

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2016-3412-VZC-HD-ZAA-SPR	ENV-2016-3413-MND	10
PROJECT ADDRESS:		
3600 Wilshire Boulevard		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
3600 Wilshire	(213) 788-3307	gldevlp757@gmail.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Matt Dzurec, Armbruster Goldsmith & Delvac, LLP	(310) 254-9052	matt@agd-landuse.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Heather Bleemers	(213) 978-1322	heather.bleemers@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Vesting Zone Change (VZC); Height District Change (HD)		

FINAL ENTITLEMENTS NOT ADVANCING:

Zoning Administrator's Adjustment (ZAA); Site Plan Review (SPR)

ITEMS APPEALED:

N/A

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☒ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other _____

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- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☒ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):

Please create Council File

FISCAL IMPACT STATEMENT:☒ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:**COMMISSION VOTE:**

April 11, 2024	8 – 0
LAST DAY TO APPEAL:	APPEALED:
June 26, 2024	N/A
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	June 27, 2024



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JUNE 6, 2024

Case No.: CPC-2016-3412-VZC-HD-ZAA-SPR
CEQA: ENV-2016-3413-MND
Plan Area: Wilshire

Council District: 10 – Hutt

Project Site: 3600 Wilshire Boulevard

Applicant: 3600 Wilshire, LLC
Representative: Matt Dzurec, Armbruster, Goldsmith & Delvac, LLC

At its meeting of **April 11, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of an 807 space parking structure and the construction, use and maintenance of two, 23-story mixed-use buildings with 760 dwelling units and 6,359 square feet of commercial uses with a total new floor area of 660,040 square feet. The site is also currently developed with a 22-story commercial building fronting on Wilshire Boulevard with approximately 385,520 square feet of floor area with retail uses on the ground floor and office tenants on the upper floors, which will remain. Upon completion, the Project's proposed uses would be located within two 23-story towers each reaching a maximum height of 268.5 feet built atop a common subterranean and four-story above grade podium structure with 660,040 square feet of floor area. Combined with the commercial office building to remain, the Site would contain 1,045,560 square feet of floor area. In addition, 1,294 vehicular parking spaces and 297 bicycle spaces would be provided (including for the existing uses).

1. **Found**, based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in Mitigated Negative Declaration, No. ENV-2016-3413-MND, adopted on February 26, 2024; and pursuant to CEQA Guidelines, Sections 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project;
2. **Approved and Recommended** that the City Council **adopt**, pursuant to Section 12.32 Q of the Los Angeles Municipal Code (LAMC), a Vesting Zone and Height District change from C4-2 and PB-1 to (T)(Q)C4-2;
3. **Approved**, pursuant to LAMC Section 12.28, a Zoning Administrator's Adjustment to allow the calculation of the project's buildable area to be based on gross lot area;
4. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates or results in an increase of 50 or more dwelling units for a total of 760 dwelling units;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Noonan
Second: Gold
Ayes: Cabildo, Choe, Mack, Newhouse, Lawshe, Zamora

Vote: 8 – 0

Cecilia Lamas

Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission as it relates to the Vesting Zone Change and Height District Change is appealable by the Applicant only if disapproved in whole or in part by the Commission. The decision of the Los Angeles City Planning Commission, regarding the remaining approvals, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012 or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

FINAL APPEAL DATE: JUNE 26, 2024

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Zone Change Ordinance, Map, Conditions of Approval, Findings, Appeal Filing Procedure

