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VIA ELECTRONIC AND U.S. MAIL

Los Angeles City Council
Planning and Land Use Management Committee
200 N. Spring Street, Room 325
Los Angeles, CA 90012

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**RE: 333 S. La Cienega [Caruso/CRM Properties]
Case No. CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR; ENV-2015-897-EIR;
and VTT-74131**

Honorable Council Committee Members:

This law firm ("Firm") represents the Beverly-Wilshire Homes Association ("Association" or "BWhA"). The Association requests that you reject the above-referenced Project ("Proposed Project") proposed by CRM Properties (hereinafter "Applicant" or "landowner" or "developer") and all requested entitlements and approvals, as well as the Environmental Impact Report and Statement of Overriding Considerations associated therewith. The Association adopts and incorporates by reference all objections to the Proposed Project that have been raised by itself and any others during the environmental review and land use entitlement proceedings.

This project is a poster-child for how far the City of Los Angeles Planning authorities have fallen away from the letter and spirit of the City's Charter and California's Planning and Zoning law. "Public Necessity" and "Good Zoning Practice" (see City Charter § 558) have

ceased to have real meaning in the Los Angeles City Planning Department. If this Proposed Project fulfills the public necessity and represents good zoning practice, then *any* project would, rendering the terms “public necessity” and “good zoning practice” patronizing and meaningless. That this Proposed Project needs *eight* discretionary approvals to “make it work,” is *per se* evidence that this project represents *bad* zoning practice; any suggestion that the City is accorded deference to its determination as to what constitutes good zoning practice should be met with the response “deference has its limits.”

Mr. Richard Platkin, who is a retired Los Angeles City Planning Department official, has provided his expert opinion on a number of factual matters at issue in BWhA’s challenge to the Proposed Project. Mr. Platkin’s qualifications are attached as Exhibit A to this letter. Mr. Platkin has previously provided his comments on the Proposed Project’s Environmental Impact Report, which were submitted into the record prior to the Planning Commission’s hearing. (See Exhibit B.) As Mr. Platkin concludes, a 240 foot skyscraper in this 45-foot-height-limited neighborhood is not necessary in order to facilitate the development of a mixed use project with an affordable housing component. In fact, this developer could build a community plan-consistent by-right project with 20 percent affordable units at 61 feet in height. This could allow a five-story building with 20 affordable residential units, all without the need of any legislative entitlements.

Mr. Allyn Rifkin has also provided an independent peer review of the Proposed Project. Mr. Rifkin is a Transportation/Planner Engineer with over 40 years of experience in reviewing development projects for traffic impacts within the context of City of Los Angeles and State of California environmental regulations, including in his former position as Chief of the Bureau of Planning and Land Use Development with the City of Los Angeles Department of Transportation (LADOT). His expert opinion has been submitted into the record under separate cover.

I encourage you to carefully consider the opinions and conclusions of these experts, as well as the legal points and authorities raised by this Firm prior to making your decision on the matter before you.

I. The Beverly Wilshire Homes Association and its Members are Aggrieved

The Beverly Wilshire Homes Association (BWHA) is a non-profit, incorporated organization of property owners, residents and businesses within the area bounded by La Brea to La Cienega and Willoughby to the north side of Wilshire Boulevard. Since 1956, BWHA has been the voice of the community. Its mission is to improve the quality of life for BWHA's members and for the greater BWHA community. The Proposed Project is adjacent to the BWHA community's western border and will severely and negatively impact the BWHA community. The Project as currently proposed fails to comply with applicable State and City ordinances and plans, including the City Charter, the City's adopted General Plan Framework Element, the adopted Wilshire Community Plan, the California Environmental Quality Act, and the California Government Code, thereby permanently debasing the character, scale, and livability of the Wilshire Community Plan area, including the Beverly-Wilshire neighborhood.

Furthermore, the General Plan Amendment, which is required to enable this community plan non-compliant Proposed Project, runs afoul of the City Charter and constitutes unconstitutional spot zoning. Allowing developers to deviate from adopted community plans, long-established height maximums based on adopted zoning ordinances, and design precedents only invites future landowners to request (and receive) additional deviations from existing ordinances and plans, further eroding the community character and quality of life of existing residents and businesses. Additionally, the approval of density bonus incentives to increase the permitted Floor Area Ratio (FAR) constitutes an unlawful perversion of the City of Los Angeles' Density Bonus law, the local implementation of Senate Bill 1818.

II. The General Plan Amendment is not permissible under Los Angeles City Charter Section 555 and L.A.M.C., Section 11.5.6

The Proposed Project does not comply with the existing General Plan. (See FEIR 4.2-13; DEIR 4.2-2; Wilshire Community Plan Objective 2.3-1; discussion Section III of this letter.) To skirt General Plan requirements, policies and limitations, the developer requested a

General Plan Amendment to change the land use requirements for 333 La Cienega, (See FEIR 4.2-16, 4.2-13.)¹ The Commission has violated the City Charter by amending the City's General Plan especially for this private property owner and developer.

A Charter City must comply with all provisions of its City Charter, which, essentially serves as the City's Constitution. "In the case of a charter city [such as Los Angeles], 'the charter represents the supreme law of the City, subject only to conflicting provisions in the federal and state constitutions and to preemptive state law.'" (*San Diego City Firefighters, Local 145, AFL-CIO v. Board of Admin. of San Diego City Employees' Retirement System* (2012) 206 Cal.App.4th 594, 608 ["*San Diego*"].) A "charter city may not act in conflict with its charter... any act that is violative of or not in compliance with the charter is void." (*Ibid.*, citing *Domar Electric, Inc. v. City of Los Angeles* (1994) 9 Cal.4th 161, 171.)

Los Angeles City Charter Section 555 ("Section 555") prohibits the approval of the General Plan Amendment needed by the Applicant to change the parcel's Height District from 1D to 2D. Charter Section 555 provides that the General Plan may only be amended "in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has *significant social, economic, or physical identity*." (City Charter § 555(a).) Essentially, Section 555 provides that the City cannot make piecemeal amendments to the General Plan, which provides consistent, comprehensive land use planning for the City. The Applicant has not requested that the General Plan be amended in its entirety or by subject elements, such as the Housing Element, Transportation Element, or even the Wilshire Community Plan. (See FEIR 4.2-16, 4.2-13.) Nor has the Applicant

¹ Finding 3b on page F-9 of the Corrected Letter of Determination dated November 18, 2016 is not supported by substantial evidence. The Director of Planning did not propose the amendment to the Wilshire Community Plan. See Request for Initiation of an Amendment to the City's General Plan, and attachment. The amendment to the Wilshire Community Plan was proposed by the Applicant, and then echoed by the Director of Planning in the memo dated March 2, 2015. Had the Applicant not requested the amendment, the Director of Planning would not have proposed it. Under City Charter § 555 (b), and under the implementing ordinance L.A.M.C., § 11.5.6, amendments to a General Plan can be initiated only by the Council, Commission or Director of Planning. An Applicant may not initiate an amendment to an element of the General Plan. This makes sense from a planning and zoning law perspective, since the General Plan is supposed to be a democratic comprehensive planning document for the City, and is not to be treated as a special favor vehicle at a special interest's request.

requested that the General Plan be amended for a specific geographic area that has significant social, economic, or physical identity. (*Ibid.*) 333 La Cienega cannot be said to possess its own significant social, economic, or physical identity. It is simply a 1.15 acre parcel of commercial land within a broader neighborhood that shares geographic, social, economic, and physical qualities (See FEIR 4.2-1 – 2.). A General Plan Amendment that solely applies to the Project site therefore violates Section 555.

Approval of the General Plan Amendment request would also violate City Charter section 555(b) and Los Angeles Municipal Code (“LAMC”) section 11.5.6. Under Section 555(b), only “[t]he Council, the City Planning Commission or the Director of Planning may propose amendments to the General Plan.” L.A.M.C., section 11.5.6 states “an amendment to the General Plan may be initiated by the Council, the City Planning Commission or the Director of Planning.” Initiation of a General Plan Amendment by anyone other than “[t]he Council, the City Planning Commission or the Director of Planning”, including a landowner, is violative of the Charter, and therefore, void. (See City Charter § 555(b); *San Diego, supra*, 206 Cal.App.4th at 608.) Under Section 555(b) and LAMC section 11.5.6, a landowner may not request any amendment to the General Plan.

The Applicant’s request for a General Plan Amendment is also unlawful because zone changes must be consistent with existing General Plan requirements. Under the Charter, though a landowner may apply for a zone change, the zone change must still be consistent with the existing General Plan. (City Charter § 558.) The Charter states, “an ordinance, order or resolution [to change any zones or regarding zoning regulations] may be proposed by the Council, the City Planning Commission, or Director of Planning, or by application of the owner of the affected property if authorized by ordinance.” (*Id.* §§ 558(a)(1)(2), (b)(1).) If a landowner requests a zone change, the Planning Commission is required to ensure that a requested zone change is consistent with *existing* requirements imposed by the General Plan. (See *Id.* § 558(b)(2).) It must make a “recommendation regarding the relation of the proposed ordinance, order or resolution to the General Plan.” (*Ibid.*) A landowner, therefore, may not request amendments to the General Plan in order to mold the General Plan to a requested zone change. (Compare City Charter §§ 558 and 555; see also L.A.M.C., Section 12.32.) That

would be akin to changing the State Constitution so that otherwise unconstitutional legislation would be rendered constitutional. As our Supreme Court has stated in *Lesher Commc'ns, Inc. v. City of Walnut Creek* (1990) 52 Cal. 3d 531, 541:

“A zoning ordinance that is inconsistent with the general plan is invalid when passed (*deBottari v. City Council* (1985) 171 Cal.App.3d 1204, 1212, 217 Cal.Rptr. 790; *Sierra Club v. Board of Supervisors* (1981) 126 Cal.App.3d 698, 704, 179 Cal.Rptr. 261). The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. *The tail does not wag the dog. The general plan is the charter to which the ordinance must conform.*” (emphasis added.)

As such, the City may not lawfully approve the Applicant's, or any other individual landowner's, request for a General Plan Amendment for a specific project site or parcel.

III. The Approval of the Proposed Project Constitutes Illegal Spot Zoning

The General Plan is the basic land use charter that embodies fundamental land use and planning decisions and governs the direction of future land use in a city's jurisdiction. The purpose of the General Plan is to inform citizens, developers, decision makers and other cities of the ground rules that guide development within the community. Any subordinate land use action, such as a zoning ordinance, that is not consistent with a city's current general plan is invalid at the time it is passed. (*Lesher Communications, Inc., v. City of Walnut Creek*, (1990) 52 Cal.3d 531.)

The Proposed Development's application provides that the Property be rezoned from C2-IVL-O to C2-2D-O, in order to change the Height District 1VL to Height District 2. (DEIR, 4.2-13.) This rezoning is not consistent with the General Plan because it is not consistent with the Wilshire Community Plan.

The Commission's approval of the zone change and height district change enables the landowner to increase the mass and height of the development to a Floor to Area Ratio of 4:1 and unlimited height, when surrounding property owners are limited to a Floor to Area Ratio of 1 and a half to 1 and 45 feet in height. (DEIR, 4.2-10, 4.2-13.) The zone change vests the developer with the right to a significant increase in height. (See *ibid.*) The Commission's

approval of the Proposed Development in its current form, therefore, constitutes unlawful spot zoning.

“A spot zone results when a small parcel of land is subject to... *less* restrictive zoning than surrounding properties.” (*Foothill Communities Coalition v. County of Orange* (2014) 222 Cal.App.4th 1302, 1312, 1314 review denied (Apr. 30, 2014).) Discriminatory spot zoning that up-zones a specific property at the expense of the surrounding community is only proper where “a substantial public need exists.” (*Ibid.*; *id.* at 1307.). In the case of this privately-owned parcel, there is not evidence for a substantive public need to engage in spot-up-zoning.

In *Foothill*, the court looked to whether the spot zoning was consistent with applicable General and Specific Plans to determine whether a substantial public need necessitated the change in zoning. (See *id.* at 1314-1319.) The applicant wished to create a senior living home in an area zoned for residential uses, that did not permit senior living facilities. (See generally, *id.*) The proposed senior living facility, however, was quite similar to the surrounding zoning. It “was residential in nature,” “designed to be similar in scale to the surrounding residential units,” and the project’s “orientation, including... enhanced setbacks [and] building heights... visually maintain[ed] the area's residential character.” (*Id.* at 1317.) In addition, the applicable General Plan identified senior housing as “an important concern” and provided that “Senior housing projects are a permitted use within any residential zoning district... [t]he zoning ordinance is not considered to be a constraint to the development of senior housing.” (*Id.* at 1315-1316.) Under these specific circumstances, the court found that there was a substantial public need for a senior home in this location. (*Ibid.*)

The Proposed Project here is not the result of a substantial public need. The General Plan does not prioritize a need for luxury housing, nor do such uses meet a public need that rises to the level of providing senior housing. In fact, the spot zoning requested for the Proposed Development is contrary to the public interest, and, unlike the development in *Foothill*, is contrary to the objectives of the General Plan. Any argument that the Proposed Project is the result of substantial public need because it provides 13 “affordable” units is a farce. The Applicant is entitled to build 60 units by right on this parcel, and he could obtain a density bonus to build 13 affordable units without necessitating any zone change or

discretionary approval at all. (See discussion of Alternative 2 in DEIR; FEIR.)

The Proposed Development is governed by the Wilshire Community Plan (“Community Plan”), which is part of the Land Use Element of the City’s General Plan. (DEIR, 4.2-2.) The Community Plan designated the site of the Proposed Development as Neighborhood Office Commercial. (*Ibid.*) Community Plan Objective 2.3-1 provides that in this designated area, the City must “require that new development be compatible with the scale of adjacent neighborhoods.”

The Project, however, as proposed, is completely incompatible with the scale of adjacent and existing neighborhoods. For example, under existing zoning requirements, maximum height of any new development must be maintained at no higher than 45 feet, but the Proposed Project contemplates a 240-foot structure. (DEIR, 4.2-10, 4.2-13.) The highest surrounding buildings, at Cedars-Sinai Hospital, are generally 8 stories tall, while this Proposed Project’s height translates into approximately 20 stories, which is more than twice the number of stories of buildings in the vicinity – in this case buildings that meet a clear public need – a large hospital. Furthermore, most buildings on La Cienega Boulevard, to the north, between Beverly Boulevard and West Hollywood, conform to the corridor’s 45-foot height limit required by its C2-1VL zone. To the south, nearly all buildings between this site and Wilshire Boulevard also conform to the 45-foot height requirement. The 8500 Burton Way Project, which (unlawfully) received a General Plan Amendment in 2009², is 87 feet tall, only 36% of the size of the Proposed Project. (See Exhibit C.)

In addition, the Wilshire Community Plan provides that development must “Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations, and existing bus route stops.” (Wilshire Community Plan Objective 1-2.) Though the Proposed Development claims that the project

² See CPC-2008-1957-GPA-ZC-HD-CUB-ZV-ZAA-SPR and zone change Ordinance No. 180,766. Existing footnote 5.1 of the Wilshire Community Plan was the result of this General Plan Amendment to facilitate the 8500 Burton Way Project, another project of Mr. Caruso’s, the Applicant of the Proposed Project at issue. Thus, Mr. Caruso is using the General Plan Amendment he received 7 years ago as precedent for justifying his current request for another General Plan Amendment on the 333 S. La Cienega parcel. This is the “slippery slope” that many, including officials in the City Planning Department, warned about. (See Exhibit J [LA Weekly article “Density Hawks”]; *see also* comments from former Los Angeles City Planning official Richard Platkin, incorporated by reference herein.)

will reduce vehicular trips and congestion, evidence in the record indicates that the Project would serve higher-income residents who will not utilize public transit, and therefore, will increase traffic on already congested streets. (DEIR; See Exhibit D, [Wattenhoffer, *The Latest Look for the 19-Story Luxury Apartment Tower Set to Rise By the Beverly Center* (Oct. 14, 2015) Curbed LA <<http://la.curbed.com/2015/10/14/9911464/caruso-333-la-cienega-apartment-tower-renderings>> [*"The Latest Look"*]]; Exhibit E, [Vincent, *Rick Caruso Plans to Build Luxury Apartment Building Near Beverly Center* (Mar. 9, 2015) Los Angeles Times <<http://www.latimes.com/business/la-fi-caruso-apartments-20150310-story.html>> [*"Caruso Plans"*].) As such, it cannot be said that the Proposed Project meets a significant public interest, or that the spot zoning approved by the Commission is lawful. There is no demonstrated need for additional expensive luxury housing in the Wilshire Community Plan area, including this neighborhood, nor is there any demonstration that existing zoning in this neighborhood is not sufficient for the by-right construction of extremely expensive luxury housing.

City Charter section 558 states:

(a) The requirements of this section shall apply to the adoption, amendment or repeal of ordinances, orders or resolutions by the Council concerning:

(1) the creation or change of any zones or districts for the purpose of regulating the use of land;

(2) zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances;

(3) private street regulations;

(4) public projects; and

(5) the acquisition of, change of area or alignment to, abandonment of, or vacation of any public right of way, park, playground, airport, public building site or other public way,

ground or open space, but not including easements for sewers, storm drains or slopes, nor the temporary transfer of jurisdiction over any portion of a street to another local agency.

(b) Procedures for the adoption, amendment or repeal of ordinances, orders or resolutions described in subsection (a) shall be prescribed by ordinance, subject to the following limitations:

(1) *Initiation.* An ordinance, order or resolution may be proposed by the Council, the City Planning Commission, or Director of Planning or by application of the owner of the affected property if authorized by ordinance.

(2) *Recommendation of the City Planning Commission.* After initiation, the proposed ordinance, order or resolution shall be referred to the City Planning Commission for its report and recommendation regarding the relation of the proposed ordinance, order or resolution to the General Plan and, in the case of proposed zoning regulations, whether adoption of the proposed ordinance, order or resolution will be in conformity with public necessity, convenience, general welfare and good zoning practice. The City Planning Commission shall act within the time specified by ordinance. After the City Planning Commission has made its report and recommendation, or after the time for it to act has expired, the Council may consider the matter. Failure to act within the time prescribed by ordinance shall be deemed to be a recommendation of approval by the City Planning Commission of the proposed ordinance, order or resolution.

(3) *Action by the Council.* Before adopting a proposed ordinance, order or resolution, the Council shall make the findings required in subsection(b)(2) of this section.

Thus, the City Charter requires that the zone change be in conformity with public necessity, convenience, general welfare and good zoning practice. But spot zoning such as this is not good zoning practice. Spot zoning engenders the deleterious practice of legislative bodies such as Planning Commissioners and City Council members swapping the increased land value resulting from a spot zoned parcel for donations to an upcoming campaign or a pet

non-profit. For example, as explained in a major investigatory news story that ran on the front page of the California Section of the Los Angeles Times in December 2016, the Applicant and owner of the property upon which this project is proposed made nearly half a million dollars in political contributions to city officials leading up to the Commission's approval of his six applications for discretionary actions for this proposed project, and an editorial in the Los Angeles Times criticized this pattern and practice of spot zoning for donations (a.k.a., "soft corruption"). (See Exhibit F.)

IV. The Approval of the Proposed Project violates the Subdivision Map Act

Under Government Code section 66474.61, the City of Los Angeles may not approve a project requiring a tentative tract map if any one of the following findings can be made:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the legislative body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

The City abused its discretion in approving the VTT-Map because the findings that the project is consistent with the General Plan are not supported by substantial evidence. In addition to the Wilshire Community Plan inconsistencies discussed herein, the project approval is inconsistent with the General Plan Framework Element's policies regarding ensuring adequate public services infrastructure prior to approving an increase in density

above that which is beyond what the Wilshire Community Plan envisions, for reasons explained further below.

V. Approval of the Proposed Project Constitutes an Abuse of Discretion due to inconsistency with the City's General Plan Framework Element and the Land Use Element's Wilshire Community Plan

The Proposed Project requires a Site Plan Review under L.A.M.C., section 16.05, the purpose of which is to:

promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements. (L.A.M.C., § 16.05(A).)

The Site Plan Review Findings are not supported by substantial evidence, and the project was erroneously deemed in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community plan. Contrary to the Findings set forth on pp. F-25 through F-27 of the Corrected Letter of Determination dated November 18, 2016, the project is not consistent with the few "cherry-picked" goals, objectives and policies of the Wilshire Community Plan.

For example, the Project cannot be deemed to be consistent with Policy 1-1.4 because the two programs implementing that policy have no relevance to this one individual parcel containing this one individual development project. Nor can consistency be found between the Project and Objective 1-2 because, as further explained below, there is no evidence supporting the finding that the project will reduce vehicle trips and congestion. It is not consistent with Policy 1-2.1, because the project is not near a major transportation center. It is not consistent with Policy 2-1.2 because the project does not adhere to the Wilshire Community Plan's land use designation – in fact, it necessitates an amendment to the designation.

Not surprisingly, the Commission and its Corrected Letter of Determination completely ignores the thorny problems posed by the Framework Element goals, policies and objectives, as well as ignores some of the most relevant and on-point goals, policies and objectives of the Wilshire Community Plan. For example, it ignores Policy 1-1.1, which is to “Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life.” As another example, for reasons stated by Mr. Rifkin under separate cover, the project is inconsistent with Policy 1-3.4.

The City must ensure horizontal and vertical consistency of its General Plan, and cannot amend the General Plan in a manner that would render it internally inconsistent. Yet that is exactly what the Commission has done by approving the Applicant’s General Plan Amendment.

The Framework Element is the foundation of the City’s General Plan. It provides the “standards, goals policies, objectives, programs, terms, definitions, and the direction to guide the update of citywide elements and the community plans.” The Framework Element’s Policy 3.3.2 requires that the City monitor population, development, and infrastructure and service capacities within the City and each community plan area and that the results of the monitoring be annually reported to the City Council. In addition, the annual monitoring and reporting is to inform the City whether a study needs to be initiated to consider whether additional growth should be accommodated. Such a study is required when 75 percent of the forecast of growth is attained in a community plan area and the study should determine the level of growth that should be accommodated and correlate that level with the capital, facility, or service improvements and/or transportation demand reduction programs that are necessary to accommodate that level. (Objective 3.3, Policy 3.3.2 (c).)

According to the City’s most recent Annual Report on Growth and Infrastructure, 86 percent of the forecast growth has been attained in the Wilshire Community Plan area as of 2014, and 87 percent projected in 2015, well over the 75 percent threshold. (See Exhibit G.)

Despite having reached well over the 75 percent threshold, however, the City has failed to initiate the required study to consider whether additional growth should be accommodated by correlating the additional growth with the necessary capital improvements, facility improvements or service improvements and transportation demand reduction programs prior to amending the General Plan.

The Wilshire Community Plan provides:

For each plan category, the plan permits all identified corresponding zones, as well as those zones which are more restrictive as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC). Any subsequent action that modifies the plan or any monitoring review that results in changes to the plan must make new plan consistency findings at the time of that decision. City actions on most discretionary projects require a finding that the action is consistent or in conformance with the General Plan. In addition to the required general finding, decision makers acting on certain projects in the Wilshire Community Plan area shall refer to each of the applicable additional findings that the plan identifies as programs, policies, or objectives contained in Chapter III. To further substantiate the consistency findings, decision makers may cite other programs, policies or objectives that would be furthered by the proposed project. In addition, Chapter V of the Plan requires a decision-maker to make a finding of conformance with applicable design standards for discretionary projects. (See page II-5 of the Wilshire Community Plan)

In approving the project, the Commission has effected a modification to the Wilshire Community Plan. (See footnote 5.1 of Wilshire Community Plan.)

The Commission abused its discretion in finding that the project is consistent with the Wilshire Community Plan. No reasonable person could conclude that a 20-story skyscraper adjacent to the Beverly-Wilshire residential and commercial neighborhood is compatible in scale and character. (see e.g., R. Platkin's comments and photographs; height comparison chart(s) at Exhibit C.)

VI. The EIR is Deficient Under CEQA

A. The Failure to properly analyze and adopt proposed feasible alternatives violates CEQA.

The DEIR presents several environmentally superior alternatives to the Proposed Project, including a “No Project” Alternative, (DEIR 6-9-6-11), two permutations of an Alternative 2, which would both comply with existing zoning requirements, (*Id.* at 6-11-6-17), and Alternative 3, which would reduce the overall mass and scale of the Proposed Project, but would still require a General Plan Amendment to spot zone the parcel (*Id.* at 6-17-6-21). Each of these options would reduce the environmental impact of the Proposed Project, yet the City failed to adopt any of these feasible alternatives. (See *Id.* at 6.0 *et seq.*)

CEQA provides a “*substantive mandate* that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures” that can lessen the environmental impact of proposed projects. (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 134, citing Pub. Resources Code, § 21081 emphasis added.) It “compels government... to mitigate... adverse effects through... the selection of feasible alternatives.” (*Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1233, see also Pub. Resources Code, § 21002.) Under the CEQA Guidelines, lead agencies may not approve a project as proposed if there are feasible alternatives available that would substantially lessen the project’s significant environmental impacts. (Cal. Code Regs., tit. 14, § 15091 [“CEQA Guidelines”].)

