12
EPSILON PI SIGMA NU ALUMNI INC
924 WESTWOOD BLVD #550
LOS ANGELES CA 90024

13
EPSILON SIGMA ZETA OF
924 WESTWOOD BLVD #550
LOS ANGELES CA 90024

14
ALPHA RHO CORP
924 WESTWOOD BLVD #550
LOS ANGELES CA 90024

15
ALPHA PSI OF PHI KAPPA SIGMA
7737 DENROCK AVE
LOS ANGELES CA 90045

16
UPSILON CHAPTER BLDG
1830 KELTON AVE #9
LOS ANGELES CA 90025

17
BETA GAMMA CHAPTER OF THE DELTA
924 WESTWOOD BLVD #550
LOS ANGELES CA 90024

18
626 LANDFAIR LLC
10956 STRATHMORE DR
LOS ANGELES CA 90024

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644 LANDFAIR LLC
10956 STRATHMORE DR
LOS ANGELES CA 90024

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SIGMA ALPHA EPSILON
924 WESTWOOD BLVD #550
LOS ANGELES CA 90024

21
DELTA IOTA BLDG CO
1001 6TH ST #110
MANHATTAN BEACH CA 90266

22
ALPHA ZETA ASSN OF THETA XI INC
924 WESTWOOD BLVD #550
LOS ANGELES CA 90024

23
CALIF EPSILON OF PHI KAPPA PSI
924 WESTWOOD BLVD #550
LOS ANGELES CA 90024

24
611 GAYLEY LOS ANGELES 90024 LLC
905 NAPOLI DR
PACIFIC PALISADES CA 90272

25
641 GAYLEY INVESTORS LLC
1511 PONTIUS AVE #102
LOS ANGELES CA 90025

26
ARCHDIOCESE OF LA EDUCATION &
3424 WILSHIRE BLVD #4THFL
LOS ANGELES CA 90010

27
638 LANDFAIR LLC
632 LANDFAIR AVE
LOS ANGELES CA 90024

STRATHMORE INVESTMENTS
1485 N BUNDY DR
LOS ANGELES CA 90049

29
PARK JONG S & JUNG Y
10956 STRATHMORE DR
LOS ANGELES CA 90024

30
BAYIT PROJECT
7865 TRUXTON AVE
LOS ANGELES CA 90045

31
MEYER E & K FAMILY 2014 TRUST
10966 STRATHMORE DR #1
LOS ANGELES CA 90024

32
JOFFE KARIN
10966 STRATHMORE DR #2
LOS ANGELES CA 90024

33
LIEBERMAN SUSAN E
10966 STRATHMORE DR #3
LOS ANGELES CA 90024

34
DILLE ROBERT N (TE) & TERESA E
10990 WILSHIRE BLVD #8
LOS ANGELES CA 90024

35
SALATINO KEVIN
1199 ARDEN RD
PASADENA CA 91106

36
LEE FEELIE
510 E RUSTIC RD
SANTA MONICA CA 90402

37
SCHIRO JOSEPH
9903 SANTA MONICA BLVD #PMB773
BEVERLY HILLS CA 90212

38
DUBOW CHARLES J
10966 STRATHMORE DR #8
LOS ANGELES CA 90024

39
LIEBERMAN HAROLD (TE)
10966 STRATHMORE DR #9
LOS ANGELES CA 90024

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PRIBYL PATRICK
10966 STRATHMORE DR #10
LOS ANGELES CA 90024

41
SEIFER RITA L
1655 CARLA RDG
BEVERLY HILLS CA 90210

42
MULNE FAMILY TRUST
23320 W POMPAÑO ST
MALIBU CA 90265

43
BOLOUR SINA
10959 STRATHMORE DR
LOS ANGELES CA 90024

44
STRATHMORE TOWERS APARTMENTS
8222 MELROSE AVE
LOS ANGELES CA 90046

45
GHAFFARI MAHIN M
PO BOX 49234
LOS ANGELES CA 90049

46
SEIFER RITA L
1655 CARLA RDG
BEVERLY HILLS CA 90210

47
FPM PARTNERS V LLC
12760 W WASHINGTON BLVD #201
LOS ANGELES CA 90066

48
ASHREINU CORP
369 N FAIRFAX AVE #5
LOS ANGELES CA 90036

49
AKHAVI DAVID S & SUNNY C
10966 ROEBLING AVE
LOS ANGELES CA 90024

50
TRIANGLE FRATERNAL CORP
5741 VINEVALE CIR
LA PALMA CA 90623

51
ALPHA GAMMA OMEGA ALUMNI
1512 OLD RANCH RD
CAMARILLO CA 93012

CALTRANS, STATE OF CALIF
PROP DEVELOPMENT, BRANCH D
120 S SPRING ST
LOS ANGELES CA 90012

LA UNIFIED SCHOOL DISTRICT
1425 S SAN PEDRO ST
P O BOX 2298 TERM ANNEX
LOS ANGELES CA 90015

DIRECTOR OF PLANNING
COUNTY OF LOS ANGELES
320 W TEMPLE STREET