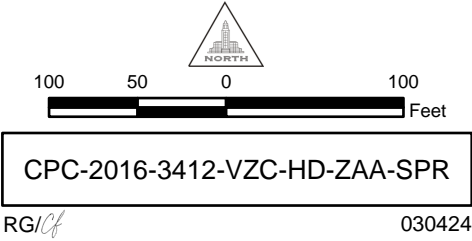
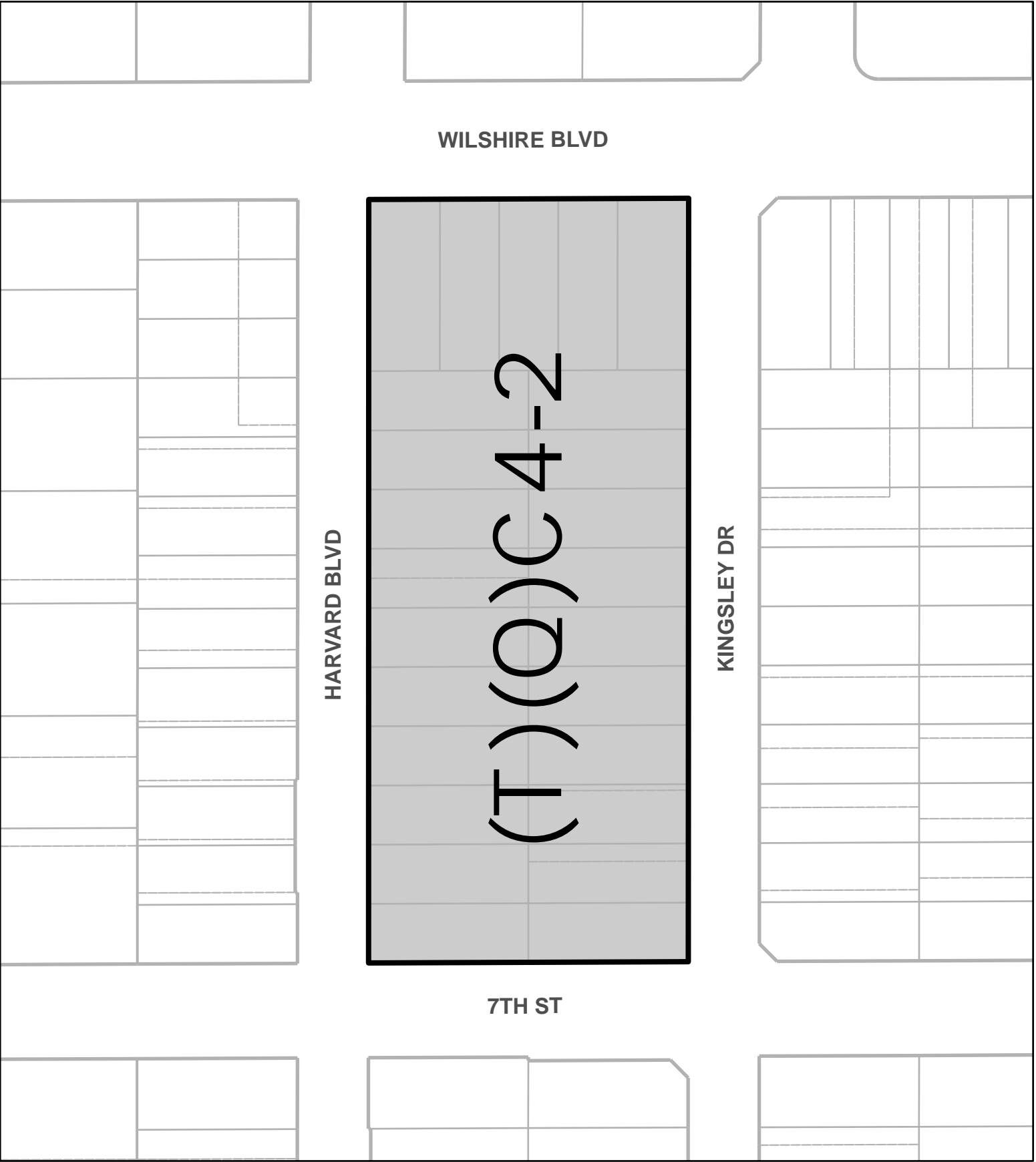
cc: Heather Bleemers, Senior City Planner

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

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

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:



QUALIFIED (Q) CONDITIONS

Pursuant to LAMC Section 12.32 G, the following limitations are hereby imposed upon the use of the project site, subject to the "Q" Qualified Classification:

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated February 13, 2024, except as may be revised as a result of this action.
2. **Use.** The use and area regulations for the new development on-site shall be developed for the uses as permitted in the C4 Zone as defined in LAMC Section 12.16, except as modified by the conditions in CPC-2016-3412-VZC-HD-ZAA-SPR or any subsequent action. The site may be developed with commercial and residential uses allowed and in accordance with the density and all other development standards of the C4 and R4 zones.

“D” Development Limitations

Pursuant to Section 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development Limitations.

1. **Height.** The height of the proposed project shall not exceed 268.5 feet and 23 stories. Certain exceptions may apply for roof structures and elevator shafts, pursuant to LAMC Section 12.21.1, and to the satisfaction of the Department of Building and Safety.
2. **Floor Area.** The total new floor area permitted on the project site shall not exceed 660,040 square feet. Combined with the commercial office building to remain, the total floor area on the site shall not exceed 1,045,560 square feet.
3. **Floor Area Ratio (FAR).** The proposed project shall not exceed a floor area ratio of 6:1.

CONDITIONS FOR EFFECTUATING TENTATIVE (T) CLASSIFICATION REMOVAL

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedications and Improvements. Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary). Dedications and improvements herein contained in these conditions which are in excess of street improvements contained in either the Mobility Element 2035 or any future Community Plan amendment or revision may be reduced to meet those plans with the concurrence of the Department of Transportation and the Bureau of Engineering.

1. Dedications and Improvements. Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the project site shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary). Dedications and improvements herein contained in these conditions which are in excess of street improvements contained in either the Mobility Element 2035 or any future Community Plan amendment or revision may be reduced to meet those plans with the concurrence of the Department of Transportation and the Bureau of Engineering:

A. Dedications Required

1. That a 3-foot-wide strip of land be dedicated along 7th Street adjoining the tract to complete a 43-foot wide half right-of-way in accordance with Avenue II Standards of LA Mobility Plans. Dedicate 20-foot radius property line return or 15-foot property line cut corners at intersections with Kingsley Drive and Harvard Boulevard.
2. That a 3-foot-wide strip of land be dedicated along Harvard Boulevard adjoining the tract to complete a 33-foot wide half right-of-way in accordance with Collector Street Standards of LA Mobility Plans. That the existing office building remain will not allow for a standard cut corner at intersection with Wilshire Boulevard, therefore a Certified Survey Plan be submitted showing variable width cut corner for the final map process.
3. That the existing office building to remain will not allow for a standard cut corner at intersection of Wilshire Boulevard and Kingsley Drive, therefore a Certified Survey Plan be submitted showing variable width cut corner for the final map process.

