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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

FOUR SIDED PROPERTIES, LLC,,
Petitioner and Plaintiff,
vs.
CITY OF LOS ANGELES; WEST LOS
ANGELES AREA PLANNING
COMMISSION OF THE CITY OF LOS
ANGELES, and DOES 1-25, inclusive,
Respondents and Defendants.

BRENTWOOD RESIDENTS
COALITION and BRENTWOOD
HOMEOWNERS' ASSOCIATION,
Intervenors

CASE NO. BS128425
**INTERVENORS' OPPOSITION TO
MOTION FOR WRIT OF MANDATE**
Date: April 29, 2011
Time: 8:30 a.m.
Dept.: 85
Assigned to Hon. Robert O'Brien, Dept. 85
Action Filed: September 9, 2010

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1 I. INTRODUCTION

2 Petitioner Four Sided Properties is the owner of a triangularly shaped property on the
3 southwest corner of San Vicente Blvd. and Montana Ave. in Brentwood. Petitioner leased a
4 3,900 sq. ft. restaurant space to Fig & Olive Brentwood, Inc. to operate a large, 158-seat
5 restaurant with two outdoor patios. *Administrative Record ("AR") 0156*. Fig & Olive sought a
6 conditional use permit from the City of Los Angeles to serve a full line of alcoholic beverages at
7 its restaurant and on its outdoor patios. *AR 0156*.

8 The permit request was opposed by the Los Angeles Police Department, four community
9 organizations, and hundreds of individuals living on residential streets near the project site. *AR*
10 *0186, 0925, 0970, 1022, 0870, 0477-0703, 1177-1223*. The problem was not the quality of the
11 restaurant, which would have been the West Coast flagship for one of New York's leading
12 upscale restaurants. *AR 1704-1740*. Rather, those opposing the permit were concerned that the
13 San Vicente Corridor lacks the infrastructure to accommodate a high-profile, alcohol-serving,
14 "destination" restaurant, especially one that has no onsite parking and would have to shuttle
15 patron vehicles by valet between the restaurant and an offsite parking garage in a residential area.

16 Evidence presented to the West Los Angeles Area Planning Commission (the
17 "Commission") demonstrated that the traffic, parking and noise impacts of permitting this
18 alcohol-serving restaurant at this sensitive location would significantly degrade the residential
19 quality of the surrounding neighborhoods. Moreover, Fig & Olive would have been the type of
20 alcohol-serving restaurant that, as it stated in its application, would serve as "a destination point
21 for dining throughout the Los Angeles area," which would have encouraged "tourism and growth
22 of this portion of the City of Los Angeles." *AR 0707*. This type of "destination" restaurant and
23 the tourism and growth-inducing impacts that it promised, however, are inconsistent with the
24 governing Community and Specific Plan land-use restrictions, which are designed to preserve the
25 local-serving, pedestrian-friendly and residential nature of the area. Moreover, the plan to serve
26 alcohol on the outdoor patios would have further degraded the residential character of the
27 neighborhood, especially because the outdoor facilities would have been oriented to the
28 residential side of the property on Montana Ave.

1 The Commission, responding to substantial evidence that issuance of an alcohol permit
2 would violate local land use policies intended to protect the residential neighborhoods from such
3 impacts, found that *none* of the mandated findings for issuance of a permit could be satisfied. It
4 also found, based on substantial evidence, that the proposed mitigated negative declaration failed
5 to properly assess the project's potentially significant environmental impacts.

6 II. LEGAL ARGUMENT

7 A. The Commission's Ruling Is Subject To Substantial Evidence Review

8 The standard of review on a municipality's discretionary land-use determination under
9 Code of Civil Procedure Section 1094.5 is highly deferential: "Because [judicial] review of
10 governmental conditions on development is deferential when the conditions are simply
11 restrictions on proposed land use and do not impose requirements for either conveyances of land
12 or monetary exactions, an agency's denial of a discretionary land use permit will be upheld as long
13 as the denial substantially advances legitimate governmental interests and is supported by
14 substantial evidence." *Breneric Assoc. v. City of Del Mar*, 69 Cal. App. 4th 166, 176 (1998).

15 B. Substantial Evidence Supports The Finding That Issuance Of The Permit Would 16 Cause An Undue Concentration Of Alcohol-Serving Restaurants

17 A conditional use permit for the sale of alcoholic beverages ("CUB") can only be issued if
18 *all* of the seven mandated findings under Municipal Code Section 12.24.E and Section
19 12.24.W.1(a)(1)-(3) can be made in the affirmative. The Commission ruled that *none* of the seven
20 mandated findings could be made. *AR 1595-1598, 2053-2063*. The petition for writ of mandate
21 must be denied if substantial evidence supports just *one* of the Commission's determinations that a
22 mandated finding cannot be satisfied based on the administrative record before the Commission.

23 One of the mandated findings is that issuance of the CUB will not cause an undue
24 concentration of alcohol establishments in the area. There is substantial record evidence to
25 support the Commission's finding that issuance of a CUB to the applicant restaurant would cause
26 undue concentration (*AR 1597, 2060-2064*) because (1) there is an over-concentration of alcohol-
27 serving establishments in the area and (2) this over-concentration is "undue" because issuance of
28 an alcohol-serving permit to the restaurant would negatively impact a neighborhood. We address

1 this finding first because it provides an instructive summary and overview of the evidence that
2 precluded the Commission from making any of the seven mandated findings in the affirmative.

3 **1. There is substantial evidence of over-concentration**

4 The first element for establishing that issuance of the CUB would cause an undue
5 concentration is that there is an over-concentration of alcohol-serving restaurants in the San
6 Vicente Corridor.

7 While, as Petitioner's counsel conceded to the Commission, "there's no [over-
8 concentration] standard that I know of that there's one black number, once you hit it, you're over
9 it" (AR 2019), the Commission may consider as instructive the State Department of Alcoholic
10 Beverage Control's licensing criteria. The Commission did so in its findings, stating that the
11 Department of Alcoholic Beverage Control "has allotted a total of 9 licenses to this tract,
12 including *five on-site* and four off-site licenses to this tract." AR 1597. The Commission found an
13 over-concentration based on undisputed record evidence that there are 35 alcohol-serving
14 restaurants within the San Vicente Corridor in Brentwood, a five minute drive from one end to
15 the other, and 10 alcohol-serving restaurants within the Census Tract. AR 0985,1597.

16 The Commission's finding that the area is over-concentrated is also consistent with a
17 recent determination in another case on the San Vicente Corridor. The administrative record
18 before the Commission reveals that, on March 24, 2010, City Zoning Administrator Sue Chang,
19 ruling on a CUB application for restaurant *Le Pain Quotidien*, considered the 35 alcohol-serving
20 restaurants on San Vicente and found this to establish an over-concentration of alcohol-serving
21 restaurants under the City's standard. AR 1423-1425.

22 **2. Over-concentration is "undue" if it will *negatively impact a neighborhood***

23 The second element of undue concentration, the "undue" element, is established by
24 evidence that issuance of the CUB would "negatively impact a neighborhood." AR 0863. The
25 Commission and the ZA, however, applied this element differently. The ZA interpreted
26 "negatively impact a neighborhood" as referring only to crime-related impacts while the
27 Commission construed the phrase to include other negative impacts flowing from the over-
28 concentration of alcohol establishments in the area, including traffic, parking and noise impacts.

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a. Adverse traffic impacts are properly considered.

The ZA, in applying the “negatively impact a neighborhood” standard, considered only crime-related impacts. *AR 0863*. But the plain language of the “negatively impact a neighborhood” standard encompasses *any adverse impacts* of over-concentration, not merely *crime-related* impacts. As Commissioner Thomas M. Donovan properly observed, “crime is not the only indicator” of *undue* concentration, there may be other negative impacts flowing from the issuance of an additional CUB in an over-concentrated area and, among those potentially adverse impacts, “traffic can certainly be another one that might show” undue concentration. *AR 2019*.

Petitioner, however, claims that traffic-related impacts cannot be considered because there is no evidence that alcohol-serving restaurants have a greater impact on traffic than restaurants that do not serve alcohol. The Commission properly rejected that contention, finding that the service of alcohol increases the number of vehicles, which leads to greater traffic, parking and noise impacts than for restaurants that do not serve alcohol. *AR 2059, 2061-2061, 1596-1597*. The Commission’s finding is supported by the expert testimony of David Shender, Principal Engineer at the engineering firm of Linscott, Law & Greenspan, who has over 25 years experience in preparing traffic and parking studies for private developments, primarily in the City of Los Angeles. *AR 1578*. Mr. Shender testified before the Commission:

“I’ve testified on ABC matters, before Administrative Law Judges, and on beverage permit cases, and absolutely, restaurants that have a beverage permit generate more traffic [and] parking than restaurants that do not.” *AR 2049*.

This expert testimony constitutes substantial evidence supporting the finding that restaurants serving alcohol generate more traffic and parking than restaurants that do not. See *Casella v. SouthWest Dealer Services, Inc.*, 157 Cal.App.4th 1127, 1144 (2007) (“Even the uncorroborated testimony of a single witness may constitute substantial evidence”). Thus, contrary to Petitioner’s assertion, traffic is relevant because alcohol-serving restaurants, which draw more patrons than restaurants that do not serve alcohol, may have adverse traffic-related impacts on a neighborhood.

b. Adverse parking impacts are properly considered

Petitioner contends that the Commission improperly considered adverse parking-related

1 impacts because the City Attorney instructed the Commission not to consider whether issuance
2 of the CUB would have adverse parking-related impacts on a neighborhood. Petitioner has
3 grossly mischaracterized the facts.

4 Intervenor had raised a *separate legal question* as to whether Petitioner's offsite parking
5 garage could legally be used to satisfy the restaurant's code-required parking. Intervenor argued
6 that the offsite garage could not be used because (1) it was not within 750 feet of the restaurant
7 (as required under the Municipal Code) and (2) conditions previously imposed on the use of that
8 parking garage require that it be used *exclusively* for public parking serving the businesses
9 immediately to the north of the garage during the day and as overnight parking for local residents.
10 *AR 0980-0981*. The City Attorney, however, instructed the President of the Commission, Glenda
11 E. Martinez, that the legality of the restaurant's use of the garage was not before the Commission
12 because it is being addressed in a separate administrative proceeding. *AR 1956-1958*.

13 The City Attorney clarified that the Commission could properly consider adverse impacts
14 unrelated to the legality of the restaurant's use of the offsite garage. Specifically, the City Attorney
15 "wanted to let us know that we can consider traffic, or we can consider the impacts of having
16 additional establishments that serve alcohol. But we should not be considering the parking,"
17 which is an obvious reference to the disputed legality of Petitioner's use of the parking garage.
18 When asked whether the Commission could "consider the traffic going to and from the parking
19 facility," Martinez responded that the City Attorney "said that we could do that." *AR 1956*.

20 There was no basis for precluding the Commission from considering parking-related
21 impacts and the City Attorney did not attempt to do so. There is substantial evidence that
22 "restaurants that have a beverage permit generate more traffic [and] parking than restaurants that
23 do not." *AR 2049*. The resulting impact on traffic and parking is exacerbated by the necessity to
24 transport patron vehicles from the restaurant to the offsite garage, an almost 1-mile round trip.

