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August 8, 2019

South Los Angeles Area Planning Commission
City of Los Angeles
200 North Spring Street, Room 272
Los Angeles, California 90012

Re: **Appeal of ZA-2017-4169-ZV-ZAA-ZAI-SPR/5950 Jefferson Boulevard**

Dear Planning Commissioners:

This firm represents 5950 Jefferson, LLC (the "Applicant") in its appeal of portions of the Zoning Administrator's August 2, 2019 Letter of Determination relating to the proposed four-story, 69,483 square-foot commercial building with office, retail, and restaurant uses, including one level of subterranean parking and four levels of parking in a Mechanical Automobile Lift (the "Project") located at 5950 Jefferson Boulevard in the City of Los Angeles (the "City") (Case No. ZA-2017-4169-ZV-ZAA-ZAI-SPR). The nearly six-month delay between the hearing and the Letter of Determination is an abuse of discretion, especially considering the changes to the Project made by the Applicant were in direct response to the recommendations of the Zoning Administrator, Charlie Rausch, who took the Project under advisement following the February 5, 2019 hearing.

We respectfully request that the South Los Angeles Area Planning Commission ("APC") grant the appeal, in part, to approve: (1) a Zoning Administrator's Adjustment ("ZAA") to allow an increase of less than 20 percent in Floor Area Ratio ("FAR") from 1.5:1 to 1.75:1; (2) a Zone Variance ("ZV") to permit a four-story commercial building in lieu of the permitted three-story commercial building within height district 1VL; (3) a Site Plan Review for a development project that creates 50,000 gross square feet or more of non-residential floor area; and (4) if the APC does not approve the ZAA to allow a FAR increase to 1.75:1, that it approve a Zoning Administrator's Interpretation ("ZAI") to clarify that the covered exterior open space provided within the Project's balconies, open terrace and entry courtyard are not considered floor area.

Please note that the Applicant does not appeal the following: (1) the ZAI approval of a four-level Mechanical Automobile Lift; (2) the Zoning Administrator's Adjustment to allow a 53-foot 11-inch tall building in lieu of 45 feet; (3) and the adoption of the Mitigated Negative Declaration ("MND").

I. Background

A. Area Context

The Project site is located in an Industrial district, at the northerly edge of Blair Hills in the Baldwin Hills area of the City. The Project site is more than 500 feet away from the nearest residential zone which contains multi-family uses. Directly west of the Project site is the approved three- and six-story Coffee Bean Corporate Headquarters campus at 6024 West Jefferson Boulevard.¹ To the north of the Project site is Ballona Creek, and immediately to the north of Ballona Creek is the burgeoning Hayden Tract in the City of Culver City. Farther to the northeast, within walking distance, are the Expo Line station at La Cienega and Jefferson Boulevards, as well as the Cumulus high-rise development which is now under construction.

With respect to the neighborhood, both inside the City and the City of Culver City, it is undergoing a dramatic transformation with a collection of architecturally significant office buildings.

"The Hayden Tract was a downtrodden industrial area named after 1940s glass developer Sam Hayden. But over the last 20 years, architectural firm Eric Owen Moss Architects and local developer Samitaur Constructs have teamed up to redevelop the stretch of land into a collection of architecturally stunning set of office buildings in what looks at times more like a Tim Burton movie set than a tech center.

Today, a number of tech companies call the Hayden Tract home."

See <https://www.builtinla.com/2017/07/25/culver-city-startups-hayden-tract> accessed August 7, 2019.

Until recently, within the Greater Los Angeles area it was almost uncommon to see a tech company headquartered outside of Santa Monica or Venice, but that's not the case anymore. The Project would bring further Class A creative office space of the same caliber as the development occurring across the City's border in the Hayden Tract, as well as similar to the new Coffee Bean Corporate headquarters to the west.

B. Entitlement Background

Among other entitlements, the Applicant filed a ZAA on October 16, 2017 to allow an increase of less than 20 percent in FAR from the permitted 1.5:1 to 1.75:1. However, at the February hearing, the Zoning Administrator explicitly stated that this requested entitlement was improper due to the passage of Proposition U, in 1986, which limited the FAR for structures in Commercial and Industrial zones in Height District 1 to a 1.5:1 FAR.² Also at the hearing, the Zoning Administrator claimed that he did not have the authority to approve a ZAA for any increase in FAR as he purported that "Proposition U" precludes the use of any Quasi-Judicial action to increase FAR.³ The Zoning Administrator said that he liked the Project; thought it was

¹ The Coffee Bean Corporate headquarters project (CPC-2018-3450-ZC-HD-SPR-WDI) was filed June 14, 2018 and had received its City Planning Commission ("CPC") approval approximately one month following its November 19, 2018 CPC hearing on December 10, 2018. The City Council approved the project by December 12, 2018. The entire entitlement process was less than six months, roughly similar to the timeframe that the Zoning Administrator took to issue a Letter of Determination.

² No copy of "Proposition U" on which the Zoning Administrator purportedly relies upon is in the record.

³ Notwithstanding the Zoning Administrator's assertion regarding Proposition U and a strict prohibition for increasing floor area for commercial or industrial projects, there are other entitlement requests that the City permits in order to allow increased floor area

"great;" and wanted to approve it, but that the ZAA request was his only issue that held up his issuance of the approval.

Notwithstanding the Zoning Administrator's claim regarding legal authority, the ZAA process to increase FAR has been used many times in the City of Los Angeles to increase FAR. The City has approved and is permitted to approve these types of ZAAs for area pursuant to Los Angeles Municipal Code ("LAMC") Section 12.28 which states, "*The Zoning Administrator shall have the authority to grant adjustments in the Yard, area, Building line and height requirements of Chapter 1 of this code.*" (Emphasis added.) Precedent examples include: Case No. ZA-2007-2085-ZV-ZAA-ZAD-SPR which permitted a Zoning Administrator's Adjustment to increase the Floor Area Ratio from 1.5:1 to 1.6:1 (**Attachment A**), and Case No. ZA-2013-1165-ZAA-SPR which permitted a Zoning Administrator's Adjustment to increase the Floor Area Ratio from 1.5:1 to 1.8:1 (**Attachment B**). Demonstrating the arbitrariness of the decision-making process of the Zoning Administrator and the City Planning Department, the Zoning Administrator opined at the hearing that had another Zoning Administrator been assigned, that he or she could have given an approval, but that he would not entertain this entitlement request.

In light of the fact that the Zoning Administrator indicated that he would not approve the ZAA requested, and therefore would deny the Project, the Applicant at the hearing committed to a new entitlement strategy suggested by the Zoning Administrator at the public hearing. This included a request for a ZAI to clarify that the covered exterior open space provided within the Project's balconies, open terrace and entry courtyard are not considered floor area even though partially or fully covered. This process was supported by the Zoning Administrator who stated at the hearing that he would take the Project under advisement for 30 days for the Applicant to prepare and submit the ZAI request to his office.

The Zoning Administrator again stated at the hearing that the floor area was his only issue with the Project and that he wanted to find a way to approve it. The Applicant agreed to this solution. Within the 30 day deadline, the Applicant's team submitted the ZAI that the Zoning Administrator had requested so as to provide a 1:5:1 FAR in lieu of an FAR increase to 1.75:1.

After revising the Project to directly address the comments from the Zoning Administrator, the Applicant received the Letter of Determination nearly six months following the public hearing. Even though the Project was in the Expediting section, no explanation was given for the City's extraordinary delay in issuing the Letter of Determination.

