



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: APR 14 2017

**Case No.:** CPC-2015-4613-GPA-VZC-HD-BL-CUB-SPR Council District: 10 – Wesson  
**CEQA:** ENV-2015-4614-MND  
**Plan Area:** Wilshire

**Project Site:** 3525 West 8<sup>th</sup> Street;  
765 South Serrano Avenue

**Applicant:** Rescore Koreatown, LLC  
Representative: Edgar Khalatian, Mayer Brown

At its meeting of **February 23, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

New seven-story mixed-use residential and commercial project above a 3-level subterranean parking garage. The development will include 364 dwelling units, of which 5 percent, or 19 units, will be designated for moderate income residents and 5 percent, or 19 units, will be designated for low income residents, and approximately 52,619 square feet of ground-floor commercial space. The height of the project is 102 feet. The project includes approximately 791 vehicle parking spaces and 455 bicycle parking spaces.

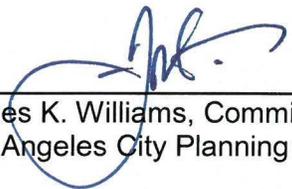
1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2015-4614-MND, errata dated November 10, 2016, and Mitigation Monitoring Program, adopted on January 11, 2017; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;
2. **Approved and recommended** that the City Council **approve** a General Plan Amendment to the Wilshire Community Plan to re-designate the land use of the Development Site from Neighborhood Office Commercial to Regional Commercial land use and re-designate the land use of the Add Area from High Medium Residential to Regional Commercial land use;
3. **Approved and recommended** that the City Council **adopt** a Vesting Zone Change and Height District Change on the project site from (Q)C2-1 and (T)(Q)C2-1 Zones to (T)(Q)C2-2D; to allow the construction of a mixed use project with a maximum a Floor Area Ratio (FAR) of 4:1 in lieu of 1.5:1;
4. **Approved and recommended** that the City Council **adopt** a Building Line Removal of the existing 15-foot building line along the western side of (Serrano Avenue) and eastern side of (Oxford Avenue) established pursuant to Ordinance No.114,320 and Ordinance No. 114,296 respectively;
5. **Approved** a Conditional Use to permit the off-site sales of a full line of alcoholic beverages for a proposed grocery store located on the premises;
6. **Approved** the Site Plan Review for a project with 364 dwelling units and 52,619 square feet of commercial;

- 5. **Adopted** the Conditions of Approval as modified by the Commission; and
- 6. **Adopted** the Findings.

The vote proceeded as follows:

Moved: Perlman  
 Second: Mack  
 Ayes: Ambroz, Choe, Katz, Millman Padilla-Campos, Dake Wilson  
 Absent: Ahn

**Vote: 8 - 0**




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James K. Williams, 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 is final and not appealable as it relates to the General Plan Amendment, Zone Change, Height District and Building Line Removals.* The decision of the Los Angeles City Planning Commission regarding the Conditional Use and Site Plan Review is further appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

**FINAL APPEAL DATE:**     MAY 01 2017    

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.

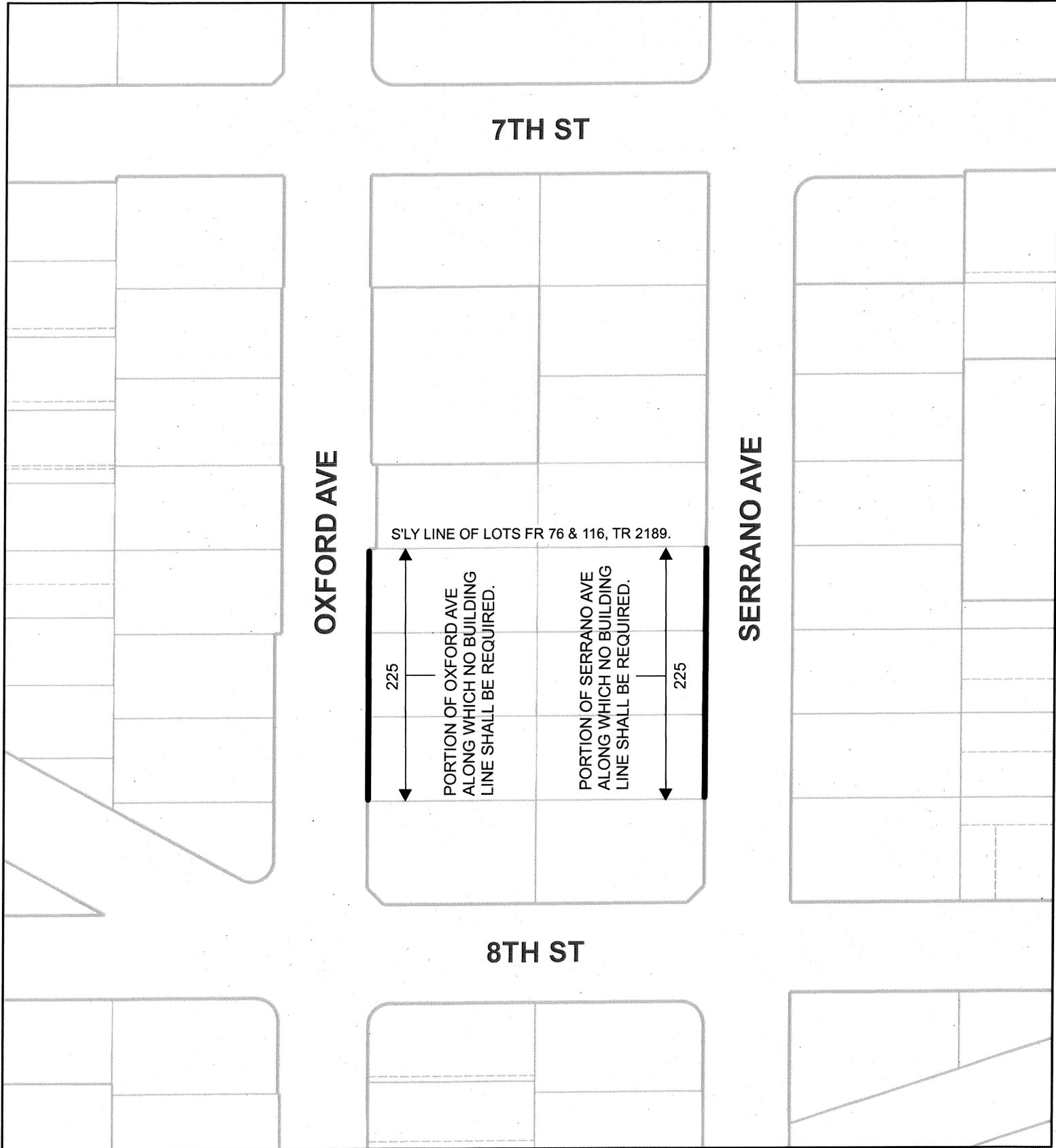
Attachments: Ordinance, Maps, Modified Conditions of Approval, Findings, Resolution  
 c: Jane Choi, Senior City Planner  
 Kinikia Gardner, City Planner

ORDINANCE NO. \_\_\_\_\_

An Ordinance amending Ordinance No. 114,320 establishing a building line.