LOS ANGELES CA 90012

DIRECTOR OF PLANNING
CITY OF BEVERLY HILLS
455 N REXFORD DR #G40
BEVERLY HILLS CA 90210

JEFFER, MANGELS, BUTLER & MITCHELL
ATTN: KEVIN MCDONNELL
1900 AVE OF THE STARS
LOS ANGELES CA 90067

B. RAEEN CONSTRUCTION INC
11040 SANTA MONICA BL #326
LOS ANGELES CA 90025

C.D.5
COUNCILMAN PAUL KORETZ
200 N. SPRING ST, ROOM 440
LOS ANGELES, CA 90012

C.D.5
WEST L.A. FIELD OFFICE
6380 WILSHIRE BLVD, STE 800
LOS ANGELES, CA 90035

CMS 15-6787
6315 VAN NUYS BL #208
VAN NUYS CA 91401

C.D.5
VALLEY FIELD OFFICE
15760 VENTURA BLVD, STE 600
ENCINO, CA 91436

WESTWOOD N.C.
1545 ENSLEY AVE
LOS ANGELES, CA 90024

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OCCUPANT
641 GAYLEY AVE
LOS ANGELES CA 90024

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629 GAYLEY AVE
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633 GAYLEY AVE
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641 GAYLEY AVE 100
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525 LANDFAIR AVE
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10944 STRATHMORE DR 405
LOS ANGELES CA 90024

28
OCCUPANT
10944 STRATHMORE DR 406
LOS ANGELES CA 90024

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10944 STRATHMORE DR 407
LOS ANGELES CA 90024

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10944 STRATHMORE DR 408
LOS ANGELES CA 90024

15
OCCUPANT
10938 STRATHMORE DR
LOS ANGELES CA 90024

14
OCCUPANT
10924 STRATHMORE DR
LOS ANGELES CA 90024

13
OCCUPANT
10918 STRATHMORE DR
LOS ANGELES CA 90024

1
OCCUPANT
731 CHARLES E YOUNG DR SOUTH
LOS ANGELES CA 90024

CERTIFICATE OF POSTING FOR PUBLIC HEARING

City of Los Angeles
Department of City Planning
200 North Spring Street
Los Angeles, CA 90012-4801

RECEIVED
CITY OF LOS ANGELES
JUL 30 2015

CITY PLANNING DEPT.
ZONING ADMINISTRATION

CASE NO. ZA 2014-1095(CU)(ZAA)(DRB)

- Expedited Processing - Metro - Room 721
 - Expedited Processing - Valley - 6262 Van Nuys Blvd., Rm 351, Van Nuys, CA 91401
 - Neighborhood Project Plan Implementation Division-Metro - Room 621
 - Neighborhood Project Plan Implementation Division- Valley - 6262 Van Nuys Blvd., Rm 430 Van Nuys, CA 91401
 - Historic Preservation Overlay Zones - Room 601
 - Subdivisions/Parcel Maps - Metro - Room 721
 - Subdivisions/Parcel Maps - Valley - 6262 Van Nuys Blvd., Rm 351, Van Nuys, CA 91401
 - Zoning Administration - Room 763
 - City/Area Planning Commission Office - Room 272
- To verify the Commission information, call the Commission Office at (213) 978-1300.

CERTIFICATE OF POSTING

This certifies that I/WE have posted the "NOTICE OF PUBLIC HEARING" sign for
Conditional Use, Zoning Administrator Adjustment, Specific Plan

(type of request)

located at 611 S. Gayley Ave.

(address of development)

Public Hearing scheduled July 23, 2015

I hereby certify under the penalty of perjury that I posted the above-mentioned NOTICE OF PUBLIC HEARING on the
12th day of July 2015.

Applicant/Owner (Print)

George Bromberg

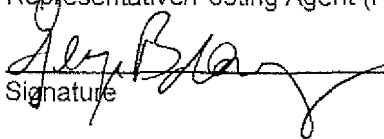
OR Representative/Posting Agent (Print)