4. That the applicant/subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
5. That the owners of the property records an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed air space lots use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and safe conditions for use at all times.
6. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
 - a. Plan view at different elevations
 - b. Isometric views
 - c. Elevation views
 - d. Section cut at all locations where air space lot boundaries change.
7. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
8. That any fee deficit under Work Order No. EXT00707 expediting this project be paid.
9. That no portion of the proposed development above or below grade shall encroach within the existing or proposed right-of-ways unless a revised map has been submitted for review and approval by the City Engineer.

B. Improvements Required

- (1) Improve 7th Street being dedicated and adjoining the subdivision by the construction of a new 15-foot-wide concrete sidewalk with tree wells, including any necessary removal and reconstruction of existing improvements.
- (2) Improve Harvard Boulevard being dedicated and adjoining the subdivision by the construction and a new 13-foot-wide concrete sidewalk with tree wells, including any necessary removal and reconstruction of existing improvements.
- (3) Improve all newly dedicated cut corners with additional concrete sidewalks.

Note: Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

2. **Street Lighting.** Prior to the recordation of the final map, Street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment.
3. **Recreation and Parks.** Per Section 12.33 of the Los Angeles Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.

CONDITIONS OF APPROVAL

Pursuant to Sections 16.05, 12.28, and 12.24 of the LAMC, the following conditions are hereby imposed upon the use of the project site:

Development Conditions

- 1 **Site Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated February 13, 2024, except as may be revised as a result of this action.
- 2 **Use.** The Project shall be limited to two 23-story, maximum 268.5-foot-high mixed-use buildings with 760 dwelling units and 6,359 square feet of commercial space with a total floor area of 660,040 square feet.
- 3 **Parking.** Automobile parking shall be provided consistent with the LAMC and/or Assembly Bill (AB) 2097. A greater number than the minimum required may be provided at the applicant's discretion. In the event that the number of On-Site Restricted Affordable Units should increase, or the composition of such units should change, then no modification of this determination shall be necessary, and the number of vehicle parking spaces shall be re-calculated consistent with LAMC Section 12.22 A.25.
- 4 **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
- 5 **Bicycle Parking.** On-site bicycle parking shall be provided in accordance with LAMC Sections 12.21 A.16(a)(1)(i) and 12.21 A.16(a)(2).
- 6 **Voluntary On-Site Restricted Affordable Units.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 38 units available to Low Income Households and 38 units available to Moderate Income Households, or equal to 10 percent of the project's proposed residential density, based on LAHD Land Use Schedule I, for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted provided that five (5) percent of the total units are reserved for Low Income Households and (5) percent of the total units are reserved for Moderate Income Households, to the satisfaction of LAHD. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall submit a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD.

Site Plan Review Conditions

6. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval. The project shall minimize the number of curb cuts on the subject property, to the satisfaction of LADOT.

7. **Pedestrian access.** Pedestrian access shall be provided along Harvard Boulevard, 7th Street, and Kingsley Drive.
8. **Sustainability.**
 - a. Solar - The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
 - b. Prior to the issuance of the Certificate of Occupancy, the applicant shall install solar panels on fifteen percent of the rooftop space and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
9. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape development plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
10. **Trees.** Except as additionally conditioned herein, a submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." Proposed trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting.
11. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall) and shall be consistent with LADWP access requirements.
12. **Signage.** On-site signs shall be limited to the maximum allowable under the Los Angeles Municipal Code and shall be in substantial conformance with those shown in Exhibit A, which shall be of an identifying nature only, shall not be of a flashing or animated type, and shall be arranged and located so as not to be a distraction to adjacent residential zones or uses.
13. **Exterior or Roof Structures.** Any structures on the roof, such as air conditioning units and other mechanical equipment, shall be fully screened (with such screening material incorporated in the design of the project) from view from any abutting properties and set back as far as possible from residential property lines and sound proofed.
14. **Lighting** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
15. **Building Materials.** A variety of high-quality exterior building materials, consistent with the approved Exhibit "A" plans, shall be used. Substitutes of an equal quality shall be permitted to the satisfaction of the Department of City Planning.
16. **Trash Collection and Deliveries (Vehicle Loading and Unloading).** Trash pick-up, compacting, loading and unloading and receiving deliveries shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday. No trash

collection or deliveries shall occur on Sunday. All deliveries shall occur so as not to be visible from adjacent residential properties.

Environmental Conditions – Mitigation Measures

Air Quality

- MM-1. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards, where available, to reduce NO_x, PM₁₀, and PM_{2.5} emissions at the project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
- MM-2. To minimize fugitive dust emissions from material movement and from haul trips with an empty load, import and export of soils during the grading phases shall be phased such that a round trip haul truck will include export and import of soils.