25 **c. There is substantial evidence of adverse traffic and parking impacts**

26 Substantial evidence supports the Commission's finding that issuance of the CUB would
27 "negatively impact" the surrounding residential neighborhoods. This finding is based on evidence
28 that there is already an over-concentration of alcohol-serving restaurants in the area, a lack of

1 parking capacity to accommodate the existing *commercial* uses along San Vicente Blvd. and the
2 *residential* uses on the public streets adjacent to San Vicente Blvd., which causes traffic and parking
3 congestion, including spill-over congestion on the residential streets. *AR 1969, 1972, 1976, 1983,*
4 *2048.* An alcohol-serving restaurant, without any onsite parking capacity, adjacent to so many
5 residential uses, with an offsite parking garage located along a residential street, with valet parking
6 circulating exclusively through residential streets, would exacerbate the adverse traffic, parking
7 and noise impacts. *AR 1969, 1972, 1976, 1983, 2048.*

8 The social costs of this CUB would be borne by local residents as the increased traffic and
9 parking burdens would over-stress the Corridor's limited infrastructure, forcing traffic, parking,
10 safety and noise impacts into the residential neighborhoods, in violation of the Brentwood-Pacific
11 Palisades Community Plan (the "Community Plan"), attached. The Community Plan clearly
12 provides that commercial uses in Brentwood must be regulated to prevent (1) the "spill-over of
13 commercial parking into residential neighborhoods," (2) "spill-over of commercial areas traffic"
14 into residential neighborhoods, (3) "expansion of commercial areas to beyond their present
15 boundaries," (4) uses that are "incompatib[le] with adjacent residential land use," and (5)
16 "inadequate transition between commercial and residential" uses. *Community Plan*, pp. I-3, I-4.
17 Further, Community Plan Objective 1-3 is "to preserve and enhance the varied and distinct
18 residential character and integrity of existing residential neighborhoods." *Community Plan*, p. III-4.

19 The restaurant and the offsite garage are located in or are adjacent to residential
20 neighborhoods. *AR 1581-1587.* The Department of Alcohol Beverage Control analyzes this
21 aspect of oversaturation, and the presumed adverse impacts of proximity to residential areas, by
22 considering the number of residential units within 100 feet of the project site. The proposed
23 restaurant would be located within 100 feet of approximately 71 multifamily residential units
24 located at 11900, 11908, 11930, 11924, and 11920 Montana Ave. Similarly, the offsite parking
25 garage at 11847 Gorham Ave. is within 100 feet of approximately 63 multifamily residential units
26 in the condominium to which the garage is attached and approximately 46 more residential units
27 across the street, at 11812, 11822, 11826 and 11836 Gorham Ave. *AR 0192, 0976.*

28 Here, the sphere of adverse traffic/parking impacts is further *increased* due to the

1 restaurant's use of valet parking that would circulate all vehicles through the surrounding
2 residential neighborhoods in an almost 1-mile loop – thereby increasing the spill-over impacts on
3 hundreds of residential neighbors. The travel route between the restaurant's valet stand and the
4 offsite parking garage, which was not revealed until the Commission hearing, not during
5 environmental review or the ZA hearing, requires the valet to transport patron vehicles through
6 the surrounding residential neighborhoods, exposing several blocks of residential uses to
7 restaurant-related traffic. *AR 0229-0234, 0976-0977, 1235-1237, 1581-1587, 1984-1986, 1989-1991.*
8 As Petitioner's own traffic consultant admitted to the Commission, the valet traffic between the
9 restaurant and offsite parking garage, which Petitioner's traffic consultant did *not* even consider in
10 his analysis, would proceed *exclusively* through the residential and residential-adjacent streets,
11 avoiding non-residential San Vicente Blvd. completely. *AR 2026-2027.* This would be an adverse
12 traffic-related impact on the neighborhoods through which the valet traffic would circulate, which
13 violates Community Plan goals, objectives and policies designed to protect the residential nature
14 of these neighborhoods. *AR 1969, 1972, 1976, 1983, 2048.*

15 Similarly, the necessity for valet parking between the restaurant and garage would
16 encourage restaurant patrons and employees to park on streets within the residential
17 neighborhoods, to save the cost and inconvenience of valet parking, including an up to *8-minute*
18 *wait* for return of valet-parked vehicles. *AR 0849.* This inducement to park on local residential
19 streets is problematic because there is *already* a gross insufficiency of public parking, causing
20 excessive spill-over parking in the surrounding residential neighborhoods. *AR 1112-1129, 1214,*
21 *1215, 1217, 1235-1237, 1984-1985, 1988-1991.* The resulting spill-over and associated traffic,
22 parking and noise impacts are the type of adverse impacts that the Community Plan was designed
23 to prevent. Thus, the Commission properly found an undue concentration of alcohol-serving
24 restaurants that would adversely impact a neighborhood.

25 Moreover, the CUB application was opposed by the Los Angeles Police Department (*AR*
26 *0186*) and hundreds of residents because of this undue over-concentration. *AR 0477-0700, 1022-*
27 *1024, 1177-1237.* During the public hearing, Commissioner Erica Linnick observed that, "in the
28 time that I've been on the Commission, a couple of years, we haven't seen a letter like this before,

1 and it was said [by Petitioner’s counsel] that they’re standard, and they always say this[,] but I’ve
2 never seen this before” . . . and “I thought that that was compelling that that point was made by
3 the Police Department as well as the community members, who’ve [said] there is just this over
4 concentration of places with alcohol in the neighborhood.” *AR 2063*. This opposition, based on
5 undue concentration, provides further support for the Commission’s finding.¹

6 A similar situation was recently considered by ZA Chang, who denied a CUB request for
7 *Le Pain Quotidien*. ZA Chang found that issuance of a CUB would “result in an undue
8 concentration of premises for the sale or dispensing of alcoholic beverages in the area,” as
9 described above, and found the concentration would be “undue” because the applicant could not
10 clearly demonstrate that the increased traffic and parking burden created by the proposed alcohol-
11 serving restaurant could be accommodated without adversely impacting the surrounding
12 residential neighbors with spill-over parking and traffic congestion. *AR 1423-1425*.

13 **C. Substantial Evidence Supports The Commission’s Finding That The Other**
14 **Mandated Findings Cannot Be Made**

15 The permit was *also* properly denied if any one of the remaining mandated findings cannot
16 be made. Substantial evidence supports the Commission’s finding that none could be made.

17 **1. The location would not be desirable to the public convenience or welfare**

18 The Commission’s finding of undesirability to public convenience or welfare is based on
19 the conclusion that “there are too many restaurants in the subject area that serve alcohol” and
20 “restaurants that serve alcohol result in more vehicle trips than ones that do not, which result in
21 an increase in traffic, as such, the proposed location will not be desirable to the public
22 convenience or welfare.” *AR 1596*.

23 Substantial evidence supporting this finding includes evidence that (1) the Department of

24 ¹ Petitioner states that the ZA adopted virtually all of the conditions proposed by LAPD. That is
25 immaterial because LAPD recommended *denial*, not issuance of the CUB with conditions. *AR 0186*. It is
26 *false* because the ZA ignored LAPD’s proposed conditions to (1) terminate evening alcohol sales by
27 certain times; (2) limit the use of outdoor patio areas; (3) require a 6-month review/inspection to ensure
28 compliance with conditions; (4) prohibit private parties; and (5) require complementary valet parking to
discourage parking on residential streets. *AR 1497-1498, 1499-1500, 1504-1505*.

1 Alcoholic Beverage Control criteria for over-concentration is 5 onsite licenses in the Census Tract
2 [AR 0863]; (2) there are 35 alcohol-serving restaurants on the San Vicente Corridor and 10 within
3 the Census Tract [AR 0985]; and (3) restaurants that serve alcohol “generate more traffic [and]
4 parking than restaurants that do not” [AR 2049].

5 The ZA improperly considered the traffic/parking impacts irrelevant and found that the
6 location would be desirable for an alcohol-serving restaurant because that use is permitted under
7 the zoning, it is similar to other area uses, would provide community members an opportunity to
8 “relax and enjoy food and refreshments.” AR 0860. But the project is similar to other area
9 businesses *because* there are so many alcohol-serving restaurants along the Corridor, which already
10 provides opportunities to “relax and enjoy food and refreshments.”

11 **2. A CUB would not be proper in relation to adjacent uses or the development**
12 **of the community**

13 The Commission’s finding that an alcohol-serving restaurant would be improper in
14 relation to adjacent uses/development of the community is based on evidence that the restaurant
15 and offsite garage would be located in very close proximity to residential properties. AR 1596.

16 Specifically, the record establishes that the restaurant would be located within 100 feet of
17 approximately 71 residential units and the offsite garage is within 100 feet of approximately 109
18 residential units. AR 0192, 0976. Additionally, the restaurant’s patio, where patrons would drink
19 alcoholic beverages, would be located directly across the street from 71 residential units.
20 Moreover, the valet plan presented at the Commission hearing called for the circulation of traffic
21 between the restaurant and the offsite parking garage exclusively through residential communities
22 along the almost 1-mile route. AR 1583-1587, 1964-1966, 1968-1971, 2027. The cost and
23 inconvenience of parking would encourage patrons and employees to park on residential streets,
24 creating not only traffic and parking congestion, but also noise as restaurant patrons and
25 employees return to their vehicles late at night. AR 1235-1237, 1989-1991. The residential spill-
26 over impacts violate the Community Plan, rendering the project improper in relation to adjacent
27 uses/development of the community.

28 While Petitioner argues that nothing in the “Municipal Code” requires that there be a

1 “buffer zone” between alcohol-serving restaurants and residential uses, the Community Plan
2 explicitly requires that such spill-over impacts be eliminated or minimized. The proximity of
3 residential uses, the over-concentration of alcohol-serving restaurants, and the existing parking
4 and traffic congestion render the project improper in relation to the surrounding residential uses.
5 The ZA improperly ignored the impacts on local neighborhoods by focusing only on the
6 “benefit” of providing nearby residents and employees with the option of enjoying food and
7 drink without having to drive elsewhere – an option already present with the 35 other alcohol-
8 serving restaurants on the San Vicente Corridor.

9 **3. A CUB would be materially detrimental to the character of the development**
10 **in the immediate neighborhood**

11 The Commission found, based on testimony provided at the hearing and written evidence
12 and argument in the record, that the service of alcohol at the proposed restaurant would be
13 materially detrimental to the character and development of the neighborhood based on the likely
14 traffic, parking and noise impacts. *AR 1596*. The Commission also found that the planned use
15 of valet parking to shuttle vehicles between the restaurant and offsite garage would adversely
16 impact residential uses along the valet circulation route. *AR 1596, 2059-2060*.

17 Petitioner contends that (1) “valet traffic would travel at most a few hundred feet to an
18 available parking lot” and (2) “traffic was not a relevant consideration in reviewing a CUB
19 application” because “it has nothing to do with the service of alcohol.” *Opening Brief, p. 9*.
20 Petitioner’s *first* contention is just plain false. Regardless of whether the parking garage may be “a
21 few hundred feet” away from the restaurant *as the crow flies*, the relevant and undisputed fact is that
22 the valet circulation route “will basically total anywhere from *two-thirds to three-quarters of a mile on*
23 *residential streets*, traveling between the restaurant site and the public parking,” with “all of these
24 trips on the local residential streets,” instead of on the commercial street, San Vicente Blvd. *AR*
25 *1966, 1969-1970, 2027, 1583-1587*.

26 And Petitioner’s contention that traffic is not a relevant consideration is rebutted by the
27 previously-referenced testimony of traffic engineer David Shender that “restaurants that have a
28 beverage permit generate more traffic [and] parking than restaurants that do not.” *AR 2049*. The

1 Commission relied on this expert evidence. *AR 2059.*

2 Petitioner also contends that there is no basis for finding noise impacts related to the
3 service of alcohol. But the Commission can make the common sense determination that patrons
4 who drink alcohol are generally likely to be louder and more vocal than those who do not. And
5 the proximity of the restaurant's outdoor patio and valet station provides a substantial evidentiary
6 foundation for the reasonable inference that noise from these outdoor areas will be disruptive to
7 the many residents directly across the street. *AR 2058-2059.* Finally, the Commission properly
8 found that the cost and inconvenience of valet parking will encourage restaurant patrons and
9 employees (alcohol-serving restaurants have more employees) to park on the residential streets,
10 which will bring noise into the neighborhoods, especially late at night when patrons and
11 employees retrieve their vehicles. *AR 2058-2059.*

12 The ZA did not consider traffic, parking or noise on the surrounding community because
13 there are "other areas of the City where there are residential uses adjacent to restaurants,"
14 including "Downtown" Los Angeles, where "there are mixed use buildings with ground floor
15 restaurants." *AR 0861.* The ZA's finding violates the General Plan for the City of Los Angeles.
16 Chapter 3 of the General Plan specifies that development standards applied in Downtown Los
17 Angeles are substantially different than and therefore *not* properly applied to "Neighborhood
18 Districts" like the San Vicente Corridor, which is designated as a pedestrian-friendly, local-serving
19 retail area. *See* General Plan, Chapter 3, Goal 3D, Objective 3.8, and Policies 3.8.1-3.8.2
20 (Neighborhood Districts); Goal 3G, Objective 3.11 (Downtown Center).