Signature

Signature

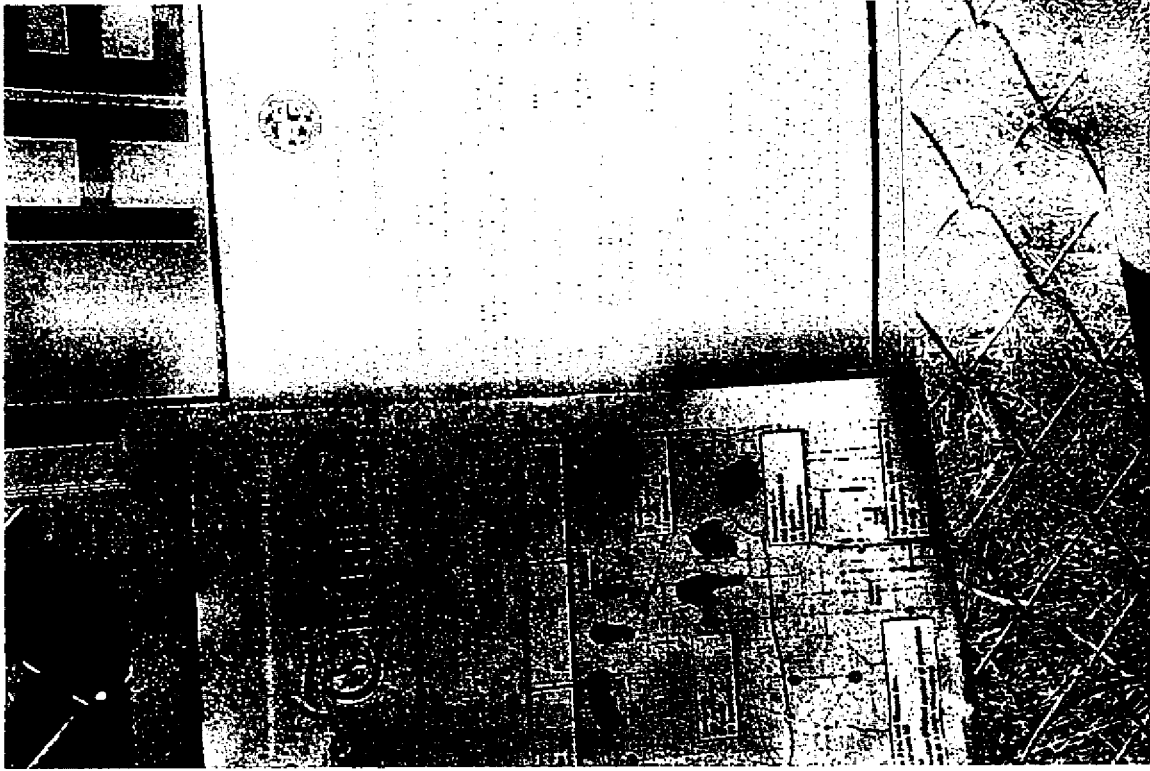
Date

7/14/15



THE PROCESSING OF YOUR CASE WILL NOT BE COMPLETED UNTIL THIS FORM IS RETURNED, ALONG WITH THE REQUIRED PHOTOGRAPHS VERIFYING THE POSTING TO THE CASE FILE FOR YOUR PROJECT (SEE ABOVE FOR ROOM NUMBERS).

REGARDLESS OF WHO POSTS THE SITE, IT IS ALWAYS THE RESPONSIBILITY OF THE APPLICANT/OWNER TO ASSURE THAT THE NOTICE IS FIRMLY ATTACHED, LEGIBLE, POSTED FOR PUBLIC VIEW FROM THE PROPERTY STREET FRONTAGE, AND REMAINS IN THAT CONDITION THROUGHOUT THE ENTIRE POSTING PERIOD.



Sunday

Los Angeles Times

\$2.00 DESIGNATED AREAS HIGHER © 2015

SUNDAY, JULY 12, 2015

latimes.com

Garcetti's view on trade pact is hazy

Allies and foes of a sweeping Pacific Rim agreement are unsure where the mayor of L.A. stands.

BY PETER JAMISON

Some of President Obama's steadiest allies in the fight over a sweeping Pacific Rim trade pact have been America's mayors, who say the freer flow of goods through their cities' docks and airports would fuel needed job growth.

All but absent from the debate, however, has been the leader of the U.S. city many argue stands to benefit most from the White House's proposed Trans Pa-

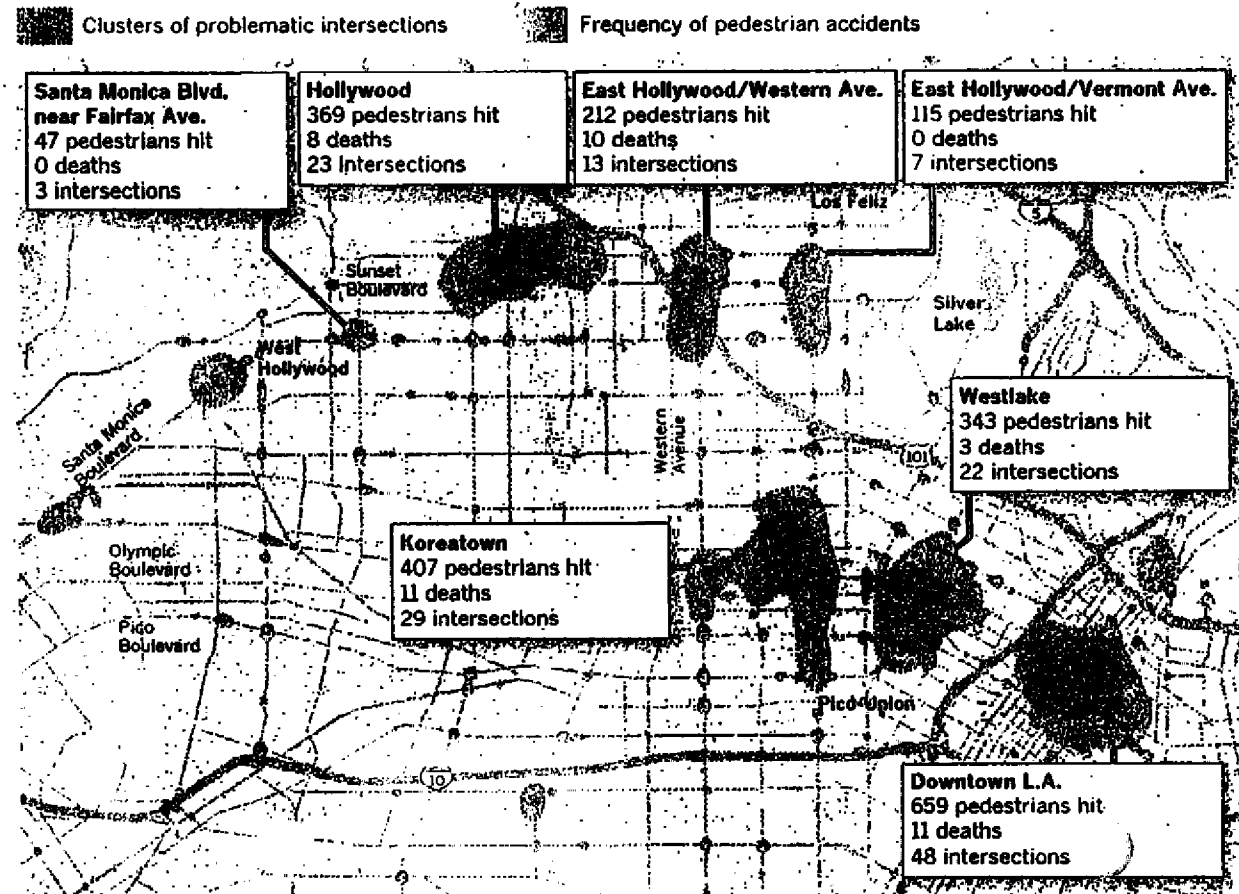
overseas markets. It is also home to some of the staunchly pro-labor congressional Democrats who temporarily succeeded in blocking the president's efforts to gain greater power to negotiate the deal.