In this case, several proposed alternatives would substantially lessen the project’s significant environmental impacts, but the City failed to adopt any of the alternatives. (See DEIR.) The No Project Alternative would substantially lessen the project’s environmental impacts, though it would not meet project objectives. (*Id.* at 6-8 – 6-11.) Alternative 2, Options 1 and 2 would meet Project objectives and would substantially lessen significant environmental impacts associated with the Proposed Development. (*Id.* at 6.0 *et seq.*, Table 6-1.) Alternative 2, Option 1, includes the development of a three-story, 45-foot tall building for medical office use. (*Id.* at 6-4.) Alternative 2, Option 2, includes the development of a three-story, 45-foot tall buildings with ground floor medical offices and two stories of residential

units above, totaling 40 units. (*Ibid.*) According to the City, Option 1 and Option 2 would reduce environmental impacts, including aesthetic impacts, such as light and glare as well as shade and shadow, noise, and transportation and circulation impacts. (*Id.* at 6-8.) They are also consistent with existing zoning requirements for building height and building use. (See *id.* at 6-3, 6-11.) These alternatives are consistent with the Wilshire Community Plan. In addition, according to the City, Option 2 meets the vast majority of the project objectives articulated by the City. (See *id.* at 6-17.) Alternative 3 somewhat lessens the significant environmental impacts of the Proposed Project, (*Id.* at 6-8, 6-17-6-21), and meets the majority of project objectives. (*Id.* at 6-21.) Despite the benefits and lessened impact of these alternatives, the agency failed to adopt any alternative. (*Id.* at 5-3, 6-16, 6-17, 6-21.)

Where, as here, an agency approves a project that has significant environment impacts and fails to adopt a feasible alternative, it must articulate specific findings that make a proposed alternative infeasible. (Pub. Resources Code, § 21002.1(b); CEQA Guidelines § 15092.) Findings that an alternative is infeasible must be supported by substantial evidence in the record. (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 997, as modified (Oct. 2009) [“We thus review the City’s infeasibility findings for substantial evidence”]; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 559 [agency decision “to reject the alternatives as infeasible was supported by substantial and tenable evidence”].) The agency must also articulate its analysis and how the agency reached its determination. (See *Cal. Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App. 4th 173, 203.)

The agency’s determination that Alternative 2, Options 1 and 2 are not feasible is not supported by substantial evidence in the record. The agency did not articulate specific findings as to why the proposed alternatives are infeasible. (See generally DEIR, DEIR 5-3, 6-16- 6-17, 6-21; CPC Determination Letter.) Nor did it provide an analysis of why it is not feasible for these Options to meet the Project’s objectives, (DEIR 5-3, 6-16- 6-17), or explain how it concluded that it should adopt the Proposed Project, rather than Alternative 2, Options 1 and 2, (see generally DEIR 5-3, 6.0), or Alternative 3 (DEIR 6-17-6-20). (Planning Determination Letter, pp. 69-75.) The DEIR simply states: “All three alternatives would not meet project

objectives, as discussed in further detail in Chapter 6.0, *Alternatives*, of this Draft EIR.” (*Id.* at 5-3.) However, in Chapter 6.0, rather than discuss *how* the proposed Alternatives do not meet the project objectives, the agency simply asserts *that* the Alternatives do not meet the Proposed Development’s objectives. (*Id.* at 6-16, 6-17.) For example, the DEIR explains:

Option 1 would not ... meet the project objective to create open space and recreational opportunities for residents, nor would it provide new ground level open space and water features that would enhance the visual character of the neighborhood. Furthermore, this alternative would not encourage pedestrian activity with walkability [sic] and safety improvements, landscaping, and high quality architecture. (*Id.* at 6-16; see Determination Letter, pp. 69-70.)

The agency, however, fails to explain how it is infeasible for Option 1 to meet these objectives. For example, why is it the Applicant cannot design these alternative projects with ground level open space, walkability, safety improvements, landscaping, and high quality architecture as it did for its desired proposed project? Likewise, the DEIR asserts, without analysis, that Option 2 “would not provide high-density housing, which is one of the key components of the project objectives,” without explaining what constitutes high density housing, or how Option 2 fails to meet these standards. (DEIR at 6-17.) The DEIR continues:

In addition, Option 2 would not open space and recreational opportunities for residents, nor would it provide new ground level open space and water features that would enhance the aesthetic of the neighborhood. Furthermore, this alternative would not encourage pedestrian activity with walkability [sic] and safety improvements, landscaping, and visually stimulating architecture. (*Id.* at 6-17; see Planning Determination Letter, pp. 71-72.)

The record does not elaborate on or expand this analysis to provide data or information that supports these conclusory statements. (See generally EIR, EIR 3-26-3-33, Planning Determination Letter, pp. 69-75.) Furthermore, there is no proposed design for Alternative 2, so there is no reason why a project conforming to existing zoning and plan designations could not be aesthetically pleasing, have a mix of uses, contain landscaping, encourage pedestrian activity, and complement existing community character. These project goals could be equally achieved by this environmentally superior alternative, as demonstrated by many new by-right

projects on adjacent commercial corridors that are pedestrian oriented and esthetically pleasing. To the extent that the EIR so narrowly defines the project objectives to preclude any option but the developer's preferred choice, the EIR is faulty.

The EIR, therefore, violates the mandates of Public Resources Code sections § 21081, 21002.1(b) and CEQA Guidelines sections 15091 and 15092.

B. The Statement of Overriding Considerations is not supported by substantial evidence and therefore adoption of it constitutes an abuse of discretion

In the EIR and Notice of Determination, the City found that the Project will result in unavoidable and unmitigatable significant noise impacts, but nonetheless decided to approve the Project. (Planning Determination Letter, pp. 67-68, 81; DEIR 4.3.)³

CEQA provides that an agency may adopt a project with unavoidable adverse environmental impacts, “[i]f the specific economic, legal, social, technological, or other benefits... of a proposal project outweigh the unavoidable adverse environmental effects.” (Pub. Resources Code, § 21002; CEQA Guidelines, § 15093(a).) Under CEQA, if an “agency approves a project which will result in the occurrence of significant effects [that] are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.” (CEQA Guidelines, § 15093(b).) The agency must provide specific overriding legal, economic, social, technological, or other considerations that outweigh the environmental impacts of a project. (Pub. Resources Code, § 21081; CEQA Guidelines, § 15093.) A “statement of overriding considerations shall be supported by substantial evidence in the record.” (CEQA Guidelines, § 15093(b); see *Sierra Club v. County of Contra Costa* (1992) Cal.App. 4th 1212, 1223 [disapproved on other grounds in *Voices of the Wetlands v. State Water Resources Control Bd.* (2011) 52 Cal.4th 499] [“*Sierra Club*”].)

In *Sierra Club, supra*, Cal.App. 4th 1212, the agency adopted a statement of overriding considerations that listed twelve project benefits that the agency claimed overcame the

³ Noise impacts are not the only significant impacts that have not been mitigated to a level of insignificance. Traffic impacts also are significant (see Rifkin Peer Review, incorporated herein by reference.) As are Fire Protection and Emergency Service Response impacts.

project's environmental impacts. The court found that three of the twelve asserted benefits were not supported by substantial evidence, and, thus determined that the statement of overriding considerations was defective. (*Id.* at 1224.)

Here, substantial evidence does not support the agency's statement of overriding considerations. The Statement of Overriding Considerations says that the Project confers seven benefits, including: (1) providing "much needed rental housing... near employment centers;" (2) helping in a reduction of "air quality, greenhouse gas and traffic impacts; and (3) "supporting multimodal transit" with bike shelters and adding a new bus shelter. (Planning Determination Letter, pp. 81-82.) However, the record does not contain substantial evidence to support the City's conclusion that the Project will actually, in fact, confer these benefits.

The City claims that this Project will provide the benefit of rental housing near employment centers "such as Cedars-Sinai Medical Center and Beverly Center." (*Id.* at p. 81.) But, the record demonstrates that the vast majority of tenants in the proposed building would not work at local employment centers. (See *ibid.*, EIR 1-2, DEIR 2-1.) The Project is a luxury housing development, with penthouses, an on-site spa, pool, lounge, fitness club, and valet entry for residents. (DEIR 2-1, 2-6, see EIR 1-2.) Of the Project's 145 units, only 7 units are designated low-income, another 6 moderate-income. (See *ibid.*, EIR 1-2, DEIR 2-1.) The Proposed Development is slated to mirror the 8500 Burton Way residences, which are rented at an average of \$12,000 per month for one and two bedroom apartments. (See *The Latest Look, supra*; *Caruso Plans, supra*.) The Proposed Development is touted as the "newer, bigger counterpart" to the existing 8500 Burton Way development, which includes "mix of fashion designers, entertainment industry executives, doctors, celebrities and "heads of state from different parts of the world," according to the Applicant. (*Caruso Plans, supra*.) At meetings with the Beverly Wilshire Homes Association on Wednesday, February 11, 2015, and March 17, 2016, the Applicant indicated that the Proposed Development would have all of the amenities of a five-star hotel, including a concierge service to do shopping for tenants, as well as chauffeur-driven luxury cars that would be on-call for residents. The vast majority of the residents who would live at the project site would not work at, or benefit from the proximity to, local employment centers. (See generally *Caruso Plans, supra*.) In addition, though the

Statement of Overriding Considerations states that the Proposed Project would provide “much needed rental housing,” the record lacks substantial evidence demonstrating that the residential units in this luxury facility would meet the community’s need for affordable rental or work force housing. (See generally DEIR 2.0, EIR 1.0, Planning Determination Letter.) In fact, the evidence, including the developer’s comments to community organizations and media, suggests otherwise. (See DEIR 2-1, 2-6; EIR 1-2; *The Latest Look, supra*; *Caruso Plans, supra*.)

The City also claims that this Project would assist the City in reducing:

air quality, greenhouse gas and traffic impacts by providing employment-generating land uses and residences in an area... served by public transportation, including... the Metro Purple Line station...Metro local bus lines... DASH route, and an Antelope Valley bus line, thereby reducing vehicles miles traveled and associated air quality and greenhouse gas emissions impacts. (Planning Determination Letter pp. 81-82.)

It posits that this development will “support multimodal transit” with bike shelters and by adding a new bus shelter. Evidence in the record does not support these assertions. In fact, the record demonstrates that the majority of individuals who would visit the Project would not utilize bikes or public transportation options. The record demonstrates that retail spaces associated with the Project are only projected to support 84 jobs, so the vast majority of individuals who would visit the Project would be residents and their guests.⁴ (See Determination Letter, p. 81.) According to the developer:

A key factor in the building’s appeal is hotel-like service... [t]here is a driver and car to help tenants run errands or get to the airport. A concierge will secure concert tickets or see to it that tenants’ grocery lists are fulfilled and the food is stocked in their pantries. (*Caruso Plans, supra*.)

Proposed all-inclusive amenities that cater to residents’ every need demonstrates that residents and their guests will not utilize METRO bus lines, the Los Angeles DASH, an

⁴ Alternatives 1 and 2, which are extensions of the medical-hospital center, would employ far more people, most of whom would have higher incomes than the maids, janitors, errand-runners, and drivers for the Alternative 4.

Antelope Valley bus line, bikes, or the Metro system for their transportation needs. (See DEIR 2-1, 2-6, see EIR 1-2.) A demographic profile of METRO passengers derived from on-board surveys, indicates that METRO riders average income is \$16,377 per year. (Exhibit H, Kridler, *Results for Metro's Biannual Survey* (May 6, 2014).) Individuals who utilize METRO, therefore, are unlikely to rent units at 333 S. La Cienega, where units will likely cost an average of \$12,000 per month. (*Caruso Plans, supra.*) Based on this information, there is no evidence that this transit-adjacent project is actually a transit-oriented project. The evidence instead supports a conclusion that Project residents and visitors would likely travel by car to the Project site, as the Proposed Project provides for valet services on multiple sides of the building (DEIR 2-6, 2-24), an on-call driver and car (*Caruso Plans, supra*), and five levels of underground parking, (*Id.* at 2-25). (See generally DEIR 4.4.)

As the record does not contain substantial evidence that supports the asserted benefits set forth in the Statement of Overriding Considerations, under CEQA Guidelines, § 15093(b), the City's Statement of Overriding Considerations is defective and unlawful.

C. The Final EIR's Conclusion of No Significant Impact to Emergency Response/Fire Protection is not Supported by the Evidence.

In Los Angeles, a project would have a significant impact on fire protection if it "requires the addition of a new fire station or the expansion, consolidation or relocation of an existing facility to maintain safe response times and proper fire service." (See Los Angeles CEQA Thresholds Guide ["CEQA Thresholds Guide"], K.2-3.) To determine whether a project would require a new fire station or the expansion or relocation of an existing facility, a responsible agency must:

Consider... whether the project site meets the recommended *response time and distance requirements*... [to] [s]pecifically evaluate the need for a new fire station or expansion, relocation, or consolidation of an existing facility to accommodate increased demand. (*Id.* at K.2-4.)

The EIR concludes that the Project would not require a new fire station (FEIR 2-55), and thus the Project would have no significant impact on Fire Protection (DEIR Appendix A-1 Initial Study, B-84). This conclusion is not supported by the evidence.

First, the Proposed Project would be outside of the maximum response distance from the closest fire station. For commercial land uses, the minimum response distance is 1 mile. (CEQA Thresholds Guide, K.2-2; Los Angeles Municipal Code, § 57.09.07.) For neighborhood land uses, the minimum response distance is 1.5 miles. (*Ibid.*) The closest fire station is 1.7 miles from the Proposed Project. (DEIR Appendix A-1 Initial Study, B-85.) The City itself has concluded:

The proposed project would be served by Fire Station No. 61, located at 5821 West 3rd Street. The station has a current response time of approximately five minutes, and is located approximately 1.7 miles west of the project site. *This distance is outside of the 1.5 mile maximum response distance from Station 61.* (DEIR Appendix A-1 Initial Study, B-85, emphasis added.)

Under the City's CEQA Thresholds Guide, the location of the Proposed Project from the closest fire station suggests that the Proposed Project would require a new fire station or the expansion or relocation of an existing facility.

Second, the City does not provide sufficient evidence to support a conclusion that the Proposed Project is within the maximum response time required from the closest fire station. The City incorrectly suggests that the response time from Station 61 would be adequate, based on the phone call with Craig Nelson, Captain of Los Angeles Fire Department's Station 61. (FEIR 2-55, fn. 12.) This suggestion is not supported by the evidence. The EIR asserts that Station 61 would have a response time of five minutes. (FEIR 2-55 – 56; DEIR Appendix A-1 Initial Study, B-85.) The City does not provide any evidence, data, or analysis that directly supports the conclusion that Station 61 could respond to an emergency call within five minutes, other than a hearsay statement allegedly from a Fire Captain Nelson. (FEIR 2-55 – 56; DEIR Appendix A-1 Initial Study, B-85; see generally DEIR, FEIR.) The City does not provide a transcript of the call with Captain Nelson or an explanation of what was discussed. (See FEIR 2-55, fn. 12.) In fact, objective, reliable evidence suggests that it would take more

than five minutes for Station 61 to respond to an emergency incident at the Project. According to the Los Angeles Fire Department, response time for fire personnel with Emergency Medical Services (“EMS”) to locations within the 1.5 mile maximum response distance in this congested area of the City is five minutes and forty-two seconds for turn out time and travel time. (See Los Angeles Fire Department Response Metrics for Station 61 (Nov. 23, 2016) <<http://www.lafd.org/fsla/stations-map?st=581&year=2016>>.) EMS responses comprise 85% of all Fire Department responses. (Fire Chief Ralph M. Terrazas April 22, 2016 Memorandum Re: Implementation of the EMS Bureau.) According to the Los Angeles Times, the average response time is eight minutes and thirty seconds. (See Los Angeles Times Data Desk, *How Fast is LAFD Where You Live?* (Dec. 30, 2016) <http://graphics.latimes.com/how-fast-is-lafd/#13/34.0726/-118.4069>.) This data suggests that the response time would take more than five minutes for an EMS and fire response, as the Proposed Project is outside the maximum response range. (See *ibid.*)

Even if the evidence demonstrated that Station 61 could respond within five minutes, the EIR fails to analyze whether this is an adequate response time, given the size and height of the building. The EIR fails to disclose the standards for required response times for a Project of this size and scope where the Wilshire Community Plan provides that development in this area should be limited in height and density. (*Ibid.*) Nor did the EIR explain how Station 61’s response time would meet standards for station responsiveness. (*Ibid.*) Without such analysis and disclosure, the City cannot reasonably draw conclusions regarding the adequacy of the response times and any conclusions drawn at this time are unsupported by the evidence for that reason. In fact, the evidence suggests that a response time of more than five minutes is insufficient. The National Fire Protection Association (“NFPA”) standard 1710 mandates that fire departments response time, including turn out time, be less than five minutes in order to ensure public health and safety. (Exhibit K.) The evidence available, therefore, suggests that the fire response time for the Proposed Project is inadequate.

The City’s position that the Proposed Project would not require the “expansion, consolidation or relocation of an existing facility to maintain safe response times and proper fire service” and thus would not result in significant impacts is untenable. The Proposed

Project exceeds the fire response distances established by the Los Angeles Municipal Code. The fire response times to the Project would exceed national standards. This evidence indicates that the Proposed Project, in fact, “requires the expansion, consolidation or relocation of an existing” fire station, and, therefore, would result in a significant impact to fire protection and emergency medical services.

D. Responses to Comments Are Inadequate

BWHA submitted comments on the Draft EIR. The Final EIR’s responses to these comments are in many respects inadequate because they are nonresponsive. A lead agency must specifically explain its reasons for rejecting suggestions received in comments and for proceeding with the project despite its significant environmental impacts. (See *City of Maywood v Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 391.) “When a comment raises a significant environmental issue, the lead agency must address the comment in detail giving reasons why the comment was not accepted.” (*Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615 [“*Flanders*”].) There must be good faith, reasoned analysis in the response. Conclusory statements unsupported by factual information will not suffice. (CEQA Guidelines, §15088(c); *Cleary v County of Stanislaus* (1981) 118 Cal.App.3d 348.) A lead agency’s failure to respond to comments that raise significant environmental issues renders an EIR legally inadequate. (See *Flanders, supra*, at 615; *Rural Landowners Ass’n v City Council* (1983) 143 Cal.App.3d 1013, 1020.)

In *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715 [“*Santa Clarita*”], a community group made comments to a draft EIR. (*Id.* at 722.) In the comments, the group questioned the lead agency’s calculations regarding the sufficiency of the water supply for a large residential development. (*Ibid.*) The lead agency responded by stating that its calculations assumed that the Project would receive 100% of its entitlement for water in wet years and 50% in drought years from the Department of Water Resources (“DWR”). (*Ibid.*) The lead agency, however, did not actually contain estimates regarding how much water the project would actually receive in wet, dry, and average years, nor did it explain whether or not such estimates were available. (*Ibid.*) The

court explained "[i]t is not enough for the EIR simply to contain information submitted by the public and experts. Problems raised by the public and responsible experts require a good faith reasoned analysis in response. The requirement of a detailed analysis in response ensures that stubborn problems or serious criticism are not 'swept under the rug.'" (*Id.* at 723, citing *Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348, 357, 173 Cal.Rptr. 390.)

For example, BHWA submitted a comment which discussed concerns about the Draft EIR's failure to adequately analyze the Proposed Project's impacts on fire safety, and clarify whether fire protection/emergency response times were sufficient to avoid a significant impact. (FEIR 2-55.) The response to this comment did not provide any factual data clarifying the record or providing support for asserted fire protection response times. (*Ibid.*) The response simply represented that a phone conversation with the Fire Station Captain indicated that "there would be no need to require the expansion of Fire Station No. 61, nor would it require the acquisition of new equipment, facilities or staff to serve the new employees and residents generated by the proposed project." (*Ibid.*) This response is impermissibly conclusory, and less detailed than the information provided by the lead agency in *Santa Clarita*. Here, the City does not provide detailed factual support for its assertion that Fire Station No. 61 would not need to be expanded. It does not calculate or provide potential response times from Fire Station No. 61, nor does it explain why the agency reached a conclusion that Fire Station No. 61 was capable of serving the Proposed Project. This is not a sufficient response.

As another example, BWHA's comments regarding the Project's lack of consistency with scale and character of the surrounding neighborhood, and comments about Alternative 2, received responses that merely contain conclusory assertions, rather than good-faith, reasoned and detailed responses. We hereby incorporate by reference Mr. Richard Platkin's comments regarding the EIR's failure to respond to comments authored by him on behalf of BWHA.

VII. The Density Bonus Incentives Were Misused and Abused and Required Findings Were Not Made or Were Made Without the Support of Substantial Evidence

Increasing Floor Area Ratio (“FAR”) under the auspices of Density Bonus “on and off menu” incentives to promote the inclusion of affordable housing units constitutes an ad hoc height district change. Only legislative action can lawfully effectuate a height district change.

The City has failed to comply with City Charter Section 556, which states: “When approving any matter listed in [City Charter] Section 558, the City Planning Commission and the Council shall make findings showing that any action is in substantial conformance with the purposes, intent and provisions of the General Plan.” Section 558 includes height district changes.

Neither the Planning Director nor the City Planning Commission made express findings substantiating that the increases in FAR from 4 to 4.8 and then from 4.8 to 6:1 are in substantial conformance with the General Plan. It would be very difficult to make the necessary Section 558 (b)(2) finding that such a change in FAR conforms with “public necessity” and “good zoning practice.”

As another issue, the “on and off-menu” “incentives” in this case are effectively a way for the Applicant to “nickel and dime” his way to a FAR of 6:1, as a means to circumvent Proposition U, an initiative passed by Los Angeles voters in November 1986. This too is unlawful since the intent and result of this voter-adopted initiative was to reduce the permitted Floor Area Ratio in Height District 1, where the Proposed Project is located, by 50 percent.

Additionally, the “off-menu” incentive of waiving development restrictions in the form of a height district/FAR increase is improper because an off-menu incentive may be used only to modify any development standard not included on the menu of incentives. Here, on the menu of incentives is “in lieu of the otherwise applicable Floor Area Ratio, a Floor Ratio not to exceed 3:1.” The applicant already received its allocated FAR increase by choosing from the on-menu incentive to increase the FAR. The Planning Department is not permitted to circumvent the limitations of the density bonus law and the city’s density bonus incentive structure by then further increasing the FAR again by tiering off of the on-menu incentive

with a duplicitous off-menu incentive. This runs afoul of the legislation creating the Menu incentives which was to clearly define and limit allowable incentives. Using the off-menu incentive in the manner this Applicant has done constitutes a perversion of the density bonus law, and the City's approval of it constitutes a failure to proceed in a manner required by law. In effect, the increase in allowable FAR is no different than a zone change, and requires a legislative enactment with the required charter findings made.

Finally, because the off-menu incentive (additional FAR) is not necessary for the development of affordable housing within the project area, the approval of the project with the additional FAR is an abuse of discretion.

L.A.M.C., § 12.22 A 25 (g)(3) states in relevant part:

Requests for Waiver or Modification of any Development Standard(s) Not on the Menu.

(i) For Housing Development Projects that qualify for a Density Bonus and for which the applicant request a waiver or modification of any development standard(s) that is not included on the Menu of Incentives in Paragraph (f), above, and that are not subject to other discretionary applications, the following shall apply:

a. The request shall be made on a form provided by the Department of City Planning, accompanied by applicable fees, and shall include a pro forma or other documentation to show that the waiver or modification of any development standard(s) are needed in order to make the Restricted Affordable Units economically feasible.

b. **Notice and Hearing.** The application shall follow the procedures for conditional uses set forth in Section 12.24 D. of this Code. A public hearing shall be held by the City Planning Commission or its designee. The decision of the City Planning Commission shall be final.

c. The City Planning Commission shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the Commission, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)c., above.

(ii) For Housing Development Projects requesting waiver or modification of any development standard(s) not included on the Menu of Incentives in Paragraph (f) above, and which include other discretionary applications, the following shall apply:

a. The applicable procedures set forth in Section 12.36 of this Code shall apply.

b. The decision must include a separate section clearly labeled "Density Bonus/ Affordable Housing Incentives Program Determination".

c. The decision-maker shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the decision-maker, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)c.

Subparagraph (g)(2)(i) c states:

c. **Action.** The Director shall approve a Density Bonus and requested Incentive(s) unless the Director finds that:

(i) The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units; or

(ii) The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

The Director, and then the Commission, abused its discretion in approving the Off-Menu Incentive/Waiver of Development standard because the evidence does not support a finding that the increased FAR of 4.8:1 to 6:1 is required in order to provide the affordable housing. The Director relied upon the Applicant's representation that the land costs equal approximately \$50 million, when in fact judicially-noticeable evidence submitted by BWH

demonstrates that the land costs equal nowhere near that amount. In fact, the Applicant has owned this land since at least 1993, and purchased it at a cost of approximately \$300,000. (Exhibit I.) There is no admissible evidence that the land costs in fact equal what the Applicant has represented to the City. The purported high land costs are the basis for the Applicant's, and thus, the City's, conclusion that the increase in FAR is needed to make the affordable housing "pencil" for the Applicant, yet evidence in the record demonstrates that the Applicant's pro forma is not credible and that the Applicant stands to make tens of millions of dollars in profit from the series of discretionary entitlements requested.