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

Section \_\_. Ordinance No. 114,320; entitled . . . An Ordinance ordering the establishment of a building line on the west side of SERRANO AVENUE between 7<sup>TH</sup> Street and 8<sup>th</sup> Street . . . was passed by the Council of the City of Los Angeles at its meeting of August 11, 1959, . . . is hereby amended by repealing the provisions establishing the building line on that portion of SERRANO AVENUE, as depicted on the following diagram:



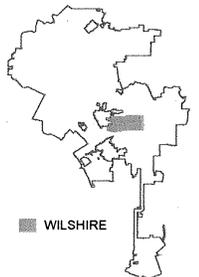
100    50    0    100 Feet

CPC 2015-4613 GPA VZC HD BL CUB SPR

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City of Los Angeles

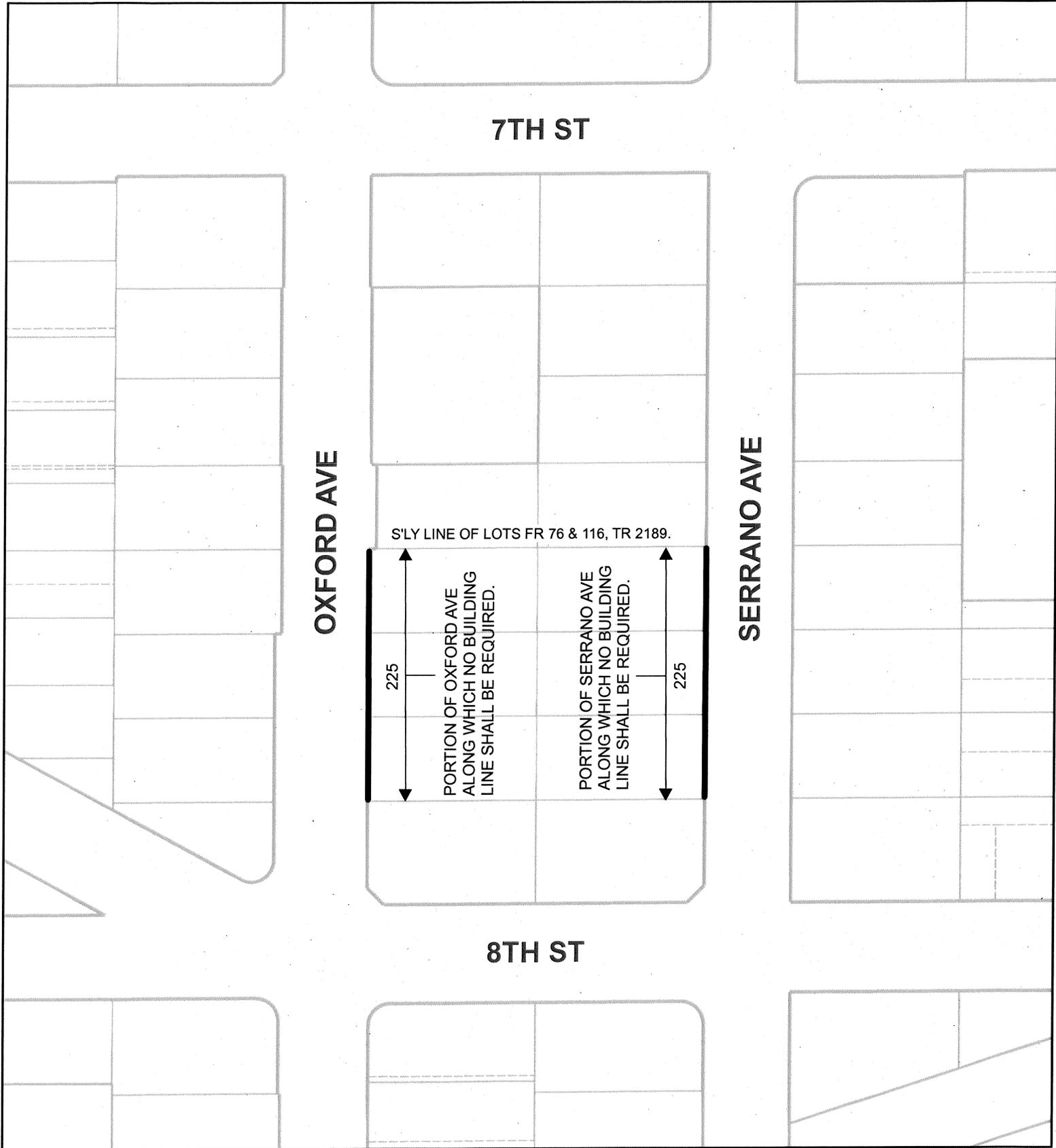


ORDINANCE NO. \_\_\_\_\_

An Ordinance amending Ordinance No. 114,296 establishing a building line.

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

Section \_\_. Ordinance No. 114,296; entitled . . . An Ordinance ordering the establishment of a building line on the east side of OXFORD AVENUE between 7<sup>TH</sup> Street and 8<sup>th</sup> Street . . . was passed by the Council of the City of Los Angeles at its meeting of August 7, 1959, . . . is hereby amended by repealing the provisions establishing the building line on that portion of OXFORD AVENUE, as depicted on the following diagram:



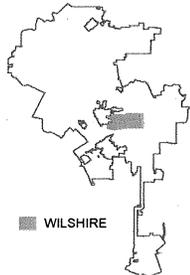
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CPC 2015-4613 GPA VZC HD BL CUB SPR

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City of Los Angeles



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:

7TH ST

OXFORD AVE

SERRANO AVE

S'LY LINE OF LOTS FR 76 & 116, TR 2189.

**(T)(Q)C2-2D**

8TH ST



100 50 0 100 Feet



CPC 2015-4613 GPA VZC HD BL CUB SPR

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City of Los Angeles



WILSHIRE

## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

### BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That **5.5-foot** wide excess street right-of-way 33-foot measured from centerline of **Oxford Avenue** adjoining the tract excluding property line cut-corner at the intersection with 8<sup>th</sup> Street Avenue be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

Note: The Advisory Agency hereby finds that the dedications to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.
2. In the event that Department of Transportation and Department of City Planning have no objections to the street mergers then a **6.5-foot** wide excess street right-of-way 32-foot measured from centerline of **Serrano Avenue** adjoining the tract excluding the new property line cut-corner at the intersection with 8<sup>th</sup> Street be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
  - b. That satisfactory arrangements be made with all public utility agencies maintaining existing facilities within the area being merged.

Note: The Advisory Agency hereby finds that the dedications to be merged are unnecessary for present or prospective public purposes and all owners of the interest in the real property within the subdivision have or will have consented to the merger prior to the recordation of the final map.
3. That any surcharge fee in conjunction with the street merger requests be paid.
4. That the 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 a set of drawings for airspace lots be submitted to the City Engineer showing the following:
  - a. Plan view at different elevations.
  - b. Isometric views.

- c. Elevation views.
  - d. Section cuts at all locations where air space lot boundaries change.
6. 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.

#### **DEPARTMENT OF TRANSPORTATION**

7. That prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
- a. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
  - b. Residential parking should be limited to a subterranean parking garage which would be accessed via an ingress only driveway and an egress only driveway on Oxford Avenue. A minimum of 60-foot reservoir space be provided between an ingress security gate(s) and the property line. Security gate or roll-up gate maybe installed at the property line for retail access with a note on the plans indicating that Security Gate Shall remain open during business hours.
  - c. Parking for retail use should be provided on-site in a parking lot accessed via an ingress only driveway on Oxford Avenue on the northwest corner of the project site and an egress only driveway on Serrano Avenue on the northeast corner of the project site. A minimum of 40-foot reservoir space be provided between an ingress security gate(s) and the property line or to the satisfaction of the Department of Transportation.
  - d. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Room 550. For an appointment, call (213) 482-7024.
  - e. That a fee in the amount of \$205 be paid to the Department of Transportation as required per Ordinance No. 180,542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

#### **FIRE DEPARTMENT**

8. That prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
- a. Submittal of plot plans for Fire Department review and approval prior to recordation of Tract Map Action.

#### **DEPARTMENT OF RECREATION AND PARKS**

9. 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.

## (Q) QUALIFIED CONDITIONS OF APPROVAL

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 "Q" Qualified classification.