The efforts to address the Zoning Administrator's concerns were for naught as the Zoning Administrator dismissed the ZAA for FAR; disapproved the requested Zone Variance for the number of stories; and subsequently dismissed the Site Plan Review. The reversal of the Zoning Administrator's actions with respect

for projects that include commercial uses. These include the introduction of the Residential Accessory Services ("RAS") zone; Playa Vista Specific Plan; and the exception for Mixed-Use projects in certain zones that allows buildable area to be considered the same as lot area. Additionally, density bonus cases (LAMC Sec. 12.22A.25) and Transit Oriented Communities (TOC) cases (LAMC Sec. 12.22A.31) which also apply to mixed-use projects containing commercial uses demonstrate the multitude of entitlement options to increase FAR and/or density for qualifying commercial or commercial and residential mixed-use projects. The LAMC is replete with many mechanisms other than a Zone Change to increase buildable area for projects that include a commercial component.

to the ZAA only came about after the Applicant's representatives contacted the City Planning Department personnel multiple times regarding the inexplicable delays preventing the City's issuance of the Project's Letter of Determination.⁴

1. ZAA for FAR

The Zoning Administrator erred and abused his discretion by not approving the requested ZAA to allow FAR of 1.75:1 in lieu of 1.5:1.

(a) While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the Project nonetheless conforms with the intent of those regulations.

The Zoning Administrator erred by not making the finding above in the affirmative. Site characteristics make strict adherence to the zoning regulations impractical or infeasible. The Project site is located across the street from a recently approved six-story building. The Project site is also located in close proximity to the Hayden Tract where the City of Culver City has been able to lure creative office buildings and headquarters to a degree that the City has not been able to fully achieve. To this end, it is impractical to comply with the 1.5:1 FAR when nearby properties in the immediate vicinity can achieve much greater building mass and floor area even though they are similarly zoned for industrial uses with similar General Plan designations.

The intent of zoning regulations is to protect sensitive land uses from impacts associated with higher intensity land uses. The requested minor adjustment to maximum allowable floor area would have no impact on sensitive residential uses or the neighboring industrial uses on the surrounding properties. The minor adjustment in permitted floor area would allow the Project to provide additional creative office space with improved interior workspace design to meet the demand of new clean industry, and new retail uses.

The 1.5:1 limitation to floor area in the M1 zone is presumably intended to facilitate the development of large one-story warehouse industrial sites with associated surface parking and truck loading areas. The strict adherence to the zoning regulations would impose limitation on the Project which were intended for a different type of use. Considering the Project's close proximity to high quality transit, as well as the Project's great distance from any nearby sensitive uses, it is impractical or infeasible to not permit greater density, especially in context of the greater density recently permitted by the City to the west of Holdrege Avenue and to the north in the City of Culver City, and farther northeast in the City with respect to the Cumulus project. Therefore, while site characteristics make strict adherence to the zoning regulations impractical or infeasible, the Project nonetheless conforms with the intent of the regulations as the Project is consistent with the surrounding uses and is a permitted use.

(b) In light of the Project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with

⁴ Regarding the issuance of the Letter of Determination, this office left voicemail messages, made phone calls and/or had in person discussions were had with various City Planning Department personnel, including Deputy Director Lisa Webber, Executive Officer Kevin Keller, and Zoning Administrator Charlie Rausch on April 17, April 26, May 1, May 3, May 24, May 31, June 6, June 18, June 20, July 8, July 22, July 25, and July 31.

and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The Zoning Administrator erred by not making the finding above in the affirmative. The Project has been designed with the neighborhood in mind. In general, the Project site is surrounded by an urban industrial area, which also features commercial, creative office, and retail uses. The larger of these uses include the UCLA IDEAS campus located southeast of the Project site, the Jefferson Palms business park to the northeast, and the WorkScapes at the Hayden Tract creative office campus located to the northwest. The Project's location and operations would be compatible and benefit the surrounding neighborhood.

The surrounding area consists of various industrial, office and commercial uses. The use of the Project would be office and retail consistent with the operations of surrounding uses. The FAR increase would allow for a more functional and attractive Project that would conform with all other requirements of the LAMC. The Project has been designed to enhance and support adjacent properties.

The surrounding area is being re-developed with more buildings and uses similar to the Project. The Hayden Tract just north of the Project Site and the corner of Washington and National Boulevards just west of that have seen an increase in creative office, retail and restaurant projects that provide unique and attractive architectural design and massing. Several of these buildings meet or exceed three stories and provide maximum heights above what has traditionally been built in the area. The Platform buildings located at 8840 and 8850 Washington Boulevard near the Culver City Metro stop are four stories tall and accommodate creative office, retail and restaurant with 8840 Washington Boulevard utilizing an architectural design similar to the Project. These buildings provide office space for a number of users including the west coast headquarters for SoulCycle. Similarly, there are several buildings in the Hayden Tract, including 3530, 3535 and 3555 Hayden Ave, which each provide roughly four stories of creative office space, and the Vespertine Building with several stories of restaurant space.

The design of the Project enhances the overall aesthetic of the neighborhood by emphasizing sleek modern creative office workspaces while maintaining the industrial theme of architecture. Moreover, the Project's MND found no significant aesthetic or land use impacts. Enhancing the aesthetic of the neighborhood also improves the public health, welfare and safety of the area by illuminating the streetscape and providing enhanced landscape and garden features for recreation in the area. The Project has also been designed to provide landscaping and open space which would be an amenity to employees and visitors of the site and enhance the quality of the surrounding area. These improvements are expected to be a benefit to public health, welfare and safety.

(c) The Project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.

The Zoning Administrator erred by not making the finding above in the affirmative. The Project substantially conforms with the purpose, intent and provisions of the General Plan, including the Framework Element and the Mobility Plan 2035:

Framework Element

The Framework Element for the General Plan provides guidance regarding policy issues for the entire City of Los Angeles. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding issues including land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The Project is consistent with the following Framework Element goals, objectives and policies:

Goal 7B: A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.

Objective 7.1: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth and assure maximum feasible environmental quality.

Policies 7.2.2: Concentrate commercial development entitlements in areas best able to support them, including community and regional centers, transit stations and mixed-use corridors. This concentration prevents commercial development from encroaching on existing residential neighborhoods.

Policies 7.2.3: Encourage new commercial development in proximity to rail and bus transit corridors and station. (P1, P18)

The construction of a mixed-use commercial creative space Project near (just over one-half mile) a major transit stop within an existing commercial/ industrial area is consistent with the Objectives and Policies of the General Plan Framework Element. The proposed use is consistent with the existing General Plan Land Use designation of Limited Industrial.

Mobility Element 2035

The five goals outlined in the Mobility Element 2035 are as follows:

1. Safety First,
2. Access for All Angelenos,
3. World Class Infrastructure,
4. Collaboration, Communication and Informed Choices, and
5. Clean Environments and Healthy Communities.

The Mobility Element includes Policy 3.3, "Land Use Access and Mix", which aims to "Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services (Mobility Element 2035, pg. 85). by providing office/commercial near a

major transit stop, the project would provide greater access to jobs, furthering the policies of the mobility element. The project would make the best use of the land by providing employment centers within proximity to various forms of transit, including light rail and several bus stops.