VIII. Conclusion

BWHA requests you deny the Project and either send the Applicant back to the "drawing board" or approve Alternative 2 described in the EIR. Thank you for your anticipated consideration of the foregoing and exhibits attached.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sabrina D. Venskus', with a long horizontal flourish extending to the right.

Sabrina D. Venskus
Attorney

Attachments

EXHIBIT A



RICHARD (Dick) H. PLATKIN, AICP
6400 W. 5th Street, Los Angeles, CA 90048- 4710
Tel. 213-308-6354 FAX: 323-938-7027 E-mail: rhplatkin@yahoo.com

- Professional recognition through AICP, awards, and commendations.
- College level classroom instruction and lectures in Urban Planning and Sociology.
- Professional planning experience in public, non-profit, and private sectors, including advocacy planning.
- Strong academic training, including Masters in Urban Planning (MUP) and Masters (MA) and Candidate in Philosophy (C. Phil.) in Sociology.
- Eleven years of managerial and supervisory city planning positions.
- L.A. City Planning Department assignments for neighborhood councils and public participation, General Plan elements, Community Plan updates, personnel issues, project management, case processing and appeals, Community Design Overlay (CDO) and Specific Plan preparation and adoption, Streetscape Plans, Design Review Boards, and public hearings and zoning cases.
- Experienced liaison with Los Angeles City Council offices, City departments, outside agencies, private consulting firms, media, citizen boards, and community groups.
- Recognized written and oral communication skills.

PROFESSIONAL EXPERIENCE

University of Southern California, Sol Price School of Public Policy.

Instructor for PPD 461, Sustainable Communities, Policy and Planning, 2010-11 to date.

California State University – Northridge. Instructor in URBS 380: Los Angeles: Past, Present and Future, Summer 2013.

City Planning and Land Use Consultant (2007 to date)

Los Angeles-based consulting specializing in urban planning, applied social research, land use and urban design, and community development projects. Clients include Silverstein Law Corporation, Sunland-Tujunga Neighborhood Council, Harbor Gateway Neighborhood Council, Old Granada Hills Neighborhood Group, South Granada Hills Neighborhood Council, Fix the City, Valley Village Neighborhood Council, La Mirada Avenue Neighborhood Association, East Hollywood Neighborhood Council, La Brea Coalition, Los Angeles Neighbors United, North Hills Community Council (directed development plan), Community Health Councils, Inc., and UNIDAD/SAJE (Strategic Actions for a Just Economy) to coordinate with City planning initiatives.

City Planner, Los Angeles Department of City Planning (1999 - 2007)

North Valley Unit (2001-2003, 2005-2007) -- Supervised preparation, adoption, and implementation of Specific Plans, Design Guidelines, Interim Control Ordinances, Community Design Overlays, Streetscape Plans, and preparation and adoption of Sphere of Influence. Hearing Officer. Coordinated inter-departmental planning process for Van Nuys Corridor, include MTA grant applications.

Neighborhood Council Liaison Unit (2003-04) – Developed and presented training materials to Certified Neighborhood Councils (CNCs), replied to oral and written questions, maintained Early Notification System data base, and compiled monthly CNC contact data.

Specific Plan Unit (1999-2001) Administration of the Mulholland and Ventura/Cahuenga Boulevard Specific Plans. Supervised preparation of CDOs and Streetscape Plans for Van Nuys, Canoga Park, Panorama City, and Pacoima communities.

City Planning Associate, Los Angeles Department of City Planning (1987 - 1999)

General Plan Framework Element -- Conducted citizen participation and public outreach for development and adoption of Framework and EIR. Reviewed consultant work. Coordinated SCAG's Access planning data base project.

Citywide Planning - Scoped, researched, and wrote sections of Transportation Element. Represented Planning Department at San Fernando Valley Blue Ribbon Light Rail Committee.

Community Planning - Project manager of Ventura/Cahuenga Corridor Specific Plan. Lead preparation, adoption, implementation, and revisions of plan. Approved Specific Plan and ICO cases. Liaison with City Council offices, City departments, press, and EIR and transportation consultants. Chaired Citizen Advisory Committee (CAC) and established Plan Review Board (PRB). Presented to CAC, PRB, GPAB, CPC, PLUM, and Council. Wrote workshop materials, ordinances, staff reports, findings, procedures manual, and sections of DEIR and FEIR. Revisions of Southeast and South Central community plans.

Design Review Boards - Prepared case analyses, Directors Determinations, plan approvals, design and

streetscape guidelines, and ordinance amendments. Advised applicants; Council Offices; and City departments on Specific Plans. Administered case files, agendas, notices, and annual calendar.

L.A. City Department of Transportation, Transportation Planning Associate II (1987)

Administered transit contracts. Conducted workshops for contractors.
Served on Interdepartmental Prop. A - Prop. C Allocation Committee.

Commuter Transportation Services/Commuter Computer, Senior Planner (1984 - 1987)

Directed technical studies for SCAG, regional commuter surveys, monthly Caltrans reports, and site-specific transportation demand management plans.
Managed annual work programs and budgets; defined, monitored, and supervised projects; wrote and edited reports; hired, trained, and assigned professional staff; conducted personnel reviews and evaluations; designed and trained staff on computer systems; office space planning. Co-prepared agency's five-year strategic plan.

The Planning Group, Senior Research Associate (1982 - 1984)

Managed projects and supervised work products related to Metrorail Milestones and Environmental Impact Study (EIS), freeway construction, and economic development.
Prepared and presented responses to RFPs, RFQs, and grant applications.

South Central Economic Research and Development Associates (SCERDA) (1977 - 1981)

Research Director for Department of Commerce funded agency.
Designed, conducted, and applied original research on South Central Los Angeles for economic development programs, including employer surveys and industrial land use inventories.
Directed applied research unit, including staff recruitment and training.

City of Seattle Department of Community Development, Program Coordinator II (1972 - 1973)

Liaison with Federal Housing Authority and local affordable housing developers in Seattle's downtown.
Prepared comprehensive report on downtown housing conditions, trends, and policies.

Volunteers in Service to America (VISTA Volunteer) (1968 - 1970)

Community liaison for Seattle Housing Authority and Seattle School District.

AWARDS AND COMMENDATIONS

American Institute of Certified Planners (AICP)
Mellon Fellow at University of Washington Department of City Planning
Commendations from Department of City Planning for Ventura Specific Plan, Framework, South Central Task Force, and San Fernando Valley Light Rail Blue Ribbon Committee
City Council Commendations for Ventura Specific Plan and General Plan Framework
Donald G. Hagman award from APA for City Planning's South Central Task Force
Mayoral Commendation for economic development projects in Panorama City

ACADEMIC TRAINING AND CONTINUING EDUCATION

University of California, Los Angeles. M.A. and C. Phil. in Sociology,
University of Washington, Seattle. Masters in Urban Planning (MUP)
University of Michigan, Ann Arbor. B.A. in History
Classes in supervision, project management, administration, citizen participation, business writing, public speaking, computer software, emergency response.
Professional conferences of American Planning Association, American Sociological Association, Planners Network, Ethnopolis, Livable Communities, and Operation Mainstreet.

COMMUNITY SERVICE

- East Hollywood Certified Neighborhood Council, Planning and Land Use Committee (2011-date)
- Beverly Wilshire Homes Association, Board of Directors (2007 to date)
- Interfaith Communities United for Justice and Peace, Board of Directors (2009 to 2012)
- Planners Network, elected member of national steering committee (1997 - 2000)
Host Committee for 1997 Planners Network national conference at Cal Poly Pomona
Host Committee for 2012 Planners Network events in Los Angeles
- Engineers and Architects Association, Board and other elected positions (1995 - 2003)

EXHIBIT B



Just when you think it cannot get any worse in LA, it does. Why 333 S. LaCienega is such a striking example of bad city planning.

By Dick Platkin*



An unrealistic depiction of one of the most congested intersections in Los Angeles.

Los Angeles decision makers routinely approve controversial projects once they receive campaign contributions and once community opposition has been sidelined by developer promises. In these situations, the decision makers never bother to ask such obvious planning-related questions as:

- Does the project conform to the very plans and zones that the City Planning Commission and the City Council legally enacted after an extensive preparation and adoption process?
- Does the design of the proposed project match the character and scale of surrounding residential areas, as required by the City Council-adopted Community Plans, as well as the design guidelines now included in the General Plan Framework Element?
- Do public infrastructure and public services have sufficient capacity – per Framework Policy 3.3 -- to meet future user demand stemming from the approved project?
- Will the project's Environmental Impact Report conclusions be monitored and updated once the City Council adopts approval ordinances?

- Will project approvals be phased, ensuring that later phases are contingent on certified compliance with the original Conditions of Approval?
- Will a developer's multiple promises to community groups and elected officials, such as job generation and transit ridership, be accurately and regularly monitored?
- Will there be real-world consequences, such as revocation of certificates of occupancy or partial demolition of structures, if promises are not kept?

Because these obvious questions are never asked, the legislative actions, such as spot-zoning, blocked by Measure S, the Neighborhood Integrity Initiative, predictably lead to truly bad city planning. For example, the proposed luxury high rise at the former Loehman's site – 333 S. LaCienega -- perfectly illustrates how these bad planning practices proliferate in Los Angeles, with cascading adverse consequences. Consider the following:

- Clash with character and scale of nearby areas: As should be obvious the rendering above, this project does not comply with the legally required General Plan findings that the structure be consistent with the scale and character of the neighborhood's residential area. More specifically, the project will be 240 feet high and have a Floor Area Ratio/FAR (i.e., building mass) of 6.0 on a lot where height is restricted to 45 feet and building mass is limited to an FAR of 1.5. As for compatible character, the proposed tower has a nautical design, reminiscent of a cruise ship, while the surrounding residential buildings have Spanish Revival architecture. Admittedly, a cruise boat might come in handy when massive earthquakes and climate-change induced sea-level rises permanently flood the greater Fairfax area, but for now this nautical design is totally at odds with the area's character.
- Traffic congestion: The project is located at one of the most congested intersections in Los Angeles. Called the Bermuda Triangle, the site is the convergence point of San Vicente Boulevard, Third Street, LaCienega Boulevard, Burton Way, and LeDoux. No combination of street signs, signal lights, and traffic officers has managed to keep this intersection clear during rush hours, and the construction of an auto-centric luxury tower at this location can only make a bad traffic situation worse.
- Unconvincing public necessity: Los Angeles City Charter, Section 558, clearly states that to qualify for General Plan Amendments and zone

changes, a project must conform to public necessity, convenience, general welfare, and good zoning practice. In this case, the tenants will be extremely rich, paying an average rent of \$12,000 per month for lavish apartments in a building with five star amenities, including on-call luxury cars and drivers. These are certainly wonderful features for the 1 percent who can afford them, but the Wilshire Community Plan area has no demonstrated shortage of parcels that can accommodate such luxury apartments. The use of spot-zoning and spot-planning to jack up a 45 foot height limit to 240 feet may meet a private need to maximize profit, but it does not meet any public need. There is no public necessity for a spot-General Plan Amendment and spot-Zone Change to build a luxury apartment tower where it is strictly illegal and unwarranted.

- Poor Zoning Practices eliminate certainty: The related City Charter finding of good zoning practice is also sharply at odds with this project. The City Council must take three separate actions to legalize this project: a spot-zone change, a spot-height district change, and a spot-General Plan Amendment. Not only is City Charter Section 555 clear that these legislative actions must apply to socially and geographically significant areas (i.e., not single parcels), but these poor planning practices totally eliminate certainty from the planning process. When individuals, families, or companies move into an area, they have clear expectations of what can be legally built near their homes and businesses. But, spot-zoning completely removes this certainty. Cities like Los Angeles then become the Wild West. Spot-zoning through a City Council vote to permit a 240 foot high rise tower where 45 feet is the law eliminates all predictability from the planning process. The zones and plan designations that people assumed about their neighborhood when they moved in can vanish at the snap of a deep-pocketed developer's fingers.
- Affordable housing hype: The project claims that it needs a major economic incentive, much greater building mass, to accommodate large luxury apartments, through LA's Density Bonus Ordinance. More specifically, the developer intends to replace 13 of 145 luxury apartments with low-income units to build a much larger building. Yet the developer has owned this building site for many years and has virtually no land acquisition costs. In this case, LA's genuine need for more affordable housing has become a thin cover story for the construction of 130 luxury rental apartments where less than half of that figure is legally permitted.

- **Misuse of on and off-site improvements:** The project's conditions of approval, as voted by the City Planning Commission and the City Council's Planning and Land Use Committee, include adjacent street trees, bicycle infrastructure, and a quasi-public fountain. Yet in nearby Los Angeles and Beverly Hills neighborhoods, there are many existing pedestrian-oriented projects and corridors. Some have been built and operated as basic municipal services, not as extensions of mega-projects. Others are linked to by-right buildings that conform to plans and zones, and that do not need City Council spot-zoning rescue ordinances to usher in public improvements.
- **Bad Precedents:** To justify height and mass far above legal limits, the project invokes other nearby buildings that exceed 45 feet. Yet, most of these over-height buildings also required spot-zoning approval from elected officials to be built. For example, one of these projects, across the street, at 8500 Burton Way, is a prototype for this project and owned by the same developer. Yet, when it was permitted, its neighbors were told it would not become a precedent for more ad hoc zone changes and general plan amendments. Nevertheless, the genie is out of the bottle. If the City Council eventually approves 333 S. LaCienega, it is only a question of time until nearby property owners make parallel requests. They will quickly realize that similar zone changes and General Plan amendments can green light more lavish and lucrative high-rise apartment towers on their properties.
- **Feasible Options that Respect the Community Plan and Zoning:** If the Developer agreed to the feasible alternative in the EIR known as Alternative 2, and he chose to have 20 percent affordable units, the Project could be built to 61 feet, by-right. This could allow a five story building, and if he devoted the entire structure to affordable units, it would have 20 units on each floor for a total of 100 units. 20 of these units would be affordable.

The take away from this case study is that a few poor planning practices eventually open up the flood gates for more more bad decisions. Their cumulative impact is municipal demise, but good planning practices can move a city in the opposite direction. Los Angeles can still become the progressive, highly livable city that most of residents and visitors truly desire. It might even eventually become the global city that its City Hall boosters magically believe can be achieved through real estate speculation.

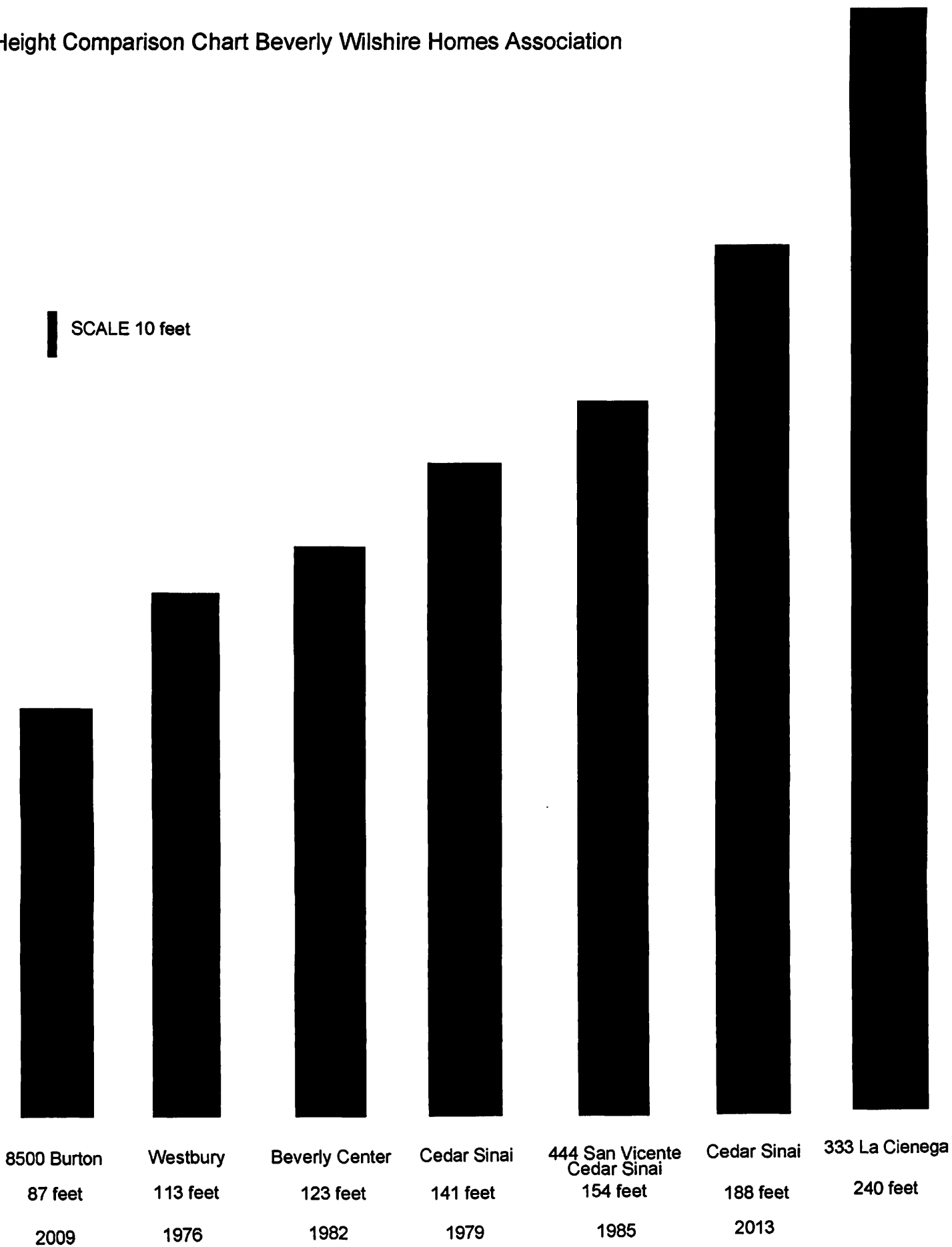
* *Dick Platkin is a former Los Angeles City Planner*

EXHIBIT C



Height Comparison Chart Beverly Wilshire Homes Association

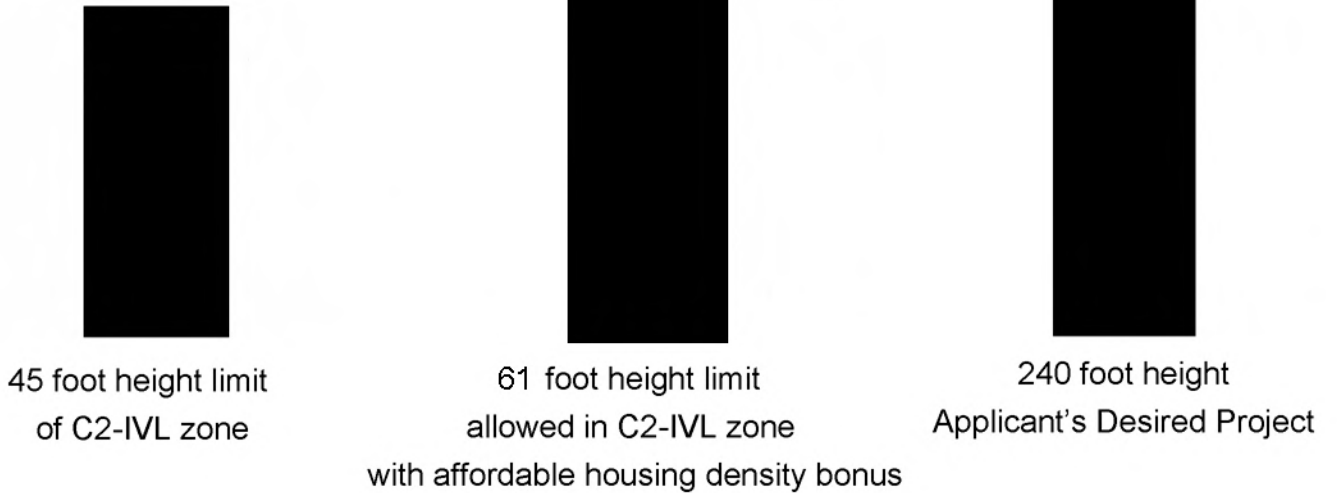
SCALE 10 feet



Drawing By Rosalie Wayne

Height Comparison Chart Beverly Wilshire Homes Association

SCALE 10 feet



Height Comparison Beverly Wilshire Homes Association

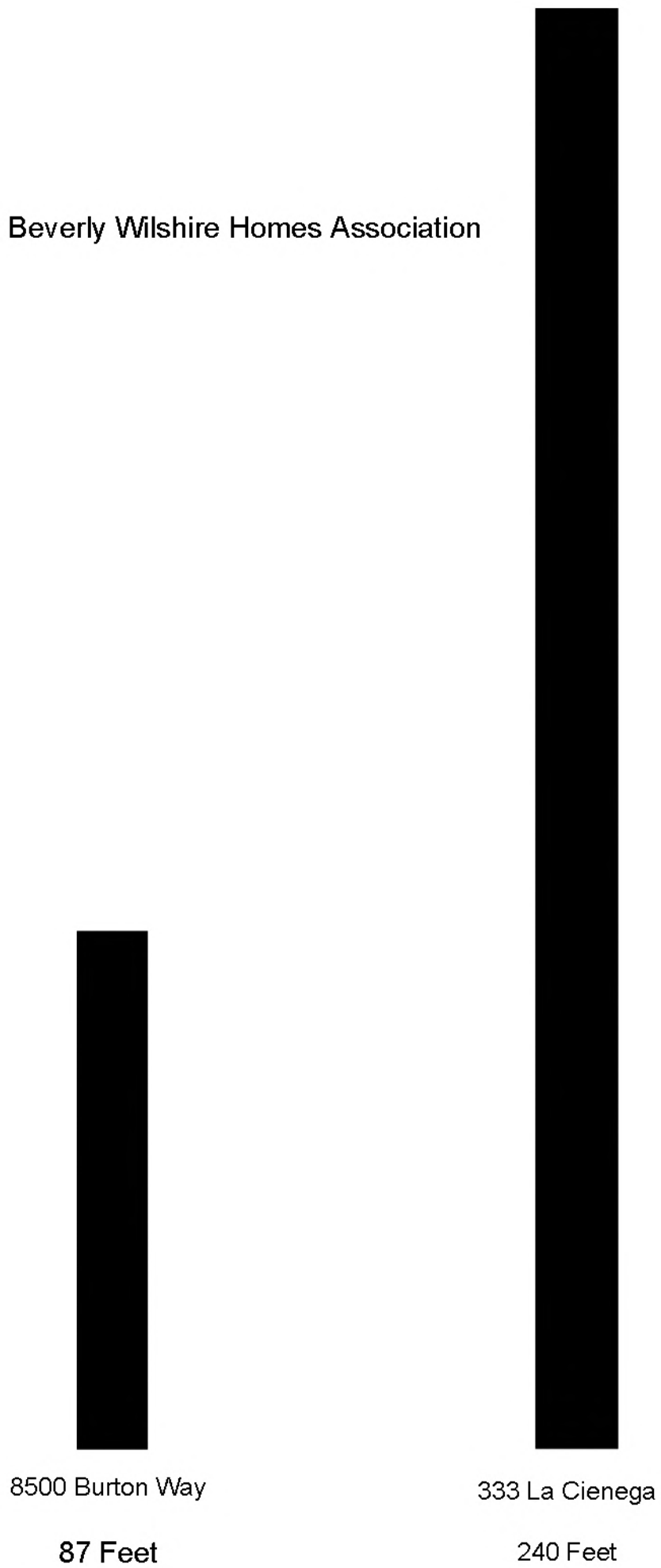


EXHIBIT D

LOS ANGELES



TRENDING

TOPICS ▾

NEIGHBORHOODS

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You could save \$761* when you combine auto and home insurance.

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BEVERLY GROVE LOS ANGELES APARTMENTS

The Latest Look For the 19-Story Luxury Apartment Tower Set to Rise By the Beverly Center

BY JEFF WATTENHOFER | OCT 14, 2015, 3:37PM PDT

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Image via CP O'Halloran Associates

Grove and Americana developer Rick Caruso has projects going as far as Carlsbad and Montecito, but he's still busy tending to his growing empire in Beverly Grove in the middle of Los Angeles. Urbanize LA has got some new renderings of Caruso's upcoming luxury apartment building at 333 S. La Cienega, right by the Beverly Center, which is scheduled to start construction in 2017. Take a good look at the outside, because it's the closest most people will ever get to seeing the inside of this luxury property.

