

# **BRENTWOOD RESIDENTS COALITION**

August 25, 2010

Maya Zaitzevsky  
Office of Zoning Administrator  
Los Angeles Department of City Planning  
200 North Spring Street, Room 721  
Los Angeles, California 90012

**Re: BRC Letter -- Stuzzichini Shared Parking Variance  
Case No. ZA-2010-1169(ZAD)  
11633 W. San Vicente Blvd. & 11625 W. Darlington Ave.**

Dear Ms. Zaitzevsky:

The Brentwood Residents Coalition (“BRC”)<sup>1</sup> files this letter concerning the application of Gordo Enterprises, LLC, for a shared parking variance. We support the application for a shared parking variance under Municipal Code Section 12.24 X.20, subject to the following conditions and requirements:

1. A shared parking variance cannot be awarded absent an analysis of parking demand in the manner expressly required by Municipal Code Section 12.24 X.20(a), which provides, in part, that “[t]he Zoning Administrator’s determination shall be based on an analysis of parking demand. This analysis shall be conducted on an hourly basis, 24 hours per day, for seven consecutive days.” The term “shall” indicates that a shared parking variance cannot be issued absent a parking analysis that complies with the specified statutory requirements – *i.e.*, a 24-hour/7-day parking demand analysis.<sup>2</sup> The parking demand analysis submitted by the Applicant, however, is based on an insufficient analysis – a two-day analysis covering only 7 hours per day.<sup>3</sup> The shared parking variance

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<sup>1</sup> The BRC is a grass roots, non-profit advocacy group whose purposes are to preserve and enhance the environment and quality of life in Brentwood, to protect the integrity of residential neighborhoods, to assist with planning, to uphold zoning and municipal codes, to encourage traffic safety, and to educate the public on issues that affect quality of life and the environment.

<sup>2</sup> See *In re Luis B.*, 142 Cal.App.4th 1117, 1123 (2006) (holding that “use of the mandatory language ‘shall’ indicates a legislative intent to impose a mandatory duty; no discretion is granted”).

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cannot therefore be granted until a 7-day/24-hour parking demand analysis supporting the requested variance is submitted.

2. The shared parking variance must specify that shared parking is permitted *only* between the hours of 5:30 p.m. to 11 p.m. daily for this restaurant or any similar use. This limitation is critical because, if the Stuzzichini restaurant is replaced by another restaurant that does not serve alcohol (and is therefore not covered by the CUB), or a use with a similar parking requirement to restaurant, there would not be adequate parking to accommodate that use before 5:30 p.m.

3. The parking variance must specify that Toscana’s “wine room” is not currently permitted to serve patrons and nothing in the shared parking variance should imply that any such use is permitted. We appreciate that the Applicant is seeking a shared parking variance covering the wine room so that, if it is ever permitted for patron usage in the future, the parking is assured. We simply ask that the variance specify that it is not a substitute for the required permits for wine room service.

4. The Applicant must submit a list of all reserved or otherwise restricted parking spaces (*see attached exhibits*), in addition to the UCLA-reserved parking spaces, and the new parking analysis (described in paragraph 1 above) must account for those spaces, which cannot be used for shared parking. Municipal Code Section 12.24 X.20 (a)(2) & (3) precludes "shared parking" of reserved or otherwise restricted parking spaces.

Finally, we request that the Certificate of Occupancy (“CofO”) for this property be reissued to correct the parking requirements, which are not accurately stated in the current CofO. This caused substantial confusion and delay in Case No. DIR 2009-2905-SPP-1A. The requested reissuance of the CofO will prevent a recurrence of this avoidable problem in the future.

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<sup>3</sup> Mr. Shender, the author of the parking demand analysis, states that the study covers Friday and Saturday nights because they “represent the peak days of patronage of the existing Toscana restaurant and the proposed Stuzzichini restaurant.” *See* Linscott Law & Greenspan, Memorandum, p. 3. But parking demand and availability is a function of both restaurant patronage and usage by the office tenants, whose peak parking days are likely to be Monday-Thursday, not Friday and Saturday. In any event, the Municipal Code expressly requires a 7 consecutive days parking analysis.

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We ask that the record in this case be held open for a sufficient time to ensure compliance with the above requirements. Subject to the conditions above being imposed and municipal code requirements being met, we support the application for a shared parking variance.

Respectfully submitted,



Thomas R. Freeman



Wendy-Sue Rosen

*Donald G. Keller*

Donald G. Keller

cc: Councilmember Rosendahl