### A. Entitlement Conditions

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit A**, dated **November 21, 2016**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to the use and area provisions of the C2 Zone; residential and commercial uses shall be permitted.
3. **Commercial Use.**
  - a. Residential only development shall be prohibited.
  - b. Residential uses shall be prohibited on the ground floor except for lobby, office, recreational and other common area uses, and parking.
  - c. Commercial uses that are open to the public, such as retail and restaurant uses, shall occupy the ground floor space(s).
4. **Residential Density.** Not more than 364 residential apartment units may be constructed on the property.
5. **Driveway.** The site design shall be limited to four driveways including three along Oxford Avenue and one along Serrano Avenue.
6. **Parking.** Residential and Commercial parking spaces shall be provided as required by the LAMC.
7. **Parking Screen.** Any parking uses on the ground floor and above the ground floor shall be screened through architectural treatments, commercial square footage or residential units to the satisfaction of the Department of City Planning and as shown in Exhibit A.
8. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning.
9. **Window Transparency.** A note shall be added to the Project Elevations to indicate that all ground floor windows shall be comprised of non-reflective, transparent glass. Any at-grade parking uses shall not be visible from the exterior of the building. Architectural treatments, or other design features shall be used to ensure the parking is not visible from the exterior of the building and as shown in Exhibit A.

10. **Pedestrian Walkways.** Clearly marked pedestrian access-ways shall be integrated into the site design and connect to the commercial area. The entryway shall incorporate enhanced paving treatment to create a safety buffer between the driveway area and the pedestrian entrance to the building.
11. **Building Materials.** A note shall be added to the Project Elevations to indicate that metal materials incorporated into the design shall be of a non-reflective material.
12. **Ground Level Pedestrian Access.** The doors for pedestrian access throughout the project site shall remain open during business hours.
13. **Rear Yard Setback.** The Project shall be allowed a 15-foot 3-inch rear yard setback in lieu of the required 19-foot setback as approved through Case No. VTT-73995.
14. **Fencing.** All fencing/walls surrounding the subject site shall feature decorative architectural elements or landscaping.
15. **Refuse/recycling area.** Details shall be provided on the method of enclosure for the refuse/recycling areas at the time of final plan sign off. The refuse/recycling area shall be secured with an enclosure that fully screens the view of the refuse/recycling area. It shall be constructed in a style similar to that of the main building.
16. **Outdoor Dining.** Final architectural plans shall indicate appropriate buffers and light deflection such as screening, landscaping, and walls as necessary, to ensure that no noise or lighting disturbance would be created on neighboring properties as a result of outdoor dining located on the ground floor.
17. **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.
18. **Affordable Units.** A minimum of five percent (19 units) shall be reserved for residents earning moderate incomes and a minimum of five percent (19 units) shall be reserved for residents earning low incomes.
19. **Affordable Housing Requirements.** Prior to the issuance of a building permit for any dwelling unit on the subject property, the applicant shall execute and record a rental covenant or purchase covenant agreement running with the land, to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA). The covenant shall bind the applicant and/or any subsequent property owner to reserve the units for occupancy by low and moderate income households for a period of 55 years. These units will be restricted as affordable for-sale or rental dwelling units.
20. **Pedestrian Entrances.** Pedestrian entrances shall be accessible directly from 8<sup>th</sup> Street, Serrano Avenue and Oxford Avenue.
21. **Façade Treatment.** The façade of the building shall feature a graffiti resistant texture comprised of metal, tile or siding. A stucco texture shall not be applied to the skin of the building. Prior to the issuance of a building permit, the applicant shall submit a revised

color/materials legend in Exhibit A. Building Elevations for approval by the Department of City Planning.

22. **No Blank Wall.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
23. **Building Articulation.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
24. **Short-term Bicycle Parking.** The required short-term bicycle parking spaces shall be provided along Serrano Avenue and Oxford Avenue.
25. **Merged Areas.** The merged areas along Oxford Avenue and Serrano Avenue (5.5 feet and 6.5 feet respectively) shall be publically accessible.
26. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view by any abutting properties.
27. **Signage.**
  - a. On-site signs shall be limited to the maximum allowable under the Municipal Code.
  - b. Multiple temporary signs in store windows and along building walls are not permitted.
28. **Flood Hazard.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081 (effective 7/3/98).
29. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Department of City Planning to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.
30. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the Project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
31. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
32. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
33. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the

property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

34. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces provided with Electric Vehicle (EV) chargers to immediately accommodate electric vehicles within the parking areas. When the application of the required 20 percent results in a fractional space, round up to the next whole number.
35. **Solar-ready Buildings.** Solar panels shall be installed on the project's rooftop space and/or equipment, in substantial conformance with the site plan labeled as Exhibit "A" stamped and dated November 21, 2016.
36. **Solar and Electric Generator.** Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

### **Environmental Conditions**

#### **37. Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas)**

Proposed Development Project activities (including disturbances to native and nonnative vegetation, structures, and substrates) should take place outside of the breeding season for birds, which generally runs from March 1 to August 31 (and as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code, Section 86).

If Development Project activities cannot feasibly avoid the breeding season, beginning 30 days prior to the disturbance of suitable nesting habitat, the Development Project Applicant shall:

- Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of construction work area (within 500 feet for raptors), as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis, with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- If a protected native bird is found, the Development Project Applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting) until August 31.
- Alternatively, the qualified biologist could continue the surveys to locate any nests. If an active nest is located, clearing and construction (within 300 feet of the nest or as determined qualified biological monitor) shall be postponed until the nest is vacated and juveniles have fledged, and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging stakes. Construction personnel shall be instructed on the sensitivity of the area.

#### **38. Tree Removal (Non-Protected Trees)**

- Prior to the issuance of any permit for the Development Project, a plot plan shall be prepared indicating the location, size, type and general condition of all existing trees on the site and within adjacent public right(s)-of-way.
- All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multitrunked, as measured 54 inches above the ground) nonprotected trees on the Development Site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net new trees, located within the parkway of the adjacent public right(s)-of-way of the Development Site, may be counted toward replacement tree requirements.
- Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall conform to the current standards of the Department of Public Works, Urban Forestry Division, Bureau of Street Services.

**39. Increased Noise Levels (Demolition, Grading, and Construction Activities)**

- a. The Project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, must be turned off when not in use for more than 30 minutes.
- f. Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- g. Stationary construction equipment, such as pumps, generators, or compressors, must be placed as far away from sensitive uses as feasible during all phases of project construction.
- h. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.

**40. Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

**41. Public Services (Police).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to

eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

#### **42. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

- (i) 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.
- (ii) 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.
- (iii) 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).
- (iv) 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).
- (v) 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 includes 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.

## **“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 building shall be limited to a height of 102 feet. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
2. Floor Area Ratio (FAR). FAR shall not exceed 4:1. The total floor area of non-residential, ground-floor retail commercial use shall not exceed 52,619 square feet, as defined by Section 12.03 of the LAMC.

## **CONDITIONS OF APPROVAL FOR CPC-2015-4613-GPA-VZC-HD-BL-CUB-SPR**

As modified by the City Planning Commission 2-23-17

1. **Posting of Construction Activities.** A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
2. **Construction-Related Parking.** Off-street parking shall be provided for all construction-related parking generated to employees of the proposed project. No employees or subcontractors shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.
3. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering construction materials or construction-machinery shall be limited to the hours beginning at 7:00 a.m. and ending at 4:00 p.m., Monday through Friday. No truck deliveries for construction shall occur outside of that time period. No construction truck staging related to such deliveries to the project site shall occur on any adjacent streets.
4. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
5. **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.
6. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
7. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
8. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

## **CONDITIONS OF APPROVAL**

As modified by the City Planning Commission 2-23-17

The conditional use authorization granted herein for the sale of alcoholic beverages for off-site consumption shall be limited to a total of one (1) license to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption for a grocery store upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Department of City Planning to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Authorized herein is the sale of alcohol for off-site consumption, in conjunction with a proposed 32,514 square-foot grocery store, subject to the following limitations:
  - a. The hours of operation for the grocery store are 8:00 a.m. to 12:00 a.m., daily. Vendor deliveries shall be conducted between 8:00 a.m. to 9:00 p.m. There shall be no deliveries on Sundays.
7. The authorization granted herein is for the off-site sale and dispensing of alcohol from the effective date of this grant.
8. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan of the new operation.