21 Indeed, by the ZA's standard, commercial development in Brentwood could be intensified
22 to match Downtown mixed-use areas. That would not only violate the General Plan, it would
23 violate the Community Plan Objective "to preserve and enhance the varied and distinct residential
24 character and integrity of existing residential neighborhoods." *Community Plan*, p. III-4. This
25 makes clear that the ZA's use of development standards for Downtown mixed-use areas was
26 improperly applied to the residential neighborhoods adjacent to San Vicente Blvd. in Brentwood.

27 Further, the San Vicente Scenic Corridor Specific Plan and Specific Plan Guidelines,
28 attached, identify the Corridor as a primarily local-serving district. *Specific Plan*, pp. 1-2. The

1 Guidelines reveal that the “ultimate goal for the San Vicente Corridor is the creation of a
2 cohesive, pedestrian-friendly environment which complements the adjacent residential uses and
3 provides basic [local-serving] community services including a mix of retail uses, personal services,
4 restaurants and shops. . . .” *Guidelines*, p. 7. The “intent” is to “encourage uses that help define
5 San Vicente Boulevard as a ‘special place’ or destination point *for residents and their visitors* while at
6 the same time maintaining the neighborhood character of Brentwood by providing services
7 needed such as grocery stores, cleaners and bookstores.” *Guidelines*, p. 7. The local-serving
8 character of this Neighborhood District is not comparable to Downtown mixed-use districts.

9 **4. A CUB would adversely affect the welfare of the pertinent community**

10 The Commission’s finding that the community would be adversely affected was based on
11 substantial evidence that an increase in traffic and parking demand created by the proposed
12 alcohol-serving restaurant in this sensitive location would create adverse noise, parking and traffic
13 impacts in the residential neighborhoods within the valet parking circulation route and near the
14 restaurant and garage. *AR 1596*.

15 **5. A CUB would detrimentally affect nearby residentially zoned communities**

16 This finding is supported by all of the above-described evidence of adverse impacts on the
17 nearby residentially-zoned communities. It is also supported by the large number of sensitive
18 uses within a 1,000-foot radius of the project site and the many residential uses within 100 feet of
19 the proposed restaurant and garage. *AR 1597-1598, 0192, 0976*.

20 **D. The Commission Properly Rejected The Mitigated Negative Declaration**

21 The Commission’s denial of the proposed Mitigated Negative Declaration (“MND”) is
22 supported by substantial evidence that the MND did not analyze or even disclose potentially
23 significant adverse environmental impacts as required under the California Environmental Quality
24 Act (“CEQA”). The MND was inadequate because CEQA requires a public agency to prepare an
25 environmental impact report (“EIR”) for projects that “may have significant environmental
26 effects.” *Communities For A Better Environment v. South Coast Air Quality Management Dist.* 48 Cal.4th
27 310, 315 (2010). A negative declaration is improper “whenever it can fairly be argued that the
28 project may have a significant environmental impact.” *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d

1 68, 75 (1974). To determine whether a project may have a significant impact on the environment,
2 thereby necessitating an EIR, the agency must accurately describe the project and its likely
3 environmental impacts, then analyze those impacts in relation to the “baseline” environmental
4 conditions. *Communities For A Better Environment*, 48 Cal.4th at 315.

5 The existing physical condition at the time of environmental review normally constitutes
6 the baseline for purposes of assessing a project’s environmental impact. *Woodward Park*
7 *Homeowners Assoc. v. City of Fresno*, 150 Cal.App.4th 683, 706-707 (2007). The Supreme Court
8 recently confirmed that “the baseline for CEQA analysis must be the ‘existing physical conditions
9 in the affected area,’ that is, the ‘real conditions on the ground,’ rather than the level of
10 development or activity that *could* or *should* have been present according to a plan or regulation.”
11 *Communities For A Better Environment*, 48 Cal.4th at 320.

12 The CEQA baseline in this case is either no use at all (as the project site has not been used
13 for approximately four years) or the immediate prior use of the property as a gym,² not a
14 hypothetical “by-right” use of the property, such as the hypothetical use of the property as a
15 restaurant that does not serve alcohol. *Communities For A Better Environment*, 48 Cal.4th at 320
16 (citing *Woodward*, 150 Cal.App.4th 683). “An approach using hypothetical *allowable* conditions as
17 the baseline results in ‘illusory’ comparisons that can only mislead the public as to the reality of
18 the impacts and subvert full consideration of the actual environmental impacts, a result at direct
19 odds with CEQA’s intent.” *Id.* at 322.

20 The project site had been used for many years by Pro Gym, which provided onsite parking
21 for its patrons at an outdoor parking lot directly behind the property. *AR 1214*. The MND
22 analyzed the proposed use of the property as a 182-seat alcohol-serving restaurant, operating
23 Thursday through Saturday from 8 AM until 2 AM and on Sunday through Wednesday from 8
24

25 ² While the baseline is normally the use occurring at the time of environmental review, which in this case
26 is no use at all, the baseline may sometimes account for conditions that have existed over a range of time,
27 to avoid anomalies created by a temporary lull or spike in operations at the time of the environmental
28 assessment. *Sunnyvale West v. City of Sunnyvale*, 190 Cal.App.4th 1351, 1375 (2010) (citing *Communities For A*
Better Environment, 48 Cal.4th at 327-328).

1 AM until 12:30 AM. *AR 0749*. There would be no onsite parking and all code-required parking
2 would be provided offsite with patron vehicles being shuttled between the restaurant and an
3 offsite parking garage via valet service. *AR 0749*. The MND, however, did not disclose the
4 circulation route between the restaurant and garage, nor did it identify the location of the valet
5 stand. Thus, there was no meaningful way to assess the likely environmental impacts of the valet
6 circulation or identify mitigation measures. *AR 0223-0228*. This alone precluded any meaningful
7 comparison of the project's valet-related traffic/parking impacts with the baseline condition
8 established by Pro Gym's use, rendering the MND inadequate. *AR 0223*.

9 Further, the "baseline" against which the project's impacts must be measured is either no
10 use or Pro Gym's prior use of the property. The baseline is therefore *zero valet trips* because Pro
11 Gym provided onsite parking. *AR 1214, 1563-1568, 1578-1587*. David Shender demonstrated
12 that the restaurant's use of the public parking garage serviced by valet would generate
13 approximately *440 additional* car trips per day. *AR 0227*. These 440 additional car trips on the
14 almost 1-mile valet route that runs exclusively through residential streets "would cause significant
15 traffic impacts to the local streets" and a public alley adjacent to the condominium complex
16 housing the offsite parking garage. *AR 0228, 0229-0230, 1968-1971*. This constitutes substantial
17 evidence that the valet-parking plan would have significant traffic impacts that, if not mitigated,
18 would require preparation of an EIR. *AR 0221,0228*. Yet the MND did not even consider that
19 the valet service would create "additional traffic using local streets and alleys" for travel between
20 the restaurant and garage. *AR 0220*.

21 The MND also failed to account for the environmental impacts of displacing 60 vehicles
22 that are currently parked in the offsite public parking garage. This *public* parking is required by the
23 entitlement documents for the garage and has been used to accommodate general public parking
24 (not code-mandated parking for any particular business) since the garage was constructed. *AR*
25 *1578-1587, 1970-1971*. The CEQA baseline, for purposes of assessing the displacement of 60
26 vehicles from the offsite garage is based on the use of the garage to accommodate general public
27 parking for more than 10 years. *Communities For A Better Environment*, 48 Cal.4th at 320. This use
28 is established by testimony that the garage is currently used for general public parking, for which

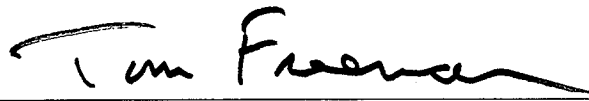
1 there is great demand. AR 1580-1581, 1970-1971. Further, the entitlement history for the
2 Gorham Condominium Complex, which is the location of this parking garage, establishes that the
3 City required the Gorham Complex developer to provide *public parking spaces* in the building
4 because the condominium project eliminated an outdoor public parking lot that had
5 accommodated parking for approximately 90 vehicles. The ZA's express findings in the 1998
6 approval of the garage specifies that the intent was to *replace* the outdoor public parking with
7 public parking in the garage, thereby "easing the demand created by businesses directly to the
8 north along San Vicente Boulevard" during daytime hours (which is not the area in which the Fig
9 & Olive restaurant would be located) and by providing overnight parking to local apartment and
10 condominium residents, easing the demand created by "the many apartment residences in the
11 immediate neighborhood which have limited parking facilities." AR 0367-0372.

12 The potentially significant environmental impact of displacing 60 vehicles from this
13 general public parking garage, like the 440 daily valet trips through the residential neighborhoods,
14 was neither disclosed nor analyzed in the MND, rendering it inadequate under CEQA.

15 **III. CONCLUSION**

16 The Court must therefore deny the motion for writ of mandate because (1) the
17 Commission's determination that the mandated findings cannot be made is supported by
18 substantial evidence and (2) the project MND is inadequate for failure to disclose or analyze the
19 project's potentially significant environmental impacts.

20
21 DATED: March 25, 2011

22
23 By: 
24 Thomas R. Freeman
25 Attorney for Intervenors BRENTWOOD
26 RESIDENTS COALITION and BRENTWOOD
27 HOMEOWNERS ASSOCIATION
28

**GENERAL
PLAN**

General Plan

<http://cityplanning.lacity.org/cwd/framwk/chapters/00/00.htm>

Principal Framework Element Policies

Land Use

The primary objectives of the policies in the Framework Element's Land Use chapter are to support the viability of the City's residential neighborhoods and commercial districts, and, when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations.

The Framework Element establishes new land use categories whose specific locations are determined through the community plans. In general, these categories continue the residential and industrial designations that have been used in the past. New categories are recommended for selected areas of the City that, in general, have been previously designated for commercial uses. These include:

Neighborhood District

These are pedestrian-oriented retail focal points for surrounding residential neighborhoods (15,000 to 20,000 persons) containing a diversity of local-serving uses. Generally, these districts are at a floor area ratio of 1.5:1 or less and are characterized by buildings of one- and two-stories in height, both to be determined by the community plans.

Community Centers

Generally, these are the "downtowns" that serve Los Angeles' communities (25,000 to 100,000 persons). They contain a diversity of uses such as small retail and offices, entertainment, public facilities, and neighborhood oriented uses. In many areas, an emphasis is placed on the development of projects that integrate housing with the commercial uses. The Centers may contain one or more transportation hubs. Generally, Community Centers range from floor area ratios of 1.5:1 to 3.0:1. Heights are generally characterized by two- to six-story buildings, depending on the scale of the area. Floor area ratio and any specific height restrictions would be determined in the community plan.

