

07-3905-S1

Submitted on 5/6/09

Comm from CD5

NEIGHBORHOOD PROTECTION PLAN AMENDMENT PALAZZO WESTWOOD PROJECT

In early 2007, Casden Glendon, LLC ("Casden") submitted, and received approval of, a Neighborhood Protection Plan (the "Plan")(Exhibit A) as required by Condition No. 19 of the Los Angeles City Council's August 3, 2004 Site Plan Conditions of Approval for Palazzo Westwood (the "Project"). Since the Plan's approval, the Department of City Planning, ("Planning"), Casden, and neighborhoods in the project vicinity identified by CD 5, as more clearly set forth in Exhibit B (the "Affected Areas") (collectively, the "Parties"), have arrived at a consensus that the Plan should be amended to expedite and provide greater certainty with respect to the implementation of measures to help control against the intrusion of traffic into the Affected Areas.

Condition No. 19 of the Site Plan Conditions of Approval provides that the Plan is "subject to possible revisions deemed necessary for traffic management and safety purposes and compliance with applicable traffic and parking regulations." In accordance with Condition No. 19, the Parties hereby agree to revise the Plan in its entirety through adoption of this Amendment (the "Plan Amendment"), which has been reviewed to the satisfaction of the Los Angeles Department of Transportation ("LADOT"), for the purpose of expediting improved traffic management measures in the Affected Areas and for better delineating the Parties' respective obligations and responsibilities.

Plan Amendment Elements

- 1) Pursuant to this Plan Amendment, LADOT will put in place the following temporary improvements (the "Temporary Improvements"), paid for in their entirety with \$50,000 to be provided by CD 5 from the Neighborhood Transportation Management Fund, for a trial period of six months:
 - a) **"No Straight Through Restrictions" at the intersections of: (1) Le Conte and Hilgard and (2) Weyburn and Hilgard.** The restrictions may include, but will not be limited to, signage, pavement marking, and modifications to traffic signals, which will require traffic approaching Hilgard from both east and west on Le Conte and on Weyburn to either make a right or left turn at Hilgard. No crossing of Hilgard at these intersections will be legally permitted at any time.
 - b) **"No Left Turn" restriction signs for southbound traffic at the intersection of Lindbrook and Hilgard.** The restriction will prohibit traffic traveling southbound on Hilgard from turning left (eastbound) onto Lindbrook.

If, within one year from the determination that the Temporary Improvements are successful, Casden does not construct the Permanent Improvement, LADOT may complete the Permanent Improvement itself. The City through LADOT shall give written notice to Casden that the City intends to construct the Permanent Improvement itself, and shall complete the improvements within 18 months of such notice.

- 7) If the Temporary Improvements are deemed unsuccessful, then Casden will not be required to complete the Permanent Improvement, and LADOT will remove the Temporary Improvements. Within six months of the Temporary Improvements being deemed unsuccessful, LADOT in consultation with CD 5 and the Holmby Westwood Property Owners Association may consider alternate traffic calming measures ("Alternate Permanent Improvements") to be placed within the Affected Areas. If these improvements are approved by the City following standard City processes, then Casden will construct the Alternate Permanent Improvements, up to a maximum cost of \$60,000.
- 8) To ensure completion of the Alternate Permanent Improvements, Casden will assure their funding through the irrevocable letter of credit up to an amount of \$60,000, which amount is deemed acceptable to LADOT and Planning. Upon Casden's completion of the Alternate Permanent Improvements, the letter of credit will be returned to Casden or its successor. If, within 18 months of the Alternate Permanent Improvements being approved, Casden does not construct them, the City may make the improvements itself. The City through LADOT shall give written notice to Casden that it intends to construct the Alternate Permanent Improvements itself, and shall complete the improvements within 18 months of such notice.
- 9) For any work to be completed by the City pursuant to this Neighborhood Protection Plan (i.e., construction of the original or Alternate Permanent Improvement), LADOT shall submit a draw-down notice to Casden along with a scope of work for the design and construction of the improvements and a preliminary cost estimate. Upon receiving the request, Casden shall disburse the necessary funds to LADOT for the work scope within 30 days. If Casden does not submit payment within 30 days, then upon five days' written notice that LADOT intends to make presentment under the letter of credit for such amounts, LADOT may withdraw the appropriate amount of funds from Casden's letter of credit. However, in no case shall Casden be responsible for more than \$60,000 with respect to any improvements under the Neighborhood Protection Plan and/or be responsible for both the Permanent Improvement and the Alternate Permanent Improvements. At the completion of any work done by the City, LADOT shall submit to Casden itemized receipts, invoices or other written evidence of the third-party costs and expenses incurred in the course of completing the improvements. Any

