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May 16, 2014

**NOTICE OF ENVIRONMENTAL LEADERSHIP DEVELOPMENT PROJECT (ELDP)**

<b><u>CASE NO.:</u></b>	ENV-2013-2552-EIR
<b><u>PROJECT NAME:</u></b>	8150 Sunset Boulevard Mixed-Use Project
<b><u>PROJECT APPLICANT:</u></b>	AG-SCH 8150 Sunset Boulevard Owner, L.P.
<b><u>PROJECT LOCATION/ADDRESS:</u></b>	8150 Sunset Boulevard
<b><u>COMMUNITY PLANNING AREA:</u></b>	Hollywood Community Plan Area
<b><u>COUNCIL DISTRICT:</u></b>	4 – Tom LaBonge

THE APPLICANT HAS ELECTED TO PROCEED UNDER CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTIONS 21185 TO 21186, INCLUSIVE, OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE IS INCLUDED BELOW.

PUBLIC RESOURCES CODE - PRC  
DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.3]  
(Division 13 added by Stats. 1970, Ch. 1433.)

CHAPTER 6.5. Jobs and Economic Improvement Through Environmental Leadership Act of 2011 [21178 - 21189.3] (Chapter 6.5 added by Stats. 2011, Ch. 354, Sec. 1.)

21178. The Legislature finds and declares all of the following:

- (a) The overall unemployment rate in California is 12 percent, and in certain regions of the state that rate exceeds 13 percent.
- (b) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) requires that the environmental impacts of development projects be identified and mitigated.
- (c) The act also guarantees the public an opportunity to review and comment on the environmental impacts of a project and to participate meaningfully in the development of mitigation measures for potentially significant environmental impacts.

(d) There are large projects under consideration in various regions of the state that would replace old and outmoded facilities with new job-creating facilities to meet those regions' needs while also establishing new, cutting-edge environmental benefits to those regions.

(e) These projects are privately financed or financed from revenues generated from the projects themselves and do not require taxpayer financing.

(f) These projects further will generate thousands of full-time jobs during construction and thousands of additional permanent jobs once they are constructed and operating.

(g) These projects also present an unprecedented opportunity to implement nation-leading innovative measures that will significantly reduce traffic, air quality, and other significant environmental impacts, and fully mitigate the greenhouse gas emissions resulting from passenger vehicle trips attributed to the project.

(h) These pollution reductions will be the best in the nation compared to other comparable projects in the United States.

(i) The purpose of this act is to provide unique and unprecedented streamlining benefits under the California Environmental Quality Act for projects that provide the benefits described above for a limited period of time to put people to work as soon as possible.

21180. For the purposes of this chapter, the following terms shall have the following meanings:

(a) "Applicant" means a public or private entity or its affiliates, or a person or entity that undertakes a public works project, that proposes a project and its successors, heirs, and assignees.

(b) "Environmental leadership development project," "leadership project," or "project" means a project as described in Section 21065 that is one the following:

(1) A residential, retail, commercial, sports, cultural, entertainment, or recreational use project that is certified as LEED silver or better by the United States Green Building Council and, where applicable, that achieves a 10-percent greater standard for transportation efficiency than for comparable projects. These projects must be located on an infill site. For a project that is within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect, the infill project shall be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(2) A clean renewable energy project that generates electricity exclusively through wind or solar, but not including waste incineration or conversion.

(3) A clean energy manufacturing project that manufactures products, equipment, or components used for renewable energy generation, energy efficiency, or for the production of clean alternative fuel vehicles.

(c) "Transportation efficiency" means the number of vehicle trips by employees, visitors, or customers of the residential, retail, commercial, sports, cultural, entertainment, or recreational use project divided by the total number of employees, visitors, and customers.

21181. This chapter does not apply to a project if the Governor does not certify a project as an environmental leadership development project eligible for streamlining provided pursuant to this chapter prior to January 1, 2016.

21182. A person proposing to construct a leadership project may apply to the Governor for certification that the leadership project is eligible for streamlining provided by this chapter. The

person shall supply evidence and materials that the Governor deems necessary to make a decision on the application. Any evidence or materials shall be made available to the public at least 15 days before the Governor certifies a project pursuant to this chapter.

21183. The Governor may certify a leadership project for streamlining pursuant to this chapter if all the following conditions are met:

(a) The project will result in a minimum investment of one hundred million dollars (\$100,000,000) in California upon completion of construction.

(b) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians, and helps reduce unemployment. For purposes of this subdivision, "jobs that pay prevailing wages" means that all construction workers employed in the execution of the project will receive at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code. If the project is certified for streamlining, the project applicant shall include this requirement in all contracts for the performance of the work.

(c) The project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(d) The project applicant has entered into a binding and enforceable agreement that all mitigation measures required pursuant to this division to certify the project under this chapter shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation.

(e) The project applicant agrees to pay the costs of the Court of Appeal in hearing and deciding any case, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the Rules of Court adopted by the Judicial Council pursuant to subdivision (f) of Section 21185.

(f) The project applicant agrees to pay the costs of preparing the administrative record for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.

21184. (a) The Governor may certify a project for streamlining pursuant to this chapter if it complies with the conditions specified in Section 21183.

(b) (1) Prior to certifying a project, the Governor shall make a determination that each of the conditions specified in Section 21183 has been met. These findings are not subject to judicial review.

(2) (A) If the Governor determines that a leadership project is eligible for streamlining pursuant to this chapter, he or she shall submit that determination, and any supporting information, to the Joint Legislative Budget Committee for review and concurrence or nonconcurrence.

(B) Within 30 days of receiving the determination, the Joint Legislative Budget Committee shall concur or nonconcur in writing on the determination.

(C) If the Joint Legislative Budget Committee fails to concur or nonconcur on a determination by the Governor within 30 days of the submittal, the leadership project is deemed to be certified.

(c) The Governor may issue guidelines regarding application and certification of projects pursuant to this chapter. Any guidelines issued pursuant to this subdivision are not subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

21185. On or before July 1, 2014, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for an environmental leadership development project certified by the Governor pursuant to this chapter or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, within 270 days of certification of the record of proceedings pursuant to Section 21186.

