

Appendix E

Response to Silverstein NOP Comment Letter

ALSTON & BIRD

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Ed Casey

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February 8, 2021

Via E-Mail
bradley.furuya@lacity.org

Bradley Furuya
Los Angeles Department of City Planning
221 North Figueroa Street
Room 1350
Los Angeles, CA 90012

Re: Response to Comment Letter on the Notice of Preparation of an EIR for ENV-2019-6645-EIR; SCH 2020110264; 11973 W. San Vicente Boulevard Project

Dear Mr. Furuya:

On behalf of 11973 San Vicente, LLC (“Applicant”), the applicant for the permit to demolish the closed two-story commercial building (“Barry Building”) located at 11973 W. San Vicente Boulevard (“Subject Property”), I am sending this letter to respond to the letter submitted by the Silverstein Law Firm dated December 18, 2020 (the “Silverstein Letter”), which submitted comments on the Notice of Preparation published by the City of Los Angeles (“City”) for the preparation of an Environmental Impact Report that would evaluate the impacts associated with the demolition of the Barry Building. Specifically, this letter responds to the allegation in the Silverstein Letter that the Applicant is seeking the demolition permit as part of a larger plan to redevelop the Subject Property and surrounding properties. As support for that factually untrue allegation, the Silverstein Letter cites to a prior development project that was pursued by a different entity for different properties, which was called the Green Hollow Square project.

Most importantly, that project was abandoned in late 2013. Attached to this letter as Exhibit A is a copy of the letter sent by the representative for the applicant for the Green Hollow Square project to the City stating that the project had been abandoned and the entitlement application withdrawn. That letter was submitted to the City over 7 years ago, and no application to develop the property has been submitted during those ensuing 7 years.

Nor is there any intention by 11973 San Vicente LLC (the applicant for the demolition permit) to redevelop the Subject Property. As indicated in the master land use application submitted for the Green Hollow Square project in January 2010 (a copy which is attached as Exhibit B hereto), the applicants for that prior project included the Munger Community Property Revocable Trust and the Nancy B. Munger Separate Property

Revocable Trust. Given the passage of time, the limited liability corporation that owns the Subject Property is now effectively controlled by the next (and younger) generation of the family of Charles T. Munger and Nancy Munger. That next generation (as well as Mr. Munger and Mrs. Munger), having witnessed two failed efforts to redevelop these properties, have no intention or desire to pursue a third development project. Their intent is simply to clear all buildings from the property and then next the necessary steps to place the property on the market for sale.

We also note that the properties involved with the prior Green Hollow Square project extended beyond the Subject Property. The Subject Property only involves APN 4404-025-008 (i.e., a portion of legal lots 51 and 52), the locale of the Barry Building. The properties involved with the Green Hollow Square project also included APNs 4404-025-009, 010, 015, 016, 027 and 028 (which corresponds to all or portions of legal lots 51 through 54 and lot 56). Further, and even more importantly, the Green Hollow Square project also involved the property located at 11961-69 W. San Vicente Boulevard (APN 4404-025-32; legal lot 50). That property is owned by Barry Family, LLC, which owns and operates a two-story office and retail building at that property. The members of the Barry Family, LLC are not involved in any way in the decision by members of the Munger family to clear the Subject Property in order to sell it. Further, the Barry Family, LLC has not applied for any permit to demolish or redevelop the commercial building that it is currently operating at its property. Notably, the demolition of the Barry Family's commercial building was a key component of the Green Hollow Square project because, as explained in that entitlement application, the Barry Family's property would have added 20,000 square feet of building area to the Green Hollow Square project. Absent that additional building area, the project was deemed to be inadequate.

Finally, the Silverstein Letter ignores another fact that differentiates the current request for the demolition permit from the Green Hollow Square project—the City's adoption in late 2015 of the Mandatory Soft Story Retrofit Program Ordinance. Compliance with that ordinance (adopted five years after the Green Hollow Square project was abandoned) requires major seismic upgrade work be carried out on the Barry Building, which is not economically feasible given other legal requirements. Hence, the request for a demolition permit.

For all of these reasons, the allegation that the Applicant is seeking the demolition permit as part of a plan to redevelop the Subject Property is without any factual foundation and is simply untrue.

Very truly yours,



Edward J. Casey

EJC/ysr
Attachments

EXHIBIT A

October 31, 2013

Via Email and Regular Mail: greg.shoop@lacity.org

Mr. Greg Shoop
DEPARTMENT OF CITY PLANNING
City of Los Angeles
Room 621, City Hall
200 N. Spring Street
Los Angeles, CA 90012

Subject: Withdrawal of CPC No. 2009-1064
Psomas Job No. 1MUN0201.00

Dear Greg:

The abovementioned case is commonly referred to as Green Hollow Square and is located at 11973 San Vicente Boulevard in Brentwood. As you know, our office represents the property owners and project applicants. The last official City action taken on this case was a public hearing held on May 14, 2012. I have been instructed by our clients to formally notify you of their request to withdraw their zoning entitlement application.

If you have any questions, please feel free to contact me.