Regional Centers

These serve as the focal points of regional commerce, identity, and activity for a population of 250,000 to 500,000 persons. Generally, they include corporate professional offices, concentrations of entertainment and cultural facilities, and mixed-use developments. Some contain region-serving retail facilities. Typically, Regional Centers are higher-density places whose physical form is substantially differentiated from the lower-density neighborhoods of the City. Regional Centers will fall within the range of floor area ratios from 1.5:1 to 6.0:1. This category is generally characterized by six- to twenty-story buildings or higher. Floor area ratios and any specific height restrictions would be determined by the community plan.

Downtown Center

Downtown Los Angeles is the principal government and business center of the region, with a worldwide market. It is the highest-density center of the City and hub of regional transportation.

Mixed-Use Boulevards

Boulevards connect the City's Neighborhood Districts, Community and Regional Centers, and Downtown. Mixed-use is encouraged along some of these boulevards, with the exact boundaries identified in the community plan. Generally, different types of Mixed-Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4:1 and will be characterized by one- to two-story commercial structures up to three- to six-story mixed-use buildings between centers. Mixed-Use boulevards are served by a variety of transportation facilities.

Mixed-use can take three forms: housing above commercial, housing side-by-side with commercial, and/or alternating blocks of housing and commercial. Flexibility affords community choice in determining appropriate mixed-use to be identified in the community plan.

Industrial Districts

Lands designated for industrial use by the community plans continue to be designated for these purposes to support economic development and jobs generation. Some limited flexibility is allowed to promote recycling when appropriate.

Chapter 3 - Land Use

GOALS, OBJECTIVES AND POLICIES

ISSUE TWO: USES, DENSITY, AND CHARACTER

NEIGHBORHOOD DISTRICTS

Definition

Neighborhood districts are intended focal points of surrounding residential neighborhoods and serve populations of 15,000 to 25,000 residents. They contain a diversity of uses that serve daily needs, such as restaurants, retail outlets, grocery stores, child care facilities, community meeting rooms, pharmacies, religious facilities and other similar uses. The clustering of uses minimizes automobile trips and encourages walking to and from adjacent residential neighborhoods. Pedestrian-oriented areas are encouraged, and the district may be served by a local shuttle service.

Physically, neighborhood districts are generally characterized by one- or two-story low-rise structures, particularly in suburban areas of the City. Pedestrian activity will be encouraged by the emphasis on local-serving uses, design of buildings, and incorporation of streetscape amenities. Generally, neighborhood districts are at FAR 1.5:1 or less, and characterized by one- and two-story building, as determined in the community plan.

"Traditional" shopping centers, containing a large supermarket anchor with ancillary stores and large open parking areas, also can be considered as neighborhood districts as they offer the opportunity to convert excess surface parking for the introduction of an expanded mix of neighborhood-oriented uses.



Neighborhood district: Larchmont Village



Neighborhood district characteristics: articulated architecture, buildings on street, and pedestrian orientation

GOAL 3D

Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods.

Objective 3.8

Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.

Policies

Uses and Density

3.8.1 Accommodate the development of neighborhood-serving uses in areas designated as "Neighborhood District" in accordance with Tables 3-1 and 3-4. The range and densities/intensities of uses permitted in any area shall be identified in the community plans. (P1, P18)

Table 3-4

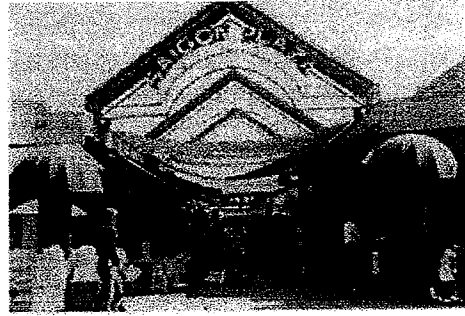
Land Use Designation	Corresponding Zones
Neighborhood District	C1, C1.5, C4, [Q]C2

3.8.2 Encourage the retention of existing and development of new commercial uses that primarily are oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms). (P1, P18, P34)

3.8.3 Encourage the owners of existing commercial shopping centers that contain chain grocery and drug stores to include additional uses, such as restaurants, entertainment, childcare facilities, public meeting rooms, recreation, cultural facilities, and public open spaces, which enhance neighborhood activity. (P18, P35)



Shopping center incorporating retail shops with upper level housing and pedestrian-oriented amenities district



Open air marketplace incorporated in neighborhood

Design and Development

- 3.8.4 Enhance pedestrian activity by the design and siting of structures in accordance Chapter 5 Urban Form and Neighborhood Design policies of this Element and Pedestrian-Oriented District Policies 3.16.1 through 3.16.3. (P1, P18, P24, P25)
- 3.8.5 Initiate a program of streetscape improvements, where appropriate. (P30, P31, P32)
- 3.8.6 Encourage out door areas within neighborhood districts to be lighted for night use, safety and comfort commensurate with their intended nighttime use. (P17, P24)

Chapter 3 - Land Use

GOALS, OBJECTIVES AND POLICIES

ISSUE TWO: USES, DENSITY, AND CHARACTER

DOWNTOWN CENTER

Definition

Downtown Los Angeles is an international center for finance and trade that serves the population of the five-county metropolitan region. It is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, high-rise residential towers, regional transportation facilities and the Convention Center. These uses serve the region, state, nation and world. Generally the Downtown Center is characterized by FARs up to 13:1 and high-rise buildings.

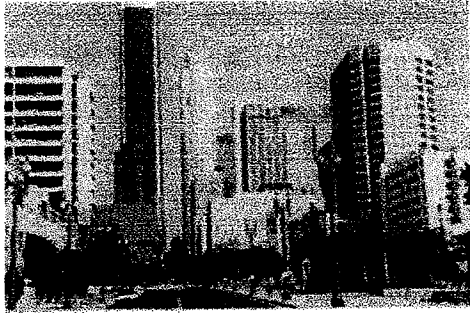
The adopted Downtown Strategic Plan provides direction and guidance for the area's continued development and evolution. While its policies provide for both business retention and attraction and seek to maintain the area's economic role in the regional economy, the Element emphasizes the development of new housing opportunities and services to enliven the downtown and capitalize on the diversity of the City's population. The Central City Community Plan should be amended guided by this Element.

The Framework Element reflects the Strategic Plan's goals and maintains the Downtown Center as the primary economic, governmental, and social focal point of Los Angeles, while increasing its resident community. In this role, the Downtown Center will continue to accommodate the highest development densities in the City and function as the principal transportation hub for the region.

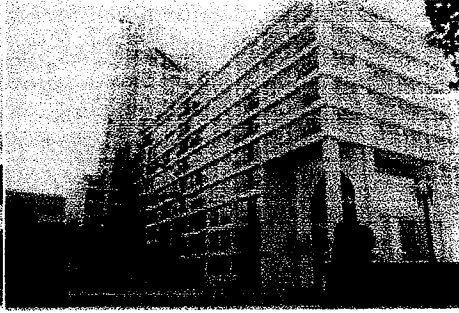
To support Downtown as the primary center of urban activity of the Los Angeles region, its development should reflect a high design standard. Additionally, nighttime uses should be encouraged and public safety enhanced to meet the needs of residents and visitors.

GOAL 3G

A Downtown Center as the primary economic, governmental, and social focal point of the region with an enhanced residential community.



Downtown Los Angeles



Multi-family housing located in South Park area

Objective 3.11

Provide for the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.

Policies

- 3.11.1** Encourage the development of land uses and implement urban design improvements guided by the Downtown Strategic Plan. (P1, P2, P18)
- 3.11.2** Revise the Central City Community Plan guided by the Downtown Strategic Plan. (P1)

**COMMUNITY
PLAN**

BRENTWOOD-PACIFIC PALISADES

Community Plan

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 - V. Urban Design
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Chapter III

LAND USE POLICIES AND PROGRAMS

Chapter III of the Plan text contains goals, objectives, policies, and programs for all appropriate land use issues, including residential, commercial, public and institutional service system categories. The Planning Department has authority over the goals, objectives, policies, and the initiation and direct implementation of programs specified in Chapter III.

RESIDENTIAL

In 1996, existing residential land use totals approximately 22,250 occupied dwelling units on 4,280 developed acres. The residential portion of the Brentwood-Pacific Palisades planning area is characterized by a predominance of low-density and very-low-density single family homes that are intertwined with open or vacant space and rolling topography. The hilly to mountainous topography has been a major influence determining the land use pattern in areas located north of San Vicente Boulevard.

Sixty percent of the housing units are single family, located on 88 percent of the residential land area, with average net density of five units per acre. Low-rise multi-family buildings are concentrated in the southeastern portion of the community between San Vicente and Wilshire Boulevard east of Centinela Avenue, and along Barrington Avenue north of San Vicente Boulevard at an average net density of 28 units per acre. The average net density for all housing types is eight units per acre.

The Plan designates residential land use densities as indicated in the following table (see next page). The table depicts the reasonable expected population and dwelling units count for the year 2010, using the midpoint of the range for the dwelling units per net acre category. With the exception noted for the minimum density category, the midpoint represents a reasonable factor to use, as new development within each category is not likely to occur at one or the other extreme range, but rather throughout the entire range.

GOAL 1

A SAFE, SECURE AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE AND ETHNIC SEGMENTS OF THE COMMUNITY.

Objective 1-1

To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policies

1-1.46 The City should promote neighborhood conservation, particularly in existing single family neighborhoods, as well as in areas with existing multiple-family residences.

POPULATION AND DWELLING UNIT CAPACITY

Residential Land Use Category	Dwelling Units Per Net Acre Midpoint (Range)	Number of Dwelling Units	Net Acres	Persons Per Dwelling Unit (2010)	Reasonable Expected Population
Minimum *	0.5 (0-1)	2,262	4,524.5	2.73	6,176
Very Low I	2.0 (1-3)	1,602	801.2	2.73	4,374
Very Low II	3.0 (3 +-4)	5,428	1,809.4	2.73	14,819
Low	4.8 (4 +-9)	8,141	1,696.0	2.44	19,863
Low Medium I	13.5 (9+-18)	1,407	104.3	1.74	2,449
Low Medium II	23.5 (18+-29)	1,844	78.5	1.74	3,208
Medium	42.0 (29+-55)	8,234	196.1	1.74	14,327
High Medium	82.0 (55+-109)	1,128	13.8	1.74	1,962
TOTALS		30,046	9,223.5		67,178

February 11, 1998

***Slope Density Standards:**

Section 17.05 C of the Planning and Zoning Code sets forth the Slope Density formula, i.e., "In the Hillside Areas as defined in Chapter IX of the Los Angeles Municipal Code which are designated in the minimum density housing category by the applicable element of the General Plan adopted by the City Council, the dwelling unit density shall not exceed that allowed by the following formula:

$$D = \frac{50 - S}{35}$$

Where D = the maximum number of dwelling units per gross acres allowable, and

S = the average natural slope of the land in percent.

Minimum density - is a land use designation of the Community Plan maps. In the Brentwood-Pacific Palisades Community the minimum density category is qualified by the following plan footnote:

"Development of land located in the hillside areas may be limited by the suitability of the geology of the area for development; and the steepness of the natural topography of the various parts of the area. In areas designated for minimum density housing, the dwelling unit density shall not exceed that allowed by the following formula:" [see above] "The density permitted in a subdivision or planned development project shall be 0.05 dwelling unit per gross acre or greater as allowed by the above formula. In general, land designated as privately owned open space are considered to be in the minimum density category. Density transfer shall be allowed in areas designated minimum

density category as long as the total number of dwelling units indicated in any development is not increased and adequate access is available from two or more directions."

Program: With the implementation of the Community Plan, all zone changes, subdivisions, parcel maps, variances, conditional uses, specific plans, community and neighborhood residential projects shall provide for Plan consistency.

- 1-1.2 Maintain the existing acreage of residential lands designated for single family use.

Program: The Plan identifies lands where only single-family residential development is permitted; it protects these areas from encroachment by designating appropriate densities for each land use category and corresponding zone changes which are directed by minimizing incompatible uses.