9. The Department of City Planning reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius list, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon review, the Department of City Planning may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing including consideration for nuisance abatement/revocation purposes.
10. **Prior to the beginning of operations**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for inclusion in case file.
11. A copy of the final Department of Building and Safety approved floor plans and plot plan shall be submitted to the Department of City Planning for inclusion in the case file.
12. **Prior to the beginning of operations**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
13. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
14. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

15. **Prior to the beginning of operations**, an electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use. A copy of the purchase receipt and photographs of the device shall be provided to the Department of City Planning for inclusion in the case file.
16. **Prior to the beginning of operations**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

*We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of alcohol for off-site consumption, in conjunction with the grocery store and agree to abide and comply with said conditions.*

17. **Prior to the beginning of operations**, 24-hour “hot line” shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
  - a. Entry, visible to pedestrians
  - b. Customer service desk or front desk

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the Department of City Planning for inclusion in the Case File.

18. **Within the first six months of the beginning of operations at this establishment**, all employees involved with the sale of alcohol enroll in the Los Angeles Police Department “Standardized Training for Alcohol Retailers” (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. CPC-2015-4613-GPA-VZC-HD-BL-CUB-SPR from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
19. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
20. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to

modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.

21. The exterior windows and glass doors of the grocery store shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and/or private security.
22. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility. Signs shall be in English and in the predominant language of the facility's clientele.
23. The applicant shall be responsible for maintaining the area adjacent to premises over which they have control, free of litter.
24. A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.
25. **MViP – Monitoring, Verification and Inspection Program.** Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Department of City Planning.

## FINDINGS

### **General Plan/Charter Findings**

The subject site is located within the area covered by the Wilshire Community Plan adopted by the City Council on September 19, 2001. The Community Plan is part of the City's Land Use Element, which sets forth specific land use requirements and required entitlements for projects in the Wilshire area.

The site is located within the Wilshire Center Regional Commercial Center. It includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, both high-rise and low-rise apartment buildings, as well as the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The Regional Center Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. Development of the Project would include apartment units and ground floor retail, which would be consistent with the Regional Center Commercial land use designation.

### **Charter Findings - City Charter Sections 556 and 558 (General Plan Amendment).**

The proposed General Plan Amendment complies with Sections 556 and 558 in that the plan amendment is consistent with numerous goals, policies and objectives of the Citywide General Plan Framework and the Wilshire Community Plan to provide adequate housing for all economic, age and ethnic segments of the community, to locate higher residential densities and encourage mixed-use development near transit stations, and to develop mixed-use projects along major boulevards.

The General Plan Amendment would increase density and FAR on the site fronting a Mixed-Use Boulevard, encouraging growth within the Wilshire Center Regional Commercial area. There have been numerous transit investments in the vicinity over the past three decades, and the proposed General Plan Amendment will allow targeted growth this transit infrastructure.

1. **General Plan Land Use Designation.** The Wilshire Community Plan designates the subject site as Regional Center Commercial with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. The proposed project will be located in the C2 Zone.

### **Framework Element**

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use -- Neighborhood District, Community Center, Regional Center, Downtown Center, and Mixed-Use Boulevard -- that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns.

The Regional Centers are intended to serve as the focal points of regional commerce, identity, and activity. They contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. The development of sites and structures integrating housing with commercial uses is encouraged in concert with supporting services, recreational uses, open spaces, and amenities. They are typically high-density places whose physical

form is substantially differentiated from the lower-density neighborhoods of the City. Generally, regional centers will range from FAR 1.5:1 to 6:1 and are characterized by six- to twenty-story (or higher) buildings as determined in the community plan. Their densities and functions support the development of a comprehensive and inter-connected network of public transit and services.

The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The proposed project would be in conformance with several goals of the Framework as described below.

*A. Land Use Chapter, Framework Element: Issue One: Distribution of Land Use* of the Framework Element's Land Use Chapter (Chapter Three) establishes general principles to encourage growth and increase land use intensity around transit nodes, to create a pedestrian oriented environment while promoting an enhanced urban experience and provide for places of employment.

*Objective 3.4 of Issue One: Distribution of Land Use: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.*

*Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.*

*Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles*

The above objectives seek to concentrate commercial development in existing commercial districts and in areas that are able to support such development which are in close proximity to rail and bus transit stations. The project will meet this objective by providing new housing units along the 8<sup>th</sup> Street commercial corridor. As conditioned, the Project will be designed in harmony with the existing neighborhood and minimize impacts on neighboring properties. The Project will incorporate measures to reduce impacts to the removal of non-protected trees, habitats of nesting native birds, noise, and public services (Police and Fire) for the surrounding community. The character of the area includes a mix of commercial uses, as well as high density residential uses, and the Project's recommended density and height will be compatible with adjacent land uses.

*B. Economic Development Chapter, Framework Element*

*Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

*Objective 7.3: Maintain and enhance the existing businesses in the city.*

*Objective 7.6: Maintain a viable retail base in the city to address changing resident and business shopping needs.*

The project is the construction of a new mixed-use development consisting of 354 residential apartment units and 52,619 square feet of ground floor commercial retail. The project can help sustain economic growth and maintain a viable retail base in the city. The site currently contains an underutilized grocery store, general retail, restaurant, wholesale market, and a surface parking lot. Regional centers typically provide a significant number of jobs, and the Project will contribute to this. The development of sites and structures integrating mixed use is encouraged in concert with supporting services, recreational uses, open spaces, and amenities. The mixed-use development is consistent with ongoing redevelopment efforts in the community. The Project will also add to the Wilshire Center/Koreatown area by providing commercial uses that specifically caters to on-site residents and residents and the business community nearby the site. The Project supports revitalization by developing an underutilized commercial development with a use that will provide an economic and social benefit to the residential, commercial, and other types of uses located in the area. The proposed project will generate an additional influx of patrons to the area who will likely frequent the various retail and restaurant businesses along the Wilshire Corridor.

### **Housing Element**

*Policy 2.1.3: Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours.*

*Policy 2.1.4: Enhance livability of neighborhoods by upgrading the quality of development and improving the quality of the public realm, including streets, streetscape and landscaping to provide shade and scale.*

The Project will provide an increase in the number of housing units in an urban setting along with a street level grocery store and commercial retail uses accessible from the street. This project will activate the street by generating pedestrian activity during and after normal commercial business hours. The development will replace currently under-utilized commercial uses with a building that improves the quality of the public realm with a pedestrian-scale design in an urban setting. At the street level the Project proposes a combination of street trees, shrubs and ground cover to enhance the public realm.

*Objective 2.3: Encourage the location of housing, jobs, and services in mutual proximity. Accommodate a diversity of uses that support the needs of the City's existing and future residents.*

*Policy 2.3.1: Encourage and plan for high-intensity residential and commercial development in centers, districts, and along transit corridors, as designated in the Community Plans and the Transportation Element of the General Plan, and provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled in order to mitigate traffic congestion, air pollution, and urban sprawl.*

*Policy 2.3.3: Encourage the development of new projects that are accessible to public transportation and services consistent with the community plans. Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.*

The Project location is well served by a large variety of transit options. The site is located near a major transit corridor, Wilshire Boulevard, which is served by Metro bus lines and DASH routes. The site is also less than a half mile from the Western Metro subway station along Wilshire Boulevard. Its proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled, thus helping to mitigate traffic congestion, air pollution, and urban sprawl. Also, the Project will provide for the development of land use patterns that emphasize bicycle access and use. The proposed project will include bike racks for the commercial uses and secured bicycle storage for the residential tenants.

*Policy 1.1.2 Expand affordable rental housing for all income groups that need assistance.*

A minimum of five percent (19 units) shall be reserved for residents earning moderate incomes and a minimum of five percent (19 units) shall be reserved for residents earning low incomes thereby complying with the policy of the housing element.

### **Transportation Element**

The Transportation Element of the General Plan guides development of a citywide transportation system with the goal of ensuring the efficient movement of people and goods. The Transportation Element recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, reduction of vehicle trips, and focused growth in proximity to public transit.