Sincerely,

PSOMAS



Joel B. Miller
Vice President/Principal

JBM:htn

Cc: Tricia Keane, Councilman Mike Bonin's Office
Mr. Charles T. Munger
Mr. Hal Borthwick

555 South Flower Street
Suite 4300
Los Angeles, CA 90071

Tel 213.223.1400
Fax 213.223.1444
www.Psomas.com

EXHIBIT B

MASTER LAND USE PERMIT APPLICATION
LOS ANGELES CITY PLANNING DEPARTMENT

Planning Staff Use Only

ENV No.	Existing Zone C4-1VL, P-1VL-O, RS-1-O	District Map 129B141
APC West Los Angeles	Community Plan Brentwood-Pacific Palisades	Council District 11
Census Tract 2640.00	APN 4404-025-007, -008, -009, -010, -015, -016, -017, -027, -028	Staff Approval * Date

* Approval for Filing by Community Planning Staff. When Applicable

CASE No. CPC 2009-1064 and DIR 2009-1066

Application Type Application for multiple approvals pursuant to LAMC Sections 12.36-C and E, including a General Plan Amendment, Vesting Zone Change, Height District Change, Specific Plan Amendment, Conditional Use – Alcohol, Variances – Outdoor Eating Areas and Outdoor Sales Areas, Site Plan Review, Project Permit Compliance, and Preliminary and Final Design Review.

1. PROJECT LOCATION AND SIZE

Street Address of Project 11961-11969, 11973, 11977, 11981, 11991 San Vicente Blvd. 642 and 644 Saltair Avenue Zip Code 90049
 Legal Description: Lot 51, 52, 53 and portions of 50, 54, and 56 Block None Tract Westgate Acres
 Lot Dimensions 350 x 300 and various Lot Area (sq. ft.) 115,800 * Total Project Size (sq. ft.) 73,300 **
 * 105,000 SF – commercial development site; 10,800 SF – residential development site. ** Plus 3,700 SF of outdoor eating areas

2. PROJECT DESCRIPTION

Describe what is to be done: Development of a 73,300 square-foot commercial center consisting of retail, restaurant, office, and neighborhood-oriented services with an associated at-grade and subterranean parking facility containing 427 spaces. One single-family residential unit is also proposed. Please see attached "Project Description" and please carefully note the attached "Owners' Supplementary Project Description and Statement of Intent" as written by Owner/Applicants themselves and dated January 12, 2010, which, by itself, is a very comprehensive description of the proposed project and the reasons why said project should be approved.

Present Use: Retail, Office, School (vacant), Surface Parking, Residential Proposed Use: Retail, Restaurant, Office, Parking, and Residential

Plan Check No. (if available): _____ Date Filed: _____

Check all that apply: New Construction Change of Use Alterations Demolition
 Commercial Industrial Residential LEED Silver
 Additions to the building: Rear Front Height Side Yard

No. of residential units: Existing 2 To be demolished 2 Adding 1 Total 1

3. ACTION(S) REQUESTED

Describe the requested entitlement which either authorizes actions OR grants a variance:

Code Section from which relief is requested: N/A Code Section which authorizes relief: 11.5.6
General Plan Amendment to change the land use designation of the easternmost approximately 100 feet of two lots (642 and 644 Saltair Avenue) from Low Density Residential to Neighborhood Commercial.
 Code Section from which relief is requested: N/A Code Section which authorizes relief: 12.32-F and Q
Vesting Zone and Height District Change from RS-1-O to (V) P-1VL-O (easternmost portions of 642 and 644 Saltair Avenue), and from C4-1VL and P-1VL-O to (M)C4-1VL and (M)P-1VL-O, respectively, on the remainder of the project site.
 Code Section from which relief is requested: N/A Code Section which authorizes relief: 11.5.7-G.7
Specific Plan Amendment to be initiated by the City Planning Commission to expand the San Vicente Scenic Corridor Specific Plan boundary to include the northerly 100 feet (rear portions) of the project site (including only the easternmost portions of two lots at 642 and 644 Saltair Avenue).
 Code Section from which relief is requested: N/A Code Section which authorizes relief: 11.5.7-C
San Vicente Scenic Corridor Specific Plan – Project Permit Compliance.
 Code Section from which relief is requested: N/A Code Section which authorizes relief: 12.24-W.1
Conditional Use Permit to permit on-site and off-site sales of alcoholic beverages
 Code Section from which relief is requested: N/A Code Section which authorizes relief: 16.50
San Vicente Scenic Corridor Specific Plan and Design Guidelines – Design Review.
 Code Section from which relief is requested: N/A Code Section which authorizes relief: 16.05
Site Plan Review.
 Code Section from which relief is requested: 12.14-A.1(b)(3) Code Section which authorizes relief: 12.27
Zone Variance to allow outdoor eating areas for restaurants that are not on the ground floor and outdoor eating areas that are more than 50% of the dining area of the associated restaurants.
 Code Section from which relief is requested: 12.14-A.1(d)(3) Code Section which authorizes relief: 12.27
Zone Variance to allow outdoor sales areas including, but not limited to, kiosks, sales carts, stands, and other similar methods of sales and informational display.

List related or pending case numbers relating to this site: _____

4. OWNER/APPLICANT INFORMATION

Applicant's name Munger Community Property Revocable Trust Company N/A
 Address: 355 So. Grand Avenue, 34th floor Telephone: (213) 624-7715 Fax: (213) 680-3677
Los Angeles, CA Zip: 90071 E-mail: dobbert@sbcglobal.net

Property owner's name (if different than applicant) Same as Applicant
 Address: _____ Telephone: _____ Fax: _____
 Zip: _____ E-mail: _____

Contact person for project information Mr. Joel B. Miller Company Psomas
 Address: 555 So. Flower Street, Suite 4400 Telephone: (213) 223-1440 Fax: (213) 223-1444
Los Angeles, CA Zip: 90071 E-mail: jmillen@psomas.com

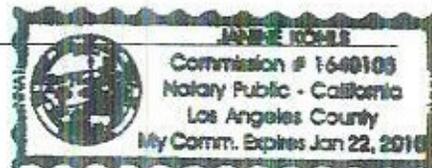
5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- b. The information presented is true and correct to the best of my knowledge.