- 1-1.3 Maintain a substantial portion of the single family areas in the minimum density land use category.

Program: Continue the implementation of the slope/density provisions of the LAMC.

Objective 1-2

To locate new housing in a manner which reduces trips and makes it accessible to services and facilities.

Policies:

- 1-2.1 Retain higher residential densities near commercial centers and major bus routes where public service facilities, utilities and topography will accommodate such development and circulation system.

Program: The plan concentrates most of the higher residential densities near transit corridors and in mixed-use areas.

- 1-2.2 Encourage multiple residential development in specified commercial zones.

Program: The plan identifies areas for mixed-use buildings in commercial zones, which are within a pedestrian oriented district or a transit corridor.

Program: The adopted Pacific Palisades Commercial Village and Neighborhoods Specific Plan provides added floor area for mixed-use projects with residential uses on the second floor. The permitted floor area ratio of a mixed-use project shall be 2 : 1.

- 1-2.3 Establish transitional zones between low and high density residential areas.

Program: Along Sunset Boulevard in Pacific Palisades, transitional height zoning has been implemented by means of zone [Q] conditions and height districts (Ordinance No. 170,768).

- 1-2.4 Residential densities shall not be increased beyond those permitted in the Community Plan unless the necessary infrastructure and transportation systems are available to accommodate the increase.

Program: A decision-maker shall adopt a finding which addresses the availability of infrastructure as part of any decision relating to an increase in permitted residential density.

Objective 1-3

To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policies

- 1-3.1 Seek a higher degree of architectural compatibility and landscaping for new development to protect the character and scale of existing residential neighborhoods.

Program: The Plan includes Design Guidelines which establish design standards for residential development to implement this policy.

- 1-3.2 Preserve existing views in hillside areas.

Program: Strictly interpret and implement the adopted Citywide Hillside Ordinance.

Program: Continue the strict interpretation and application of the Mulholland Scenic Parkway Specific Plan.

Program: Strictly interpret and implement the Land Form Grading Guidelines adopted by the City Council in June, 1983.

Program: Condition new development adjacent to or in the viewshed of State parkland to protect views from public lands and roadways.

- 1-3.3 Consider factors such as neighborhood character and identity, compatibility of land uses, impacts on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.

Program: A decision-maker should adopt a finding which addresses those factors as part of any decision relating to changes in planned residential densities.

Objective 1-4

To preserve and enhance neighborhoods with a distinctive and significant historic character.

Policies

1-4.1 Protect and encourage reuse of the area's historic resources.

Program: The Plan Map identifies buildings and landmarks recommended to be considered for historic preservation.

1-4.2 Preserve architecturally or historically significant features and incorporate such features as an integral part of new development when appropriate.

Program: Study the appropriateness or the designation of local, state and national Historic Preservation Overlay Zone(s).

Program: Condition projects during the review process to protect archaeological and historic resources.

Objective 1-5

To promote and insure the provision of adequate housing for all persons regardless of income, age or ethnic background.

Policies

1-5.1 Promote greater individual choice in type, quality, price and location of housing.

Program: The Plan promotes greater individual choice through its establishment of residential design standards and its allocation of lands for a variety of residential densities and conservation of rental property.

1-5.2 Promote housing in mixed use projects in pedestrian-oriented areas and transit corridors.

Program: The Plan Map identifies pedestrian-oriented and mixed use areas as preferred locations for mixed-use projects.

1-5.3 Ensure that new housing opportunities minimize displacement of the residents.

Program: A decision-maker should adopt a finding which addresses any potential displacement of residents as part of any decision relating to the construction of new housing.

1-5.4 Provide for the development and maintenance of rental units to insure housing for a variety of income groups.

Program: Limit the conversion of rental units to condominiums through the Division of Land procedure to conserve rental housing stock.

Objective 1-6

To limit the intensity and density in hillside areas to that which can reasonably be accommodated by infrastructure and natural topography.

Policies

- 1-6.1 Limit development according to the adequacy of the existing and assured street circulation system within the Plan Area and surrounding areas.

Program: Plan places areas with an average slope of 15 percent into the minimum density category or more.

Program: Continue the strict interpretation and implementation of the Citywide Hillside Ordinance.

- 1-6.2 Ensure the availability of adequate sewers, drainage facilities, fire protection services and other public utilities to support development within hillside areas.

Program: A decision-maker should adopt a finding which addresses the availability of these services and utilities as part of any decision relating to hillside residential development.

Program: The strict interpretation and implementation of the Citywide Hillside Ordinance.

- 1-6.3 Consider the steepness of the topography and the suitability of the geology in any proposal for development within the Plan area.

Program: The Plan retains hillside areas in restrictive plan designations and zones due to topography. In areas designated for Minimum Density Housing the dwelling unit density shall not exceed that allowed by the following formula:

$$D = \frac{50-S}{35}$$

Where: D = The minimum of number of dwelling units per gross acre allowable, and

S = The average natural slope of the land in perc ent.

Program: Continue the implementation of the Subdivision Map Act on individual project applications.

- 1-6.4 Encourage clustering of single family residences in order to use the natural terrain to the best advantage.

Program: The Plan includes various areas designated Low Density Residential which allow a corresponding zone of RD6 and RD5 which permits clustering. The Plan map designates several sites as suitable for the cluster concept.

- 1-6.5 Require that any proposed development be designed to enhance and be compatible with adjacent development.

Program: Continue the implementation of the Citywide Hillside Ordinance.

1-6.6 The scenic value of natural land forms should be preserved, enhanced and restored. Wherever feasible, development should be integrated with and be visually subordinate to natural features and terrain. Structures should be located to minimize intrusion into scenic open spaces by being clustered near other natural and manmade features such as tree masses, rock outcrops and existing structures.

Program: Continue the strict interpretation and implementation of the Landform grading guideline adopted by the City Council.

Program: Continue the strict interpretation and implementation of the Mulholland Scenic Parkway Specific Plan.

Program: Condition new development to protect views from public roadways and parklands.

COMMERCIAL

Approximately 3.5 million square feet of commercial development exists covering approximately 130 acres. A pedestrian oriented mixed mid- and low-rise corridor is located along San Vicente Boulevard. This corridor includes a mix of building types including store fronts and two-story strip malls with subterranean parking. A pedestrian oriented area is also located in the Pacific Palisades Village Center along Sunset Boulevard. Other commercial areas are along Wilshire Boulevard, Barrington Avenue/Sunset Boulevard, Sunset Boulevard/Pacific Coast Highway/ Marquez Avenue/Sunset Boulevard, Channel Road/Pacific Coast Highway, Palisades Drive/Sunset Boulevard and Palisades Drive/Palisades Circle.

Many of the commercial areas are currently regulated by specific plans. Automobile-oriented new development results in conflict between traditional commercial development with store fronts being built at the street and new development which has parking adjacent to the street. The commercial land use policies reflect the need to locate new commercial uses in the existing commercial areas to facilitate convenient shopping and easy access to professional services. Along the Wilshire Boulevard corridor, redevelopment should result in physical and aesthetic upgrading of the area.

Plan policy provides for the development of single or aggregated parcels for mixed-use commercial and residential development. These structures would normally incorporate retail, office and/or parking on the lower floors and residential units on the upper floors. The intent is to provide housing in close proximity to jobs, to reduce vehicular trips, to reduce congestion and air pollution, to assure adequate sites for housing, provide opportunities for rental housing and to stimulate pedestrian-oriented areas to enhance the quality of life in the Plan area. While the Plan does not mandate mixed-use projects, it encourages them in certain commercially designated areas, such as in pedestrian-oriented districts and in transit corridors, such as Wilshire Boulevard.

GOAL 2

A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEED OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE UNIQUE CHARACTER OF THE COMMUNITY.

Objective 2-1

To conserve and strengthen viable commercial development.

Policies

- 2-1.1 New commercial uses shall be located in existing established commercial areas or existing shopping centers.

Program: The Plan encourages the utilization of existing commercial designated areas.

- 2-1.2 Protect commercially planned or zoned areas, from encroachment by residential only development.

Program: Provisions of the Zoning Code currently restrict floor area of buildings including residential buildings, in most commercial zones, to one-half the floor area. This provisions effectively discourages residential only developments in commercial zones. It is recommended that future requests to change commercial zones to residential zoning not be given favorable consideration by decision-makers.

- 2-1.3 Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

Program: Chapter V - Urban Design, proposes policies for commercial development which addresses this policy.

Program: Continue the implementation of design guidelines in areas covered by Specific Plans.

Objective 2-2

Allow for the development of automobile-related uses in specific commercial designations along major arterials.

Policies

- 2-2.1 Prohibit the development of new automobile - related uses in pedestrian-oriented areas.

Program: The Plan identifies in its text and in the Plan Map pedestrian-oriented areas. Within these areas, the zone designations have been retained at or changed as appropriate to C1.5 to prohibit new automobile-related uses.

- 2-2.2 Permit the development of new automobile-related uses in some designated commercial areas.

Program: The Plan retains areas where new automobile-related uses are permitted, primarily along Mixed-Use Boulevards and

General Commercial plan designations (for example Wilshire Boulevard and Federal Avenue).

- 2-2.3 Require screening of open storage and auto repair uses, and prohibit storage of automobile parts and other noxious commercial related products in front of commercial development exposed to the street.

Program: The Plans includes Design Guidelines which addresses this policy.

- 2-2.4 Accommodate recycling staging areas for the community.

Program: The specific Plan Guideline establishes design standard for proper screening, ingress and egress.

Objective 2-3

To enhance the appearance of commercial districts and to identify pedestrian-oriented areas .

Policies

- 2-3.1 Pedestrian-oriented areas are to be identified and preserved.

Program: The plan identifies and proposes the following as pedestrian oriented areas: East of the intersection of Sunset Boulevard and Barrington Avenue; San Vicente Boulevard between Montana Avenue and Brigham Avenue; east of the intersection of San Vicente Boulevard and 26th Street; Pacific Palisades Commercial Village and Sunset Boulevard and Marquez Avenue. These areas are also referred to in the Specific Plans as pedestrian-oriented.

Development within these areas is subject to the applicable design standards of the Design Guidelines. The Plan also identifies appropriate land use designations and establishes height limits and appropriate zones which preserve and enhance the existing pedestrian-oriented character.

- 2-3.2 New development should add to and enhance the existing pedestrian street activity.

Program: Development within these areas is subject to the design standards established in the Design Guidelines for pedestrian-oriented areas.

- 2-3.3 Ensure that commercial projects achieve harmony with the best of existing development.

Program: Implementation of: 1) Design Guidelines; 2) San Vicente Scenic Corridor Specific Plan; 3) Pacific Palisades Commercial Village Specific Plan.

- 2-3.4 New development in pedestrian oriented areas shall provide parking at the rear of the property or underground.

Program: The Plan includes Design Guidelines which establishes design standards for pedestrian-oriented areas which implements this policy. The San Vicente Scenic Corridor Specific Plan design guidelines are intended to enhance the pedestrian-oriented character of the area. The San Vicente Design Review Board (DRB) shall make recommendations to the Director of Planning with respect to each project being constructed. Where "C" or "P" zoned property abuts "R" zoned property, the commercial or parking use shall be separated at the ground level from the "R" zone property by a solid masonry wall a minimum of six feet in height.

- 2-3.5 Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses directed at pedestrian traffic.

Program: Design Guidelines address this policy.

- 2-3.6 Promote mixed-use projects along transit corridors, and in appropriate commercial areas.

Program: Through this policy and a Plan Map footnote, the plan establishes transit corridors and pedestrian oriented areas, as preferred locations for mixed-use projects. The Plan also allows a floor area bonus and height bonus for mixed use projects located within commercially planned areas of a pedestrian oriented area.

- 2-3.7 Encourage large mixed use projects and other large new development projects in the transit corridor along Wilshire Boulevard to incorporate human service facilities as part of the project.