West Adams – Baldwin Hills - Leimert Community Plan

The following West Adams – Baldwin Hills - Leimert Community Plan commercial and mixed-use boulevards land use objectives are consistent with the proposed development:

Goal LU65: A community where existing and future industrial uses which contribute job opportunities for residents are provided and which minimize environmental and visual impacts to the community.

Policy LU 65-3: High Quality Projects. Require that projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with existing uses. (P19, P29)

Goal LU67: A community that promotes healthy and sustainable neighborhoods where access to both passive and active open and green space amenities encourages physical activity by all segments of the community and particularly youth and the elderly.

Policy LU67-1: Enhanced Streetscapes and Urban Design. Improve the quality of life and the built environment by promoting safety through enhanced streetscapes and urban design that promotes pedestrian activity and bicycling instead of automobile dependence through better pedestrian orientation of structures and conservation of desirable prevailing neighborhood character.

The Project incorporates a high quality and unique design while retaining design features consistent with commercial and industrial buildings. The Project site is a developed, existing manufacturing use located just over one-half mile of the La Cienega/Jefferson Expo Rail Station. The Project would therefore comply with Policy LU 15-1 by providing an infill development close to transit. Bicycle parking would also be provided consistent with LAMC requirements, promoting pedestrian activity and reduced dependence on automobiles.

The design of the building, while incorporating features typically found in Commercial and Industrial buildings, would be unique and attractive, consistent with Goal LU65-3. The Project would also improve the site with open space which helps the Project achieve a high level of quality and provide benefits for employees and visitors of the site.

The Community Plan also identifies design guidelines for Industrial Properties (pg. 3-99). The Project would be compliant with these guidelines:

G80: Public frontages, facades and site edges should be attractive and well maintained.

G82: Pedestrian access paths to public entrances should be delineated clearly from vehicular and truck access.

G86: New buildings should be setback from the public sidewalk to provide a landscape buffer.

The Project has been designed to include attractive landscaping and open space along Jefferson Boulevard

and Holdrege Avenue. New pedestrian walkways have been incorporated to separate pedestrian access to the building from vehicular access to the surface parking and underground parking levels. The pedestrian access ways include access to the garden areas as well as the bicycle parking areas. The building would provide setbacks consistent with LAMC requirements and incorporate landscaping into the setback areas.

2. Zoning Administrator's Interpretation to Exclude Covered Open Space to be Excluded from being Considered Floor Area

The Project included a ZAI to have covered open space areas not be considered floor area in lieu of a ZAA to increase FAR from 1.5:1 to 1.75:1 because the Zoning Administrator indicated at the hearing that he would not approve the ZAA. Even though such a ZAA entitlement is specifically authorized by LAMC Sec. 12.28, the Applicant followed the specific direction of the Zoning Administrator to apply for a ZAI to clarify that covered open space provided on the Project is not considered floor area. Should the APC not grant the requested ZAA for FAR, the Applicant respectfully requests the approval of this ZAI.

The Zoning Administrator's main reason for dismissing this ZAI is that the precedent cases presented were residential and not commercial. The Zoning Administrator states, "The applicant is correct in stating that on previous cases, the Office of Zoning Administration has ruled in favor of Zoning Administrator Adjustments which exempted partially covered open space areas from being counted as project FAR. However, in researching these cases, it should be pointed out that the projects involved were either residential projects or mixed use, residential and commercial, projects." The Zoning Administrator states that this is relevant because of traffic studies for environmental clearances. This determination again appears arbitrary and capricious as the Applicant merely requests a site-specific ZAI and not a City-wide Interpretation. For the Project, all environmental impacts of the originally proposed 69,483 square foot building have been analyzed in the adopted MND (Case No. ENV-2017-4170-MND). The Zoning Administrator adopted the MND and it has not been appealed. The environmental impacts of the conversion of office space or interior building area to covered open space area do not create any greater amount of floor area than was analyzed in the Project's MND which was adopted by the Zoning Administrator. It appears that the Zoning Administrator's adopted environmental analysis, which is not on appeal, analyzed more floor area than requested with the ZAI.

On many occasions, the City has approved these types of requests to have covered open space areas to not be considered floor area. Precedent examples include the Wilshire & Crescent Heights project (Case Number ZA-2008-4140), where the City approved a Zoning Administrator's Adjustment to permit covered outdoor Common Open Space area located on the fifth floor podium level rooftop amenity area to be excluded in the calculation of Floor Area (**Attachment C**). Additionally, the project located at 1400 Figueroa was approved under Case No. DIR-2014-1580 and included covered balcony areas that were not counted toward Floor Area (**Attachment D**). These two cases are examples of recent City precedent excluding covered open space areas from being considered Floor Area. As such, these cases support the requested ZAI. These ZAIs typically relate to residential and mixed-use projects because the LAMC does not require open space for commercial projects, so it would be less frequent for an exclusively commercial project to request such an entitlement. Nevertheless, the general concept remains the same. Converting office space to covered open space or covered common areas would allow for the reduction of the floor area attributed to the Project without the need for a ZAA to increase FAR.

The Zoning Administrator's attempt to distinguish residential from commercial uses for purposes of floor area is also arbitrary and capricious. Covered area is covered area whether or not the use is residential or commercial. To the extent that residential structures have overhangs exempted from being considered floor area, one would suspect that the environmental analysis of those projects would consider the construction impacts of the gross building area, including those overhang areas. While it may be true that operationally, covering a portion of a dwelling unit does not intensify the use characteristics, as stated above, for the Project, the covered open space areas' operational impacts have already been analyzed within the 69,483 square foot of floor area originally proposed. As such, when environmental review has analyzed the construction and operational impacts, such as done here in the adopted MND, there is no justification for not treating residential and commercial covered open space areas similarly. Moreover, while it is true that most impacts for commercial use is a function of building square footage, exceptions are recognized by the City. It is standard professional practice, consistent with the Department of Transportation, Department of Building and Safety, and Department of Planning practices, to not calculate traffic impacts for outdoor dining areas, as well as to exclude certain building overhangs from being considered as floor area. As such, even for commercial uses, building square footage is not always the appropriate factor for analyzing impacts.

In addition, the Zoning Administrator cites to the fact that the City is currently working on an ordinance to not consider covered open space areas as floor area. Excluding covered open space from being considered floor area would encourage the provision of open space, such as the open space that the Project proposes. As this would promote light, air and architectural and aesthetic variety so that more people can enjoy the outdoors, providing a site-specific Zoning Administrator's Interpretation would further the goals of such a draft ordinance.

It appears to be a clear error and abuse of discretion for the Zoning Administrator to dismiss a request that he supported at the hearing and suggested as an alternative to the ZAA for an increase in floor area. For the reasons provided herein, should the Commission not grant the ZAA for a FAR of 1.75:1 in lieu of 1.5:1, it should reverse the Zoning Administrator's dismissal of the ZAI.

3. *Zone Variance*

The ZA's decision on the ZV is arbitrary and capricious because all findings for City issuance of a ZV can and should be made. The Applicant has provided substantial evidence that practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations would occur if the ZV for the fourth floor is not approved. The Applicant has previously submitted findings demonstrating the findings for granting a ZV (**Attachment E**). The APC should incorporate these findings and grant the ZV.