Signature: Charles T Munger, Trustee Print: Charles T. Munger, Trustee

Signature: _____ Print: _____



ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Los Angeles

On Jan. 7, 2010 before me Janine Kohls, Notary Public
(Insert Name of Notary Public and Title)

personally appeared Charles T. Munger, Trustee, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I hereby certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Janine Kohls (Seal)
 Signature



6. ADDITIONAL INFORMATION/FINDINGS

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate "Special Instructions" handout. Provide on attached sheet(s) this additional information using the hand-out as a guide.

NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

4. OWNER/APPLICANT INFORMATION

Applicant's name Nancy B. Munger Separate Property Revocable Trust Company N/A
 Address: 355 So. Grand Avenue, 34th floor Telephone: (213) 624-7715 Fax: (213) 680-3677
Los Angeles, CA Zip: 90071 E-mail: doobert@sbcglobal.net

Property owner's name (if different than applicant) Same as Applicant
 Address: _____ Telephone: _____ Fax: _____
 _____ Zip: _____ E-mail: _____

Contact person for project information Mr. Joel B. Miller Company Psomas
 Address: 555 So. Flower Street, Suite 4400 Telephone: (213) 223-1440 Fax: (213) 223-1444
Los Angeles, CA Zip: 90071 E-mail: jmiller@psomas.com

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- b. The information presented is true and correct to the best of my knowledge.

Signature: Charles T. Munger, Trustee Print: Charles T. Munger, Trustee

Signature: _____ Print: _____

ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Los Angeles

On Jan. 7, 2010 before me, Janine Kohls Notary Public
(Insert Name of Notary Public and Title)

personally appeared Charles T. Munger, Trustee, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I hereby certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Janine Kohls (Seal)
 Signature



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In order for the City to render a determination on your application, additional information may be required. Consult the appropriate "Special Instructions" handout. Provide on attached sheet(s) this additional information using the hand-out as a guide.

NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

4. OWNER/APPLICANT INFORMATION

Applicant's name Barry Family, LLC Company N/A
Address: 355 So. Grand Avenue, 34th floor Telephone: (213) 624-7715 Fax: (213) 680-3677
Los Angeles, CA Zip: 90071 E-mail: doobert@stcdglobal.net

Property owner's name (if different than applicant) Same as Applicant
Address: _____ Telephone: _____ Fax: _____
_____ Zip: _____ E-mail: _____

Contact person for project information Mr. Joel B. Miller Company Psomas
Address: 555 So. Flower Street, Suite 4400 Telephone: (213) 223-1440 Fax: (213) 223-1444
Los Angeles, CA Zip: 90071 E-mail: jmiller@psomas.com

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- b. The information presented is true and correct to the best of my knowledge.

Signature: [Signature] Print: Robert S. Barry, Jr., 1/2 owner

Signature: [Signature] Print: John S. Barry, 1/2 owner

ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Los Angeles

On January 8, 2010 before me Joel Kabakoff, Notary Public
(Insert Name of Notary Public and Title)

personally appeared Robert S. Barry, Jr. and John S. Barry, 1/2 owners, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I hereby certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature] (Seal)



6. ADDITIONAL INFORMATION/FINDINGS

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate "Special Instructions" handout. Provide on attached sheet(s) this additional information using the hand-out as a guide.

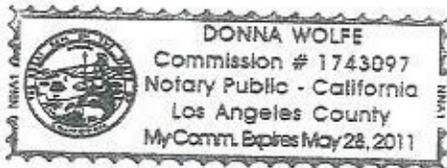
NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles }
On January 7, 2010 before me, Donna Wolfe, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Robert S. Barry Jr.
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature Donna Wolfe
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Master Land Use Permit Application

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Robert S. Barry Jr.

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

**OWNERS' SUPPLEMENTARY PROJECT DESCRIPTION
AND
STATEMENT OF INTENT**

**BRENTWOOD TOWN GREEN
11973 SAN VICENTE BOULEVARD, BRENTWOOD,
BRENTWOOD-PACIFIC PALISADES COMMUNITY PLAN
COUNCIL DISTRICT 11**

INTRODUCTORY EXPLANATION OF THE DOCUMENT:

The original Applicants in this case were Charles T. Munger and Nancy Barry Munger, husband and wife ("the Mungers") whose originally filed proposal asked permission to create a local, two-story retail development, including related areas for surface and underground parking, on 95,730 square feet of land owned entirely by the Mungers. This proposal had replaced an earlier and never filed Munger plan to build a mixed-use, four-story project, consisting almost entirely of condos, but also including minor retail space on San Vicente frontage. This earlier plan had been abandoned by the Mungers after they had become gladly convinced, by the community and the City Councilman involved, that a dominantly-local-serving-retail project would reflect better planning.

The Mungers changed their minds about condos because they gradually understood what later seemed obvious: when inter-neighborhood traffic arteries become unfixably clogged, twice a day and for long periods, each neighborhood needs a local-serving-retail center that maximizes convenient provision of one-stop shopping, because no other development pattern will serve as well, either for the neighborhood or the whole metropolitan area.

The Mungers' 95,730 square feet of land contains a historically designated, two-story "Barry Building", in a footprint (including a large interior patio surrounded on three sides by the Barry Building) of only 11,020 square feet (102 feet of width times 109 feet of depth = 11,118 square feet which rounds to 11,020).