Garcetti has joined neither camp — and has grown conspicuous through his silence. Last month, the U.S. Conference of Mayors sent letters to House and Senate leaders urging them to grant Obama fast-track authority to move ahead in trade talks without interference from Congress. Garcetti did not join the 94 other mayors who signed at least one of the documents, although he had served as chairman of a trade task force for the organization.

Not all mayors take a rosy view of the deal. Voicing the

Dangerous intersections

From 2002 through 2013, more than 58,000 accidents involving pedestrians occurred in L.A. County. A Times analysis identified more than 800 highly problematic intersections, which had a higher rate of pedestrian injury or death than county averages. Many intersections were clustered in dense neighborhoods such as downtown L.A., Koreatown, Westlake and Hollywood.



CITY OF LOS ANGELES
CALIFORNIA



DEPARTMENT OF CITY PLANNING

NOTICE OF PUBLIC HEARING

To Owners: Within a 100-Foot Radius
 Within a 500-Foot Radius
 Abutting a Proposed Development Site

And Occupants: Within a 100-Foot Radius
 Within a 500-Foot Radius
And: Others

This notice is sent to you because you own property or are an occupant residing near a site for which an application, as described below, has been filed with the Department of City Planning. All interested persons are invited to attend the public hearing at which you may listen, ask questions, or present testimony regarding the project.

Hearing: Office of Zoning Administration
Date: Thursday, July 23, 2015
Time: 10:00 a.m.
Place: West Los Angeles Municipal Building
Second Floor Hearing Room
1645 Corinth Avenue
Los Angeles, CA 90025

Case No.: ZA 2014-1095(CU)(ZAA)
(DRB) (SPPA)(SPP)
CEQA No.: ENV 2014-1094-MND
Council No.: 5
Plan Area: Westwood
Zone: [Q]R4-1VL

Applicant: 611 Gayley Los Angeles 90024, LLC

Representative: Kevin McDonnell

Staff Contact: Kinikia Gardner
Phone No.: (213) 978-1340
Kinikia.Gardner@lacity.org

PROJECT LOCATION: 611 South Gayley Avenue

REQUESTED ACTION: The Zoning Administrator will consider:

1. As required by Section 5.B.2. of the North Westwood Village Specific Plan, A) a Conditional Use, pursuant to the provisions of Section 12.24-W,21 of the Los Angeles Municipal Code, to permit the construction, use and maintenance of a fraternity house in the [Q]R4-1VL Zone; B) Pursuant to the provisions of Municipal Code Section 12.28 an Adjustment to permit front yard setbacks ranging between 0 and 12 feet in lieu of the required 15 feet and to permit a 0-foot side yard setback in lieu of the required 7 feet; C) Pursuant to Section 16.50-C of the Municipal Code and Section 10. of the Specific Plan, a Director's Design Review Determination, and D) Pursuant to the provisions of Municipal Code Section 11.5.7.E, a Specific Plan Adjustment to permit an increase in height from the maximum 7 feet to 8 feet; and Project Permit Compliance with the North Westwood Village Specific Plan; all in conjunction with the construction, use and maintenance of a new 15,481 square-foot, 22-room fraternity house and a 31 space subterranean garage on an approximately 8,878-square-foot lot located in the [Q]R4-1VL Zone.

2. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, adopt the Mitigated Negative Declaration (MND) for the above referenced project.

The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this project. The environmental document will be among the matters considered at the hearing. The decision maker will consider all the testimony presented at the hearing, written communication received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations.