The 333 La Cienega tower is considered a sister property to the already completed and very expensive 8500 Burton Way luxury apartments just down the street. Over there, standard apartments start at \$4,000 a month, and the monthly rate for the penthouse is a whopping \$40,000. Expect much the same for the 154 residential units at the new 19-story La Cienega tower.

Residents of the tower will be getting, among other things, a sky deck, spa, and the waviest balconies in town. Normal people won't be totally out of luck though. Those who can't afford the Caruso living experience can take advantage of the planned public space on the corner of La Cienega and Burton Way. There will be a fountain available for coin toss wishes of a better life, or you can maybe head into the tower's 26,000-square-foot grocery store and watch the concierges do the shopping for tower residents.

While some balk at the insane prices, there is still a demand for the extreme luxuries of Caruso branded living, apparently. Caruso bragged to Bisnow



TWEET

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"unparalleled amenities"—8500 Burton Way and the La Cienega tower will both operate like five-star hotels, with a concierge service available for all your grocery shopping, dog walking, or money counting needs.

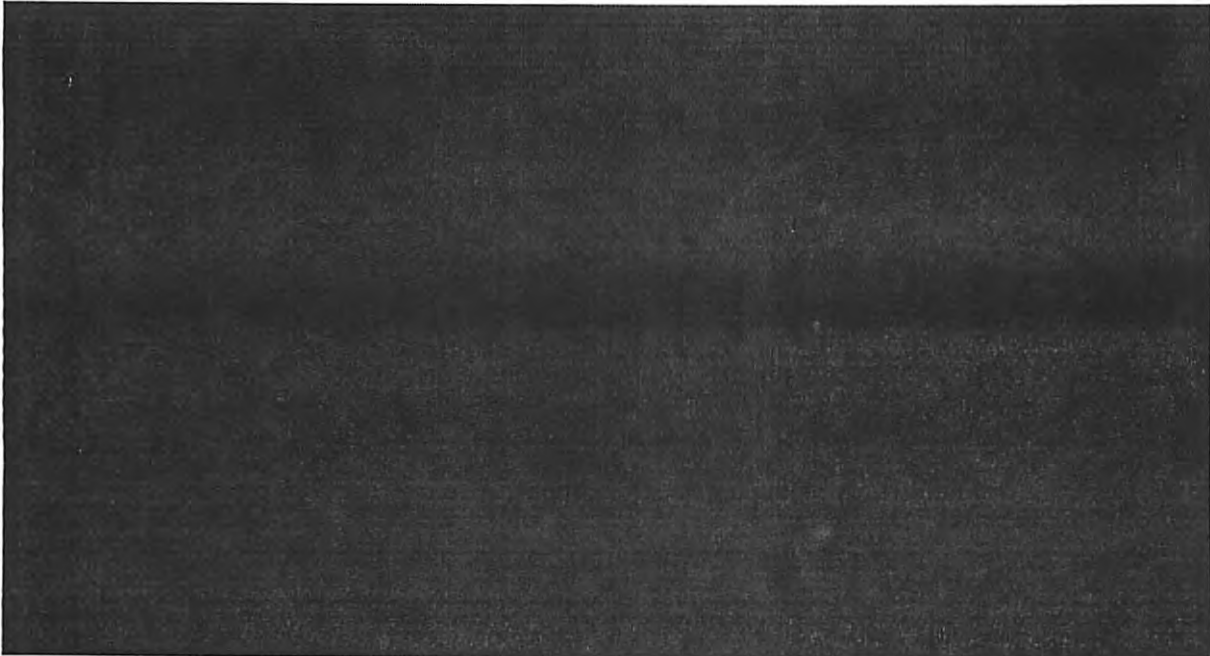


EXHIBIT E



Rick Caruso plans to build luxury apartment building near Beverly Center



Developer Rick Carsuo seeks city approval to build an ultra-luxury apartment building with 154 units at 333 S. La Cienega Blvd., across the street from the Beverly Center. (Caruso Affiliated)



By Roger Vincent

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Rick Caruso applies for city permission to erect apartment building at La Cienega and San Vicente boulevards

MARCH 9, 2015, 4:22 PM

Developer Rick Caruso's super-swanky apartment building near the Beverly Center in Los Angeles may soon have a newer, bigger counterpart.

Caruso, who also developed the nearby Grove shopping center, has applied for city permission to erect a \$155-million building with 154 units at the busy intersection of La Cienega and San Vicente boulevards.

The new 19-story tower called 333 La Cienega would rise across the street from 8500 Burton Way, an 87-unit complex completed in 2012.

A typical unit at 8500 Burton Way rents for about \$12,000 a month and one furnished penthouse rents for \$40,000 a month. The building has a Trader Joe's store and a restaurant on the ground floor.

"The first building has been successful beyond our expectations," Caruso said. "We have achieved incredibly strong rents."

The complex is fully rented and has a waiting list, which prompted Caruso to get to work on another building in the neighborhood he calls a gateway between Los Angeles and Beverly Hills.

Apartments at 8500 Burton Way run about \$8 to \$10 per square foot per month, more than quadruple the average Los Angeles rent and the highest outside New York, Caruso said.

The new building would replace a retail center at 333 S. La Cienega Blvd. that last housed a Loehmann's department store. It would fill the triangular block surrounded by San Vicente, La Cienega and 3rd Street.

Architects Hetzel Design and MVE & Partners designed both buildings. Like the existing building, the new one would have a grocery store and upscale restaurant at street level.

The one- and two-bedroom units would have high ceilings, hardwood floors, gourmet kitchens and private patios and balconies, Caruso said. There would be public open space at street level including a large fountain at the southern tip.

Tenants in the existing building are a mix of fashion designers, entertainment industry executives, doctors, celebrities and "heads of state from different parts of the world," Caruso said.

"It's very eclectic," he said of the tenant mix, "sort of the rich and famous of all categories."

About half of them have a primary home outside Los Angeles, in many cases overseas, he said. "It's a second home to many."

A key factor in the building's appeal is hotel-like service, Caruso said. There is a driver and car to help tenants run errands or get to the airport. A concierge will secure concert tickets or see to it that tenants' grocery lists are fulfilled and the food is stocked in their pantries.

"We shop everywhere," Caruso said. "If you want a salad from the Polo Lounge, we'll bring you a salad from the Polo Lounge. People want to be pampered."

Caruso hopes to secure city permission to build by early next year. He hopes to open 333 La Cienega by fall 2017 and move on to build other luxury projects.

"We are looking for more sites to do these," he said.

roger.vincent@latimes.com

Twitter: @rogervincent

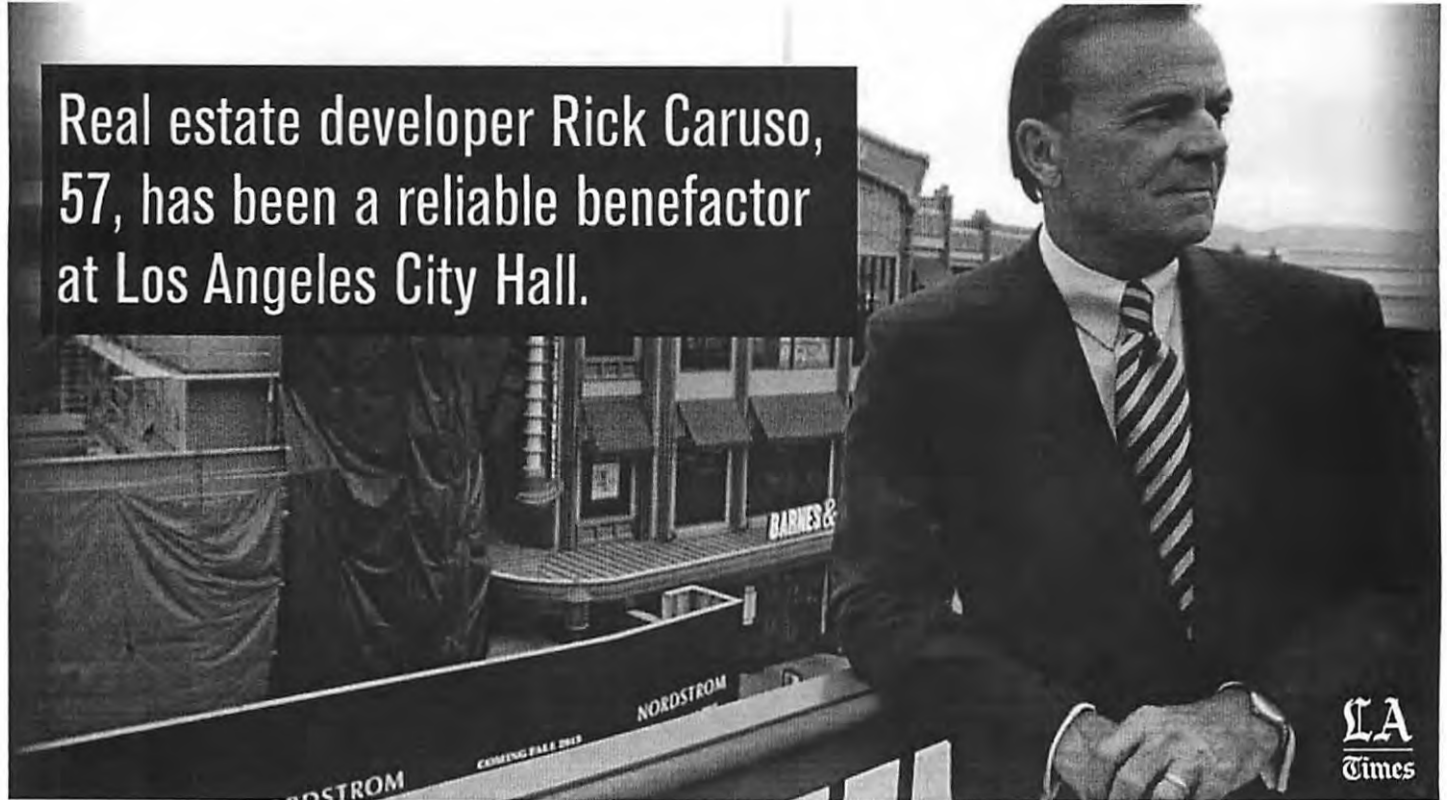
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This article is related to: Business, Rick Caruso

EXHIBIT F

Political donations flow as Rick Caruso seeks approval for a 20-story tower near the Beverly Center

Real estate developer Rick Caruso, 57, has been a reliable benefactor at Los Angeles City Hall.



Caruso graduated from USC and Pepperdine School of Law, and started his career as a real estate lawyer.

By **David Zahniser**

DECEMBER 28, 2016, 3:00 AM

Real estate developer Rick Caruso has been a reliable benefactor at Los Angeles City Hall, giving donations big and small to the city's politicians and their pet causes.

Caruso, known for the Grove and other shopping destinations, has donated to all but one of the city's 17 elected officials. His charitable foundation provided \$125,000 to a nonprofit set up by Mayor Eric Garcetti. And his companies recently gave \$200,000 to the campaign for Measure M, the sales tax hike Garcetti championed in last month's election.

ADVERTISING

Add in money from his employees and his family members, and Caruso-affiliated donors have provided more than \$476,000 to the city's elected officials and their initiatives over the past five years, according to contribution reports.

Now, Caruso wants Garcetti and the council to approve a 20-story residential tower on La Cienega Boulevard, on a site where new buildings are currently limited to a height of 45 feet. Opponents of the project view Caruso's donations with alarm, saying the steady stream of contributions has undermined their confidence in the city's planning process.

"I'm sorry, but that's a lot of money," said Keith Nakata, a foe of the project who lives roughly five blocks from the site. "That is obviously something that the community cannot compete against."

Caruso's residential tower is one of several real estate projects — some already approved, others still under consideration — to be reviewed at City Hall as six-figure contributions arrive from developers or donors with close ties to them.

The Times reported in October that campaign contributors with direct and indirect ties to real estate developer Samuel Leung provided more than \$600,000 to L.A.-area politicians as his 352-unit apartment project was being reviewed. Garcetti and the council approved Leung's Sea Breeze project, located north of the Port of Los Angeles, in 2015.

In the San Fernando Valley, shopping mall company Westfield Corp. unveiled plans in October for Westfield Promenade, a \$1.5-billion project featuring two hotels and 1,432 new homes. Westfield affiliates have contributed \$950,000 to two Garcetti initiatives — Measure M and the effort to bring the 2024 Olympics to Los Angeles — over the past 14 months, contribution records show.

Westfield representatives said they view the Olympics and the city's transportation investments as initiatives that will spur significant economic growth.

In Century City, entertainment giant 20th Century Fox Film is pursuing a 1.1-million-square-foot expansion of its studio facilities. Fox's parent company has given \$1 million to the Mayor's Fund for Los Angeles, a nonprofit set up by Garcetti in 2014 to advance his initiatives. A related company, Fox Entertainment Group, gave the Measure M campaign \$250,000 in September.

A Fox representative declined to comment on the donations.

Six-figure donations from real estate interests, while perfectly legal, erode public confidence in city planning decisions, said Michael Manville, an assistant professor of urban planning at UCLA. They are also the natural byproduct of a process where developers routinely request — and receive — changes to city planning and zoning rules for their projects, he said.

"If you have a system that relies so heavily on [those changes] to get things built, then you are going to get lots of campaign contributions," Manville said. "Because you're shifting a lot of power away from the Planning Department and toward the elected officials."

Garcetti, who supports Caruso's project, said in an interview that development decisions at City Hall are "absolutely separate" from the contributions that are made to his campaigns and policy initiatives.

"Projects should be assessed on their merits and nothing else," he said.

Caruso said in an interview that his political contributions are part of a much broader approach to charitable giving, with donations going to churches, nonprofit groups, educational institutions and other causes. Some of the most recent donations, he said, were designed to help city leaders who are working to address homelessness and build a new transit network.

"We love Los Angeles, as corny as it may sound, and making Los Angeles a more livable city," he said.

Caruso also defended the city's planning process, calling it "very open and democratic," and dismissed the notion that donations influence policy makers. "I've never believed for one minute that any contribution I've given has changed the opinion of any elected official," he said.

Garcetti's appointees on the City Planning Commission unanimously endorsed Caruso's La Cienega project last month, agreeing to provide a zone change, a height district change and an amendment to the general plan — the document that governs citywide real estate development — for his project.

Although two commissioners voiced concerns about the building's height, the majority said the city needs to embrace projects of that scale.

"The city is transforming," said commissioner Caroline Choe.

The La Cienega project is expected to come up for a City Council vote in January. The council approved a separate Caruso project, a new retail village in Pacific Palisades, last summer.

The La Cienega residential tower has divided residents in Beverly Grove, a community bordered by West Hollywood on the north, Wilshire Boulevard on the south, Fairfax Avenue on the east and Beverly Hills on the west. Foes of the project view Caruso as one of many well-connected developers who ask city leaders to rewrite local planning laws for a single project.

If approved without changes, the La Cienega project will stand roughly twice as tall as the Beverly Center, an eight-story shopping mall right next door. And it will be roughly eight times higher than the one- and two-story buildings that run along the east side of La Cienega.

“He could build a building like this in Century City, where it’s intended to be, or on parts of Wilshire Boulevard, like ‘Condo Canyon’ near UCLA,” said Dick Platkin, a board member with the Beverly Wilshire Homes Assn., a group fighting the project. “But this part of L.A. is not intended to have it.”

Backers of the project point out that the area already has a handful of tall buildings, including the Cedars-Sinai Advanced Health Sciences Pavilion, which is about 185 feet tall. Caruso’s project is expected to reach 240 feet.

“We felt this is a unique location where density makes sense,” said Scott Epstein, chairman of the Mid City West Community Council, the neighborhood council for the area, which endorsed the project. “In the middle of a housing crisis, if you’re going to put housing somewhere, this is a good place to put it.”

Epstein said Caruso responded to the needs of the community by offering a grocery store, much-needed housing and new outdoor spaces, including a 6,910-square-foot plaza with a fountain. And he praised the developer for ensuring that 14 of the building’s 145 apartments will be rented at below-market rates.

Those concessions, he said, show what can be accomplished when residents and developers “collaborate for mutual benefit,” he said.

Still, what some view as hard-fought concessions, others criticize as unsavory dealings.

Last summer, the La Cienega project was sharply criticized by residents of Westbury Terrace, a condominium building across the street from the Caruso site. Dozens of the building’s condo owners turned in a petition to their neighborhood council, saying Caruso’s project would obstruct their views and generate unwanted noise and traffic.

Weeks later, many of those same petition signers switched sides, becoming ardent supporters of Caruso’s project. The condominium board’s president soon disclosed that Caruso had agreed to make extensive repairs on the 11-story building, upgrading the entrances and replacing the windows with multipaned glass.

In correspondence with the neighborhood council, Westbury Terrace Homeowners Assn. President Philippe Cohanin said Caruso’s contribution would help the building’s occupants cope with increased noise and dust

while Caruso's project was being built.

Cohanim, when approached by The Times, would not discuss the arrangement. But a Caruso spokeswoman confirmed the developer agreed to spend \$500,000 on repairs to the building.

Foes of the project have called that a payoff. Caruso said he had an obligation to address the Westbury's concerns about noise and other construction issues.

Caruso said he has worked to meet the neighborhood's needs in other ways, offering to pay for street improvements and even redesigning the project.

"The way I get the community to support the project," he said, "is to give them what they want."

Last month, many Westbury condominium owners testified in favor of Caruso's project at a planning commission hearing. Others who spoke at that meeting also had financial dealings with Caruso.

The Los Angeles Area Chamber of Commerce sent a representative to the hearing to speak on behalf of Caruso's project. The group's political action committee received \$50,000 from the developer in 2014, according to campaign donation records.

Also speaking in favor of Caruso's project was planning aide Shawn Bayliss, who read a support letter from his boss, Councilman Paul Koretz. Caruso donated \$5,200 to two campaign committees that supported Bayliss' unsuccessful bid for state Senate in June.

Caruso's lawyer on the La Cienega project also gave Bayliss \$1,000. And that lawyer's colleagues — all registered as lobbyists at City Hall — provided another \$4,000, state campaign records show.

Koretz, who represents Beverly Grove, said he — not Bayliss — made the decisions on the Caruso project. And he commended Caruso for working to secure the support of both Westbury Terrace and the neighborhood council.

"That's exactly what I asked the developer to do: Go work with the neighbors and make this work for everybody," said Koretz, who has received \$2,200 in donations from Caruso since 2011.

Koretz's arguments have not reassured Peter David Harris, a Beverly Grove resident who lives about five blocks from the Caruso site. Harris fears that if Caruso succeeds, other property owners on La Cienega and San Vicente boulevards will propose luxury high-rises — the kind that cast shadows on nearby single-family homes.

"It becomes a domino effect," he said.

An environmental review of Caruso's project concluded that the 20-story building would not cast a "significant" amount of shadow on nearby residential properties. Under the city's guidelines, shadow from a tall building is deemed significant if it covers certain areas for more than three or four consecutive hours, depending on the time of year.

Even if there had been a significant amount of shadow, it could not be used as the basis for a state environmental challenge — thanks to a law signed by Gov. Jerry Brown three years ago.

Senate Bill 743 established that shadow, glare and other aesthetic concerns would no longer be considered significant impacts under the state environmental review process for residential projects that sit within a half mile of a major transit stop — one where buses or trains arrive at least every 15 minutes during rush hour.

Brown signed the bill in September 2013. Two months later, Caruso contributed \$54,400 to the governor's reelection bid.

::

Tracking developers' donations

Individuals and companies with real estate projects that need approval from Los Angeles' elected officials have made six-figure contributions to those officials' campaigns and political causes in recent years.

333 S. La Cienega/Rick Caruso

Project: A 20-story apartment building with market, restaurant and 145 homes

Location: Beverly Grove

Contributions: \$476,350

- \$200,000 to the campaign for Measure M, the transportation sales tax measure
- \$125,000 to the Mayor's Fund for Los Angeles *
- \$100,000 to Los Angeles Forward, a campaign committee set up by Councilman Mike Bonin to support ballot measures
- \$51,350 to city candidates and officeholders over five years

Source of donations: Caruso, his wife, his companies, his charitable foundation and his employees

Westfield Promenade

Project: 1,432 homes, two hotels, shops, restaurants and a 15,000-seat sports/entertainment center

Location: Warner Center

Contributions: \$950,000

- \$250,000 to the campaign for Measure M
- \$700,000 to the LA 2024 Olympic committee *

Source of donations: Westfield affiliates

20th Century Fox Film

Project: The Fox Studios Master Plan, a 1.1-million-square-foot expansion of studio facilities

Location: Century City

Contributions: \$1,250,000

- \$500,000 to the Mayor's Fund for Los Angeles *
- \$500,000 to the Mayor's Fund for Los Angeles *
- \$250,000 to the campaign for Measure M

Source of donations: 21st Century Fox, the film studio's parent company; Fox Entertainment Group

** Contribution made at Mayor Eric Garcetti's request*

Source: Los Angeles City Ethics Commission, Los Angeles Department of City Planning, Los Angeles County Registrar-Recorder/County Clerk

david.zahniser@latimes.com

Twitter: @DavidZahniser

MORE LOCAL NEWS

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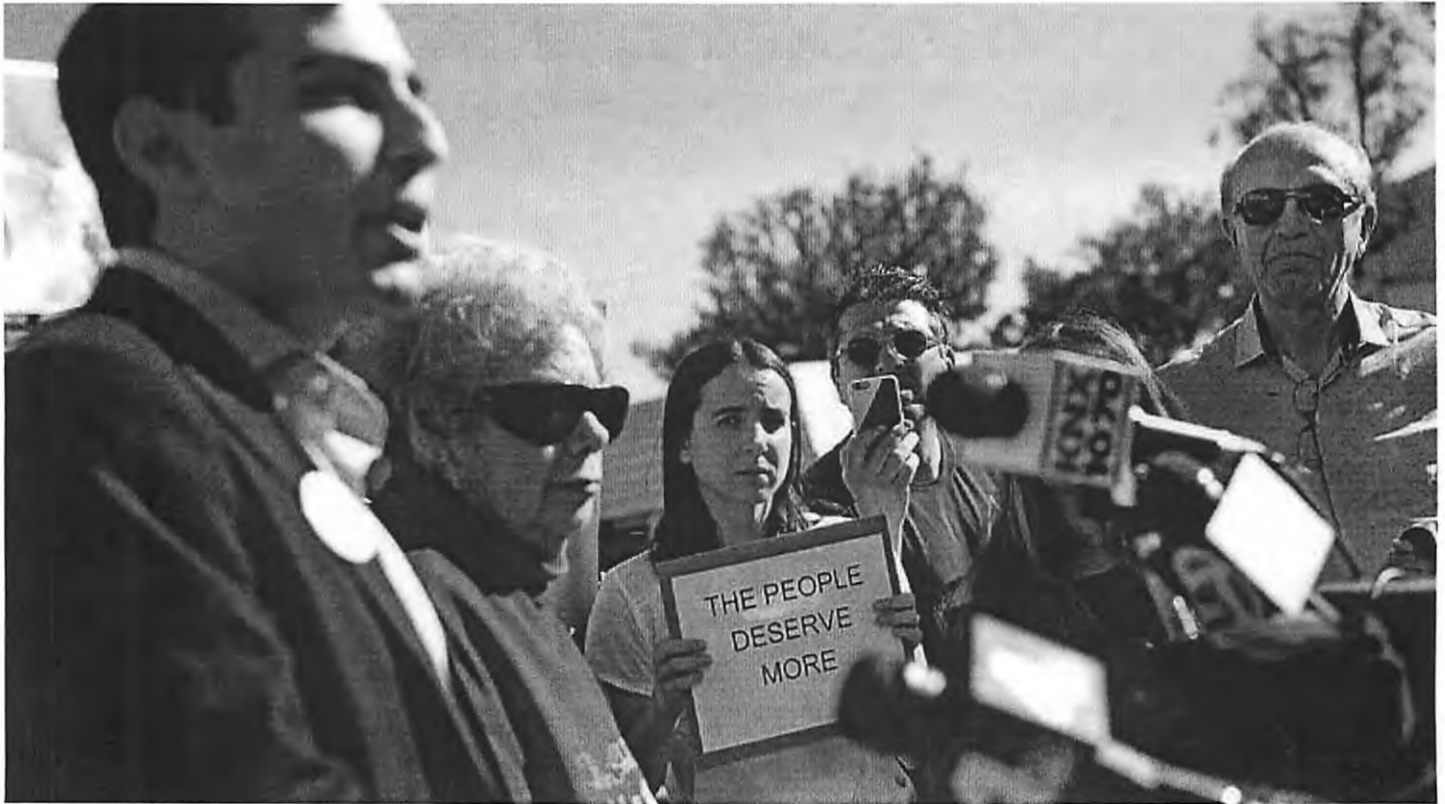
Perjury and retaliation allegations hit the San Diego Police Department

Hypodermic needles, syringes wash up in Newport Beach after storms

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This article is related to: Mike Bonin

Editorial When political contributions erode trust in L.A.'s land-use system



A group of local residents hold a press conference to protest and express community opposition to a Rick Caruso project at the intersection of San Vicente and La Cienega Boulevards on Dec. 29. (Los Angeles Times)

By **The Times Editorial Board**

JANUARY 6, 2017, 5:00 AM

Real estate developers seeking exceptions from city land-use laws to build multimillion-dollar projects have poured money into campaign accounts and other funds controlled by Los Angeles Mayor Eric Garcetti and City Council members.