21186. Notwithstanding any other law, the preparation and certification of the administrative record for a leadership project certified by the Governor shall be performed in the following manner:

- (a) The lead agency for the project shall prepare the administrative record pursuant to this division concurrently with the administrative process.
- (b) All documents and other materials placed in the administrative record shall be posted on, and be downloadable from, an Internet Web site maintained by the lead agency commencing with the date of the release of the draft environmental impact report.
- (c) The lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to, or relied on by, the lead agency in the preparation of the draft environmental impact report.
- (d) A document prepared by the lead agency or submitted by the applicant after the date of the release of the draft environmental impact report that is a part of the record of the proceedings shall be made available to the public in a readily accessible electronic format within five business days after the document is released or received by the lead agency.
- (e) The lead agency shall encourage written comments on the project to be submitted in a readily accessible electronic format, and shall make any comment available to the public in a readily accessible electronic format within five days of its receipt.
- (f) Within seven business days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.
- (g) Notwithstanding paragraphs (b) to (f), inclusive, documents submitted to or relied on by the lead agency that were not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright-protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five business days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index must specify the libraries or lead agency offices in which hardcopies of the copyrighted materials are available for public review.
- (h) The lead agency shall certify the final administrative record within five days of its approval of the project.
- (i) Any dispute arising from the administrative record shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief.
- (j) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6.

21187. Within 10 days of the Governor certifying an environmental leadership development project pursuant to this section, the lead agency shall, at the applicant's expense, issue a public notice in no less than 12-point type stating the following:

“THE APPLICANT HAS ELECTED TO PROCEED UNDER CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTIONS 21185 TO 21186, INCLUSIVE, OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE IS INCLUDED BELOW.”

The public notice shall be distributed by the lead agency as required for public notices issued pursuant to paragraph (3) of subdivision (b) of Section 21092.

21188. The provisions of this chapter are severable. If any provision of this chapter or its application is held to be invalid, that invalidity shall not affect any other provision or application that can be given effect without the invalid provision or application.

21189. Except as otherwise provided expressly in this chapter, nothing in this chapter affects the duty of any party to comply with this division.

21189.1. If, prior to January 1, 2016, a lead agency fails to approve a project certified by the Governor pursuant to this chapter, then the certification expires and is no longer valid.

21189.2. The Judicial Council shall report to the Legislature on or before January 1, 2015, on the effects of this chapter, which shall include, but not be limited to, a description of the benefits, costs, and detriments of the certification of leadership projects pursuant to this chapter.

21189.3. This chapter shall remain in effect until January 1, 2017, and as of that date is repealed unless a later enacted statute extends or repeals that date.

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Deputy Director of Planning



Luciralia Ibarra  
Project Coordinator



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May 16, 2014

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<b><u>COMMUNITY PLANNING AREA:</u></b>	Hollywood Community Plan Area
<b><u>COUNCIL DISTRICT:</u></b>	4 – Tom LaBonge

THE APPLICANT HAS ELECTED TO PROCEED UNDER CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTIONS 21185 TO 21186, INCLUSIVE, OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE IS INCLUDED BELOW.

PUBLIC RESOURCES CODE - PRC  
DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.3]  
(Division 13 added by Stats. 1970, Ch. 1433.)

CHAPTER 6.5. Jobs and Economic Improvement Through Environmental Leadership Act of 2011 [21178 - 21189.3] (Chapter 6.5 added by Stats. 2011, Ch. 354, Sec. 1.)

21178. The Legislature finds and declares all of the following:

- (a) The overall unemployment rate in California is 12 percent, and in certain regions of the state that rate exceeds 13 percent.
- (b) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) requires that the environmental impacts of development projects be identified and mitigated.
- (c) The act also guarantees the public an opportunity to review and comment on the environmental impacts of a project and to participate meaningfully in the development of mitigation measures for potentially significant environmental impacts.

- (d) There are large projects under consideration in various regions of the state that would replace old and outmoded facilities with new job-creating facilities to meet those regions' needs while also establishing new, cutting-edge environmental benefits to those regions.
- (e) These projects are privately financed or financed from revenues generated from the projects themselves and do not require taxpayer financing.
- (f) These projects further will generate thousands of full-time jobs during construction and thousands of additional permanent jobs once they are constructed and operating.
- (g) These projects also present an unprecedented opportunity to implement nation-leading innovative measures that will significantly reduce traffic, air quality, and other significant environmental impacts, and fully mitigate the greenhouse gas emissions resulting from passenger vehicle trips attributed to the project.
- (h) These pollution reductions will be the best in the nation compared to other comparable projects in the United States.
- (i) The purpose of this act is to provide unique and unprecedented streamlining benefits under the California Environmental Quality Act for projects that provide the benefits described above for a limited period of time to put people to work as soon as possible.

21180. For the purposes of this chapter, the following terms shall have the following meanings:

- (a) "Applicant" means a public or private entity or its affiliates, or a person or entity that undertakes a public works project, that proposes a project and its successors, heirs, and assignees.
- (b) "Environmental leadership development project," "leadership project," or "project" means a project as described in Section 21065 that is one the following:
  - (1) A residential, retail, commercial, sports, cultural, entertainment, or recreational use project that is certified as LEED silver or better by the United States Green Building Council and, where applicable, that achieves a 10-percent greater standard for transportation efficiency than for comparable projects. These projects must be located on an infill site. For a project that is within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect, the infill project shall be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.
  - (2) A clean renewable energy project that generates electricity exclusively through wind or solar, but not including waste incineration or conversion.
  - (3) A clean energy manufacturing project that manufactures products, equipment, or components used for renewable energy generation, energy efficiency, or for the production of clean alternative fuel vehicles.
- (c) "Transportation efficiency" means the number of vehicle trips by employees, visitors, or customers of the residential, retail, commercial, sports, cultural, entertainment, or recreational use project divided by the total number of employees, visitors, and customers.

21181. This chapter does not apply to a project if the Governor does not certify a project as an environmental leadership development project eligible for streamlining provided pursuant to this chapter prior to January 1, 2016.

21182. A person proposing to construct a leadership project may apply to the Governor for certification that the leadership project is eligible for streamlining provided by this chapter. The

person shall supply evidence and materials that the Governor deems necessary to make a decision on the application. Any evidence or materials shall be made available to the public at least 15 days before the Governor certifies a project pursuant to this chapter.

21183. The Governor may certify a leadership project for streamlining pursuant to this chapter if all the following conditions are met:

(a) The project will result in a minimum investment of one hundred million dollars (\$100,000,000) in California upon completion of construction.

(b) The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians, and helps reduce unemployment. For purposes of this subdivision, "jobs that pay prevailing wages" means that all construction workers employed in the execution of the project will receive at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code. If the project is certified for streamlining, the project applicant shall include this requirement in all contracts for the performance of the work.

(c) The project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(d) The project applicant has entered into a binding and enforceable agreement that all mitigation measures required pursuant to this division to certify the project under this chapter shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation.