Exhaustion Of Administrative Remedies: If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

Advice To Public: The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Los Angeles City Planning Department, Office of Zoning Administration, 200 N. Spring Street, Room 763, Los Angeles, CA 90012 (attention: Kinikia Gardner).

Review Of File: The file, including the application and the environmental assessment, are available for public inspection at this location between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Please call (213) 978-1318 several days in advance to assure that the files will be available. The files are not available for review the day of the hearing.

Accommodations: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. Other services, such as translation between English and other languages, may also be provided upon request.

To ensure availability of services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice.

Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muestra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance. *Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance.*

Para asegurar la disponibilidad de éstos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso.



ARCHITECTURE
+ PLANNING

1990 S. Bundy Drive
Suite 400
Los Angeles, CA 90025
T. 310.826.2100
F. 310.826.0182
www.nadelarc.com

April 28, 2016

West Los Angeles Area Planning Commission
C/O James K. Williams, Commission Executive Assistant II
City Hall
200 North Spring Street, Room 272
Los Angeles, CA 90012

**RE: ZA 2014-1095 (CU) (ZAA) (DRB) (SPPA) (SPP)
611 South Gayley Avenue, Los Angeles CA**

Gentlemen:

This letter is in response to the appeal letter dated March 6, 2016 filed by Steven D. Sann. We are the architects who designed this project, and wish to address one of the concerns raised by the appellant, namely that tenants might fall from the roof.

We agree that tenants should not be allowed on roofs, since roofs are often unlighted, pitched, contain tripping hazards, and are not provided with fall-off protection such as parapets or guardrails.

We believe, however, that the appellant is referring to the top floor terrace, designed for the use of the building's tenants. This terrace is at the same level as the top floor dwelling units and is accessed from the top floor corridor. It is planned to be lighted, without tripping hazards, and is surrounded by a 6 foot high fence to provide fall-off protection. This fence is additionally set back an average of 10 feet from the edge of the building, and the space between the fence and the building edge is filled with a landscaped planter.

We believe this terrace, as designed, provides a safe environment for the tenants and is safer than other normal building elements such as window sills and 3'-6" high balcony railings.

The majority of student housing apartments in the area have these window sills and balcony rails (see attached photos for a few examples) and are deemed by the Building Code to be safe designs.

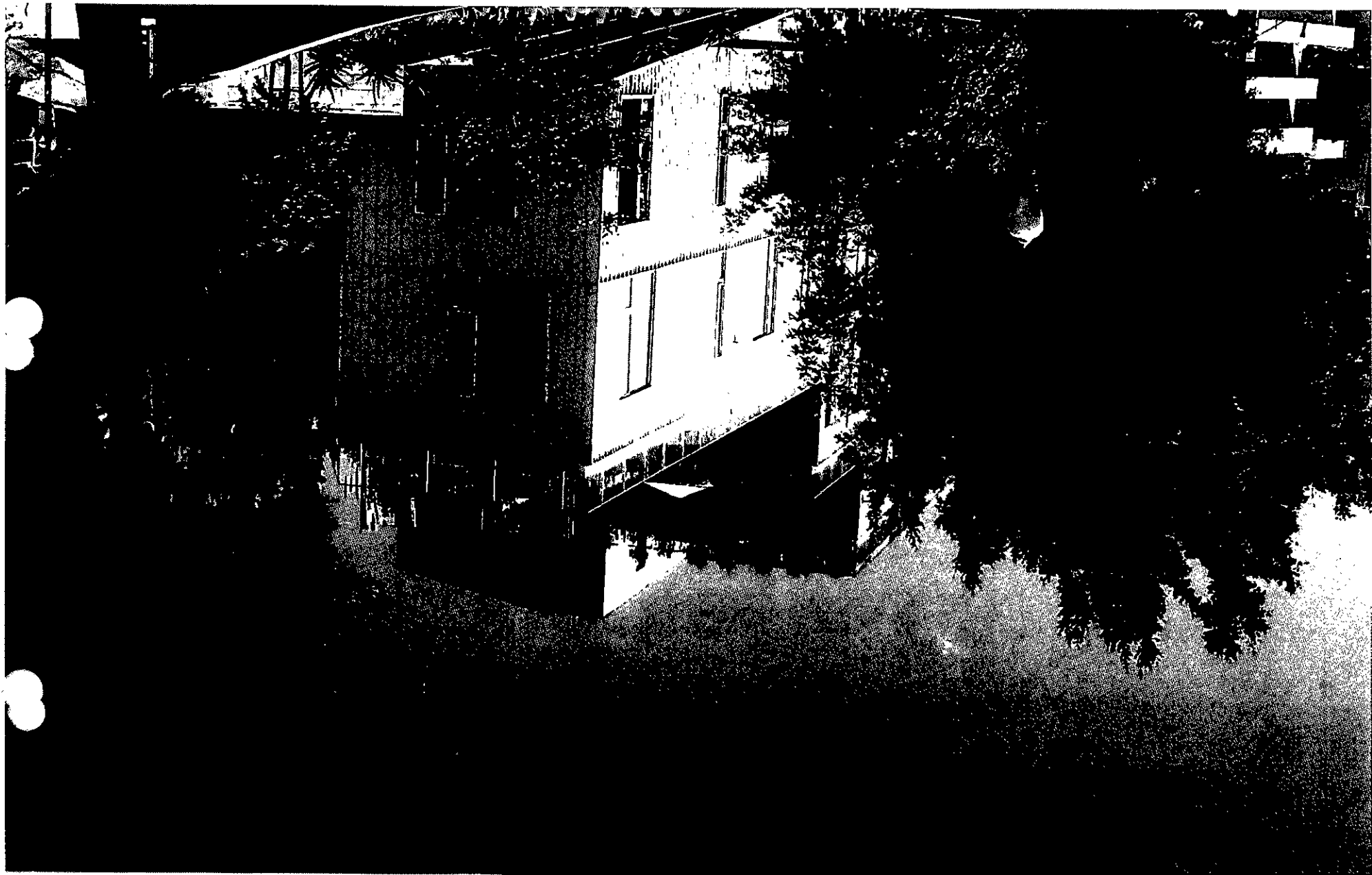
We believe access to the terrace as designed should not be equated to access to a roof.