The Project will advance numerous policies contained in the Transportation Element. Chief among them are:

*Objective 3: Support development in regional centers... major activity areas and along mixed-use boulevards.*

*Policy 3.12: Promote the enhancement of transit access to neighborhood districts, community and regional centers, and mixed-use boulevards.*

*Policy 3.13: Enhance pedestrian circulation in ... appropriate locations in regional centers and along mixed use boulevards; promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design.*

The Project advances these policies because it will be located within a half mile from an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities. The development of the residential units, and grocery store with an outdoor patio would promote ground floor pedestrian activity and circulation and would create direct pedestrian connections between the new Project and the street, in express conformity with the Transportation Element's policies and objectives. The proposed development contributes to the General Plan's goal to increase development within commercial districts that centralizes both housing and commercial uses while enhancing the accessibility of such uses to public transit.

### **Land Use Element – Wilshire Community Plan**

The Project site is located in the Wilshire Community Plan area, which is one of the 35 community plans in the City of Los Angeles. Together, these plans comprise The Land Use Element of the General Plan and regulate how land is to be utilized. Each plan contains goals

and policies to guide development in the plan area. The Wilshire Community Plan Area is often spoken of as the Mid-City Section of Los Angeles - the eastern edge of the approximately 2.5-mile wide by 6-mile long plan area is about 6 miles west of Downtown Los Angeles, while the western edge abuts the City of Beverly Hills. The area includes about 8,954 acres, which is approximately 3 percent of the total land in the City of Los Angeles.

The General Plan amendment to the Wilshire Community Plan map will designate the site for Regional Center Commercial land use with corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4 and R5. The proposed project is consistent with the existing land use patterns along 8<sup>th</sup> Street and Oxford Avenue. The Project will advance numerous objectives and policies contained in the Wilshire Community Plan, including:

*Residential Policies and Objectives:*

*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 routes.*

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

*Policy 1.4-3 Encourage multiple family residential and mixed use development in commercial zones.*

*Commercial Policies and Objectives*

*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 located in existing established commercial areas or shopping centers.*

*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 2-2.1: Encourage pedestrian-oriented design in designated areas and in new development.*

*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 is a new 102 feet in height (seven-story) mixed-use project above a 3-level subterranean parking garage. The development will include 364 dwelling units and approximately 52,619 square feet of ground-floor commercial space located on 8<sup>th</sup> Street

between Oxford Avenue and Serrano Avenue, two blocks south of Wilshire Boulevard. The Project provides residential units in close proximity to existing jobs and services. The Project will be located within close proximity to an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities.

The Project site is located within the Wilshire Center Regional Commercial Center. It includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, both high-rise and low-rise apartment buildings, as well as the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The Regional Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. The area contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. Accordingly, this Regional Center area is a proper location for the proposed mixed-use development, because it is a focal point of regional interests, commercial stores, cultural facilities and offices. Therefore, the proposed mixed-use project is appropriate for this area.

The Wilshire Community Plan encourages mixed-use developments in regional and community commercial centers. The Wilshire Community Plan Objective 2-1 encourages the City to preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas. The area contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. These diverse uses support balanced community development and create increased interest for a variety of visitors who come to the area.

- 2. Vesting Zone Change Findings.** Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action to rezone the property from (Q) C2-1 and (T)(Q)C2-1 to C2-2 is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed project is a new 102 feet in height (seven-story) mixed-use project above a 3-level subterranean parking garage. The development will include 364 dwelling units and approximately 52,619 square feet of ground-floor commercial space. Approximately 38,738 square feet of open space is proposed, which includes space on the ground floor accessible to the public; an outdoor recreation deck, indoor gym and recreation room, a dog run on the 3rd floor; and two terraces on the 7th floor. The project would include approximately 791 vehicle parking spaces and 455 bicycle parking spaces. The proposed development ("Development Project") would occur within the southern portion of the Project Site ("Development Site"). The Development Site consists of eight contiguous lots bounded by South Oxford Avenue on the west, South Serrano Avenue on the east, West 8th Street on the south. The Development Site is currently improved with a 2-story grocery store, commercial retail building and related surface parking. The property is approximately 2.18 acres and the total project size is 379,520 square feet. The Development Site is primarily zoned (T)(Q)C2-1 and (Q)C2-1 and designated in the Wilshire Community Plan as Neighborhood Commercial. The remainder of the Project Site consisting of the Add Area is zoned (T)(Q) R4-1, R4-2 and R3-2 and designated as High Medium Residential.

The Zone Change to (T)(Q)C2-2D, would allow for a consistent zoning designation for the entire site. The proposed Vesting Zone Change would lead to a development that would be deemed consistent with public necessity, convenience, general welfare and good zoning practice. The Wilshire Community Plan designates the Project site for Neighborhood Commercial uses, which corresponds to the C1, C1.5, C2, C4, P, CR, RAS3 and RAS4

Zones. The recommended zone change to (T)(Q)C2-2D is consistent with the General Plan Land Use Designation of Regional Center Commercial, as the C2 Zone is one of the corresponding zones. For the C2 Zone, the Height District 2 allows unlimited height and a maximum FAR of 6:1. The proposed project will be built to a height of 102 feet and an FAR of 4:1.

Mixed-use development is also permitted by-right in commercial areas citywide, and, therefore the proposed project and the proposed zone change is not only consistent with the existing planned land use but also the surrounding land use development pattern. Additionally, the Wilshire Community Plan supports applicable commercially zoned portions of the Wilshire Center (Commercial areas within the area bounded by 6<sup>th</sup> Street, Vermont Avenue, 8th Street, and Western Avenue) as mixed-use boulevards and districts. The block in which the site is located currently has a mix of higher density residential and commercial uses.

#### *Public Necessity*

The rezoning of the site to accommodate the conditioned project will be consistent with public necessity as it will increase both housing and commercial opportunities in the Wilshire Community of Los Angeles, in close proximity to existing jobs and services. The Project site is located within the Wilshire Center Regional Commercial Center. It includes a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, both high-rise and low-rise apartment buildings, as well as the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The Regional Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses.

The C2 Zone allows for the proposed project. In order to provide a mixed-use project at the level that is being proposed it is necessary to have the provisions of the C2 Zone, which allow for the proposed density and height. Thus, a zone change to C2 has been proposed. As conditioned, the design of the Project will enhance the neighborhood and will contribute to the activity of the Wilshire commercial corridor.

#### *Convenience*

The objectives of the Wilshire Community Plan include providing adequate land for new multiple family residential units and strengthening existing commercial areas and designing new development to be compatible with adjacent residential neighborhoods. Changing the existing zone to the C2 Zone will allow for the development of a ground floor retail and residential mixed use project that complements adjacent neighborhoods. The increase in the number of residential units in this Regional Center Commercial area will encourage the viability of the Wilshire Boulevard corridor. The Public Convenience is also served by centrally locating employment and residential opportunities in one of the City's Regional Centers.

The development of mixed use projects reduces reliance on the car by locating housing near job centers and shopping destinations. The Project will be located less than a mile from an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities. The site is located near many office, residential, retail and restaurant uses. These opportunities increase pedestrian activity, which in turn benefits local businesses and neighborhoods.

#### *General Welfare*

The proposed project will promote general welfare of the community by the following:

- Help meet local housing and job needs
- Enhance the sense of community in the area by providing a mixed-use development near substantial public transit opportunities and facilities

- Revitalize an under-utilized site

*Good Zoning Practice*

The requested Vesting Zone Change from (Q) C2 and (T)(Q)C2 Zones to (T)(Q)C2-2D is in substantial conformance with the purposes, intent and provisions of the General Plan, and is consistent with good zoning practice because it will provide for development of a mixed use project that complements both the commercial and residential character of the area. As requested, this zone change would allow for consistent zoning across the site, which is currently zoned (Q) C2 and (T)(Q) C2, allowing for better overall site design. The density and project size, with the 4.0:1 FAR, is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed Zone Change will enhance the pedestrian experience, provide new opportunities for commercial development, meet local housing needs, and provide a development compatible with the surrounding area. This would enable the Project to help bring critical investment to the Koreatown area, contributing to an economic environment that fosters entertainment-related uses, increased pedestrian activity, and jobs. The Project represents the creative re-use of an existing, underutilized site, near a major transit corridor.