(e) The project applicant agrees to pay the costs of the Court of Appeal in hearing and deciding any case, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the Rules of Court adopted by the Judicial Council pursuant to subdivision (f) of Section 21185.

(f) The project applicant agrees to pay the costs of preparing the administrative record for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.

21184. (a) The Governor may certify a project for streamlining pursuant to this chapter if it complies with the conditions specified in Section 21183.

(b) (1) Prior to certifying a project, the Governor shall make a determination that each of the conditions specified in Section 21183 has been met. These findings are not subject to judicial review.

(2) (A) If the Governor determines that a leadership project is eligible for streamlining pursuant to this chapter, he or she shall submit that determination, and any supporting information, to the Joint Legislative Budget Committee for review and concurrence or nonconcurrence.

(B) Within 30 days of receiving the determination, the Joint Legislative Budget Committee shall concur or nonconcur in writing on the determination.

(C) If the Joint Legislative Budget Committee fails to concur or nonconcur on a determination by the Governor within 30 days of the submittal, the leadership project is deemed to be certified.

(c) The Governor may issue guidelines regarding application and certification of projects pursuant to this chapter. Any guidelines issued pursuant to this subdivision are not subject to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

21185. On or before July 1, 2014, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for an environmental leadership development project certified by the Governor pursuant to this chapter or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, within 270 days of certification of the record of proceedings pursuant to Section 21186.

21186. Notwithstanding any other law, the preparation and certification of the administrative record for a leadership project certified by the Governor shall be performed in the following manner:

(a) The lead agency for the project shall prepare the administrative record pursuant to this division concurrently with the administrative process.

(b) All documents and other materials placed in the administrative record shall be posted on, and be downloadable from, an Internet Web site maintained by the lead agency commencing with the date of the release of the draft environmental impact report.

(c) The lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to, or relied on by, the lead agency in the preparation of the draft environmental impact report.

(d) A document prepared by the lead agency or submitted by the applicant after the date of the release of the draft environmental impact report that is a part of the record of the proceedings shall be made available to the public in a readily accessible electronic format within five business days after the document is released or received by the lead agency.

(e) The lead agency shall encourage written comments on the project to be submitted in a readily accessible electronic format, and shall make any comment available to the public in a readily accessible electronic format within five days of its receipt.

(f) Within seven business days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.

(g) Notwithstanding paragraphs (b) to (f), inclusive, documents submitted to or relied on by the lead agency that were not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright-protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five business days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index must specify the libraries or lead agency offices in which hardcopies of the copyrighted materials are available for public review.

(h) The lead agency shall certify the final administrative record within five days of its approval of the project.

(i) Any dispute arising from the administrative record shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief.

(j) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6.

21187. Within 10 days of the Governor certifying an environmental leadership development project pursuant to this section, the lead agency shall, at the applicant's expense, issue a public notice in no less than 12-point type stating the following:



“THE APPLICANT HAS ELECTED TO PROCEED UNDER CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE, WHICH PROVIDES, AMONG OTHER THINGS, THAT ANY JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH IN SECTIONS 21185 TO 21186, INCLUSIVE, OF THE PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.5 (COMMENCING WITH SECTION 21178) OF THE PUBLIC RESOURCES CODE IS INCLUDED BELOW.”

The public notice shall be distributed by the lead agency as required for public notices issued pursuant to paragraph (3) of subdivision (b) of Section 21092.

21188. The provisions of this chapter are severable. If any provision of this chapter or its application is held to be invalid, that invalidity shall not affect any other provision or application that can be given effect without the invalid provision or application.

21189. Except as otherwise provided expressly in this chapter, nothing in this chapter affects the duty of any party to comply with this division.

21189.1. If, prior to January 1, 2016, a lead agency fails to approve a project certified by the Governor pursuant to this chapter, then the certification expires and is no longer valid.

21189.2. The Judicial Council shall report to the Legislature on or before January 1, 2015, on the effects of this chapter, which shall include, but not be limited to, a description of the benefits, costs, and detriments of the certification of leadership projects pursuant to this chapter.

21189.3. This chapter shall remain in effect until January 1, 2017, and as of that date is repealed unless a later enacted statute extends or repeals that date.

Lisa M. Webber,  
Deputy Director of Planning



Luciralia Ibarra  
Project Coordinator



Luciralia Ibarra <Luciralia.Ibarra@lacity.org>

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**FW: E-Sheet Notification - Marathon Communications (LAT)**

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**Gabe Kramer** <gkramer@marathon-com.com>  
To: Luciralia Ibarra <Luciralia.Ibarra@lacity.org>  
Cc: "Nytzen, Michael" <michaelnytzen@paulhastings.com>

Mon, May 19, 2014 at 12:18 PM

Hi Luci,

Below is confirmation of the print posting for the ELP notification that ran this past Saturday.

Regards,

Gabe

—Original Message—

From: esheets@esheets-merlinone.com [mailto:esheets@esheets-merlinone.com]  
Sent: Saturday, May 17, 2014 5:09 AM  
To: Gabe Kramer  
Subject: E-Sheet Notification - Marathon Communications (LAT)

Good Morning! This email will allow you access to the Los Angeles Times electronic tearsheet program. Click on the link below for publication confirmation and tearsheet of the ad placed in today's newspaper.

<http://tearsheets.latimes.com/scripts/foxisapi.dll/sur.x.go?dFib29xRMf>

Los Angeles Times:  
05/17/2014:  
Marathon Communications / CU00297860 / CASE NO.: ENV-2013-2552-EIR

Thank You.

Search Results Ad Search: Pub Date: On: 05/17/2014 or Input on 05/17/2014 • Advertiser Account: CU00297860

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Hits:  1 to 2  of 2

<u>Date</u>	<u>Section</u>	<u>Page</u>	<u>Zone</u>	<u>Size</u>	<u>Insertion #</u>	<u>Ad #</u>	<u>Description</u>	<u>Advertiser</u>	<u>Agency</u>
2014/05/17	Legal	B005	WEST	6.0 x 1.0		<a href="#"><u>2393288-1</u></a>	CASE NO.: ENV-2013-2552-EIR	Marathon Communications	
2014/05/17	Legal	B005	EAST	6.0 x 1.0		<a href="#"><u>2393288-1</u></a>	CASE NO.: ENV-2013-2552-EIR	Marathon Communications	

Hits:  1 to 2  of 2



Luciralia Ibarra <Luciralia.ibarra@lacity.org>

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## Certificate of Posting

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**Gabe Kramer** <gkramer@marathon-com.com>  
To: Luciralia Ibarra <Luciralia.ibarra@lacity.org>  
Cc: "Nytzen, Michael" <michaelnytzen@paulhastings.com>

Fri, May 16, 2014 at 4:57 PM

And pictures, attached.