The Mungers' proposal as first filed asked permission to deal with the historic Barry Building issue by:

- (1) Preserving the large interior patio area; and
- (2) Removing the two-story Barry building, putting parking beneath, then replacing it with an only slightly different two-story building that copies its original two-story architectural style, not merely in the original Building footprint but also throughout the Mungers' large site, thus greatly

expanding the type of architecture that had triggered the historical designation.

The Mungers continue to request this same approach because it creates the most logical solution in dealing with the historic building issue, while expanding effective preservation in an unusual fashion that ought to be more common.

However, the Mungers have uncovered other issues that now demand a change of approach. They realized that, for a second time, they had come up with a sub-optimal plan. That plan would have created an inadequate, only-two-story project when compared with a far better, only-two-story project that could easily be created by changing the Site boundary in two directions and including new owners amid the Applicants. And so this document presents a changed plan as it makes revisions in the original proposal that are designed to cause a better Project for the neighborhood as well as the Project's owners. The most important revisions involve changes in Site boundaries and Site owners:

- (3) The Site now adds on its east side 20,000 square feet of land, long zoned for commercial and commercial parking use, owned by Mrs. Munger's second cousins who now join the Project as co-Applicants and co-owners; and
- (4) The Site now deletes on its west side a parcel containing 10,700 square feet of Munger owned land fronting on Saltair Avenue and carrying single family residential zoning that will remain in place. This parcel will retain residential zoning and will contain one single-family house to be built by the Mungers, replacing the two small single-family houses now in place.

The net result of all changes leaves a simple series of requests (as more fully spelled out in the Application):

- (1) Approval of change of zone from residential to parking use (RS-1 to (V) P-1VL-O) on the rear 48% of two residential lots fronting on Saltair Avenue, creating a result no one will even notice, as the value of abutting houses is improved by creation of Applicants' Project and as the front 52% of these two lots becomes one residential lot on which the Munger owners will create one wide single-family house to replace the two narrow single-family houses that now exist.
- (2) Approval of the Project's compliance with Brentwood's San Vicente Scenic Corridor Specific Plan

- (3) Conditional Use Permits for alcohol sales and consumption that are routine in shopping facilities like that proposed.
- (4) Approval of Applicants' proposal to handle the historic preservation issue by causing all buildings on the Site to reflect "mid-century modern architecture" that mimics certain important features of the Barry Building, thus expanding this type of architecture on the Site by about 400%.

If the Applicants' requests are granted, they propose to do three things that are not at all common:

- (1) Construct only 77,000 square feet of commercial buildings, (including 3700 square feet of open patio and balcony space committed to restaurants), all within only two stories, on land already zoned to carry 105,000 square feet of such commercial buildings, and
- (2) Install considerably more parking spaces per 1000 square feet of building area, than is at all common, and
- (3) Make their Project much more pleasing and user friendly than is at all common, while creating a constructive City planning result,

All as described in more detail in the rest of this document.

PROPOSED PLAN REVISIONS DESCRIBED IN DETAIL:

The following revisions are hereby made in Applicants' "Attachment A, Project Description, Plus Owners Statement of Intent" for Brentwood Town Green, 11973 San Vicente Boulevard, Brentwood-Pacific Palisades Community Plan, Council District 11" (now called "the original Attachment")

(1) **Minor Technical Change In Description Of Munger Applicants.**

The Applicants Charles T. Munger and Nancy B. Munger are replaced by (i) the "Charles T. Munger and Nancy B. Munger Community Property Revocable Trust" and (ii) the "Nancy B. Munger Separate Property Revocable Trust", both dated June 15, 2009. These are not changes with any substance in the planning process. The property concerned is still owned by the Mungers in every practical sense, even though it is now held in revocable trusts.

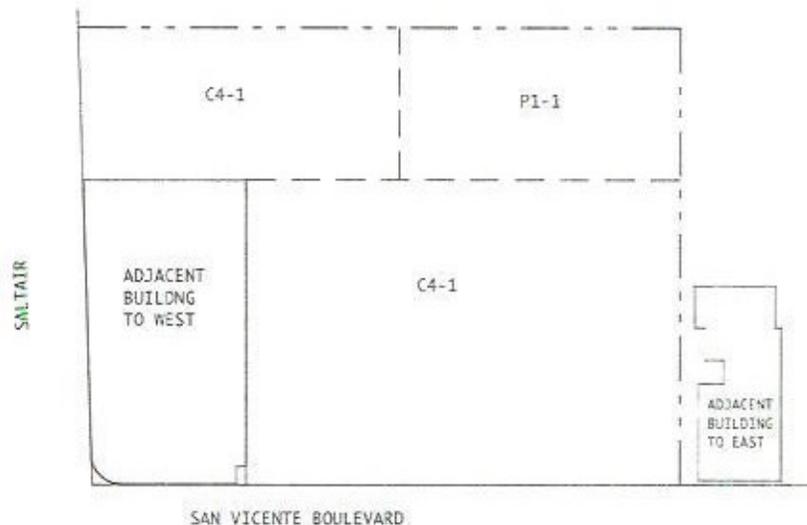
(2) **New Applicant Added: Barry Family, LLC.**

A new Applicant is added: Barry Family, LLC. This LLC is owned and managed in equal shares by Robert S. Barry, Jr. and John S. Barry. They are brothers who are also