The Applicant submitted information, including a water table investigation and analysis conducted on the Project Site, which clearly show that the Site has an unusually high water table and a suggested course of action was recommended in a memorandum provided by Holmes Structures dated September 25, 2018 (the "Holmes Memo") (**Attachment F**). The issues identified and solutions recommended in the Holmes Memo were informed by a geotechnical report prepared by the project's Geotechnical Engineer, Geoboden, Inc, dated September 20, 2018 that is attached to the MND as Appendix D. The Project was originally submitted as a three story building with two levels of subterranean parking. However, the Project was modified as the

high water table discovery caused serious hardships and practical concerns for the Project. The Applicant's engineers determined that the high water table would cause the building to be subjected to high uplift forces as described in the Holmes Memo. In order to counteract those forces, a heavier building, adding a fourth floor in lieu of three floors, would be necessary. The Holmes Memo states that the weight created by the addition of the fourth floor would counteract the uplift forces from the shallow one-story garage, thereby minimizing additional excavation below the measured groundwater; this is key to minimalizing uplift forces. The Holmes Memo also warns that constructing the deeper two level garage would require site dewatering and would introduce the risk of causing settlement to neighboring properties and structures. These constitute practical difficulties and unnecessary hardships.

The Zoning Administrator was provided with all of this information and documentation prior to and at the February 5th hearing. The Zoning Administrator did not raise any concerns over this request or refute the information presented with respect to the high water table and uplift forces on the building. Nevertheless, in the Letter of Determination the Zoning Administrator dismisses the hydrological uplift forces necessitating a fourth floor as "interesting" and that it is an "engineering and cost issue." These statements are insufficient rationales or even a fair argument for denying the ZV.

The Zoning Administrator incorrectly dismissed the scientific studies conducted at the Project site; assumed the Project to be practical if "spread across the whole site"; and did not considering other planning and circulation concerns, such as landscaping, pedestrian circulation, parking circulation, and building articulation. The Zoning Administrator assumed, without any evidence in the record, that the Applicant was only motivated by cost, despite cost not being submitted or discussed by the Applicant as a concern or reason for the ZV. The Zoning Administrator also dismissed the studies provided by the Applicant's engineers and environmental consultants while offering no evidence in the record to support his assumptions. The sole rebuttal to the practical difficulties and hardship argument is that there are high rise buildings in the Miracle Mile District and "newer high and midrise buildings" near the "La Brea Tarpits." The geological conditions and constraints for other parts of the City in a different Community Plan Area are not within the record and were not before the Zoning Administrator. There is no evidence in the record to support the Zoning Administrator's decision that because other projects with potentially very different geological constraints were able to once successfully build buildings, that it is not a practical difficulty here or unnecessary hardship here that would justify the need for a fourth level to counteract the hydrostatic forces and avoid excessive dewatering. The Zoning Administrator arbitrarily and capriciously cited evidence not in the record to support his assertions.

The Zoning Administrator also erred by claiming that there are no special circumstances that are not applicable to the other properties in the same zone and vicinity. With the Zoning Administrator's approval of the Project's proposed height of 53 feet 11 inches, which has not been appealed, there is a special circumstance not applicable to other properties in the same zone and vicinity. The massing and size of the approved nearly 54 foot tall building would not meaningfully change whether there are three or four stories within the nearly 54 foot tall building. Allowing a fourth floor would not contribute any greater impacts within the approved building envelope, as all impacts have already been analyzed and mitigated within the adopted MND; there would be no material harm to the public welfare or injurious to the property or improvements in the same zone or vicinity by allowing a fourth floor within the approved 53 feet 11 inches, especially considering that last year the City permitted a six story building across the street. Adding a fourth floor would

not further increase the approved height of the building or create any greater impacts. That the Zoning Administrator approved a 53 foot 11 inch building, but only for three levels is itself a special circumstance. Allowing a fourth story within the same envelope would not increase mass, scale or greater impacts than the impacts already analyzed.

The Zoning Administrator claimed, without any evidentiary support that "all of the properties in the area have similar soil and water table problems." Because the toe of the Baldwin Hills slopes rises to the south, properties within the same zone and vicinity to the south have ground elevations that are higher than the Project site. As a result, the difference in height between the ground elevation and the water table is greater for these similarly zoned property, such that these properties may be able to avoid dewatering or hydrostatic pressure to a greater degree than the Project.

The Zoning Administrator also claimed that the ZV is not necessary for the preservation and enjoyment of a substantial property right, which because of special circumstances and practical difficulties is denied the Project site. As stated earlier, a fourth story is necessary to counteract the hydrostatic pressures that would face the building. If the building were three stories it would not be heavy enough to withstand these pressures. In order to maximize the full FAR potential of the Project site, similar to other similarly situated properties in the same zone and vicinity, the variance is necessary for the preservation and enjoyment of a substantial property right that these other properties enjoy.

4. *Site Plan Review*

The Zoning Administrator erred and abused his discretion by dismissing the Site Plan Review entitlement. Under LAMC Section 16.05C.1.a, the City requires Site Plan Review for "any development project which creates, or results in an increase of, 50,000 gross square feet or more of nonresidential floor area." While the Zoning Administrator is correct that there would be a less than 50,000 square foot net increase in nonresidential floor area, the Project would nevertheless create 50,000 gross square feet or more of nonresidential floor area. While the Applicant does not wish to receive unnecessary entitlements, the Zoning Administrator is once again mistaken because he not given any meaning to the words "any development project which creates," and has only focused on the "results in an increase of." Since the LAMC requires Site Plan Review for projects creating 50,000 square feet of floor area or creating a net increase of 50,000 square feet of floor area, it is improper to dismiss the requested Site Plan Review for the Project that is creating more than 50,000 square feet of floor area. Should the City wish to limit Site Plan Review to only projects creating a net increase in floor area greater than 50,000 square feet it should amend the LAMC accordingly to remove this ambiguity. In comparison, the Site Plan Review ordinance requires Site Plan Review for a net increase of 500 or more daily trips. Unlike the trips threshold, the 50,000 square feet threshold for Site Plan Review is not similarly exclusively triggered by a net increase in square footage.

5. *Specific Conditions*

With respect to the conditions of approval for the Project, the Applicant requests modification of condition number six to reflect the four-story 69,483 square foot building that is proposed. In addition, condition number 20.b.ii should be modified to add a new sentence at the end that states: "A substitute measure may replace the proposed shuttle services so long as it reduces the volume to capacity (V/C) ratio at the intersection of Jefferson Boulevard and National Boulevard to less than a 0.01 increase in the level of service.

Substitute mitigation may include scooters, bike-share, electric bikes, or other methods to reduce vehicular trips to the satisfaction of the Department of Transportation." The change to condition number 20.b.ii would allow flexibility to reduce vehicular trips while taking advantage of newer modes of transportation that would assist with reducing trips while providing a "last mile" solution.

II. Conclusion

The significant delay of nearly six-months has put the Project in serious jeopardy due to financing timelines. For the Zoning Administrator to propose an entitlement path to solve the FAR issue, but only to renege on this path only after repeated inquiries regarding the delays to the issuance of the Letter of Determination, the Zoning Administrator has abused his authority and acted arbitrarily. The Applicant proceeded at great expense pursued an architecturally noteworthy building containing creative office space on the entitlement direction that the Zoning Administrator gave at the public hearing. For the reasons above, we respectfully request that the Area Planning Commission grant in part the appeal of the decision of the Zoning Administrator and approve the Project as requested with the granting of the ZAA for a FAR increase.