Thanks,

Gabe

Please note our new address below

---



**Gabriel Kramer** | Associate  
Marathon Communications | 5900 Wilshire Boulevard, Suite 1550, Los Angeles, CA, 90036 | Main:  
323.655.4660 | Fax: 323.655.6478 | gkramer@marathon-com.com | www.marathon-com.com

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### 5 attachments



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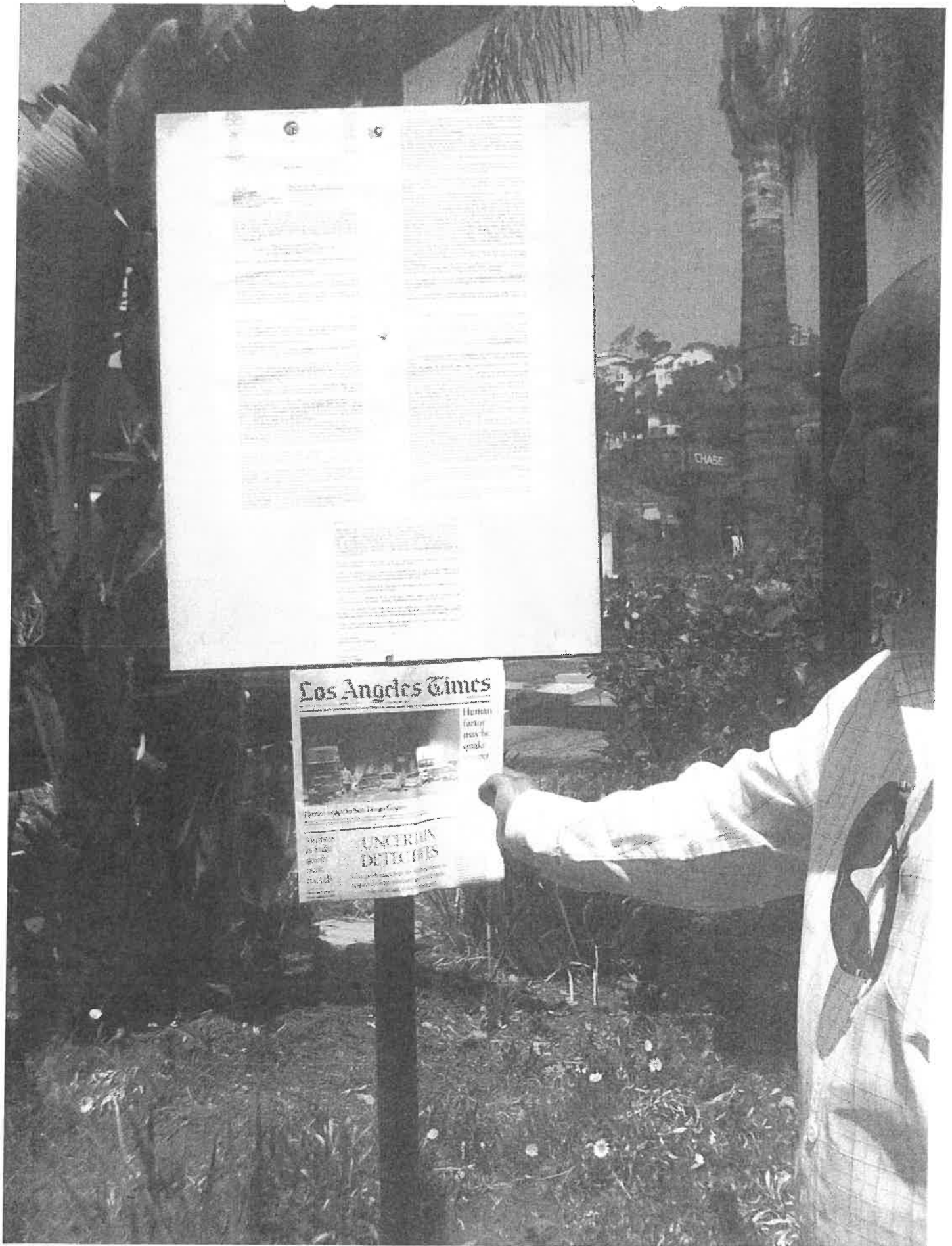
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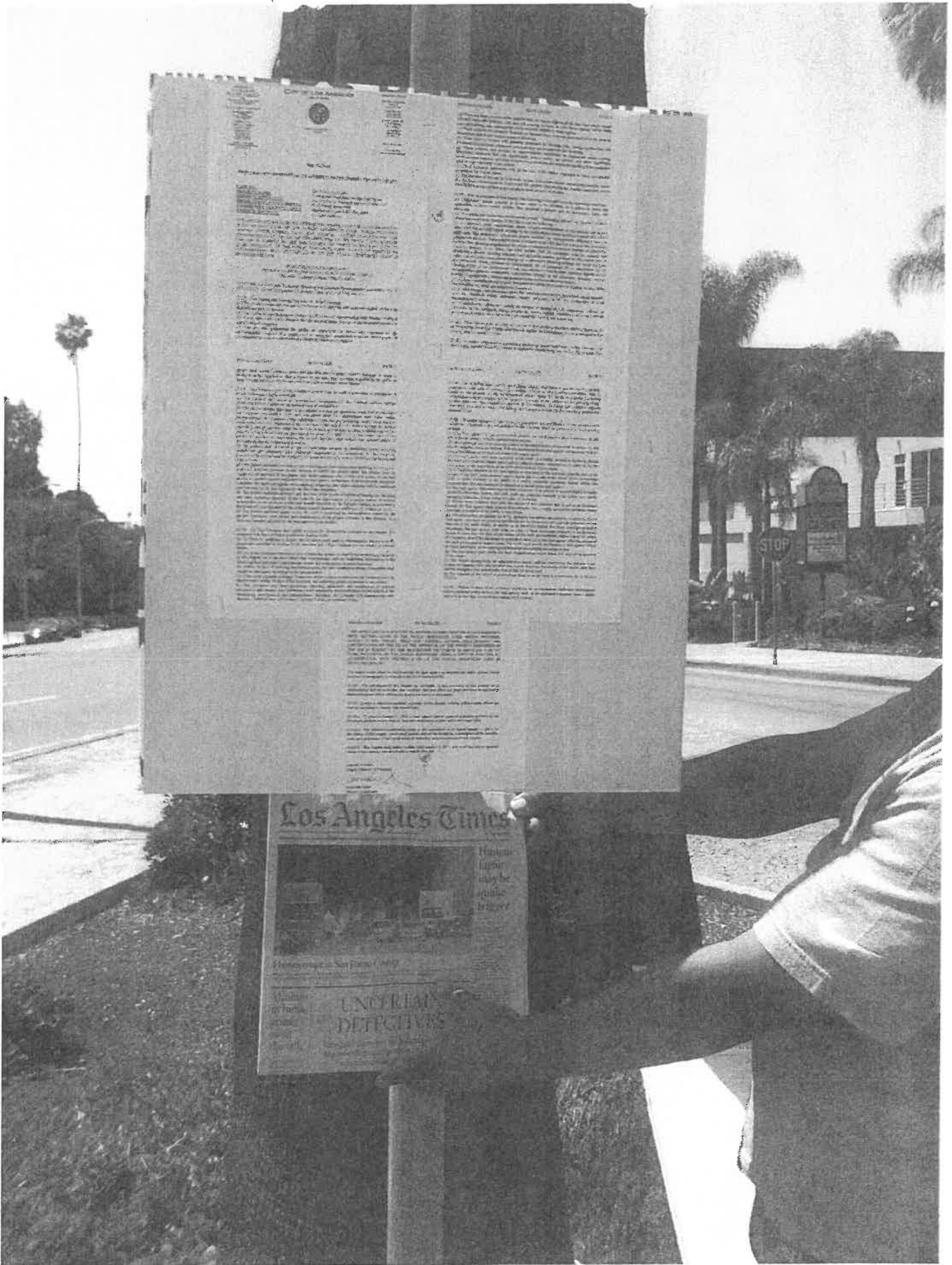
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Los Angeles Times