The proposed Vesting Zone Change is consistent with the surrounding uses and development pattern. The surrounding zoning consists of C2-1,(Q)C2-2, (T)(Q)R4-1 and (T)(Q)C2-1. The area is characterized by a mix of multi-family residential and commercial uses. North of the project site is a 2-story multi-family residential use zoned (T)(Q)R4-1. South of the project site is a 2-story commercial retail development zoned C2-1. East of project site is a surface parking lot zoned (T)(Q)C2-1. West of the project site is a 4-story mixed-use hotel retail use zoned [Q]C2-2.

**4. Height District Change Findings. Pursuant to Section 12.32 F of the Municipal Code, and based on these findings, the recommended action is deemed consistent with the public necessity, convenience, general welfare and good zoning practice.**

The applicant requests a Height District Change from Height District No. 1 to Height District No. 2. The change to Height District No. 2 would permit a Floor Area Ratio (FAR) of 6:1 in lieu of a FAR of 1.5:1 with Height District No. 1. However, the project will observe a reduced FAR of 4:1 through the “D” Limitation. The Height District change would allow for the construction, operation, and maintenance of the proposed mixed-use project, which is consistent with the General Plan and is beneficial to the public necessity, convenience, general welfare and good zoning practice. The increased FAR will be more appropriate and beneficial for a mixed-use project, while maintaining compatibility with existing surrounding uses and future growth patterns within this transit-rich urban community.

**5. Building Line Removal Findings. Pursuant to Section 12.32 R of the Municipal Code, and based on these findings, the recommended action is deemed consistent with the public necessity, convenience, general welfare and good zoning practice.**

The requested building line removal is in conformity with the public necessity, convenience, general welfare and good zoning practice in that its retention on the subject property is no longer necessary for the purpose of reserving a portion of the property for future dedication and improvement. In addition, building lines are no longer utilized as a mechanism to establish a minimum, uniform alignment and setback along the street.

Ordinance No. 114,296 (Case 1434) and Ordinance No. 114,320 (Case 1435) established a 15-foot building line along the east side of Oxford Avenue and west side of Serrano Avenue respectively. Currently there is a 15-foot building line on Lots 77, 78, and 79 along South Oxford Avenue and Lots 113, 114, and 115 along South Serrano Avenue of the property.

The purpose of the amendments to the ordinances is to bring the property into conformance with surrounding properties that have also removed their respective building lines and to allow for the property area to be calculated as the Buildable Area, which would be consistent with development standards for a mixed-use project in a commercial zone per LAMC Section 12.22.A.18. The project's density would be consistent with existing development and projected growth in the surrounding area.

Removal of the building line would bring the subject site to current planning practices.

**6. Conditional Use for Alcohol Permit Findings** – Pursuant to 12.24. W1 of the Municipal Code. The Applicant requests a Conditional Use to permit the sales of alcoholic beverages for off-site consumption with a ground floor 32,514 square-foot grocery store which will replace the existing grocery store currently on-site.

*A. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential of beneficial to the community, city or region.*

The applicant is requesting a Conditional Use to permit the sale of alcohol for off-site consumption in conjunction with the construction of a new mixed-use development consisting of 354 residential apartment units and 52,619 square feet of ground floor commercial retail which includes a 32,514 square-foot grocery store. The proposed full-service grocery store would utilize the conditional use permit to sell alcoholic beverages for off-site consumption. It would replace the current underutilized uses of the Property that consists of a two-story grocery store with smaller commercial spaces and a surface parking lot. The property was previously granted a Conditional Use for the sale of alcoholic beverages for off-site consumption for the existing grocery store and for the sale of alcoholic beverages for on-site consumption for the restaurant per CPC-2006-9524-ZC-CUB-CU-SPR.

Approval of the Conditional Use will contribute to the success and vitality of the proposed full-service grocery store, and reinvigoration of the site and vicinity. Approval of alcohol sales will increase the availability of a public convenience for on-site residents and patrons who live, work and play within the surrounding neighborhood. The proposed sell of alcohol for off-site consumption will be an accessory use to the grocery store that will provide a service and convenient access to goods for the surrounding community. The Project location is easily accessible in that it is built in close proximity to an existing subway station with connections to downtown and greater Los Angeles. Finally, the establishment will benefit the City through generation of additional sales tax revenue, and business license and other fees, and by providing additional short-term and long-term employment opportunities.

*B. 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 site consists of eight contiguous lots bounded by South Oxford Avenue on the west, South Serrano Avenue on the east, West 8th Street on the south. The Project Site is currently improved with a 2-story grocery store, general retail, restaurant, wholesale market and a related surface parking lot. The site is approximately 2.18 acres.

The addition of alcohol sales will be within a grocery store with operating hours from 8:00 a.m. to 12:00 a.m. daily and will be compatible with the surrounding properties as the subject property will be a mixed-use development located proximate to commercial uses. In addition, the property had been granted a Conditional Use for the sale of alcoholic beverages for off-site consumption of alcohol for the existing grocery store and for the sale of alcoholic beverages for on-site consumption for the restaurant per Case No. CPC 2006-9524-ZC-CUB-CU-SPR.

The subject site has a land use designation of Neighborhood Office Commercial with the corresponding zones C1, C1.5, C2, C4, P, CR, RAS3 and RAS4 in the Wilshire Community Plan. The site's proposed zoning is (T)(Q)C2-2D and is in Council District 10. The site is not located within any Specific Plan areas but is located in the Los Angeles State Enterprise Zone, Transit Priority Area and the Wilshire Center/Koreatown Redevelopment Project Area of the former CRA/LA.

The sale of alcohol is a typical amenity in grocery stores located in commercial areas and is common and often an expected amenity provided to the surrounding residents, and visitor community.

*C. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.*

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these elements. There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems.

The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Wilshire Plan Map designates the property for Neighborhood Office Commercial land uses with corresponding zones C1, C1.5, C2, C4, P, CR, RAS3 and RAS4.

The site's proposed zoning is (T)(Q)C2-2D, which is consistent with the proposed land use designation of Regional Center Commercial. The allowance to have alcohol for off-site sales at a grocery store is not specifically addressed in the Community Plan text. In such cases, the intent of the Plan must be interpreted. The proposed request will provide a service and amenity in a commercial district of the community thereby consistent with a number of goals of the adopted Wilshire Community Plan including 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.

The Los Angeles Municipal Code authorizes the City Planning Commission to grant the requested conditional use in the zones corresponding to the Plan land use designation. The conditional authorization for the sale of alcohol for off-site consumption within a new grocery store is allowed through the approval of the City Planning Commission subject to certain findings. The required findings in support of the Wilshire Community Plan have been made herein. The request to permit the off-site sale of alcohol located within a proposed grocery store in a proposed mixed-use development is consistent with the intent of these provisions.

*D. The proposed use will not adversely affect the welfare of the pertinent community.*

The project would enhance the surrounding neighborhood providing new housing opportunities, and introduce neighborhood-serving uses to the community. The project would replace the current underutilized uses on the property which consist of a two-story grocery store with smaller commercial spaces and a surface parking lot. The proposed project would provide 364 apartment units and approximately 52,619 square feet of commercial opportunities for neighborhood amenities and services, which will include a grocery store. The proposed 32,514 square-foot full-service grocery store would utilize the conditional use permit to sell alcoholic beverages for off-site consumption. The property had been granted a Conditional Use for the sale of alcoholic beverages for off-site consumption of alcohol for the existing grocery store and for the sale of alcoholic beverages for on-site consumption for the restaurant per Case No. CPC 2006-9524-ZC-CUB-CU-SPR.

The project's well designed and mixed-use character would promote a synergy between commercial corridors along West 8<sup>th</sup> Street and Western Avenue and the residential uses adjacent to major thoroughfares, such as multi-family residences along Oxford and Serrano Avenues.