Sincerely yours,

HOLLAND & KNIGHT LLP



Ryan M. Leaderman

Attachments

cc: Jordan Beroukhim
Nick Maricich
Billy Chun
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November 30, 2018

Re: ZA-2018-3288-CUB-SPR, ENV-2018-3289-CE

Dear Mr. Tovar,

On behalf of our Client, a nearby property owner, I would like to express our opposition over the proposed hotel project, Hyatt Centric (the "Project"), to be located at 1138-1142 S. Broadway, Los Angeles, CA 90015 (the "Project Site"). Specifically, our Client is concerned about the lack of community outreach conducted by the Applicant for this Project. Although the Project case file includes a letter of support from the Downtown LA Neighborhood Council (DLANC) dated Sept. 2018, our Client received no notification regarding any public meeting or discussion of the Project before the DLANC or its subcommittees. For a project of this scale, the Applicant must perform adequate community outreach in order to understand the concerns of nearby residents and property owners. As is, the Applicant has failed to sufficiently engage the community. This demonstrates a willful disregard for the wellbeing of those who live and work nearby and are most impacted by the Project.

Additionally, the Applicant is inappropriately seeking a Class 32 (Infill Development) Categorical Exemption ("CE"), which fails to address the potentially significant impacts associated with the proposed hotel with regard to noise (both construction- and use-based impacts), historical analysis and cumulative impacts.

Finally, the Applicant is not meeting their obligation to perform the required dedications and/or improvements to the alley adjacent to the Project Site and the Application does not include a Waiver of Dedications and Improvements action.

Due to the lack of proper community outreach, several significant environmental impacts that have not been addressed, and the Applicant's failure to perform the required dedications/improvements to the alley, we cannot support the Project as currently proposed.

Alley Dedication and Improvements

Based on a review of the proposed Site Plan, the Project will utilize and encroach upon the alley – thereby restricting its access for adjacent properties. The environmental documents fail to analyze the impact resulting from the lack of dedication and improvement to the alley, located at the rear of the Project Site. As measured on Navigate LA, this alley is only 12 ft. in width (6 ft. half width). Per the Mobility Plan 2035, an alley should have a minimum width of 20 ft. (10 ft. half width). **As such, at minimum, a four (4) ft. dedication should be imposed on the Project in order to achieve the minimum 10 ft. half alley width required.** The Project's application package makes no reference to any dedication and no Bureau of Engineering (BOE)

Planning Case Referral Form (PCRF) was submitted. Additionally, the Applicant has not requested a Waiver of Dedications and Improvements (WDI), to deviate from these standards. Pursuant to LAMC Section 12.37.1.3, "The waiver request must be set forth in the application filed with the Department of City Planning, and may not be raised for the first time at the hearing on the entitlement or at any entitlement appeal hearing." This oversight must be addressed and warrants deeper investigation of the Project's impacts.

It is also worth noting that at the time of submittal, the Applicant submitted the Citywide Design Guide checklist instead of the Downtown Design Guide Checklist (based on the Projects location, the Downtown Design Guide Checklist is required). This is important to add as the Downtown Design Guidelines provide additional design requirements and suggestions for both the proposed building and the alley that are not found in the Citywide Design Guidelines.

In addition to the required alley dedication, the lack of any necessary improvements, such as those outlined in the Downtown Design Guidelines, further exasperate the negative impacts of the Project. For example, the Downtown Design Guidelines state that projects should "ensure that residents are not adversely impacted by the use of alleys for parking access, service, and loading," "illuminate alleys for both vehicles and pedestrians," and be designed with "permeable paving to infiltrate storm water and eliminate standing water." As the subject Project is not currently proposing any improvements to the alley, they are failing to comply with the Downtown Design Guidelines.

Furthermore, many of the alley improvements outlined in the Guidelines are related to mitigating noise impacts on nearby residents. The noise impacts of this Project are another source of opposition, as discussed below.

Noise

The Construction Noise Impact Analysis (CNIA), prepared by Eilar Associates, Inc. (April 27, 2018), analyzes the potential noise impacts resulting from the construction of the Project. In addition, the study analyzed the construction noise impacts on nearby sensitive receivers (nearby hotel and multi-family residential uses) and determined that there would be no Significant Impact. No operational noise analysis was conducted.

The assumptions in the CNIA are flawed and the conclusion is incorrect. The study found that concrete mixer trucks and concrete pump trucks will produce a noise levels of up to 76 dBA at 50 feet from the source. These sound levels exceed the LAMC threshold of 75 dBA as documented in Table 2 of the CNIA. As such a significant noise impact would occur and an EIR must be prepared. The analysis in the CNIA incorrectly assumes that a noise barrier around the perimeter of the Project Site would be effective in reducing noise levels from concrete and mixing trucks. However, this assumption is flawed because the concrete trucks cannot occupy the Project Site when the foundation is being poured. Concrete trucks will likely be staged adjacent to the site on Broadway or in the alley. Thus, the sound barrier will be completely ineffective in attenuating noise because it would not block the line of sight from the noise sources and the receptors. Additionally, the construction noise analysis fails to address noise levels from any construction activity that occurs above grade level. A 10-foot high sound barrier at the ground level would be ineffective in mitigating construction noise on levels 2 through 14 that will reach a height of 198 feet above grade. These unmitigated impacts cannot be dismissed through a Categorical Exemption and must be addressed in a more detailed environmental analysis pursuant to CEQA.

Furthermore, the study fails address the potential noise impacts resulting from the actual land uses associated with the Project itself. Hotels alone generate significant levels of noise and, when combined with two bars (including a rooftop bar), the Project will further exasperate the growing noise issues in the area caused by the unmitigated cumulative impacts of recent development. The operational noise analysis fails to address the potential for outdoor bar and patio spaces to generate excessive noise levels from crowds, music and amplified sound. The analysis also fails to address operational noise impacts due to loading and unloading activity within the alley.

Case No. ZA-2012-3185-VCU-ZV-ZAA-TDR-1A, a similar hotel project located near the Project Site at 1130 S. Hope St., was opposed for similar reasons. As part of the Letter of Determination (dated Feb. 20, 2014), several conditions were placed on the project to mitigate concerns related to noise. Such conditions include:

- Rooftop Bar and pool deck are restricted to hotel guests only, with hours of operation from 6AM-11PM Sunday - Thursday, and 6AM-12AM Friday/Saturday;
- No live entertainment or amplified music;
- A 24-hour "hot line" phone number must be provided to receive complaints from the nearby community;
- Any noise or sound generated by the hotel and/or its accessory uses may not be audible beyond the site;
- A glass facade fully enclosing the roof top deck is required and must sound proof;
- Operational noise, such as noise produced by loading/unloading activities, must be minimized (with no outdoor audible devices permitted) and conducted as quickly as possible to reduce impacts;
- Refrain from making any noise in the alley so as to minimize impacts on residential neighbors.

This project was required to prepare a Mitigated Negative Declaration (MND) in order to address the associated environmental impacts. Given the scale of this project (only 44 guest rooms), compared to the proposed Hyatt Centric hotel use, coupled with the lack of any analysis related to the operation noise impacts of the hotel and its ancillary uses, this is strong evidence that a Class 32 Categorical Exemption is insufficient.

Therefore, the noise resulting from the proposed Project must be further considered through an expanded environmental review process. As it stands, the Project fails to comply with CEQA's mandate to analyze the impacts of noise generated by the Project.