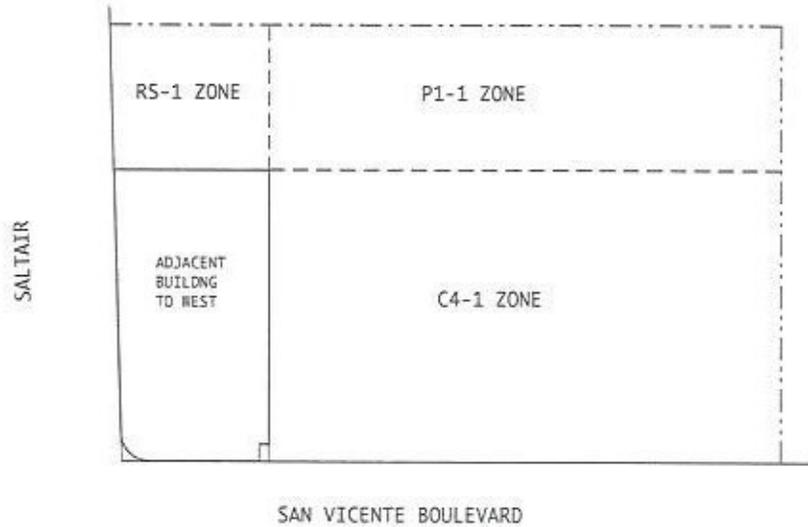
second cousins of Applicant Nancy Barry Munger. Barry Family, LLC owns the 66.67-foot-wide parcel of land, 300 feet deep, that abuts on the east the property covered by the original Attachment. This 20,000 square feet of land is hereinafter called the “Barry Brothers’ land”. The first 200 feet of depth of the Barry Brothers’ land is commercially zoned (C4-1VL), exactly like other San Vicente Boulevard frontage in the Project. The rear 100 feet of depth is zoned P-1VL-O, like other land in the Project at that depth from San Vicente Boulevard. The existing commercial zoning on the Barry Brothers’ land permits 20,000 additional square feet of building area in the Project.

(3) **Barry Brothers’ Land is Added to the Project Site, while some Saltair-Fronting Land is removed from the Site: Changes in Site and Zoning Requested: Benefit to the Neighbor Owning Saltair Frontage Abutting to the North.**

The Barry Brothers’ land is hereby added to the land covered by the original Attachment and is now proposed for use in the Project because it has been found essential in creating Project quality. The Project will be co-owned in undivided shares by the Mungers’ revocable trusts and Barry Family, LLC (all collectively being henceforth called “the Applicants”). Also, the land west of the northerly extension of the west boundary of the San Vicente Boulevard frontage is deleted from the Applicants’ alternative request. Thus roughly the first 108 feet of depth of the land fronting on Saltair Avenue is deleted from the alternative request for rezoning of residential land. The diagrams below show (1) the alternative request for zoning of the Project Site as described in the original Attachment and (2) the request for zoning of the Project’s Site as now proposed after additions and deletions of land



ORIGINAL ZONING REQUEST



CURRENT ZONING REQUEST

In the present request, as in the former alternative request, one house on 100 feet of width will replace two houses, each with 50 feet of width, on the Saltair Avenue frontage to be excluded from the Project. This result continues to benefit the residence owner whose land abuts the Munger's retained Saltair Avenue frontage on the north because (1) Applicants' new Saltair Avenue house will expand the width of its side yards from 5 feet to 10 feet (10% of its newly expanded total width of 100 feet) and (2) Applicants' new house will no longer be considerably smaller in frontage than the neighbor's house, and (3) the Mungers will take other action helpful to this neighbor.

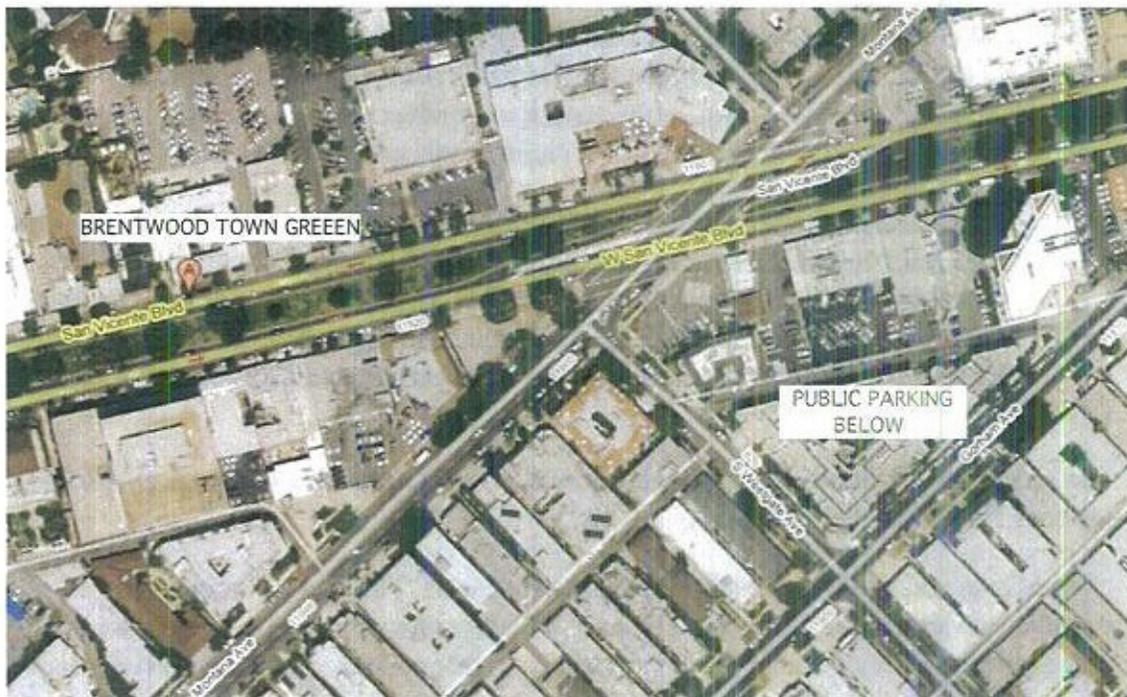
- (4) **The Central Aim of Applicants' Proposal has not Changed: It is still Intended that the Project (1) be a Modestly Improved Two-story Version of Brentwood's Mostly-one-story Country Mart, and (2) be Managed and Part Owned by Jim Rosenfield, Principal Owner of the Country Mart, and (3) be Designed in a Productive Collaboration by Architects Ray Keller and Gruen Associates.**