History repeats in San Francisco

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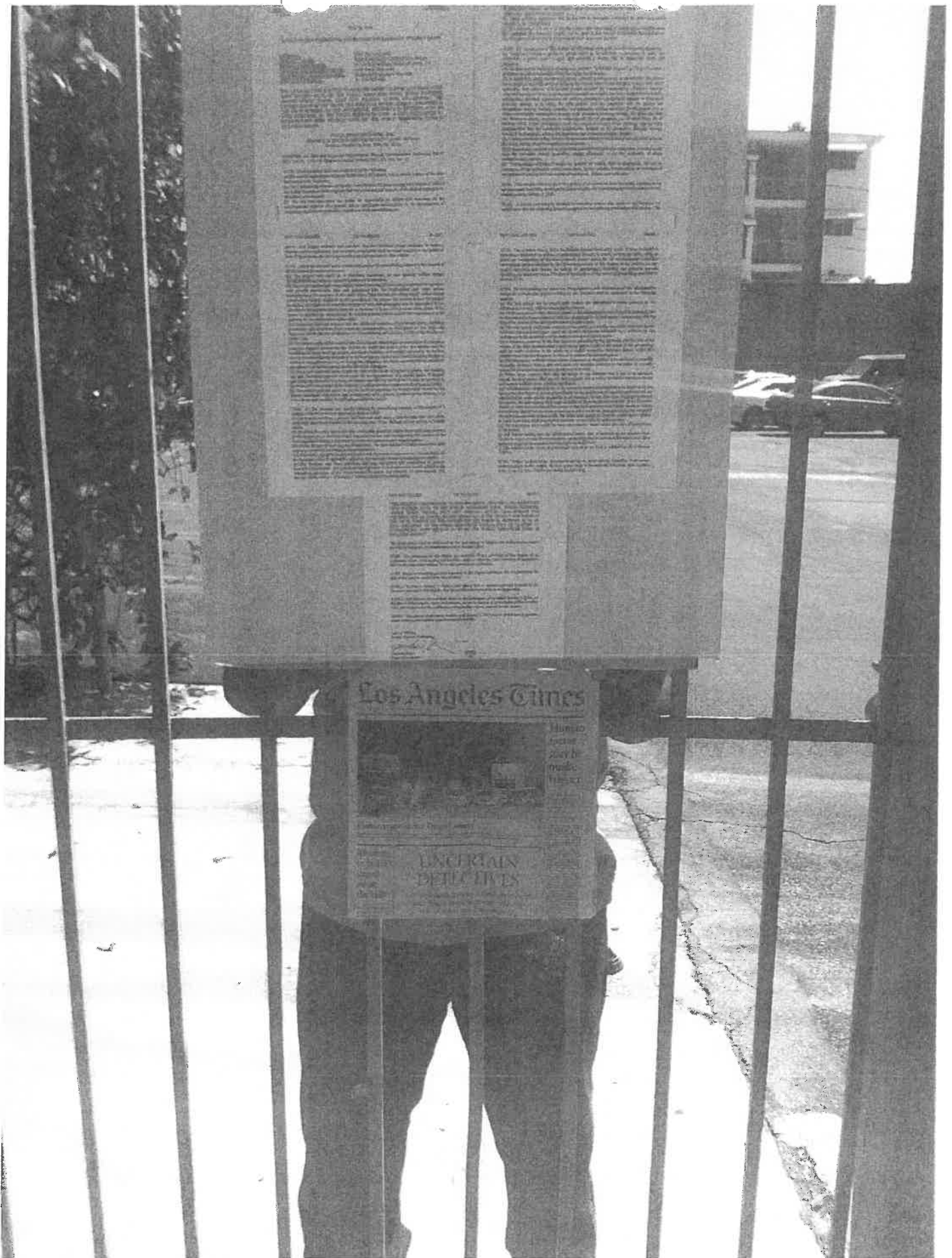
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# Joint Legislative Budget Committee