Historic Analysis

Categorical Exemptions are not permissible if a Project has the potential to impact a historic resource. Pursuant to CEQA Guidelines § 15064.1.a.3, for a Lead Agency to determine if a resource is historic, the Lead Agency must determine whether the resource meets the criteria for listing in the California Register of Historical Resources (California Register). No such analysis has been performed. The property at 1138 S. Broadway is developed with an 83-year old structure that was constructed in 1935. While this structure is not currently listed as a local or state historic cultural monument, the absence of such a listing does not preclude the ability for a property to be considered a historic resource pursuant to CEQA. The California Office of Historic Preservation recommends evaluating the significance of any structure that is proposed to be demolished if the structure is older than 45 years old. As this property is well beyond 45 years old, an assessment of the project site's potential to be deemed a historic resource pursuant to CEQA should be evaluated by a qualified architectural historian. The conclusory statement in the Categorical Exemption that

the project would not result in any historic impacts is not substantiated by expert opinion or analysis. The demolition of a potentially significant historic resource would result in a significant unavoidable impact, triggering the need for an EIR. Furthermore, the Hyatt Centric Los Angeles Project is located directly across the street from the historic Herald Examiner Building (LA Historic-Cultural Monument No. 178). No analysis has been conducted to assess whether the design and construction of the Hyatt Project would have any indirect impacts upon the Herald Examiner Building. The proposed project has the potential to alter the urban architectural design and scale and massing of development surrounding the Herald Examiner Building. The Project could also affect existing views and create shade and shadow impacts upon the Herald Examiner Building. Alterations to the historic urban setting could degrade or diminish the historic context of the Herald Examiner Building. Without any historic analysis, the lead agency does not have the required information to support the finding that the Hyatt Project would not result in a significant direct or indirect impact to off-site historic properties. As such a historic analysis should be conducted.

Cumulative Impacts

CEQA requires that environmental review be conducted to analyze the cumulative impact of multiple large projects in a given area. The analyses supporting the Categorical Exemption fail to address cumulative impacts from other large-scale developments in Downtown Los Angeles, including hotels and mixed-use projects, both adaptive reuse and new construction. As demonstrated above, the studies submitted in support of a CE for the Project fail to fully analyze the potential impacts, including thorough analysis of the cumulative impact of the Project in relation to other nearby present and future uses.

For these reasons, and others, you can understand why our Client is troubled by the Project. We must go on record in opposition to the Project.

Sincerely,



Alexander Irvine
Irvine & Associates, Inc.

PLANNING CASE REFERRAL FORM (PCRF)

City of Los Angeles, Bureau of Engineering (BOE) / Department of City Planning (DCP)

Reference Number: 201800285

Part I. To be Completed by Applicant

DCP Case Number

Applicant	Hayden Planning	address	10008 National Blvd. #229 LOS ANGELES, CA 90034
Phone	310-614-2964	email	Matthew@haydenplanning.com
Owner	Hayden Planning	address	10008 National Blvd. #229 LOS ANGELES, CA 90034
Project Address	1138-1142 S BROADWAY 90015	APN	5139017008
Engineering District	Central		

Project description (attach ZIMAS map with highlighted parcel(s))
NEW HOTEL

Is there a tract or parcel map being filed in conjunction with this: Yes No

If yes, Tract Map No. _____ Parcel Map No. _____

Has the Tract/Parcel report been prepared and submitted to DCP by BOE Yes No

If yes, please refer to the Tract or Parcel map conditions, if not, then

Is any part of this project on a corner lot? Yes No

Part II. To be Completed by BOE Staff

What is/are the street classification(s) for the adjacent streets (list all)?

BROADWAY; MODIFIED AVENUE II; ALLEY

Does the project front an intersection of two major or secondary highways? Yes No

If yes, additional dedication may be required for dual left-turn pockets. If no, how far is the project from the nearest major/secondary intersection? Additional dedication may be required if within the standard flare section. Dedication and improvements are to be consistent with Standard Street Dimensions. See Standard Plan S-470-1.

Apparent width of existing half right of way (street centerline to property line): BROADWAY: 44 FT;
ALLEY: 6 FT ft

Standard dimension for half right of way (from S-470-1), (street centerline to property line): BROADWAY: 45 FT;
ALLEY: 10 FT ft

Apparent width of existing half roadway (street centerline to curb face): BROADWAY: 28 FT; ft

Standard street dimension for half roadway (street centerline to curb face): BROADWAY: 28 FT; ft

Is the lot connected to the sewer? Yes No

Distance from subject lot to nearest main line sewer 44 ft

Is the subject lot(s) within the hillside ordinance boundary? Yes No**Preliminary Required Improvements:**

Planning Case Referral Form Recommendation:

Dedication Required: Yes NoStreet Widening Required: Yes NoOther Improvements Required: Yes No

If yes, please list preliminary required improvements:

1 FT HIGHWAY
DEDICATION REQUIRED.
ALLEY TO BE WIDENED
TO A MINIMUM 20 FT
WIDE.

NOTE: The information on this PCRf is only a "preliminary recommendation" by BOE, which provides the applicant with a general understanding of what may be required by BOE. If the PCRf Recommendations for Dedication or Street Widening is marked "Yes", a formal investigation and engineering report will be required. The engineering report will be provided after submittal of all documentation and payment of fees. Measurements and statements contained herein may be adjusted in the engineering report.

Street Trees: If the PCRf Recommendation for Street Widening is marked "Yes", Street tree removals may be required. All street tree removals must be approved by the Board of Public Works. Applicant shall contact the Urban Forestry Division at (213) 847-3077 before proceeding with the Master Land Use Application.

In all cases, the Applicant will be required to close any unused driveways; remove and reconstruct broken, off-grade, or bad order concrete curb, gutter, driveways or sidewalk,; and install/replace public improvements, such as driveway aprons and access ramps, to meet ADA requirements.

Applicants with PCRf Recommendation of "Yes" for Dedication or Street Widening are advised to submit the following documents and pay the BOE investigation fee.

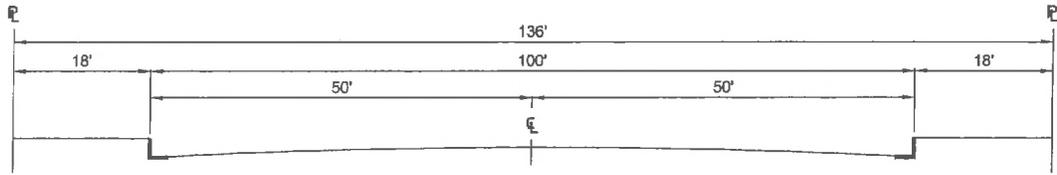
1. BOE investigation fee.
2. Two (2) copies of the Planning Master Land Use Application.
3. Two (2) copies of the project site plan.
4. Two (2) copies of the radius map.
5. Picture of the existing building, sidewalk, curb, and gutter.

Due to the possible implications that dedications and improvements may have on the development of a project, applicants that do not pay the BOE investigation fee for the preparation of a detailed engineering report may have their application placed on hold until such information is provided. Questions and concerns regarding the engineering report may be presented at the hearing.