Sincerely,

NADEL ARCHITECTS, INC.

Dale Yonkin
Executive Vice President

h:\la06_off\heatherlyonkin\611SouthGayleyAve_042816.docx

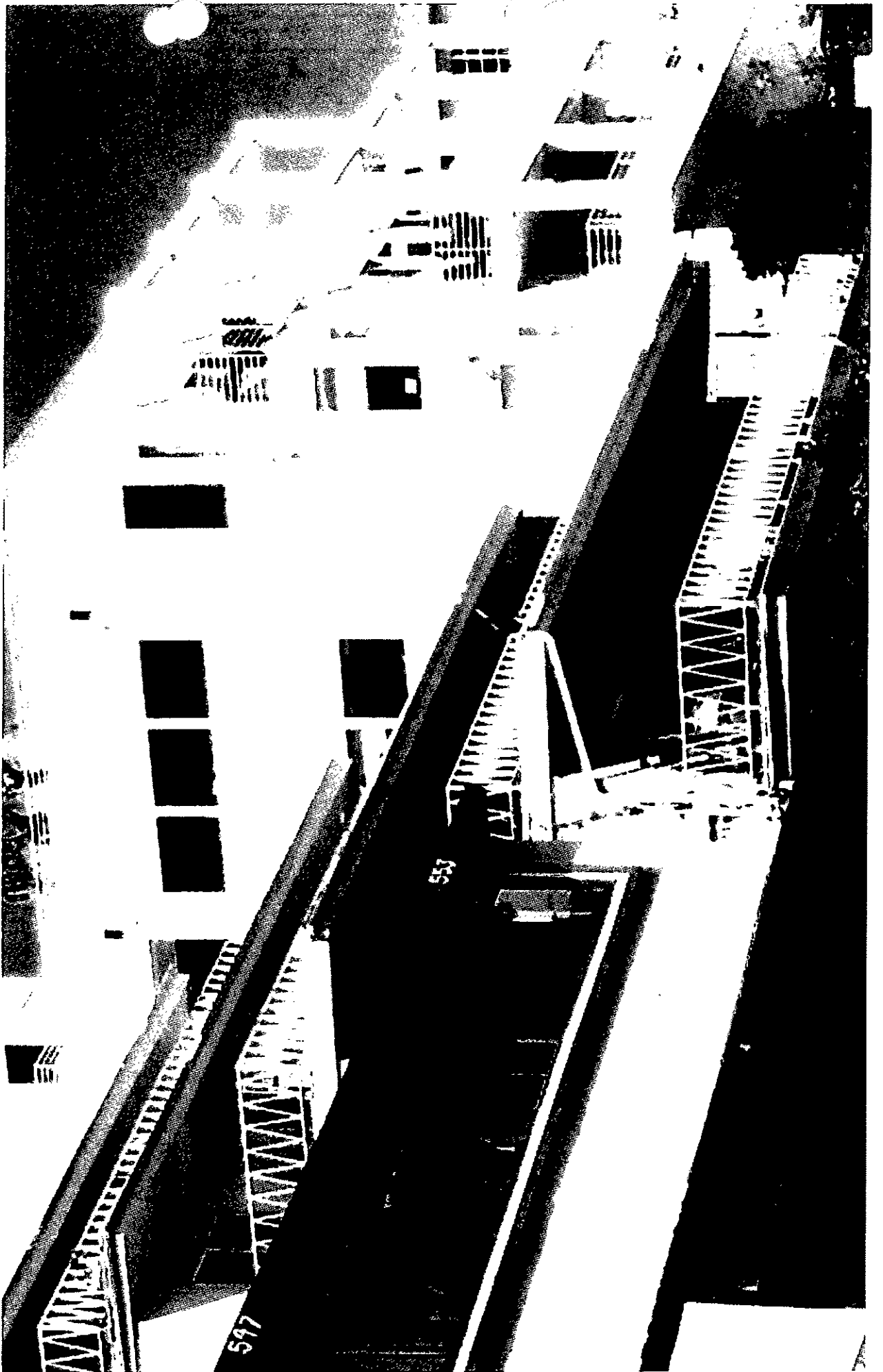










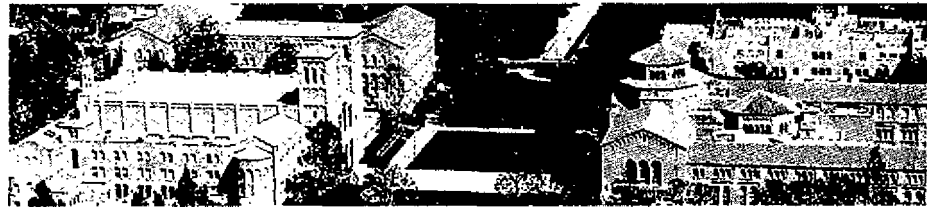


Call Us at (213) 978-1551 | EmpowerLA@LACity.org



Home Department Neighborhood Councils Commission Calendar Leadership Academy Blog EmpowerStats Let's Get Social

Westwood Neighborhood Council



Region: West Area



The WWNC is an elected council within the LA Neighborhood Council system. Our role is to make a difference in Westwood through outreach, grants to non-profits, and representation of our stakeholders to the Los Angeles City Council. We strive to represent the views of our stakeholders who live, work, or own property within our neighborhood boundaries. Let us know about the issues that are important to you on our get involved or contact us pages.

WWNC.org

MEETING: 2nd Wednesdays, 7pm
Meeting address:
 Westwood Presbyterian Church
 10822 Wilshire Boulevard,
 Hoffman Hall
 Los Angeles, CA 90024

Mailing Address:
 Westwood Neighborhood Council
 P. O. Box 24802
 11000 Wilshire Blvd.
 Los Angeles, CA 90024-9998
Planning Mailing Address:
 WWNC LUPC
 1545 Ensley Avenue
 Los Angeles, CA 90024

Executive Officers

First Name Last Name Executive Officer Email

Lisa	Chapman	Vice-President	Email
Stephen	Resnick	Secretary	Email

database hosting by QuickBase

Board Members

First Name	Last Name	Board Seat	Email	Ethics Expiration	Funding Certification	Code of Conduct
David	Burke	Owner Residential Group Directors	Email	04-14-16	11-10-15	
Stephen	Resnick	Owner Residential Group Directors	Email	08-12-15	08-05-13	01-11-15
Scott	Whittle	Owner Residential Group Directors	Email	09-08-16	09-04-14	12-18-14
Sandy	Brown	Owner Residential Group Directors	Email	09-08-16	09-04-14	12-18-14
Constance	Boukidis	Owner Residential Group Directors	Email	09-08-16	09-04-14	12-18-14
Ian	Cocroft	Rental Residential Group Director	Email	11-08-17	11-08-15	11-08-15

Certification Date:
 01-19-2010
Certification Order:
 93

- Boundary Map
- Bylaws
- Outreach Survey
- Strategic Plan
- Budget

First Name	Last Name	Board Seat	Email	Ethics Expiration	Funding Certification	Code of Conduct	