Approval of the Conditional Use will contribute to the success and vitality of the proposed full-service grocery store, and reinvigoration of the site and vicinity. Approval of alcohol sales will increase the availability of a public convenience for on-site residents and patrons who live, work and play within the surrounding neighborhood. The Project location is easily accessible in that it is built in close proximity to an existing subway station with connections to downtown and greater Los Angeles. Finally, the establishment will benefit the City through generation of additional sales tax revenue, and business license and other fees, and by providing additional short-term and long-term employment opportunities.

*E. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.*

According to the local Department of Alcoholic Beverage Control office, in Census Tract No. 2125.02 within which the Project is located, the maximum number of on-site licenses permitted is 2, with 19 existing, and the maximum number of off-site licenses permitted is 1, with 3 existing (of which, one license represents the grocery store currently located on

the subject site). The number of permitted licenses is based on the population of the census tract, and in the most recent Census update (2010) the population was reported to be 2,165 residents. There exists an overconcentration of alcohol licenses in the subject census tract. Since there is currently an off-site sale license located at the subject site, the off-site sale of alcohol at the proposed grocery store would not result in the addition of a new license. In addition, the subject site is within a Regional Center land use designation where a concentration of licenses is anticipated given the range of uses permitted and encouraged within a Center. Finally, the grocery store will be located within one self-contained complex and monitored as part of the development's overall security and operational oversight.

While this may appear to be an overconcentration of licenses due to the raw numbers, it should be pointed out that the ABC criteria do not take into account that this request does not result in the addition of a new permit to serve alcohol as the current grocery store sells alcohol for off-site consumption. The continued offering of alcohol will be an amenity provided to the residents on-site and in the surrounding area. The ABC also recognizes that high activity entertainment, retail, government and commercial centers, such as within the Wilshire Regional Center, are supported by a significant visitor/employee population in addition to the resident population base. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. This is reflected in the licensing statistics noted above. Within this urban context, the proposed establishments, permitted to sell and dispense a full line of alcoholic beverages, will be consistent with the character of development in the area. Therefore, it can be reasonably assured that the economic welfare of the community will not be adversely impacted.

Within Census Tract 2125.02 there are currently 19 establishments with on-site only sales, and with 3 off-site only sales. According to crime statistics from the Los Angeles Police Department, a total 113 of Part II Crimes (Arrests) were reported during 2015 within Reporting District No. 2033, which has jurisdiction over the subject property. This is more than the 181 reported Part II offences on average, per district City-wide.

Part II Crimes that are related to alcohol consumption include; Drunkenness (13), Disorderly Conduct (0), and DWI related (24). Although these related arrests (113 total) comprise about 62 percent of the total Part II Crimes reported (181) for Reporting District No. 2033, approval of the Conditional Use will not likely contribute to a substantial increase in these types of offences, particularly since there is an existing active off-site sale license at the subject site.

Furthermore, to ensure that the Project will not create detrimental impacts on the surrounding area, the specific details of the establishment will be reviewed pursuant to a Plan Approval. This will allow for a comprehensive review with input from the prospective tenant, the Los Angeles Police Department, the Los Angeles Fire Department, and the City Council office. Security plans, floor plans, seating limitations, and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through the imposition of site-specific conditions. This extra protection will ensure that no adverse impacts could result due to off-site alcohol sales and consumption.

- F. *The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration of the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.*

The grocery store will be incorporated into the mixed-use development and separated from nearby residential uses by distance and physical development. The site itself is located across the street from the C2 Zone. However, the area contains a mix of commercial, office, residential, hotel and surface parking uses. Because the C2 Zone in the Wilshire Community Plan is a corresponding zone in the Regional Center Commercial Land Use designation, the provision of commercial retail and hotels nearby these zone are expected within the Community Plan. The Regional Center Commercial land use category encourages commercial uses, including mixed-use, commercial and higher density residential uses. However, alcohol is only permitted through a Conditional Use permit.

There are no sensitive uses located within 1,000 feet of the subject site. The nearest public schools are Hobart Boulevard Elementary and Wilton Place Elementary schools located approximately 1,200 and 1,800 feet from the property respectively. The nearest parks and churches are also more than 1,000 feet away from the Subject Property. This grant has placed numerous conditions on the proposed project to minimize potential impacts and possible nuisances for the surrounding area. The Conditions placed on the grocery store alcohol sales will make the operator accountable to the sensitive uses within the area. The off-site sale of alcohol at a grocery store within a mixed use development is appropriate in that it is convenient for residents on-site and in the surrounding area, consistent with the operation of numerous other grocery stores in the area which are permitted to sell and dispense alcoholic beverages for off-site consumption. Therefore, it can be concluded that the proposed use, conducted in full compliance with the Conditions of approval, will not detrimentally affect nearby sensitive uses. The Project will not be detrimental to the character of development in the immediate neighborhood.

The off-site sale of alcoholic beverages at a Grocery Store is an essential component to establishing a vibrant, energized, pedestrian-friendly atmosphere, consistent with the Project Site's designation as a Regional Center. Allowing the sale of alcohol at the Project Site will advance the public convenience and necessity by servicing the demand for alcoholic sales consistent with the Project.

Alcohol sales are not expected to create law enforcement problems as the Project Site contains a grocery store that currently sells alcohol for off-site consumption. As part of the Project's security plan, security officers may be stationed at key locations within the Project Site to preserve the safety of the Project's residents, tenants, and visitors. The Project would provide high quality jobs in proximity to vibrant restaurant and retail uses. Therefore, the sale of alcoholic beverages at the Site is not expected to create the type of crime problem California Business & Professions Code Sections 23958 and 23598.4 seek to prevent.

## **7. Site Plan Review Findings**

The applicant is requesting a Site Plan Review for a project which results in an increase of 50 or more residential units.

- a. *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 Project is located within the Wilshire Community Plan area, which designates the Project site for Neighborhood Office Commercial. The Neighborhood Office Commercial land use category corresponds to the C1, C1.5, C2, C4, P, CR, RAS3,

and RAS4 Zones. The project also proposes an amendment to the General Plan Land Use designation from Neighborhood Office Commercial to Regional Center Commercial. The Zone Change and General Plan Land Use amendment will encompass the "Development Project". For the C2 Zone, the Height District 2 allows unlimited height. The proposed project will be built to a height of 102 feet with an FAR of 4:1.

The Project site is located within the Wilshire Center Regional Commercial Center, which is described as "a dense collection of high rise office buildings, large hotels, regional shopping complexes, churches, entertainment centers, and both high and low-rise apartment buildings." This Center also includes the Vermont, Normandie, and Western Metro Red Line subway stations along Wilshire Boulevard. The Regional Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. The area contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses. These diverse uses support balanced community development and create increased interest for a variety of visitors who come to the area. Therefore, the proposed mixed-use project is appropriate for this area.

One of the long-term goals of the General Plan is to encourage commercial development within designated Regional Centers and the proposed project as it relates to use, design, size and height is consistent with the plan's vision for these areas. As such, the Framework Element of the General Plan encourages development that "*accommodate[s] a broad range of uses that serve the needs of adjacent residents, promote[s] neighborhood and community activity...and are...desirable places in which to...work and visit, both in daytime and nighttime.*" The Project furthers several General Plan objectives, including encouraging infill projects and locating new development near public transit and shopping, services and employment. The Project represents the creative re-use of an existing, underutilized site, near a major transit corridor.

- b. *The Project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties.*

The proposed project involves the demolition of the existing buildings and the construction, use and maintenance of a new seven-story, 102-foot tall, mixed use development consisting of 364 apartment units and 52,619 square feet of ground floor commercial space that is proposed for retail uses. The proposed project is a new seven-story mixed-use project above a 3-level subterranean parking garage. The development will include 364 dwelling units and approximately 52,619 square feet of ground-floor commercial space. Approximately 38,524 square feet of open space is proposed, which includes space on the ground floor accessible to the public; an outdoor recreation deck, indoor gym and recreation room, a dog run on the 3rd floor; and two terraces on the 7th floor. The height of the Project is 102 feet. The project would include approximately 791 vehicle parking spaces and 455 bicycle parking spaces.