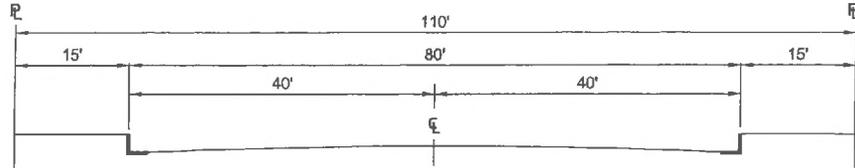
Prepared by: Carla Valladares

Date: 06/28/2018

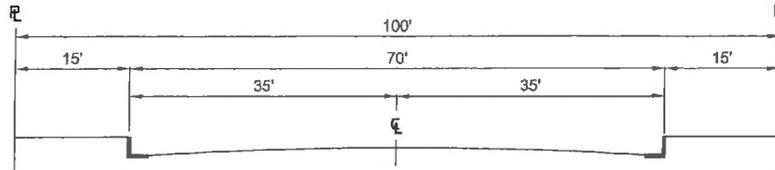
ARTERIAL STREETS



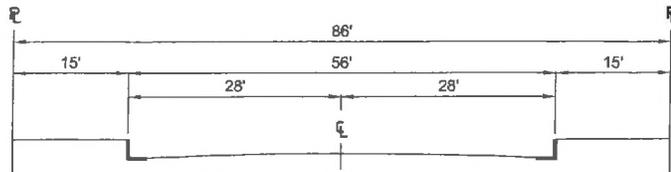
BOULEVARD I (MAJOR HIGHWAY CLASS I)



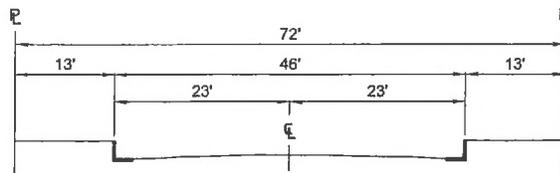
BOULEVARD II (MAJOR HIGHWAY CLASS II)



AVENUE I (SECONDARY HIGHWAY)



AVENUE II (SECONDARY HIGHWAY)



AVENUE III (SECONDARY HIGHWAY)



BUREAU OF ENGINEERING

DEPARTMENT OF PUBLIC WORKS

CITY OF LOS ANGELES

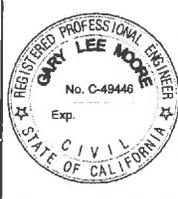
STANDARD STREET DIMENSIONS

**STANDARD PLAN
S-470-1**

PREPARED
KITTY SIU, P.E.
BUREAU OF ENGINEERING

SUBMITTED
Samara Ali-Ahmad 10/13/15
SAMARA ALI-AHMAD, P.E. DATE
ENGINEER OF DESIGN
BUREAU OF ENGINEERING

APPROVED
Gary Lee Moore 10-20-15
GARY LEE MOORE, P.E., ENV. SP. DATE
CITY ENGINEER



SUPERSEDES
D-22549
S-470-0

REFERENCES

CHECKED
RAFFI MASSABKI, P.E.
BUREAU OF ENGINEERING

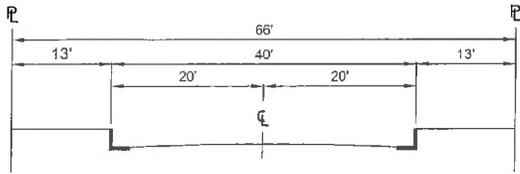
Kenneth Redd 10/13/15
KENNETH REDD, P.E. DATE
DEPUTY CITY ENGINEER

Michael P. ... 10-21-15
DEPARTMENT OF TRANSPORTATION DATE
GENERAL MANAGER
Michael P. ... 10-21-15
DIRECTOR OF PLANNING DATE

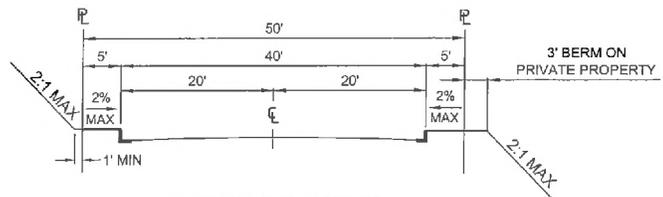
Vault Index Number: **B-4738**
SHEET 1 OF 4 SHEETS

NON-ARTERIAL STREETS

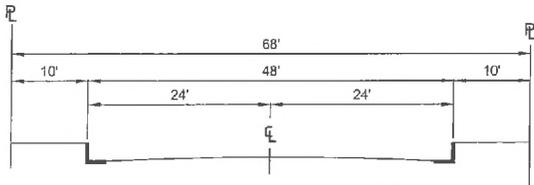
HILLSIDE STREETS



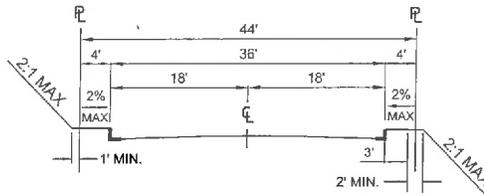
COLLECTOR STREET



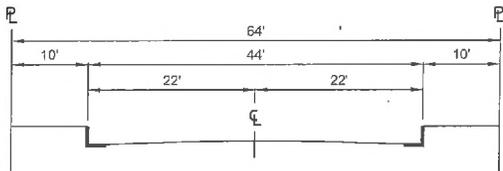
HILLSIDE COLLECTOR



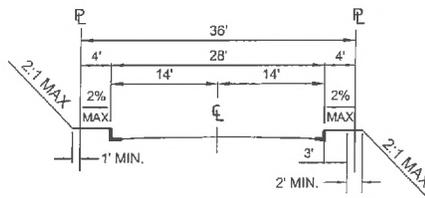
INDUSTRIAL COLLECTOR STREET



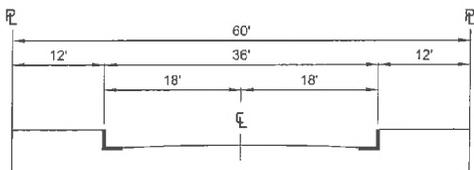
HILLSIDE LOCAL



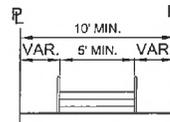
INDUSTRIAL LOCAL STREET



HILLSIDE LIMITED STANDARD

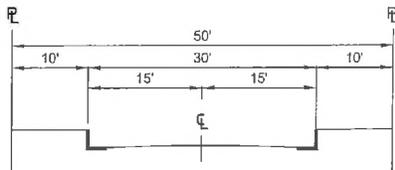


LOCAL STREET - STANDARD



PUBLIC STAIRWAY

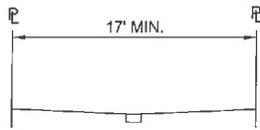
CONSTRUCTED IN ACCORDANCE WITH
BUREAU OF ENGINEERING STANDARD PLANS



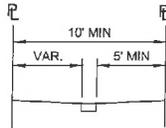
LOCAL STREET - LIMITED



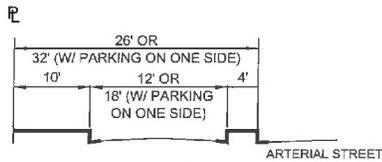
OTHER PUBLIC RIGHTS-OF-WAY



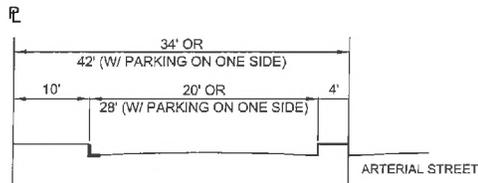
SHARED STREET



PEDESTRIAN WALKWAY

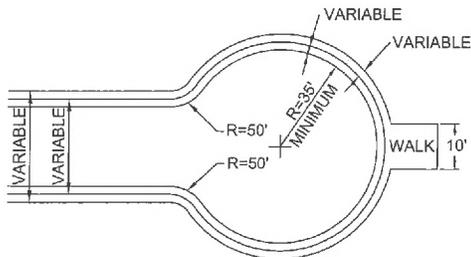


ONE-WAY SERVICE ROAD



BI-DIRECTIONAL SERVICE ROAD

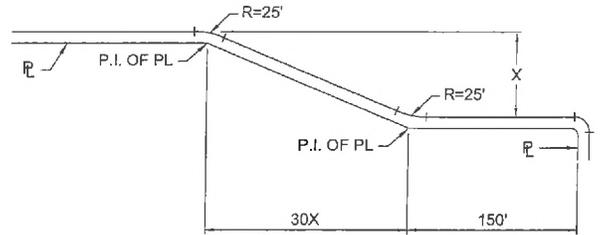
CUL-DE-SAC



MAY BE UNSYMMETRICAL
(PLAN VIEW)