How much money? Mall developer Rick Caruso, along with his family, employees and his charitable foundation, has given nearly half a million dollars to city elected officials and their pet projects in the last five years, according to a Times analysis. Some \$125,000 of the total was solicited by Garcetti for his nonprofit organization, the Mayor's Fund for Los Angeles, that he created to fund his civic initiatives. Why has Caruso given so much money to politicians? He says it's part of his company's regular philanthropic mission. But it's also true that he needs the approval of the City Council and the mayor for his proposal to build a 20-story residential tower on a site in Beverly Grove currently limited to a height of 45 feet.

ADVERTISING

And we don't mean to be singling out Caruso. The entertainment company 20th Century Fox, for instance, gave \$1 million to Garcetti's nonprofit while one of its subsidiaries is seeking land-use changes for a 1.1-million-square-foot expansion of its studios in Century City. And the shopping mall company Westfield Corp., which needs dispensation from the city to build two hotels and 1,432 homes in Woodland Hills, gave nearly \$1 million to campaigns supporting the Measure M transportation sales tax hike and the city's bid to host the 2024 Olympics — two efforts spearheaded by Garcetti.

“

Why don't [Mayor Garcetti and the City Council] offer their own moratorium — on taking money from developers with projects pending before the city?

And then there was the troubling case of developer Samuel Leung, whose friends, relatives and associates donated more than \$600,000 to Los Angeles elected officials' election campaigns and office accounts while he successfully persuaded city leaders to rewrite zoning rules so that his \$72-million apartment complex could be built in the Harbor Gateway neighborhood. Some of those donations may have been made without the knowledge of the supposed donor or with the promise that the donor would be reimbursed (which would be illegal).

Garcetti and other city officials, as well as most developers, routinely insist that such political contributions have absolutely no effect on City Hall land-use decisions. No, no, no, the officials insist, we make our decisions entirely on the merits. But even if you believe that they somehow manage to ignore the contributions when they make their decisions, the mere exchange of money between people seeking city favors and the people granting those favors fuels widespread community distrust — distrust that has now allowed the so-called Neighborhood Integrity Initiative to get on the March ballot as Measure S. That slow-growth measure would impose a two-year moratorium on development projects that require exceptions from the law while the city rewrites its local community land-use plans. Unfortunately, it would also slow housing construction during a housing shortage.

Garcetti and the City Council have offered some reform proposals, but if they are serious about rebuilding public trust in the development system, they're going to have to go further. Here's a suggestion they won't like, but which would be entirely appropriate under the circumstances: Why don't they offer their own moratorium — on taking money from developers with projects pending before the city?

It's pretty widely believed that developers write checks to local officials because they think the contributions will get them the land-use exemptions they want and greatly increase the value of their projects, often at the expense of neighboring residents and property owners. For decades, mayors and City Councils have allowed this soft corruption to continue by refusing to fix the city's broken planning system. That puts a cloud of suspicion over all development in L.A. — even when projects are ultimately good for the city by creating housing and jobs and investment.

Garcetti and the City Council have increased the Planning Department's budget so it can finally update the city's General Plan — its master plan that sets out a vision for the city's development — and rewrite the city's 35 community plans that set specific rules for what can be built in neighborhoods. But that effort will take a decade (possibly seven years if the city boosts the budget even more.)

However, if Garcetti and the City Council agreed to a temporary moratorium on accepting developer contributions, they could send an immediate message to skeptical Angelenos that this time they are serious and committed to changing the pay-to-play culture that has allowed every land-use rule to be negotiable. Consider it an experiment. Take the money and the suspicion out the decision making process, and perhaps — just perhaps — there can be a rational conversation about how Los Angeles should grow.

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This article is related to: Commercial Real Estate, Real Estate, Los Angeles City Council, Eric Garcetti, Rick Caruso, 21st Century Fox

EXHIBIT G

WILSHIRE

Community Plan

TABLE OF CONTENTS

ACTIVITY LOG

COMMUNITY PLAN

- I. Introduction
- II. Function of the Community Plan
- III. Land Use Policies and Programs
- IV. Coordination Opportunities for Public Agencies
- V. Urban Design

WILSHIRE

Community

Chapter I INTRODUCTION

COMMUNITY BACKGROUND

PLAN AREA

The majority of the Wilshire Community Plan Area consists of gently sloping plains and includes about 8,954 acres (about 14 square miles), which is approximately 3 percent of the total land in the City of Los Angeles.

The Wilshire Community Plan Area is often spoken of as the Mid-City section of Los Angeles. The eastern edge of the approximately 2.5-mile wide by 6-mile long plan area is about 6 miles west of downtown Los Angeles, while the western edge abuts the City of Beverly Hills.

The plan area is bounded by Melrose Avenue and Rosewood Avenue to the north; 18th Street, Venice Boulevard and Pico Boulevard to the south; Hoover Street to the east; and the Cities of West Hollywood and Beverly Hills to the west.

Wilshire is surrounded by the City of Los Angeles community plan areas of Hollywood to the north; South Central Los Angeles and West Adams-Leimert-Baldwin Hills to the south; Silverlake-Echo Park and Westlake to the east; and West Los Angeles to the west.

The plan area is generally southwest of the Hollywood Freeway (U.S. 101), which is oriented northwest-southeast across the northeast corner of the Plan Area at Vermont and Rosewood Avenues.

The Hollywood Freeway is the only freeway within the Wilshire plan area. The Harbor Freeway (I-110) is located one mile to the east; the Santa Monica Freeway (I-10) is located one mile to the south; and the San Diego Freeway (I-405) is approximately five miles to the west of the community boundaries.

The Metro Red Line subway also serves the Wilshire Community Plan area, running along portions of Wilshire Boulevard and Vermont Avenue.

The Wilshire Community Plan Area has a pattern of low to medium density residential uses interspersed with areas of higher density residential uses. Long narrow corridors of commercial activity can be found along major boulevards including Wilshire, Pico, La Cienega, Western and Vermont. The plan area east of Western Avenue contains large concentrations of higher-density residential neighborhoods surrounding the regional commercial area known as Wilshire Center.

Existing residential land use totals 4,568 acres, including approximately 116,575 dwelling units. The Wilshire Community Plan designates 4,592 acres for residential land uses, accommodating a projected 134,300 dwelling units.

Existing commercial land uses comprise 1,054 acres. There is approximately 40,004,300 square feet of existing commercial development. Planned commercial land use as designated in the Community Plan totals 1,129 acres, with a projected developed commercial total of 41,833,820 square feet.

Existing industrial land use is 50 acres. There is approximately 1,527,800 square feet of existing industrial development. Planned industrial land use designated in the Community Plan is 38 acres, with a build-out projection equal to current conditions.

There are 191 acres of land designated as open space. This category represents 2.1 percent of total land acreage in the Wilshire Community.

The street pattern in the Wilshire area is primarily a grid. Most of the street network is oriented on primary compass points with few exceptions. Notably, south of Wilshire Boulevard and west of Wilton Place, the street grid shifts uniformly towards a northeast/southwest alignment, while east/west streets shift somewhat to a northwest/southeast orientation.

DEMOGRAPHICS

The 2000 Census recorded a Wilshire Community Plan Area population of 292,101. This includes an ethnic mix of 8.8 percent African American, 23.3 percent Asian, 23.7 percent Caucasian (non-Latino), 41.3 percent Latino, and less than one percent Native American.

The Wilshire area is one of the most ethnically and economically diverse areas in the City of Los Angeles. Population make-up varies dramatically from block to block and historically many neighborhoods are ethnically and racially integrated.

A multitude of cultures, ethnicities, and activities together define this diverse area of Los Angeles. For example, Fairfax Avenue itself runs through a district of Ethiopian restaurants, crosses museum row, then arrives at a thriving Orthodox Jewish. Established high-end residential districts abut first generation immigrant neighborhoods, creating dynamic, intricate, and vibrant social patterns of neighborhood interaction and community.

The Koreatown area loosely overlaps a collection of neighborhoods including many primarily Latino areas in the eastern portion of the plan area. Koreatown is centered around Olympic Boulevard between Western and Vermont Avenues.

The Southern California Association of Governments (SCAG) projects a 2010 population of 337,144 persons, a 25 percent increase over the 1990 Census total of 271,620. The Community Plan provides capacity to meet this projection. Population density in 1990 averaged 30.6 persons per gross acre, the second highest for community plan areas in the City of Los Angeles.

2015
GROWTH & INFRASTRUCTURE
REPORT

population

transportation

water

fire

housing wastewater sewer stormwater

SCHOOLS



SOLID WASTE / POWER / POLICE / CULTURAL RESOURCES
URBAN runoff libraries PARKS airports HARBOR

TABLE 5. Population by Community Plan Area, 2010-2015

Community Plan Area	2010 Census	2015 Estimate*	2010-2015 % Change
Port of Los Angeles	1,462	1,663	13.8%
Reseda - West Van Nuys	107,754	110,392	2.4%
San Pedro	76,651	78,647	2.6%
Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass	78,803	81,157	3.0%
Silver Lake - Echo Park - Elysian Valley	70,088	74,168	5.8%
South Los Angeles	270,354	279,068	3.2%
Southeast Los Angeles	278,337	290,946	4.5%
Sun Valley - La Tuna Canyon	88,556	90,715	2.4%
Sunland - Tujunga - Lake View Terr. - Shadow Hills - East La Tuna Canyon	61,763	63,463	2.8%
Sylmar	78,862	82,467	4.6%
Van Nuys - North Sherman Oaks	159,035	163,723	2.9%
Venice	36,962	39,968	8.1%
West Adams - Baldwin Hills - Leimert	175,057	178,422	1.9%
West Los Angeles	74,952	77,955	4.0%
Westchester - Playa del Rey	55,073	59,446	7.9%
Westlake	110,781	117,610	6.2%
Westwood	51,459	55,404	7.7%
Wilmington - Harbor City	77,237	77,411	0.2%
Wilshire	278,392	293,461	5.4%
Citywide	3,792,621	3,965,380	6.24%

*Department of City Planning, DRU, Population/Housing Estimate (10/01/2015)

EXHIBIT H

Results for Metro's biannual onboard survey

BY MATTHEW KRIDLER , MAY 6, 2014

Metro Customer Survey Results

Every year Metro conducts a customer satisfaction survey aboard their buses and trains. This year they got back almost 20,000 paper surveys from riders like you! This is what you had to say.

How did you get to the station or stop?



Bus Riders

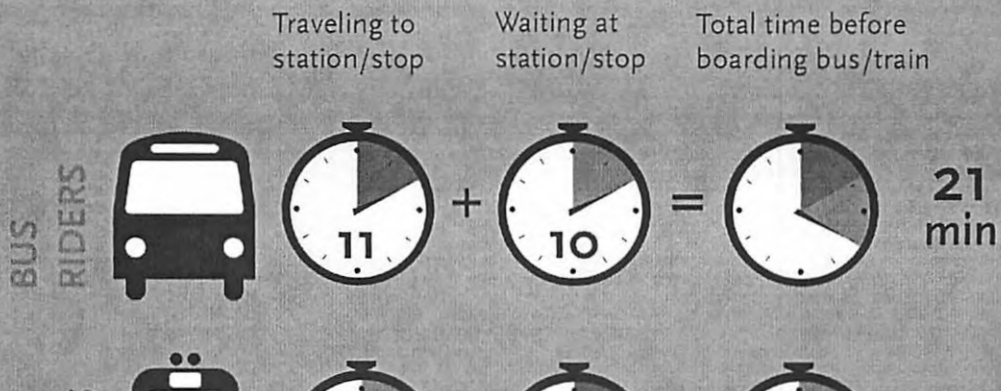


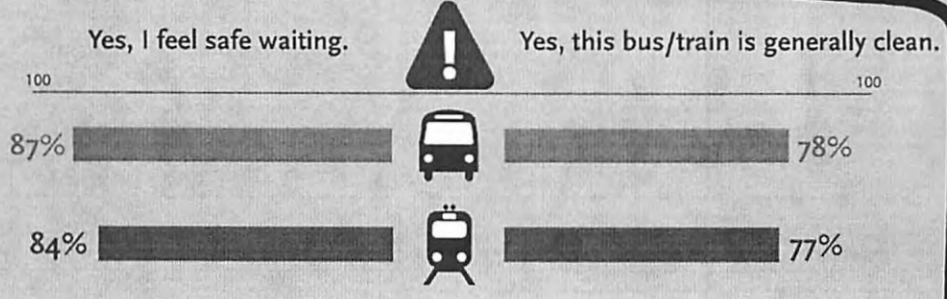
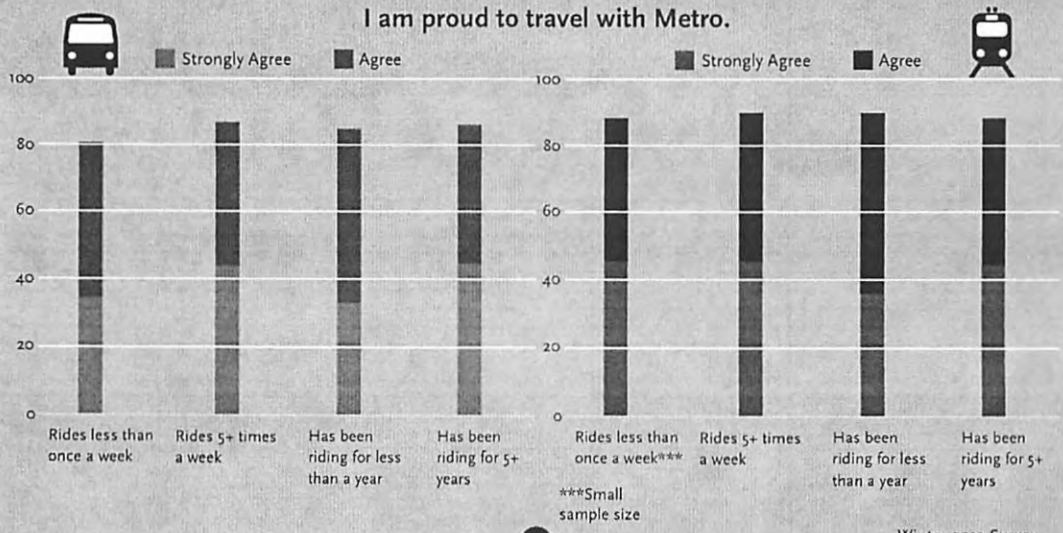
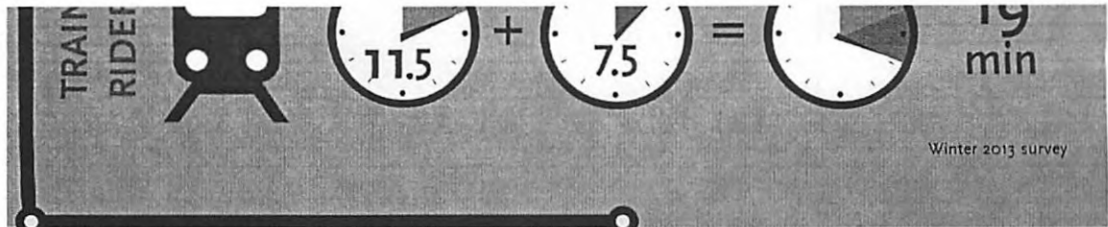
Train Riders



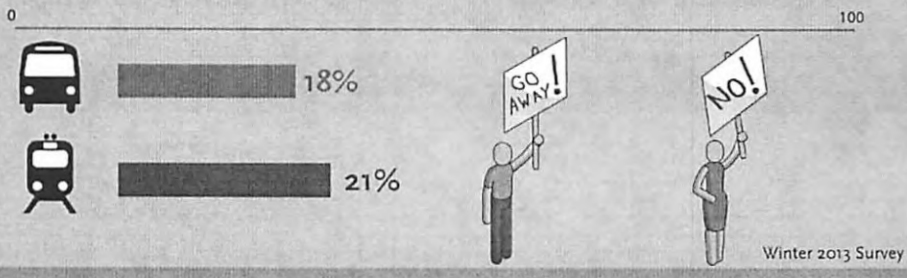
Winter 2013 survey

How long did it take you to get to the station/stop and how long did you wait?

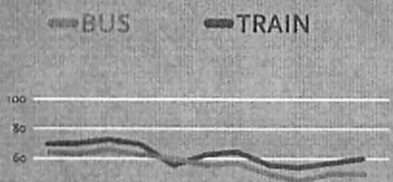




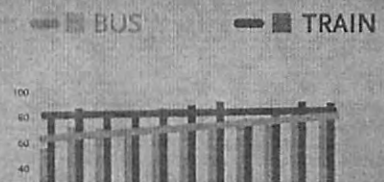
In the past month, while riding Metro, have you felt unsafe due to unwanted touching, exposure, comments, or any other form of unwanted sexual behavior?

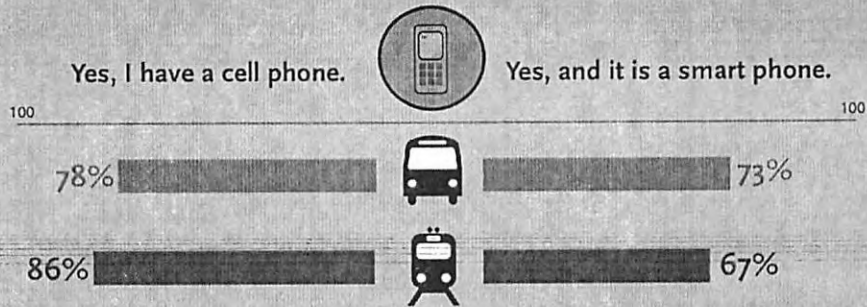


I transferred to complete this trip.

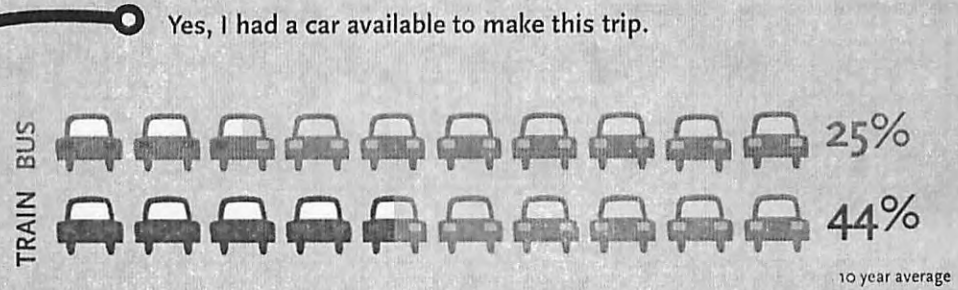


Yes, my bus/train is generally on time.





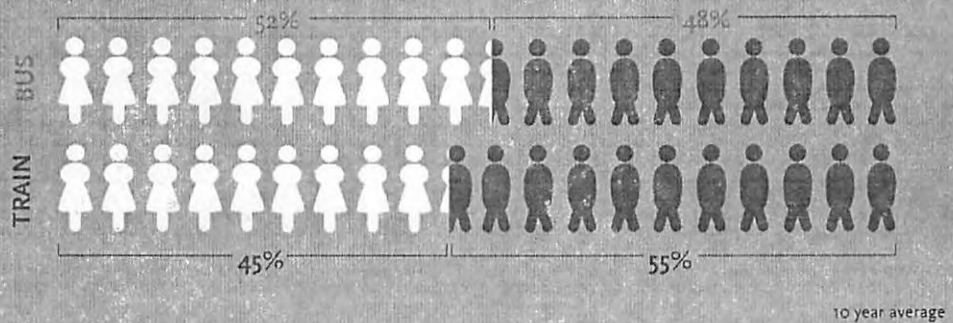
Winter 2013 survey

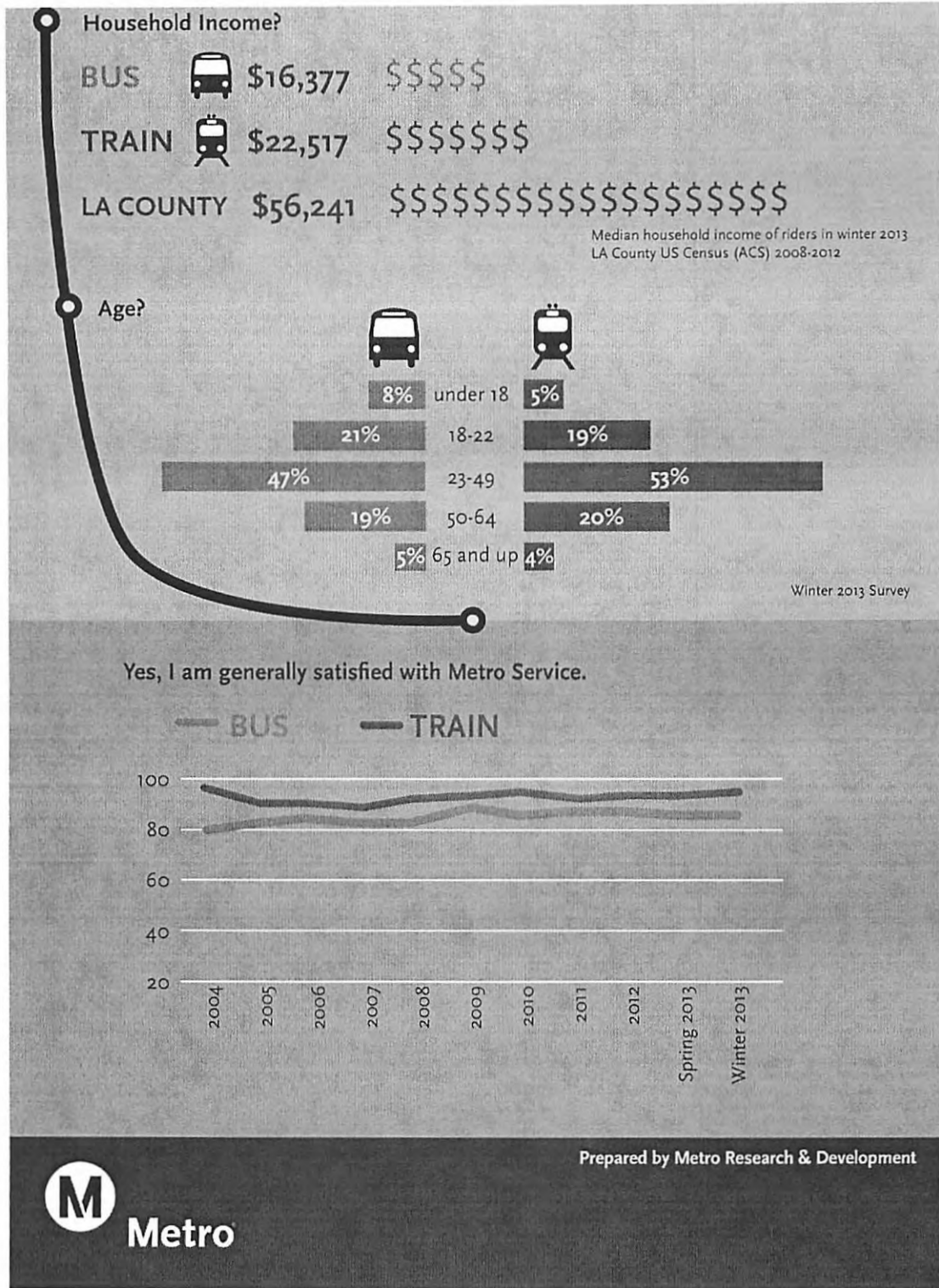


What is your ethnicity?



Gender?





Click above to see larger.

For more than a decade, Metro's Research & Development team has been gathering and analyzing data on Metro bus/rail users. The annual customer satisfaction survey was begun to help inform transit planners and division managers of overall customer satisfaction, on-

urine performance, cleanliness, safety as well as track demographic shifts in Metro ridership.

Overall, Metro bus and rail riders both saw slight increases in median income, as well as a decrease in the percent of riders below the poverty line. This was coupled with a decrease in car ownership for both bus and rail riders, as well as a decrease in the percentage of people who either drove to their first Metro stop/station or were dropped off there. Although income and car ownership have, historically speaking, been positively related, that relationship may be weaker today than in the past. This could possibly be due to a nationwide movement

(<http://www.chicagobusiness.com/article/20120728/ISSUE03/307289990/the-young-and-the-carless>) of young adults choosing to forgo the added costs, parking burdens, and risks of owning an automobile.

Another statistic of interest is the continued increase in cell phone, specifically smartphone, access (37 percent of Metro riders had a smart phone in 2009 compared to 57 percent in 2013). Services such as Metro.net (<http://www.metro.net>), the Go Metro App (<http://www.metro.net/mobile/>) and Google Maps are able to provide more and more transit users up to the minute information regarding Metro services.