The following slightly edited language from the original Attachment remains applicable, (as does the included photograph):

"What is the essence of the result sought by Applicants? The answer is simple. Applicants want to create an especially user-friendly two-story version of Brentwood's much loved, mostly one-story "Country Mart", another collection of local-serving-retail shops located near the intersections of 26th Street and San Vicente Boulevard about a mile west of Applicants' site. Applicants plan to duplicate all Country Mart virtues and remove Country Mart's few imperfections, such as occasionally tight parking that is almost impossible to prevent.

This Country-Mart-imitating result, but with above-normal parking, is, in Applicants' view, very much in the interest of the surrounding neighborhood and the City because almost all existing popular collections of small, local-serving-retail shops do not come close to maximizing public benefit because parking shortage is so often present and causes so much misery for shoppers and others. To be sure, one school of modern city planning prefers deliberate creation of parking shortage in an attempt to force use of public transportation. Whatever the merits of this general planning approach when office buildings and entertainment centers are involved, it does not fit a collection of local shops like that proposed, requiring much use of autos to carry heavy and/or bulky items, many purchased by persons of advanced age or otherwise disqualified from benefiting from the project without use of their own autos.

There is a sound zoning precedent, in this exact neighborhood, for provision of abnormally liberal parking as proposed. The City recently and wisely required that a condo developer create a public parking lot, fronting on an alley, in order to get his condo project approved. The anticipated public parking was not for use by the condo project but for use of persons visiting a nearby commercial area. This happened about 500 feet from Applicants' site, with the parking lot entrance being located in the alley behind the condo building at 11847 Gorham Avenue, Los Angeles, CA. The photograph below shows the location of this public parking lot in relation to Applicants' site.



Given the Applicants' intention to duplicate the Country Mart's virtues, it is still, of course, intended that the Project be managed and part owned by Jim Rosenfield, principal owner of the Country Mart.

Architects Ray Keller and Gruen Associates will continue to design the Project in what is becoming a very productive collaboration.

(5) **The Project Will Have No Entrance or Exit for Vehicles, Ever, on Saltair Avenue.**

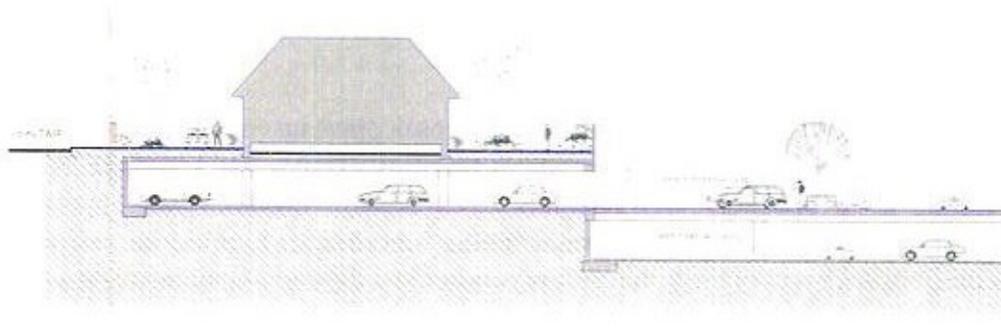
Applicants' revised proposal, like the original proposal, plans no entrance or exit for vehicles, ever, on Saltair Avenue. Retention of residential zoning and commitment to house building by Applicants will assure this result. And, if neighbors want further protection, Applicants are willing to create binding, recorded restrictions that will also assure this result for a very long time unless consent to a different outcome is provided by 90% of designated residents on Saltair Avenue and Saltair Terrace. Such restrictions, of course, would make it impossible for the City to allow a Saltair driveway into the Site, even if the City changed the zoning.

(6) **Requested Zoning in Saltair-Fronting Land is Reduced from Commercial to Commercial Parking; Explanation.**

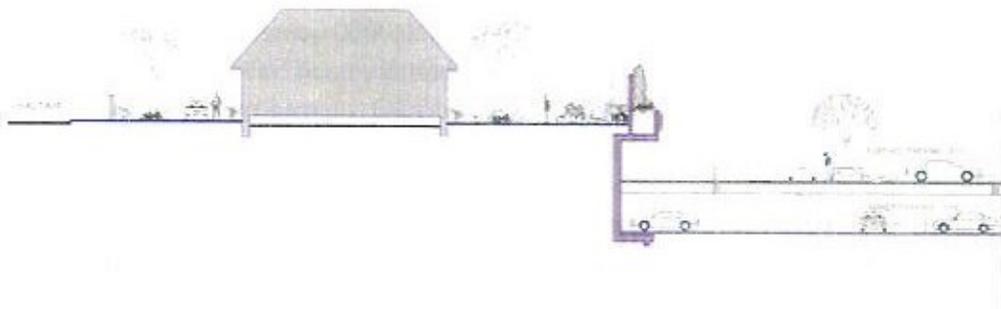
In paragraph (3) Applicants have requested that the 10,000 square feet of residentially-zoned land (the last 100 feet of depth at the residentially zoned Saltair-fronting lots) that remains in the proposed Project be rezoned (V)P-1VL-O instead of V(Q) C4-1VL-O as formerly requested. This change does not alter proposed use of the residential land remaining in the Project, which will, as before, be parking use only. But the change does require some explanation. The change in zone description was made because some community members don't wish any formal precedent to occur that involves change of zone from residential to high-density commercial, as distinguished from more limited use, such as parking use. The Applicants never intended any non-parking use, ever. The original request for V(Q) C 4-1VL-O zoning was made only because Applicants' zoning consultants believed that City Planning Department staff preferred this result for some reason involving desired consistency of zoning designations in the planning area containing the Project. So long as Applicants can build their Project's parking as proposed, they don't care what technical zone designation is agreed upon by neighbors and the City.