Noise

- MM-3. All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA.
- MM-4. All construction areas for staging and warming-up equipment shall be located as far as feasible from Emmaus Village Church and 7th Street Residences.
- MM-5. Portable noise sheds for smaller, noisy equipment such as air compressors, dewatering pumps, and generators shall be provided as feasible.
- MM-6. Temporary sound barriers capable of achieving a sound attenuation of at least 10 dBA shall be erected to obstruct line of sight noise travel from the project site to Emmaus Village Church and 7th Street Residences.
- MM-7. When operating along 7th Street, concrete pumping trucks and concrete mixing trucks shall be shielded by temporary sound barriers to obstruct line of sight noise travel between these vehicles and 7th Street Residences. These barriers shall be capable of attenuating noises from concrete pumping activities by at least 10 dBA. Additionally, these vehicles shall maintain a distance of no less than 65 feet from residences along 7th Street while operating simultaneously in tandem.
- MM-8. When operating along Harvard Boulevard, concrete pumping trucks and concrete mixing trucks shall be shielded by temporary sound barriers to obstruct line of sight noise travel between these vehicles and Emmaus Village Church. These barriers shall be capable of attenuating noises from concrete pumping activities by at least 10 dBA. Additionally, these

vehicles shall maintain a distance of no less than 65 feet from Emmaus Village Church while operating simultaneously in tandem.

A. **Administrative Conditions**

18. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
19. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
20. **Notations on Plans.** Plans submitted to the Department of Building and Safety for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
21. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
22. **Code Compliance.** All area, height and use regulations of the zone classification of the project site shall be complied with, except wherein these conditions explicitly allow otherwise.
23. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
24. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
25. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.

26. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
27. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

A. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

Zone Change, Height District Change, and “T” “Q” and “D” Classification Findings

- 1. Pursuant to Section 12.32 C of the LAMC, the zone change and height district change is in conformance with the public necessity, convenience, general welfare, and good zoning practice.**

The project proposes to change the land use designation, zoning, and height of the project site from the C4-2 and PB-1 Zone to the [Q]C4-2 Zone. This request will create a uniform zone for the entire project site. It will enable the development of the project and is in conformance with public necessity, convenience, general welfare, and good zoning practice.

Public Necessity

The project involves the demolition of an 807-space parking structure and the construction, use and maintenance of two, 23-story mixed-use buildings with 760 dwelling units and 6,359 square feet of commercial uses with a total new floor area of 660,040 square feet. The site is also currently developed with a 22-story commercial building fronting on Wilshire Boulevard with approximately 385,520 square feet of floor area with retail uses on the ground floor and office tenants on the upper floors, which will remain.

Upon completion, the Project's proposed uses would be located within two 23-story towers each reaching a maximum height of 268.5 feet built atop a common subterranean and four-story above grade podium structure with 660,040 square feet of floor area. Combined with the commercial office building to remain, the Site would contain 1,045,560 square feet of floor area. 1,294 vehicular parking spaces and 297 bicycle spaces would be provided (including for the existing uses).

The Site specifically comprises the city block bounded by Wilshire Boulevard on the north, Kingsley Drive on the east, 7th Street on the south, and Harvard Boulevard on the west and contains 174,260 square feet of lot area (4 acres).

The Site is located in the Wilshire Center Regional Center as identified in the Wilshire Community Plan. The Wilshire Center is approximately 100 acres in size and includes a dense collection of high-rise office and residential buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high-rise and low-rise apartment buildings. The Regional Center includes Wilshire Boulevard in the eastern central portion of the Plan Area and is generally bounded by 3rd Street on the north, 8th Street on the south, Hoover Street on the east, and Wilton Place on the west.

The Site is located along Wilshire Boulevard which is developed with a substantial number of mid-rise and high-rise buildings, generally with minimal setbacks or setbacks that increase the sidewalk width along the boulevard and some with ground floor shops and services. This highly urbanized section of Wilshire experiences considerable pedestrian activity and is supported by the Metro's subway service. The site is located four blocks from Metro's station stop at Wilshire and Western.

By locating the proposed mixed-use development close to job centers, and shopping areas, the proposed project will facilitate new opportunities for business, increased interaction with

the community, bringing more people onto the street and providing more customers for existing and future local businesses in the area. Construction of the proposed mixed-use project will create temporary construction jobs, and permanent jobs will be created during operation of the proposed residential and commercial space.

The proposed mixed-use project promotes community revitalization by helping to ensure that the Wilshire community continues to attract new businesses and economic development in the area in accordance with the goals and requirements the zoning and land use designation on the site. The implementation of best management practices such as a construction management plan and compliance with all regulatory measures and requirements of other City agencies will ensure that the project will minimize any potential impacts while providing for the public necessity.

Convenience

The development of new complementary residential and retail uses along with the existing office uses at the subject property will advance specific overarching planning objectives set forth in the Framework Element of the General Plan, including the establishment of a “[m]ixed use center that provide[s] jobs, entertainment, culture, and serve[s] the region” and meeting the demand for housing adjacent to the jobs rich Wilshire Center area.

The Project would contribute to the existing diversity of uses in the Wilshire Center by providing new residential and commercial uses within the area’s high-density core. The Project would enhance the synergistic development of Wilshire Center as a Regional Center and enhance the area as a walkable community by developing residential uses as well as retail uses, job opportunities, and amenities in an area that is already a mature employment hub.

The continuing introduction of residential uses within the commercial core of the Wilshire Center, which is promoted by the various land use plans for the area, would serve to create an integrated development where new residents would have easy access to a range of commercial uses and jobs nearby. The housing units proposed at the subject property would be located within this core area together with a mix of commercial uses that include retail uses.

The Project’s retail uses along Harvard, 7th Street, and Kingsley will enhance pedestrian connectivity and are consistent with Framework Element Policy 3.10.3, which calls for Regional Centers to promote “high-activity areas in appropriate locations that are designed to introduce pedestrian activity.”