As the adoption rate of smartphone technology increases, Metro's ability to quickly, accurately, and easily provide transit users with important information is augmented greatly. If you are one of the 43 percent of Metro users without a smartphone and/or you speak another language, don't worry — Metro will continue to provide information in the traditional way.

Metro R&D is interested in your opinion, and we are constantly looking for ways to better serve the needs of our diverse ridership. If you would like to have your voice heard, please click [here](#).

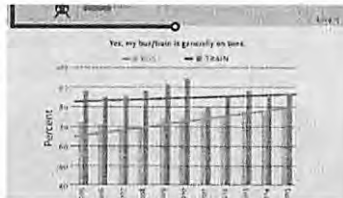
(<http://thesource.metro.net/2014/03/25/metro-looking-for-riders-non-riders-and-other-stakeholders-to-take-online-surveys/>)

If you would like to have a look at the Spring 2013 results, please click here (<http://thesource.metro.net/2013/10/30/customer-survey-results-for-2013/>).

Related



Customer survey results for 2013
In "Surveys"



Results of Metro's latest customer survey
In "Go Metro"

Gender and Metro ridership: more women ride than men, with some exceptions

Gender and Metro ridership: more women ride than men, with some exceptions
In "Policy & Funding"

- 📁 CATEGORIES: Feedback (<http://thesource.metro.net/category/feedback/>)
- 🏷️ TAGGED AS: customer survey (<http://thesource.metro.net/tag/customer-survey/>)

 **18 replies >**

Does the survey ask people for specific suggestions for how Metro could improve its riders' experiences? If not, the next one should – it's a great way to hear about things that the bureaucracy may not notice but riders do.

EXHIBIT I



THIS LINE FOR RECORDER'S USE

145

VENUE STAMPS IN THIS SPACE

Corporation Grant Deed

Affix I. R. S. \$ 220.00

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, ANGELUS FLOOR COVERINGS CO., INC., formerly Angelus Floor Covering Co., Inc., Hard Surface Division, a corporation,

a corporation organized under the laws of the state of California

\$2

hereby GRANTS to A. B. PARVIN, a married man as to an undivided 3/8 interest; HARRY A. GOLDMAN, a married man, as to an undivided 3/8 interest; and ROBERT L. BRILLIANT, a married man, as to an undivided 1/4 interest, the following described real property in the state of California, county of Los Angeles

Lots 1, 2, 3, 4 and 5 in Block 50 of Tract No. 7555, as per map recorded in Book 88, Pages 79 to 84 inclusive of Maps in the Office of the County Recorder of said County.

SUBJECT TO: All general and special taxes for the fiscal year 1958-1959. Covenants, conditions, restrictions, reservations, rights, rights-of-way and easements now of record.



In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its Vice President and Secretary thereunto duly authorized.

Dated: September 26, 1958

ANGELUS FLOOR COVERINGS CO., INC. formerly Angelus Floor Covering Co., Inc., Hard Surface Division, a Corporation

STATE OF CALIFORNIA }
COUNTY OF } ss.
Los Angeles }

By: *[Signature]* President
By: *[Signature]* Secretary

On September 26 1958

before me, the undersigned, a Notary Public in and for said County and State, personally appeared EDWARD ROTHSCHILD

known to me to be the Vice President, and LEO STRASSBURG

known to me to be the Secretary of the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal

(Seal) *[Signature]*
Notary Public in and for said County and State.

SPACE BELOW FOR RECORDER'S USE ONLY

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CALIF. FOR TITLE INSURANCE & TRUST CO. OCT 20 1958 AT 8 AM MAY S. LEE, COUNTY RECORDER

WHEN RECORDED MAIL TO

A. B. Parvin
C/o Victor L. Mendler
6399 Wilshire Blvd
Los Angeles, 48, Calif.

Title Order No. 5033206
Escrow or Loan No. 9226

AFTER RECORDING MAIL TO

Mr. Morris Markowitz and Mr. S. F. Pepper
677 West Pico Boulevard
Los Angeles 35, California

406

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
OCT 20 1960 AT 8 A.M.
RAY E. LEE, County Recorder

FEE
\$2
K

SPACE ABOVE THIS LINE FOR RECORDER'S USE

50-159

PLACE INTERNAL REVENUE STAMPS IN THIS SPACE

Grant Deed

Consideration less than \$100.00
Affix I.R.S. \$ none

By this instrument dated October 7, 1960, for a valuable consideration,
LUCILLE MARKOWITZ, a married woman, and ROSE L. PEPPER, a married woman, spouses
of the hereinafter named grantees,
hereby GRANT(S) to
MORRIS MARKOWITZ, a married man, as his separate property, and S. F. PEPPER, a married
man, as his separate property, ~~as tenants in common~~,
the following described real property in the State of California, County of Los Angeles,.....
Lots 1, 2, 3, 4 and 5 in Block 50 of Tract No. 7555, in the city of Los
Angeles, as per map recorded in book 96, pages 79 to 81 inclusive of Maps, in
the office of the county recorder of said county.

STATE OF CALIFORNIA }
COUNTY OF } ss.
Los Angeles }

On Oct 7, 1960 before me,
the undersigned, a Notary Public in and for said County
and State, personally appeared

Lucille Markowitz and Rose L.
Pepper,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.
WITNESS my hand and Official seal,

Rose L. Pepper
Lucille Markowitz

(Seal) *[Signature]* (Sign)
Notary Public Commissioned for said County and State
RAY E. LEE by Commission Expires April 7, 1963
Type or print name (Gov't C. 8205)

Title Order No. 5173 945
Escrow or Loan No. 10,019

452

RECORDING REQUESTED BY

453

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CALIF. FOR TITLE INSURANCE & TRUST CO. OCT 20 1960 AT 8 A.M. RAY E. LEE, County Recorder

AFTER RECORDING MAIL TO

Messrs. Morris Markowitz & S. F. Pepper, 25th West Pico Boulevard, Los Angeles 35, California

FEE \$2 K

SPACE ABOVE THIS LINE FOR RECORDER'S USE



PLACE INTERNAL REVENUE STAMPS IN THIS SPACE

Grant Deed

Affix I.R.S. \$330.00

This instrument dated September 23, 1960, for a valuable consideration, A. B. PARVIN and JEANE H. PARVIN, husband and wife; HARRY A. GOLDMAN and BARBARA E. GOLDMAN, husband and wife, and ROBERT L. BRILLIANT and FLORENCE BRILLIANT, husband and wife, hereby GRANT(S) to MORRIS MARKOWITZ, a married man, as his separate property and S. F. PEPPER, a married man, as his separate property, the following described real property in the State of California, County of Los Angeles

Lots 1, 2, 3, 4 and 5 in block 50 of Tract No. 7555, in the city of Los Angeles, as per map recorded in book 88, pages 79 to 84 inclusive of Maps, in the office of the county recorder of said county.

Subject to:

- 1. All General and Special taxes for the fiscal year 1960-1961.
2. Covenants, conditions and easements of record.



STATE OF CALIFORNIA COUNTY OF Los Angeles

Signatures of Florence Brilliant, Robert L. Brilliant, A. B. Parvin, Jeane H. Parvin, Harry A. Goldman, Barbara E. Goldman

On ... before me, the undersigned, a Notary Public in and for said County and State, personally appeared ... known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same. Witness my hand and Official seal,

(Seal) Notary Public Commissioned for said County and State City Commission Expires ... name (Gov't C. 8205)

Title Order No. 5173945 Escrow or Loan No. 10,019

453

RECORDING REQUESTED BY
City National Bank of Beverly Hills

1929

AND WHEN RECORDED MAIL TO

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
DEC 31 1963 AT 8 A.M.
RAY E. LEE, County Recorder

FEE
\$2.80
2M

Name: CARUSO ENTERPRISES INC, and
Street Address: U.S.A. MOTEL CORPORATION
7805 SUNSET BOULEVARD
City & State: LOS ANGELES 46, CALIFORNIA

SPACE ABOVE THIS LINE FOR RECORDER'S USE



Affix I.R.S. s. 690.25 IN THIS SPACE

Grant Deed

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
MORRIS MARKOWITZ, a married man, as his separate property and
S. P. PEPPER, a married man, as his separate property, - - - - -

hereby GRANT(S) to

CARUSO ENTERPRISES INCORPORATED, a corporation, as to an undivided 75
percent interest and U.S.A. MOTEL CORPORATION, a California corporation
as to an undivided 25 percent interest - - - - -

the following described real property in the

County of Los Angeles, State of California:

Lots 1, 2, 3, 4 and 5 in Block 50 of Tract No. 7555, in the city of Los

Angeles, as per map recorded in Book 88 Pages 79 to 84 inclusive of

Maps, in the office of the county recorder of said county, - - - - -

EXCEPT all crude oil, petroleum, gas, bron, asphaltum and all kindred
substances and other minerals under and in Lots 1, 2, 3, 4 and 5 in Block
50 of Tract No. 7555, in the city of Los Angeles, county of Los Angeles, State
of California, as per map recorded in Book 88 Pages 79 to 84 inclusive
of Maps, in the office of the county recorder of said county, without right
of entry, as conveyed to 2025 North Argyle Avenue, a corporation, by deed
recorded June 20, 1962 in Book D-1656 Page 918, Official Records, - - - - -



Dated: December 12, 1963

Morris Markowitz
Morris Markowitz
S. P. Pepper
S. P. Pepper

(Individual)

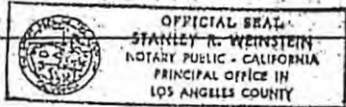
STATE OF CALIFORNIA }
COUNTY OF Los Angeles } SS.

On Dec. 12, 1963 before me, the under-
signed, a Notary Public in and for said County and State, personally
appeared Morris Markowitz

known to me
to be the person whose name is subscribed to the within
instrument and acknowledged that he executed the same.
WITNESS my hand and official seal.

(Seal)

Harold T. Noji
Notary Public in and for said County and State
HAROLD T. NOJI
My Commission Expires Aug. 23, 1967



Title Order No. 6161508

Escrow No. 4514

RECORDING REQUESTED BY
City National Bank of Beverly Hills

1929

AND WHEN RECORDED MAIL TO

City
Street
Address
City & State
CARUSO ENTERPRISES INC, and
U.S.A. MOTEL CORPORATION
7805 SUNSET BOULEVARD
LOS ANGELES 46, CALIFORNIA

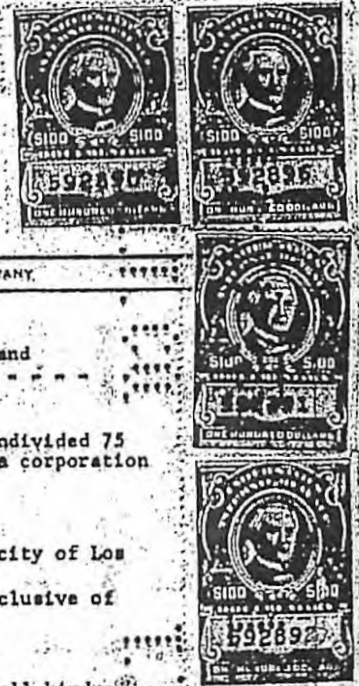
RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
DEC 31 1963 AT 8 A.M.
RAY E. LEE, County Recorder

FEE
\$2.80
2 M

SPACE ABOVE THIS LINE FOR RECORDER'S USE



Affix I.R.S. \$ 690.25 IN THIS SPACE



Grant Deed

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
MORRIS MARKOWITZ, a married man, as his separate property and
S. F. PEPPER, a married man, as his separate property, - - - - -

hereby GRANT(S) to
CARUSO ENTERPRISES INCORPORATED, a corporation, as to an undivided 75
percent interest and U.S.A. MOTEL CORPORATION, a California corporation
as to an undivided 25 percent interest - - - - -
the following described real property in the

County of Los Angeles, State of California;
Lots 1, 2, 3, 4 and 5 in Block 50 of Tract No. 7555, in the city of Los
Angeles, as per map recorded in Book 88 Pages 79 to 84 inclusive of
Maps, in the office of the county recorder of said county,

EXCEPT all crude oil, petroleum, gas, brea, asphaltum and all kindred
substances and other minerals under and in Lots 1, 2, 3, 4 and 5 in Block
50 of Tract No. 7555, in the city of Los Angeles, county of Los Angeles, State
of California, as per map recorded in Book 88 Pages 79 to 84 inclusive
of Maps, in the office of the county recorder of said county, without right
of entry, as conveyed to 2025 North Argyle Avenue, a corporation, by deed
recorded June 20, 1962 in Book D-1656 Page 918, Official Records.



Dated: December 12, 1963

STATE OF CALIFORNIA }
COUNTY OF Los Angeles } SS.

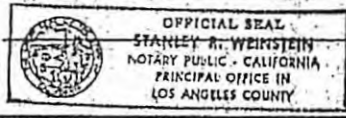
On 12-13-63 before me, the under-
signed, a Notary Public in and for said State, personally appeared
Morris Markowitz and S. F. Pepper

known to me
to be the person whose name is subscribed to the within
instrument and acknowledged that they executed the same.
WITNESS my hand and official seal.

(Seal) Signature Stanley R. Weinstein
STANLEY R. WEINSTEIN
My Commission Expires Mar. 27, 1966
Notary Public in and for said State

If executed by a Corporation the Corporation Form of
Acknowledgment must be used.

Morris Markowitz
Morris Markowitz
S. F. Pepper
S. F. Pepper



Title Order No. 6161508

Escrow No. 4514

1929

RECORDING ACQUIRED BY
AND WHEN RECORDED MAIL TO

87-1409534

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. 11 A.M. SEP 1 1987
PAST.

FEE \$9 A
3

CRM Properties Inc. and
U.S.A. Investments, Inc.
6161 W. Century Blvd,
P.O. Box 45048
Los Angeles, CA 90045-0048

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

CORPORATION

THIS CONVEYANCE ONLY CHANGES
MANNER IN WHICH TITLE IS HELD
Revenue and Taxation Code 11911

DOCUMENTARY TRANSFER TAX \$ None
... computed on full value of property conveyed, or
... computed on full value less liens and
... encumbrances remaining at time of sale.
U.S.A. Investments, Inc.

CARUSO ENTERPRISES, INC. and U.S.A. HOTEL CORPORATION, Corporations, both
Corporations duly organized and existing under and by virtue of the laws of the State of California
with their principal places of business located at 6161 W. Century Blvd,
City of Los Angeles, County of Los Angeles, State of California
for a valuable consideration receipt of which is hereby acknowledged, do hereby remise, release and forever quitclaim to

CRM PROPERTIES INC. and U.S.A. INVESTMENTS, INC.

the following described real property in the City of Los Angeles
County of Los Angeles, State of California. See Exhibit "A" attached.

Grantors and Grantees are one and the same. This transaction is merely a change
in method of holding title without changing the portional interest of the users
herein, merely a name change pursuant to Section 62(a)(2) of the Revenue and
Taxation Code. *STOCKHOLDERS IN THE GRANTERS' CORPORATIONS ARE THE SAME AS THE
STOCKHOLDERS IN THE GRANTORS' CORPORATIONS AND HOLD SAME PROPERTY INTEREST.*

Assessor's parcel No. 4334-008-035

Executed on August 27, 1987, at Los Angeles, California

CARUSO ENTERPRISES, INC.
By [Signature] President

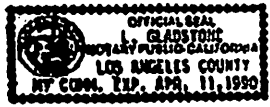
U.S.A. HOTEL CORPORATION
By [Signature] Secretary

STATE OF CALIFORNIA }
COUNTY OF Los Angeles }
On this 27th day of August, 1987,
before me, the undersigned, a Notary Public in and for said State, personally appeared R. J. Caruso
and J. G. Morwin

personally known to me (or proved
to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as
President and Secretary, respectively, of the Corporation therein named, and acknowledged to me
that the Corporation executed it pursuant to its by-laws or a resolution of its board of directors

WITNESS my hand and official seal

[Signature]
Notary Public in and for said State.



MAIL TAX STATEMENTS TO CRM PROPERTIES INC. and U.S.A. INVESTMENTS, INC., P.O. Box 45048, Los Angeles, CA 90045-0048

REPLY TO: CRM PROPERTIES INC. (ATTENTION: U.S.A. INVESTMENTS, INC.) P.O. Box 45048, Los Angeles, CA 90045-0048

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

}⁵⁵

87-1409534

2

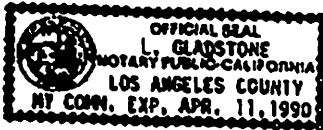
On this 27th day of August in the year 1987
before me, the undersigned, a Notary Public in and for said State, personally appeared
R. J. Caruso, President of U.S.A. Motel Corporation
and L. G. Merwin, Secretary
of U.S.A. Motel Corporation

personally known to me (or proved to me on the basis of satisfactory evidence) to be the
persons who executed the within instrument as President and Secretary, respectively, of the
Corporation therein named, and acknowledged to me that the Corporation executed it
pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal



Notary Public in and for said State.



AMERICAN SLEDGEHAMMER Corp. Pres. & Sec. 4000 W. 222nd St. Los Angeles, CA 90048
IMPREGONITE INC

EXHIBIT "A"

LOTS 1, 2, 3, 4 AND 5 IN BLOCK 50 OF TRACT NO. 7555, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 88 PAGES 79 TO 84 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL CRUDE OIL, PETROLEUM, GAS, BRHA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERAL UNDER AND IN LOTS 1, 2, 3, 4 AND 5 IN BLOCK 50 OF TRACT NO. 7555, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 88 PAGES 79 TO 84 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITHOUT RIGHT OF ENTRY, AS CONVEYED TO 2025 NORTH ARGYLE AVENUE, A CORPORATION, BY DEED RECORDED JUNE 20, 1962 IN BOOK D-1656 PAGE 918, OFFICIAL RECORDS.

87-1409534

93-1306245

RECORDING REQUESTED BY
PACIFIC TITLE GUARANTY COMPANY
AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:
Name: Jeffrey E. Donfeld, Esq.
Address: Donfeld, Kelley & Rollman
City & State: 11849 W. Olympic Blvd., #1245
Zip: Los Angeles, CA 90064

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
JUL 8 1993 AT 8 A.M.

FEE \$11

Title Order No. _____ Feeform No. _____
SPACE ABOVE THIS LINE FOR RECORDER'S USE
A.P.N. 4334-009-035

Quitclaim Deed

This Form Provided by PACIFIC TITLE GUARANTY COMPANY

TRANSFER TAX
NOT A PUBLIC RECORD

The undersigned declare that the documentary transfer tax is SEE SEPARATE AFFIDAVIT and is
 computed on the full value of the interest or property conveyed, or is
 computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land, tenements or realty is located in:
 unincorporated area city of Los Angeles

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
U.S.A. INVESTMENTS, INC., a California corporation

do hereby remise, release and forever quitclaim to
CRM PROPERTIES, INC., a California corporation

all of Grantor's undivided 25% interest in
the following described real property in the county of Los Angeles
state of California:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A AND INCORPORATED
HEREIN BY THIS REFERENCE

Dated JUN 7, 1993

U.S.A. INVESTMENTS, INC.,
a California corporation
By: [Signature]
RICK J. CARUSO
President

~~STATE OF CALIFORNIA
COUNTY OF _____
On this _____ day of _____, 19____, before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared _____
_____, personally known to me
or proved to me on the basis of satisfactory evidence to be the
person whose name _____ subscribed to the within instrument
and acknowledged that _____ executed the same.

Signature of Notary~~

FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE
Name _____ Street Address _____ City & State _____

A71059

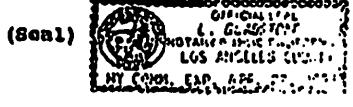
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

On June 7, 1993 before me, the undersigned Notary Public in and for said State, personally appeared RICK J. CARUSO, 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 executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

L. Galatone

Signature of Notary Public
Commissioned for said County
and State



93-1306245

EXHIBIT "A"

DESCRIPTION: THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOTS 1, 2, 3, 4 AND 5 IN BLOCK 50 OF TRACT NO. 7555, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 88 PAGES 79 TO 84 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL CRUDE OIL, PETROLEUM, GAS, BRZA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER AND IN LOTS 1, 2, 3, 4 AND 5 IN BLOCK 50 OF TRACT NO. 7555, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 88 PAGES 79 TO 84 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITHOUT RIGHT OF ENTRY, AS CONVEYED TO 2025 NORTH ARROYO AVENUE, A CORPORATION, BY DEED RECORDED JUNE 20, 1962 IN BOOK D-1688 PAGE 918, OFFICIAL RECORDS.

PARCEL 2:

THAT PORTION OF SAN VICENTE BOULEVARD, VARIABLE WIDTH, ADJOINING LOTS 1 THROUGH 4, BLOCK 50, TRACT NO. 7555, RECORDED IN BOOK 88, PAGES 79 TO 84 INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 1, BLOCK 50, SAID TRACT NO. 7555; THENCE NORTH 82 DEGREES 10' 40" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 2.03 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT 2.00 FEET WESTERLY MEASURED AT RIGHT ANGLES FROM THE EASTERLY LINE OF SAID LOT 1, SAID POINT TO BE THE TRUE POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 40' 00" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 67.94 FEET; THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 17.21 FEET, THROUGH A CENTRAL ANGLE OF 142 DEGREES 19' 19", AN ARC DISTANCE OF 42.75 FEET; THENCE NORTH 39 DEGREES 20' 41" WEST ALONG A LINE TANGENT TO SAID CURVE 84.90 FEET; THENCE NORTHWESTERLY ALONG A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 190.00 FEET, THROUGH A CENTRAL ANGLE OF 30 DEGREES 58' 00", AN ARC DISTANCE OF 102.68 FEET; THENCE NORTH 8 DEGREES 22' 41" WEST ALONG A LINE TANGENT TO SAID LAST-MENTIONED CURVE, 206.59 FEET TO THE SOUTHWESTERLY LINE OF LOT 4, SAID BLOCK 50; THENCE SOUTH 26 DEGREES 52' 00" EAST, ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 50, 316.16 FEET TO THE SOUTHWESTERLY CORNER OF SAID BLOCK 50; THENCE SOUTH 82 DEGREES 10' 40" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1 A DISTANCE OF 10.72 FEET TO THE TRUE POINT OF BEGINNING. AS VACATED RESOLUTION TO VACATE NO. 90-21592, CALIFORNIA STREETS AND HIGHWAYS CODE SECTIONS 8324, 8325, AND 8340, RECORDED DECEMBER 18, 1990 AS INSTRUMENT NO. 90-2079959, OFFICIAL RECORDS.

93-1306245

EXHIBIT J

LAWEEKLY



City Hall's "Density Hawks" Are Changing L.A.'s DNA

BY STEVEN LEIGH MORRIS

WEDNESDAY, FEBRUARY 27, 2008 AT 10:20 A.M.

Soon after taking the job of director of the Los Angeles Department of City Planning in 2006, Gail Goldberg made a declaration that let slip how City Hall is allowing developers to pursue a building frenzy straight out of the storied tale *Chinatown*.

Said Goldberg, newly arrived here from a similar post in San Diego:

"In every city in this country, the zone on the land establishes the value of the land. In Los Angeles, that's not true.

"The value of the land is not based on what the zone says ... It's based on what [the] developer believes he can change the zone to.

"This is disastrous for the city.

"Disastrous.

"Zoning has to mean something in this city."

Goldberg probably wishes she hadn't said that, not necessarily because she got reprimanded by L.A.'s famously vindictive Mayor Antonio Villaraigosa, but because Los Angeles County Supervisor Zev Yaroslavsky has repeated her words in public, over and over. Yaroslavsky, who represented the city's affluent Westside District 5 as a councilman until 1994, has been staging a one-man campaign to slow City Hall's feverish promotion of density – a quiet war on the large swaths of suburbia and few hunks of countryside remaining inside the city limits. With little debate, a trio of new "density enabling" ordinances (a real mouthful, known as the Downtown Ordinance, the Parking Reduction Ordinance and the Senate Bill 1818 Implementation Ordinance) has rolled through Goldberg's Planning Department and ended up in the ornate council chambers on City Hall's second floor.

The first two were easily approved, and the SB 1818 Implementation Ordinance passed on February 20, with only council members Dennis Zine, Janice Hahn, Bill Rosendahl and Tom LaBonge opposed. On paper, the three ordinances will let developers bypass the city's fundamental zoning protections – and profoundly alter the livability, look and essence of L.A.

This is no small thing. The rules for how Angelenos wanted to fashion their city were arduously, sometimes bitterly, negotiated among homeowners, developers, environmentalists and politicians in the mid-'80s, led by then city councilmen Joel Wachs, Marvin Braude and Yaroslavsky. Those core rules today hold tremendous power, creating a blueprint that dictates which Los Angeles neighborhoods should be preserved – and which should be dramatically built up.

Yet in contrast to the boisterous civic debate launched by city and community leaders in the 1980s, the Villaraigosa administration has grown accustomed to only tepid public interference and awareness. Through aide Gil Duran, the mayor has for five months ducked *L.A. Weekly's* routine questions about his agenda's potential consequences citywide – much taller and fatter residential buildings than zoning law allows, significantly less green space, obliteration of residential parking in some complexes and removal of older, less expensive housing. (Hours before the *Weekly* went to press, Deputy Mayor Helmi Hisserich finally responded, lashing out at "heads in the sand" sentiments and warning that "the city is not going to stop growing.")

On the City Council itself, the likes of Wachs and Braude are long gone, replaced by avidly prodensity council members such as Jan Perry, Council President Eric Garcetti and Wendy Gruel, who rarely say no to grand construction plans and work in tandem with obscure regional planning commissions that routinely override zoning rules in favor of developers and property owners.

Yaroslavsky, silent for the first two years of Villaraigosa's reign, now snaps, "These density hawks at City Hall are trying to undo 20 years of our work."

The constant overriding of zoning protections has indeed been relentless – a binge of "zoning variances" and "zone changes" granted by longtime Zoning Administrator Michael LoGrande, a little-known official who is the rear admiral of a prodensity flotilla inside City Hall that long predates Villaraigosa's administration.

The variances and zone changes – quite simply, permissions to skirt existing rules – are granted on a case-by-case basis, and LoGrande hands them out like candy. LoGrande did not return numerous phone calls from the *Weekly*. Four biweekly Planning Department reports, randomly selected by the *Weekly* from March, June, September and December 2007, show that requests to increase housing density or square footage rolled in at about 260 annually,

slowing only as the mortgage crisis hit. Retired Zoning Administrator Jon Perica explains that while the sought-after density increases are subjected to design, environmental and compatibility review, "the Planning Department historically approves about 90 percent."

For anyone paying attention, and very few people are, LoGrande's decisions – buttressed by the rulings of seven area planning commissions populated with Villaraigosa's appointees – are why some corners of the city are taller and more congested than 10 years ago, even neighborhoods whose legally binding zoning plans were supposed to achieve the opposite.

In the 1960s, a city growth cap of 4.2 million was established as the peak load for Los Angeles' infrastructure and services. This allowed for urban centers like Century City, Warner Center and downtown, while protecting single-family neighborhoods. Three years ago, Perica warned, "growth beyond 4.2 million people would require that existing single-family neighborhoods and lower-density residential areas would have to be 'up-zoned' in the future for more intense multistory density." He added pointedly, "Residents didn't want Los Angeles to look like other higher-density Eastern cities, like Chicago and New York."

Nonetheless, the agendas of builders, land speculators, the chambers of commerce, the Planning Department and elected leaders have produced a virtually nondebated tectonic shift since the residential real estate turnaround of 2002, much increased under Villaraigosa. The shift is pushing L.A. from its suburban model of single-family homes with gardens or pools – the reason many come here – toward an urban template of shrinking green patches and multistory buildings of mostly renters.

To be sure, not everyone sees this in the negative light that people such as *The New Geography* author and social critic Joel Kotkin ("We remain an increasingly suburban nation") and Yaroslavsky do. Downtown developer Tom Gilmore scoffs that Kotkin and other defenders of suburbia and single-family dwellings "take that notion of urbanism and say, 'Oh my god, they're going to do that to your neighborhood too! They're going to make everything a "heat island"!"

To Gilmore, the attitude in Ventura County and cities such as Santa Barbara, Rohnert Park, Sonoma, Healdsburg, Tracy and Dublin, all of which have enacted residential-growth limits to stop urbanization, denies the inevitable.

Rena Kosnett

(Click to enlarge)

"Oh my god, they're going to do that to your neighborhood!" –Developer Tom Gilmore, mocking those who are worried

"Growth is not an option," says Gilmore. "We can grow with care, with thought and creativity, or we can grow the way we've grown for 150 years. I don't think the Planning Department has got it all right, but I'm happy they've got a template we can argue about."

But his notion of a grand civic debate under way is a façade. The public have little idea what is being allowed even in their immediate area. Downtown insiders such as Ed Reyes – a city councilman and chairman of the powerful Planning and Land Use Management Committee – working with Villaraigosa's handpicked department heads like Goldberg and mayoral appointees like former Councilman Mike Woo (on the Planning Commission) aren't engaging Angelenos in any serious discussion of their "template." And the mayor is assiduously avoiding a public debate in which he might be forced to justify his vision.

Their template could force urbanism onto all but the most protected enclaves of Los Angeles. The truly protected spots are "R1-zoned" – or single-family-residential only – 318,602 of the city's roughly 1.4 million housing units. The other 75-plus percent of housing units in Los Angeles – including thousands of homes in single-family neighborhoods that residents assume are R1 when they are not – could potentially be "up-zoned" for apartment towers and condos. Some of the most vulnerable areas are the eastern and western ends of the San Fernando Valley – the last quadrants containing some open space.

Of 16,874 housing units built the year after Villaraigosa was elected, 86 percent were multifamily – the vast majority of those rentals. Established homeowner neighborhoods – the glue that historian and former California State Librarian Kevin Starr once noted helped hold L.A. together, even in bad times – are an afterthought; the Brookings Institute reports that L.A. is suffering a middle-class decline more pronounced than in any other urban area in America.

To be fair, some of the mayor's focus has been on truly "underutilized" areas – nearly 100 developments of 100,000 square feet or larger are proposed or approved on sites like the old Sears warehouse in Boyle Heights, land in Marlton Square in South Los Angeles, and the aging Valley Plaza in North Hollywood. Councilwoman Gruel and Council President Garcetti tout this "proactive lead from the mayor."

But there's another side: Around Vanowen and Balboa in the San Fernando Valley over the past decade, ranch homes on spacious lots have made way for apartments, condos or McMansions. Hillsides from Hollywood to Mount Washington are so overbuilt that cars are ordered off the streets on "red-flag days." Along Miracle Mile, beautiful Spanish Colonial duplexes that since the 1920s have housed middle-class families sit unprotected from the urbanization steamroller.

Zev Yaroslavsky is a shrewd, politically left-of-center politician and a "slow growth" advocate with two adult children. Now 59, he's been married to health-care and child-care activist Barbara Yaroslavsky for 36 years. Born in Boyle Heights, then home to Jewish immigrants, Yaroslavsky grew up in the Fairfax District, ran track at Fairfax High, and put himself through UCLA (he has a master's in British imperial history) by teaching Hebrew in Long Beach – and playing professional poker.

He knew the gambling had to stop when he was elected to the City Council in 1975. Before he was sworn in, he paid a last visit to his favorite Gardena casino, the Normandie, sidling up to a group of Jewish matrons who said, "Zev, we know you're going to be an honest politician because you never bluff." He remembers thinking, "No, I just look like I never bluff."

Today, he says Los Angeles desperately needs a subway to the sea. But 23 years ago, he and others raised safety concerns about tunneling under the Westside after a 1985 explosion of naturally occurring methane gas ripped through the Ross Dress for Less near Fairfax. Although Yaroslavsky is sometimes blamed for halting federal funds for the line, he called for further safety studies, while Westside Congressman Henry Waxman led the fight to stop federal funds.*

For his part, Yaroslavsky in 1998 led a successful ballot effort that stopped local sales taxes from being used on the increasingly pricey subway being built under Hollywood. He instead pushed to use those funds for non-subway transit projects.*

Longtime Westsiders remember it was Yaroslavsky who ushered through the huge expansion of the Westside Pavilion in 1986, despite community outrage over gridlock. Developer Gilmore is one of many pro-growthers who blame "Zev" for so disrupting the old mass-transit scheme that today the Westside is "incredibly dense" and has "the worst traffic in the city," but Yaroslavsky tires of getting blamed for inevitable development pressures in his former Council District 5.

It is, after all, some of the city's priciest and most sought-after housing real estate, running from Palms to Encino and including Westwood and UCLA. It's something of a City Hall tradition to blame Yaroslavsky: Even back in 1987, Mayor Tom Bradley's spokesman Fred MacFarlane, in *The New York Times*, blamed the congestion on him. In the same story, an L.A. businessman noted, "Right now, any slow-growth candidate who does not get arrested for molesting children can get elected." But how times have changed.

Yaroslavsky counters today's dominant voice of pro-growthers in City Hall by saying that had he not halted the \$300-million-per-mile subway, Los Angeles could never have afforded to create the popular Orange Line bus lanes in the Valley or the Gold Line light rail from

downtown to Pasadena. Sounding like the old Yaroslavsky, he tells the *Weekly*, "In all corners of the city, a revolution is brewing against the pack mentality at City Hall."

One of the issues that most sticks in his craw is the aforementioned SB 1818 Implementation Ordinance. Not exactly a household phrase, the ordinance lets developers build new apartment buildings 35 percent larger than the protective local zoning allows – if developers agree to include some below-market "affordable" units in these buildings.

But does it actually produce cheaper housing – its main aim? Yaroslavsky points to a development on Sepulveda in Westwood where a developer wiped out 31 apartments rented mostly to UCLA students for \$1,500, erecting 59 condos with mortgages of about \$3,000 a month. He recalls scornfully, "The developer says to me, 'Those [\$1,500-a-month] units weren't affordable anyway.'" Yaroslavsky retorted, "How many of those students can afford your condos after they graduate?" And the trend is spreading. In Miracle Mile, he says, "On Ridgeley and Sixth, there's four parcels of rent-controlled units. One day I'm jogging there, and they're gone!"

Under the SB 1818 Implementation Ordinance, the now-destroyed lower-cost apartments on Ridgeley and Sixth can be replaced with a luxury tower that ignores low-growth zoning – as long as the owner agrees to rent 10 to 20 percent of the apartments at "affordable" prices. The developer can now charge the current market rate (of about \$2,300 a month for a two-bedroom apartment) for the rest of the units he builds at Ridgeley and Sixth – far higher than the rents in the now-destroyed building, and enough for a mortgage in most cities.

Fumes Yaroslavsky of this "affordable" housing, "The whole thing's a fraud. It's a wolf in sheep's clothing."

Yaroslavsky's passion dates from the mid-'80s, when homeowners associations howled at a wave of construction from Hauser Boulevard to La Brea Avenue on both sides of Sixth Street in Miracle Mile that destroyed beloved, picturesque Spanish Colonial rentals boasting wrought-iron staircases, cozy alcoves and tile work from the 1920s.

The Bradley administration's urbanization frenzy ushered in shoddy, higher-density, four- and five-story apartment blocks with quickly decaying stucco veneers that looked like they'd been airlifted from Beirut. Indignation generated a wave of grassroots activism. Groups such as the Detroit Street Coalition and Not Yet New York pressured avidly pro-growth City Council President John Ferraro, and Bradley, to protect neighborhoods.

Angry citizens won a huge victory with approval of 35 legally binding land-use plans citywide, now known as "Community Plans." Largely shaped by residents, Community Plans made it harder for developers to roll through medium-density neighborhoods such as

Miracle Mile. Community Plans protected the suburban character of low-density areas being eyed by developers near big streets like Florence, Reseda, Vanowen, La Brea and South Broadway.

But here's the clincher: SB 1818 trumps restrictions built into the Community Plans because it's state law. Each Community Plan is slowly being revisited by the Planning Department in negotiations among homeowners, renters, business owners and city planners, so that neighborhoods conform to projected growth. Right now, 12 city planners (plus support staff) are redoing a big batch of Community Plans including Boyle Heights, Central City, Granada Hills, Hollywood, San Pedro, South Central (redubbed Southeast), South L.A., Sunland-Tujunga, Sylmar, West Adams, West L.A. and Westlake.

In this top-down process, the Planning Department contacts each affected neighborhood council (after notifying the City Council member who oversees that neighborhood) that changes are in the wind – usually to densify the neighborhood.

Some areas face unusually dramatic growth, not because their Community Plan calls for it, but because city planners got \$1 million from the prodevelopment Southern California Association of Governments, combined with Proposition A transportation funds and property taxes, to research and plan extremely dense new neighborhoods near train stations in mostly poor areas along Exposition Boulevard in South Los Angeles, along Soto and Indiana streets on the Eastside, and near Gold Line stations in Chinatown, Lincoln Heights and Cypress Park.

Wes Joe, of the Silver Lake Neighborhood Council, says that his Community Plan was rewritten in 2004, just before Goldberg got here from San Diego, so Silver Lake won't be up for review for some time. Joe says city officials contacted one in five Silver Lake households that year to help redo the Community Plan, and those meetings drew the "usual array of Anglo homeowners" in a neighborhood that's also heavily Latino. Steve Leffert, the president of Lake Balboa Neighborhood Council in the Valley, says that Lake Balboa's two adjacent Community Plans were rewritten in 1993 and 1994, and he's heard nothing from the Planning Department – yet.

The ostensible purpose of Community Plans is to manage the growth that is now officially capped at 4.2 million before city services – like sewerage and local roads – are strained beyond capacity. Perica points out that the current population of 3.9 million doesn't include the 300,000 to 400,000 undocumented residents who make up 10 percent of the city, some living in 50,000 to 70,000 illegally adapted garages and storage spaces, according to the Department of Building and Safety. "Keep that in mind the next time you're stuck in traffic," Perica says. And the planning that exists for that shadow population doesn't begin to address the scale of the problem.

Some residents are stunned by the way the city is trying to circumvent the intent of the Yaroslavsky-sponsored slow-growth measure known as Proposition U, embraced in a landslide vote in 1986, which cut in half the size of buildings allowed on commercial strips adjacent to residential areas.

Voters ushered in Prop. U after then Mayor Bradley, Council President Ferraro and prodeveloper council members like Pat Russell embraced wildly inappropriate projects. Westwood Village was targeted for massive growth, and a huge trash-burning facility, Lancer, was pushed in South L.A. One flash point came with the \$43 million, six-story Encino Terrace Center office tower, which now looms over an attractive Encino neighborhood, wiping out privacy below and casting a permanent shadow.

Prop. U aside, North Hollywood and Hollywood are now targeted for 20-to-35-story skyscrapers that include a mix of residential on the upper floors and commercial on the bottom. The 35-story Columbia Square building will tower over Sunset Boulevard at Gower Street. Such skyscrapers represent dramatic – and virtually undebated – departures for Hollywood and the Valley. Neither skyscraper site is protected by Prop. U, which doesn't apply to Hollywood, downtown or the Metro Rail site in North Hollywood.

Beyond what's in store for Hollywood and the Valley, Yaroslavsky also believes that the SB 1818 Implementation Ordinance places treasured, low-slung neighborhoods such as the Fairfax District's historic rental corridor at risk. But since the mayor is ducking public discussion, Yaroslavsky, a powerful elected official, finds himself instead debating two little-known, if influential, city employees who serve at Villaraigosa's pleasure – Goldberg and Senior City Planner Jane Blumenfeld.

"This is where Gail Goldberg is missing the boat," Yaroslavsky explains of the threats to established, steady neighborhoods. For example, in the Fairfax District, where SB 1818's incentives allow developers to blow past existing zoning, "You've just increased the chance of demolition and redevelopment from impossible to probable."

Though Goldberg counters that the new law doesn't threaten the Fairfax District, in a moment of candor she agrees that SB 1818 is an unavoidable state law that's "a terrible fit for Los Angeles." Blumenfeld, too, concedes that it's "draconian ... but we're trying to make it work."

But Yaroslavsky says it was Blumenfeld, not the state, who pushed the new densities well beyond the state requirements to "35 percent more density," and Blumenfeld then "laid out all the 'findings' to approve it."

Villaraigosa isn't part of this growing rancor. His own views are unknown, aside from his repetitive claim that the "construction crane is the official bird" for Los Angeles.

Meet Jane Blumenfeld, the object of Yaroslavsky's scorn and senior planner for the city of Los Angeles. After receiving her bachelor's in history from the University of Wisconsin, and then a master's in city planning from the University of Pennsylvania, she came here in 1978, working as a planning adviser for Mayor Bradley, just as young Councilman Yaroslavsky was ushering through Prop. U to halt commercial high-rises near homes.

After spending some years in the real estate business, Blumenfeld worked as chief of staff to former Councilman Mike Feuer, then rejoined the Planning Department in 2001. A small woman with a quick wit propelled by spurts of sarcasm, Blumenfeld appears a bit stunned by the charges Yaroslavsky lodges against her, like an elf reacting to the roar of a bear.

"All right ... all right," she says calmly. "Let's just take a look at *his* work."

Blumenfeld leads me through a maze of hallways in City Hall, to an inner office where she points to a color-coded map. "See that?" she says, pointing out that 83 percent of the commercial parcels in the city are marked – indicating Prop. U is in force. "It's not physically possible to build growth there, because Zev has blocked it with Proposition U."

But that's not true. In 2002, under Mayor James Hahn and with virtually no public scrutiny, the City Council watered down Prop. U, creating a new land zone confusingly dubbed "Residential Accessory Services." In such zones, projects can be doubled in size if the developer merely agrees to mix housing units with businesses. In another nod to developers, and calling it "smart growth," the council decided that projects with "affordable" housing can be one-third bigger than permitted if they are within 1,500 feet of a bus stop. Together with SB 1818, much of L.A. is now open to multistory construction. (Click here to download PDF of the map.)

To Blumenfeld, those neighborhoods are underutilized "transit corridors." She also denies Yaroslavsky's charge that Fairfax – as well as other stable villages that make up L.A. – is threatened by SB 1818. Developers still find that "land is expensive, lumber is expensive. The [state] law's been in effect for almost three years, but we've not seen any projects on Fairfax."

"So why write these incentives into the new law?" Yaroslavsky retorts. "The city can't keep talking out of both sides of its mouth."

City leaders first learned of plans to mandate denser California cities in a 1996 memo from the State Department of Housing and Community Development. But Yaroslavsky insists he didn't hear about SB 1818 until last summer, when a mole from the city's Planning

Department leaked him a draft of the plan for apartment buildings 35 percent bigger than allowed.

"We were appalled," Yaroslavsky says. So the county supervisor again became the town crier. Pro-density groups begrudgingly credit him for pressuring the council to ban these higher buildings next to or across alleys from R1 (single family) homes. But other neighborhood protections, such as a lengthy appeals process, were stripped away.

"This all comes from the stupidity of doing these things behind closed doors," Yaroslavsky says. "Now everybody's weighing in. They didn't know what was going on. Now the Silver Lake Neighborhood Council is picking this all apart, and rightly so."

On hearing Yaroslavsky's version, Blumenfeld rolls her eyes.

"There's really no secret plans here," she says. "We don't do anything in this department that's not superpublic and transparent, and nobody knows better than Zev the steps we go through to adopt an ordinance. There were many, many public hearings."

She cites a series of committee meetings, describing them as poorly attended: "Wow! A plan to implement SB 1818! Let me give up my Saturday to go to this!"

In fact, Angelenos don't have a clue what's been happening, or what's coming. In the 32 months since Villaraigosa was elected, for example, the *Los Angeles Times* and the *Daily News* have written only four stories about a plan to allow apartments without parking in order to squeeze in more units. The phrase "SB 1818" has appeared in just 14 articles. The mayor's czar of zoning variances, Michael LoGrande, is virtually unknown – mentioned just six times in Los Angeles print media in the past two years. And the "superpublic" hearings cited by Blumenfeld were attended almost exclusively by lobbyists, a few activists and the occasional curious neighbor.

"There should be a debate!" Yaroslavsky wheezes, a victim of allergies, dabbing his nose with a handkerchief.

"The proponents of the density hawks, including the director of the Planning Department, and the real estate industry, and the L.A. Area Chamber of Commerce – they had the audacity to say that they negotiated the plan [with homeowners]. Not true, there wasn't one neighborhood group that knew about it!"

Now meet Gail Goldberg, Blumenfeld's boss and philosophical cousin, and the other object of Yaroslavsky's discontent. On a Friday at 8:20 a.m., I step out of a City Hall elevator on the fifth floor, walking down an imposing corridor. There stand the double doors to the offices of the director of the Planning Department, Goldberg.

More than 30 feet back from the unattended public counter sits Goldberg's assistant, Lily Quan, the only person in the vast reception area at that hour. She looks up. "May I help you?"

"I'm with the *L.A. Weekly*, and I just got stood up by the planning director for an 8 a.m. meeting at Starbucks."

Quan offers an expression of withering condescension. "I think you're confused," she says slowly, as if to a mentally impaired person. "Your meeting is scheduled for next Friday."

"I have a copy of the e-mail, sent by you, confirming the meeting for this morning."

Quan consults her computer, tapping buttons.

"Looks like we made a mistake," she concedes. "Sorry ... She's got a 9 a.m. appointment, so you'd only have half an hour."

"That," I say, "would be a good start," pondering how the Planning Department could have so much trouble planning a cup of coffee.

At 8:35, Quan ushers me down a small hallway. Goldberg graciously rises from the seat behind her desk to apologize, greeting me in a manner that is both warm and – since we are in City Hall – imperious.

"So what have I read of yours lately?" she asks.

"You would probably have a better idea of that than me."

"What I mean is, what have you written that might have annoyed me?"

In fact, I had recently authored a piece on the city's "Parking Reduction Ordinance," which lets developers of apartments and condos near train stations and bus stops get a waiver from the city's minimum parking-space requirements. In a radical departure, the city could allow big apartments to be constructed without parking spaces. The developer need only prove he is providing a vaguely imagined "alternative means" of transportation – potentially, anything from carpool programs to bicycle racks to walking canes and foot balm – that a local city-zoning administrator feels is a "viable alternative" to driving.

The "public-transit promoting" Parking Reduction Ordinance is not going over well with some of the very few Los Angeles residents who have heard of it.

The Silver Lake Neighborhood Council says that, among other things, the reduced-parking ordinance will eventually punish the working poor (who actually use public transit), helping

to prod them out of neighborhoods where hipster, "transit-oriented" projects lacking parking would almost inevitably be paired with luxury rentals.

Developer Gilmore insists the parking-reduction waiver isn't aimed at "what's happening in Silver Lake today, but what it will look like in 20 to 30 years." Yaroslavsky responds, "I don't think Gail [Goldberg] has a clue as to the impact of what these 'incentives' will be."

When residents of Los Angeles hammered out 35 Community Plans to direct what should happen in the city's loosely connected villages, those plans did not include luxury apartments without parking or skyscraper apartments looming over neighborhoods.

"Good planning has to lead, not follow," Goldberg explains, of City Hall's quiet push to amend those Community Plans, a process she insists will emphasize the need to work together. "We need to get in front of the process with Community Plans, which we're creating right now."

Twenty years ago, Robin Kramer, then chief of staff to Eastside City Councilman Richard Alatorre, told *The New York Times*, in an almost identical comment, that the key question was how City Hall could "best manage the growth and lead it." Now Kramer is back, again as a chief of staff – but this time to Villaraigosa.

At 9 a.m., as Goldberg is preparing to greet members of the Downtown Planning Commission, she advises me of my civic responsibility as a journalist regarding the density debate:

"All I ask is that you don't scare people into paralysis."

The apartment-construction binge began in 2002 but dates to 1993, when the Planning Department, under newly elected Mayor Richard Riordan, rolled out the new-housing component of its General Plan. Although dozens of Community Plans attempted to mute its more dire effects, the General Plan claimed that two-thirds of the city – already the fourth most densely populated in the nation – was "underutilized."

Many found the General Plan laughable and unlikely to ever unfold. But then demographers from California's State Department of Finance and the Southern California Association of Governments (SCAG) prophesied that an inevitable county population increase of 2.5 million people by 2025 had to be met in Los Angeles by the building of far more housing.

That's when city planners started redesigning the very DNA of Los Angeles.

Goldberg says that SCAG bureaucrats want to see 16,000 new housing units per year – in a city many residents view as already overbuilt and grossly congested. (City Hall listens to SCAG, but some cities are sick of SCAG's density drumbeat. Irvine is involved in a bitter lawsuit against SCAG; Palmdale and La Mirada tried to stop SCAG and lost in court.)

SCAG "population projections" of massive, inevitable growth in L.A. are notoriously unreliable, says demographer James Allen, professor emeritus of geography at California State University Northridge.

"I personally don't put any stake in the accuracy of projections from SCAG or anyone else," Allen says. In his college classes, Allen assigns his students to make such projections – showing them how easy it is to manipulate theoretical circumstances to get whatever "population growth" results they desire.

It's a game, Allen explains, with outcomes "all based on assumptions that can't be known." A crash in the local economy, the subprime mortgage debacle, a flood or earthquake, major job growth in the U.S. South – all can send hundreds of thousands of people to other regions.

"But let's say they're accurate," Yaroslavsky conjectures. "Are we being told that we need to rebuild the entire city to facilitate another 2.5 million people in the next 17 years? Good luck. It's not going to happen – economically or politically ... It's preposterous. The deal is that there are a number of developers who see an opportunity here to make a killing."

The actual growth statistics fly in the face of the luxury-apartment future envisioned by the Villaraigosa administration. The U.S. Census says that between 1990 and 2000, 400,000 more residents fled Los Angeles County than moved in from other states and California counties. And significantly, the people who moved here earn an average of \$3,000 less per year than the 400,000 who fled.

Yet the population is expanding, and the two key causes are illegal immigration and the high birth rate among the poor and working poor. Local Latino birth rates are driving it, and in Los Angeles, that means families with a median annual income circling \$25,000.

Who is going to snap up thousands of luxury apartments on the drawing boards, at \$2,500 a month? A few foreign nationals from Stuttgart and London, Dubai and Moscow? Even if Villaraigosa's team comes up with 16,000 new units per year in order to please land speculators, developers and bureaucrats at SCAG, it's highly unlikely that L.A.'s new residents – not hipsters but low-income families – could afford them.

"There's never been the market to support what they've been building," says Joel Kotkin, who notes that L.A. planners mistakenly believe they are creating the next New York or Chicago, when, Kotkin believes, it's more likely they are erecting a dense new Third World city.

There are, to be sure, arguments supporting high-density cities. Peter Gleick, director of Pacific Institute, an ecology-research foundation in San Francisco, says, "In single-family suburban homes, more than half the tap-water supply is spent on lawns and gardens. ... With

the expected radical decline in the Sierra Nevada snowpacks, cities like Los Angeles and Las Vegas cannot continue to grow in the 21st century the way they did in the 20th."

But density also breeds much more crime – something "density hawks" never mention. A report by the National Center for Policy Analysis says crime rates in dense cities outpace by up to 20 percent the crime in more sprawling, spacious cities. So-called "smart growth" Portland and Seattle lead the pack in property crime.

These colliding issues – of water usage, crime peaks, birth rates, developer greed (or hardship, according to Gilmore), statistical manipulation and City Hall transparency – could and should be the subject of public debate in Los Angeles.

But they're not.

Think of the current process as the urban-planning equivalent of termites gnawing away at the city's crossbeams. Each time a zoning-change application is considered, it must be heard in public in front of a volunteer committee of a regional Planning Commission – all political appointees of Villaraigosa.

The Planning Department is supposed to send notifications to the relevant "certified neighborhood council," and to all neighbors within 500 feet of the property at issue, or to post a notice in any local newspaper. And in addition, the agenda for all such hearings is posted at www.cityplanning.lacity.org.

That's how the Planning Department claims to be engaging the public. But a wall of silence between the public and the city is built into the incremental nature of the process.

Few residents know what to make of the strangely worded notifications they suddenly receive in the mail – just 10 days before a hearing. (Some notices, as in the Lake Balboa district in the Valley, arrived after a key hearing had occurred.) There's very rarely media interest, and in a city where few residents know the name of their city-council member (Los Angeles City Council districts contain about 280,000 people, the largest such districts – and many say the least responsive – in the U.S.), fighting City Hall is daunting.

Planning Commission hearings are held during business hours, handy for developers but not for residents. When no residents appear to oppose a developer's plan, the regional commissioners – often local residents, theoretically more invested in the area's welfare than downtown planners – usually go along with the developer. Usually, after the developer completes an environmental report and addresses a few problems, the zoning change or variance is granted.

The Woodland Hills-Warner Neighborhood Council's chairperson, Joyce Pearson, wrote this warning in a recent newsletter to her Valley area: "The public often waits until it's too late to do anything to enhance major developments or to impact any potential problems that may be caused."

Yet the public isn't "waiting," as Pearson puts it. The public is out of the loop – often until the demolition fence is already up.

That seems fine with City Hall. With a few pockets of 1980s-style activism developing at the feistier monthly neighborhood-council meetings in Los Angeles, City Hall has begun responding – by attacking the locals.

For example, the often-clamoring North Hills West Neighborhood Council, in a far-flung Valley area that was a hotbed of secession-movement sentiment, is so distrustful of City Hall that its members attend city Planning Commission hearings en masse. The North Hills group has defeated a series of high-density housing proposals on its rustic fields and meadows.

For their trouble, City Hall came down hard on these citizens. According to homeowner Peggy Burgess, the Neighborhood Council was subjected to an official barrage of blistering, trumped-up charges – even including racism – that originated from a cadre of pro-growthers. The accusers were allowed to file complaints anonymously with the city's somewhat ironically named Department of Neighborhood Empowerment (DONE).

Burgess says that, during a vitriolic December meeting, Manuel Durazo, a city project coordinator for DONE, conceded that he simply forwarded the ugly charges to the Board of Neighborhood Commissioners, and official "decertification" proceedings of the Neighborhood Council got under way - with no city official bothering to investigate the accusations, or allowing the neighborhood council to refute them.

Durazo finally admitted the charges were unsubstantiated. He sent out a letter congratulating the Neighborhood Council on its victory - adding that he'd requested that the city transfer him to a different district.

Since 2005, Villaraigosa has been tirelessly cheerleading for a taller city. He has often pointed to the frenzied construction of mixed-use buildings (apartments, shops and offices) as proof that he is probusiness.

In fact, some counter that L.A. is antibusiness, a city that drives big and small companies to neighboring Pasadena, Calabasas, Glendale, Culver City and elsewhere, earning itself special attention each year in the Kosmont Report on urban areas with backward business policies.

Villaraigosa appears to believe that edifices equate with business, and that the buildings themselves will lure in an educated work force and quality companies. "If we're not creating wealth, if we're not bringing in investment, if the official bird of Los Angeles isn't the crane, then we won't be able to do all the good things we would like to do for our people," Villaraigosa told the *Los Angeles Business Journal* in 2006.

His narrow emphasis on high-density housing construction might cost L.A. if a recession has really arrived. "The burst housing bubble has hit us pretty hard," says Joseph Linton, policy associate for Livable Spaces, a nonprofit developer that's completed mixed-income, transit-oriented residences in Long Beach and Lincoln Heights. The affordable units are selling, "but our market-rate units are going very slowly." Adds Gary Toebben, president of the L.A. Area Chamber of Commerce, "New market-rate housing is just not moving."

Nonetheless, Blumenfeld imagines dense urban villages built around subway stations, populated by the young and old, neighbors who shop on the ground floor and use rail or buses to get about.

Gail Goldberg looks out across the city and imagines residents and developers working side by side, with her department's firm leadership dedicated to the integrity of neighborhoods.

But from his County Hall of Administration office just a few blocks away, Yaroslavsky, his voice rumbling in a basso profundo, waves off Blumenfeld's and Goldberg's utopian plans: "I watched the demolition derby in this town 20 years ago ... I have a platform. I have some credibility. I have something to say. [But] I shouldn't be the one to say it."

Also read Julia Cooke's article on urban similarities between L.A. and Mexico City.

And What's Smart About Smart Growth? by David Zahniser

***Editor's Note:** This story incorrectly stated that Los Angeles County Supervisor Zev Yaroslavsky fought federal funding for subways after a methane explosion in 1985. In fact, Yaroslavsky called for more study of methane gas dangers while Congressman Henry Waxman championed the federal ban. Later, Yaroslavsky led a ballot effort that prevented local sales taxes from being used on the subway being tunneled under Hollywood, allowing that tax money to go to other transit projects. This story was corrected Feb. 29.

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EXHIBIT K

NFPA 1710



Implementation Guide



NFPA 1710 Implementation Guide
Second Printing

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Over the coming months, fire chiefs and fire fighters—and the government officials who oversee local fire and EMS departments—have an unprecedented opportunity to implement meaningful changes to improve the efficiency, effectiveness, and delivery of emergency services to the citizens they serve.

The new NFPA 1710 Standard on Fire Department Deployment and Operations, passed last year after years of research and deliberations, was a watershed event for the fire service and for citizens across North America. NFPA 1710 is the result of the same time-proven consensus process used to develop other NFPA fire safety standards and the National Electrical Code, the National Sprinkler Code, and the National Building Code.

The International Association of Fire Fighters and the International Association of Fire Chiefs jointly developed this NFPA 1710 Implementation Guide to assist labor and management in working together to take fire and emergency services to a higher level in their communities.

NFPA 1710 establishes a quantifiable method of measuring the quality of your fire department—and in our business quality is defined by our ability to save lives and property. It sets adequate and appropriate guidelines for staffing, response times, and other factors vital to the performance of a fire and EMS department's duties. And in those communities that implement this new international standard, NFPA 1710 will surely save lives of citizens and fire fighters.

There are fire departments across our two nations that already meet or exceed the performance requirements set by NFPA 1710, but many fall short. For many departments, the road to compliance will be a long one. In some cases, it will require increases in budget over time; in others, it will require a change in philosophy. Nonetheless, it is the responsibility of every career fire department to strive to reach the goals outlined in NFPA 1710.

Every fire service leader and every local government official should enthusiastically support implementation of NFPA 1710. The benefits of NFPA 1710 compliance, including reduced property loss, far outweigh the arguments of those critics who suggest that the benchmarks in NFPA 1710 are unattainable or too costly for their community.

The goal of this implementation guide is to give fire chiefs, fire fighter locals, and city officials the knowledge, the data, the tools, and a step-by-step process to evaluate their fire and EMS departments and work toward compliance with NFPA 1710.

It is our hope that this guide will help fire departments, large and small, across North America to grow with their communities and provide the level of fire and EMS protection that our citizens expect and deserve.

Harold A. Schaitberger

John M. Buckman III

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DEFINING THE NFPA 1710 STANDARD

In this section we explain details about the standards-setting process, and offer details about the 1710 standard.

Standards and the NFPA

The National Fire Protection Association (NFPA) is an international organization of more than 75,000 individuals and more than 80 national trade and professional organizations. NFPA's mission is to reduce the worldwide burden of fire and other hazards on the quality of life by developing and advocating scientifically based consensus codes and standards, research, training and education.

NFPA develops, publishes and disseminates timely consensus codes and standards intended to minimize the possibility and effects of fire and other risks. More than 300 NFPA codes and standards are used around the world. NFPA documents are developed by more than 225 NFPA Technical Committees, each representing a balance of affected interests.

NFPA codes and standards, developed under the approved process of the American National Standards Institute (ANSI), are widely used as a basis of legislation and regulation at all levels of government. In some way, virtually every building, process, service, design and installation is affected by codes and standards developed through NFPA's process.

The Difference between a Standard and a Code

NFPA defines a standard as follows: A document, the main text of which contains only mandatory provisions using the word "shall" to indicate requirements and which is in a form generally suitable for mandatory reference by another standard or code or for adoption into law.

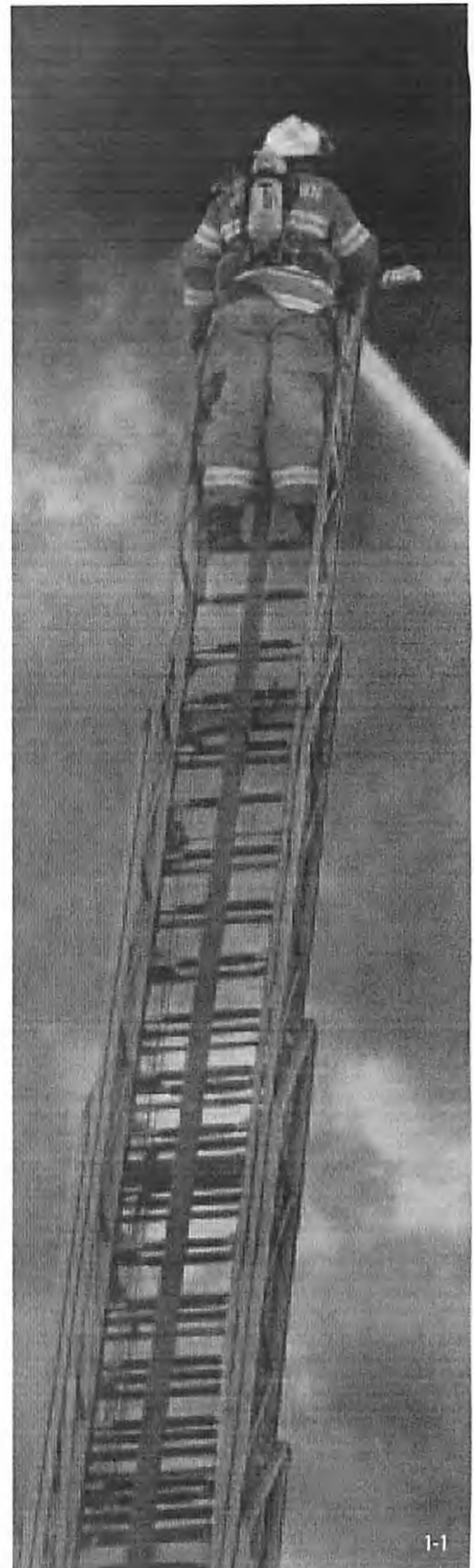
Nonmandatory provisions shall be located in an appendix, footnote or fine print, and are not to be considered a part of the requirements of a standard.

NFPA defines a code as follows: An extensive compilation of provisions covering broad subject matter or that is suitable for adoption into law independently of other codes and standards.

The decision whether to designate a standard as a code is based on such factors as the size and scope of the document, its intended use and form of adoption and the presence of substantial enforcement and administrative provisions.

How Standards Are Established

Proposals for new standards or revisions to existing ones involve a review of the proposed project through a consensus-based public review process. It begins with assignment of the proposed standard to a technical committee. NFPA requires that the committee's membership reflect "a balanced representation of affected interests." To avoid conflict or



duplication of effort, a single interest may not be represented by more than one-third of the committee.

Next, the committee develops a draft document that is distributed for comment through NFPA News, the U.S. Federal Register, ANSI and relevant national and international trade journals—asking interested persons to submit specific proposals to be included in the document. Interested parties have approximately 24 weeks to respond to this Call for Proposals.

After reviewing and acting on all comments, the committee issues a Report on Proposals (ROP), which is published only if two-thirds of all committee members approve the report for publication. Interested parties have 60 days to comment on it. The committee considers and acts on these comments and produces its next document, a Report on Comments (ROC), if it receives the same two-thirds vote by committee members.

At the next NFPA meeting, the proposal is debated. In the meeting the amendment process has strict limitations. The membership may vote to recommend approval, amendment, return a portion of the report to the committee or return the entire report to the committee. Appeals may be considered on any unresolved issues (a process that may take two years). If there are no appeals, the final code or standard may be issued within 20 days of the meeting at which the membership votes to approve the proposal.

Who Is Involved

At the time of the final vote on NFPA 1710, the Technical Committee contained representatives from seven different classes of NFPA members, including Consumers, Enforcers, Labor, Manufacturers, Research/Testing, Special Experts and Users. No more than one-third of the voting members of the Committee represented one of these interests, as explicitly required by NFPA rules. The following is a breakdown of the membership:

- Consumers (City Managers), 2, 6%
- Enforcers (Fire Chiefs, including 3 representatives from the International Association of Fire Chiefs, or IAFC), 10, 32%
- Labor (Union representatives, including 3 from the IAFF), 7, 23%
- Manufacturers (Trade Group organizations), 2, 6%
- Research/Testing, 1, 3%
- Special Experts, 4, 13%
- Users, 5, 16%

Why We Need Standards

Fire growth and behavior are scientifically measurable, as are the expected outcomes associated with untreated cardiac arrest, and the specific resource requirements to control fires and to prevent deaths. Despite these facts, many communities approach fire/rescue organization and deployment as if it were all art and no science—and abstract art, at that.

Why NFPA Created 1710

NFPA members encouraged passage of 1710 to improve public safety. More specifically, this standard responds to NFPA's goal of improving the methods of fire protection and prevention and establishing "proper safeguards against loss of life and property due to fire."

Although the organization and deployment of fire and rescue services are potentially the most important factors in safeguarding against the loss of life and property due to fire, this is the first time that NFPA has issued a standard establishing comprehensive minimum criteria to ensure safe and effective fire and emergency medical response by career fire departments. It represents the culmination of more than a decade of work by the NFPA Standards Council, its technical committees and its membership. The result is a comprehensive, uniform and practical standard governing fire and rescue service deployment by career fire departments throughout North America.

NFPA 1710 Standard is important because it applies the documented and proven science of fire behavior and emergency medicine to the basic resource requirements for effective fire and emergency service deployment. This application allows a community to determine if the resources allocated for the different types of fires, emergencies, medical calls and other incidents are sufficient to effectively control the incident and protect lives and property.

NFPA 1710 Standard sets forth in concise terms the recommended resource requirements for fires, emergencies and other incidents. It requires the emergency response organization to evaluate its performance and report it to the authority having jurisdiction. This common sense, science-based formula categorically disproves the fallacy of

the “something is better than nothing” model, which results in unnecessary risk for the public and for responders. The approach embodied in NFPA 1710 will make communities and fire fighters safer and responders more effective and efficient.

The standard defines the minimum acceptable requirements for how fire, EMS and special operations are organized and deployed in departments that are substantially career. If there are no volunteers, the organization is obviously career. Even if there are volunteers present to supplement the career staff, the department is still substantially career.

The minimum requirements address these organizations’ objectives as well as their functions. Not surprisingly, the standard emphasizes three key areas of a successful operation:

- Service delivery
- Capabilities
- Resources

The standard sets forth the minimum criteria related to the effectiveness and the efficiency of public entities that provide fire suppression, emergency medical service and special operations. Both efficiency and effectiveness are specifically related to protecting two groups: the public and fire department employees.

NFPA 1710 Standard creates a common template for evaluating performance. The Organizational Statement of the Standard specifies the minimum information required concerning what the organization does, how it is structured and what staffing is required to achieve its

objectives.

Unfortunately, many emergency response organizations assume responsibility to provide additional services without ensuring that they have the resources to accomplish the additional objectives. The chapter in the standard that covers this topic requires the authority having jurisdiction to specify the level of service, the number of personnel required to provide that level of service and the duties these members are expected to perform in order to succeed.

Service delivery objectives found in the standard are specific requirements for deployment, staffing, response times and necessary support systems. These support systems include safety and health, communications, incident command, pre-incident planning and training.

Standard 1720

The organization, operations, communications, dispatch, deployment, response time and training of career fire fighters are substantively and substantially different from those of volunteer fire fighters. Not only are the frequency and severity of fire incidents higher in career fire departments, but the majority of career fire departments are involved with emergency medical response as well as specialized operations, including hazardous material and special operations responses. The expectations of performance for career fire departments differ from volunteer fire departments, and the evaluation of that performance also differs. More is expected of the career fire department today and the standards of performance are higher.

In addition, volunteer fire departments traditionally rely on substantively different methods of deployment from career departments—namely, volunteer fire departments often rely on their members to deploy from home while career departments deploy from station houses.

Unlike NFPA 1710, NFPA 1720 recognizes the differences in expected delivery of services between career and volunteer fire departments. Accordingly, the nature of volunteer fire services and of the different services they provide make the deployment and response a community decision. The differences between NFPA 1710 & 1720 are detailed in a comparison chart contained on the CD that you received with this guidebook.

What the Standard Says

The standard addresses fire operations in these six specific areas:

- Fire operations
- EMS operations
- Special operations
- Wildland operations
- Airport operations
- Marine operations

Fire Operations

Fire departments must be capable of establishing the following functions at each structural fire:

- Incident command
- Water supply
- Attack lines
- Backup lines
- Search and rescue teams

- Ventilation teams
- Rapid intervention crews

These benchmark requirements are based on a fire involving a 2,000-square-foot detached single-family occupancy. Fire departments should deploy additional resources according to the occupancies and hazards in their jurisdiction.

The Fire Protection Services Task Analysis

The total number of on-duty personnel is established by means of a task analysis that evaluates expected fire fighting deployment, using the following factors:

- Life hazards in the jurisdiction
- Safety and efficiency of fire fighters
- Potential property loss
- Nature, configuration, hazards and internal protection of properties in the response area
- The department's standard tactics and evolutions, apparatus deployed and expected results

For example, a jurisdiction would need to evaluate all locations within its response area to determine those that have tactical hazards such as concentrated fire potential; high frequency incidents; high hazard occupancies such as schools, hospitals, nursing homes, manufacturing complexes, refineries or high-rise buildings; geographical restrictions that could result in a delayed response affecting the severity and spread of fire occurrence; or other factors that would necessitate additional staffing per company and additional companies for the initial alarm assignment, additional alarm assignments and simultaneous emergencies. By collecting, analyzing and evaluating this information and data, a department can then establish total on-duty staffing.

Defining Fire Suppression Company Units

Companies are defined as either engine or truck (ladder) companies or specialized apparatus—such as rescue or squad companies—depending on the type of apparatus and the fire suppression functions performed staffed with four personnel. Quints must be deployed as either an engine or a truck company or be staffed with additional personnel to perform multiple engine/truck company tasks.

Regardless of the type of company, each must consist of a group of trained and equipped fire fighters under the

supervision of an officer who operates and arrives on the emergency scene with one piece of fire apparatus. The standard allows for an exception in those instances when multiple apparatus are used to make up a company. However, such exceptions require that these multi-piece companies always be dispatched and arrive together, be continuously operated together and are managed by a single company officer. The standard recognizes and clarifies the limited use of such multi-piece companies (see Section 3).

Examples include the following:

- The use of a fire department personnel vehicle if the apparatus lacks adequate seating.
- An engine and a water tanker, such as those used in some suburban and rural response where a water supply (hydrant or natural water body) is not available.
- An engine and an EMS unit (ambulance or rescue).
- Multiple-piece company assignment, specified in a fire department's response SOPs, such as an engine company response with a pumper and a hose wagon.

The Basis for a Four-Person Minimum

The NFPA Technical Committee reviewed numerous studies, evaluations and stakeholder reports containing empirical data on departmental response and mitigation of fire. These studies clearly demonstrate that for safe, effective and efficient fire suppression, each responding company needs a minimum of four fire fighters.

Numerous studies support the four-person minimum. See Section 5 for a detailed bibliography.

Turnout Time

NFPA 1710 Standard says, "The turnout time begins when units acknowledge notification of the emergency to the beginning point of response time." It further states that, "The fire department shall establish a time objective of one minute (60 seconds) for turnout time."

Response Times

The NFPA 1710 standard says, "the fire department shall establish a time objective of four minutes (240 seconds) or less for the arrival of the first arriving engine company at a fire suppression incident and/or eight minutes (480 seconds) or less for the deployment of the full first alarm assignment at a fire suppression incident."

Can the first unit arrive later than four minutes if the entire assignment is on the scene within eight minutes? Technically, the answer is yes; however, the standard's intent for fire suppression is to have the first-due engine capable of arriving within its response area consistently within four minutes, 90 percent of the time. The "and/or" criterion is intended to recognize the effects of simultaneous emergencies, training or other occurrences that take one or more companies out of service, and not to relieve a department of its responsibility to plan for overall deployment of resources by location to satisfy the four-minute criteria.

Initial Full Alarm Minimum Requirements

The standard indicates that a fire department shall have the capability to deploy an initial full-alarm assignment within the eight-minute (480 seconds) response time. The number of people required falls between 15 and 17, depending on if an aerial is used, and/or if two pumpers are being used to provide for a continuous water supply.

The following is a list of required functions for the benchmark fire defined in the standard and the number of personnel required to be deployed to perform these functions:

- Incident command shall be established outside of the hazard area for the overall coordination and direction of the initial full-alarm assignment. A minimum of one individual shall be dedicated to this task.
- The supervisory chief officer shall have a staff aide deployed to them for purposes of incident management and accountability at emergency incidents.
- A safety officer shall be dispatched to an initial full-alarm assignment when significant risks to fire fighters are present and shall be deployed to all emergencies that go beyond an initial full-alarm assignment to ensure that the health and safety system is established at the emergency incident. A minimum of one individual shall be dedicated to this task.
- An uninterrupted water supply of a minimum 400 gpm for 30 minutes shall be established. Supply line(s) shall be maintained by an operator who shall remain with each fire apparatus supplying the water flow to ensure uninterrupted water flow application.
- An effective water flow application rate shall be established: 300 gpm from two handlines, one of which shall be an attack line with a minimum of 100 gpm and one of which shall be a back-up line with a minimum of 100 gpm. Attack and backup lines shall be operated by a minimum of two personnel each to effectively and safely maintain the line.
- One support person shall be provided for each attack and backup line deployed to accomplish hydrant hookup and assist in line lays, utility control and forcible entry.
- A minimum of one search-and-rescue team shall be part of an initial full-alarm assignment. Each search-and-rescue team shall consist of a minimum of two personnel.
- A minimum of one ventilation team shall be part of an initial full-alarm assignment. Each ventilation team shall consist of a minimum of two personnel .
- If an aerial device is used in operations, one person shall function as an aerial operator who shall remain at the primary control of the aerial device at all times.
- An IRIC (Initial Rapid Intervention Crew) shall be established that shall consist of a minimum of two properly-equipped and trained personnel. When an incident escalates beyond the initial full-alarm assignment, or when there is significant risk to fire fighters due to the magnitude of the incident, the Incident Commander shall upgrade the IRIC to a full Rapid Intervention Crew (RIC) that consists of four dedicated, fully equipped and trained fire fighters.
- The fire department shall have the capability for additional alarm assignments that can provide for more personnel and services including the application of water to the fire; engagement in search and rescue, forcible entry, ventilation and preservation of property; accountability for personnel; and provision of support activities for those situations that are beyond the capability of the initial full-alarm assignment.