As detailed above, in the General Plan Text Findings section, the proposed project as conditioned is in compliance with the Land Use Chapter and Economic

Development Chapter of the General Plan Framework; the Transportation Element; the Housing Element; and the Land Use Element–Wilshire Community Plan. The site is not located within a Specific Plan.

The Wilshire Community Plan includes several objectives and policies that promote distinctive pedestrian-oriented areas, encourage the improvement of streetscape identity and character, and encourage pedestrian-oriented design and this project is consistent with these objectives and policies. The intent of mixed use development is to provide housing in close proximity to jobs and services, to reduce vehicular trips, traffic congestion and air pollution, and to stimulate vibrancy and activity in pedestrian-oriented areas. The proposed project will consist of a development that is complementary to the neighborhood. These policies encourage established commercial sectors to promote economic vitality while serving the needs of the Wilshire Community.

The Project is consistent with many of the Urban Design Policies for individual projects in the Wilshire Community Plan that are intended to ensure that new projects are compatible with existing and future development on neighboring properties.

- c. *The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.*

The Project is consistent with many of the Urban Design Policies for individual projects in the Wilshire Community Plan that require recreational and service amenities to improve habitability for its residents. The Project includes many types of open and common spaces that would appeal to a variety of household types. The project proposes several active and passive recreational areas appropriate for residents of varied age range, lifestyle, and interests. The variety of recreational amenities would include a swimming pool and spa, a recreation deck, a gym room, a recreation room for indoor entertainment activities, a dog park, and several terraces in addition to the private balcony included in most units. These recreational and service amenities will improve habitability for residents.

## **8. CEQA Findings**

A Mitigated Negative Declaration (ENV-2015-4614-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

Subsequent to the end of the publication period of the MND (October 3, 2016), the applicant revised the project description to include the merger of 5.5 feet from Oxford Avenue and 8.5 feet from Serrano Avenue into the site. Since the Project description had changed, an errata of the MND was prepared. This errata is dated November 10, 2016. No additional mitigation measures are required. As this revised project represents the same project, per CEQA Guidelines Section 15073.5, recirculation of the previously issued MND is not required.

## RESOLUTION

**WHEREAS**, the subject project is located within the area covered by the Wilshire Community Plan adopted by the City Council on September 19, 2001; and

**WHEREAS**, the City Planning Commission, at its meeting on February 23, 2017, recommended approval of a General Plan Amendment from Neighborhood Office Commercial for the Subject Property and Add Area: High-Medium Residential to Regional Commercial; and recommended approval of a Vesting Zone and Height District Change from (T)(Q)C2-1 and (Q)C2-1 to (T)(Q)C2-2D for the subject property; and

**WHEREAS**, the approved project is for the construction of a new 7-story mixed use residential and commercial development with 52,619 square-feet of commercial space and 364 residential units. The proposal includes approximately 791 automobile parking spaces and, 455 bicycle parking spaces; and

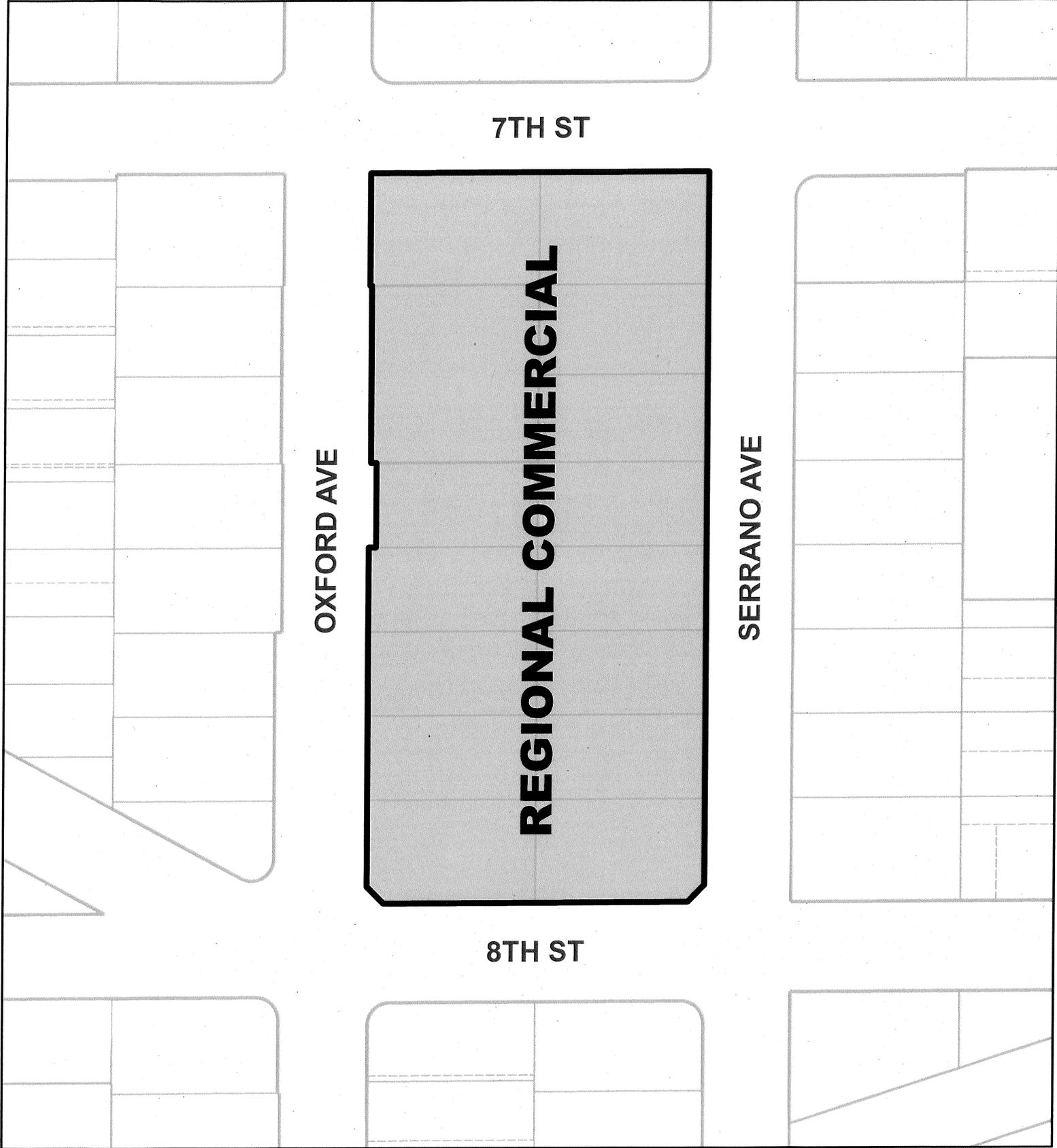
**WHEREAS**, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

**WHEREAS**, the requested General Plan Amendment is consistent with the intent and purpose of the adopted Wilshire Community Plan to designate land use in an orderly and unified manner; and

**WHEREAS**, the Regional Commercial land use designation, the (T)(Q)C2-2D Zone and Height District Change, and the Building Line Removal will allow the project as described above which is consistent with the Plan and Zone; and

**WHEREAS**, the subject proposal has been assessed through a Mitigated Negative Declaration No. ENV-2015-4614-MND in accordance with the City's Guidelines for implementation of the California Environmental Quality Act (CEQA);

**NOW, THEREFORE, BE IT RESOLVED** that the Wilshire Community Plan be amended as shown on the attached General Plan Amendment map.



7TH ST

OXFORD AVE

**REGIONAL COMMERCIAL**

SERRANO AVE

8TH ST



100 50 0 100 Feet



CPC 2015-4613 GPA VZC HD BL CUB SPR

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City of Los Angeles