CHAIR  
**MARK LENO**

VICE CHAIR  
**NANCY SKINNER**

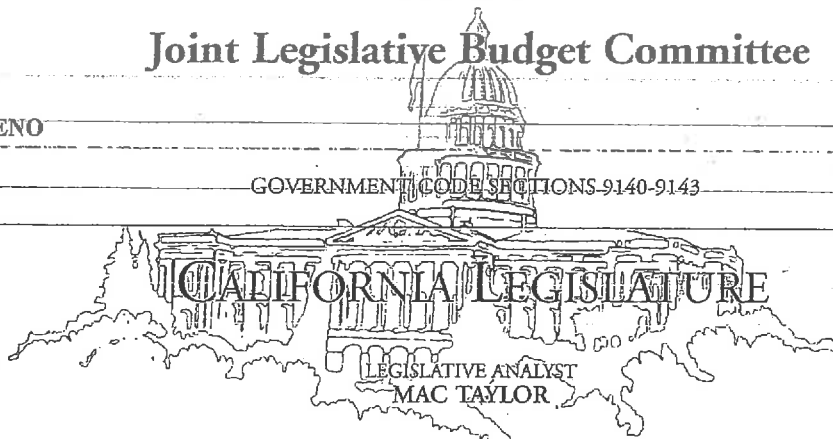
**SENATE**

KEVIN DE LEÓN  
JEAN FULLER  
ALEX PADILLA  
RICHARD ROTH  
MIMI WALTERS  
LOIS WOLK  
VACANT

GOVERNMENT CODE SECTIONS 9140-9143

**ASSEMBLY**

ROCKY CHÁVEZ  
WESLEY CHESBRO  
MIKE GATTO  
JEFF GORELL  
DIANE L. HARKEY  
REGINALD B. JONES-SAWYER  
VACANT



May 8, 2014

Ken Alex, Director  
Governor's Office of Planning and Research  
State of California  
1400 Tenth Street  
Sacramento, CA 95814

925 L STREET, SUITE 1000  
SACRAMENTO, CALIFORNIA 95814  
(916) 445-4656

Dear Mr. Alex:

On April 8, 2014, you informed me that Governor Brown has determined that the 8150 Sunset Boulevard project in Los Angeles County is eligible for streamlined judicial review for CEQA compliance under the Jobs and Economic Improvement Act of 2011 (AB 900).

AB 900 (Buchanan), Chapter 354, Statutes of 2011, was intended to encourage California's economic recovery by providing a streamlined CEQA review process for construction projects that qualify as an environmental leadership development project. While projects that meet the criteria set forth in AB 900 are eligible for streamlined CEQA review, it does not alter the requirements a project must meet under CEQA; diminish the ability of project opponents to raise issues or file actions under CEQA; or change the standards a court must consider in reviewing CEQA plans. All the rights and remedies available to parties to challenge a project are expressly protected under AB 900.

The Legislative Analyst's Office (LAO) has reviewed the project on behalf of the Joint Legislative Budget Committee and advises me that the project "aligns with the intent of AB 900". I have attached their analysis for your review.

Based on the information you have provided, and the subsequent review by the LAO, I do not object to your determination that this project meets the criteria set forth in Public Resources Code § 21178 et seq. However, I have received a number of communications in opposition to this project and I am forwarding those to you for your review.

Sincerely,

  
Mark Leno  
Chair

cc: Members of the Joint Legislative Budget Committee

Attachments



May 1, 2014

Hon. Mark Leno, Chair  
Joint Legislative Budget Committee  
Room 5100, State Capitol  
Sacramento, California 95814

Dear Senator Leno:

On April 8, 2014, the Office of Planning and Research notified you of the Governor's determination that the 8150 Sunset Project is eligible for the alternative California Environmental Quality Act (CEQA) review process authorized by Chapter 354, Statutes of 2011 (AB 900, Buchanan). Under AB 900, the Joint Legislative Budget Committee (JLBC) has 30 days to concur or not concur with the Governor's determination. As we discuss below, we think the 8150 Sunset Project aligns with the intent of AB 900, and we recommend that you concur with the Governor's determination.

### **Background**

**Summary of AB 900.** Assembly Bill 900 authorizes the Governor to review and certify submitted development projects for a streamlined judicial review process for CEQA compliance. This process is intended to allow projects to begin construction sooner by requiring that any legal challenge of a project's CEQA certification be referred to the state Court of Appeal and resolved within 175 days. In order to qualify for AB 900's alternative CEQA process, a project must meet a series of criteria outlined in the statute. For example, any project under AB 900 must result in a minimum investment of \$100 million, create high-wage jobs, and not result in net additional greenhouse gas (GHG) emissions, as determined by the California Air Resources Board (ARB). Additionally, a residential and/or commercial project—such as the proposed project—must meet additional requirements. Specifically, it must be located on an infill site, be designed to achieve Leadership in Energy & Environmental Design (LEED) silver certification, be consistent with the relevant regional sustainable communities strategy (SCS), and exceed by at least 10 percent the transportation efficiency for comparable projects.

**Description of Proposed Project.** The proposed 8150 Sunset Project is a mixed-use infill project. The project is proposed for a 2.56 acre site in the Hollywood area within the city of Los Angeles that is currently developed with roughly 80,000 square feet of commercial space. The proposed project would demolish this existing development and replace it with roughly 222,000 square feet of residential space (249 units) and 111,000 square feet of commercial space. The lead agency for the project is the city of Los Angeles and the estimated total project cost is \$200 million.

Legislative Analyst's Office  
California Legislature  
Mac Taylor • Legislative Analyst  
925 L Street, Suite 1000 • Sacramento CA 95814  
(916) 445-4656 • FAX 324-4281

### **Analyst's Comments**

The Governor certified that the 8150 Sunset Project meets AB 900's requirements and has provided supporting information to the JLBC. After reviewing these materials, we find that the project clearly meets many of the criteria set out in AB 900. Specifically, the supporting documents demonstrate that the project will result in greater than the minimum \$100 million investment, has received a determination from ARB that it will not result in any net additional GHG emissions, is on an infill site, and will be designed to achieve LEED silver certification.

We note, however, that some of the criteria in AB 900—job creation, SCS consistency, and transportation efficiency—are not clearly defined in the statute. As a result, while we believe the project is consistent with these requirements based on our interpretation of AB 900, it is possible that different reviewers could reach different conclusions. Thus, we discuss our understanding of these criteria and their application to this project below.

**Job Creation.** One condition of eligibility for the alternative CEQA process under AB 900 is that the "project creates high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians." This provision contains some requirements that the proposed project clearly meets. For example, the project will create construction jobs and the applicant has committed to paying prevailing wages. There is uncertainty, however, regarding how to interpret the requirement that the project generate permanent jobs. The applicant indicates that it expects the project to create over 300 jobs. However, it is difficult to verify this projection or determine with any certainty how many of these jobs would have existed without the project—for instance, within the existing development at the site or at nearby businesses. For that reason, consistent with our office's past practice, we interpret the statute to mean that the project must provide space for new permanent jobs (rather than the jobs themselves). Under that interpretation, we find that the project meets AB 900's permanent job requirements by creating roughly 30,000 square feet of additional commercial space (above the 80,000 square feet of commercial space that currently exists on the site).