Program: The Plan supports implementation of policy which allows bonus floor area if a day care center, a community meeting room, a public library or a police substation are included within a project.

Objective 2-4

To enhance the appearance of commercial districts consistent with the character of, and quality of the surrounding neighborhoods.

Policies

- 2-4.1 Establish commercial areas and street identity and character through appropriate sign control, landscaping and street scape.

Program: The design standards in Chapter V establish standards for community design, streetscape and landscaping. These standards are reference for the City Departments, public agencies and private entities which involve improvements to public spaces and rights-of-way.

Program: Continue the implementation of the San Vicente/ and Pacific Palisades Commercial Village and Neighborhood Specific Plan and conformance with applicable design standards identified in the Design Guidelines of the Specific Plan.

2-4.2 Preserve community character, scale and architecture diversity.

Program: The Plan establishes height limits and amends Plan designations and standards for commercial areas included in the Design Guidelines of the Plan.

2-4.3 Improve safety and aesthetics of parking areas in commercial areas.

Program: Design standards for parking areas established in the Design Guidelines of chapter V and of adopted Specific Plans, implement this policy.

2-4.4 Landscape corridors should be created and enhanced and maintained through the planting of street trees.

Program: The Design Guidelines, includes a section which establishes guidelines for community design and landscaping. These guidelines are intended to serve as a reference to other City Departments and public agencies and any private entities who participate in projects which involve improvements to public spaces and right-of-way, including streetscape and landscaping.

INDUSTRIAL

The Plan area includes no industrial uses or zones. The Plan proposes that there be no industrial uses within the Brentwood/Pacific Palisades District.

PUBLIC AND INSTITUTIONAL LAND USE

Public facilities such as fire stations, libraries, schools and parks shown on the Brentwood-Pacific Palisades Community Plan are to be developed in substantial conformance with the standards of need, site area, design and general location identified in the Service Systems element and Safety element of the General Plan. Such development shall be sequenced and timed to provide an efficient and adequate balance between land use and public services.

There is a continuing need for the modernizing of public facilities to improve services and accommodate changes in the Brentwood-Pacific Palisades Community Plan. However, the amenities and environmental quality of the community must be adequately protected. Cost and equitable distribution are major issues in the provision of public facilities. It is essential that priorities be established and new and alternate sources of revenue be found. Furthermore, public and private development must be fully coordinated, in order to avoid expensive duplication and to assure a balance among needs, services and costs.

This plan seeks to utilize the location, characteristics, and timing of public facility and utility development as a tool in achieving planned land use patterns. Further, the intent is to achieve economy and efficiency in the provision of services and facilities consistent with standards for environmental quality.

**RECREATION AND
PARK FACILITIES**

In the Brentwood-Pacific Palisades Community Plan area, City parks, which serve neighborhoods or the larger communities, are managed by the City of Los Angeles Recreation and Parks Department. State parks, which serve the regional population, are managed by the State Department of Recreation and Parks or by the Santa Monica Mountains Conservancy.

There are seven city parks which serve the Brentwood-Pacific Palisades Community Plan area and the Los Angeles region.

GOAL 3

PROVIDE ADEQUATE RECREATION AND PARK FACILITIES WHICH MEET THE NEEDS OF THE RESIDENTS IN THE PLAN AREA.

Objective 3-1

To conserve, maintain and better utilize recreational areas and facilities which promote the recreational experience.

Policies

3-1.1 Preserve, maintain and expand the existing recreational facilities and park space, and acquire additional facilities for community and neighborhood parks.

Program: The Plan assists in preserving such facilities and park space by designating facilities in the Open Space zone, which provides such protection.

3-1.2 Better utilization and development of recreation facilities at existing parks.

Program: The Los Angeles Unified School District and the City's Department of Recreation and Parks should develop programs to fully utilize each of their respective sites.

Objective 3-2

To ensure the accessibility, security and safety of parks by their users, particularly families with children and senior citizens.

3-2.1 Ensure that parks are adequately illuminated for safe use at night.

Program: The Department of Recreation and Parks manages park design, construction and maintenance of public parks.

OPEN SPACE

In the Brentwood-Pacific Palisades Community Plan Area, an abundance of open space areas exists, separate from land under the control of the City of Los Angeles Department of Recreation and Parks. The Federal, State, County and City of Los Angeles properties comprising approximately 13,157 acres of open space land existing in the plan area. Open space is important due to its role in both physical and environmental protection. These natural resources within the plan area should be conserved. Priority of development in natural and scenic resource areas should be given to those uses which complement the resources.

There are three major planning documents for this portion of the Santa Monica Mountains. (1) The General Development Plan for the Santa Monica

Mountains, State Department of Parks and Recreation; Santa Monica Mountains Comprehensive Plan, State of California; and the Santa Monica Mountains Land Protection Plan, U.S. Department of the Interior.

There are two classifications for Open Space, publicly owned and privately owned open space. Open space is broadly defined as land which is essentially free of structures and buildings and/or is natural in character and which functions in one more of the following ways:

1. Recreation and educational opportunities.
2. Scenic, cultural, archeological and historic values.
3. Public health and safety.
4. Preservation and creation of community identity.
5. Right-of-way for utilities and transportation facilities.
6. Preservation of natural resources or ecologically important areas.
7. Preservation of physical resources including ridge protection.

Should owners desire to sell private golf courses, the City shall have the first right of refusal to purchase the land for open space and recreational use. All private golf courses shall remain in the minimum density housing category if and when they are developed for non-recreational use.

When feasible, County sanitation District property in Mission/Sullivan/Rustic Canyons should be utilized for park activities. The use of these canyons for landfill sites should be avoided. Recreational activities on these sites should be planned in conjunction with the State Park Plan for the area.

GOAL 4

A COMMUNITY WITH SUFFICIENT OPEN SPACE IN BALANCE WITH DEVELOPMENT TO SERVE THE RECREATIONAL, ENVIRONMENTAL, HEALTH AND SAFETY NEEDS OF THE COMMUNITY AND TO PROTECT ENVIRONMENTAL AND AESTHETIC RESOURCES.

Objective 4-1

To protect the resources of the Plan area for the benefit of the residents and of the region by preserving existing open space and, where possible, acquiring new open space.

Policies

- 4-1.1 Natural resources should be conserved on privately-owned land of open space quality and preserved on state parkland. City parks should be further developed as appropriate.

Program: The Plan map designates area for Open Space and desirable Open Space.

- 4-1.2 Accommodate active and passive parklands, and other open space uses in areas designated and zoned as Open Space.

Program: The Plan Map designates lands for open space uses.

- 4-1.3 Increase accessibility to Topanga State Park along deleted Reseda Road.

**SPECIFIC
PLAN**

SAN VICENTE SCENIC CORRIDOR

Specific Plan

Ordinance No. 153,639

Effective May 31, 1980

Amended by Ordinance No. 161,766

Effective December 26, 1986

Amended by Ordinance No. 173,381

Effective August 7, 2000

Specific Plan Procedures

Amended pursuant to L.A.M.C Section 11.5.7

Design Review Board Procedures

Amended pursuant to L.A.M.C. Section 16.50

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Section 8.	Building Setbacks and Open Space Areas
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SAN VICENTE SCENIC CORRIDOR SPECIFIC PLAN

WHEREAS the San Vicente Scenic Corridor Specific Plan was created by Ordinance No. 153,639 and has been in effect since May 31, 1980; and

WHEREAS implementation of the ordinance has helped to preserve and enhance the ambiance and scale of the Corridor as intended by the City Council; and

WHEREAS the Corridor has traditionally served the Brentwood community by providing needed personal services and retail sales; and

WHEREAS recent development projects have replaced such retail sales and personal service uses with commercial office buildings which lack pedestrian scale and pedestrian amenities; and

WHEREAS such a trend threatens the survival of the Corridor as a pedestrian-scaled neighborhood and community-oriented commercial area; and

WHEREAS it is deemed to be vital to the Corridor to limit such a trend and place reasonable controls on uses, building design and amenities permitted in the future development of the Corridor; and

WHEREAS development along the boulevard should preserve, protect and encourage retail shops and personal services and grocery stores on the ground floor of buildings for the benefit of the local community; and

WHEREAS a specific plan should regulate commercial uses and eliminate undesirable uses for the benefit of the local community; and

WHEREAS development should encourage the use of San Vicente Boulevard over extended hours by the local community; and

WHEREAS development should enhance the beauty of the Scenic Corridor; and

WHEREAS development on San Vicente Boulevard should be encouraged to be compatible with the surrounding residential neighborhood; and

WHEREAS the owners of commercial and parking properties along San Vicente Boulevard should be encouraged to provide open space, landscaping and pedestrian orientation; and

WHEREAS more adequate parking should be provided;

NOW THEREFORE:

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1.

PURPOSES

This Scenic Corridor Specific Plan is hereby established to implement expressed policies mandated by the Scenic Highways Plan and the Brentwood-Pacific Palisades Community Plan, two portions of the City's General Plan. According to the policies of the Scenic Highways Plan, the provisions of this Plan are individually tailored to address the unique character of the designated Scenic Highway, San Vicente Boulevard. As such, specific criteria are established to guide the ongoing and future development of that portion of the City of Los Angeles as shown on the accompanying Specific Plan Area Map. It is the purpose of these design and development standards to provide appropriate measures for maintaining the existing ambiance of San Vicente Boulevard, preserving and enhancing the inherent beauty and value of its landscaped median strip, and assuring that commercial signage along the Boulevard is appropriately scaled and properly placed so as not to dominate the existing streetscape.

The San Vicente Scenic Corridor is one of Los Angeles' few pedestrian-oriented scenic highways comprised of commercial development which is well used by the community it serves. Retail sales and personal services are provided to local residents in a pedestrian-scaled environment with special qualities such as widened sidewalks, many small plazas and generous amounts of parking that have consistently generated vitality, diversity, and interest and ultimately success. However, recent projects have begun to replace the retail shops with larger scale office buildings in which ground floor space is typically dominated by financially oriented services. As a result, ground floor retail is being systematically displaced by commercial buildings which lack diversity, pedestrian scale and pedestrian amenities. If this trend continues, the pedestrian appeal of the Boulevard and the retail-oriented services offered to the community will be seriously curtailed. In addition, the displacement of the small retail shops and neighborhood services is forcing the residents of the surrounding neighborhoods to go elsewhere for these goods and services. This represents counterproductive development which adds unnecessarily to increased traffic and its resultant impacts.

Section 2.

RELATIONSHIP TO OTHER PROVISIONS OF THE MUNICIPAL CODE

A. The regulations of this Specific Plan are in addition to those set forth in regulations of the Municipal Code of the City of Los Angeles and do not convey any rights not otherwise granted under such other regulations, except as specifically provided herein. Wherever this Specific Plan contains regulations which differ from or conflict with regulations contained in Chapter 1 of the Los Angeles Municipal Code, the Specific Plan shall prevail and supersede the applicable regulations of that Code.

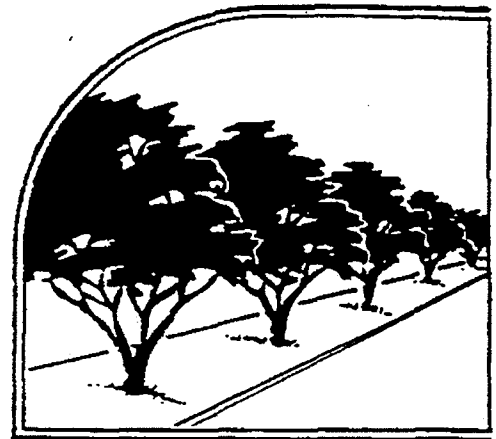
Section 3.

DEFINITIONS

For the purposes of this ordinance only, the following words and phrases shall be defined as follows

Bar - An establishment operating primarily for the purpose of selling

**SPECIFIC PLAN
GUIDELINES**



**San
Vicente
Scenic
Corridor**

Design
Guidelines

City of
Los Angeles,
California

Adopted February 20, 1992 by the
City Planning Commission

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INTRODUCTION

Setting and History

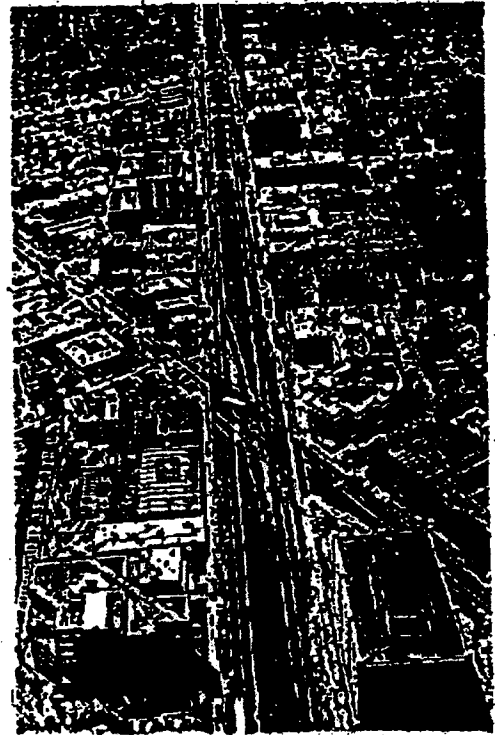
The San Vicente Scenic Corridor is a two mile section of San Vicente Boulevard in West Los Angeles. It is the main thoroughfare and core of the predominantly residential community of Brentwood.

San Vicente Boulevard in Brentwood has been designated by the City of Los Angeles to be a protected "Scenic Highway." The Corridor's unique continuous landscaped median strip accentuated by stately Kaffirbloom Coral Trees the 'official tree' of the City of Los Angeles, is a significant landmark on the west side of the city.

The Boulevard was once the service roadway for suburban residences and ranches, with railroad tracks and daily trolley service from Los Angeles to the sea at Santa Monica. Development over the years has paralleled the growth of the surrounding area. There was a period of mid-rise development followed by a zoning rollback. The area is now characterized by a variety of mid-rise and low-rise buildings with commercial, residential and recreational uses.

The Corridor's commercial areas currently serve as the primary local shopping area for the residents of the Brentwood community. There are two distinct commercial areas within the San Vicente Corridor separated by a lengthy stretch of residential-recreational use. The mile long eastern end of the Corridor has a more intense commercial use designation than the more restrictive low scale western end of the Corridor at 26th Street. The small commercial area on the western end is primarily surrounded by residential housing and is not intended to be developed identically to the eastern end. (see Appendix A)

Although it flows into the adjacent cityscape of the surrounding neighborhoods, the Brentwood community currently enjoys a high quality, identifiable urban image. As its central axis, the San Vicente Scenic Corridor provides the vital transportation, recreational and service needs for the residents of the Brentwood Community.



san vicente Blvd.

INTRODUCTION

Authority

The Design Guidelines have been developed by the members of the San Vicente Design Review Board in conjunction with the Neighborhood Planning Division of the City of Los Angeles Planning Department.

The Design Guidelines supplement the San Vicente Scenic Corridor Specific Plan (Ordinance No. 153,639 7/1/80) and its amendment (Ordinance No. 161,766 12/27/86). The Guidelines have been written pursuant to the requirements of Section 16, Paragraph 7 of the San Vicente Scenic Corridor Specific Plan and assists in achieving its objectives and purposes.

The Design Guidelines were adopted by the Los Angeles City Planning Commission on January ____, 1992.

Using The Design Guidelines

The Design Guidelines reflect the current thinking of the San Vicente Design Review Board and the Brentwood community. The Guidelines illustrate through text, diagrams and sketches, the means by which the goals, objectives and purposes of the Specific Plan can be implemented.

These Design Guidelines are the bases by which decisions and recommendations are made by the Design Review Board.

The Design Guidelines are one source of reference. Developers and design professionals must review the San Vicente Specific Plan, the current Los Angeles Zoning Code and the Building and Safety Department regulations to ascertain the specific requirements for their individual projects.

INTRODUCTION

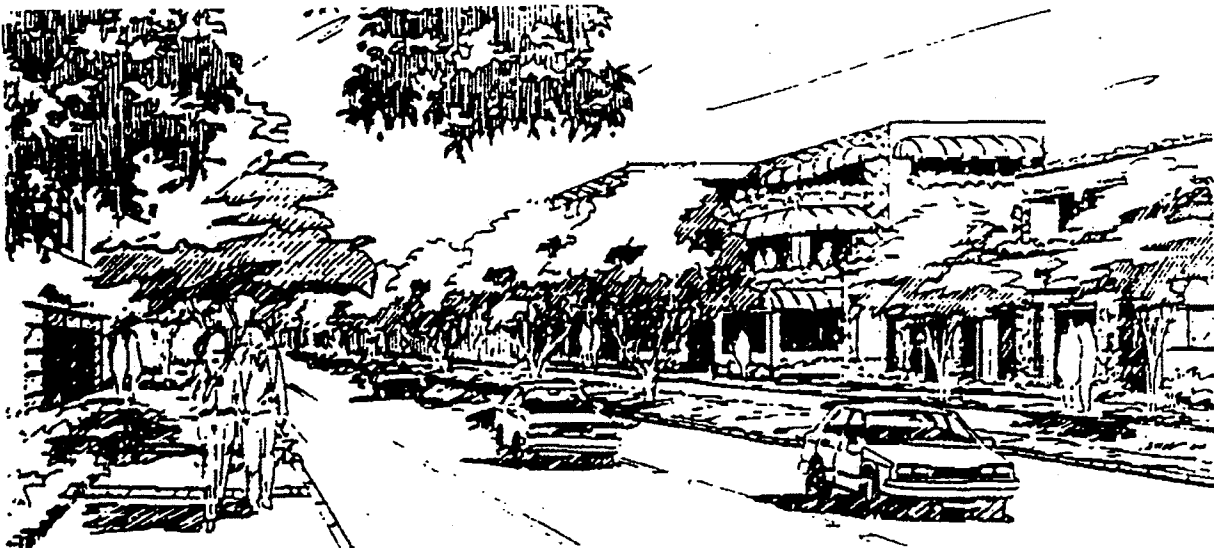
Goals of The Design Guidelines

The primary focus of the Guidelines is to clarify the intent of the Specific Plan to preserve and enhance the San Vicente Scenic Corridor as a "pedestrian scaled neighborhood" and "community-oriented commercial area."

The objective of The Design Guidelines is to provide a framework for the design of future development and for the renovation of existing projects. The intent is to create a pedestrian friendly and community oriented environment in which each project is compatible with those characteristics and architectural elements that are desirable to the Brentwood community. The Guidelines are not intended to limit creative design.

Summarized, the goals of the Guidelines are:

- To clarify and illustrate the means by which a high level of quality development can be achieved.
- To serve as design criteria for planners, architects, landscape architects, engineers, builders and future property owners.
- To provide guidance for city staff, San Vicente Design Review Board members and planners in the City of Los Angeles Planning Department in the review and evaluation of development projects.
- To provide a viable framework and clear direction without limiting the creativity of project applicants, architects, landscape architects and other design professionals.



I. USES

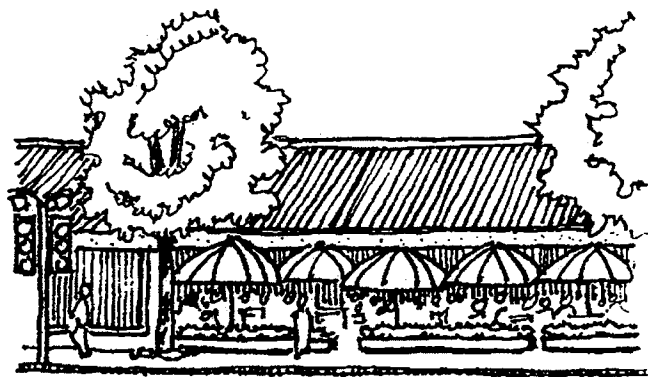
There are two use environments on the San Vicente Corridor. The first includes basic services for residents such as grocery stores, gas stations, cleaners, banks and beauty shops. The second environment includes uses such as restaurants, boutiques, bookstores, and arts and crafts galleries. While there are no hard and fast rules, the basic services are generally accessed by vehicles while the other uses tend to encourage pedestrian activity.

It is the intent of these Guidelines to encourage uses that help define San Vicente Boulevard as a "special place" or destination point for residents and their visitors while at the same time maintaining the neighborhood character of Brentwood by providing services needed such as grocery stores, cleaners and bookstores.

As stated in the San Vicente Specific Plan, the ultimate goal for the San Vicente corridor is the creation of a cohesive, pedestrian friendly environment which complements the adjacent residential uses and provides basic community services including a mix of retail uses, personal services, restaurants and shops augmented by mini-parks, plazas and other public spaces.

A. The following uses are encouraged:

- Basic services including grocery stores, cleaners, stationers.
- Retail uses that encourage browsing and casual shopping, such as boutiques, art galleries, book and music stores.
- Uses that provide opportunities for interaction between people on a small scale, including restaurants, outdoor cafes and courtyards.
- Uses such as landscaped mini-parks, sidewalk cafes, sculpture gardens, and seating areas that enhance outdoor open spaces and allow activities such as musical concerts, plays and community events.
- Uses that promote community service and involvement such as community rooms, outdoor meeting spaces, child care facilities and senior care facilities
- Offices and residences that serve the Brentwood community.



II. SITE PLANNING

Site planning involves the proper placement of structures, open spaces, parking and pedestrian and vehicular circulation on a given site.

All projects should be planned so that the site is utilized to its best advantage with all structures relating to the siting of adjacent structures. The site should include spaces that are welcoming, well articulated and pedestrian friendly. The site should be planned so that its elements enhance the residential character of the community. Projects must be responsive to the context of the San Vicente corridor.

Contextually designed projects form a visual as well as a physical link between structures.

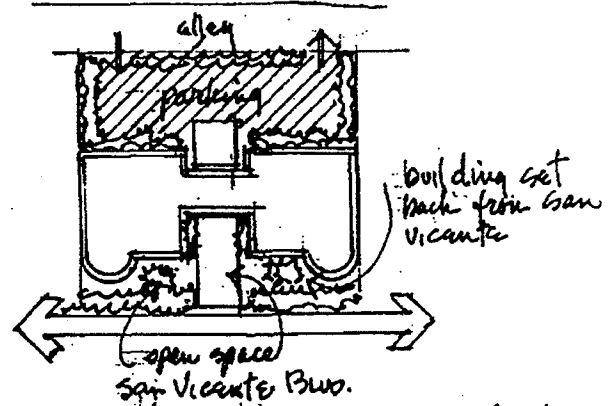


fig. 1

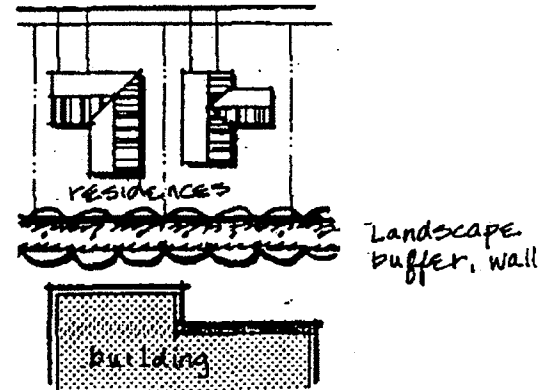
A. Orientation of Structures

A.1. Projects and public entrances into projects should be oriented toward San Vicente Boulevard. Developments should not totally face inward or turn their back on the Boulevard. Interior courtyards and patios for use by pedestrian circulation are encouraged. (Please see figure 1)

A.2. Buildings should be sited to facilitate pedestrian access from San Vicente Boulevard and between adjacent projects.