Eugene	Tseng	Rental Residential Group Director	Email	09-08-16	06-15-16	06-15-16	2016 Elections
David	Lorango	Rental Residential Group Director	Email	11-04-17	11-06-15		2014 Elections
Trent	Jolly	Rental Residential Group Director	Email				2012 Elections
Mark	Rogo	Business Group Directors	Email	02-12-14	09-01-13	12-24-14	
Roozbeh	Farahanipour	Business Group Directors	Email	09-08-16	09-04-14	12-18-14	
Marcello	Robinson	Business Group Directors	Email	02-06-17	02-06-15	12-17-14	
Phillip	Gabriel	Business Group Directors	Email				
Angus	Beverly	Student Director	Email	03-06-17	08-27-13	02-03-15	
Lisa	Chapman	Faculty or Staff Director	Email	03-26-17	03-26-15	12-18-14	
Caroline	Conway	Educational Community Director	Email				
Ann	Hayman	Non-Profit/Arts/Culture/Recreational Community Director	Email	07-08-17	06-27-15	06-26-15	
Mitchell	Keiter	Faith based Community Director	Email	09-08-16	09-04-14	12-30-14	
Chantelle	Eastman	At Large Director	Email				
Laura	Winikow	At Large Director	Email	08-16-15	07-21-14	12-19-14	

database hosting by QuickBase

DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

200 North Spring Street, Suite 2005
 Los Angeles, California 90012
 Phone: 213-978-1551
 Fax: 213-978-1751

To contact the webmaster, please
 E-mail Stephen.Box@lacity.org

SEARCH OUR SITE

Search ...

NEWSLETTER ARCHIVE



Kevin K. McDonnell
Direct: (310) 201-3590
KKM@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 73832-0001

September 28, 2016

VIA E-MAIL AND U.S. MAIL (terry.kaufmann-macias@lacity.org)

Terry Kaufmann-Macias, Esq.
City of Los Angeles, Office of the City Attorney
200 N. Main Street
City Hall East, 7th Floor
Los Angeles, CA 90012

Re: Council File No. 16-0972
ENV-2014-1094-MND
611 S. Gayley Avenue (the "Property")
Opposition to California Environmental Quality Act ("CEQA") Appeal

Dear Ms. Kaufman-Macias:

This office represents Dr. Stephen Copen, owner of the Property referenced above. We are informed that a purported appeal has been filed with the City Clerk's office challenging the environmental document referenced above. The filing of the appeal is untimely and, therefore, should not have been accepted and cannot be presented to City Council.