The Project is an infill development that conforms to the Transportation Element’s policies and objectives with respect to location of density near transit, promotion of transit usage, creation of economic development in proximity to transit centers, pedestrian friendly and walkable neighborhoods.

The Project reduces vehicular trips and congestion with the development of high-density mixed-use development with housing in a Regional Commercial Center in close proximity to several major transportation options. The Project is located four blocks west of the Wilshire/Western Purple Line Metro Station. Five Metro bus lines (Route 18, 20, 207, 710, 720, 757), two DASH (Wilshire Center/Koreatown and Hollywood/Wilshire), one Foothill

Transit (Route 481), and one Big Blue Bus (Route R7) bus routes provide service within ¼ mile of the Project site along Wilshire Boulevard. In addition, Wilshire Boulevard has east-west dedicated bus lanes. In addition, the Project would include 297 bicycle spaces. The provision of a mix of residential, retail and office uses will allow residents and office tenants to walk to a variety of on- and off-site amenities and will assist in reducing vehicle miles traveled. Thus, the Project fulfills the Framework goal of concentrating density and mixed use development along transit corridors to encourage multi-modal transportation and reduced vehicular trips. Therefore, the project will support and enhance public convenience.

General Welfare

The mixed-use hotel project represents an urban infill development which will result in a moderate increase in intensity of use and scale. Such developments are desirable and encouraged in centrally located and heavily urbanized neighborhoods such as that surrounding the project site and promote sustainable development and good planning practice. The project has also fully analyzed all potential environmental impacts and the implementation of best management practices such as a construction management plan and compliance with all regulatory measures and requirements of other City agencies will ensure that the project will minimize any potential impacts. The project is a desirable use in an area designated for such uses and will provide a valuable service, and conditions have been imposed to minimize potential impacts on the community; therefore, the project supports the general welfare of the community.

Good Zoning Practice

The proposed Vesting Zone Change from C4-2 and PB-1 to [Q]C4-2 would create a unified zone on the subject site consistent with the Regional Commercial Center designation and would facilitate the development of a transit-oriented, high-density mixed-use development with 760 residential units and commercial uses located near the Metro station at Wilshire and Western. The new residential and commercial uses would complement the existing office building on the subject site and create a synergistic, well-balanced mix of uses.

The Community Plan identifies opportunities for mixed-use developments such as the proposed Project in the Wilshire Center to encourage pedestrian activity, reduce traffic circulation and congestion, and invigorate commercial areas. In addition, the Project meets to Community Plan's planning goals and objectives by providing variety of housing options, improving the function, design and economic vitality of commercial areas with new commercial uses that will complement the existing office use, maximizing development opportunities around the Metro station, and enhancing the community's job-producing economic base. Therefore, the request substantially complies with good zoning practice.

Tentative "T" Qualified "Q" and D Classifications

The current action, as recommended, has been made contingent upon compliance with new "T", "Q" and D conditions of approval imposed herein for the proposed project. As recommended, the Zone Change has been placed in temporary "T" and "Q" Classifications to ensure consistency with the zone and height district change to C4-2. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site.

The “Q” Conditions limit the scale and scope of future development on the site and require that the applicant adhere to various development, design, and operational considerations; these are all necessary to protect the best interests of the community and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

The D Classifications restrict the development’s height and floor area, specific to the instant request and approval. Therefore, the imposition of the included “T”, “Q” and D Conditions herein are in conformance with the public necessity, convenience, general welfare, and good zoning practice.

Zoning Administrator Adjustment Findings

For an adjustment from the zoning regulations to be granted, all three of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application on the relevant facts of the case to same:

- 2. While the site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The Site’s pre-dedication lot area is 174,260 square feet, which allows a by-right floor area of 1,045,560 square feet based on the proposed change to Height District 2 for a 6:1 FAR. However, solely due to the fact that the Applicant is seeking a Vesting Tentative Tract Map (VTT), the City has determined that the post-dedication lot area (here, 171,298 square feet) must be used, which results in a by-right floor area of 1,027,788 square feet.

This reduction in allowable floor area – for the exact same type of mixed-use project, on the exact same site – is a result of the City’s interpretation and application of the LAMC, and not due to any difference whatsoever between the development envelope of the Project as proposed, and the Project without an accompanying VTT. Accordingly, the granting of an adjustment to increase the Project’s floor area from 1,027,788 square feet to 1,045,560 square feet– an increase of less than 2 percent, which is well below the 20 percent threshold for adjustments – would be consistent with the intent of the LAMC’s floor area and development regulations.

- 3. In light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The Wilshire Center is an intensively developed urban community that serves as a major employment and residential hub in the City. It is characterized by a mix of office, retail, hotel, restaurant, and residential uses in a contemporary, mid-rise and high-rise setting. Several high-rise buildings are developed in the area.

The Project Site is currently developed with a 22-story commercial building fronting on Wilshire Boulevard with approximately 385,520 square feet of floor area with retail uses on the ground floor and office tenants on the upper floors, and a two-level parking structure containing 807 parking spaces located to the rear. The Project proposes to demolish the parking structure while the commercial building would remain. The Project proposes to construct two 23-story towers each oriented north to south along Harvard Street and east to west along 7th Street. The proposed height of the building is consistent with the height and scale already on the site and within the broader Wilshire Center core. The two blocks east of the Site are developed with four high-rise commercial and residential buildings 18 to 22-stories in height with structured parking. To the south along 7th Street are low and mid-rise multi-family residential buildings ranging in height from 5 to 13-stories. The block to the west of the Site includes a 12-story commercial building, a parking lot, and several 2 to 3-story commercial buildings. The scale, massing and materiality are modulated to a human scale with a controlled palette of timeless materials. The podium levels are clearly defined to reinforce the streetscape scale comprised of retail space, building entrances, and resident amenity spaces. The tower facades are modulated, detailed and layered on all sides to eliminate long expanses of singular material.