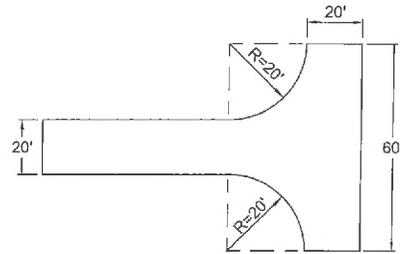
NOTE: FOR FIRE TRUCK CLEARANCE, NO OBSTRUCTION TALLER THAN 6" SHALL BE PERMITTED WITHIN 3FT. OF THE CURB. ON-STREET PARKING SHALL BE PROHIBITED.

TRANSITIONAL EXTENSIONS

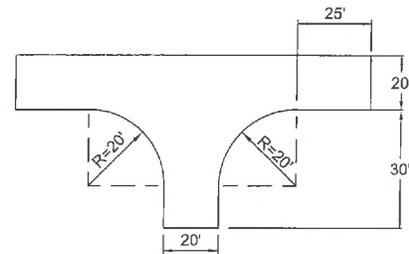


STANDARD FLARE SECTION
(PLAN VIEW)

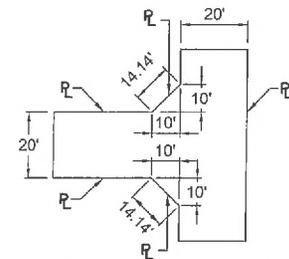
ALLEYS



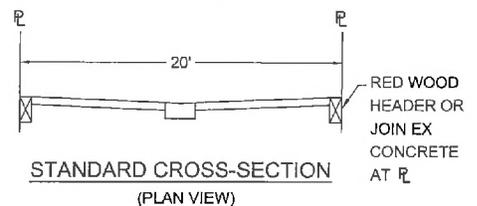
STANDARD TURNING AREA
(PLAN VIEW)



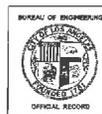
MINIMUM TURNING AREA
(PLAN VIEW)



STANDARD CUT CORNERS
FOR 90° INTERSECTION
(PLAN VIEW)



STANDARD CROSS-SECTION
(PLAN VIEW)



NOTES

1. CITY COUNCIL MAY, BY ORDINANCE, ADOPT SPECIFIC STANDARDS FOR INDIVIDUAL STREETS THAT DIFFER FROM THESE OFFICIAL STANDARD STREET DIMENSIONS. COMMUNITY PLANS AND SPECIFIC PLANS SHOULD BE REVIEWED FOR FOOTNOTES, INSTRUCTIONS AND/OR MODIFIED STREET DIMENSIONS THAT WOULD REQUIRE STANDARDS DIFFERENT THAN THOSE INDICATED ON THIS STANDARD PLAN.
2. FOR ADDITIONAL GUIDANCE AS TO THE USE OF THE ROADWAY AND SIDEWALK AREA, PLEASE REFER TO THE COMPLETE STREET DESIGN GUIDE AND MANUALS.
3. FOR DISCRETIONARY PROJECTS REQUIRING ACTION FROM THE DEPARTMENT OF CITY PLANNING (PLANNING), PLANNING MAY INCLUDE SPECIFIC INFORMATION AS TO THE DESIGN AND UTILIZATION OF THE SIDEWALK AREA.
4. WHERE A DESIGNATED ARTERIAL CROSSES ANOTHER DESIGNATED ARTERIAL STREET AND THEN CHANGES IN DESIGNATION TO A STREET OF LESSER STANDARD WIDTH, THE ARTERIAL SHALL BE TAPERED IN A STANDARD FLARE SECTION ON BOTH SIDES, AS ON SHEET 3, TO MEET THE WIDTH OF LESSER DESIGNATION AND PROVIDE AN ORDERLY TRANSITION.
5. PRIVATE STREET DEVELOPMENT SHOULD CONFORM TO THE STANDARD PUBLIC STREET DIMENSIONS SHOWN ON THE SHEET, WHERE APPROPRIATE. VARIATIONS MAY BE APPROVED ON A CASE-BY-CASE BASIS BY THE CITY.
6. FIFTY-FOOT CURB RADII (INSTEAD OF THE STANDARD 35' CURB RADII) SHALL BE PROVIDED FOR CUL-DE-SACS IN INDUSTRIAL AREAS. SEE CUL-DE-SAC ILLUSTRATION FOR FURTHER DESIGN STANDARDS.
7. ALLEYS SHALL BE A MINIMUM OF 20' IN WIDTH AND INTERSECTIONS AND/OR DEAD-END TERMINUSES SHALL BE DESIGNED TO CONFORM TO THE ALLEY ILLUSTRATIONS INCLUDED HEREIN.
8. FOR INTERSECTIONS OF STREETS, THE FOLLOWING DEDICATIONS SHALL APPLY;
 - A. INTERSECTIONS OF ARTERIAL STREETS WITH ANY OTHER STREET: 15' X 15' CUT CORNER OR 20' CURVED CORNER RADIUS.
 - B. INTERSECTIONS ON NON-ARTERIAL AND/OR HILLSIDE STREETS: 10' X 10' CUT CORNER OR 15' CURVED CORNER RADIUS.
9. STREETS THAT ARE ACCOMPANIED BY A PARALLEL FRONTAGE AND/OR SERVICE ROAD ARE DEEMED TO MEET THE STREET STANDARDS SET FORTH HEREIN AND THE DEDICATION REQUIREMENT SHALL BE NO MORE THAN IS NECESSARY TO BRING THE ABUTTING SIDEWALK DIMENSION INTO COMPLIANCE WITH THE STREET STANDARD.
10. DUE TO THEIR UNIQUE CHARACTER AND DIMENSIONS ALL STREETS DESIGNATED AS DIVIDED ARE CONSIDERED TO HAVE MET THEIR STREET STANDARD AND THE DEDICATION SHALL BE NO MORE THAN IS NECESSARY TO BRING THE ABUTTING SIDEWALK DIMENSION COMPLIANT WITH THE STREET STANDARD.
11. THE DIMENSION OF ANY MEDIAN, DIVIDED STRIP AND/OR TRANSIT WAY SHALL BE INCLUDED WHEN DETERMINING THE RIGHT-OF-WAY DIMENSION.
12. THE LOCATION OF THE DRAINAGE GUTTER IS NOT RESTRICTED TO THE CENTER OF THE SHARED STREET AND CAN BE PLACED WHERE NECESSARY AS APPROVED BY THE CITY.
13. A SHARED STREET SHALL PROVIDE A DEDICATED PEDESTRIAN ACCESS ROUTE.