the affirmative, LADOT will find that no additional annual reports are necessary, and Conditions No. 19 and 20 will be deemed satisfied in full.

- 13) This Plan Amendment may be executed in several counterparts, each of which shall be deemed to be one and the same instrument when each party has signed one such counterpart.

IN WITNESS WHEREOF, the Parties have executed this Plan Amendment as of May 14, 2008.

CASDEN GLENDON, LLC,

**HOLMBY-WESTWOOD
HOMEOWNERS ASSOCIATION**

By: Howard Katz
Its: Vice President

By: Sandy Brown
Its: President

**LOS ANGELES DEPARTMENT OF CITY
PLANNING**

By: David Weintraub
Los Angeles Department of City
Planning, Plan Approvals



Hirsch/Green Transportation Consulting, Inc.
578 Washington Boulevard, #360
Marina del Rey, California 90292

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Communication from
CD5 submitted on
5/6/09.

NEIGHBORHOOD PROTECTION PLAN PALAZZO WESTWOOD PROJECT

As required by Condition No. 19 of the Site Plan Conditions of Approval, adopted by the Los Angeles City Council on August 3, 2004, Casden Glendon, LLC. ("Casden") hereby submits a Neighborhood Protection Plan (the "Plan"), designed to help control against the intrusion of project-related traffic into the local residential neighborhoods immediately surrounding the Palazzo Westwood project site. This Plan has been developed in consultation with the Los Angeles Department of Transportation ("LADOT"), the Department of City Planning ("Planning"), the Fifth District Council Office and neighborhoods in the project vicinity identified by the Fifth District Council Office. Casden will assure the necessary funding of the Plan through an irrevocable letter of credit in the amount of One Hundred and Eighty Thousand Dollars (\$180,000). Upon the expiration of a five-year period from the issuance of the first Certificate of Occupancy, the letter of credit shall be returned to Casden or its successor.

Plan Elements

It is noted that the traffic impact analysis certified in connection with the Environmental Impact Report prepared for the Palazzo Westwood project (Crain & Associates, August 2002) did not identify any potential project-related significant impacts to any of the neighborhood streets surrounding the project site. As such, it is unknown at this time whether impacts will exist and if so, what specific improvements will be necessary to address community concerns. Therefore, the Plan will initially consist of a traffic monitoring program undertaken by a traffic counting firm retained by Casden and acceptable to LADOT, pursuant to LADOT's traffic counting and collection standards. The traffic counting firm will take counts at key intersections and on neighborhood streets, identified herein, including AM (7:00 – 10:00 AM) and PM (4:00 – 7:00 PM) peak hour turning movement counts at the designated intersections, and 24-hour, directional volume counts on the neighborhood street segments. These counts will be taken on Tuesdays, Wednesdays and Thursdays, when UCLA and the Warner School are in session; counts will not be taken on holidays or on rainy days. A "count" is the average of three (3) days of monitoring for each given monitoring period.

Monitoring Locations



Hirsch/Green Transportation Consulting, Inc.

578 Washington Boulevard, #360
Marina del Rey, California 90292

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Monitoring Locations

Marina del Rey Phone 310.237.5492 Fax 310.237.564B
310.237.5641

Santa Clarita Phone 310.237.5493 Fax