The Project strengthens the street wall along Harvard, 7th, and Kingsley by holding the street edge and includes visually prominent and sheltered ground floor entries. Ground floor retail and resident amenity spaces are transparent and directly accessible from the street. Pedestrian access is enhanced by activating the ground floor with entries, retail, amenity space and bicycle parking, and by locating drop off areas within the site. Parking levels above ground are concealed by varying screens and materials, and curb cuts for driveways are minimized and located on the side streets.

Landscape and open spaces are located throughout the buildings and feature rooftop pool and gardens and private exterior balconies in the majority of the units. The Project would maintain the existing Jacaranda street trees, add landscaping at the street level, and introduce shade tree structures to protect and shield parking on the podium deck.

The Project would include 1,294 vehicle parking spaces within two subterranean and three above grade level which meets the parking requirements set forth by the LAMC after taking by-right reductions for bicycle parking. Parking levels above ground are concealed by varying screens and materials.

Vehicular access for the commercial components of the Project, including the existing office uses, would be from Kingsley Drive via one driveway located near the existing building. Residential access would be providing by two driveways on the southern portion of the Site, one located on Kingsley Drive and the other along Harvard Boulevard. The driveways would provide two-way ingress and egress vehicular access to the Project Site. Further, there would be no vehicular access off of Wilshire or 7th Street. Furthermore, in compliance with the LAMC, approximately 297 bicycle parking spaces would be provided, including 29 short-term spaces.

Lighting would include low-level exterior lights adjacent to the public street for security and way-finding purposes. In addition, low-level lighting to accent architectural features and landscaping elements would also be incorporated throughout the site. Trash and recycling collection areas would be provided with the enclosed parking structure and hidden from public view. Loading areas are proposed within the enclosed parking structure.

A mitigated negative declaration (MND) is being prepared for the Project, and through the imposition of required mitigation measures described in the MND, the Project is not anticipated to have a significant effect on the environment. Therefore, the project as a whole as designed, including any mitigation measures imposed, will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

4. The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.

The project is in substantial conformance with the purposes, intent and provisions of the General Plan and the applicable community plan. The City of Los Angeles General Plan outlines goals, objectives, and procedures to provide a roadmap for land use policies that aims to meet the existing and future development of the community, while incorporating state-mandated elements. The Framework Element is a comprehensive long-range growth strategy for the City that defines citywide policies regarding pertinent issues including land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. Additionally, the Framework Element functions as a vital tool in determining the merits of the project in relation to the subject site's land use designation and the surrounding area compared to the established goals of the City.

The subject property is in the Wilshire Community Plan Area and has a Regional Center Commercial land use designation. The community plan aims to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social, and physical health, safety, welfare, and convenience of the community, within the larger framework of the City, and guide the development, betterment, and change of the community to meet existing and anticipated needs and conditions.

The project is consistent with the following goal, objectives, and policies of the Framework Element:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1.

Policy 3.1.5: Identify areas on the Long-Range Land Use Diagram and in the community plans sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, educational, health, services,

recreation, and similar uses), provide job opportunities, and support visitors and tourism.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services, and the residents' quality of life can be maintained or improved.

Policy 3.7.1 Accommodate the development of multi-family residential units in areas he community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.

Policy 3.7.4 Improve the quality of new multi-family dwelling units based on the standards in Chapter 5 Urban Form and Neighborhood Design Chapter.

The request is consistent with the following objective of the Wilshire Community Plan:

Goal 1: Provide a safe, secure, and high-quality residential environment for all economic, age, and ethnic segments of the Wilshire community.

Objective1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

Policy 1-1.1: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life.

Policy 1-1.3: Provide for adequate Multiple Family residential development.

Objective 1-2: Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.

Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.

Objective 1-3: Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policy 1-3.1: Promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods.

Objective 1-4: Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.

Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.

Policy 1-4.2: Ensure that new housing opportunities minimize displacement of residents.

Policy 1-4.3: Encourage multiple family residential and mixed-use development in commercial zones.

Goal 2: Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire community through well-designed, safe and accessible areas, while preserving historic and cultural character.

Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.1: New commercial uses should be in existing established commercial areas or shopping centers.

Policy 2-1.2: Protect existing and planned commercially zoned areas, especially in Regional Commercial Centers, from encroachment by standalone residential development by adhering to the community plan land use designations.

Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.

Policy 2-2.2: Encourage large mixed-use projects to incorporate facilities beneficial to the community such as libraries, child care facilities, community meeting rooms, senior centers, police sub-stations, and/or other appropriate human service facilities as part of the project.

Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first-floor street frontage of structures, including mixed use projects located in Neighborhood Districts.

Objective 2-3: Enhance the visual appearance and appeal of commercial districts.

Policy 2-3.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.