(7) **Deletion from the Project of all but the Most Easterly 100 Feet of the Lots Fronting on Saltair Avenue has caused a New and Different Cross Section at the Easterly Boundary of the Deleted Land.**

The first drawing below shows the originally proposed cross section (viewed from the south) of the easterly boundary of Saltair fronting land that remains in the Project under the revised proposal. The second drawing shows that cross section under the revised proposal.



ORIGINALLY REQUESTED SECTION AT SALTAIR RESIDENCE SITE.



REVISED REQUESTED SECTION AT SALTAIR RESIDENCE SITE.

These cross sections can also be described as being at the new rear boundary line of the Saltair-fronting house that the Mungers, under the revised proposal, will build and retain.

The following drawing shows how the Saltair frontage will appear with a modest two story house constructed thereon.



ELEVATION

THE SALT AIR FRONTAGE OF THE RETAINED LOT ZONED RS-1 AS IT WILL APPEAR FROM SALT AIR WHEN THE NEW HOUSE IS CONSTRUCTED

(8) Applicants' Revised Request for Total Building Area, Described and Explained.

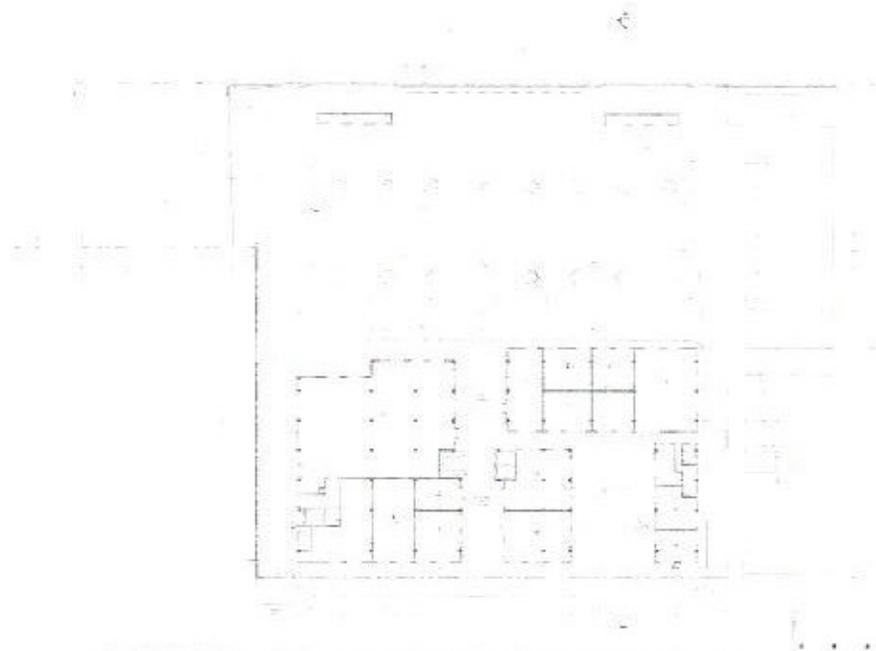
In the alternative request as now revised the commercially zoned land rises from 56,670 square feet to 70,000 square feet, or 23.5%. Total land area increases less because of deletion from the Project of the front part of the two lots fronting on Saltair Avenue, leaving in the Project only the most easterly 100 feet of the total depth of such lots. The final site area is 105,000 square feet on which it is proposed to remove 34,350 square feet of building area and replace it with 77,000 square feet of building area. Thus the net additional building area, on 105,000 square feet of land, is 42,650 square feet. The 77,000 square feet of requested final building area on 105,000 square feet of land, is not much, judged by normal outcomes in local real estate development. Indeed, it creates a floor area ratio (FAR) between building area and site area of only .733 at an under-improved property that now causes the Mungers to pay each year more in real estate taxes alone than the gross income they receive in rent from their large share of the Site.