On July 6, 2016, a Mitigated Negative Declaration was adopted by the West Los Angeles Area Planning Commission ("WLAAPC") when it denied an appeal of the Zoning Administrator's approval for a conditional use for a four-story over subterranean garage, 57 foot high, 15,481 sq. ft. fraternity house with 22 guest rooms and 28 parking spaces (the "Project"). The Project applications included a Project Permit Compliance with the North Westwood Village Specific Plan and the West Los Angeles Transportation Improvement and Mitigation Specific Plan, Specific Plan Adjustments for landscaping and height of subterranean garage, Zoning Administrator Adjustments for front yard and side yards and a Parking Facility Modification.

The written decision of the WLAAPC was released July 12, 2016, after which a Notice of Determination was filed and posted at the Los Angeles County Clerk's Office on July 14, 2016. Appellant's filed their appeal under the authority of Public Resources Code ("PRC") Section 21151(c) which provides that an approval of a Mitigated Negative Declaration by a non-elected decision making body may be appealed to the lead agency's elected decision making body, i.e., the City Council.

While PRC Section 21151(c) provides for such an appeal, it does not provide the procedures for doing so. This is left to the lead agency.

"Where an agency allows administrative appeals upon the adequacy of an environmental document, an appeal shall be handled according to the procedures of that agency. Public notice shall be handled in accordance with individual agency requirements and Section 15202(e)." CEQA Guidelines Section 15185(a).

The only City procedure for the City Council's consideration of decisions of nonelected decision making bodies is provided in City Charter Section 245:

"Actions of boards of commissioners shall become final at the expiration of the next five meeting days of the Council during which the Council has convened in regular session, unless the Council acts within that time by two-thirds vote to bring the action before it or to waive review of the action, except that as to any action of the Board of Police Commissioners regarding the removal of the Chief of Police, the time period within which the Council may act before the action of the Board shall become final shall be ten meeting days during which the Council has convened in regular session." Los Angeles City Charter Section 245.

In this case, due to the City Council's summer recess, an unusually long period of time was available for the Appellants to file an appeal with the City Council. City Council's summer recess began immediately after the WLAAPC's decision and was followed by several cancelled meetings. The City Council's first meeting after the WLAAPC's decision was August 2, 2016. Therefore, the next five meeting days of City Council after the WLAAPC decision were August 2nd, 3rd, 5th, 9th and 10th, 2016. Appellant's appeal was filed August 12, 2016. In any event, the City Council never asserted jurisdiction over the WLAAPC's decision and it is too late now.

In fact, the Appeal Application form used for filing such appeals, until revised on May 25, 2016¹, expressly provided that "CEQA Section 21151(c) appeals must be filed within the next 5 meeting days of the City Council."² (Emphasis provided in the original form.) Despite the fact that the phrase was inexplicitly removed from the current Appeal Application form, the timing requirement under Charter Section 245 remains.

¹ There is no explanation as to why the May 25, 2016 revised form omitted this statement.

² See a redacted copy of an actual application form filed April 11, 2016 and a current blank form.

Terry Hauffman-Macias, Esq.
September 28, 2016
Page 3

The PRC, CEQA Guidelines, the City Charter and the City's established practice of requiring CEQA Section 21151(c) appeals to be filed within the next five meeting days of the City Council after the nonelected decision making body's decision support the conclusion that Appellant's appeal is not timely and, therefore, invalid and cannot be presented to City Council.

Very truly yours,



KEVIN K. MCDONNELL of
Jeffer Mangels Butler & Mitchell LLP

KKM:kkm
Enclosures

cc: Honorable Councilmember Paul Koretz, 5th Council District, via e-mail:
paul.koretz@lacity.org
Honorable Councilmember Jose Huizar, Planning and Land Use Management Committee
Chair, via e-mail: jose.huizar@lacity.org
Holly L. Wolcott, City Clerk, via e-mail: holly.wolcott@lacity.org

ORIGINAL



APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: _____

Project Address: _____

Final Date to Appeal: _____

- Type of Appeal:
- Appeal by Applicant
 - Appeal by a person, other than the applicant, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?
 - Self
 - Other: _____

- Is the appeal being filed to support the original applicant's position?
 - Yes
 - No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ Date: _____

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit a copy of receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide noticing per LAMC 12.26 K.7.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

This Section for City Planning Staff Use Only		
Base Fee: \$895	Reviewed & Accepted by (DSC Planner): Eric Claros	Date: 4/11/16
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



APPLICATIONS:

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: _____

Project Address: _____

Final Date to Appeal: _____

- Type of Appeal:
- Appeal by Applicant/Owner
 - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

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Appellant's name (print): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?
 - Self
 - Other: _____
- Is the appeal being filed to support the original applicant's position?
 - Yes
 - No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

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 Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

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

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

Appellant Signature: _____ Date: _____

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 - o Justification/Reason for Appeal
 - o Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - o Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code § 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)