The project and the adjustment will result in the production of new housing opportunities. It will help meet the needs of the City, while ensuring a range of different housing types that will address the particular needs of the city's households and increase the availability of housing within the city by providing greater individual choice in housing type, quality, price and location and the opportunity for homeownership. The adjustment will ensure that the project will be compatible with the surrounding uses and the context of the site and its physical characteristics. The granting of the adjustment will allow for a project that is designed to be compatible in scale and enhances the character of the built environment in the surrounding neighborhood, which includes multiple high-rise buildings. With the approval of the associated Case No. VTT-74412 the project will be in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.

Site Plan Review Findings

5. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

The subject property is located within the Wilshire Community Plan area which was updated by the City Council on September 19, 2001. The subject site is within the Wilshire Center Regional Commercial Center and designed Regional Center Commercial by the Community Plan Map.

The Wilshire Center Regional Commercial Center is approximately 100 acres in size. It includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high-rise and low-rise apartment buildings. The Regional Commercial Center includes Wilshire Boulevard in the eastern central portion of the Plan Area and is generally bounded by 3rd Street on the north, 8th Street on the south, Hoover Street on the east, and Wilton Place on the west.

The site is located along Wilshire Boulevard which is developed with a substantial number of mid-rise and high-rise buildings, generally with minimal setbacks or setbacks that increase the sidewalk width along the boulevard and some with ground floor shops and services. This highly urbanized section of Wilshire experiences considerable pedestrian activity and is supported by the Metro's subway service. The site is located four blocks from Metro's station stop at Wilshire and Western.

The subject site is also within a Mixed-Use Boulevard and the Community Plan encourages cohesive commercial development integrated with housing with the intent to provide housing in close proximity to jobs and services, to reduce vehicular trips, traffic congestion and air

pollution, to provide rental housing, and to stimulate vibrancy and activity in pedestrian-oriented areas.

The proposed Vesting Zone Change from C4-2 and PB-1 to [Q]C4-2 would create a unified zone on the subject site consistent with the Regional Commercial Center designation and would facilitate the development of a transit-oriented, high-density mixed-use development with 760 residential units and commercial uses located near the Metro station at Wilshire and Western. The new residential and commercial uses would complement the existing office building on the subject site and create a synergistic, well-balanced mix of uses.

The Community Plan identifies opportunities for mixed-use developments such as the proposed Project in the Wilshire Center to encourage pedestrian activity, reduce traffic circulation and congestion, and invigorate commercial areas. In addition, the Project meets to Community Plan's planning goals and objectives by providing variety of housing options, improving the function, design and economic vitality of commercial areas with new commercial uses that will complement the existing office use, maximizing development opportunities around the Metro station, and enhancing the community's job-producing economic base.

The Project would include 1,294 vehicle parking spaces in total which meets the parking requirements set forth by the LAMC after taking by-right reductions for bicycle parking. Vehicular access for the commercial components of the Project, including the existing office uses, would be from Kingsley Drive via one driveway located near the existing building. Residential access would be providing by two driveways on the southern portion of the Site, one located on Kingsley Drive and the other along Harvard Boulevard. The driveways would provide two-way ingress and egress vehicular access to the Project Site. Further, there would be no vehicular access off of Wilshire or 7th Street.

Pedestrian access to the ground-floor neighborhood-serving commercial spaces would be provided from Harvard Boulevard, 7th Street, and Kingsley Drive. Project residents would access the Project Site from a residential lobby located on 7th Street and Kingsley Drive.

Pedestrian access within and around the Site would be enhanced via streetscape and landscaping improvements along the Site's street frontages. Furthermore, in compliance with the LAMC, approximately 297 bicycle parking spaces would be provided, including 29 short-term spaces, dispersed along Harvard.

6. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

The Project would provide a variety of open space and recreational amenities. Amenities on the ground level would include lobbies, large resident amenity spaces along 7th Street and Harvard Boulevard with transparent glass, and bicycle parking and workspace areas. A proposed 6,531 square foot resident fitness center is located on the second level overlooking the corner of Harvard and 7th Street. A podium deck is proposed on the fourth level between the two buildings with seating areas and landscaping. Rooftop residential amenities would include a roof deck on each building with pool, seating areas, barbeque grills, and club room. In addition, the Project would provide 36,100 square feet of private open space with residential balconies. In total, approximately 78,800 square feet of open space would be provided, which would meet the open space requirements set forth by the LAMC.

Therefore, the proposed project provides recreational and service amenities to improve habitability for the residents and minimize impacts on neighboring properties.

Environmental Findings

7. The Department of City Planning issued Mitigated Negative Declaration No. ENV-2016-3413-MND (MND) on December 11, 2019, and an Erratum to the MND dated October 16, 2020 (The MND and Erratum are collectively referred to as the MND). The Department found that potential negative impacts relating to Air Quality and Noise could occur from the Project's implementation. However, through implementation of mitigation measures MM-1 and MM-2 (both regarding construction air quality) and MM-3 through MM-8 (regarding construction noise), these impacts will be reduced to a less than significant level.