A.3. Building layouts should respect the privacy of adjacent residences and protect the residents from noise, odors, fumes and visual blight. The use of setbacks, landscape buffers, screening and walls is encouraged. (Please see figure 2)

A.4. Ancillary structures such as service areas or trash enclosures should be planned as a part of the overall project. They should be located or screened so as not to negatively impact adjacent residences, other structures on the site, or the pedestrian experience on San Vicente Boulevard.



SAN VICENTE BLVD.

fig. 2

B. Open Space

B.1. Outdoor open spaces should be oriented toward San Vicente Boulevard. All outdoor open spaces are expected to be well-defined, coherent components of the site design, and are not to be viewed as left over space. (Please see figure 3)

B.2. Courtyards and outdoor areas which include seating areas, sculpture and water elements, and maximize the hours of exposure to the sun are encouraged.

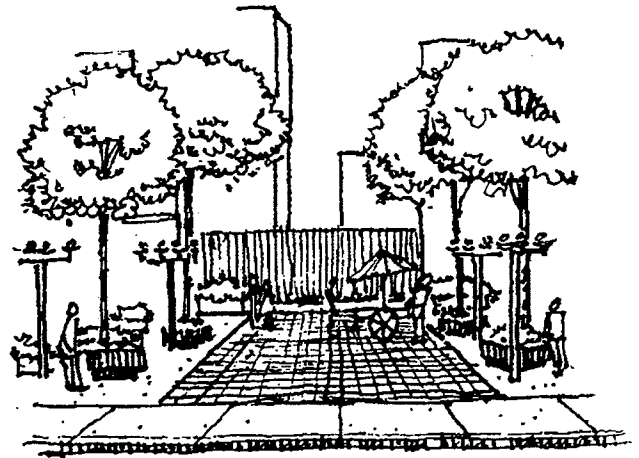


fig. 3.

II. SITE PLANNING

C. Circulation

C.1. Retail and other community serving uses should be located to allow easy access by pedestrians. Less intense pedestrian uses should be located where they do not detract from the pedestrian experience.

C.2. Pedestrian "drop off" areas located at the street are encouraged, as long as minimum sidewalk widths are maintained.

C.3. Pedestrian access between parking areas and project uses must be inviting, spacious and direct. Narrow back door entrances through service areas, kitchens or long hallways are not appropriate.

C.4. Through pedestrian access, from parking areas into buildings, as well as from parking areas to the street, should be provided for in all projects. (Please see figure 4)

C.5. Loading areas should be generous and located where there will be minimal negative impact on pedestrians, the flow of traffic, and on adjacent residential uses.

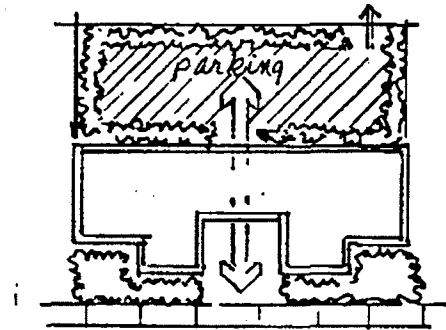
C.6. Vehicular egress from a project should, wherever possible, be located off of a side street or an alley in order to minimize pedestrian and vehicular conflicts. (Please see figure 5)

D. Parking

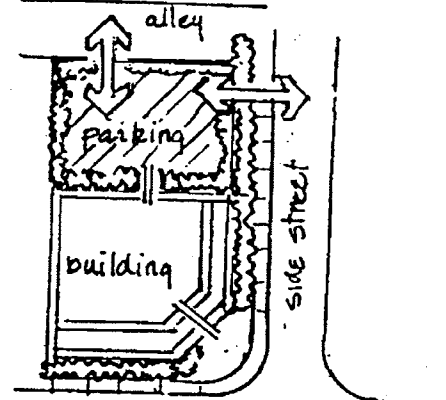
D.1. Where mid block projects occur on San Vicente Boulevard, the entrances to parking areas should be minimal in size and their impact upon the pedestrian experience minimized. (Please see figure 6)

D.2. All long-term parking areas should be located to the rear of building structures or underground. Short term parking should be visually apparent from San Vicente Boulevard and located to the side or rear of a building. Short term parking should have minimal impact upon the frontage facing San Vicente Boulevard and should not conflict with or detract from the pedestrian experience. (Please see figure 7)

D.3. Visitor parking areas are encouraged to be open to natural light and air and in all cases are to be well-lit with proper directional signage.



San Vicente Blvd. fig. 4



San Vicente Blvd. fig. 5

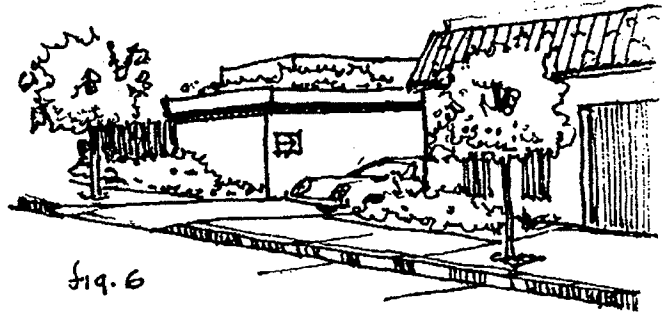
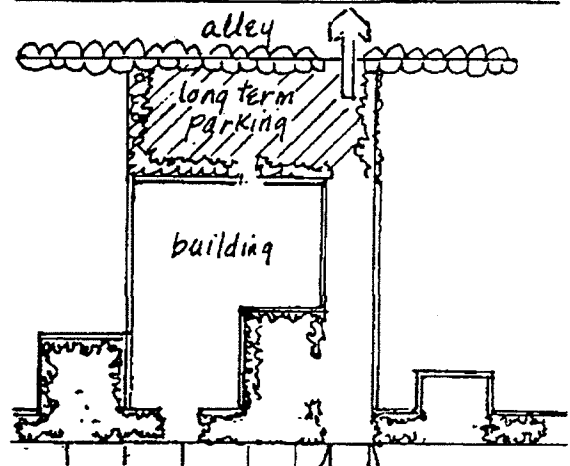
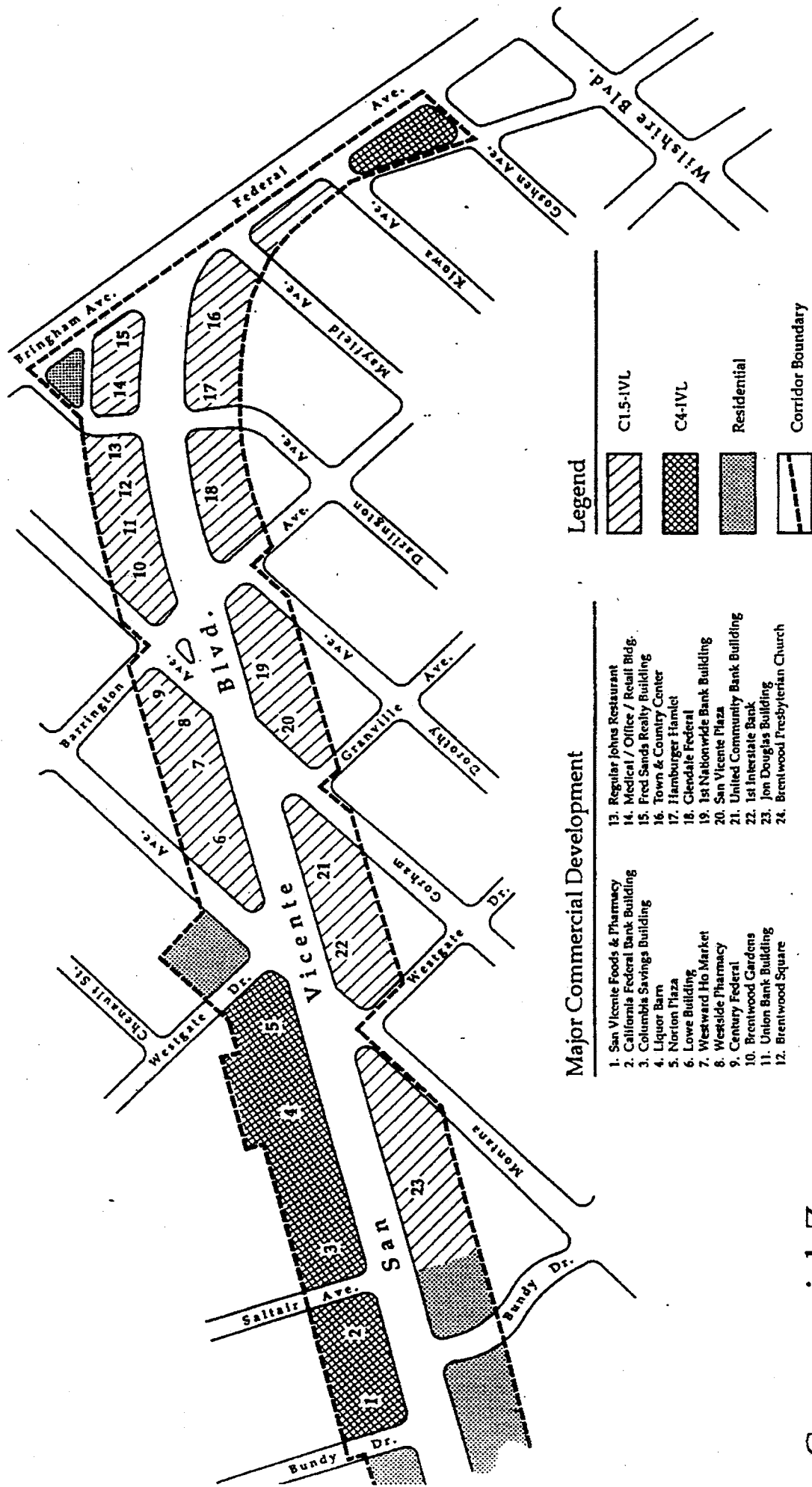


fig. 6






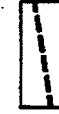
San Vicente Blvd. fig. 7

APPENDIX A



Not To Scale

Legend

-  C1.5-IVL
-  C4-IVL
-  Residential
-  Corridor Boundary

Major Commercial Development

- | | |
|-------------------------------------|-------------------------------------|
| 1. San Vicente Foods & Pharmacy | 13. Regular Johns Restaurant |
| 2. California Federal Bank Building | 14. Medical / Office / Retail Bldg. |
| 3. Columbus Savings Building | 15. Fred Sands Realty Building |
| 4. Liquor Barn | 16. Town & Country Center |
| 5. Norion Plaza | 17. Hamburger Hamlet |
| 6. Lowe Building | 18. Clendale Federal |
| 7. Westward Ho Market | 19. 1st Nationwide Bank Building |
| 8. Westside Pharmacy | 20. San Vicente Plaza |
| 9. Century Federal | 21. United Community Bank Building |
| 10. Brentwood Gardens | 22. 1st Interstate Bank |
| 11. Union Bank Building | 23. Jon Douglas Building |
| 12. Brentwood Square | 24. Brentwood Presbyterian Church |

Commercial Zones San Vicente Scenic Corridor

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1875 Century Park East, 23rd Floor, Los Angeles, California 90067-2561.

On March 28, 2011, I served the following document(s) described as **INTERVENORS' OPPOSITION TO MOTION FOR WRIT OF MANDATE** on the interested parties in this action as follows:

BY MAIL: By placing a true copy thereof in sealed envelopes addressed to the parties listed on the attached Service List and causing them to be deposited in the mail at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am readily familiar with our firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 28, 2011, at Los Angeles, California.



Sandy Palmieri

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SERVICE LIST
Four Sided Properties v. City of Los Angeles
Case No. BS128425

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