**SCS.** Another condition of eligibility for the alternative CEQA process is that the project be consistent with the SCS covering the relevant region. In this case, the applicable SCS is the Southern California Association of Government's Regional Transportation Plan/SCS (SCAG's RTP/SCS). Since AB 900 does not specify how to determine consistency with the policies identified in the SCS, we interpret the statute as requiring that the project provide a reasonable justification for its consistency. The SCAG's RTP/SCS emphasizes goals and policies that encourage energy efficiency and promote land use and growth patterns that facilitate transit and non-motorized transportation. This project proposes an energy efficient design, includes transportation demand (TDM) programs to reduce vehicle trips, concentrates growth in an urban setting, and is located in an area with relatively robust transit service—characteristics that we believe are in keeping with the goals and policies of SCAG's RTP/SCS.

**Transportation Efficiency.** An additional condition for CEQA streamlining under AB 900 is that the project meet a 10 percent greater standard for transportation efficiency, meaning that the average number of vehicle trips by employees and visitors must be 10 percent less than that of a comparable facility. Assembly Bill 900 does not specify what data to use in measuring whether a project meets this level of transportation efficiency improvement or define the type of projects

that should be the basis of comparison. Accordingly, consistent with our office's past practice, we interpret this requirement to mean that the project must present a reasonable plan for achieving greater transportation efficiency than similar developments. The applicant indicates that, due to the project's location within a high-density and heavily developed area, the project is expected to benefit from high levels of "pass through traffic," which would reduce the vehicle trips it generates. Also, the applicant proposes various TDM programs, which are aimed at further reducing vehicle trips. Together, the applicant anticipates that these aspects of the project would enable it to reduce vehicle trips by roughly one-third compared to a mixed-use project in a suburban location without TDM. While not conclusive, we believe this represents a reasonable plan to reduce vehicle trips relative to other similar projects and thus aligns with AB 900's intent for greater transportation efficiency.

### Conclusion

In view of the above, we think the 8150 Sunset Project aligns with the intent of AB 900 and therefore recommend you concur with the Governor's determination.

If you have any questions about this analysis, please contact Helen Kerstein of my staff at (916) 319-8364 or [Helen.Kerstein@LAO.CA.GOV](mailto:Helen.Kerstein@LAO.CA.GOV).

Sincerely,



Anthony Simbol  
Deputy Legislative Analyst

cc: Members of the Joint Legislative Budget Committee



EDMOND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

April 8, 2014

Honorable Mark Leno, Chair  
Honorable Nancy Skinner, Vice-Chair  
Joint Legislative Budget Committee  
[add full address]  
Sacramento, CA 94249-0019

Re: 8150 Sunset, AB 900 Certified Project

Dear Senator Leno and Assemblywoman Skinner:

Governor Brown has determined that the 8150 Sunset Project in the City of Los Angeles is eligible for streamlined judicial review under the Jobs and Economic Improvement Act (AB 900), Public Resources Code section 21184. Pursuant to that provision, I am forwarding the Governor's determination to the Joint Legislative Budget Committee.

If you have any questions or comments, please do not hesitate to contact me or my staff.

Sincerely,

Ken Alex  
Director

**Executive Department**  
**State of California**

**GOVERNOR'S CERTIFICATION GRANTING STREAMLINING FOR THE 8150 SUNSET BLVD.  
PROJECT IN THE CITY OF LOS ANGELES**

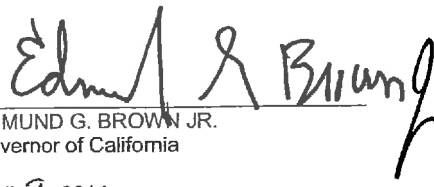
I, **EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the Jobs and Economic Improvement Act of 2011, Public Resources Code Sections 21178 et seq., make the following determinations:

The 8150 Sunset Blvd. Project, a \$200 million dollar mixed use residential/commercial redevelopment on a 2.56 acre site in Hollywood, will create new jobs, reduce energy usage and use clean energy, and promote infill development. A copy of the Project's Application, which contains information supporting this certification, is attached as Exhibit 1. All materials associated with this application are available online at [http://opr.ca.gov/s\\_californiajobs.php](http://opr.ca.gov/s_californiajobs.php).

1. Project Applicant: AG-SCH 8150 Sunset Boulevard Owner, L.P.
2. Project Description: A mixed use commercial/residential project located at 8150 Sunset Blvd., in Los Angeles, consisting of 249 apartment units (28 affordable housing) and 111,339 square feet of commercial retail and restaurant space in two buildings of 16 stories. The project will redevelop a 2.56 acre site on the Sunset Strip in Hollywood, and include a 9134 square foot public space and a 34,050 square foot central public plaza. Parking will be on site.
3. Lead Agency: City of Los Angeles
4. The project meets the criteria set forth in Public Resources Code section 21180(b)(1). It is
  - a. A mixed use residential/commercial project;
  - b. Designed to be eligible for LEED Silver certification;
  - c. Designed to achieve a 10-percent greater standard for transportation efficiency than for comparable projects (see Ex. 2); and
  - d. Located on an in-fill site.
5. The project is consistent with the Sustainable Communities Strategy for the Southern California region. (See Ex. 3.)
6. The size and scope of the project clearly establish that the project entails a minimum investment of \$100 million in California through the time of completion of construction.
7. The project applicant has provided information establishing that the prevailing and living wage requirements of Public Resources Code section 21183(b) will be satisfied. (See Ex. 1, pages 11-12.)
8. The project applicant has provided information establishing that the project will not result in any net additional greenhouse gas emissions, and the Deputy Executive Officer of the Air Resources Board has made the determination that the project does not result in any net additional greenhouse gas emissions. (See Application, and CARB Determination, dated March 27, 2014, attached as Ex. 4.)

9. The project applicant has provided documentation reflecting a binding agreement establishing the requirements set forth in Public Resources Code sections 21183(d), (e), and (f). (See Exhibit 5.) For this project, the applicant must ensure that the proposed travel demand management strategy (as set forth in the Project Application) is incorporated into the project or identified as mitigation for the project, and that the management strategy will be monitored and adjusted to ensure a ten percent reduction in motor vehicle trips.

Therefore, I hereby certify that the 8150 Sunset Blvd. Project is an eligible project under the Jobs and Economic Improvement Act of 2011, Public Resources Code Sections 21178 et seq.

  
EDMUND G. BROWN JR.  
Governor of California

April 8, 2014





# Air Resources Board



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**Mary D. Nichols, Chairman**  
1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)

**Edmund G. Brown Jr.**  
Governor

March 27, 2014

Mr. Ken Alex, Director  
Office of Planning and Research  
Office of Governor Edmund G. Brown, Jr.  
State Capitol, First Floor  
Sacramento, California, 95814

Dear Mr. Alex:

Pursuant to Assembly Bill 900, the Governor may certify certain projects for streamlining under the California Environmental Quality Act if certain conditions are met. One condition for the Governor's certification is that a project does not result in any net additional emissions of greenhouse gases (GHG), including GHG emissions from employee transportation, as determined by the Air Resources Board (ARB).

On January 29, 2014, the applicant's representative for the project known as the 8150 Sunset Boulevard Mixed Use Project (Sunset Blvd. Project) submitted to ARB information regarding the GHG emission estimates for its proposed project in Los Angeles, California. ARB staff conducted an analysis of the baseline and project related emissions and concluded that the Sunset Blvd. Project will not result in any net additional GHG emissions relative to the baseline.

I have enclosed an ARB Executive Order documenting our determination. ARB staff's evaluation of the Sunset Blvd. Project is included in Attachment A and the documentation submitted by the applicant's representative is included in Attachment B.

If you have any questions regarding ARB's evaluation or determination, please contact Mr. Kurt Karperos, Chief, Air Quality Planning and Science Division at (916) 322-5350 or [kkapero@arb.ca.gov](mailto:kkapero@arb.ca.gov).

Sincerely,

Richard W. Corey  
Executive Officer

Enclosures

cc: Mr. Kurt Karperos, Chief  
Air Quality Planning and Science Division

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Mr. Ken Alex, Director  
March 27, 2014  
Page 2

bcc: via email:

Christina Morkner-Brown, OLA  
Jon Taylor, AQPSD  
Joshua Cunningham, AQPSD  
Holger Sdun, AQPSD  
Terry Roberts, AQPSD

via hard copy:

EO Chron (2)  
AQPSD Chron

Assignment #9119 / #18462

X:\AB900\Sunset Blvd Mixed Use\ARB Determination\FINAL\Cover Letter to OPR

Enclosures:

X:\AB900\Sunset Blvd Mixed Use\ARB Determination\FINAL\EO for Sunset Blvd  
X:\AB900\Sunset Blvd Mixed Use\ARB Determination\FINAL\ARB Staff Evaluation  
X:\AB900\Sunset Blvd Mixed Use\ARB Determination\FINAL\Project Application

Sc# 2014011008



# Air Resources Board



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**Mary D. Nichols, Chairman**  
1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)

**Edmund G. Brown Jr.**  
Governor

February 6, 2010

**RECEIVED**

**FEB 10 2014**

**STATE CLEARING HOUSE**

Ms. Heidi Rous  
Vice President/Director  
PCR Services Corporation  
80 South Lake Avenue, Suite 570  
Pasadena, California 91101

Dear Ms. Rous:

This is in response to your letter dated January 29, 2014, requesting consideration of a methodology for evaluating the construction-related greenhouse gas emissions for the proposed development project known as 8150 Sunset Boulevard.

The Air Resources Board (ARB) staff has reviewed the methodology suggested in your letter and agree that it is appropriate for determining whether the project would result in net additional greenhouse gas emissions during the construction phase. This approach would compare the project's construction emissions to the baseline condition, on an annual basis.

ARB has received your official application for AB900 review for the 8150 Sunset Boulevard Mixed Use Project, also dated January 29, 2014, and we will proceed with our technical review of your application using this approach for construction-related greenhouse gas emissions.

Sincerely,

Kurt Karperos, Chief  
Air Quality Planning and Science Division

cc: See next page.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Printed on Recycled Paper

Ms. Heidi Rous  
February 6, 2010  
Page 2

cc: Scott Morgan  
Governor's Office of Planning and Research

Jonathan Taylor, Chief  
Transportation Planning Branch

Joshua Cunningham, Manager  
Transportation Systems Planning Section

**State of California  
AIR RESOURCES BOARD**

**EXECUTIVE ORDER G-14-023**

**Relating to Determination of Any Net Additional Greenhouse Gas Emissions  
Pursuant to Public Resources Code section 21183, subd. (c)**

**For 8150 Sunset Boulevard Mixed Use Project, Los Angeles, CA**

WHEREAS, in September 2011, Governor Brown signed Assembly Bill 900, "Jobs and Economic Improvement through Environmental Leadership Act" (AB 900);

WHEREAS, in accordance with the AB 900, the Governor may certify certain projects for streamlining under the California Environmental Quality Act (CEQA) if certain conditions are met;

WHEREAS, in accordance with California Public Resources Code section 21183, subdivision (c), one condition for the Governor's certification is that the project does not result in any net additional emission of greenhouse gases (GHGs), including GHG emissions from construction and operation of the project, as determined by the Air Resources Board (ARB);

WHEREAS, the Governor's Guidelines for applications for the CEQA streamlining require, for purposes of ARB's determination on GHGs, that an applicant submit electronically to ARB a proposed methodology for quantifying a project's net additional GHGs and documentation that the project does not result in any net additional GHGs;

WHEREAS, PRC Services Corporation (PRC), on behalf of the project applicant, submitted GHG documentation to ARB on the proposed 8150 Sunset Boulevard Mixed Use Project (Project) on January 29, 2014;

WHEREAS, the Application for Environmental Leadership Development Project (Application) for the Project submitted by PRC included the Project's estimated GHG emissions for the full occupancy baseline and estimated GHG emissions for the Project's operational and construction emissions;

WHEREAS, ARB staff conducted a technical evaluation of the GHG emission estimates submitted by PRC in the Application, and confirmed that the Application appropriately estimates the baseline and future emissions using appropriate data and methodology;

WHEREAS, based on ARB staff's evaluation, the Project will result in lower total GHG emissions from project construction and operations in 2015 and all future years than the full occupancy baseline GHG emissions;

WHEREAS, ARB's review, evaluation, and assessment of the Project's GHG emissions is for the limited purpose of the Governor's findings and certification under AB 900; ARB's determination is not in lieu of any findings or determinations required to be made by the lead agency or a responsible agency pursuant to any other requirement under state or federal law, including CEQA; the lead agency remains responsible for full compliance with CEQA for this project;

NOW, THEREFORE, based on ARB staff's evaluation of the Project's full occupancy baseline and future operational emissions (Attachment 1) and review of the application submitted by PRC (Attachment 2), I determine that the 8150 Sunset Boulevard Mixed Use Project will not result in any net additional greenhouse gas emissions pursuant to Public Resources Code section 21183(c).

Executed at Sacramento, California this 27<sup>th</sup> day of March 2014.

  
Richard W. Corey  
Executive Officer

Attachments

1. ARB Staff Evaluation
2. Project Application