Applicants' low request for total building area is unusual among present-day, would-be developers of retail projects on sizable parcels of commercially zoned Brentwood land. Applicants want (1) only two stories, (2) ample public spaces and (3) liberal and especially attractive and user-friendly parking. The norm for most others appears to be (1) three stories, (2) small public spaces and (3) minimized, hard-to-use parking with few

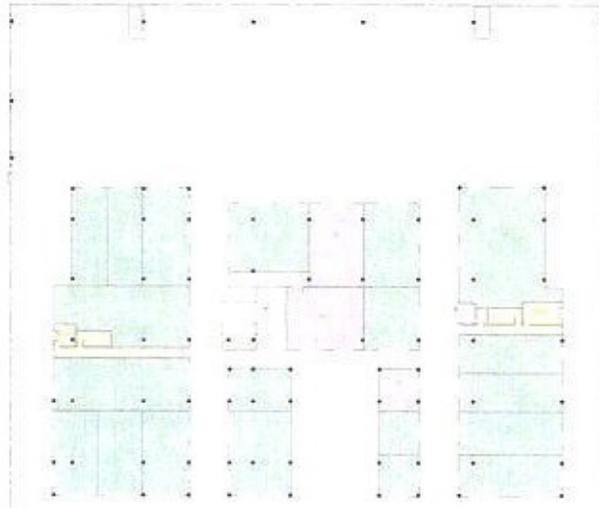
amenities. Why are Applicants unconventional? The reasons are two: (1) their proposal reflects their idea of the right way to behave, and (2) they suspect that, over a very long term, their approach could create better economic results. These reasons blend in motivating Applicants.

(9) **Great Project Improvement is Caused by Inclusion of the Barry Brothers' Land; New Ground Level Layout Described.**

With inclusion of the Barry Brothers' land, the Project's east driveway, used for exit from the Project, shifts to the most easterly 22.5 feet of the Barry Brothers' land. This causes a second pedestrian-only passageway to come into existence, fronted by stores on each side. This second pedestrian-only passageway will exist roughly where the former Project exit existed for both persons and autos. Moreover, each pedestrian-only passageway is longer than the single pedestrian-only passageway originally proposed. These changes improve efficiency and ambiance for both shoppers and retailers, because (1) pedestrians and autos don't mix well in entries and exits, (2) longer and more numerous pedestrian-only passageways are more shopper friendly and facilitate both (i) one-stop shopping to satisfy multiple needs, and (ii) inclusion of more minor-service local shops, and (3) longer "holding throats", for cars only, much improve traffic flow. The diagrams below show ground level plans of the project as originally proposed and as now requested:



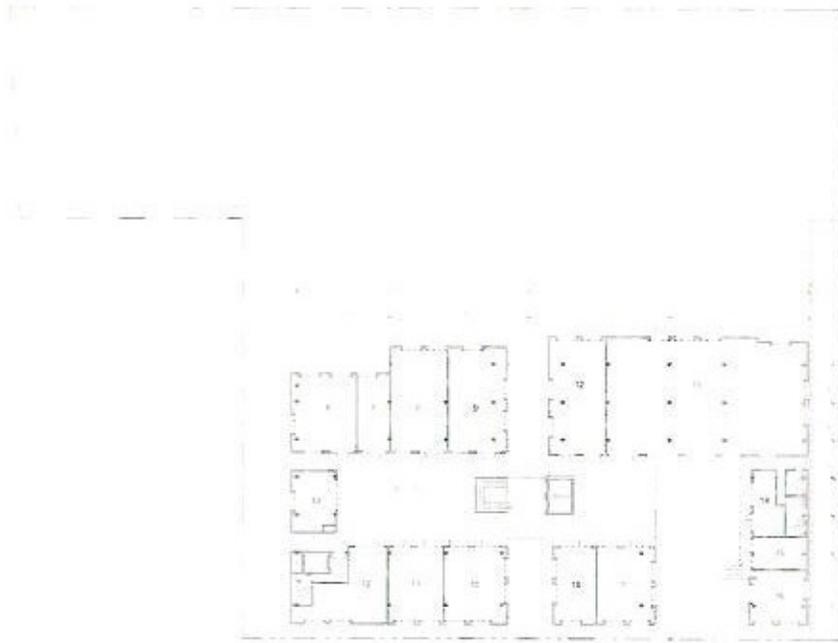
GROUND LEVEL PLAN AS ORIGINALLY PROPOSED



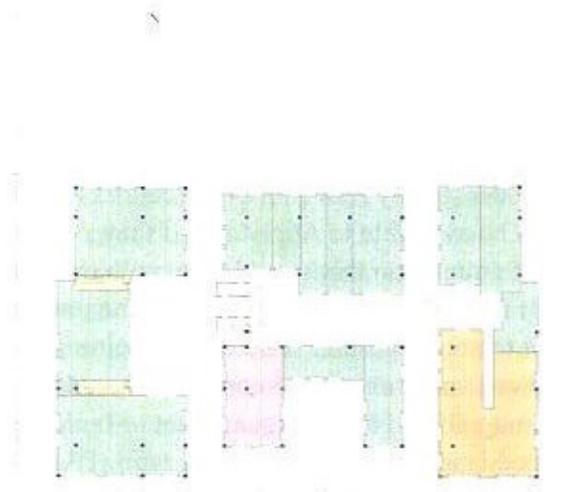
GROUND LEVEL PLAN AS NOW REQUESTED

(10) **More Description of the Revised Project, Particularly with Respect to Improvements in Circulation: New Upper Level Layout described.**

Of course, the additional passageway now proposed reduces the amount of rentable square footage that would be available to Applicants if they were satisfied with the lower quality project with worse circulation that would exist with one fewer passageway in place. Despite the loss of rentable space for Applicants, the project remains an only-two-story project with respect to above-ground structure, containing far less square footage of building area than is allowed under existing commercial zoning. [As earlier pointed out, existing commercial zoning allows 105,000 square feet of building area (70,000 square feet of commercially zoned land area x 1.5 floor area ratio (FAR) =105,000), and Applicants now plan to create only 77,000.] The originally proposed second floor plans and the now-requested second floor plans are shown in the drawings below:



SECOND FLOOR PLAN AS ORIGINALLY PROPOSED



SECOND FLOOR PLAN AS NOW REQUESTED