The CEQA transportation analysis in the published MND was based on a Traffic Impact Assessment (TIA) prepared by Fehr & Peers, dated January 2017 which was approved by LADOT in a letter dated March 2, 2017. At the time, the TIA impact analysis was based on Level of Service (LOS) methodology which identified significant traffic impacts at four signalized intersections. Following publication of the MND, Fehr & Peers conducted a supplemental TIA in accordance with the City's new Transportation Analysis Guidelines (TAG) adopted in July 2019 and updated in July 2020 which requires vehicle miles traveled (VMT) as the primary CEQA metric rather than intersection level LOS. The City's new TAG also requires additional analyses of project consistency with City transportation plans and policies as part of the CEQA process. The TAG also requires analyses of certain transportation issues that it deems as Non-CEQA analysis. Fehr & Peers supplemental TIA concluded that the Project VMT was below the significance thresholds. LADOT concurred in their letter dated September 24, 2020, and thus the Project has no CEQA transportation impacts. As such, LADOT concluded that traffic mitigation measures were no longer required to mitigate CEQA impacts but were still required to be implemented under the Non-CEQA LOS analysis. The Project's environmental consultant, CAJA, prepared and submitted an Errata to the City on October 16, 2020, which reclassified the requirements for the TDM plan and signal equipment upgrades from mitigation measures under previous LOS methodology to project design features (PDF's) under current TAG methodology for the Project's Non-CEQA analysis. Subsequently, due to the continued passage of time, Fehr & Peers prepared an updated Non-CEQA analysis based on new intersection counts and LOS for the study intersections and concluded that the Project is not projected to cause or substantially contribute to unacceptable queuing at any study intersections. As such the signal equipment upgrades were no longer required under the TAG Non-CEQA analysis. The Transportation Demand Management Plan would still be required as a project design feature (PDF). LADOT issued a letter on May 21, 2023, that concurred with Fehr & Peers updated Non-CEQA analysis. On October 2, 2023, CAJA submitted a technical memorandum to the City.

The Deputy Advisory Agency adopted the Project's MND on February 26, 2024, in connection with the approval of the Project's Vesting Tentative Tract Map (VTTM No. 74412). No appeal was filed on the MND or VTTM. A Notice of Determination was filed on March 14, 2024.

The City Planning Commission now finds, based on its independent judgment, and after consideration of the whole of the administrative record, the Project was assessed in Mitigated Negative Declaration, No. ENV-2016-3413-MND, adopted on February 26, 2024; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project.

15162 findings

(1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

The entitlement approval being considered is recommendation of a Vesting Zone and Height District Change from C4-2 and PB-1 to [Q]C4-2 and approval of Site Plan Review for the construction of a mixed-use development for 760 residential units and ground floor commercial space. The Project's entitlement requests were fully considered and analyzed in the Project's previously adopted MND, which concluded that with required mitigation measures regarding Air Quality and Noise, no significant environmental impacts would result from implementation of the Project.

Since the adoption of the Project MND on February 26, 2024, no changes have been made to the uses, density, intensity, height, or design of the Project. Therefore, because no changes, substantial or otherwise, have been proposed for the Project or its associated entitlement requests, there can be no corresponding new or different environmental effects. As a result, no revisions are required to the previous MND, and no subsequent environmental analysis is required pursuant to CEQA Guidelines Section 15162.

(2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

As noted above, the Deputy Advisory Agency adopted the Project's MND on February 26, 2024, in connection with the approval of the Project's Vesting Tentative Tract Map (VTTM No. 74412). Since that time, there have been no substantial changes with respect to the circumstances under which the Project is being undertaken. Specifically, there have been no changes to the zoning, land use, environmental, or public health and safety regulations that are applicable to the Project Site. Similarly, there have not been any changes to the existing conditions of the Project Site. Because the circumstances under which the Project would be undertaken have remained exactly the same since the Deputy Advisory Agency's adoption of the MND, there can be no new environmental effects, or any increase in the severity of previously identified potentially significant effects. As a result, no revisions are required to the previous MND, and no subsequent environmental analysis is required pursuant to CEQA Guidelines Section 15162.

(3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

The Project's construction air quality and construction noise impacts were determined to be less than significant with implementation of the adopted mitigation measures (MM-1 through MM-8) as set forth in the adopted MND. As noted above, the Deputy Advisory Agency

adopted the Project's MND on February 26, 2024, in connection with the approval of the Project's Vesting Tentative Tract Map (VTTM No. 74412). Since that time, there have been no substantial changes with respect to the circumstances under which the Project is being undertaken. Specifically, there have been no changes to the zoning, land use, environmental, or public health and safety regulations that are applicable to the Project Site. Similarly, there have not been any changes to the existing conditions of the Project Site. As a result, no revisions are required to the previous MND, and no subsequent environmental analysis is required pursuant to CEQA Guidelines Section 15162.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

The adopted MND properly concluded that, with mitigation, regarding construction air quality and construction noise, the Project would not have any significant environmental effects. As there have been no substantial changes with respect to the circumstances under which the Project is being undertaken, no further environmental analysis of the Project is required.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

In connection with the adopted MND, no mitigation measures were found to be infeasible. Moreover, as described in detail above, since the adoption of the MND, no new potential environmental impacts have been identified that would require new mitigation measures. Accordingly, no further environmental analysis of the Project is required.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In connection with the adopted MND, eight mitigation measures pertaining to construction air quality and construction noise were identified and required as Project conditions of approval. As described in detail above, since the adoption of the MND, no new or different potential environmental impacts have been identified, and accordingly, no new or different mitigation measures are required. Therefore, no further environmental analysis of the Project is required.

- 8. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a flood zone.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing