

**Justifications for Appeal**  
5041-5057 N. Lankershim Blvd.  
CPC-2020-6950-GPA-VZC-HD-ZAA-CU-CUB-SPR

**Applicant/Appellant :** Napa Industries, LLC (the "Applicant/Appellant")

**Property:** 5041- 5057 N. Lankershim Boulevard & 11121 W. Hesby Street  
(the "Property")

**Case No.:** CPC-2020-6950-GPA-VZC-HD-ZAA-CU-CUB-SPR;  
ENV-2020-6951-MND; VTT-83142-1A

**Appeal of:** Zoning Administrator Adjustment

Denial of a Zoning Administrator's Adjustment to allow a 19 percent increase in density for a total of 158 guest rooms in lieu of 133 guest rooms pursuant to LAMC section 12.28.

**1. The Reason for the Appeal**

The Applicant proposes a mixed-use hotel project with 149 guest rooms and 8,900 square feet of commercial uses (retail and restaurant) (the "Hotel Project") located at 5041- 5057 N. Lankershim Boulevard & 11121 W. Hesby Street (the "Property") in the Noho Arts District in a Transit Priority Area in the San Fernando Valley of Los Angeles.

The Applicant/Appellant appeals the denial of Zoning Administrator's Adjustment to allow up to 20 percent increase in density pursuant to LAMC § 12.28.A. The City Planning Commission determined the base density permitted in the Code for the mixed-use Hotel Project is 125 guest rooms, instead of the originally calculated 133 guest rooms, because half of the adjacent alley is not included in the lot area density calculations for hotel projects. Therefore, a less than 20 percent increase in the guest room density pursuant to a ZAA under LAMC § 12.28.A would permit 149 guest rooms.

The Los Angeles Municipal Code provides several methods to increase density in residential projects, especially if located in a Transit Priority Area; however, the sole method to increase the density of hotel projects to greater than 200 square feet of lot area per guest room (outside of an R5 zone/Regional Center Commercial) is by a Zoning Administrator's Adjustment for an increase of less than 20 percent than what is otherwise permitted in the LAMC, and by a Variance for an increase of 20 percent or more. LAMC § 12.28.A states:

*"A. Adjustments. (Amended by Ord. No. 181,624, Eff. 5/9/11.) The Zoning Administrator shall have the authority to grant adjustments in the Yard, area, Building line and height requirements of Chapter 1 of this Code. An adjustment shall not be permitted for relief from a density (Lot area per unit) or height requirement, excluding fences and hedges, if the request represents an increase of 20 percent or more than what is otherwise permitted by this Code. A request for an increase of 20 percent or more shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be permitted by other provisions of Chapter 1 of this Code." (See Exhibit 5)*

In summary, in the Hotel Project, the base density permitted in the Code is 125 guest rooms. A 20 percent increase would be 150 guest rooms (125 x 1.25=150). Therefore, a request for 149

guest rooms represents an increase of less than 20 percent of what is otherwise permitted by this Code, and the LAMC permits use of an Adjustment for the additional density.

At the City Planning Commission hearing on April 14th, 2022, the Commissioners erred by applying an outdated Zoning Administrator ("ZA") Memorandum from 1997 that stated the policy at the time was to only permit one additional dwelling unit pursuant to a Slight Modification of 10% or less, as permitted in LAMC § 12.28.B.2. (See Exhibit 1) Here, the request for the Hotel Project was for an Adjustment of up to 20%, and not a Slight Modification of 10% or less. In addition, in the past 25 years, the Zoning Administrator's office has changed their policy, and followed the plain language of the Code adopted by City Council, and permitted numerous projects to allow an increase of up to 20 percent density in both residential and hotel projects through use of the Adjustment process. In addition, the Zoning Administrator Memorandum stated only "policy" and did not change the legislation. At the City Planning Commission Hearing, after close of public comment, a Commissioner asked a City planner what the 1997 ZA Memorandum stated, and then moved to approve the Hotel Project with the base density only, without any discussion that the 1997 ZA Memorandum was moot, because the City and the ZA office no longer applied the policy and it was counter to the plain language of the Code.

The Applicant requests that the City Council approve the ZA Adjustment for up to 20 percent of additional hotel density, or 149 guest rooms, consistent with the plain language of the Code, and based on the significant benefits of the Hotel Project in a Transit Priority Area to the immediate NoHo Arts District neighborhood and greater community, which is compatible to adjacent uses and scale of existing development, and where the Hotel Project has no significant environmental impacts that are not fully mitigated.

## **2. How the Applicant is aggrieved by the decision**

The Applicant is aggrieved by this decision in several ways. First, the Applicant will not be able to meet the needs of the community of North Hollywood to provide 149 guest rooms in a Transit Priority Area in the NoHo Arts District that relies on visitors to support the theaters and restaurants in the area. The NoHo Arts District is a community in North Hollywood that is home to contemporary theaters, art galleries, cafes, and shops, and there are currently no higher end hotel that serves these venues. The guest rooms would be used by visitors, due to the location in NoHo, and the proximity to Universal Studios, Warner Brothers Studios, and several smaller movie and TV studios in the Valley. It would also benefit those in the entertainment industry that need to access the studios for shorter periods of time. Second, the Applicant will not be able to provide the smaller guest rooms that are affordable to guests who seek to stay in the San Fernando Valley. Without the approval of the additional density, the Hotel Project would have the same building envelope, but with some larger suites instead of smaller guest rooms.

Third, the Applicant is not treated similarly to other applicants that requested additional density under a ZAA. The Applicant provided numerous examples where the City approved more than one additional guest room or unit using a ZAA approval (See e.g. ZA-2018-3516-CU-CUB-ZAA-SPR-1A, increasing the hotel density by 19% and 13 units from 67 to 80 guest rooms with a ZAA; See CPC-2008-1957-GPA-ZC-HD-CUP-ZV-ZAA-SPR, increasing residential density by 3 units from 85 to 88 units with a ZAA; ZA-2011-0830-ZAA-SPR-SPP-ZAI, increasing residential density from 260 to 283 with a ZAA). Fourth, the Applicant requested the additional density

because the Property is located in a Transit Priority Area, and it is good public policy to increase density near transit to promote the use of public transportation. The additional density will bring more patrons to the Noho Arts District area, and the Hotel Property can accommodate the additional density on site while complying with code, including parking requirements, and without any significant environmental impacts. It is only a benefit to the local business community, neighboring businesses accessible by transit, and to the Hotel Project to permit the additional guest rooms on site.

### **3. The points at issue**

#### **(a) *The ZAA is the appropriate mechanism to increase hotel density in a Transit Priority Area***

In the past 25 years, the City Council has adopted legislation with various methods to increase density in residential projects, in part in response to State law, such as Density Bonus and Transit Oriented Communities residential and mixed-use projects. This legislation has significantly reduced the need for the ZAA for Adjustments or Slight Modifications for residential density. However, the City Council has not adopted other methods to increase density for hotel projects, especially with site specific benefits such as proximity to transit, location in a commercial center, or need for additional hotels due to proximity to entertainment venues. Hotel density is limited to one guest room per 200 feet maximum in all commercial areas, except for R5 zones or Specific Plans that allow density increases. Therefore, a hotel projects must rely on Slight Modifications and Adjustments to increase density up to 10 or 20 percent, when it is warranted by good public planning policy, and on Variances for increases of 20 percent or more when warranted by specific site conditions. The findings for approvals of Adjustments were modified in 2012 to permit additional density of up to 20%, where the project conforms to the intent of the regulations; the project will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and the project is in substantial conformance with the purpose, intent and provisions of the General Plan and the applicable community plan. (LAMC § 12.28.C.4) (See Exhibit 5) This is the appropriate entitlement request pursuant to the requirements of the LAMC to increase density in the Hotel Project, and as described below, there is substantial evidence in the record to meet these required findings.

#### **(b) *The CPC inappropriately relied on a 1997 ZA interpretation to deny the ZAA.***

On March 27, 1997, Chief Zoning Administrator Robert Janovici issued ZA Memorandum No. 101 regarding slight density modifications. ("ZA Memo") (See Exhibit 1) The ZA Memo states that "*It continues to be the policy of this Office to allow filing of a slight modification for such a request*" . . . "*for an additional dwelling unit where the area allocated to the last unit is 10% or less short of that need to permit the extra unit by right.*" The ZA Memo clarified the additional 10% rule only applies to the last unit and "*it may not be based upon averaging the lot area allocation over the entire number of units proposed.*" The ZA Memo then provided an example of a 10 unit building, where 9 units had the requisite 1,000 sf of lot area per dwelling unit, but the 10<sup>th</sup> unit only had 900 sf of lot area attributed to it.

First, this ZA Memo provides only the "*policy of this Office*" at the time. In 1997, this may have been the policy of the ZA office when dealing with Slight Modifications to residential density, but it is no longer the policy. The ZA's office have approved numerous density increases since 1997 using LAMC § 12.28.A for both residential units and guest rooms in hotels, as discussed further below. Therefore, the policy has been shown to be superseded by updated ZA policy and action.

Second, the ZA Memo identifies only a policy, and only the City Council can, and did, adopt the legislation regarding what constitutes Slight Modification in density. The City Council did adopt such language in the ZA Memo, and the plain reading of the language shows that it applies to more than an increase in 1 unit. In addition, the definitions for Adjustments in 12.28.A which allow up to 20% increase, and Slight Modifications in 12.28.B which permit 10% increase or less, are different, and the ZA Memo does not apply, in its text, to Adjustments.

Third, since 1997, the City Council has adopted legislation with various methods to increase density in residential projects, in part in response to State law, such as Density Bonus and Transit Oriented Communities residential and mixed-use projects. This legislation has significantly reduced the need for the ZAA for Adjustments or Slight Modifications for residential density. As stated above, the City Council has not adopted other methods to increase density for hotel projects, especially with site specific benefits such as proximity to transit. Therefore, the hotel projects must rely on Slight Modifications and Adjustments to increase density when it is warranted by good public planning policy.

Fourth, at the Planning Commission hearing on April 14th, 2022, the Planning Commissioners only discussed the ZAA process after the public comment period was closed and there could be no additional discussion of evidence. Commissioner Renee Dake Wilson asked the planning associate if the ZA Memo stated that the density could only be increased by 1 unit, and the planning associate stated that it did without further discussion. The Commissioners did not identify or discuss the other substantial evidence in the record that the policy was over 25 years old, and was no longer the policy of the ZA's office given the number of ZA decisions counter to that policy.

(c) ***The City has approved numerous density increases since 1997 using a ZAA as permitted by LAMC § 12.28.A.***

In the past 25 years since the 1997 ZA Memo, the Zoning Administrator, or Area Planning Commission on appeal, have approved numerous Adjustments and Slight Modifications to allow an increase of density for hotel guest rooms and residential dwelling units based on an increase of the entire base density, and not a single unit stated in the ZA Memo. As examples, in the past 10 years, the City has approved ZAAs for density increases in the residential project at 10000 West Santa Monica Drive, hotel project at 524-544 S. Pacific Avenue, and residential project at 8500 Burton Way all based on good public planning policy. These are discussed in depth below.

(i) **10000 West Santa Monica Drive.** On February 22, 2012, the Zoning Administrator issued a Letter of Determination approving a Zoning Administrator's Adjustment under LAMC § 12.28.A for an increase in residential unit density from 260 units to 283 units.(ZA-2011-0830-ZAA-SPR-SPP-ZAI) (See Exhibit 2) The Zoning Administrator, Fernando Tovar,

found the density was compatible and consistent with surrounding uses, because it was *"a citywide destination for shopping, dining, and entertainment uses."* The ZA found the additional density consistent with the General Plan, because the objectives included *"reducing vehicular trips and congestion by developing new housing in proximity to adequate services and facilities, locating higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development, promoting mixed-use projects along transit corridors and in appropriate commercial areas . . ."* The ZA found the increased density was consistent with the zoning code: *"The Zoning Administrator Adjustment provision is intended to allow consideration on a case by case basis of modifications to individual Code provisions where strict adherence to the Code may result in unintended consequences promoting no public purpose and which may negatively impact a development proposal. The requested adjustment for an increase in units is in conformance with the spirit and intent of the Zoning Code by allowing increased residential density at the project site in close proximity to existing infrastructure and within commercial centers"* The ZA found the increase of 23 units would not result in adverse impacts that are not mitigated. The ZA found: *"Because of the highly urban nature of the surrounding area, and the high density of the project site's surrounding uses, strict adherence to Municipal Code's limitation on residential density for the site would be impractical or infeasible. Strict adherence undermines the project's ability to achieve the General Plan's goal of providing housing and residential amenities demanded by the market in an urbanized area with existing infrastructure while simultaneously designing a project that is considerate of adjacent uses and scale of existing development."*

Here, the Hotel Project meets the same criteria. The Project is within the Noho Arts District, which is a citywide destination for shopping, dining and specifically, theater uses. The additional density is consistent with the Community Commercial land use designation in the North Hollywood-Valley Village Community Plan, because it locates the hotel, a commercial use, in a Transit Priority Area near a commercial center, and the infrastructure will support this development near offices, artists in residence, and entertainment facilities (III-3). The Community Plan is currently being updated to specifically address anticipated growth in this area. The Hotel Project is consistent with the zoning code, because the strict adherence would have unintended consequences promoting no public purpose while limiting density near existing infrastructure within commercial centers. Strict adherence would undermine the Hotel Project's ability to achieve the General Plan's goal of providing hotel amenities demanded by the market with an urbanized area with existing infrastructure that is considerate of adjacent uses and scale of existing development.

(ii) **524-544 S. Pacific Avenue.** On September 23, 2019, the Harbor Area Planning Commission approved a boutique hotel project with ground level restaurant and rooftop bar that included a ZAA to permit a 19% increase in density from 67 guest rooms to 80 guest rooms. (ZA-2018-3516-CU-CUB-ZAA-1A) (See Exhibit 3) The Commission stated that an Adjustment is warranted *"where the spirit of the ordinance is observed and substantial justice is done with no impacts to the community."* The Commission found that the project's requested density, *"will be compatible with, and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood."* The Commissioners evaluated the San Pedro Community Plan, and found the requested increase in density for a commercial use was consistent with standards of *"higher density development along transit priority streets to maintain and active downtown for residents and visitors."*

Here, the Hotel Projects meets the same criteria. As stated above, the additional density is in the spirit of the Code while substantial justice is done with no impacts to the community. The MND for the Hotel Project identified no significant impacts that could not be mitigated, even for the larger 158 guest room project. The Hotel Project will also not further degrade adjacent properties, because it is at the same scale as neighboring residential and office buildings to the North, and will vastly improve the neighborhood by providing ground level restaurant with outdoor dining, improved pedestrian streetscape, and the hotel rooms necessary to support the surrounding theater and entertainment uses. The Hotel Property will also create higher density development along a transit priority corridor with immediate access to both mass transit and alternative transportation, including bicycles.

(iii) **8500 Burton Way.** On May 12, 2009, the City Planning Commission issued an approval for a residential project with ground level restaurant that included a ZAA for an increase in density from 85 units to 88 units. (CPC-2008-1957-GPA-ZC-HD-CUP-ZV-ZAA-SPR) (See Exhibit 4) The Commission held that the granting of the adjustment to permit an increase in density of 3 residential units was consistent and compatible with surrounding uses in a commercial zone, and that it was consistent with numerous objectives of the Wilshire Community Plan, including reducing vehicular trips by locating new housing in close proximity to commercial centers and transit. The Commission found the increase in density in conformance with the spirit and intent of the Zoning Code, because it will be compatible with adjacent uses, and consistent with surrounding development, yet physically separate from surrounding uses. The Commission found there were no adverse impacts because the MND for the project identified no significant impacts at the proposed density.

Here, the Hotel Project makes the same findings to support the Adjustment. It is compatible in scale to neighboring residential and commercial buildings; it has no significant impact to the environment in the MND; it is located in proximity to transit, and so reduces vehicular trips; and, different from the Burton Way project, it provides a benefit and need to the other businesses, restaurants, retail uses and theatres in the NoHo Arts District neighborhood.

Therefore, the Hotel Project meets the same criteria for approving an Adjustment of less than 20% increase in guest room density as other projects approved by the City. The same provisions and decision making policy should be applied to the Hotel Project.

(d) ***The Applicant provided substantial evidence in the record to support additional hotel density.***

The LAMC requires the following findings for approval of Adjustments: (LAMC § 12.28.AC.4) (Amended by Ord. No. 182,095, Eff. 5/7/12.) (See Exhibit 5)

*4. The Findings for Approval of Adjustments The Zoning Administrator shall not grant an application for an adjustment unless he or she finds:*

(a) *that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations;*

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

*(c) that the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.*

The Applicant provided substantial evidence in the record that the Hotel Project met each of these Findings based on the following facts, in summary: (i) the additional density in the Hotel Project was warranted based on other ZA decisions, (ii) the Hotel Project was in a project location near commercial, restaurant and theater uses that benefitted from additional hotel rooms considering the lack of hotels in the Noho Arts District, (iii) the Hotel Project was in a project location in a Transit Priority Area that provides the infrastructure to support the additional density without a substantial impact on the environment, and analyzed in the Project's Mitigated Negative Declaration, (iv) the Hotel Project provided a benefit to regional commercial and entertainment uses, because the hotel can serve Universal Studios, Warner Brothers Studios, and other studio and entertainment uses within San Fernando Valley, and (v) the Hotel Project does not have any significant environmental impacts that cannot be mitigated, as analyzed in the Mitigated Negative Declaration, even with the additional density.

***(e) The existing Planning Commission approval will result in fewer larger guest rooms that are less affordable to the general public, while the proposed project will provide a greater number of regular guest rooms to meet the demand of the North Hollywood community.***

On June 7, 2022, the City Planning Commission issued approval of the entitlements for the Hotel Project and adoption of the Mitigated Negative Declaration, except the CPC denied the ZAA to increase the density by 19% from 133 guest rooms to 158 guest rooms. The City Planning Commission also determined the base density permitted for the mixed-use Hotel Project is 125 guest rooms, instead of the originally calculated 133 guest rooms, because half of the adjacent alley is not included in the lot area density calculations for hotel projects. The approved Hotel Project is 88 feet, 7 stories, and 108,391 square feet (4.35:1 FAR) with ground level restaurant and retail spaces and a 7<sup>th</sup> level restaurant. If the ZAA is granted or not, the approved building will have the same envelope, floor area and uses, and will appear the same from the exterior. However, without the ZAA, the Hotel Project will lose 24 guest rooms. This will require a reconfiguration of the interior to utilize the floor area of these rooms in other capacities, such as to create 24 larger suites that utilize the floor area. The Hotel Project owners, union workers, and Noho Arts District neighbors would all benefit by having more guest rooms to support the local economy that are smaller, and therefore more economical for guests. It does not serve good public planning policy or justice to approve the larger building envelope, but not allow the hotel owner to provide the most feasible and best designed option that best serves the community.

#### **4. The City Planning Commission erred or abused their discretion**

The City Planning Commission erred or abused their discretion, by relying solely on a 25-year old interpretation of the Zoning Administrator in the ZA Memo regarding Slight Modifications, instead of properly relying on the legislative language of the LAMC, the examples

of City approvals of ZAAs over the past 25 years that counter the interpretation, and compliance with the intent of the General Plan. The Planning Commission erred by not providing additional discussion at the hearing, after closing the public comment, and therefore not allowing review of substantial evidence in the record that the ZA Memo did not apply to the Hotel Project. The Planning Commission also erred by denying additional hotel guest rooms that would benefit the commercial, restaurant, theater and residential neighbors in the NoHo Arts District area, even when requested by the neighbors and the hotel union representatives. The Planning Commission also erred by failing to consider that the additional hotel guest rooms would have no significant impact on the environment as shown by substantial evidence in the Mitigated Negative Declaration, which was adopted by the Planning Commission.

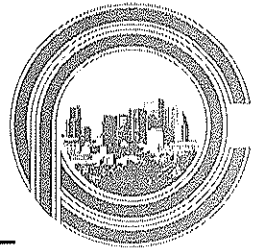




## EXHIBIT 1

# Los Angeles City Planning Department

221 North Figueroa  
16th Floor



### OFFICE OF ZONING ADMINISTRATION

### MEMORANDUM

ZA MEMORANDUM NO. 101

March 27, 1997

TO: Office of Zoning Administration  
Department of Building and Safety  
Public Counters

FROM: Robert Janovici   
Chief Zoning Administrator

SUBJECT: **DENSITY - SLIGHT MODIFICATIONS**

Apparently, there is confusion as to whether a slight modification may be filed for an additional dwelling unit where the lot area allocated to the last unit is 10% or less short of that needed to permit the extra unit by right.

It continues to be the policy of this Office to allow filing of a slight modification for such a request and therefore, a variance need not be filed.

Bear in mind that the calculation as to whether the lot area for the last unit is within the 10% rule is based solely on the lot area attributable to the last unit - it may not be based upon averaging the lot area allocation over the entire number of units proposed. Please be sure any application correctly states the request. An example would be:

"to build a 10-dwelling unit multiple residential structure with nine of the dwelling units having the requisite 1,000 square feet of lot area per dwelling unit but with the 10th unit having 900 square feet of lot area attributable to it".

RJ:mw

## EXHIBIT 2

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

### ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN  
SUE CHANG  
LOURDES GREEN  
FERNANDO TOVAR  
MAYA E. ZAITZEVSKY

## CITY OF LOS ANGELES CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

### DEPARTMENT OF CITY PLANNING

MICHAEL J. LOGRANDE  
DIRECTOR

### OFFICE OF ZONING ADMINISTRATION

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318  
FAX: (213) 978-1334

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

February 22, 2012

Chaim Elkoby (A)(O)  
10000 SM Property, LLC  
2200 Biscayne Boulevard  
Miami, FL 33137

Cindy Starrett (R)  
Latham & Watkins, LLP  
355 South Grand Avenue  
Los Angeles, CA 90071

CASE NO. ZA 2011-0830(ZAA)(SPR)  
(SPP)(ZAI)

ZONING ADMINISTRATOR'S  
ADJUSTMENT- SITE PLAN REVIEW-  
PROJECT PERMIT COMPLIANCE-  
ZONING ADMINISTRATOR'S  
INTERPRETATION

10000-10022 West Santa Monica  
Boulevard and 201 East Moreno Drive  
West Los Angeles Planning Area

Zone : C2-2-O

D.M. : 135B161

C.D. : 5

CEQA: ENV-2011-0540-EIR

Legal Description: PT Lot 1, Tract 5609,  
and Lot 3, Tract 11964

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby APPROVE:

a Zoning Administrator's Adjustment to permit the development of 283 units in lieu of the maximum permitted of 260 units; and

a Zoning Administrator's Adjustment to calculate the project's buildable area based on gross lot area,

Pursuant to Los Angeles Municipal Code Section 16.05, I hereby APPROVE:

Site Plan Review for a project that creates a net increase of 50 or more dwelling units

Pursuant to Los Angeles Municipal Code Section 11.5.7.C, I hereby APPROVE:

Project Permit Compliance for a project in the Century North Specific Plan area,

Pursuant to Los Angeles Municipal Code Section 12.21-A,2, I hereby APPROVE:

a Zoning Administrator's Interpretation confirming that the proposed automated parking structure is consistent with Section 12.21-A,5(m) of the Municipal Code,

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 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 Zoning Administrator 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. 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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
5. 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.
6. Indemnification. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Mitigation Measures. The applicant shall comply with all Mitigation Measures required by the Mitigation Monitoring and Reporting Program in the Final Environmental Impact Report ENV-2011-540-EIR (State Clearinghouse No. 2011041042). The Mitigation Measures shall be printed on the building plans.
8. Approved herein is a Zoning Administrator's Adjustment to permit the development of 283 units in lieu of the maximum permitted 260 units, a Zoning Administrator's Adjustment to calculate the project's buildable area based on gross lot area, Project Permit Compliance Review, Site Plan Review, a Zoning Administrator's Interpretation

confirming that the project's automated parking structure complies with the Code's Mechanical Automobile Lifts and Robotic Parking Structures, and certification of the Environmental Impact Report for the project, in conjunction with the development of a 283-unit residential structure under VTT-71555-CN.

9. The project shall comply with the Site Plan and all related conditions identified in the determination for the related Vesting Tentative Tract Map No. 71555-CN.
10. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
11. Prior to issuance of any permits relative to this matter, 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 for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This 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 attachment to the subject case file.

#### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

All terms and Conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. In order to accommodate the multiple phases of this project, the approvals granted herein for the entirety of the project shall be deemed to have been utilized in conformance with Los Angeles Municipal Code Section 16.05-G,6 and vested upon the issuance of building permits and the commencement and diligent prosecution of construction work for the renovation of the historic Sanctuary, the construction of Sanctuary East Court, and the installation of the temporary central plant. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

#### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after March 8, 2012, unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are also available on-line at <http://cityplanning.lacity.org>.** Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

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.

### NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on January 25, 2012, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find:

### **BACKGROUND**

The project site consists of a relatively flat, irregular-shaped, corner lot with approximately 2.4 net acres. The site is bound by Santa Monica Boulevard to the north with a lot frontage of approximately 420 feet, and Moreno Drive to the east with a frontage of 283 feet. The centerline of Moreno Drive serves as the municipal boundary between the City of Los Angeles and the City of Beverly Hills runs along this eastern frontage of the subject property. The property is zoned C2-2-O with a Regional Center Commercial land use designation in the West Los Angeles Community Plan area.

The property is presently vacant and is enclosed by chain-link fencing. Adjacent uses include mid and high-rise office buildings, hotels, retail, and residential uses, including the 15- and 19-story Northrop Plaza buildings and the 27-story building along Century Park East in the C2-2-O Zone. To the north across Santa Monica Boulevard is the Los Angeles Country Club in the A1-1XL Zone. To the east across Moreno Drive are office, retail, auto, and parking uses, as well as single- and multi-family residences within the City of Beverly Hills.

The requested entitlements include Site Plan Review for a project which creates an increase of 50 or more dwelling units, a Zoning Administrator's Adjustment to permit the development of 283 units in lieu of the maximum of 260, a Zoning Administrator's Adjustment to permit the density to be based on the gross lot area, Project Permit Compliance for a project located in the Century City North Specific Plan area, and; a Zoning Administrator's Interpretation to confirm that the proposed automated parking is consistent with the LAMC Section 12.21-A,5(m).

The proposed residential development consists of one 283-unit residential tower with a lobby and 39 residential stories approximately 460 feet in height, as measured pursuant to the municipal code, and one ancillary building with nine stories to include the required 708 parking spaces as well as the landscape and recreational amenities, including a large indoor lap pool, a landscaped roof deck, an outdoor pool, sundeck, hot tub, and tennis

court facility.

**Previous Cases, Affidavits, Permits, and Orders On the Applicant's Property:**

Ordinance No. 171,492: Adopted on March 8, 1997, the *West Los Angeles Transportation Improvement & Mitigation Plan*, was established as a mechanism to fund specific traffic-related improvements, impose conditions, regulate development with transportation infrastructure, and promote transportation awareness to communities in the Westwood, West Los Angeles, Brentwood-Pacific Palisades, and the Palms-Mar Vista-Del Rey Community Plan areas.

Ordinance No. 156,122: Effective November 24, 1981, the *Century City North Specific Plan* was established to provide regulatory controls and policies to ensure the adequate provision of public needs, convenience and general welfare as development in the area necessitates.

**Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties**

There were no relevant cases, affidavits, and orders on surrounding properties.

The adopted West Los Angeles Community Plan designates the subject property for Regional Center Commercial land uses with the corresponding zone(s) of CR, C1.5, C2, RAS3, RAS4, R3, R4, R5, P, and PB. The property is subject to the West Los Angeles Transportation Improvement and Mitigation and Century City North Specific Plan areas. The property contains approximately 2.4 net acres and is presently zoned C2-2-O.

Santa Monica Boulevard is a Scenic Major Highway Class II dedicated to a variable 75- to 100-foot width at the project site's northern street frontage.

Moreno Drive is Local Street dedicated to a 60-foot width at the project's eastern street frontage.

**Public Hearing**

The hearing was attended by approximately 25 individuals, including the applicant (10000 SM Property, LLC), applicant's representative (Latham & Watkins), the project architect, Councilmember Paul Koretz (CD 5), and residents within the project area.

The applicant's attorney, Cindy Starrett, introduced the developer and went into detail about the project, the entitlements being requested, and the benefits of the proposed residential development. Several area residents spoke in support of the project and the applicant's community outreach efforts. A representative from the City of Beverly Hills' Community Development Department, Peter Noonan, attended the hearing and expressed some concern about the proposed haul route traversing through residential streets within the City of Beverly Hills and requested a condition asking the developer to provide funds to study traffic impacts after the project has been constructed and occupied. Mr. Noonan also provided a letter to the file with these same concerns.

**ADJUSTMENT FINDINGS**

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

1. **The granting of an adjustment will result in development compatible and consistent with the surrounding uses.**

**Unit Increase**

The requested adjustment to develop 283 residential units represents an increase of 23 units over the 260 residential units that would otherwise be permitted. The increase in residential density permitted would be compatible and consistent with surrounding uses for a property located within the urbanized area of Century City, which is designated as a high density Regional Center under the City's General Plan. Moreover, Century City is a job center as well as a citywide destination for shopping, dining, and entertainment uses. High-density residential uses are targeted by the City for location in an urban core like Century City, in close proximity to complementary uses such as office, retail, and restaurants. Increasing the number of residential units on the project site will not only maximize the utility of the site, but will also be compatible to the surrounding commercial uses and reduce the need and length of vehicle trips by project residents to those uses. Several high-rise residential buildings are currently located, or are approved for construction, south of the project site, including the recently completed 40-story Century residential tower, the approved 47-story Constellation Park residential towers, and the 39-story residential building approved at 1801 Avenue of the Stars. The proposed residential building, with a maximum of 39 residential stories, would be consistent with the residential density of these surrounding high-rise residential uses, and thereby in keeping with the character of the surrounding area.

**Gross Buildable Lot Area**

The requested adjustment to calculate density on the gross lot area will not compromise the required front, side, or rear yards applicable to residential projects in the C2 Zone. The proposed buildings would not be closer to adjacent uses than currently permitted by the Municipal Code. The adjustment would permit the project's square footage to be based on the gross lot area of the site, rather than net lot area, which allows for a greater floor area for the entire project and would maximize the habitable area of each residential unit, while maintaining the building envelope that otherwise would pertain to a commercial building on the same site.

The project's proposed residential building will be located in the northern portion of the site, adjacent to Santa Monica Boulevard and on the far side of the project site from the Beverly Hills High School located to the south. It will bordered on the east side by Moreno Drive, beyond which are located multifamily residential and



commercial uses. The project's ancillary building and parking structure would be located on the west side of the project site, adjacent to the commercial uses west of the property, in order to maximize the distance between these structures and the multifamily uses to the east. The project includes approximately 43,141 square feet of ground level open space within the southern and eastern portions of the Project site, in order to provide an adequate buffer between the project's uses, the Beverly Hills High School to the south, and the multifamily residences to the east.

The project will maximize the use of the site by providing high-density residential uses within a walkable neighborhood in proximity to commercial, entertainment, and dining uses, thereby decreasing the need for vehicle trips by prospective residents. Given the existing high-density, commercial and multifamily uses surrounding the Project site, as well as the design of the Project to provide open space within the project site adjacent to the Beverly Hills High School and Moreno Drive, the requested Zoning Administrator Adjustments for an increase in density and the gross lot area would be compatible and consistent with surrounding uses.

**2. The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.**

Unit Increase

The project site is designated as Regional Center Commercial by the Community Plan, which permits a variety of commercial, office, retail, and residential uses. The objectives and policies of the Regional Center Commercial designation include reducing vehicular trips and congestion by developing new housing in proximity to adequate services and facilities, locating higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development, promoting mixed-use projects along transit corridors and in appropriate commercial areas, and encouraging the retention of passive and visual open space to provide a balance to the community's urban development.

The increase in residential density requested through the adjustment is consistent with many of these objectives of the General Plan as the project site is situated in the high-density commercial and residential area of Century City along Santa Monica Boulevard, a major transit corridor, which is precisely the location where the General Plan has determined that new housing should be located. Maximizing the residential development potential of the site will further the goal of situating housing within an existing commercial center with easy access to public transportation, thereby reducing vehicular trips, congestion, and air pollution. The project will locate approximately 283 residential units near several major transit corridors and existing bus lines along Santa Monica Boulevard, and Metro is proposing to locate a station stop for the Westside Subway Extension in Century City in the vicinity of the Project site. In addition, the project is within walking distance of office, retail, and entertainment uses will also reduce the need for vehicular trips, further advancing

many of the General Plan's goal. By orienting high-density residential development in a dense urban environment, near high-trafficked commercial corridors, bus routes, and a future subway station stop, the project will further the intent and purpose of the General Plan to reduce vehicular trips.

#### Gross Lot Area

The proposed adjustment would allow the calculation of buildable area for the project to be based on the site's gross lot area, rather than net lot area, allowing the applicant to maximize the residential development potential of the project site while achieving the important community planning goals of coordinating residential density in urban areas near existing infrastructure to reduce vehicular trips. The project will provide approximately 283 residential units located near several major transit corridors and existing bus lines. Metro is also proposing to locate a station stop for the Westside Subway Extension in Century City in the vicinity of the project.

The project's location is within walking distance of office, retail, and entertainment uses will also reduce the need for vehicular trips, further advancing many of the General Plan's elements. By orienting high-density residential development in a dense urban environment, near high-trafficked commercial corridors, bus routes, and a future subway station stop, the Project will further the intent and purpose of the General Plan to reduce vehicular trips.

The project's building orientation, pedestrian amenities, and landscaped open space will further promote pedestrian activity and reduce dependence on automobiles, consistent with the General Plan's goals. The proposed residential building will be located in the northern portion of the site, adjacent to Santa Monica Boulevard and on the far side of the project site from the Beverly Hills High School. The main entryway and lobby of the residential building will face Santa Monica Boulevard, making pedestrian access to Century City and nearby Beverly Hills easy and convenient for residents. The proposed residential building would also create visual interest along Santa Monica Boulevard through a design that breaks away from the traditional corporate high-rise vernacular. The building design would be based on a grouping of interrelated building quadrants, and would include sloped lines for roofs, entry canopies, and selected building faces, to create slightly angled facades. The residential building would also include a 40-foot entry lobby. thus meeting the goal of providing a pedestrian-oriented building design.

The proposed adjustments are consistent with the General Plan Framework Element's Long-Range Land Use Diagram. The Framework Element establishes the long-range comprehensive growth strategy for the City and provides a Citywide context to guide local planning, including future amendments to the City's community plans, zoning ordinances, and other pertinent programs. The Framework Element's objectives and policies include promoting an improved quality of life by reducing vehicular trips, vehicle miles traveled and air pollution, by encouraging multi-family residential developments in Regional Center Commercial areas, and by seeking new opportunities for private development to enhance the

open space resources of neighborhoods. The Framework Element identifies Century City as a Regional Center targeted for high density growth, and in general provides that Regional Center Commercial areas have densities of 6.0:1 FAR.

The adjustments are consistent with the Framework Element's objectives and policies as they will permit high density residential development in a Regional Center area containing major transit corridors and infrastructure that will support the needs of existing and future residents. Further, the project will enhance the quality of life for the City's existing and future residents, as it plans to develop a currently underutilized site near a major commercial corridor into high quality residential development. The proposed adjustments allow for an increase in available housing in an area of the City targeted for growth, and is therefore consistent with the policies and intent of the General Plan.

3. **The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.**

Unit Increase

The Planning and Zoning Code establishes uniform standards of regulations for broad classes of development. The Zoning Administrator Adjustment provision is intended to allow consideration on a case by case basis of modifications to individual Code provisions where strict adherence to the Code may result in unintended consequences promoting no public purpose and which may negatively impact a development proposal. The requested adjustment for an increase in units is in conformance with the spirit and intent of the Zoning Code by allowing increased residential density at the project site in close proximity to existing infrastructure and within commercial centers.

Gross Lot Area

The City has previously determined that residential buildable area should be based on gross lot area, rather than net lot area, for areas of the City similar to Century City in terms of urban location, connections to transit and transportation, and nearby residential density. The City has previously concluded that in the Central City area, "because it is the major focus of transportation and jobs for the Los Angeles region, because it is decidedly urban in scale, and because of its relatively isolated location from single-family neighborhoods" (CPC 2005-0361-CA), residential uses should be based on gross lot area rather than net lot area. The same rationale justifies the requested adjustment for the project site within the Century City area, as it is also a major focus of transportation and jobs in Los Angeles, with Metro currently proposing a stop in Century City for the Metro Westside Extension. Century City is a high density urban area, designated as a Regional Center by the Community Plan, and therefore is an appropriate location for greater residential buildable area. Finally, the project is located distant from any single-family residences, with only multifamily residences located across Moreno Drive within the City of Beverly Hills.

The adjustments will maximize the potential of the site while promoting the development of high-quality housing in an identified Regional Center, in close proximity to existing jobs, transit, restaurants, and retail uses in Century City. Incentivizing housing in an existing urbanized area with nearby jobs will also encourage pedestrian activity and reduce traffic, congestion, and air pollution as compared to locating housing in a more distant, suburban location, thereby promoting the general welfare of City residents. The adjustment allows the City to accommodate high density housing in a recognized commercial center, rather than forcing such uses to encroach into lower density areas without the infrastructure to support it. In so doing, the City can protect those lower density areas from heavier traffic generated by high-density residential development.

**4. There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

Unit Increase

The adjustment for an increase of 23 units would not result in adverse impacts, or adverse impacts that would not be mitigated, to the surrounding area. The project site is bounded by commercial uses to the west, Santa Monica Boulevard, a busy commercial corridor, to the north, Moreno Drive to the east, with multifamily and commercial use, and Beverly Hills High School to the south. The project's buildings would be located on the northern and western sides of the property so that a large expanse of open space buffers the project's uses from multifamily residences to the east and Beverly Hills High School to the south. The development of this property with the request adjustment for a density increase prevents the project from increasing the height to accommodate the density and maintains a development in keeping with the character of development in the Century City area.

Gross Lot Area

The requested adjustment to calculate density on the gross lot area would not result in adverse impacts, or adverse impacts that would not be mitigated, to the surrounding area. The requested adjustment does not reduce or modify the required front, side, or rear yards applicable to the project, and as such, the project's buildings would not be closer to adjacent uses than currently permitted by the Code. Commercial uses in the C2 Zone would require no setbacks, and would otherwise be closer to adjacent uses than what is proposed. The requested adjustment would permit the project's square footage to be based on the gross lot area of the site, rather than net lot area, which allows for a greater floor area for the project. The square footage permitted by the adjustment would make the residential project comparable to the square footage permitted by-right for commercial uses on the site. The requested adjustment maximizes the habitable area of each residential unit, while maintaining the same building envelope that otherwise would pertain to a commercial building on the same site.

As required by CEQA, an Environmental Impact Report ("EIR") was prepared and confirmed that no adverse impacts would result from increasing the residential density of the project. The EIR concluded that project design features and mitigation measures were sufficient to reduce impacts regarding density to less than significant levels. In addition, the project has been conditioned to comply with all conditions of approval meant to protect the surrounding neighborhood and prevent or mitigate any potential adverse environmental impacts in the area.

**5. The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.**

Unit Increase

The project is located in Century City, a highly urbanized environment with numerous commercial and high-density residential uses. It is bordered on the west by commercial uses, on the north by Santa Monica Boulevard, a major transit-oriented arterial, on the east by multifamily residential, and commercial uses along Moreno Drive, and Beverly Hills High School to the south. Because of the highly urban nature of the surrounding area, and the high density of the project site's surrounding uses, strict adherence to Municipal Code's limitation on residential density for the site would be impractical or infeasible.

Strict adherence undermines the project's ability to achieve the General Plan's goal of providing housing and residential amenities demanded by the market in an urbanized area with existing infrastructure while simultaneously designing a project that is considerate of adjacent uses and scale of existing development. The requested adjustment would permit a high residential density for the project site, while providing the appropriate buffer for Beverly Hills High School to the south and orienting the high density project towards similarly scaled improvements to the west. As designed, the project better achieves the goals of the City to increase housing supply in an existing urban environment.

Gross Lot Area

The Project site is zoned C2, and the Municipal Code requires no front, side, or rear yards for commercial buildings located within the site's C2 Zone. Since the Municipal Code's definition of buildable area is based on lot area excluding portions of the lot reserved for yards or setbacks, commercial buildings on the project site could effectively calculate buildable area based on gross lot area, rather than net lot area. The requested adjustment would permit the project's residential uses to achieve the same buildable area as commercial uses that could be built by-right on the project site.

Furthermore, the City has previously found that no limitations on residential density, based on lot area, should apply in the Central City area, "because it is the major focus of transportation and jobs for the Los Angeles region, because it is decidedly

urban in scale, and because of its relatively isolated location from single-family neighborhoods" (CPC 2005-0361-CA). The same rationale justifies the requested adjustments on the project site. Century City is a major focus of transportation and jobs in Los Angeles, with Metro currently proposing a stop in Century City for the Metro Westside Extension in light of the great number of people who want to live, work, and visit the area. Century City is a high density urban area, designated as Regional Center Commercial by the Community Plan, and therefore is an appropriate location for greater residential density. Finally, the project site is located distant from any single-family residences, with only multifamily residences located across Moreno Drive. In light of the City's acknowledged housing shortage, the policy of the City as set forth by the Mayor and City Council to promote and incentivize the production of housing in the City, and the urban nature of the project location, strict adherence to zoning regulations would be impractical and infeasible, and would be contrary to the policies of the City.

### **SITE PLAN REVIEW FINDINGS**

Pursuant to LAMC Section 16.05, I have reviewed the subject development project and make the following Site Plan Review findings based on the information contained in the application, reports received from other departments, supplemental written documents submitted and review of environmental impacts associated with the project.

6. **The project complies with all applicable provisions of the Los Angeles Municipal Code and with any applicable Specific Plan.**

With approval of the requested discretionary actions, including the Zoning Administrator Adjustments, the project will be consistent with all LAMC requirements. The project site is zoned C2-2-O, which permits the residential uses and imposes no height limit. Residential development is permitted in the C2 Zone at a density of 1 dwelling unit per 400 square feet of lot area, which allows for the construction of up to 260 dwelling units on the project site. With the requested Zoning Administrator Adjustment, the project is permitted to construct 283 multifamily residential units on the project site.

Commercial uses on the project site have no required front, side, or rear yards under the LAMC, however the Project's residential uses do have required side and rear yards. While the project would maintain these required yards, the second requested Zoning Administrator Adjustment permits the project's buildable area to be based on the gross lot area, rather than the net lot area, of the project site. This is consistent with the buildable area that would be permitted for commercial uses at the same site.

The project complies with all applicable components of the Century City North Specific Plan (CCNSP). The CCNSP regulates development by assigning a certain number of Trips, or development rights, to properties within the CCNSP. Replacement Trips are generated when an existing building is demolished, and

Trips may be transferred between project sites within the CCNSP. The Planning Department maintains a record of all such Trips utilized and remaining to be utilized for each property within the CCNSP. The project site has a recorded covenant and agreement that provides for 2,143.4616 Replacement Trips under the CCNSP, and development of the project would not exceed those Replacement Trips. Therefore, development of the project will be consistent with the development rights allocated to the site under the CCNSP.

The project site is also located within the area governed by the West Los Angeles Transportation Improvement and Mitigation Specific Plan (WLA TIMP). The City developed the WLA TIMP in order to regulate land use impacts on transportation in the West Los Angeles Community Plan area. The WLA TIMP applies to any building or structure which requires the issuance of a building permit and which results in an increase in vehicular trips utilized on a property, as determined by LADOT. The WLA TIMP provides special provisions for when LADOT shall grant a credit for each trip generated by a previous use on a site. The Project and traffic analysis completed for the EIR will comply with the WLA TIMP.

**7. The project is consistent with the adopted General Plan.**

The General Plan's Framework Element establishes the City's long-range comprehensive growth strategy and provides a Citywide context to guide local planning, including future amendments to the City's community plans, zoning ordinances, and other pertinent programs. The Framework Element encourages residential and commercial growth along boulevards and corridors. The Framework defines Citywide policies for land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services.

The Framework Element's Land Use policy encourages the retention of the City's stable residential neighborhoods and proposes incentives to encourage the location of future growth in neighborhood districts, commercial and mixed-use centers, along boulevards, industrial districts, and in proximity to transportation corridors and transit stations.

The Land Use policy includes Regional Center Commercial areas, which are high-density places whose physical form is substantially differentiated from the City's lower-density neighborhoods. Century City is designated as a Regional Center, containing high-rise structures that are sited on large independent lots. The project, which provides approximately 283 residential units with associated amenities, is consistent with the Land Use chapter of the Framework Element, including the following goals, objectives, and policies:

Objective 3.4 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.

The project will provide new multi-family residential development by providing approximately 283 residential units in a building that is a maximum of 39 residential stories. The project will be located along Santa Monica Boulevard, a major commercial corridor with numerous public transit opportunities. The project is also located in close proximity to other major roadways, including Wilshire Boulevard and Olympic Boulevard. Public transit serves these roads as well as the major arterials in Century City. Metro is also proposing to locate a station stop for the Westside Subway Extension in Century City in the vicinity of the Project site. While the station location has not been finalized, both Century City station locations under consideration are less than 0.4 miles away from the Project site.

The project's high density residential uses would be located within an area designated as a Regional Center, and therefore would be consistent in character with surrounding uses. By locating the project's residential uses within Century City's dense commercial area, instead of within a lower density residential neighborhood, the project also preserves existing neighborhoods.

Goal 3C Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

The project will enhance the quality of life for the City's existing and future residents by redeveloping a currently underutilized site to provide high-quality residential dwelling units with an environmentally conscious sustainable design within Century City, in close proximity to jobs, transit, restaurants, and retail uses, enhancing Century City as a unique and walkable center for residence, commerce and entertainment.

The project's landscaped open space would also enhance the quality of life for the City's future and existing residents. The project will provide approximately 43,141 square feet of ground level open space that will include mature trees, shrubs, and groundcover, which will compliment the walkability and urban nature of Century City. An open space area at the corner of Santa Monica Boulevard and Moreno Drive, along with street trees and enhanced decorative sidewalk paving improvements along Santa Monica Boulevard, will also enhance pedestrian activity and provide a pedestrian linkage to shopping, recreation, and entertainment in both Century City and Beverly Hills. The project's design will connect the site to nearby job centers and retail, promoting pedestrian activity and reducing dependence on automobiles.

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

Policy 3.1.1 Identify areas . . . sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, educations,



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

By providing residential dwelling units in Century City, a major commercial core that includes office, retail, entertainment, and other residential uses, the project locates needed housing in proximity to a commercial center and supports the needs of the City's existing and future residents, businesses, and visitors. The placement of residential units in close proximity to such diverse uses will help enhance Century City's place as a unique and walkable center for residence, commerce and entertainment.

The building orientation, design, and pedestrian amenities will link the site to a variety of uses, including retail, office, and entertainment. The project's expansive open space and gardens will enhance pedestrian activity for existing and future residents.

The project will provide approximately 283 new residential dwelling units with associated amenities in close proximity to commercial, retail, entertainment, and restaurant uses. During construction, and upon completion and occupancy, the project is expected to generate significant new economic activity in the City, including numerous construction jobs and full and part-time jobs for the residential-support uses. The project will also increase the vitality of the Century City area through the provision of residential units within an existing commercial center.

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

The project is consistent with the Framework Element's Long-Range Land Use Diagram, which identifies Century City as a Regional Center targeted for high density growth. The project will provide approximately 283 residential units with associated amenities on a currently underutilized site adjacent to high density uses.

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

The project integrates residential housing into a Regional Center, thereby reducing the need for residents to travel elsewhere for jobs, shopping, dining, and entertainment. By providing residential uses near complementary office, retail, entertainment, and other residential uses, the Project reduces the number and length of vehicular trips compared to locating the same residential uses in a more distant suburban location, thereby reducing congestion and air pollution and promoting pedestrian activity. In addition, the project includes various residential amenities that will reduce the need for external trips and promoted an improved quality of life, including a spa, gym, lounge, tennis court, and swimming pools.

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 project reinforces the existing Regional Center of Century City by providing an important residential component complementing Century City's existing office, retail, and dining opportunities. By locating housing within a vibrant commercial and retail area, the project is designed to enhance the urban lifestyle of Century City and adjacent Beverly Hills, and to reduce dependence on automobiles. Accordingly, residents and visitors of the Project will be able to access nearby business, employment, entertainment, and lodging uses with ease.

Objective 3.16 Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.

The project includes a number of design features that support and enhance the overall pedestrian environment within Century City. Project design features include landscaping and enhanced pedestrian access along Santa Monica Boulevard and Moreno Drive. The landscaping program will include extensively landscaped open space with mature trees, shrubs, and groundcover, and will support the concepts presented in the 2007 Greening of Century City Pedestrian Connectivity Plan so as to enhance the quality of the public thoroughfares and provide an appearance that is consistent with the overall landscaping concept for Century City.

The project will provide approximately 43,131 square feet of ground level open space that will extend an overall garden feel outward from the site to the public street. This type of expansive open space area will provide a needed complement to the urban nature of Century City, as encouraged by the Community Plan. An open space area at the corner of Santa Monica Boulevard and Moreno Drive will enhance pedestrian activity and provide a pedestrian linkage to shopping, recreation, and entertainment in both Century City and Beverly Hills. The project would also provide street trees and decorative sidewalk paving improvements along Santa Monica Boulevard to improve street-level pedestrian connectivity and activity, with a landscaped setback buffer between the sidewalk and the drop-off and pickup area of the residential building.

The Housing chapter of the Framework Element seeks to contribute to stable, safe, and livable neighborhoods and improve access to jobs and neighborhood services. The project is consistent with the Housing chapter of the Framework Element, including the following goals, objectives, and policies:

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

Existing public service facilities and infrastructure will adequately support the project. The site is situated on a major roadway, Santa Monica Boulevard, and within close proximity to other major roadways, including Wilshire Boulevard and Olympic Boulevard. Public transit serves these roads as well as the major arterials in Century City and its internal street circulation system. Because the project is located within a highly developed area of West Los Angeles, it is well served by existing roadways and other regional infrastructure. The project's urban location will take advantage of neighboring amenities, existing urban infrastructure, and public transportation. The existing regional infrastructure and the established roadway network are sufficient to serve the Project's residential population, and the Project will also be supported by sufficient public services.

Objective 4.2 Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

The project will be located within a highly developed urban area in close proximity to commercial, retail, restaurants, and other services. Moreover, the project will place 283 multi-family dwelling units within an area that is well served by existing transit facilities as it is situated along a major roadway, Santa Monica Boulevard, and within close proximity to other major roadways, including Wilshire Boulevard and Olympic Boulevard. Additionally, Metro is planning to locate a station stop for the Los Angeles Metro Westside Subway Extension in Century City. While the station location has not been finalized, both Century City station locations under consideration are less than 0.4 miles away.

The project is situated adjacent to the existing mid- and high-rises in Century City, consistent with the character of development in the surrounding area. The project will provide open space buffer areas between the project's buildings and the adjacent Beverly Hills High School to the south and multi-family residential uses to the east. The high rise residential building has a narrow floor plate, and will construct the residential building on the northern-most portion of the site along Santa Monica Boulevard and away from lower density uses to the east. The ancillary building with parking and residential amenities will be located along the western portion of the site, away from multi-family residential uses. The project will provide approximately 43,141 square feet of ground level open space area, thus buffering the high-rise residential building from the lower density uses to the south and east.

The project is consistent with the Urban Form and Neighborhood Design chapter of the Framework Element, including the following goals, objectives, and policies:

Goal 5A A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse

neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

By locating 283 residential units in close proximity to existing jobs, transit, shops, and restaurants, the project will enhance the quality of life for its residents and support commercial and economic growth in the area. The project will add residential uses to a vibrant commercial and retail area to create a diverse and interconnected neighborhood where residents can live, work, shop, dine, and be entertained. The project is also located in close proximity to the Westfield Century City Shopping Center, which is a regional shopping center containing various department stores, a market, theater, and retail uses. The proximity to major roadways and regional-serving commercial and retail uses further promotes the ability of Century City to function at both the neighborhood and Citywide scales.

Objective 5.2 Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

The project site is located within a high-density, mid- and high-rise corridor, and is primarily surrounded by office, residential, and commercial buildings and will add approximately 283 dwelling units within an area that is well served by existing transit infrastructure. The project is situated on a major roadway, Santa Monica Boulevard, and within close proximity to other major roadways, including Wilshire Boulevard and Olympic Boulevard. Additionally, Metro is planning to locate a station stop for the Los Angeles Metro Westside Subway Extension in Century City. At the time, the station location has not been finalized, however, both Century City station locations under consideration are less than 0.4 miles away.

Policy 5.2.2 Encourage the development of centers, districts, and selected corridor/boulevard nodes such that the land uses, scale, and built form allowed and/or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime (see Chapter 3: Land Use).

Century City is a designated Regional Center consisting of a mixture of high-rise office, commercial, retail, restaurant, entertainment, and residential uses located in close proximity to major roadways, including Santa Monica Boulevard and Wilshire Boulevard. The project's location within this Regional Center designation is consistent with the land uses, scale, and built form of the surrounding area and will support the use of transit due to its close proximity to extensive transit services. Several bus stops are close to the project site with numerous bus routes and a future Metro station within walking distance. The Project, therefore, is well situated to encourage and support the use of transit in the area.

The Open Space and Conservation chapter of the Framework Element calls for the use of open space to enhance community and neighborhood character. The policies

of this chapter recognize that communities exist where open space and recreation resources are currently in short supply, and therefore suggests that vacated railroad lines, drainage channels, planned transit routes and utility rights-of-way, or pedestrian-oriented streets and small parks, where feasible, might serve as important resources for serving the open space and recreation needs of residents. The project is consistent with the following goals, objectives, and policies of the Open Space and Conservation chapter of the Framework:

Policy 6.4.8 Maximize the use of existing public open space resources at the neighborhood scale and seek new opportunities for private development to enhance the open space resources of the neighborhoods.

The project's minimal footprint design will maximize open space allowing for approximately 43,141 square feet of ground level open space. The landscaping program includes mature trees, shrubs, and groundcover throughout the site, and the Santa Monica Boulevard frontage would transition at the corner of Santa Monica Boulevard and Moreno Drive to provide a large expanse of open space. This open space area would provide a needed complement to the urban nature of Century City, will enhance pedestrian activity and provide a pedestrian linkage to shopping, recreation, and entertainment in both Century City and Beverly Hills.

The project proposes the use of drought tolerant plants will be used, and may include such species as California sycamores, Chinese flame trees, callery pears, and jacarandas; blue lyme grass, woolly grevillea, California grape, carmel creeper, bougainvillea, sedum, and fox tail agave, among others. Through the incorporation of landscaped areas and walkways linked to adjacent uses, the project will provide a pedestrian-friendly environment and will enrich the street life by encouraging walking between adjacent uses.

The project also includes rooftop open space and recreational amenities, as well as private open space areas. The ancillary building will include a 27,579 square-foot landscaped roof deck with outdoor pool, sundeck, hot tub and tennis court facility, and will also include a large indoor lap pool. In addition, the residential building will provide private terraces for many residences, totaling 30,300 square feet.

The project is consistent with the Transportation chapter of the Framework Element, including the following goals, objectives and policies:

Objective 3 Support development in Regional Centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans.

Objective 4 Preserve the existing character of lower density residential areas and maintain pedestrian-oriented environments where appropriate.

The project is located in Century City, which is designated for Regional Center Commercial land uses. Situated along a major roadway (Santa Monica Boulevard), and within close proximity to other major roadways (Wilshire Boulevard and Olympic Boulevard), the project is served extensively by public transit. The project is also located in close proximity to the Westfield Century City Shopping Center, is a regional shopping center containing various department stores, a market, theater, restaurant, and retail uses. By locating residential units in close proximity to commercial, retail, restaurant, and entertainment uses, the project is designed to encourage project residents to walk from the project to the variety of surrounding uses and services.

The project will replace a vacant lot with 283 residential units, which compliment the intensity of uses characterized in Regional Center Commercial areas. The development of the site has been designed to include many elements that support and enhance pedestrian activity while also orienting its uses to buffer Beverly Hills High School to the south and the medium residential dwellings to the east across Moreno Drive. The main entryway and lobby of the residential building would face Santa Monica Boulevard, making pedestrian access to Century City and nearby Beverly Hills easy and convenient for residents. The proposed residential building would also create visual interest along Santa Monica Boulevard through a design that breaks away from the traditional corporate high-rise vernacular. The building design would be based on a grouping of interrelated building quadrants, and would include sloped lines for roofs, entry canopies, and selected building faces, to create slightly angled facades. The residential building would also include a 40-foot entry lobby.

Objective 1-1 To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.3 Provide for adequate multi-family residential development.

The project will provide new multi-family residential development by providing approximately 283 residential units with associated amenities in a maximum 39-story building. The project includes a smaller, maximum nine-story building with parking, open space, and other amenities for project residents. Because the project is located within a major commercial corridor in an area designated as a Regional Center, the project will be consistent in character with the adjacent uses, and will conserve and enhance the surrounding area's character. By introducing housing into a Regional Center, the project will help meet the diverse economic and physical needs of the existing residents as well as the Plan area's projected population.

Objective 1-2 To reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities.

Policy 1-2.1 Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.

Policy 1-3.1 Require architectural compatibility and adequate landscaping for new multi-family residential development to protect the character and scale of existing neighborhoods.

By providing residential dwelling units in Century City, a major commercial corridor that includes office, retail, entertainment, and other residential uses, the project locates needed housing in proximity to a commercial center and supports the needs of the City's existing and future residents, businesses, and visitors. The project's placement of residential units in close proximity to such diverse uses will help enhance Century City's place as a unique and walkable center for residence, commerce and entertainment. The building's orientation, design, and pedestrian amenities will also link the site to a variety of uses, including retail, office, and entertainment. The open space areas and gardens designed into the project will enhance pedestrian activity for existing and future residents. By integrating residential housing into a Regional Center, the project will decrease the need of new residents to travel elsewhere for shopping and entertainment needs.

The project will also provide open space on site as buffers between the project's residential and ancillary buildings and the adjacent Beverly Hills High School to the south and multifamily residential uses to the east. The project's high rise residential building has a narrow floor plate and is located within the northern-most portion of the site along Santa Monica Boulevard and away from Beverly Hills High School to the south, whereas the ancillary building with parking and residential amenities will be located the western portion of the site away from the multi-family residential uses to the east. In addition, the project provides approximately 43,141 square feet of ground level open space area, buffering the high-rise residential building from the lower density uses to the south and east.

Objective 2-2 To promote distinctive commercial districts and pedestrian-oriented areas.

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

Policy 2-2.2 Promote mixed-use projects along transit corridors and in appropriate commercial areas.

Policy 2-2.3 Require that mixed use projects and development in pedestrian oriented district be designated and developed to achieve a high level of quality, distinctive character and compatibility with existing uses.

The proposed residential building will be located in the northern portion of the site, adjacent to Santa Monica Boulevard. The main entryway and 40-foot tall entry lobby fronts Santa Monica Boulevard, making pedestrian access to Century City and nearby Beverly Hills easy and convenient for residents. The proposed residential building would also create visual interest along Santa Monica Boulevard through a design based on a grouping of interrelated building quadrants, and would include sloped lines for roofs, entry canopies, and selected building faces, to create slightly angled facades. In addition, the project's landscaped open space would also further the goal of pedestrian-oriented design with the provision of approximately 43,141 square feet of ground level open space that will include mature trees, shrubs, and groundcover, and would extend an overall garden feel outward from the site to the public street. As such, the project is consistent with existing pathways and pedestrian features throughout Century City, which will further enhance pedestrian activity for area residents.

Goal 5            Sufficient open space in balance with new development to serve the recreational, environmental, health and safety needs of the community and to protect environmental and aesthetic resources.

Policy 5-1.1    Encourage the retention of passive and visual open space which provides a balance to the urban development of the community.

The project's landscaped open space preserves open space while balancing urban development by providing approximately 43,141 square feet of ground level open space, which comprises about 41 percent of the project site. This open space is designed to include mature trees, shrubs, and groundcover, and would extend an overall garden feel outward from the site to the public street. This type of expansive open space area would provide a needed complement to the urban nature of Century City, as encouraged by the Community Plan. An open space area at the corner of Santa Monica Boulevard and Moreno Drive will also enhance pedestrian activity and provide a pedestrian linkage to shopping, recreation, and entertainment in both Century City and Beverly Hills. The project will also provide approximately 27,579 square feet of open space in a recreation deck on top of the proposed ancillary building.

The project also provides an open space buffer between the project's buildings and the adjacent Beverly Hills High School to the south and multi-family residential uses to the east. The high rise residential building has a narrow floor plate and will occupy the residential building on the northern-most portion of the site along Santa Monica Boulevard away from lower density uses to the south. The ancillary building with parking and residential amenities will be located the western portion of the site, away from multifamily residential uses.

The West Los Angeles Community Plan also states that the design of all multiple family buildings should be of a quality and character that improves community appearances by avoiding excessive variety or monotonous repetition. The proposed residential building would create visual interest along Santa Monica Boulevard



through a design that breaks away from the traditional corporate high-rise vernacular. The building design would be based on a grouping of interrelated building quadrants, and would include sloped lines for roofs, entry canopies, and selected building faces, to create slightly angled facades. The residential building would also include a 40-foot entry lobby.

In addition to providing Design Standard polices, the West Los Angeles Community Plan also presents community design and landscaping guidelines meant to improve the environment, both aesthetically and physically, through improvements to streetscape and landscaping in public spaces and rights-of way. The project includes a number of design features and streetscape amenities that support the overall pedestrian and landscaped environment within Century City. This includes enhanced landscaping and pedestrian access along Santa Monica Boulevard and Moreno Drive, and a large expanse of open space at the corner of Santa Monica Boulevard and Moreno Drive. The landscaping program includes extensively landscaped open space and gardens, as well as other elements such as trees, shrubs, and groundcover. Moreover, street trees and decorative sidewalk paving improvements will be added to connect the project with the neighboring existing streetscape, and will plant mature specimen trees and dense planting to extend an overall garden feel from the project site out to the street.

**8. The project is consistent with any applicable adopted redevelopment plan.**

The Project is not subject to any Redevelopment Plan.

**9. 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 which is or will be compatible with existing and future development on neighboring properties.**

The project's building and setting complements the urban fabric of Century City as well as the surrounding commercial and residential neighborhoods. It will be fully consistent with the high-rise character of the buildings developed on surrounding properties, will be configured to minimize bulk and massing and to maximize open space, and the project's landscaped open space along Santa Monica Boulevard and Moreno Drive will promote pedestrian activity.

The project provides extensive open space areas so as to buffer the project's buildings with the adjacent Beverly Hills High School to the south and multi-family residences to the east. The proposed high rise residential building has a narrow floor plate, and will be located along the northern-most portion of the site fronting Santa Monica Boulevard and away from lower density uses to the south. The ancillary building with parking and residential amenities will be located along the western portion of the site, away from multi-family residences. The project will provide approximately 43,141 square feet of ground level open space area, and approximately 708 parking spaces for residents, guests, and employees in a

subterranean and above grade facility. Vehicular access to the project site would be provided via Santa Monica Boulevard and Moreno Drive, and would be facilitated by a valet drop-off and pick-up area within the northern portion of the site for use by residents and visitors. Alternatively, parking may also be accommodated through use of the proposed automated parking system within the ancillary building. Automated parking is a new technology meant to reduce parking space requirements, air quality emissions, and energy consumption. With the automated parking option, the area required for parking would be reduced, and the size of the ancillary building would be reduced from nine floors to three.

The project includes extensive landscaping designed to enhance the visual interest of the buildings as well as the pedestrian experience. The open space designed at the corner of Santa Monica Boulevard and Moreno Drive will further enhance pedestrian activity and provide a linkage to nearby shopping, recreation, and jobs. The project also provides decorative and appropriate security lighting through the site designed to prevent spillover onto adjacent properties.

10. **The project incorporates feasible Mitigation Measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or additional findings as may be required by CEQA.**

As required by CEQA, an Environmental Impact Report was prepared for the project, which will identified project design features and mitigation measures as necessary, as well as project alternatives, in order to address potentially significant environmental effects of the project. Where feasible mitigation measures are not available for any of the Project's identified significant environmental impacts, a Statement of Overriding Considerations as required by CEQA was adopted by the Advisory Agency in their approval of the Vesting Tentative Tract Map (VTT-71555-CN). The project has also been conditioned to comply with conditions of approval, incorporated herein, to protect the surrounding neighborhood and prevent or mitigate any potential adverse environmental impacts in the area.

11. **Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize the impacts on neighboring properties where appropriate.**

The project will provide its residents with appropriate recreational facilities and service amenities that will enhance the residential experience. The project's nine-story ancillary building located along the western side of the project site would provide facilities for residents such as a spa, gym, owners lounge, and swimming pools. A large lap pool would be located within the building with a smaller outdoor pool to be located on the building roof along with a sundeck, hot tub and an outdoor tennis court facility. The roof deck of the ancillary building would provide approximately 27,579 square feet of open space. These various amenities will reduce the need for external trips. The ancillary building would stand nine stories

tall, but if the automated parking system is implemented, the height of the ancillary building would be reduced to three stories.

The project also provides approximately 43,141 square feet of ground level garden and perimeter landscaped open space areas. This includes a large expanse of open space at the corner of Santa Monica Boulevard and Moreno Drive, as well as numerous landscaped areas that connect the Project with the existing neighborhood streetscape, further enhancing pedestrian activity in the area.

### **PROJECT PERMIT COMPLIANCE FINDINGS**

Pursuant to Los Angeles Municipal Code ("LAMC") Section 11.5.7.C, the Applicant requests that the City of Los Angeles make the following Project Permit Compliance findings.

**12. The Project substantially complies with the applicable regulations, findings, standards and provisions of the Specific Plan.**

The proposed development will include approximately 283 multi-family residential units in a maximum 39-story building. The project will also include an adjacent maximum nine-story ancillary building with parking, roof-top open space, and other recreational amenities for residents. This proposed project substantially complies with all applicable provisions of the Century City North Specific Plan (CCNSP).

The CCNSP regulates development by assigning a certain number of Trips, or development right, to parcels within the CCNSP area to establish development parameters. New development is permitted under the CCNSP only if the property has available Trips (i.e., development rights). A parcel has Trips either: (1) assigned pursuant to the CCNSP (Phase I or Phase II Trips); (2) transferred to the parcel from other properties; or (3) through the demolition of an existing building(s), thereby creating Replacement Trips. The CCNSP prohibits any development that would exceed a parcel's Trip allocation. The City Planning Department maintains a record of all such Trips utilized and remaining to be utilized for each parcel in the CCNSP. The project site has a recorded covenant and agreement that provides for 2,143.4616 Replacement Trips under the CCNSP, and development of the project would not exceed those Replacement Trips. Therefore the site has sufficient development rights under the CCNSP to permit the proposed development.

The EIR determined that the project would not cast a shadow for more than two hours on any single-family home located in a single-family neighborhood or a single-family zoned area outside of the Specific Plan area. There would be shading of more than two hours on one single-family unit located to the east of the project site in Beverly Hills. However, the shading would occur at only one isolated location, where the unit is a non-consistent use within an established multi-family residential area, otherwise developed with multi-family housing. The impact would also occur in the City of Beverly Hills, which does not apply the Specific Plan's shade/shadow standard to its own project for the purpose of evaluating Land Use or shade/shadow

impacts. The shading impact on the one unit would not constitute a significant environmental impact based on the City's CEQA Thresholds Guide thresholds of significance, and therefore, would not have substantial shading effects. Therefore, the proposed project would be substantially consistent with this CCNSP provision.

The project site is also located within the area governed by the West Los Angeles Transportation Improvement and Mitigation Specific Plan area (WLA TIMP). The City developed the WLA TIMP in order to regulate land use impacts on transportation in the West Los Angeles Community Plan area. The WLA TIMP applies to any building or structure which requires the issuance of a building permit and which results in an increase in trips utilized on a property, as determined by LADOT. The WLA TIMP provides special provisions for when LADOT shall grant a credit for each trip generated by a previous use on a site. The traffic analysis completed for the EIR determined that the project complies with the WLA TIMP.

13. **The Project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the Project, to the extent physically feasible.**

As required by CEQA, an Environmental Impact Report (EIR) was prepared for the project which identified project design features and mitigation measures as necessary, as well as project alternatives, in order to address potentially significant environmental effects of the project. Where feasible mitigation measures are not available for any of the project's identified significant environmental impacts, a Statement of Overriding Considerations as required by CEQA will be adopted. The project will also comply with any conditions of approval, which will serve to protect the surrounding neighborhood and prevent or mitigate any potential adverse environmental impacts in the area.

### **ZONING ADMINISTRATOR'S INTERPRETATION FINDINGS**

Section 12.21-A,2 of the Code provides in pertinent part:

"Other Use and Yard Determinations by the Zoning Administrator. The Zoning Administrator shall have the authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed. The Zoning Administrator shall also have the authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation."

#### **Background**

The project site consists of a relatively flat, irregular-shaped, corner lot with approximately 2.4 net acres. The property is presently vacant and is enclosed by chain-link fencing. The

site is bound by Santa Monica Boulevard to the north with a lot frontage of approximately 420 feet, and Moreno Drive to the east with a frontage of 283 feet. The centerline of Moreno Drive serves as the municipal boundary between the City of Los Angeles and the City of Beverly Hills runs along this eastern frontage of the subject property. The property is zoned C2-2-O with a Regional Center Commercial land use designation in the West Los Angeles Community Plan area.

The proposed residential development consists of one 283-unit residential tower with a lobby and 39 residential stories approximately 460 feet in height, as measured pursuant to the municipal code, and one ancillary building with nine stories to include the required 708 parking spaces within an automated parking structure, as well as the landscape and recreational amenities, including a large indoor lap pool, a landscaped roof deck, an outdoor pool, sundeck, hot tub, and tennis court facility.

The regulations of Los Angeles Municipal Code Section 12.21-A,5(m), for Mechanical Automobile Lifts and Robotic Parking Structures, characterizes automobile lifts and robotic parking structures as the “stacking of two or more automobiles via a mechanical car lift or computerized parking structure” as permitted in all zones. In addition to providing the required parking stall and bay dimensions, the code section also requires that the “platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and vehicular access to the platform meet the requirements of paragraphs (a), (b), and (i) of LAMC 12.21-A,5(m).”

The applicant requests a Zoning Administrator’s Interpretation to confirm that the proposed automated parking system is permitted as a “robotic structure” under the parking regulations of LAMC Section 12.21-A,5(m), and that the parking space dimensions and location still satisfy the intent of the automated parking systems. The Code provision allowing Mechanical Automobile Lifts and Robotic Parking Structures was incorporated into the Municipal Code in 2007, however, automated parking systems have since been further refined and developed. The project’s proposed parking system does not stack vehicles in a warehouse building, but rather stores cars in close proximity to one another through an automated system that appears similar to a standard parking structure layout (Auto-Park). This system involves the driver to drive the vehicle to a platform tray at the parking structure entryway, turn off the engine, and exit the vehicle as well as the building. An electric battery operated robot would then automatically dispatch the platform tray and vehicle and convey it to a storage space within the electrically operated and automated parking structure. To retrieve the vehicle, the driver would enter a request for the vehicle through an automated system, where the “Auto-Park” system would then convey the vehicle from its storage location and return it to the parking structure entryway.

## **Determination**

I have determined that the regulations of Section 12.21-A,5(m) requiring the provision of parking stall dimensions consistent with sub-sections (a), (b), and (i) of the section does not apply to this project as the reduced parking stall widths, lengths, and location meets the intent and purpose of the code provision allowing for mechanical and robotic parking

structures. The City Planning Commission, upon presenting amendments to the General Provisions Section 12.21-A,5 of the Municipal Code, determined that allowing for mechanical and robotic parking structures was in substantial conformance with the purposes, intent, and provisions of the General Plan's Framework Element, including Objective 3.4.3, which states that the City must "[e]stablish incentives for the attraction of growth and development in the districts, centers, and mixed-use boulevards targeted for growth that may include...[m]odified parking requirements in areas in close proximity to transit or other standards that reduce the cost of development...". The ordinance implementing these mechanical and robotic structures (Ordinance No. 179,191) was in conformity with public necessity, convenience, general welfare, and good zoning practice as it allowed for the "development of more housing by adjusting the implementation details of required parking spaces for residential uses." The proposed "Auto-Park" system allows the applicant to provide the required 708 parking spaces within a reduced ancillary building of four stories in lieu of a nine-story building using a conventional parking arrangement.

The proposed "Auto-Park" system proposed by the applicant is, for all intents and purposes, a Robotic Parking Structure, as delineated in LAMC Section 12.21-A,5(m). In addition, the reduced parking stall dimensions of the parking spaces may be as small as 7 feet in width and 15 feet in length, less than required by LAMC Section 12.21-A,5(a). The "Auto-Park" system involves omni-directional movement where the vehicle can be moved forward, laterally, and can also be rotated. As such, the robotic system is electrically operated and does not require space for driver and passenger access between vehicles. As such, the parking bay dimensions and parking stall location as described under LAMC Section 12.21-A,5(b) and 12.21-A,5(i) shall not apply.

#### **ADDITIONAL MANDATORY FINDINGS**

14. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, which are areas identified on the flood map as areas of moderate or minimal hazard from the principal source of flood.
15. On January 3, 2012, the Department of City Planning issued Final Environmental Impact Report No. ENV-2011-540-EIR (State Clearinghouse No. 2011041042). Pursuant to Section 21082.1(c) of the California Public Resources Code and the California Environmental Quality Act, ENV-2011-540-EIR. The Zoning Administrator hereby certifies the Environmental Impact Report for the above-referenced project, Adopts the Mitigation Monitoring and Reporting Program and the required Findings for the adoption of the EIR, and Adopts the Statement of Overriding Consideration setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may occur.

The Department of City Planning served as the Lead Agency under CEQA with respect to the project. In approving Case No. ZA-2011-0830(SPR)(ZAA)(SPP)(ZAI), and in making the findings for the EIR, the Zoning Administrator has considered all

of the information in the administrative record of proceedings, including but not limited to: the applications for the project approvals, City staff reports, all public comments received both written and verbal, and the Final EIR. On the basis of all the foregoing information, I hereby concur with the Advisory Agency's Certification of the EIR in determining that:

- a. The City of Los Angeles (the "City"), acting through the Planning Department, is the "Lead Agency" for the project evaluated in the EIR. The Zoning Administrator finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The Zoning Administrator has independently reviewed and analyzed the EIR for the project and finds that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
- b. The Zoning Administrator finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
- c. The Planning Department evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Planning Department prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Planning Department reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
- d. The EIR evaluated the following potential project and cumulative environmental impacts: Aesthetics/Visual Resources, Views, Light and Glare, and Shading; Air Quality; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Fire Protection; Police Protection; Schools; Libraries; Parks and Recreation; Transportation and Circulation, Access and Parking; Water Supply; and Wastewater. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes, Growth Inducing Impacts and potential secondary effects of the project. The significant environmental impacts of the project were identified in the Draft and Final EIR. The significant environmental impacts of the project and the alternatives were also identified in the Draft and Final EIR.

- e. The mitigation measures which have been identified for the project were identified in the Draft and Final EIR. The final mitigation measures are described in the Mitigation Monitoring and Reporting Program ("MMRP"). Each of the mitigation measures identified in the MMRP, and contained in the Final EIR, is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP, and contained in the Final EIR.
- f. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The Planning Department staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with the project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.
- g. The responses to the comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
- h. Having reviewed the information contained in the EIR and in the administrative record as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the Zoning Administrator finds that there is no new significant information in the Final EIR and finds that recirculation of the Draft EIR is not required.
- i. CEQA requires the Lead Agency approving a project to adopt an MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the Zoning Administrator and included in the MMRP as adopted by the City serves that function. The MMRP includes all of the mitigation measures identified in the EIR and adopted by the Zoning Administrator in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code §21081.6, the City hereby adopts the MMRP.
- j. In accordance with the requirements of Public Resources Code §21081.6, the Zoning Administrator hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.



- k. The custodian of the documents or other material which constitute the record of proceedings upon which the Zoning Administrator's decision is based is the Department of City Planning, Environmental Review Section, 200 North Spring Street, Room 750, Los Angeles California 90012.
- l. The Zoning Administrator finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
- m. The Zoning Administrator hereby certifies the EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project. It is contemplated that there may be a variety of actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA). Because the City is the Lead Agency for the project, the EIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the project.
- n. The EIR is a project EIR for purposes of environmental analysis of the project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City of Los Angeles and the other regulatory jurisdictions.

## STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified unavoidable significant impacts that would result from implementation of the proposed project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decision of the public agency allows the occurrence of significant impacts that are identified in the EIR but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR which cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, the reference library to the EIR, and documents and materials that constitute the record of proceedings.

The following impacts are not mitigated to a less than significant level for the proposed project, as identified in the EIR: Construction Air Quality - the project would, on a temporary basis, exceed the SCAQMD regional significance thresholds for NO<sub>x</sub> and PM<sub>10</sub> during the most intense construction periods, and exceed project construction NAAQS and CAAQS thresholds for localized NO<sub>2</sub> impacts. These impacts would also be short-term in nature.

Construction Noise - project construction activities would intermittently increase the daytime noise levels above the 5-dBA significance criterion at both the Beverly Hills Science & Technology Center and multi-family residential uses. Further, it is conservatively noted that vibration significance levels may on occasion be exceeded at the Beverly Hills Science & Technology Center, particularly if vibration sensitive equipment is used within the northern-most parts of the Science and Technology Center. Shading - the project would cause shading on a single-family residential unit in the City of Beverly Hills for longer than a two-hour shading standard provided in the Los Angeles Century City North Specific Plan. The shading would not adversely affect shade-sensitive uses and would not exceed the CEQA significance shading thresholds of the Cities of Los Angeles or Beverly Hills. Further, the two-hour standard is not included within Beverly Hills policies. Notwithstanding, exceeding the two-hour standard has been conservatively identified as a significant shading impact.

Accordingly, the Zoning Administrator adopts the following Statement of Overriding Considerations. The Zoning Administrator recognizes that significant and unavoidable impacts would result from implementation of the project. Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the Zoning Administrator hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The below stated reasons summarize the benefits, goals and objectives of the proposed project, and provide, in addition to the above findings, the detailed rationale for the benefits of the project. These overriding considerations of economic, social, aesthetic, and environmental benefits for the project justify adoption of the project and certification of the completed Final EIR. Many of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the project and justify adoption of the project and certification of the completed EIR. In particular, achieving the underlying purpose for the project would be sufficient to override the significant environmental impacts of the project.

1. The proposed project is a sustainable development that includes numerous green features. The project will provide new housing on the Century City / Beverly Hills border, locating residents and visitors in easy walking distance of shopping, entertainment, restaurants, and offices, thus reducing vehicle trips and air pollution. The project vicinity also includes a very high density of public transit options, including existing regional bus service and a planned subway stop, further reducing dependence on car trips.
2. As additional green features, the project will promote use of natural ventilation, maximize use of daylight penetration, optimize energy performance of all mechanical systems, use energy efficient appliances and lighting, and implement controlled low pollution construction activity. The project will meet the standards of LEED certification.

3. The project proposes to implement an automated parking system that would further reduce impacts to air quality and greenhouse gas emissions by allowing cars to turn off immediately upon entrance to the parking structure, thus reducing idling time and emissions associated with navigating parking structures.
4. The proposed project will provide a large amount of open space with approximately 43,141 square feet of ground-level landscaping, comprising approximately 41 percent of the project site. The project would also provide approximately 27,579 square feet of open space on a landscaped recreation deck on top of the ancillary building.
5. The proposed project will provide high-density housing, contributing to the housing needs of the City, consistent with the development objectives of the West Los Angeles Community Plan.
6. The proposed project will enhance the future economic vitality of the surrounding areas by providing a luxury high rise residential building on the border of Century City and Beverly Hills.
7. The proposed project will create approximately 1,950 construction and construction-related jobs. The proposed project will also create a positive economic impact on the regional economy of approximately \$301 million from construction activity alone.
8. The project will generate labor income of roughly \$117.1 million, and will generate jobs in a variety of sectors including manufacturing, retail trade, real estate and rental, as well as professional, scientific and technical services.
9. The proposed project will conservatively generate state and local tax revenues of approximately \$11.8 million.
10. The proposed project will contribute to Century City's iconic skyline with its modern, elegant, and chic design, without detracting from existing views or landscapes.
11. The proposed project would promote the greening of Century City by providing a drought-tolerant plant palette of mature trees including California sycamores and evergreen elms, as well as drought-tolerant shrubs and groundcover such as succulents, Manzanita, and dwarf coyote brush throughout the site.
12. The proposed project would also provide street trees and decorative sidewalk paving improvements along Santa Monica Boulevard to improve street-level pedestrian connectivity and activity, with a landscaped setback buffer between the sidewalk and the drop-off and pick-up area of the residential building.
13. The proposed project would provide an extensive 24-hour/7-day security program to ensure the safety of its residents and site visitors. This would include measures

such as controlled access, staff training, 24-hour video surveillance, and full time security personnel.

The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

I concur with the report prepared by Luciralia Ibarra, Planning Staff for the Office of the Zoning Administrator, on this application and approve the same.

Luciralia Ibarra  
City Planning Associate  
(213) 978-1378

A handwritten signature in black ink, appearing to read "Fernando Tovar", written over the printed name.

FERNANDO TOVAR  
Associate Zoning Administrator

FT:JT:LI:jjq

cc: Councilmember Paul Koretz  
Fifth District  
Adjacent Property Owners

10000 SANTA MONICA BLVD.

Legal Description

Lot E, see BAA, Unit 1	Portion of Lot 1
Tract	5609
ARB	5 & 9

Lot 3	Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking Levels	Area (sq. ft.)	No. of Spaces
G1	64,322	307
G2	43,061	119
G3	22,506	116
G4	18,142	83
G5	18,142	83
Totals	166,173	708

Open Space

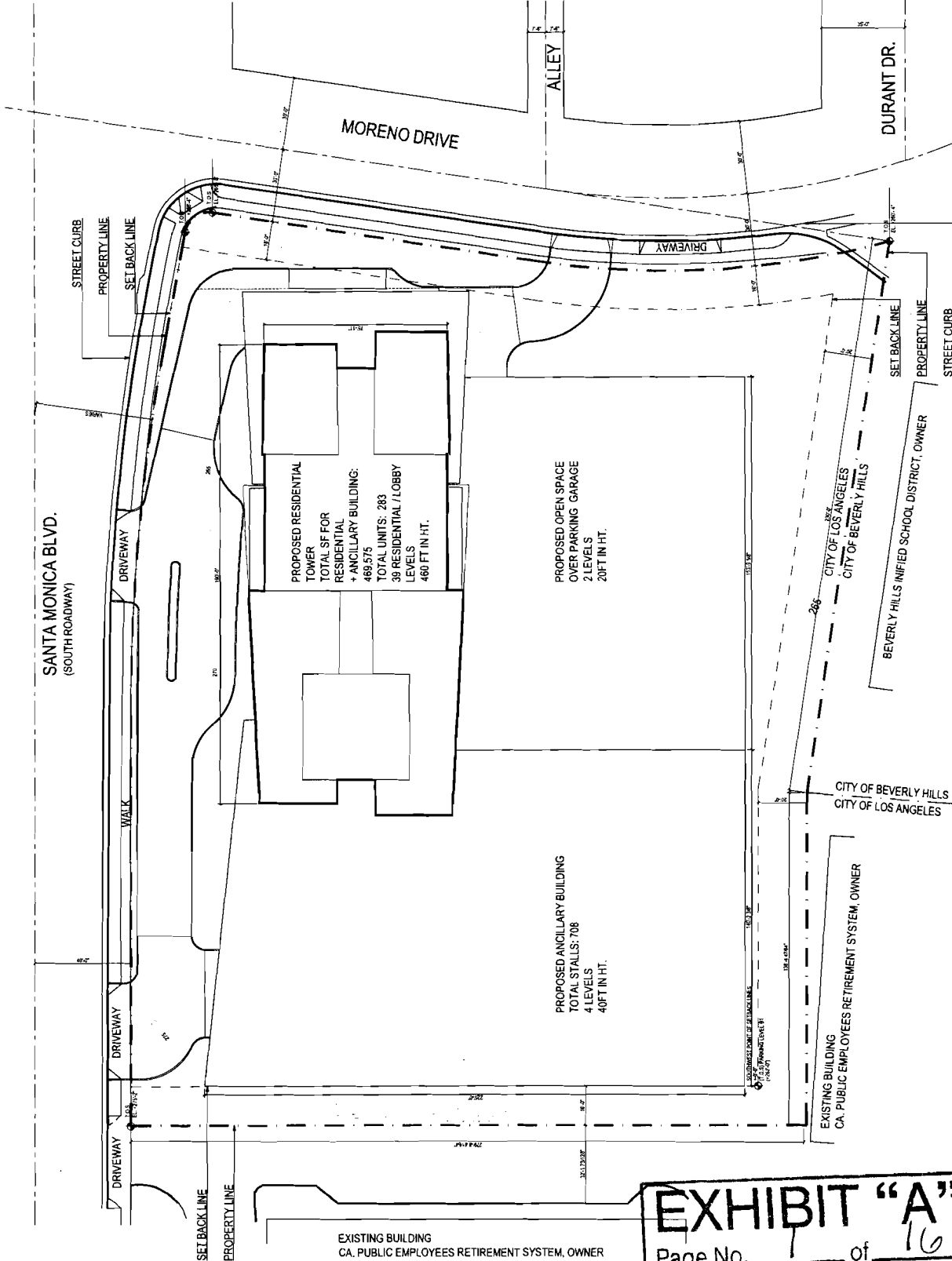
Required	49,575 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.57
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Ancillary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot Coverage	81.168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	30.6%



PLOT PLAN - AUTOMATED SCHEME

10000 SANTA MONICA

HANDEL ARCHITECTS LLP 1A

SCALE: 1/16" = 1'-0"

0 15 FT 64 FT 128 FT

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10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
ARB	none

Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking Level(s)	Area (sq. ft.)	No. of Spaces
B1	64,322	307
Gr	43,061	119
O2	22,506	116
O3	18,142	83
O4	18,142	83
Total(s)	166,128	708

Open Space

Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.51
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Auxiliary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot coverage	61.168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%

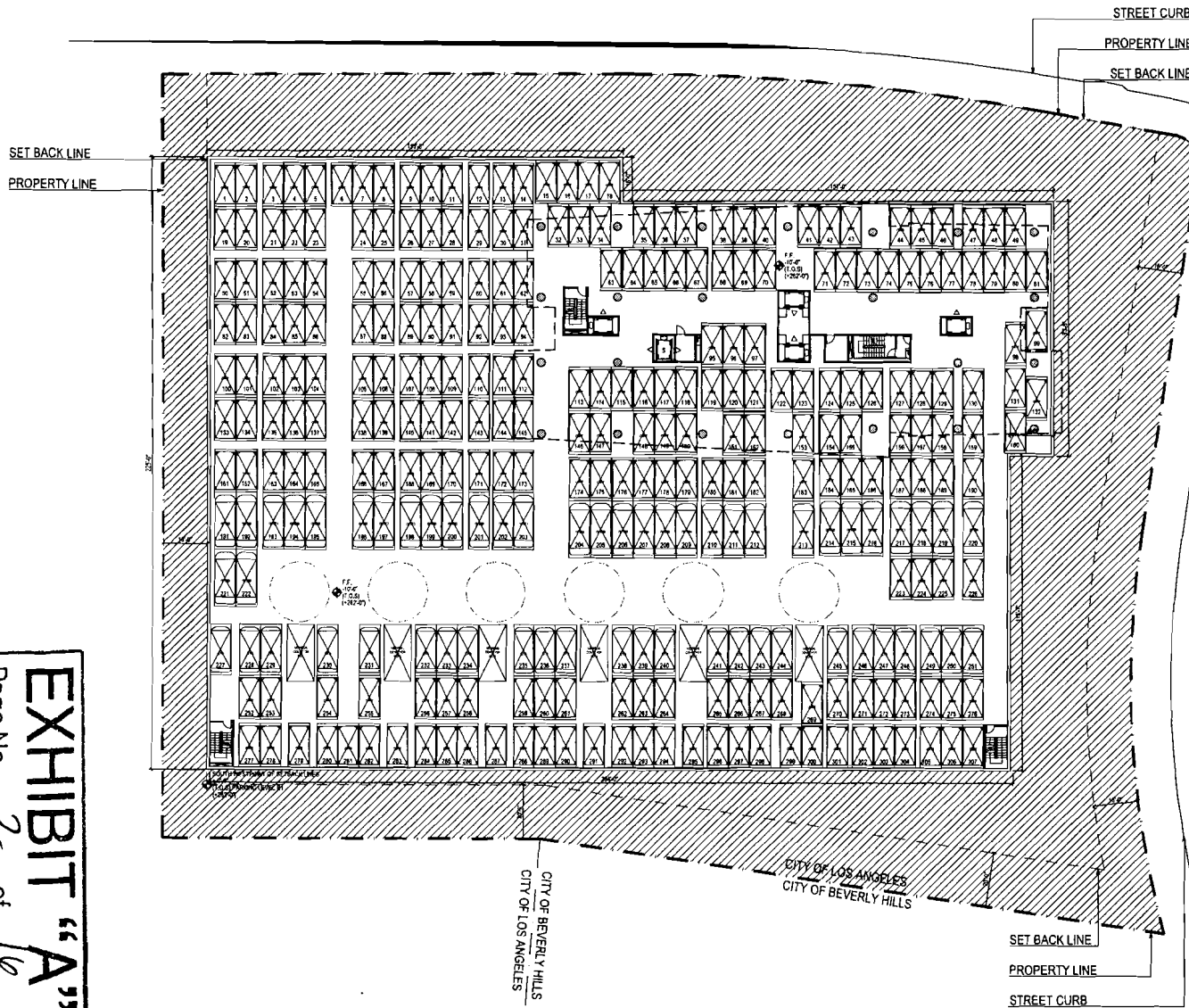


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BELOW GRADE B1 PARKING - AUTOMATED SCHEME  
10000 SANTA MONICA

HANDEL ARCHITECTS LLP 2A

SCALE: 1/16" = 1'-0"



0 16FT 64FT 128FT

10000 SANTA MONICA BLVD.

Legal Description

Lot E, as shown on Tract	Portion of Lot 1
ARB	5609
ARB	5 & 9

Lot 3	Lot 3
Lot 4	11804
ARB	more

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Total Provided	708 spaces
----------------	------------

Residential	568 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking Levels	Area (sq. ft.)	No. of Spaces
B1	64,372	307
G1	43,061	119
G2	22,506	116
G3	18,142	83
G4	18,142	83
Totals	166,126	708

Open Space

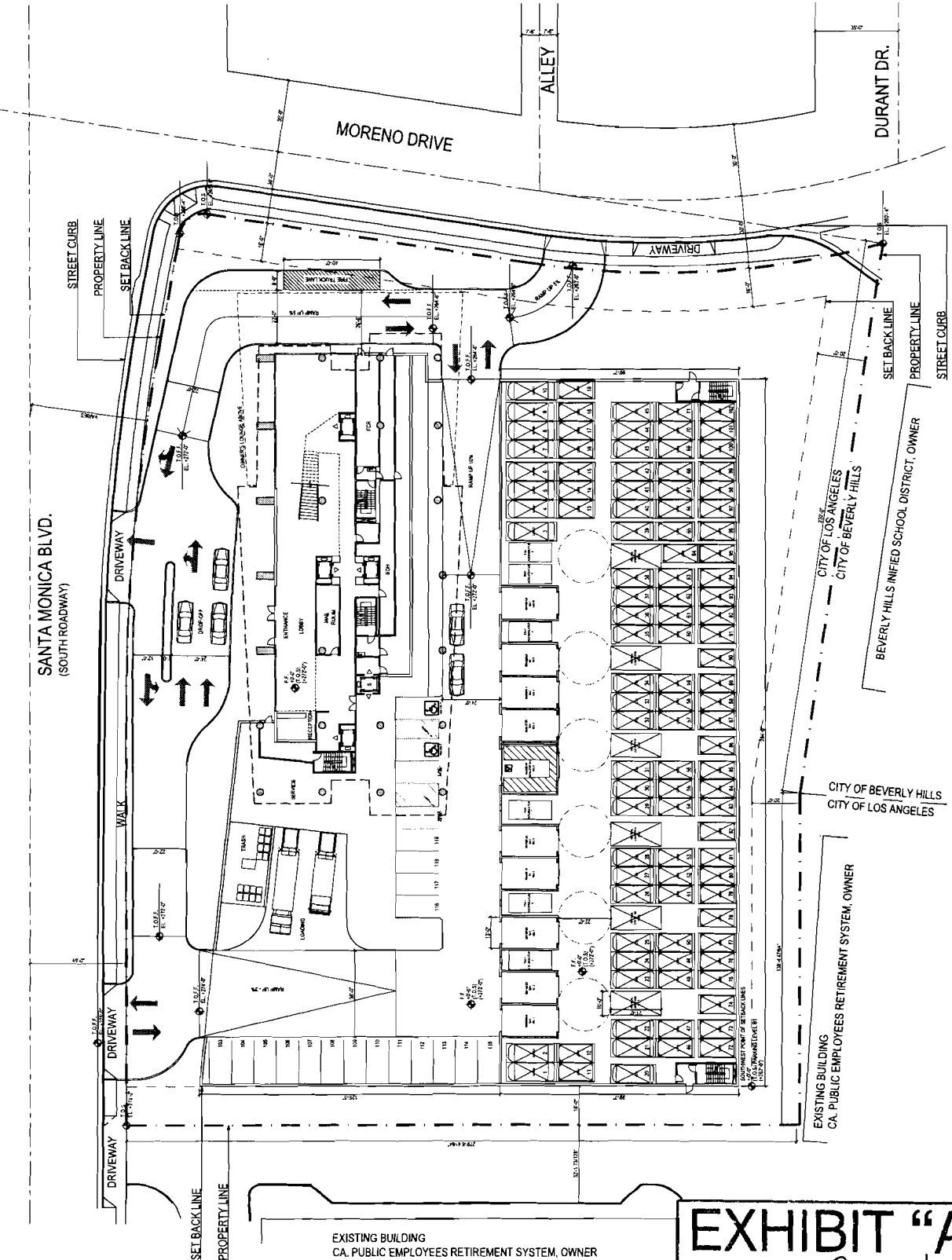
Required	49,575 sq. ft.
Provided	172,745 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5:1
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Accessory Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot Coverage	61.16%
Total Property Area	104,350 sq. ft.
Percentage	58.6%



SECOND FLOOR PLAN - AUTOMATED SCHEME

HANDEL ARCHITECTS LLP

3A

10000 SANTA MONICA

SCALE: 1/16" = 1'-0"

0 16FT 64FT 128FT

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Case No. LA 2011-830

EXISTING BUILDING  
CA. PUBLIC EMPLOYEES RETIREMENT SYSTEM, OWNER

EXISTING BUILDING  
CA. PUBLIC EMPLOYEES RETIREMENT SYSTEM, OWNER

CITY OF LOS ANGELES  
CITY OF BEVERLY HILLS  
BEVERLY HILLS UNIFIED SCHOOL DISTRICT, OWNER

10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
Sub	none
Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking Level(s)	Area (sq. ft.)	No. of Spaces
B1	64,322	307
G1	43,081	119
G2	27,596	16
G3	18,146	83
G4	13,121	8
Total(s)	166,126	708

Open Space

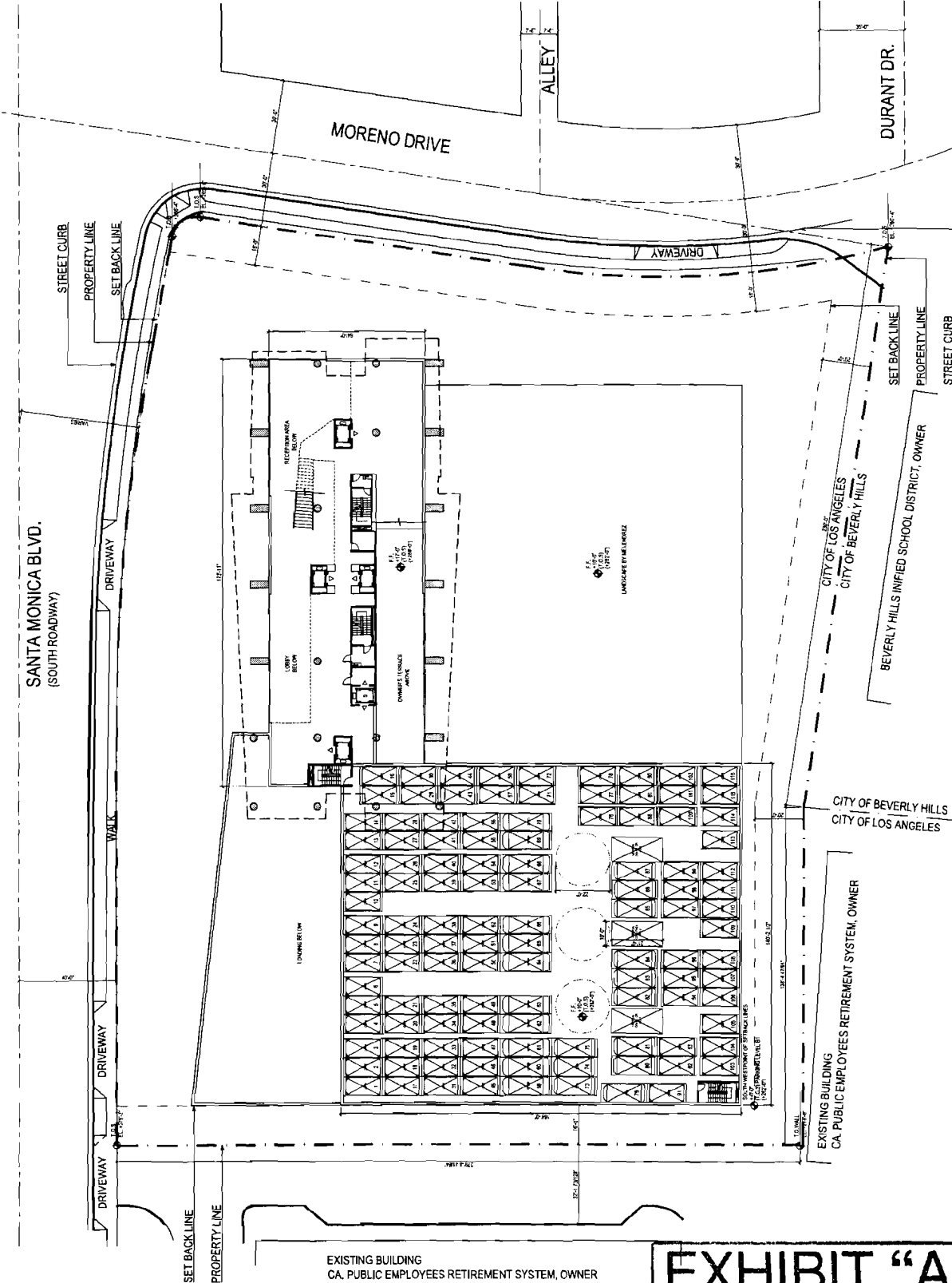
Required	49,525 sq. ft.
Provided	117,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Accessory Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot Coverage	61.16%
Total Property Area	104,350 sq. ft.
Percentage	59.6%



FLOOR PLAN LEVEL 02 - AUTOMATED SCHEME

10000 SANTA MONICA

HANDEL ARCHITECTS LLP 4A

SCALE: 1/16" = 1'-0"



0 16FT 64FT 128FT

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10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	9603
ARB	none

Lot 3	Portion of Lot 3
Tract	1964
ARB	none

Site Description	Dwelling Units	283 units
------------------	----------------	-----------

Parking Required	Total Required	708 spaces
------------------	----------------	------------

Parking Provided	Total Provided	708 spaces
------------------	----------------	------------

Residential	Guest	566 spaces
	Guest	142 spaces
	Total	708 spaces

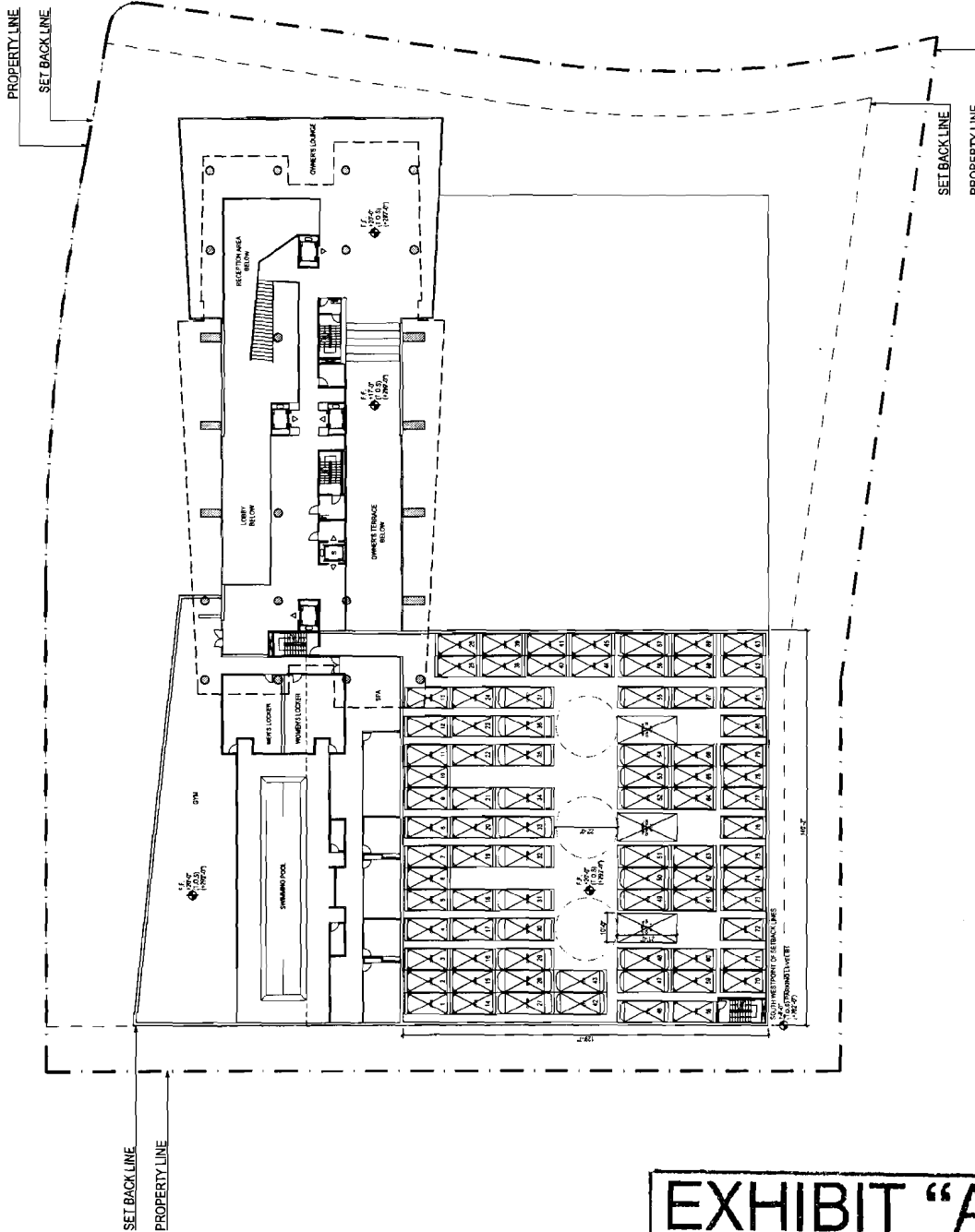
Parking Levels	Area (sq. ft.)	No. of Spaces
G1	43,057	907
G2	43,057	907
G3	22,565	116
G4	18,142	83
Total(s)	126,771	2013

Open Space	Required	48,525 sq. ft.
	Provided	112,748 sq. ft.
	Landscape Area	31,314 sq. ft.

Area Calculators	Total Property Area	104,350 sq. ft.
	Buildings Area	104,350 sq. ft.
	Total Floor Area	469,575 sq. ft.

Main Building	459,243 sq. ft.
Auxiliary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot coverage	81.18%
Total Property Area	104,350 sq. ft.
Percentage	58.6%



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FLOOR LEVEL 03 PARKING / AMENITY LEVEL - AUTOMATED SCHEME  
 10000 SANTA MONICA

HANDEL ARCHITECTS LLP  
 5A  
 SCALE: 1/16" = 1'-0"  
 0 15FT 64FT 128FT

10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
ARB	none

Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Guest	(provided 11 handicap spaces)
Total Provided	142 spaces

Parking Level(s)	Area (sq. ft.)	No. of Spaces
B1	64,322	307
Gr	43,061	119
02	22,506	116
03	18,142	83
04	18,142	83
Total(s)	166,128	708

Open Space

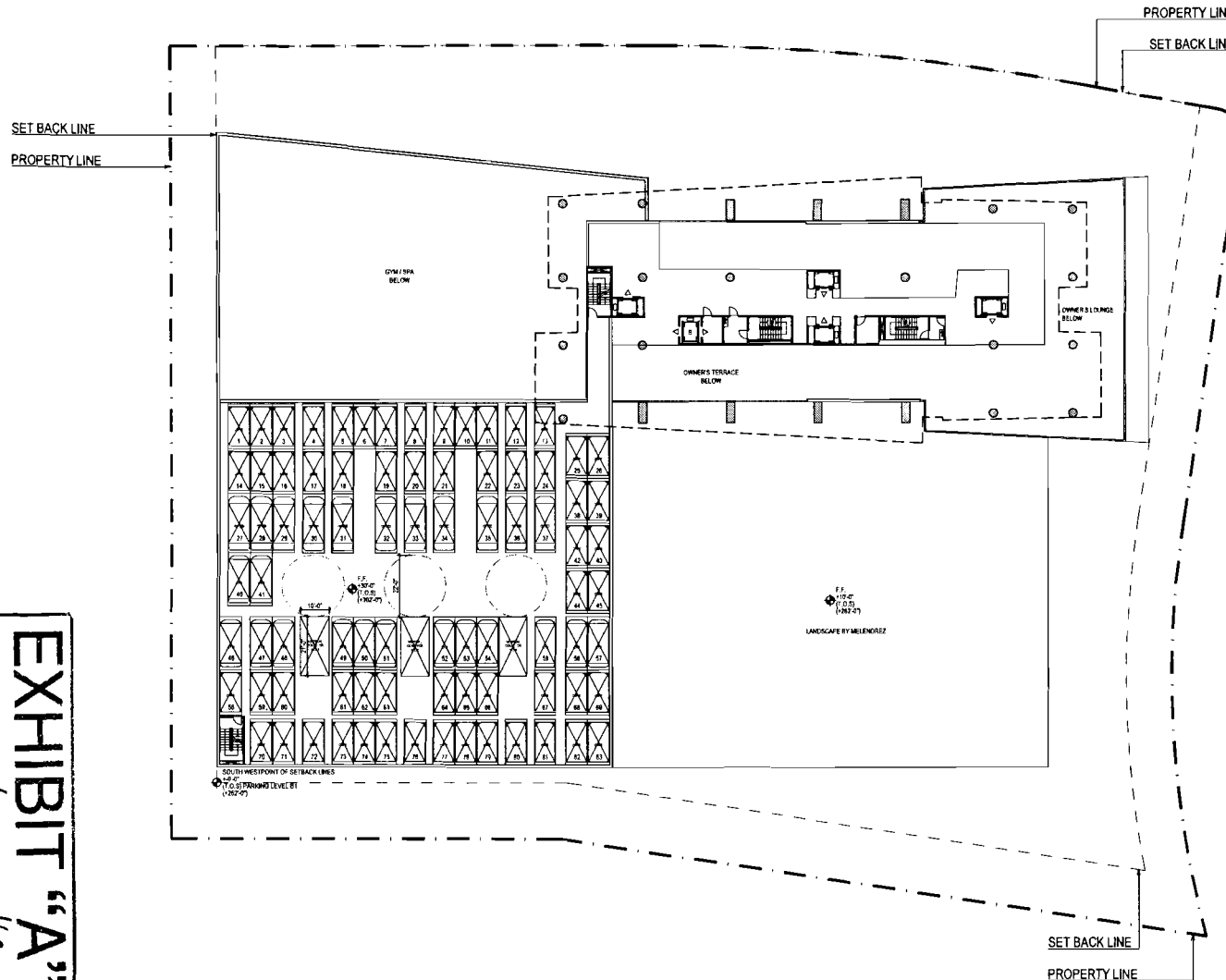
Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5:1
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Ancillary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot coverage	61,168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%



FLOOR LEVEL 04 PARKING - AUTOMATED SCHEME  
10000 SANTA MONICA

HANDEL ARCHITECTS LLP 6A

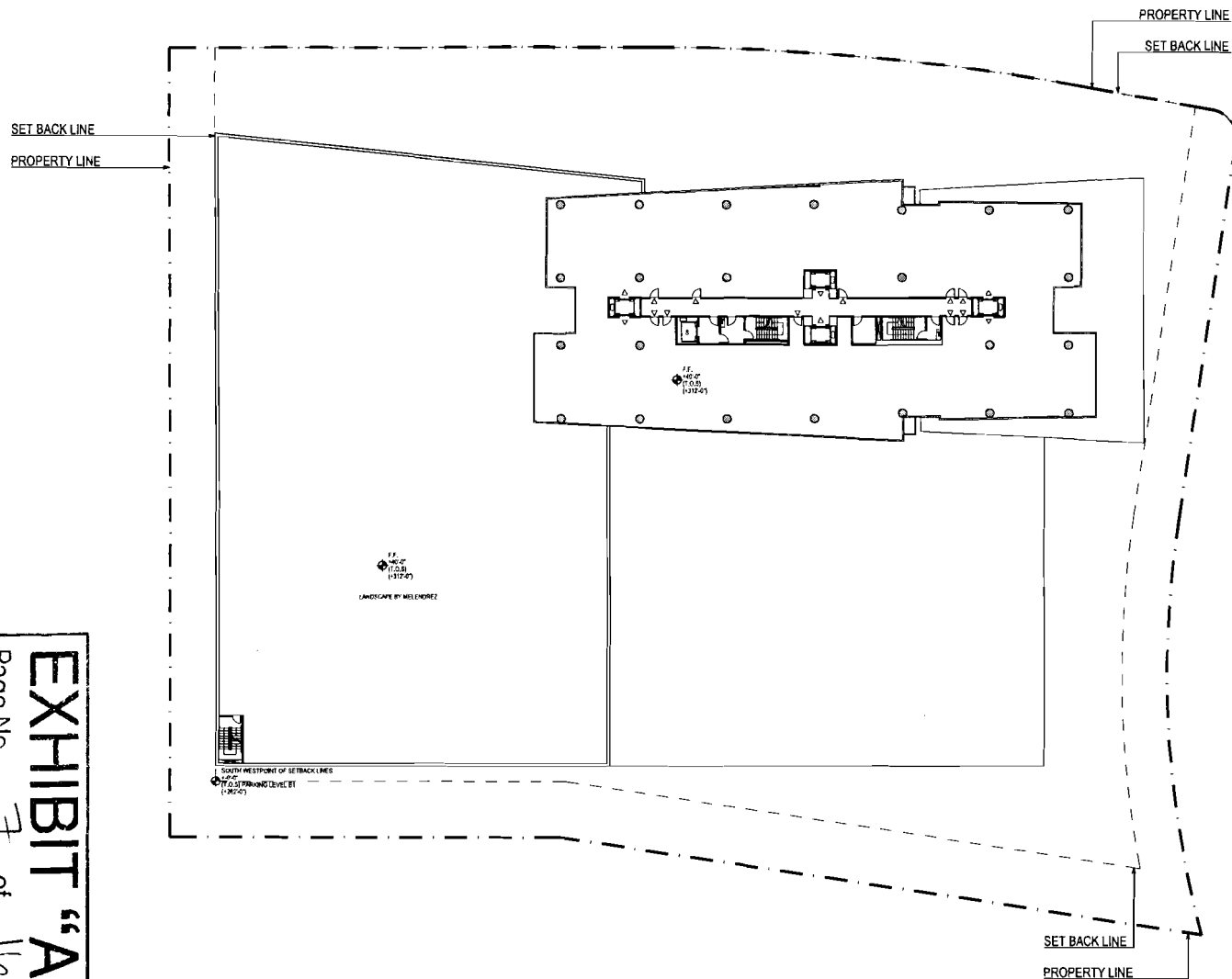
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10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
ARB	none

Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking Levels(s)	Area (sq. ft.)	No. of Spaces
B1	64,322	307
Gr	43,061	119
02	22,506	116
03	18,142	83
04	18,142	83
Total(s)	166,173	708

Open Space

Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.51
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Auxiliary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot coverage	61,168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%

FLOOR LEVEL 05 - AUTOMATED SCHEME  
 10000 SANTA MONICA

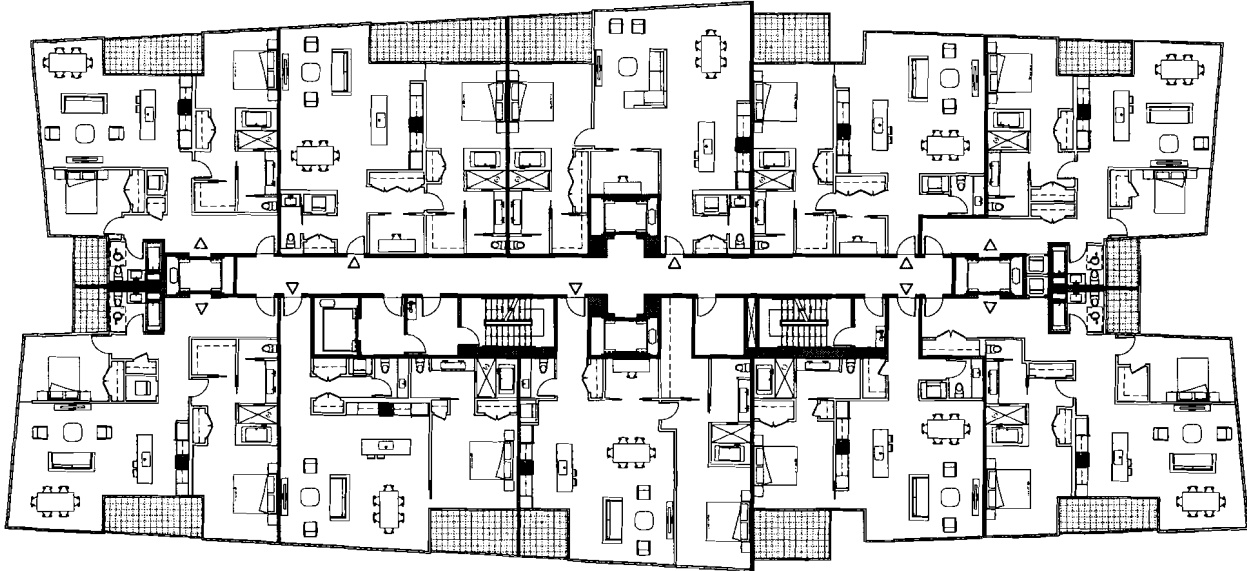
HANDEL ARCHITECTS LLP 7A

SCALE: 1/16" = 1'-0"



0 16FT 64FT 128FT

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10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
ARB	none
Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking Level(s)	Area (sq. ft.)	No. of Spaces
B1	64,322	307
Gr	43,061	119
02	22,306	116
03	18,142	83
04	18,142	83
Total(s)	166,128	708

Open Space

Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5:1
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Auxiliary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot coverage	61,168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%

FLOOR LEVEL - TYPICAL 10 UNIT PLAN - AUTOMATED SCHEME  
10000 SANTA MONICA

10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
ARB	none

Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces (Includ. 15 handicapped spaces)
Guest	142 spaces
Total Provided	708 spaces

Parking Levels	Area (sq. ft.)	No. of Spaces
B1	64,322	307
G1	43,061	119
G2	22,506	116
G3	18,142	83
G4	18,142	83
Total(s)	166,173	708

Open Space

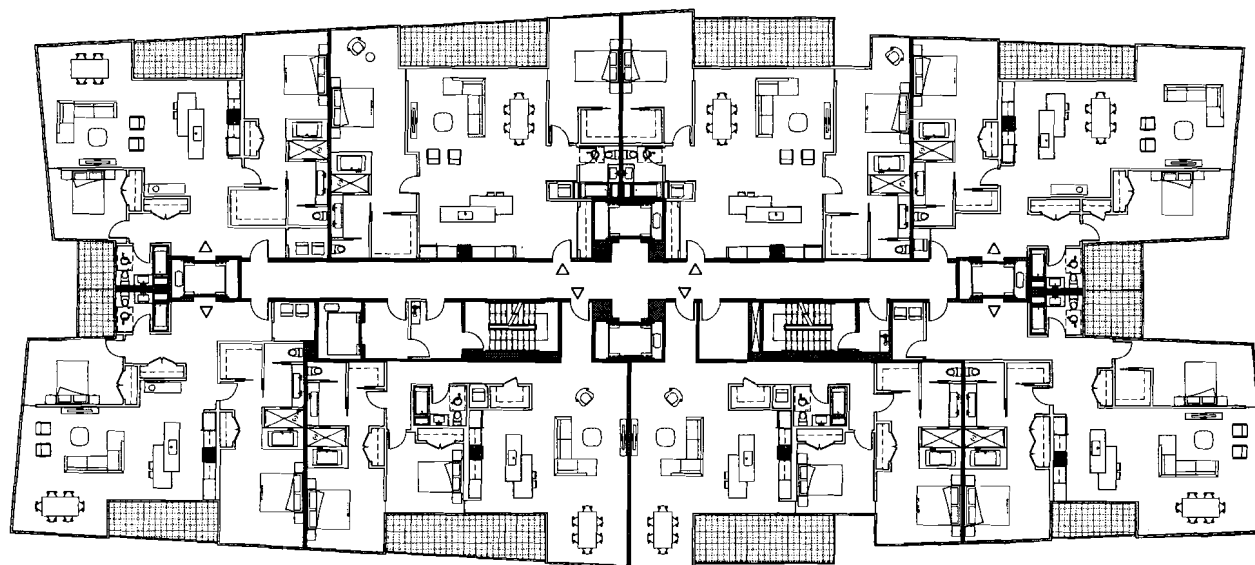
Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5:1
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Ancillary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot coverage	61,168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%



FLOOR LEVEL - TYPICAL 8 UNIT PLAN - AUTOMATED SCHEME  
10000 SANTA MONICA

HANDEL ARCHITECTS LLP 9A

SCALE: 1/8" = 1'-0"



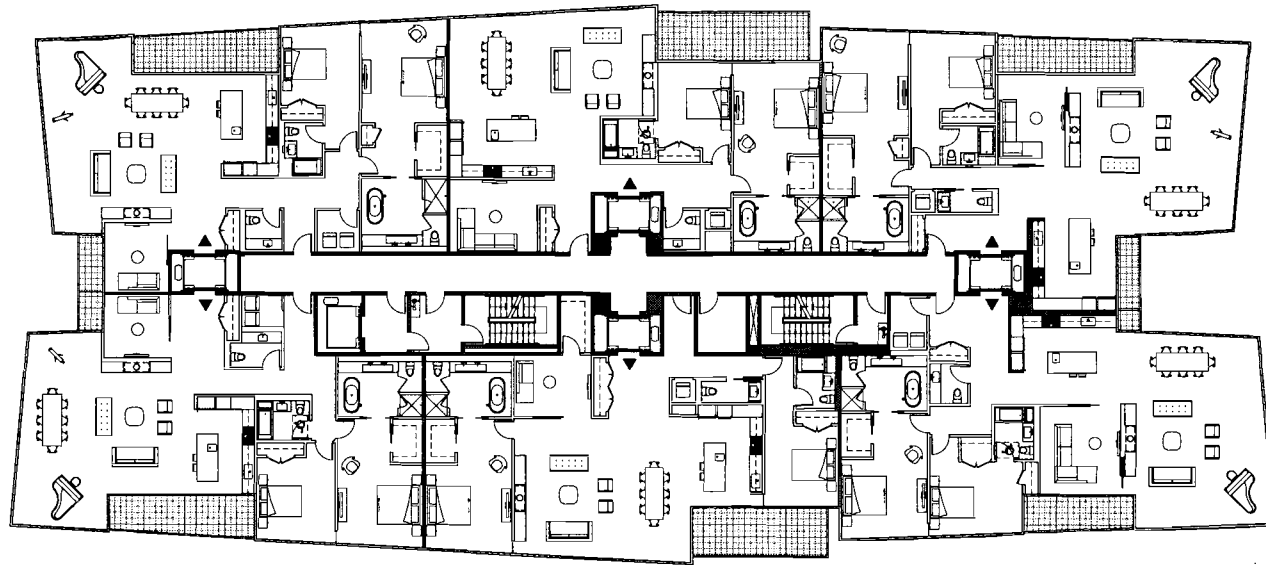
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EXHIBIT "A"

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Case No. 24-2011-030

EXHIBIT "A"  
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Case No. ZA 2011 830



10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
ARB	none

Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Guest	(includes 10 handicap spaces) 142 spaces
Total Provided	708 spaces

Parking Level(s)	Area (sq. ft.)	No. of Spaces
B1	64,322	307
Gr	43,061	119
O2	22,506	116
O3	18,142	83
O4	18,142	83
Total(s)	166,128	708

Open Space

Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5:1
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Auxiliary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot coverage	61.168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%

FLOOR LEVEL - TYPICAL 6 UNIT PLAN - AUTOMATED SCHEME  
10000 SANTA MONICA

HANDEL ARCHITECTS LLP

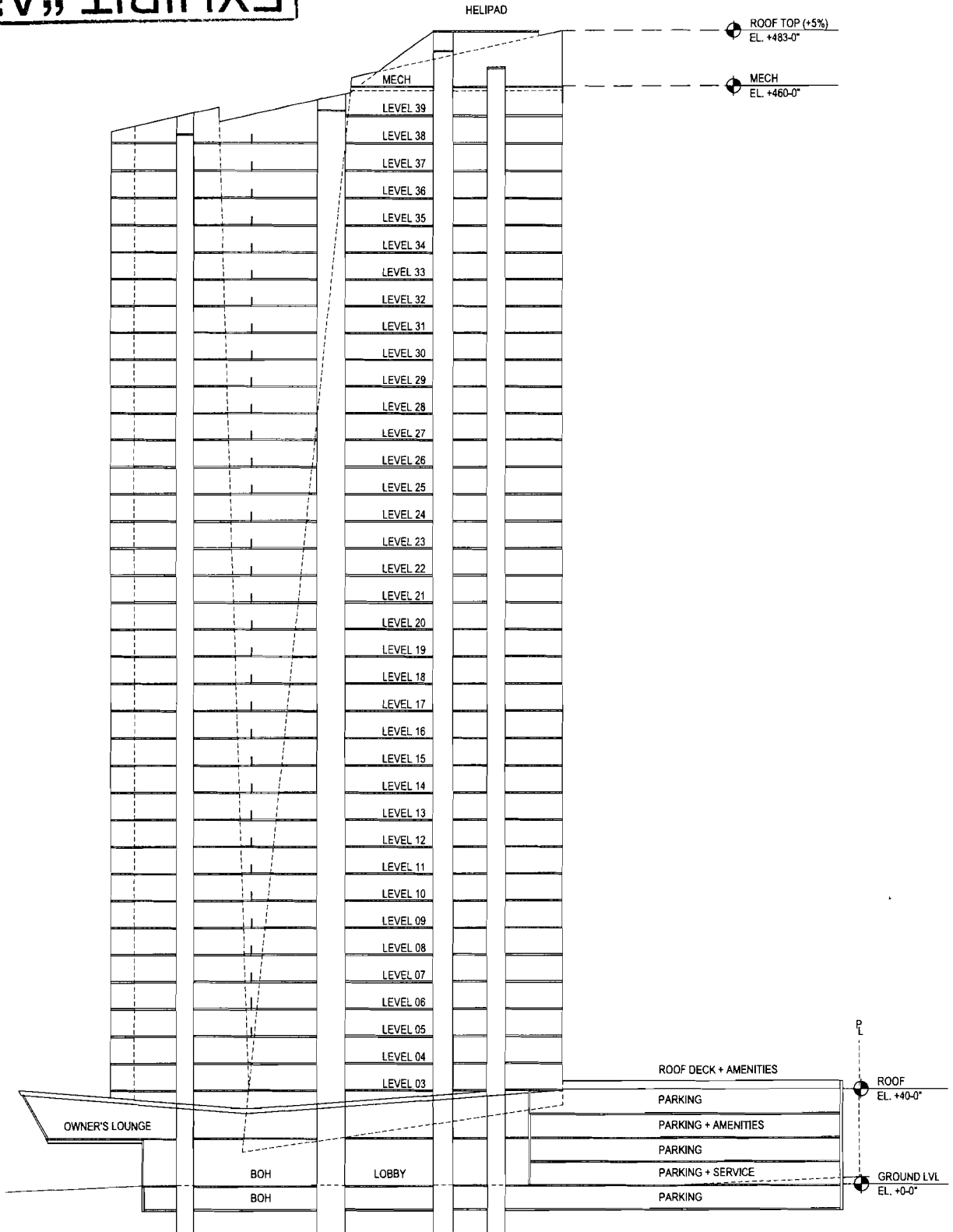
SCALE: 1/8" = 1'-0"



0 8FT 32FT 64FT

10A

WEST/EAST BUILDING SECTION -AUTOMATED SCHEME  
10000 SANTA MONICA



10000 SANTA MONICA BLVD.

Legal Description

Lot E, per 2005 s. 1	Portion of Lot 1
Tract 5609	
ARB 5 & 9	
Lot 3	Lot 3
Tract 11964	
ARB none	

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Parking	Area (sq. ft.)	No. of Spaces
Residential	54,322	307
Guest	43,061	119
07	22,506	116
03	18,142	83
04	18,142	83
Total(s)	156,173	708

Open Space

Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Project Area	104,350 sq. ft.
Proposed L&Z	104,350 sq. ft.
Total Floor Area	469,575 sq. ft.
Main Building	459,243 sq. ft.
Auxiliary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

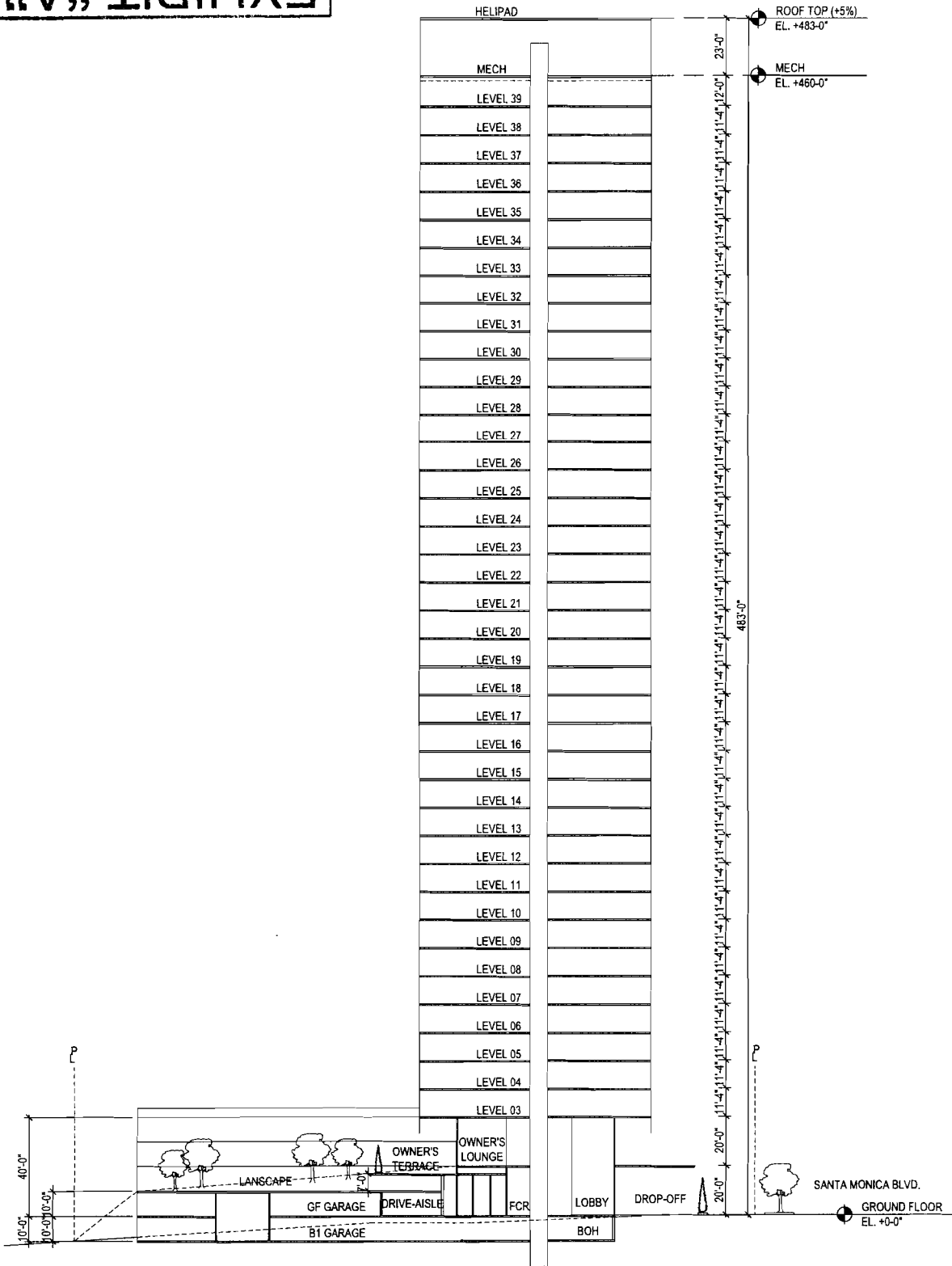
Lot coverage	61.168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.65%

HANDEL ARCHITECTS LLP 11A

SCALE: 1/16" = 1'-0"

0 16'-0" 32'-0" 128'-0"

SOUTH/NORTH BUILDING SECTION -AUTOMATED SCHEME  
10000 SANTA MONICA



HANDEL ARCHITECTS LLP  
12A

SCALE: 1/16" = 1'-0"

0 16'-0" 64'-0" 128'-0"

10000 SANTA MONICA BLVD.

Legal Description

Lot E, as shown on 1		Portion of Lot 1
Tract	5609	
ARB	5.8.9	
Lot 3		Lot 3
Tract	11964	
ARB	none	

Site Description

Dwelling Units	281 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces	
Guest	142 spaces	
Total Provided	708 spaces	
Parking	Area	No. of
(yells)	(sq. ft.)	Spaces
B1	64,322	30
G-	43,061	111
D2	22,506	116
03	18,142	83
04	18,142	83
(Totals)	166,128	708

Open Space

Required	49,526 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Total FCR	4,531
Total Floor Area	468,575 sq. ft.
Main Building	458,243 sq. ft.
Auxiliary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.
LA Coverage	61,168 sq. ft.
Total Open Space	104,350 sq. ft.
Percentage	84.6%



10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
ARB	none

Lot 3	Portion of Lot 3
Tract	1194
ARB	none

Site Description

Dwelling Units	283 units
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Parking Required

Total Required	708 spaces
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Parking Provided

Residential	566 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking	Area	No. of
Levels(s)	(sq. ft.)	Spaces
B1	64,322	307
Gr	43,061	119
02	22,505	116
03	18,142	83
04	18,142	83
Total(s)	166,172	708

Open Space

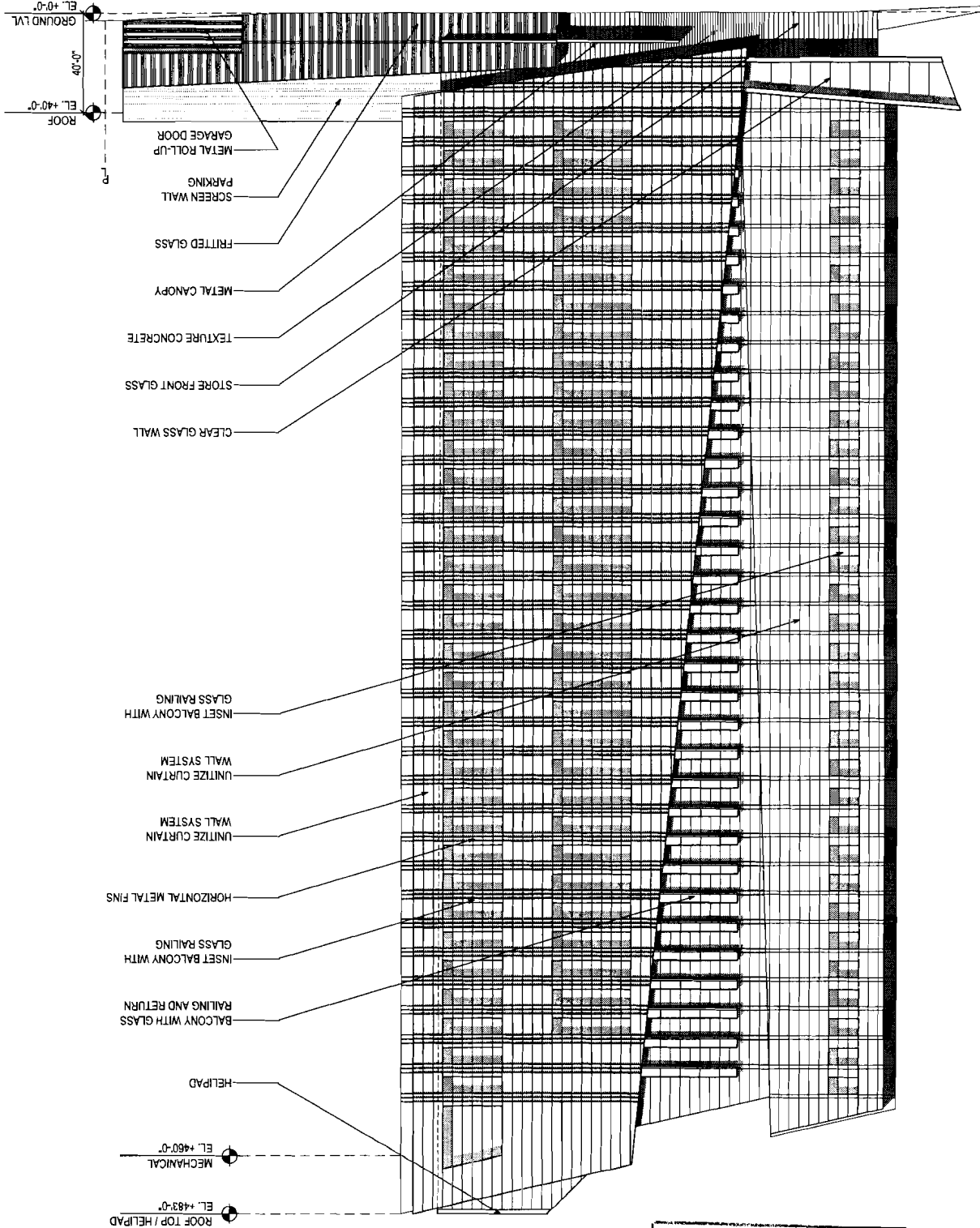
Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5:1
Total Floor Area	469,576 sq. ft.

Main Building	458,243 sq. ft.
Ancillary Building	11,333 sq. ft.
Total Floor Area	469,576 sq. ft.

Lot Coverage	61.15% sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%



**EXHIBIT "A"**  
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Case No. 2A-2011-830

NORTH ELEVATION - AUTOMATED SCHEME

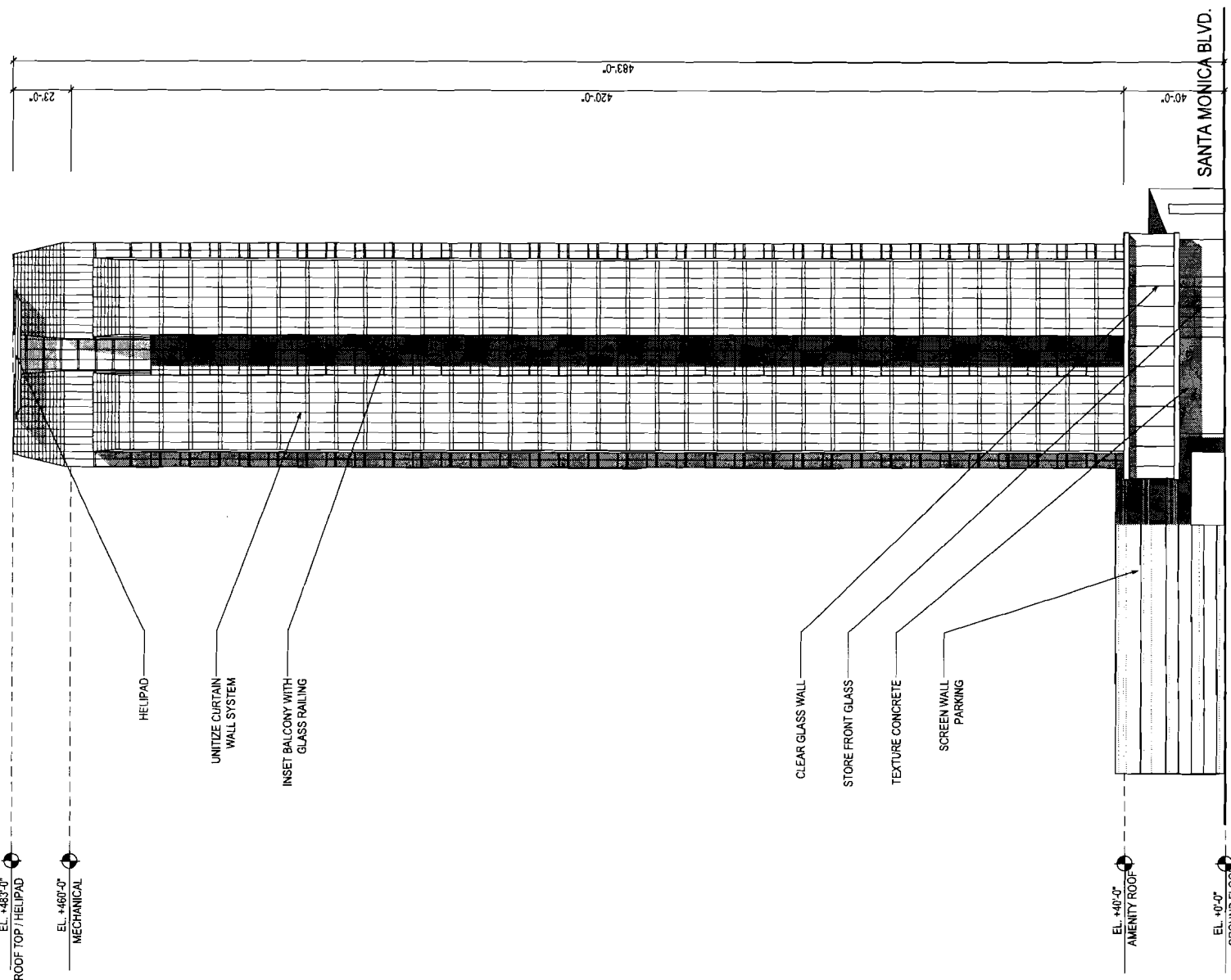
10000 SANTA MONICA

HANDEL ARCHITECTS LLP

13A

SCALE: 1/16" = 1'-0"

0 16FT 32FT 128FT



10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5609
ARB	none

Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking Level(s)	Area (sq. ft.)	No. of Spaces
B1	64,322	307
Gr	43,061	119
O2	22,506	116
O3	18,142	83
O4	18,142	83
Total(s)	166,173	708

Open Space

Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5:1
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Ancillary Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot coverage	61.168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%

WEST ELEVATION -AUTOMATED SCHEME  
 10000 SANTA MONICA

HANDEL ARCHITECTS LLP  
 SCALE: 1/16" = 1'-0" 14A

0 16FT 64FT 128FT

10000 SANTA MONICA BLVD.

Legal Description

Lot	Portion of Lot 1
Tract	5009
ARB	none

Lot 3	Portion of Lot 3
Tract	11864
ARB	none

Site Description

Dwelling Units	283 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	556 spaces
Guest	142 spaces
Total Provided	708 spaces

Parking Levels	Area (sq. ft.)	No. of Spaces
B1	84,322	307
Gr	43,061	119
02	22,506	116
03	18,142	83
04	18,142	83
Totals	186,172	708

Open Space

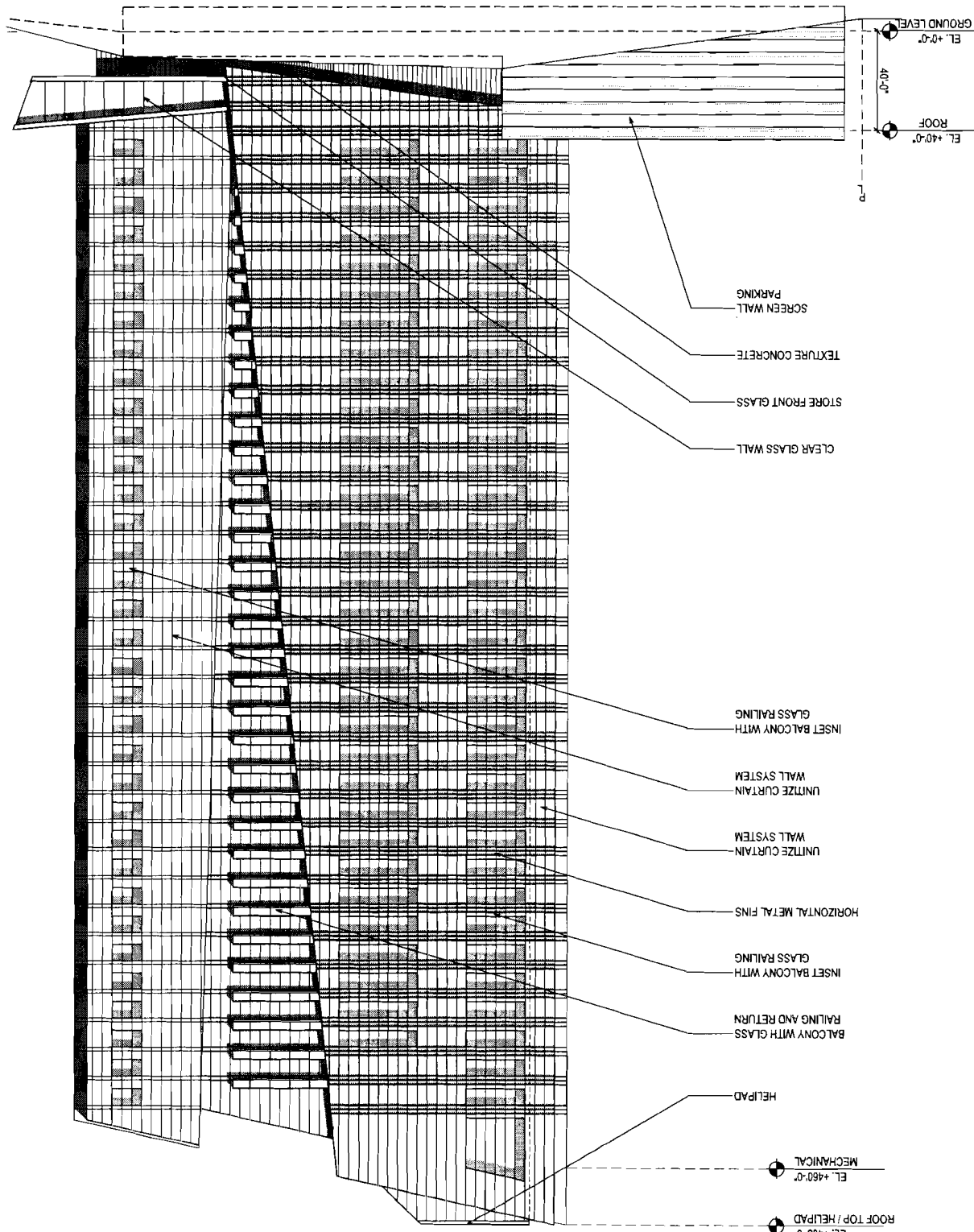
Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project FAR	4.5
Total Floor Area	469,575 sq. ft.

Main Building	458,243 sq. ft.
Accessory Building	11,332 sq. ft.
Total Floor Area	469,575 sq. ft.

Lot Coverage	61.168 sq. ft.
Total Property Area	104,350 sq. ft.
Percentage	58.6%



**EXHIBIT "A"**  
Page No. 15 of 16  
Case No. 2A-2011-830

SOUTH ELEVATION - AUTOMATED SCHEME  
10000 SANTA MONICA

HANDEL ARCHITECTS LLP  
SCALE: 1/16" = 1'-0"  
15A

0 16FT 64FT 128FT

10000 SANTA MONICA BLVD.

Legal Description

Lot 1	Portion of Lot 1
Tract	5659
ARB	none

Lot 3	Portion of Lot 3
Tract	11964
ARB	none

Site Description

Dwelling Units	289 units
----------------	-----------

Parking Required

Total Required	708 spaces
----------------	------------

Parking Provided

Residential	566 spaces
Other	142 spaces
Total Provided	708 spaces

Parking	Area	No. of
Lot(s)	(sq. ft.)	Spaces
B1	64,322	307
G1	43,061	119
G2	22,506	116
G3	18,142	83
G4	18,142	83
Total(s)	166,173	708

Open Space

Required	49,525 sq. ft.
Provided	112,746 sq. ft.
Landscape Area	31,314 sq. ft.

Area Calculations

Total Property Area	104,350 sq. ft.
Project Area	45,145 sq. ft.
Total Floor Area	468,575 sq. ft.

Main Building	145,243 sq. ft.
Auxiliary Building	11,332 sq. ft.
Total Floor Area	468,575 sq. ft.

Lot coverage	61.16%
Total Property Area	104,350 sq. ft.
Percentage	58.6%

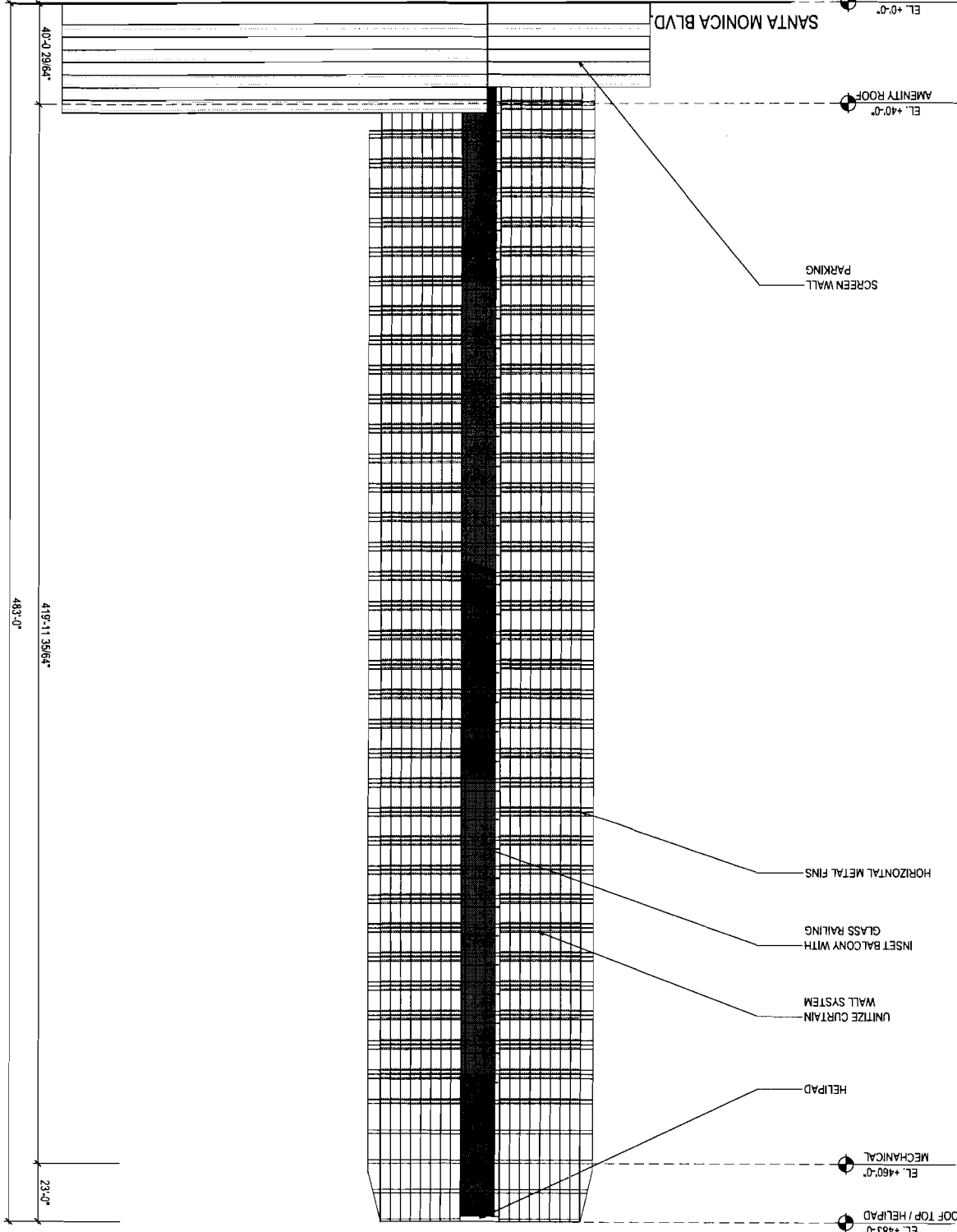


EXHIBIT "A"

Page No. 16 of 16

Case No. ZA-2011-832

EAST ELEVATION - AUTOMATED SCHEME

10000 SANTA MONICA

HANDEL ARCHITECTS LLP

16A

SCALE: 1/16" = 1'-0"



64 FT

128 FT



## EXHIBIT 3

# HARBOR AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

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

## LETTER OF DETERMINATION

Mailing Date: **SEP 23 2019**

**CASE NO. ZA-2018-3516-CU-CUB-ZAA-1A**

Council District: 15 - Buscaino

CEQA: ENV-2018-3517-CE

Plan Area: San Pedro

**Project Site:** 524 – 544 South Pacific Avenue; 488 – 494 West 6<sup>th</sup> Street

**Applicant/**

**Appellant:**

Youssef Merhi, 544 Pacific LLC

Representative: Spencer B. Kallick, Glaser Weil, LLP

At its meeting of **August 6, 2019**, the Harbor Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of a 54,030 square foot, 7-story, 75-foot high, 80-room hotel with ground floor restaurant and rooftop restaurant/bar with 56 parking spaces and live entertainment.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines Article 19, Class 32, Section 15332 (In-Fill Development Projects), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Granted** the appeal and **overturned** the Zoning Administrator's determination which denied, pursuant to the Los Angeles Municipal Code Section 12.28 A, a Zoning Administrator's Adjustment to allow a 19 percent increase in density for a hotel totaling 80 guest rooms in lieu of the maximum 67 allowed in the C2-2D-CPIO Zone;
3. **Adopted** the attached Modified Conditions of Approval; and
4. **Adopted** the attached amended Findings.

This action was taken by the following vote:

Moved: Harmatz  
Second: Sutton  
Ayes: Hatch, Sheikh Ginsberg  
Absent: Dimon

**Vote:** 4 – 0



Cecilia Lamas  
Commission Executive Assistant

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

**Effective Date/Appeals:** The action by the Harbor Area Planning Commission on this matter is final and effective upon the mailing date of this determination and is the final appeal procedure within the appeal structure in the City of Los Angeles.

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

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

Attachments: Modified Conditions of Approval, Amended Findings

c: Theodore Irving, Associate Zoning Administrator

### **Conditions of Approval**

(As modified by the Harbor Area Planning Commission on August 6, 2019)

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 a plot plan marked Exhibit "A", except as may be revised as a result of this action, submitted to the case file prior to pursuing any clearances.
3. Approved herein is the construction, use, and operation of a hotel with up to 54,030 square feet, 7-story, 75 feet in height, and up to 80 guest rooms with ancillary ground floor restaurant and rooftop bar.
4. The applicant shall provide automobile parking to the satisfaction of the Department of Building and Safety. No variance from the parking requirements pursuant to LAMC Section 12.21 A.4 has been requested or granted herein.
5. The applicant shall provide bicycle parking to the satisfaction of the Department of Building and Safety. No variance from bicycle parking requirements pursuant to LAMC Section 12.21 A.16 has been requested or granted herein.
6. Landscape. All landscape areas shall be landscaped in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor and approved by the Zoning Administrator. The Development Services Counter shall determine whether the plan is in compliance with all provisions below:
  - a. Landscaping shall consist of plant materials such as trees, shrubs and planted ground cover. All new trees shall be a minimum 24-inch box. All grade level planting areas shall be contained within a minimum 6-inch-high continuous concrete curb.
  - b. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan.
7. 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 Zoning Administrator 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.
8. 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.

9. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
10. **Within 30 days of the effective date of this determination**, 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
11. The project shall comply with all of the applicable requirements and operational conditions of the Los Angeles Municipal Code.
12. The applicant shall be responsible for maintaining the area adjacent to the premises over its control free of litter, including any landscaped areas and parking area used specifically by patrons. The site shall be kept clear of weeds, trash, and combustible materials at all times.
13. The owners, operators, managers and employees serving and/or selling alcohol to patrons shall enroll in and complete a certified, ABC-recognized, training program for the responsible service of alcohol. This training shall be scheduled for new employees within 30 days of the opening of the establishment or within 30 days after the start of employment, whichever applies. Employees who serve and/or sell alcohol beverages shall complete this training every 24 months. A record of the completion of this training program shall be maintained on the premises and shall be presented upon request of the Zoning Administrator.
14. A "Designated Driver Program" shall be operated to provide an alternate driver for patrons unable to safely operate a motor vehicle.
  - a. Each operator shall submit details of the program to the Director of Planning for review and approval prior to the opening of any facility offering alcoholic beverages.
  - b. This program may include, but shall not be limited to, free non-alcoholic drinks for the designated driver of each group of patrons and promotion of the program at each table within the establishment
15. No booth or group seating shall be installed which completely prohibits observation of the occupants.
16. The Zoning Administrator shall consult with LAPD for recommendations regarding security measures for adequate protection to visitors and employees of the site, and impose those conditions which he or she deems to be necessary



and feasible. The Zoning Administrator shall also notify the LAPD of the identity of each proposed operator of an establishment so that the LAPD can ascertain whether the operator has any prior record of criminal activity.

17. The Project shall include appropriate security design features for semi-public and private spaces, which may include, but should not be limited to: access control to buildings; secured parking facilities; walls/fences with key security; lobbies, corridors and elevators equipped with electronic surveillance systems; well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas.
18. The Applicant shall provide Project plans to the LAPD prior to finalization, to allow time to review the plans regarding additional crime prevention features appropriate to the design of the Project.
19. Recommendations of the Fire Department relative to fire safety shall be incorporated into all building plans, to the satisfaction of the Fire Department.
20. The applicant shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises
21. Restaurants. The following additional conditions shall apply to the subject restaurants:
  - a. The establishment may include a bar or lounge area, which is separate from the main food service area of the establishment. There shall be no requirement to purchase a minimum number of drinks.
  - b. Sales of alcoholic beverages shall only be made where an employee of the restaurant obtains the product. No self-service of alcoholic beverages by restaurant customers shall be permitted.
  - d. Entertainment activities, such as live or recorded music, may be permitted so long as no less than 70% of the restaurant floor area is dedicated to food preparation, food service, eating areas, restrooms and storage areas.
  - e. The subject restaurant shall have a full-service kitchen and a full menu.
22. A copy of these conditions shall be retained at all times on the premises and shall be produced immediately upon the request of the Director or the LAPD.
23. The use and development of the subject tenant space shall be in substantial conformance with the 'revised' plot plan and floor plans marked Exhibit "A", except as may be revised as a result of this action, submitted to the case file prior to pursuing any clearances.

24. The maximum square footage and the number of indoor and outdoor seating for the restaurant shall be permitted as follows:

Address	Square Footage	Indoor Seating	Outdoor Seating
Ground Restaurant	2,000	67	0
Roof Top Bar	2,950	0	109

25. Within 60 days after the issuance of the certificate of occupancy for an establishment, the Applicant shall execute a covenant acknowledging and agreeing to comply with all the terms and conditions established in this Specific Plan and record it in the County Recorder's Office. This agreement shall run with the land and be binding on any subsequent owners, heirs or assigns. The Applicant shall submit this agreement to the Zoning Administrator for approval before being recorded. After recordation, the Applicant shall provide a copy bearing the Recorder's number and date to the Zoning Administrator.
26. 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, seating arrangement or number of seats of the new operation.
27. The Zoning Administrator reserves the right to require that a 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 is submitted showing 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 Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing including consideration for nuisance abatement/revocation purposes.

28. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Zoning Administrator for attachment to the case file.
29. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
30. Prior to the issuance of any permits relative to this matter, 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
31. **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 Zoning Administrator.
32. **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 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 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 \$25,000. 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 (ii).
- v. If the City determines it necessary to protect the City's interests, 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, commission, 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.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **NOTICE**

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

## Mandatory Findings

### **CONDITIONAL USE FINDINGS**

Following is a delineation of the findings and the application of the relevant facts to same:

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

The project, as conditioned, consists of a 54,030 square-foot boutique hotel and restaurant project, including up to 80 hotel guest rooms, a 2,000 square foot ground floor restaurant with 67 indoor seats, and a 2,950 square-foot rooftop bar with 109 outdoor seats. The hotel will offer lodging to visitors, and the restaurant and rooftop bar will provide dining and entertainment to guests and nearby residents.

San Pedro is a major scenic coastal community that brings significant numbers of residents, visitors and tourists by automobile and public transit in proximity to the proposed hotel. The hotel is located on the northeast corner of Pacific Avenue and 6th Street and contributes to the efforts to provide a broad array of tourist and dining choices and amenities. Policy LU8.2 of the San Pedro Community Plan calls for the promotion of mixed-use projects and higher density developments along transit priority streets within the Community Commercial area. The project, as conditioned, introduces a hotel, restaurant and bar along Pacific Avenue which is serviced by a Metro bus line.

The project, as conditioned, is in proper relation to adjacent uses because the hotel use will be near other commercial uses within the Central Commercial E Subarea of the San Pedro CPIO. Thus, the project will perform a function and provide a service that will be beneficial to the community, city and region.

2. **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 project site is comprised of two level, rectangular parcels of land totaling approximately 12,501 square feet in the C2-2D-CPIO zone. The property has a frontage of approximately 125 feet on the east side of Pacific Avenue and a frontage of approximately 100 feet on the north side of 6<sup>th</sup> Street. (For purposes of calculating FAR, the project is allowed to include half of the 20-foot wide alley.) The site is currently undeveloped and immediately adjacent to the west of the historic Warner Grand Theatre.

The project, as conditioned, is the construction of a 54,030 square-foot, 7-story, and 75-foot high, 80-room hotel with ground floor restaurant with 67 indoor seats and rooftop bar with 109 outdoor seats and live entertainment. The project improves an undeveloped lot with a hotel project that is similar in size and height

with the neighboring properties. The project, as conditioned, is designed with varied materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco and will be visually compatible with other buildings within its vicinity.

The site is within the Central Commercial E Subarea of the CPIO which allows a maximum height of 75 feet. The proposed 75-foot height of the hotel is consistent with the regulations of the San Pedro CPIO. The adjacent theatre is approximately 58 feet 9 inches, less than 2 stories shorter than the subject project. There are several other buildings in the neighborhood with similar size and massing. The proposed hotel is situated in a commercial zone with many uses providing dining and entertainment options to residents and visitors. While nearby residential uses are located northeast of the project site, they are separated by two major streets in the San Pedro downtown area. Therefore, the proposed hotel, as conditioned, will not adversely affect or degrade adjacent residential properties, the surrounding neighborhood, or the public health, welfare, and safety.

The surrounding area includes several restaurants, bars, hotels and retail businesses. 6th Street serves as a gateway to Downtown San Pedro and is an active pedestrian area. The proposed project, as conditioned, provides a pedestrian oriented ground floor though the inclusion of entry points off both 6<sup>th</sup> Street and Pacific Avenue, a new restaurant, and a façade clad with windows to enliven the streetscape and provide a more visibly active environment.

As Conditioned, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent residential properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The San Pedro Community Plan designates the property for Community Commercial land uses with the corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4. The subject request is for the construction, use, and operation of a 54,030 square-foot, 75-foot, and 80-guest room hotel with ancillary ground floor restaurant and rooftop bar in the C2-2D-CPIO zone. Hotel uses are permitted in the C2 Zone, however a Conditional Use is required when the property is located within 500 feet of residentially zoned properties. The project, as conditioned herein, will implement the General Plan and its objectives by providing valuable and desirable commercial, recreational, and visitor serving uses within the community. The proposed hotel will add 80 guest rooms, a restaurant, and a rooftop bar to be used by the general public and by visitors to the community.

The project is consistent with the following Community Plan goals and policies:

LU8.1 Revitalize Downtown. Revitalize and strengthen the Downtown San Pedro commercial area as the historic commercial center of the community, to provide shopping, civic, social, and recreational activities.

LU8.2 Mixed-Use projects. Promote mixed-use projects and higher density developments along transit priority streets, and in Community Commercial and Regional Commercial areas. Redevelop existing commercial centers into dynamic mixed-use centers.

Goal LU9: A revitalized Downtown Community Center that serves as the heart of San Pedro and is attractive to residents and visitors.

LU9.1 Active Downtown. Develop 6th Street between Harbor Boulevard and Pacific Avenue into a pedestrian priority street, with sidewalk dining, pedestrian-oriented commercial uses, improved streetscape and landscape amenities, public art spaces and water features.

The proposed project provides a pedestrian oriented ground floor though the inclusion of entry points off both 6<sup>th</sup> Street and Pacific Avenue, a new restaurant, and a façade clad with windows to enliven the streetscape and provide a more visibly active environment in Downtown San Pedro. Therefore, the project as conditioned, substantially conforms with the purpose, intent and provisions of the General Plan and the San Pedro Community Plan Implementation Overlay.

#### **CONDITIONAL USE ALCOHOL FINDINGS**

Following is a delineation of the findings and the application of the relevant facts to same:

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

The project, as conditioned herein, consists of a 54,030 square-foot boutique hotel, including 80 hotel guest rooms, a 2,000 square foot ground floor restaurant with 67 indoor seats, and a 2,950 square-foot rooftop bar with 109 outdoor seats. The hotel will offer lodging for visitors to San Pedro, as well as dining for guests and nearby residents. The request to be able to serve a full line of alcohol beverages will help to establish and maintain a competitive hotel with a complete sit-down dining experience that will help reinforce a viable business environment within the downtown San Pedro neighborhood.

San Pedro is a major scenic coastal community that brings significant numbers of residents, visitors and tourists by automobile and public transit into proximity to this hotel. The hotel is located on the northeast corner of Pacific Avenue and 6th Street and contributes to the efforts to provide a broad array of tourist and dining choices and amenities. Policy LU8.2 of the San Pedro Community Plan calls for the promotion of mixed-use projects and higher density developments along transit priority streets within the Community Commercial area. The proposed



project introduces a hotel, restaurant and bar along Pacific Avenue, which is serviced by a Metro bus line.

The project is in proper relation to adjacent uses because the hotel will be near other commercial uses that provide dining, alcohol beverages and entertainment within the Central Commercial E Subarea of the San Pedro CPIO. Thus, the project will perform a function and provide a service that will be beneficial to the community, city and region.

5. **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 project site is comprised of two level, rectangular parcels of land totaling approximately 12,501 square feet in the C2-2D-CPIO zone. The property has a frontage of approximately 125 feet on the east side of Pacific Avenue and a frontage of approximately 100 feet on the north side of 6<sup>th</sup> Street. (For purposes of calculating FAR, the project is allowed to include half of the 20-foot wide alley.) The site is currently undeveloped and immediately adjacent to the west of the historic Warner Grand Theatre.

The project is the construction of a 54,030 square-foot, 7-story, and 75-foot high, 80-guest room hotel with ground floor restaurant with 67 indoor seats and rooftop bar with 109 outdoor seats and live entertainment. The project, as conditioned herein, improves an undeveloped lot with a hotel project that is similar in size and height with the neighboring properties. Designed with varied materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco, the project will be visually compatible with other buildings within its vicinity.

The site is within the Central Commercial E Subarea of the CPIO, which allows a maximum height of 75 feet. Therefore, the proposed 75-foot height of the hotel is consistent with the regulations of the recently adopted San Pedro CPIO and will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The surrounding area includes several restaurants, bars, hotels and retail businesses. 6th Street serves as a gateway to Downtown San Pedro and is an active pedestrian area. The addition of the project with its ground floor restaurant and roof top bar will be beneficial by providing lodging for visitors and dining and entertainment for guests and nearby residents, which will further encourage pedestrian activity. The project, as conditioned herein, will not be detrimental to the character of development in the immediate neighborhood because the sale and consumption of alcohol beverages in hotels, restaurants, and entertainment venues is a reasonable expectation.

As conditioned herein, the project will function as a hotel and restaurant with

accessory alcoholic beverage sales for on-site consumption and incidental off-site consumption. The conditions imposed by this determination will ensure a use that will be desirable to the public convenience and the general welfare of regular patrons, tourists and nearby residents.

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

The San Pedro Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4 within Height District No. 2. The Central Commercial E Subarea of the Community Plan Implementation Overlay provides use limitations and development standards for new development that support a compact center of employment, entertainment, civic and cultural activities, and waterfront tourism. This Subarea promotes the establishment of regional uses, including major entertainment and cultural facilities, hotel and restaurant uses, corporate or professional offices, and government buildings, as well as residential uses that provide vitality and improve transit viability. The request to sell a full line of alcoholic beverages for on-site consumption in a hotel with a full service restaurant and bar is a reasonable expectation of potential patrons and is consistent with the intent and character of a burgeoning center for entertainment and tourism within the C2-2D-CPIO Zone.

The project is consistent with the following Community Plan goals and policies:

LU8.1 Revitalize Downtown. Revitalize and strengthen the Downtown San Pedro commercial area as the historic commercial center of the community, to provide shopping, civic, social, and recreational activities.

LU8.2 Mixed-Use projects. Promote mixed-use projects and higher density developments along transit priority streets, and in Community Commercial and Regional Commercial areas. Redevelop existing commercial centers into dynamic mixed-use centers.

Goal LU9: A revitalized Downtown Community Center that serves as the heart of San Pedro and is attractive to residents and visitors.

LU9.1 Active Downtown. Develop 6th Street between Harbor Boulevard and Pacific Avenue into a pedestrian priority street, with sidewalk dining, pedestrian-oriented commercial uses, improved streetscape and landscape amenities, public art spaces and water features.

The applicant is seeking permission to sell a full line of alcoholic beverages for on-site consumption and incidental off-site consumption daily, in conjunction with a proposed 80-guest room hotel with ground-floor restaurant with 67 indoor seats, rooftop bar with 109 outdoors seats and individual guest room mini-bar and live entertainment. Since the hotel and restaurant uses are consistent with the Community Plan designation, it can be concluded that the sale of a full line of alcoholic beverages for on-site consumption and incidental off-site consumption

as an accessory use in the bar, restaurant, and guest room mini-bar would be consistent with the Community Plan. Restaurants attract a larger base of potential customers and contributes to the economic base of the broader community, creates and maintains employment opportunities and generates revenue for the city.

As conditioned, the subject request conforms to the purpose, intent, and provisions of the General Plan, and the applicable Community Plan Implementation Overlay.

#### **ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES**

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

The applicant is seeking permission to sell a full line of alcoholic beverages for on-site consumption and incidental off-site consumption daily, in conjunction with a proposed 80-guest room hotel with ground-floor restaurant with 67 indoor seats, rooftop bar with 109 outdoors seats and individual guest room mini-bar and live entertainment. Since the hotel, as conditioned herein, and restaurant uses are consistent with the Community Plan designation, it can be concluded that the sale of a full line of alcoholic beverages for on-site consumption and incidental off-site consumption as an accessory use in the bar, restaurant, and guest room mini-bar would be consistent with the Community Plan.

Granting of this conditional use will allow this business to compete with similar hotels and to contribute positively to the local economy. The restaurant and bar with alcoholic beverage sales provides employment for the community, tax revenues, and investment in property improvements, while supporting the function of the hotel. The hotel, as conditioned herein, will provide an economic benefit to the larger community by introducing new revenue on an underutilized parcel.

The existing businesses with alcohol licenses in the area have operated in a safe manner in the past, and there is an expectation this hotel and its restaurants will continue to provide a safe environment. According to LAPD's online crime mapping, the immediate area around the subject property has no history of complaints, nuisance activity or calls for service by LAPD related to DUI, Disturbing the Peace, or Drug & Alcohol Violations in at least the last 6 months. Finally, restaurants attract a larger base of potential customers and contributes to the economic base of the broader community, creates and maintains employment opportunities and generates revenue for the city.

**8. 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.**

The subject property is located within Census Tract No. 2962.20. According to the California State Department of Alcoholic Beverage Control (ABC) this tract has been allocated 4 on-site and 3 off-site licenses. Currently there are 22 on-site licenses and 4 off-site licenses operating in this Census Tract.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The project includes a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site and incidental off-site consumption in conjunction with a 67-guest room hotel with ground-floor restaurant, rooftop bar with live entertainment and individual guest room mini-bars.

According to LAPD's online crime mapping, the immediate area around the subject property has no history of complaints, nuisance activity or calls for service by LAPD related to DUI, Disturbing the Peace, or Drug & Alcohol violations in the last 6 months. Hence, there is no link between the alcohol use and the area's crime rate. With 18 existing licenses more than the 4 allotted for the tract and no link between the use of alcohol and crime or nuisance rate in the area, the approval of the subject request is not anticipated to result in any increase in nuisance activity or contribute to the area's crime rate.

9. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to 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 following sensitive uses are located within 1,000 feet of the project site:

<b>Sensitive Use</b>	<b>Address</b>
Port of Los Angeles High School	250 West 5 <sup>th</sup> Street
Merry-Go-Round Nursery School	446 West 8 <sup>th</sup> Street
Marymount California University	222 West 6 <sup>th</sup> Street
San Pedro United Methodist Church	399 West 6 <sup>th</sup> Street
Mt. Sinai Missionary Baptist Church	225 South Mesa Street

While there are residential dwelling units and other sensitive uses located in close proximity to the project site, the surrounding neighborhood is a neighborhood with a mixture of offices, retail, restaurants, and residential units.

Conditions have been imposed in cooperation with LAPD to minimize any potential impacts to the nearby sensitive uses.

The restaurant and rooftop bar will be ancillary to the hotel, located in a commercial zone which will serve the community by providing complete dining services that benefit the local community and region. As conditioned, the proposed project will not cause any detrimental effects to nearby residential zones.

### **ZONING ADMINISTRATOR'S ADJUSTMENT FINDINGS**

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

**10. Describe what site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible; and explain why the project nonetheless conforms with the intent of those regulations;**

The proposed project consists of a 54,030 square-foot boutique hotel and restaurant project, including 80 hotel guest rooms, a 2,000 square foot ground floor restaurant, and a 2,950 square-foot rooftop bar. Parking will be provided in a subterranean and at-grade parking area with 62 automobile parking spaces. In addition, 20 bicycle parking spaces will be provided on-site (10 long term and 10 short-term).

Section 12.28 of the Los Angeles Municipal Code allows the Zoning Administrator to grant adjustments to increase project density if the increase represents less than a 20 percent increase. The project, as proposed, requested a 19 percent increase in density. The intent of the density requirement in the Zoning Code are to ensure that all residential properties are compatible and enjoy adequate light, air, and privacy. Consistently applying the regulations create compatibility between respective properties. Such regulations, however, are written on a citywide basis and cannot take into account individual unique characteristics of a specific property. However, an Adjustment is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted where the spirit of the ordinance is observed and substantial justice is done with no detrimental impacts to the community.

As stated previously, the subject site is a vacant rectangular shaped infill 12,500 square-foot parcel with a frontage along 6<sup>th</sup> Street, a frontage along Pacific Avenue and a rear property line along a 20-foot wide alley north of 6<sup>th</sup> Street. The relatively level site was previously improved with commercial structures, but the improvements have since been removed leaving the site with no characteristics or existing improvements that would make strict adherence to the zoning regulations impractical or infeasible. The site's rear property line abuts a 20-foot wide alley, which allows it to enjoy the benefit of using 10 feet of the alley for the purposes of calculating density (ie density bonus above sites not abutting an

alley).

Testimony was provided that a variety of site characteristics make strict adherence to the municipal code regulations impractical or infeasible such as the property being an infill site, its adjacency to a historical resource, it abutting two commercial streets, and the history of difficulties that San Pedro has experience in getting this type of commercial activity on the downtown area.

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

The project site is comprised of two level, rectangular parcels of land totaling approximately 12,501 square feet in the C2-2D-CPIO Zone. The property has a frontage of approximately 125 feet on the east side of Pacific Avenue and a frontage of approximately 100 feet on the north side of 6<sup>th</sup> Street. (For purposes of calculating FAR, the project is allowed to include half of the 20-foot wide alley.) The site is currently undeveloped and immediately adjacent to the west of the historic Warner Grand Theatre.

The proposed project is the construction of a 54,030 square-foot, 7-story, 75-foot high, 80-room hotel with ground floor restaurant and rooftop bar with live entertainment and includes a request for a Zoning Administrator's Adjustment to allow a nineteen percent (19%) increase in density for a total of 80 guest rooms in lieu of 67 allowed in a C2-2D-CPIO Zone. Testimony was provided that granting the adjustment would not result in a greater increase in the height, scale, or bulk beyond the maximum permitted by the municipal code.

The project, as conditioned herein, improves an undeveloped lot with a 80-guest room hotel building that is similar in size and height with the surrounding properties. The project design includes a variety of materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco. The project design will be visually compatible with other buildings within its vicinity.

The property to the north across the alley is zoned C2-2D-CPIO and developed with a single story commercial structure. The property to the east adjacent to the subject property is zoned C2-2D-CPIO and developed with the historic Warner Grand Theatre. Properties to the south across 6th Street are zoned C2-2D-CPIO and are developed with two-story commercial uses. The properties to the west across Pacific Avenue are zoned C2-2D-CPIO and developed with a single story commercial structure. The site is within the recently created Central Commercial E Subarea of the CPIO which allows a maximum height of 75 feet and a FAR of 4.0:1. Previously, the site's zoning, and those of the surrounding properties, were restricted to 2-story building heights and the FAR was 1.5:1.

The project's requested density, which also includes the density bonus due to the

abutting 20-wide alley, will be compatible with, and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood.

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

There are eleven elements of the General Plan, and each of these elements establishes goals, objectives and 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. Aside from the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code that are directly tied to any of the elements of the General Plan.

The San Pedro Community Plan designates the property as Community Commercial with corresponding zones C1, C1.5, CR, C2, C4, R3, RAS3, RAS4, and R4; and Height District 2D. Generally, the hotel project is consistent with the following Community Plan goals and policies.

Goal LU8: Distinct, well-designed Community Centers that are efficiently served by transit, provide medium-density and urban housing opportunities, and serve as centers of civic, cultural, and economic life in San Pedro.

LU8.2 Mixed-Use projects. Promote mixed-use projects and higher density developments along transit priority streets, and in Community Commercial and Regional Commercial areas. Redevelop existing commercial centers into dynamic mixed-use centers.

Goal LU9: A revitalized Downtown Community Center that serves as the heart of San Pedro and is attractive to residents and visitors.

LU9.1 Active Downtown. Develop 6th Street between Harbor Boulevard and Pacific Avenue into a pedestrian priority street, with sidewalk dining, pedestrian-oriented commercial uses, improved streetscape and landscape amenities, public art spaces and water features.

The proposed hotel is a use that is compatible with the commercial use and development of the surrounding area, has been conditioned to preserve the commercial character of the neighborhood, and is found to not have an adverse impact on adjacent properties.

The requested increase in density is for a commercial use and not a residential use, and thus consistent with the recently adopted San Pedro Community Plan's goal of higher density development along transit priority streets to maintain an active downtown for residents and visitors. Granting the adjustment request supports the goals and objectives of the Community Plan and the recently adopted C2-2D-CPIO ordinance. Hence, granting the request is consistent with the purpose, intent and provision of the San Pedro Community Plan.

**SITE PLAN REVIEW FINDINGS**

In order for a Site Plan approval to be granted, all of the legally mandated findings delineated in Section 16.05 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

There are eleven elements of the General Plan, and each of these elements establishes goals, objectives and 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. Aside from the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code that are directly tied to any of the elements of the General Plan.

The subject property is located in the recently updated San Pedro Community Plan area which designates the site for Community Commercial Land Use with corresponding zones CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4. The Community Plan was adopted by the Los Angeles City Council June 26, 2018 to include the San Pedro Community Plan Implementation Overlay district. The subject property is newly zoned C2-2D-CPIO and located in the Central Commercial Subarea E of the San Pedro Community Plan Implementation Overlay district. The CPIO's Section III-2 Development Standards, Subsection B. Building Density and Intensity regulation restricts the density and intensity of development in Subarea E to a maximum FAR of 4.0:1, except for properties south of 8<sup>th</sup> Street, between Mesa Street and Palos Verdes Street, and west of Harbor Boulevard and North of Amar Street which are restrict to a maximum Floor Area Ratio (FAR) of 3.0:1.

Prior to the City's adoption of the June 2018 ordinance, the subject property was zoned [Q]C2-1XL-CDO which limited any development to two stories, a maximum building height of 3 stories, and the FAR was limited to one-and-one-half times the buildable area of the lot. The [Q] condition of the zone limited any residential development to one dwelling unit or guest room per 1,000 square feet of lot area. The [Q]C2-1XL-CDO Zone was the former zoning tool used to guide the development of the area in order to achieve the goals and objectives for Community Commercial uses.

The project, as conditioned herein, is consistent with the following Community Plan goals and policies.

Goal LU8: Distinct, well-designed Community Centers that are efficiently served by transit, provide medium-density and urban housing opportunities, and serve as centers of civic, cultural, and economic life in San Pedro.



LU9.1 Active Downtown. Develop 6th Street between Harbor Boulevard and Pacific Avenue into a pedestrian priority street, with sidewalk dining, pedestrian-oriented commercial uses, improved streetscape and landscape amenities, public art spaces and water features.

The project is designed with varied materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco. The proposed hotel is a use that is compatible with the commercial use and development of the surrounding area, has been conditioned to preserve the commercial character of the neighborhood, and is found to not have an adverse impact on adjacent properties. Inasmuch, the proposed requests are consistent with the purpose, intent, and provisions of the San Pedro Community Plan.

14. **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.**

As shown in Exhibit A and described below, the proposed project will be compatible with existing and future development on the neighboring properties.

#### Height

The C2-2D-CPIO Zone and Height District 2 allows for a maximum height of 75 feet. The proposed project consists of one 7-story, 75-foot tall building as measured to the top of the roof.

#### Bulk/Massing

The front building façade is articulated with contrasting colors and materials with vertical and horizontal elements. All facades have a least two different materials that include: brick, metal panels, glass, and smooth stucco. The hotel is articulated with horizontal breaks, and glazed windows with recessed frames, contrasting and complementary colors, building plane variations, and overhangs above the ground floor.

#### Landscaping

The project is designed with eight new trees along Pacific Avenue and 6<sup>th</sup> Street with 88 square feet of landscape provided on 6<sup>th</sup> street as required by Section III.E.2 of the San Pedro Community Plan Implementation Overlay.

#### Building Materials

The project is designed with varied materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco.

#### Entrances

The proposed project provides a pedestrian oriented ground floor though the inclusion of entry points off both 6<sup>th</sup> Street and Pacific Avenue, a new restaurant, and a façade clad with windows to enliven the streetscape and provide a more visibly active environment.

Setbacks

The project has a 0-foot setback along the Pacific Avenue and 6<sup>th</sup> Street, creating an inviting pedestrian frontage in conformance with the San Pedro CPIO, and as recommended in the Citywide Commercial Design Guidelines.

Parking

Parking will be provided in a subterranean and at-grade parking area with 62 automobile parking spaces. In addition, 20 bicycle parking spaces will be provided on-site (10 long term and 10 short-term).

Open Space

The project is designed with 88 square feet of publicly accessible open space as required by Section III.E.2 of the San Pedro Community Plan Implementation Overlay.

Lighting

Ancillary lighting is provided along pedestrian and vehicular access ways as required by Section III.I.1 of the San Pedro Community Plan Implementation Overlay.

Loading

Loading occurs from the alley adjacent to the north of the subject property and is not visible from the street.

Trash Collection

Trash Collection occurs from the alley adjacent to the north of the subject property and is not visible from the street.

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

The project, as conditioned herein, is to allow the construction of a 54,030 square-foot, 7-story, and 75-foot high, 80-guest room hotel with ground floor restaurant, and rooftop bar with live entertainment. Both the restaurant and bar are accessible to hotel guests and the public. Additionally, the hotel provides guests with meeting room space on the premises. All amenities are confined with the subject property. Therefore, the project is a sufficient service amenity for guests with minimum impact on neighboring properties.

**ADDITIONAL MANDATORY FINDINGS**

16. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas outside of the flood zone.
17. DETERMINED based on the whole of the administrative record, that the project is exempt from CEQA pursuant to CEQA Guidelines Article 19, Section 15332 (In-Fill Development Projects), and there is no substantial evidence

demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

## FINDINGS

(As amended by the Harbor Area Planning Commission on August 6, 2019)

### **CONDITIONAL USE FINDINGS**

Following is a delineation of the findings and the application of the relevant facts to same:

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

The project, as conditioned, consists of a 54,030 square-foot boutique hotel and restaurant project, including up to 80 hotel guest rooms, a 2,000 square foot ground floor restaurant with 67 indoor seats, and a 2,950 square-foot rooftop bar with 109 outdoor seats. The hotel will offer lodging to visitors, and the restaurant and rooftop bar will provide dining and entertainment to guests and nearby residents.

San Pedro is a major scenic coastal community that brings significant numbers of residents, visitors and tourists by automobile and public transit in proximity to the proposed hotel. The hotel is located on the northeast corner of Pacific Avenue and 6th Street and contributes to the efforts to provide a broad array of tourist and dining choices and amenities. Policy LU8.2 of the San Pedro Community Plan calls for the promotion of mixed-use projects and higher density developments along transit priority streets within the Community Commercial area. The project, as conditioned, introduces a hotel, restaurant and bar along Pacific Avenue which is serviced by a Metro bus line.

The project, as conditioned, is in proper relation to adjacent uses because the hotel use will be near other commercial uses within the Central Commercial E Subarea of the San Pedro CPIO. Thus, the project will perform a function and provide a service that will be beneficial to the community, city and region.

2. **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 project site is comprised of two level, rectangular parcels of land totaling approximately 12,501 square feet in the C2-2D-CPIO zone. The property has a frontage of approximately 125 feet on the east side of Pacific Avenue and a frontage of approximately 100 feet on the north side of 6<sup>th</sup> Street. (For purposes of calculating FAR, the project is allowed to include half of the 20-foot wide alley.) The site is currently undeveloped and immediately adjacent to the west of the historic Warner Grand Theatre.

The project, as conditioned, is the construction of a 54,030 square-foot, 7-story, and 75-foot high, 80-room hotel with ground floor restaurant with 67 indoor seats

and rooftop bar with 109 outdoor seats and live entertainment. The project improves an undeveloped lot with a hotel project that is similar in size and height with the neighboring properties. The project, as conditioned, is designed with varied materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco and will be visually compatible with other buildings within its vicinity.

The site is within the Central Commercial E Subarea of the CPIO which allows a maximum height of 75 feet. The proposed 75-foot height of the hotel is consistent with the regulations of the San Pedro CPIO. The adjacent theatre is approximately 58 feet 9 inches, less than 2 stories shorter than the subject project. There are several other buildings in the neighborhood with similar size and massing. The proposed hotel is situated in a commercial zone with many uses providing dining and entertainment options to residents and visitors. While nearby residential uses are located northeast of the project site, they are separated by two major streets in the San Pedro downtown area. Therefore, the proposed hotel, as conditioned, will not adversely affect or degrade adjacent residential properties, the surrounding neighborhood, or the public health, welfare, and safety.

The surrounding area includes several restaurants, bars, hotels and retail businesses. 6th Street serves as a gateway to Downtown San Pedro and is an active pedestrian area. The proposed project, as conditioned, provides a pedestrian oriented ground floor though the inclusion of entry points off both 6<sup>th</sup> Street and Pacific Avenue, a new restaurant, and a façade clad with windows to enliven the streetscape and provide a more visibly active environment.

As Conditioned, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent residential properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The San Pedro Community Plan designates the property for Community Commercial land uses with the corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4. The subject request is for the construction, use, and operation of a 54,030 square-foot, 75-foot, and 80-guest room hotel with ancillary ground floor restaurant and rooftop bar in the C2-2D-CPIO zone. Hotel uses are permitted in the C2 Zone, however a Conditional Use is required when the property is located within 500 feet of residentially zoned properties. The project, as conditioned herein, will implement the General Plan and its objectives by providing valuable and desirable commercial, recreational, and visitor serving uses within the community. The proposed hotel will add 80 guest rooms, a restaurant, and a rooftop bar to be used by the general public and by visitors to the community.

The project is consistent with the following Community Plan goals and policies:

LU8.1 Revitalize Downtown. Revitalize and strengthen the Downtown San Pedro commercial area as the historic commercial center of the community, to provide shopping, civic, social, and recreational activities.

LU8.2 Mixed-Use projects. Promote mixed-use projects and higher density developments along transit priority streets, and in Community Commercial and Regional Commercial areas. Redevelop existing commercial centers into dynamic mixed-use centers.

Goal LU9: A revitalized Downtown Community Center that serves as the heart of San Pedro and is attractive to residents and visitors.

LU9.1 Active Downtown. Develop 6th Street between Harbor Boulevard and Pacific Avenue into a pedestrian priority street, with sidewalk dining, pedestrian-oriented commercial uses, improved streetscape and landscape amenities, public art spaces and water features.

The proposed project provides a pedestrian oriented ground floor though the inclusion of entry points off both 6<sup>th</sup> Street and Pacific Avenue, a new restaurant, and a façade clad with windows to enliven the streetscape and provide a more visibly active environment in Downtown San Pedro. Therefore, the project as conditioned, substantially conforms with the purpose, intent and provisions of the General Plan and the San Pedro Community Plan Implementation Overlay.

#### **CONDITIONAL USE ALCOHOL FINDINGS**

Following is a delineation of the findings and the application of the relevant facts to same:

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

The project, as conditioned herein, consists of a 54,030 square-foot boutique hotel, including 80 hotel guest rooms, a 2,000 square foot ground floor restaurant with 67 indoor seats, and a 2,950 square-foot rooftop bar with 109 outdoor seats. The hotel will offer lodging for visitors to San Pedro, as well as dining for guests and nearby residents. The request to be able to serve a full line of alcohol beverages will help to establish and maintain a competitive hotel with a complete sit-down dining experience that will help reinforce a viable business environment within the downtown San Pedro neighborhood.

San Pedro is a major scenic coastal community that brings significant numbers of residents, visitors and tourists by automobile and public transit into proximity to this hotel. The hotel is located on the northeast corner of Pacific Avenue and 6th Street and contributes to the efforts to provide a broad array of tourist and dining choices and amenities. Policy LU8.2 of the San Pedro Community Plan calls for the promotion of mixed-use projects and higher density developments along transit priority streets within the Community Commercial area. The proposed

project introduces a hotel, restaurant and bar along Pacific Avenue, which is serviced by a Metro bus line.

The project is in proper relation to adjacent uses because the hotel will be near other commercial uses that provide dining, alcohol beverages and entertainment within the Central Commercial E Subarea of the San Pedro CPIO. Thus, the project will perform a function and provide a service that will be beneficial to the community, city and region.

5. **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 project site is comprised of two level, rectangular parcels of land totaling approximately 12,501 square feet in the C2-2D-CPIO zone. The property has a frontage of approximately 125 feet on the east side of Pacific Avenue and a frontage of approximately 100 feet on the north side of 6<sup>th</sup> Street. (For purposes of calculating FAR, the project is allowed to include half of the 20-foot wide alley.) The site is currently undeveloped and immediately adjacent to the west of the historic Warner Grand Theatre.

The project is the construction of a 54,030 square-foot, 7-story, and 75-foot high, 80-guest room hotel with ground floor restaurant with 67 indoor seats and rooftop bar with 109 outdoor seats and live entertainment. The project, as conditioned herein, improves an undeveloped lot with a hotel project that is similar in size and height with the neighboring properties. Designed with varied materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco, the project will be visually compatible with other buildings within its vicinity.

The site is within the Central Commercial E Subarea of the CPIO, which allows a maximum height of 75 feet. Therefore, the proposed 75-foot height of the hotel is consistent with the regulations of the recently adopted San Pedro CPIO and will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The surrounding area includes several restaurants, bars, hotels and retail businesses. 6th Street serves as a gateway to Downtown San Pedro and is an active pedestrian area. The addition of the project with its ground floor restaurant and roof top bar will be beneficial by providing lodging for visitors and dining and entertainment for guests and nearby residents, which will further encourage pedestrian activity. The project, as conditioned herein, will not be detrimental to the character of development in the immediate neighborhood because the sale and consumption of alcohol beverages in hotels, restaurants, and entertainment venues is a reasonable expectation.

As conditioned herein, the project will function as a hotel and restaurant with

accessory alcoholic beverage sales for on-site consumption and incidental off-site consumption. The conditions imposed by this determination will ensure a use that will be desirable to the public convenience and the general welfare of regular patrons, tourists and nearby residents.

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

The San Pedro Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4 within Height District No. 2. The Central Commercial E Subarea of the Community Plan Implementation Overlay provides use limitations and development standards for new development that support a compact center of employment, entertainment, civic and cultural activities, and waterfront tourism. This Subarea promotes the establishment of regional uses, including major entertainment and cultural facilities, hotel and restaurant uses, corporate or professional offices, and government buildings, as well as residential uses that provide vitality and improve transit viability. The request to sell a full line of alcoholic beverages for on-site consumption in a hotel with a full service restaurant and bar is a reasonable expectation of potential patrons and is consistent with the intent and character of a burgeoning center for entertainment and tourism within the C2-2D-CPIO Zone.

The project is consistent with the following Community Plan goals and policies:

LU8.1 Revitalize Downtown. Revitalize and strengthen the Downtown San Pedro commercial area as the historic commercial center of the community, to provide shopping, civic, social, and recreational activities.

LU8.2 Mixed-Use projects. Promote mixed-use projects and higher density developments along transit priority streets, and in Community Commercial and Regional Commercial areas. Redevelop existing commercial centers into dynamic mixed-use centers.

Goal LU9: A revitalized Downtown Community Center that serves as the heart of San Pedro and is attractive to residents and visitors.

LU9.1 Active Downtown. Develop 6th Street between Harbor Boulevard and Pacific Avenue into a pedestrian priority street, with sidewalk dining, pedestrian-oriented commercial uses, improved streetscape and landscape amenities, public art spaces and water features.

The applicant is seeking permission to sell a full line of alcoholic beverages for on-site consumption and incidental off-site consumption daily, in conjunction with a proposed 80-guest room hotel with ground-floor restaurant with 67 indoor seats, rooftop bar with 109 outdoors seats and individual guest room mini-bar and live entertainment. Since the hotel and restaurant uses are consistent with the Community Plan designation, it can be concluded that the sale of a full line of alcoholic beverages for on-site consumption and incidental off-site consumption



as an accessory use in the bar, restaurant, and guest room mini-bar would be consistent with the Community Plan. Restaurants attract a larger base of potential customers and contributes to the economic base of the broader community, creates and maintains employment opportunities and generates revenue for the city.

As conditioned, the subject request conforms to the purpose, intent, and provisions of the General Plan, and the applicable Community Plan Implementation Overlay.

#### **ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES**

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

The applicant is seeking permission to sell a full line of alcoholic beverages for on-site consumption and incidental off-site consumption daily, in conjunction with a proposed 80-guest room hotel with ground-floor restaurant with 67 indoor seats, rooftop bar with 109 outdoors seats and individual guest room mini-bar and live entertainment. Since the hotel, as conditioned herein, and restaurant uses are consistent with the Community Plan designation, it can be concluded that the sale of a full line of alcoholic beverages for on-site consumption and incidental off-site consumption as an accessory use in the bar, restaurant, and guest room mini-bar would be consistent with the Community Plan.

Granting of this conditional use will allow this business to compete with similar hotels and to contribute positively to the local economy. The restaurant and bar with alcoholic beverage sales provides employment for the community, tax revenues, and investment in property improvements, while supporting the function of the hotel. The hotel, as conditioned herein, will provide an economic benefit to the larger community by introducing new revenue on an underutilized parcel.

The existing businesses with alcohol licenses in the area have operated in a safe manner in the past, and there is an expectation this hotel and its restaurants will continue to provide a safe environment. According to LAPD's online crime mapping, the immediate area around the subject property has no history of complaints, nuisance activity or calls for service by LAPD related to DUI, Disturbing the Peace, or Drug & Alcohol Violations in at least the last 6 months. Finally, restaurants attract a larger base of potential customers and contributes to the economic base of the broader community, creates and maintains employment opportunities and generates revenue for the city.

**8. 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.**

The subject property is located within Census Tract No. 2962.20. According to the California State Department of Alcoholic Beverage Control (ABC) this tract has been allocated 4 on-site and 3 off-site licenses. Currently there are 22 on-site licenses and 4 off-site licenses operating in this Census Tract.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The project includes a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site and incidental off-site consumption in conjunction with a 67-guest room hotel with ground-floor restaurant, rooftop bar with live entertainment and individual guest room mini-bars.

According to LAPD's online crime mapping, the immediate area around the subject property has no history of complaints, nuisance activity or calls for service by LAPD related to DUI, Disturbing the Peace, or Drug & Alcohol violations in the last 6 months. Hence, there is no link between the alcohol use and the area's crime rate. With 18 existing licenses more than the 4 allotted for the tract and no link between the use of alcohol and crime or nuisance rate in the area, the approval of the subject request is not anticipated to result in any increase in nuisance activity or contribute to the area's crime rate.

9. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to 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 following sensitive uses are located within 1,000 feet of the project site:

<b>Sensitive Use</b>	<b>Address</b>
Port of Los Angeles High School	250 West 5 <sup>th</sup> Street
Merry-Go-Round Nursery School	446 West 8 <sup>th</sup> Street
Marymount California University	222 West 6 <sup>th</sup> Street
San Pedro United Methodist Church	399 West 6 <sup>th</sup> Street
Mt. Sinai Missionary Baptist Church	225 South Mesa Street

While there are residential dwelling units and other sensitive uses located in close proximity to the project site, the surrounding neighborhood is a neighborhood with a mixture of offices, retail, restaurants, and residential units.

Conditions have been imposed in cooperation with LAPD to minimize any potential impacts to the nearby sensitive uses.

The restaurant and rooftop bar will be ancillary to the hotel, located in a commercial zone which will serve the community by providing complete dining services that benefit the local community and region. As conditioned, the proposed project will not cause any detrimental effects to nearby residential zones.

### **ZONING ADMINISTRATOR'S ADJUSTMENT FINDINGS**

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

**10. Describe what site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible; and explain why the project nonetheless conforms with the intent of those regulations;**

The proposed project consists of a 54,030 square-foot boutique hotel and restaurant project, including 80 hotel guest rooms, a 2,000 square foot ground floor restaurant, and a 2,950 square-foot rooftop bar. Parking will be provided in a subterranean and at-grade parking area with 62 automobile parking spaces. In addition, 20 bicycle parking spaces will be provided on-site (10 long term and 10 short-term).

Section 12.28 of the Los Angeles Municipal Code allows the Zoning Administrator to grant adjustments to increase project density if the increase represents less than a 20 percent increase. The project, as proposed, requested a 19 percent increase in density. The intent of the density requirement in the Zoning Code are to ensure that all residential properties are compatible and enjoy adequate light, air, and privacy. Consistently applying the regulations create compatibility between respective properties. Such regulations, however, are written on a citywide basis and cannot take into account individual unique characteristics of a specific property. However, an Adjustment is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted where the spirit of the ordinance is observed and substantial justice is done with no detrimental impacts to the community.

As stated previously, the subject site is a vacant rectangular shaped infill 12,500 square-foot parcel with a frontage along 6<sup>th</sup> Street, a frontage along Pacific Avenue and a rear property line along a 20-foot wide alley north of 6<sup>th</sup> Street. The relatively level site was previously improved with commercial structures, but the improvements have since been removed leaving the site with no characteristics or existing improvements that would make strict adherence to the zoning regulations impractical or infeasible. The site's rear property line abuts a 20-foot wide alley, which allows it to enjoy the benefit of using 10 feet of the alley for the purposes of calculating density (ie density bonus above sites not abutting an

alley).

Testimony was provided that a variety of site characteristics make strict adherence to the municipal code regulations impractical or infeasible such as the property being an infill site, its adjacency to a historical resource, it abutting two commercial streets, and the history of difficulties that San Pedro has experience in getting this type of commercial activity on the downtown area.

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

The project site is comprised of two level, rectangular parcels of land totaling approximately 12,501 square feet in the C2-2D-CPIO Zone. The property has a frontage of approximately 125 feet on the east side of Pacific Avenue and a frontage of approximately 100 feet on the north side of 6<sup>th</sup> Street. (For purposes of calculating FAR, the project is allowed to include half of the 20-foot wide alley.) The site is currently undeveloped and immediately adjacent to the west of the historic Warner Grand Theatre.

The proposed project is the construction of a 54,030 square-foot, 7-story, 75-foot high, 80-room hotel with ground floor restaurant and rooftop bar with live entertainment and includes a request for a Zoning Administrator's Adjustment to allow a nineteen percent (19%) increase in density for a total of 80 guest rooms in lieu of 67 allowed in a C2-2D-CPIO Zone. Testimony was provided that granting the adjustment would not result in a greater increase in the height, scale, or bulk beyond the maximum permitted by the municipal code.

The project, as conditioned herein, improves an undeveloped lot with a 80-guest room hotel building that is similar in size and height with the surrounding properties. The project design includes a variety of materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco. The project design will be visually compatible with other buildings within its vicinity.

The property to the north across the alley is zoned C2-2D-CPIO and developed with a single story commercial structure. The property to the east adjacent to the subject property is zoned C2-2D-CPIO and developed with the historic Warner Grand Theatre. Properties to the south across 6th Street are zoned C2-2D-CPIO and are developed with two-story commercial uses. The properties to the west across Pacific Avenue are zoned C2-2D-CPIO and developed with a single story commercial structure. The site is within the recently created Central Commercial E Subarea of the CPIO which allows a maximum height of 75 feet and a FAR of 4.0:1. Previously, the site's zoning, and those of the surrounding properties, were restricted to 2-story building heights and the FAR was 1.5:1.

The project's requested density, which also includes the density bonus due to the

abutting 20-wide alley, will be compatible with, and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood.

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

There are eleven elements of the General Plan, and each of these elements establishes goals, objectives and 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. Aside from the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code that are directly tied to any of the elements of the General Plan.

The San Pedro Community Plan designates the property as Community Commercial with corresponding zones C1, C1.5, CR, C2, C4, R3, RAS3, RAS4, and R4; and Height District 2D. Generally, the hotel project is consistent with the following Community Plan goals and policies.

Goal LU8: Distinct, well-designed Community Centers that are efficiently served by transit, provide medium-density and urban housing opportunities, and serve as centers of civic, cultural, and economic life in San Pedro.

LU8.2 Mixed-Use projects. Promote mixed-use projects and higher density developments along transit priority streets, and in Community Commercial and Regional Commercial areas. Redevelop existing commercial centers into dynamic mixed-use centers.

Goal LU9: A revitalized Downtown Community Center that serves as the heart of San Pedro and is attractive to residents and visitors.

LU9.1 Active Downtown. Develop 6th Street between Harbor Boulevard and Pacific Avenue into a pedestrian priority street, with sidewalk dining, pedestrian-oriented commercial uses, improved streetscape and landscape amenities, public art spaces and water features.

The proposed hotel is a use that is compatible with the commercial use and development of the surrounding area, has been conditioned to preserve the commercial character of the neighborhood, and is found to not have an adverse impact on adjacent properties.

The requested increase in density is for a commercial use and not a residential use, and thus consistent with the recently adopted San Pedro Community Plan's goal of higher density development along transit priority streets to maintain an active downtown for residents and visitors. Granting the adjustment request supports the goals and objectives of the Community Plan and the recently adopted C2-2D-CPIO ordinance. Hence, granting the request is consistent with the purpose, intent and provision of the San Pedro Community Plan.

**SITE PLAN REVIEW FINDINGS**

In order for a Site Plan approval to be granted, all of the legally mandated findings delineated in Section 16.05 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

There are eleven elements of the General Plan, and each of these elements establishes goals, objectives and 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. Aside from the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code that are directly tied to any of the elements of the General Plan.

The subject property is located in the recently updated San Pedro Community Plan area which designates the site for Community Commercial Land Use with corresponding zones CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4. The Community Plan was adopted by the Los Angeles City Council June 26, 2018 to include the San Pedro Community Plan Implementation Overlay district. The subject property is newly zoned C2-2D-CPIO and located in the Central Commercial Subarea E of the San Pedro Community Plan Implementation Overlay district. The CPIO's Section III-2 Development Standards, Subsection B. Building Density and Intensity regulation restricts the density and intensity of development in Subarea E to a maximum FAR of 4.0:1, except for properties south of 8<sup>th</sup> Street, between Mesa Street and Palos Verdes Street, and west of Harbor Boulevard and North of Amar Street which are restrict to a maximum Floor Area Ratio (FAR) of 3.0:1.

Prior to the City's adoption of the June 2018 ordinance, the subject property was zoned [Q]C2-1XL-CDO which limited any development to two stories, a maximum building height of 3 stories, and the FAR was limited to one-and-one-half times the buildable area of the lot. The [Q] condition of the zone limited any residential development to one dwelling unit or guest room per 1,000 square feet of lot area. The [Q]C2-1XL-CDO Zone was the former zoning tool used to guide the development of the area in order to achieve the goals and objectives for Community Commercial uses.

The project, as conditioned herein, is consistent with the following Community Plan goals and policies.

Goal LU8: Distinct, well-designed Community Centers that are efficiently served by transit, provide medium-density and urban housing opportunities, and serve as centers of civic, cultural, and economic life in San Pedro.

LU9.1 Active Downtown. Develop 6th Street between Harbor Boulevard and Pacific Avenue into a pedestrian priority street, with sidewalk dining, pedestrian-oriented commercial uses, improved streetscape and landscape amenities, public art spaces and water features.

The project is designed with varied materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco. The proposed hotel is a use that is compatible with the commercial use and development of the surrounding area, has been conditioned to preserve the commercial character of the neighborhood, and is found to not have an adverse impact on adjacent properties. Inasmuch, the proposed requests are consistent with the purpose, intent, and provisions of the San Pedro Community Plan.

14. **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.**

As shown in Exhibit A and described below, the proposed project will be compatible with existing and future development on the neighboring properties.

#### Height

The C2-2D-CPIO Zone and Height District 2 allows for a maximum height of 75 feet. The proposed project consists of one 7-story, 75-foot tall building as measured to the top of the roof.

#### Bulk/Massing

The front building façade is articulated with contrasting colors and materials with vertical and horizontal elements. All facades have a least two different materials that include: brick, metal panels, glass, and smooth stucco. The hotel is articulated with horizontal breaks, and glazed windows with recessed frames, contrasting and complementary colors, building plane variations, and overhangs above the ground floor.

#### Landscaping

The project is designed with eight new trees along Pacific Avenue and 6<sup>th</sup> Street with 88 square feet of landscape provided on 6<sup>th</sup> street as required by Section III.E.2 of the San Pedro Community Plan Implementation Overlay.

#### Building Materials

The project is designed with varied materials including black brick, decorative steel screening, dark bronze aluminum, glass and painted stucco.

#### Entrances

The proposed project provides a pedestrian oriented ground floor though the inclusion of entry points off both 6<sup>th</sup> Street and Pacific Avenue, a new restaurant, and a façade clad with windows to enliven the streetscape and provide a more visibly active environment.

Setbacks

The project has a 0-foot setback along the Pacific Avenue and 6<sup>th</sup> Street, creating an inviting pedestrian frontage in conformance with the San Pedro CPIO, and as recommended in the Citywide Commercial Design Guidelines.

Parking

Parking will be provided in a subterranean and at-grade parking area with 62 automobile parking spaces. In addition, 20 bicycle parking spaces will be provided on-site (10 long term and 10 short-term).

Open Space

The project is designed with 88 square feet of publicly accessible open space as required by Section III.E.2 of the San Pedro Community Plan Implementation Overlay.

Lighting

Ancillary lighting is provided along pedestrian and vehicular access ways as required by Section III.I.1 of the San Pedro Community Plan Implementation Overlay.

Loading

Loading occurs from the alley adjacent to the north of the subject property and is not visible from the street.

Trash Collection

Trash Collection occurs from the alley adjacent to the north of the subject property and is not visible from the street.

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

The project, as conditioned herein, is to allow the construction of a 54,030 square-foot, 7-story, and 75-foot high, 80-guest room hotel with ground floor restaurant, and rooftop bar with live entertainment. Both the restaurant and bar are accessible to hotel guests and the public. Additionally, the hotel provides guests with meeting room space on the premises. All amenities are confined with the subject property. Therefore, the project is a sufficient service amenity for guests with minimum impact on neighboring properties.

## **ADDITIONAL MANDATORY FINDINGS**

16. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas outside of the flood zone.
17. DETERMINED based on the whole of the administrative record, that the project is exempt from CEQA pursuant to CEQA Guidelines Article 19, Section 15332 (In-Fill Development Projects), and there is no substantial evidence



demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

# EXHIBIT 4



## CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801,

(213) 978-1300

[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination Mailing Date: MAY 12 2009

CASE: CPC-2008-1957-GPA-ZC-HD-CUB-ZV-ZAA-  
SPR

Location: 8500 Burton Way

Council District: 5

Plan Area: Wilshire

CEQA: ENV-2008-498-MND

Zone: C2-1VL-O and (Q)C2-1-O

Applicant: Century Investments, Inc.

Representative: Craig Lawson & Co.

At its meeting on April 23, 2009, the following action was taken by the City Planning Commission:

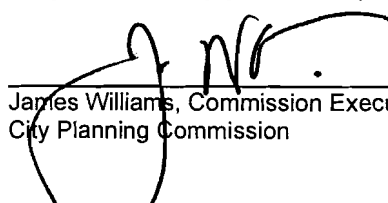
1. **Approved a General Plan Amendment** to the Wilshire Community Plan to add a new Footnote to the Wilshire Community Plan Map referencing the site as follows: "Development of the properties bounded by Burton Way on the north and east, Le Doux Road on the west, and Colgate Avenue on the south shall be permitted a Height District of 2D with development limited to a maximum floor area ratio of 4 to 1."
2. **Approved and Recommended** that the City Council adopt a **Zone Change** and a **Height District Change** from C2-1VL-O and (Q)C2-1-O (Commercial Zone) to (T)(Q) C2-2D-O (Commercial Zone), subject to attached (T) and (Q) Conditions of Approval. The proposed "D" Development Limitation would limit total Floor Area Ratio (FAR) to 4 to 1.
3. **Approved a Conditional Use** to permit the sale of beer, wine, and distilled spirits for off-site consumption in conjunction with the operation of a proposed specialty market with up to a maximum of 13,500 square feet of floor area.
4. **Approved a Zoning Administrator Adjustment** to permit the residential density for units 1 through 85 to be based on a minimum of 400 square feet of lot area per dwelling unit and units 86 through 88 to be based on zero (0) square feet of lot area per dwelling unit.
5. **Approved a Site Plan Review** to permit a development project in excess of 50 units of residential use.
6. **Adopted** the attached Findings.
7. **Adopted a Mitigated Negative Declaration** No. ENV-2008-498-MND.

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

This action was taken by the following vote:

Moved: Montanez  
Seconded: Burton  
Ayes: Cardoso, Freer, Roschen, Wo  
Absent: Hughes, Kezios, Lara

Vote: 6-0

  
James Williams, Commission Executive Assistant I  
City Planning Commission

**Effective Date / Appeals:** The Commission's determination will be final 20 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. If the Commission has disapproved the Zone Change request, in whole or in part, the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE JUN 01 2009

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: Findings, Conditions, Map(s), Ordinance, Resolution  
City Planner: Jae Kim

### **(T) Tentative Classification Removal**

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

**Dedications and Improvements.** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

#### **Responsibilities/Guarantees.**

1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
2. **Bureau of Engineering.** Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

#### **a. Street Dedication.**

- (1) *Burton Way* (Secondary Highway): Dedicate 15-foot by 15-foot corner cuts at the intersections with Colgate Avenue and Le Doux Road.
- (2) *Colgate Avenue* (Local Street): Dedicate 10-foot by 10-foot corner cut at the intersection with Le Doux Road.
- (3) *Le Doux Road* (Local Street): None.

#### **b. Street Improvement.**

- (1) *Burton Way*: Repair and/or replace any broken or off-grade concrete sidewalk, integral curb and gutter. Close any unused driveways.
- (2) *Colgate Avenue*: Repair and/or replace any broken concrete sidewalk, integral curb and gutter. Close any unused driveways.
- (3) *Le Doux Road*: Repair and/or replace any broken concrete sidewalk, integral curb and gutter. Close any unused driveways.
- (4) Install tree wells with root barriers and plant trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The

applicant shall contact the Street Tree Division of the Bureau of Street Services for further information (213) 485-5675.

- (5) Power pole installation may be required satisfactory to the Department of Water and Power (213) 367-3696.
- (6) Department of Transportation may have additional requirements for dedication and improvements.
- c. Submit shoring plans and lateral support plan to the Central District Office of the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
- d. No major drainage problems are involved. Roof drainage and surface runoff from the project site shall be collected and treated at the site and directed to the streets via drain systems installed under the sidewalk and through the curb drains connected to the catch basins.
- e. Sewers. Sewer lines exist in Le Doux Road and within an existing 20-foot wide sanitary sewer easement. Any work in the existing sewer easement must have prior approval from the Central District Office B-Permit Section. Extension of the 6-inch house connection laterals to the new property line will be required. All sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a Building Permit.
- f. Sanitation. An investigation by the Bureau of Sanitation may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Sewer Public Counter of the Central District Office of the Bureau of Engineering.
- g. Street Lighting. Improvement Condition: No street lighting improvements are required if no street widening per Bureau of Engineering improvement conditions. Otherwise, relocate and upgrade street lights: three (3) on San Vicente Boulevard, three (3) on Colgate Avenue, and two (2) on Le Doux Road.
- 3. Department of Transportation. 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. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of Department of Transportation and the Bureau of Engineering, Central District Office 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 Suite 400, Station 3.

Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

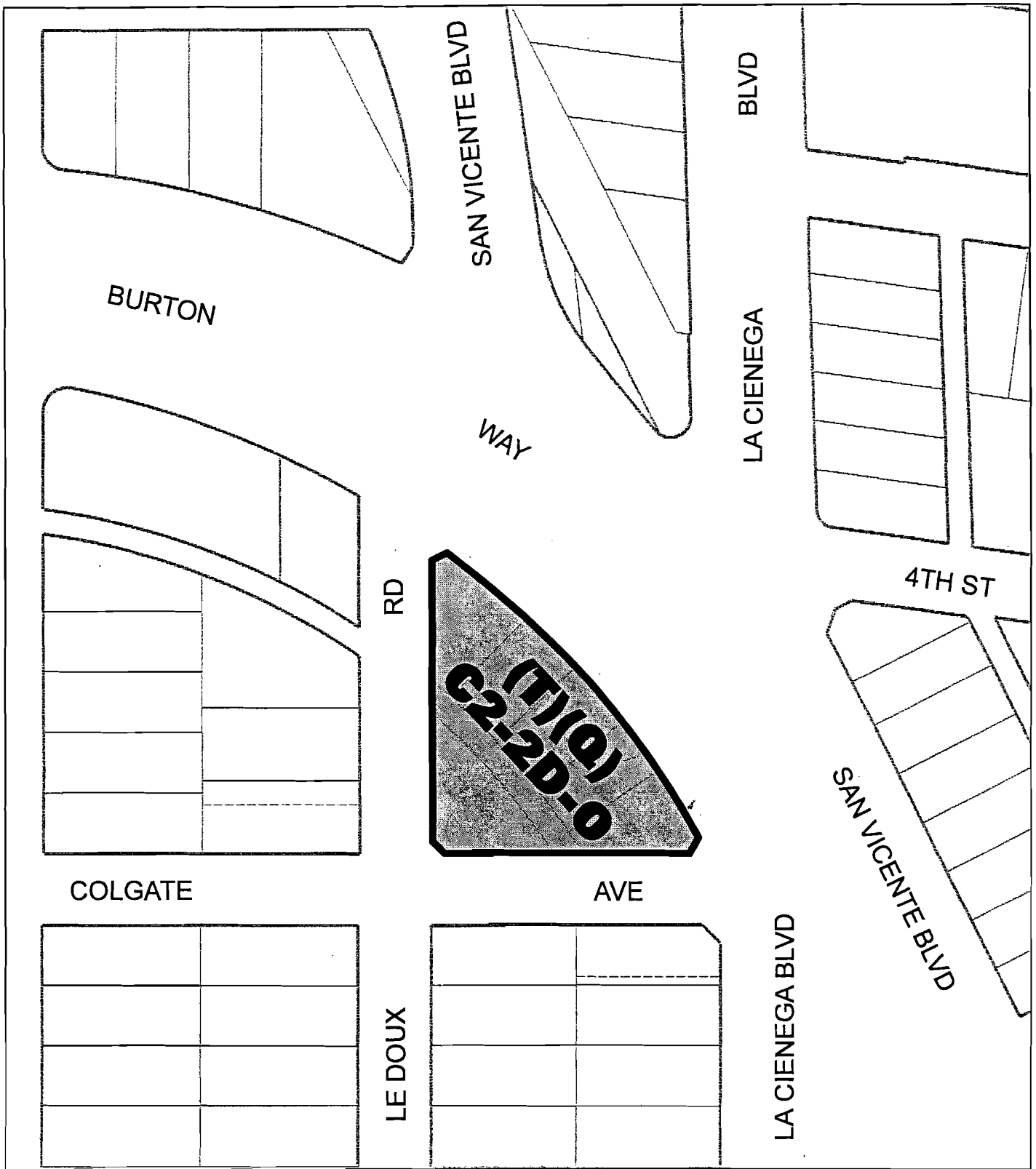
Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.) as required herein, are completed to the satisfaction of the City Engineer.

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 zones 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:



NOT TO SCALE

D.M. 138 B 173

CPC 2008-1957 GPA ZC HD CUB ZV ZAA SPR

LH/aq

050609



**(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. **Use.** The use and area regulations for the new development on-site shall be developed for residential and commercial uses as permitted in the (T)(Q) C2-2D-O Zone as defined in LAMC Section 12.14, unless modified by herein conditions or subsequent action.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A". Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Planning Department. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Floor Area.**
  - a. The floor area of all buildings shall be limited to no more than four times the buildable lot area (4:1 FAR). (MM – Mitigation measures)
  - b. Commercial uses shall be limited to no more than a total of 13,500 square feet.
4. **Density.** Density shall be limited to a maximum of 88 dwelling units.
5. **Height.** The height of all buildings or structures on the subject property shall not exceed 87 feet, as defined by LAMC Section 12.21.1-A.1. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties with residential dwellings.
6. **Parking.**
  - a. Off-street parking spaces for residential and commercial uses shall be provided in accordance with LAMC Section 12.21.
  - b. All parking for the proposed project shall be internal to the building, and therefore would not result in spillover to adjacent uses. The above-grade garage openings shall be covered with frosted or back painted glass or decorative grids. The height and size of the openings shall be designed to conceal automobile headlights. (MM)

**B. Other Conditions**

7. **Sustainability.** Prior to the issuance of a certificate of occupancy, the Applicant shall endeavor to comply with the requirements of the US Green Building Council in an effort to obtain LEED Certification for a residential and/or commercial building. The proposed project shall not be subject to the Green Building Program Ordinance No. 179,820 due to the fact that the application was filed prior to the effective date of November 1, 2008.

**8. Architectural Materials.**

- a. A consistent use of architectural and building materials shall be applied throughout all exterior facades of the building to avoid creating a "backside" to the site.
- b. The proposed project shall not use architectural finishes that would produce substantial glare. The retail ground level windows of the proposed project shall be clear, low insulated glass in display areas and frosted or black painted glass in non-display areas. Exterior applied stucco and stone veneer shall be used for the retail storefront at base of the building (Level 1). The residential facade shall be composed of low-insulated glass with aluminum and vinyl windows with stone veneer and exterior applied stucco. Balconies rails shall be painted metal, glass or solid applied stucco. (MM)

**9. Driveway Access.**

- a. No driveway shall be permitted on Burton Way/San Vicente Boulevard.
- b. The southerly Colgate Avenue vehicular access shall be used exclusively by commercial use and/or by valet parking attendants to park resident or resident guest vehicles.

**10. Parking and Driveway Plan. (MM)**

- a. A preliminary parking area and driveway plan shall be prepared and submitted to the Bureau of Engineering and City Wide Planning Coordination Section of the Department of Transportation in consultation with Council Office No. 5 for approval prior to the submittal of building plans for plan check by the Department of Building and Safety.
- b. The southernmost residential driveway on Le Doux Road shall be a valet-serviced one-way entrance to the residential component of the project.
- c. Traffic control: The proposed project would necessitate the temporary, partial, and short-term closure of Colgate Avenue between La Cienega Boulevard and Le Doux Road. As such, and in accordance with DOT approval, the contractor shall provide traffic control activities and personnel, as necessary, to minimize traffic impacts to Colgate Avenue. The contractor shall also provide traffic control activities for all other temporary road and/or lane closures which are deemed necessary during construction activities. This may include detour signage, cones, construction area signage, flagmen and other measures as required for safe traffic handling in the construction zone. Any construction activity on pedestrian ways shall have proper signage and detours as required by the DOT.
- d. The northernmost residential driveway on Le Doux Road shall have a right-turn only one-way exit for residents who choose to use the valet service, and shall have an inbound lane for residents who choose to self-park.

11. **Transportation Demand Management (TDM).** A Covenant and Agreement shall be prepared and recorded stipulating that a TDM plan, as proposed by the Applicant, be submitted to the Department of City Planning in consultation with Council Office No. 5.
  - a. Any non-required employee parking for the retail use shall be provided on the subject site, exclusive of the off-street parking spaces as defined under LAMC Section 12.21-A,4, unless a parking agreement to provide parking for retail employees on a site within 500 feet of the subject property is guaranteed. Further, a plan for residential tenant and residential guest parking, as well as a plan for free validated parking for retail customers, shall be provided to the satisfaction of the Planning Department in consultation with Council Office No. 5.
  - b. Bicycle racks/storage facilities shall be provided on-site.
12. **Commercial Delivery.** No delivery for commercial uses shall be permitted between the peak hours of 5pm to 7pm.
13. **Pedestrian Access.** The commercial pedestrian access for the ground floor retail tenant shall be located approximately mid-block along Burton Way. If, however, a second ground-floor retail tenant space is provided, then a separate pedestrian entrance shall be provided for that retail tenant.

**C. Environmental Conditions**

14. **Graffiti.** Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.
15. **Signage.** All signage shall be limited to those permitted under the LAMC.
16. **Lighting.** All lighting shall be directed onto the site and no floodlighting shall be located as to be seen directly by the adjacent residential areas. This condition shall not preclude the installation of low-level security lighting.
17. **Light and Glare.** The exterior of the proposed buildings shall be constructed of materials which reduce glare and reflectivity, such as, high-performance tinted or deep-color glazed glass, pre-cast concrete or fabricated wall surfaces. All exterior windows should be tinted or contain a light-reflective film to reduce illumination levels outside of the building. Landscape and/or architectural screening elements shall be incorporated into project design so as to minimize off-site glare impacts associated with vehicles.
18. **Landscape/Irrigation Plan.** Prior to the issuance of any grading or building permits, a detailed landscape and irrigation plan shall be submitted to the satisfaction of the Planning Department. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained, prepared by a licensed landscape architect or licensed architect, substantially in conformance with the Landscape Plans (Exhibit "B") unless modified by herein conditions or subsequent action. The plan

shall comply with provisions of the Municipal Code, the subject conditions specifically noted herein, and the intent of the subject permit.

Landscape Buffer. A minimum 5-foot landscaped buffer setback shall be provided along the west property line, adjacent to the residential use along Le Doux Road. Walkways and driveways shall be permitted to cross the setbacks, however, no buildings or structures may be permitted within the setbacks with the exception of retaining walls.

**19. Street Trees.**

- a. Pursuant to Ordinance 177,404, prior to issuance of a demolition permit, the project applicant shall have a Tree Survey conducted of the project site by a reputable tree expert. The survey shall identify and locate on a map all Protected Trees with a four-inch diameter or greater and recommendations for protection and replacement. The project applicant shall comply with all applicable recommendations included in the survey.
- b. Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the decision maker and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.
- c. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the decision maker.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works.

20. **Overhead Utilities.** As part of the project design, all overhead utility poles located along the project site on Le Doux Road shall be removed and relocated underground, if possible and if required.

**21. Air Pollution – Stationary.**

- a. **COMMERCIAL** - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 12, to the satisfaction of the Department of Building and Safety.
- b. **RESIDENTIAL** - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.

**22. Erosion/Grading/Short-Term construction Impacts (Air Quality).**

- a. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. The owner is required to post the sign 7 days before construction is to begin.
- b. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
- c. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
- d. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.
- e. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- f. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- g. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- h. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- i. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- j. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- k. Application of soil stabilizers to inactive construction areas.
- l. For earth moving activities, pre-apply water to depth of proposed cuts and re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction.
- m. Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads.

- n. Install wheel washers where vehicles enter and exit the site to wash off trucks and any equipment leaving the project site.

**23. Erosion/Grading/Short-Term construction Impacts (Grading)**

- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- b. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.
- c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- d. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- e. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- f. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- g. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- h. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- i. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.
- j. To ensure that localized significance thresholds for PM10 and PM2.5 are not exceeded during construction, contractors shall be required not to conduct either trenching operations or asphalt operations simultaneously with mass- or fine-grading operations.

**24. Erosion/Grading/Short-Term construction Impacts (Noise).**

- 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. Construction and demolition 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. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills, jackhammers, and pile drivers.
- f. Noise construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.
- g. Flexible sound control curtains shall be placed around drilling apparatuses and drill rigs used within the project site, if sensitive receptors are located at, or within, 50 feet.
- h. All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.
- i. The project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178,048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.
- j. Truck deliveries should only be permitted between the hours of 7:00 A.M. and 10:00 P.M. Delivery trucks should use approved haul routes directed away from residential areas.
- k. The design of the facilities and equipment specifications shall include noise control measures to ensure that local noise criteria are not exceeded by equipment operations. For example, mechanical equipment shall be acoustically engineered and shall incorporate quiet designs, mufflers, enclosures, parapets, etc.
- l. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

25. **Biological Resources.** Nesting Native Birds - The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

- a. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (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).
- b. If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat the applicant shall:
  - i. 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 the 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.
  - ii. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31.
  - iii. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a 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 and stakes. Construction personnel shall be instructed on the sensitivity of the area.
- c. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

26. **Cultural Resources.**

- a. If any archaeological materials are encountered during the course of the project development, the project shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology - Cal State University Fullerton, or a member of the Society of Professional Archaeologists (SOPA) or a SOPA-qualified archaeologist to assess the resources and evaluate the impact. Copies of the archaeological survey, study or report shall be submitted to the UCLA



Archaeological Information Center. A covenant and agreement shall be recorded prior to obtaining a grading permit.

- b. If any paleontological materials are encountered during the course of the project development, the project shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum. A covenant and agreement shall be recorded prior to obtaining a grading permit.
- c. If human remains are discovered at the project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of Los Angeles Public Works Department and County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

**27. Geology and Soils.**

- a. Projects involving the import/export of 1,000 cubic yards or more of soil shall obtain haul route approval by the Department of Building and Safety.
- b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. Construction fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- d. Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety.
- e. The design and construction of the Project shall conform to the Los Angeles Building Code seismic standards as approved by the Department of Building and Safety.
- f. The project shall comply with the LAMC Chapter 18, Division 1, Section 1804.5, Liquefaction Potential and Soil Strength Loss, which requires the preparation of a geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.
- g. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

**28. Hazards And Hazardous Materials.**

- a. Prior to the issuance of the Certificate of Occupancy for each building, the project applicant shall provide a letter from the Los Angeles Fire Department (LAFD) stating that the LAFD has permitted the facility's use, storage, and creation of hazardous substances, if any hazardous substances are used, stored, or created at the facility.
- b. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACBMs are present in the buildings. If ACBMs are found to be present, they will be abated in compliance with the SCAQMD Rule 1403 as well as all other state and federal rules and regulations.
- c. The applicant shall comply with Administrative procedures of Ordinance No. 161,552 of the Los Angeles Municipal Code, establishing a High Potential Methane Zone in the Fairfax area of the City of Los Angeles.
- d. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.
- e. All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.
- f. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

- 29. Emergency Response Plan (Fire Department).** The applicant shall submit an emergency response plan for approval by the decision maker and the Fire Department. The emergency response plans shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

**30. Hydrology and Water Quality.**

- a. Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate

from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

- b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- e. Install roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, provides groundwater recharge, and reduces excess runoff into storm drains.
- f. Paint messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Department of Public Works, Stormwater Management Division. Legibility of stencils and signs must be maintained.
- g. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- h. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- i. Legibility of stencils and signs must be maintained.
- j. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- k. Storage areas must be paved and sufficiently impervious to contain leaks and spills.
- l. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- m. The owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post-construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

**31. Hydrology and Water Quality (Stormwater Runoff).**

- a. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
- b. Repair/maintenance bays must be indoors or designed in such a way that doesn't allow stormwater run-on or contact with stormwater runoff.
- c. Design repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to a standard sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required, obtain an Industrial Waste Discharge Permit.
- d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- e. Reduce and recycle wastes, including: paper; glass; aluminum; oil; and grease.
- f. Reduce the use of hazardous materials and waste by: using detergent-based or water-based cleaning systems; and avoid chlorinated compounds, petroleum distillates, phenols, and formaldehyde.
- g. Convey runoff safely from the tops of slopes and stabilize disturbed slopes during construction activities.
- h. Utilize natural drainage systems to the maximum extent practicable.
- i. Control or reduce or eliminate flow to natural drainage systems to the maximum extent practicable.
- j. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions during construction activities.

**32. Hydrology and Water Quality (Operation).**

- a. Control of impervious area runoff that may include, but is not limited to, incorporation of filtering devices, energy dissipaters, and pervious drainage systems.
- b. Use of efficient irrigation practices.
- c. Landscape design, such as xeriscape or other designs, minimizing the use of fertilizers and irrigation and to maximize infiltration.
- d. Minimization of stormwater runoff through site design.
- e. Provide pet waste disposal station.
- f. Education of tenants.

- g. Minimize use of pesticides and fertilizers in landscape areas.
- h. Proper design of trash enclosures to prevent discharge of pollutants.

**33. Hydrology and Water Quality (Water Conservation).**

- a. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install:
  - i. High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
  - ii. Restroom faucets with a maximum flow rate of 1.5 gallons per minute.
  - iii. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
- b. Unless otherwise required, all restroom faucets shall be of a self-closing design, to the satisfaction of the Department of Building and Safety.
- c. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall:
  - i. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
  - ii. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
  - iii. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- d. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
  - i. Drip/microspray/subsurface irrigation where appropriate;
  - ii. Minimum irrigation system distribution uniformity of 75 percent;
  - iii. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials; and
  - iv. Use of landscape contouring, where possible, to minimize precipitation runoff.

- v. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf. and greater, to the satisfaction of the Department of Building and Safety.

**34. Noise (Residential).**

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. The surface of the pool area and the sound barriers shall be constructed with materials with acoustically the lowest noise transmission quality commercially available to the satisfaction of the decision maker.
- d. All exterior windows shall be constructed with double-pane glass.
- e. Before the granting of a building permit, an acoustical engineer shall specify the CNEL contour within which the building will be located and, based on such CNEL contours, the measures necessary to achieve an interior noise level which will not exceed 45 dBA in any habitable room.
- f. The proposed project shall meet the requirements of Title 24 of the California Code of Regulations, which provide for an interior standard of CNEL 45 dBA in any habitable room of multi-family structures and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. These measures may include the use of insulation and windows with a high sound transmission class (STC) rating of 30 or more, as necessary to attain interior noise levels of 45 dBA. Evidence of compliance shall consist of submittal of an acoustical analysis report, prepared under the supervision of a person experienced in the field of acoustical engineering, with the application for a building permit.
- g. No residential dwelling units shall be located lower than Level 4 so as to attenuate noise.
- h. The proposed project shall provide solid concrete or glass balcony barriers for all Level 4, 5, and 6 balconies and the Level 4 garden courtyard, located on the Burton Way side of the building to attenuate exterior noise levels at these locations to the conditionally acceptable noise exposure category. Depending on materials used, a solid barrier will reduce noise levels by an additional 5 dBA or more, resulting in worst-case ambient noise levels of less than 70 dBA CNEL at these balconies.
- i. To avoid potentially significant groundborne noise and vibration impacts project contractors shall not employ pile driving or blasting as construction method.
- j. The applicant shall require construction contractors to limit standard construction activities as required by Section 41.40 of the Los Angeles Municipal Code. Such activities are limited by code to between 7 AM and 6 PM Monday through Friday and between 8 AM and 6 PM on Saturdays and holidays. Los Angeles Municipal Code Section 41.40 also prohibits construction activities on Sundays as well as construction-related repair or deliveries at any time on Saturdays and Sundays.

- k. To reduce daytime noise impacts due to construction, the project applicant shall require construction contractors to implement the following measures:
- l. During the initial stage of construction (site demolition and site preparation/excavation) and when construction activities are within 200 feet of the southern and western boundaries of the site, a temporary, 8.5-foot high, one half inch or thicker plywood fence shall be erected from the southwest corner of the project site extending along Le Doux Road and Colgate Avenue. When line of sight between source and receiver is broken a half-inch barrier has a transmission loss of 20 dBA.
  - i. Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).
  - ii. Impact tools (e.g., jack hammers, pavement breakers, and caisson drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.
  - iii. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
  - iv. The applicant shall designate a construction relations officer to serve as a liaison with surrounding property owners who is responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at multiple locations along the perimeter of the project site.
  - v. A preconstruction meeting with the job inspectors and the general contractor/onsite project manager to confirm that noise and vibration mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.
  - vi. Adjacent land uses within 500 feet of the construction site shall be notified about the estimated duration and hours of construction activity at least 30 days in advance.
- m. The applicant shall require construction contractors to operate construction equipment as required by the Los Angeles Municipal Code. Specifically, construction shall not be operated or caused to be operated any powered equipment or powered hand tool machinery including crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement

breakers, compressors and pneumatic or other powered equipment that produces a maximum noise level of 75 dBA at a distance of 50 feet.

- n. Stationary mechanical equipment shall meet the operational constraints of Section 112.02 and 112.04(b) of the Los Angeles Municipal Code which prohibits operation of such equipment from exceeding 5 dBA over existing ambient noise levels.
35. **Public Services (School).** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
36. **Public Services (Parks).** Per Section 17. 12-A of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
37. **Public Services (Fire).**
- a. The applicant shall comply with all regulations of California Health and Safety Code and LAFD requirements pertaining to fire protection systems, such as the adequate provision of smoke alarms, fire extinguishers, building access, emergency response notification systems, and fire flows.
  - b. Good housekeeping procedures shall be implemented during demolition and construction of the proposed project. Activities shall include: the maintenance of mechanical equipment in good operating condition; careful storage of flammable materials in appropriate containers; and the immediate and complete cleanup of spills of flammable materials when they occur.
38. **Public Services (Police).**
- a. The applicant shall consult with the LAPD's Crime Prevention Section on the design and implementation of the Security Plan for the proposed project.
  - b. The proposed project shall erect temporary fencing around the project site during construction activities to secure the project site and discourage trespassers.
39. **Transportation and Traffic.**
- a. The applicant shall submit a construction work site traffic control plan to the DOT's Western District Office for review and approval prior to the start of any construction. This plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs, and access to all abutting properties. All construction-related traffic shall be restricted to off-peak hours.
  - b. The applicant shall verify with the Department of Public Works, Bureau of Engineering, Land Development Group to determine if there are any highway dedication, street widening and/or sidewalk requirements for the proposed project.
  - c. A final Transportation Demand Management Program shall be approved by DOT prior to the issuance of any temporary or final certificate of occupancy for the proposed project.



- d. The applicant shall verify with the Department of Building and Safety to ensure that the proposed number of parking spaces meets Code requirements for the project.
- e. Prior to commencement of building or parking layout design efforts, the applicant shall contact DOT to confirm appropriate driveway widths and internal circulation requirements so that traffic flow considerations are incorporated early into the building and parking layout plans. All driveways shall be Case 2 driveways – 18 feet wide and 30 feet wide for one-way and two-way operations, respectively. All delivery truck loading and unloading shall take place on Colgate Avenue with no trucks backing into or out of the project site from any adjacent street.

**40. Utilities and Service Systems (Solid Waste).**

- a. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- b. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- c. To facilitate onsite separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- d. The trash receptacle shall be relocated at least 50 feet from the property line of any adjacent residential property.
- e. Trash receptacles within the project site shall be located in a well ventilated enclosed area and include lids that enable convenient collection and loading and shall be emptied on a regular basis.
- f. The project applicant shall recycle 75 percent of the construction debris from the project.
- g. Designated areas for the collection and loading of recyclables shall be provided as part of the proposed project. The receptacles that collect recyclable materials shall be covered and kept in a paved area that is screened from public view.
- h. Separate trash chutes for recyclable materials and trash shall be provided as part of the proposed project. In addition, the project applicant shall also provide seminars, training manuals and other educational materials for the new commercial and residential tenants, regarding recycling. The retail shall have a separate cardboard dispenser, in order to further encourage recycling. All collected recycling materials shall be picked up on at least a weekly schedule as a part of the project's regular solid waste disposal program.

41. **Utilities and Service Systems (Wastewater).** The applicant shall submit all applicable wastewater capacity fees to DPW, as required.

**D. Administrative Conditions of Approval**

42. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
43. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
44. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in the (Q) conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Planning Department for approval before being recorded, after recordation, a copy bearing the Recorder' number and date shall be provided to the Planning Department for attachment to the file.
45. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
46. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
47. **Building Plans.** Page No. 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
48. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
49. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

### **“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. The total floor area contained in all building on a lot shall not exceed four (4) times the buildable area of the lot (4:1 FAR).

Sec. \_\_\_\_\_. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Pursuant to Section 558 of the City Charter,  
the City Planning Commission on April 23, 2009,  
recommended this ordinance be adopted by the City Council.

  
\_\_\_\_\_  
James Williams, Commission Executive Assistant I  
City Planning Commission

File No. \_\_\_\_\_

## FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Wilshire Community Plan area, which was adopted by the City Council on September 19, 2001. The Community Plan designates the subject property for General Commercial land use with the corresponding zones of C1.5, C2, C4, RAS3 and RAS4. The subject property contains approximately 34,090 square feet (0.78 acres) of buildable area or 33,848 net square feet and is currently zoned C2-1VL-O and (Q)C2-1-O, and therefore is consistent with the General Commercial land use designation.
2. **General Plan Text.** The Wilshire Community Plan text includes the following relevant land use objectives, policies and programs:

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

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

**Program:** *To accommodate the anticipated population increase to the Wilshire Community Plan Area by the year 2010, the Plan designates a number of increased residential density city blocks, in close proximity to the City's highest number of major public transit corridors, major bus route stops, and subway stations.*

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

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

**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 2.1:** *Promote housing strategies which enhance neighborhood safety and sustainability and provide for adequate population, development, and infrastructure and service capacities within the City and each community plan area, or other pertinent service area.*

**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.*

The project is being proposed as a higher-density, residential and commercial mixed-use development on a surface parking lot that was utilized as an auto sales use. The project comprises of an 8-story, Leadership in Energy and Environmental Design (LEED) Green Building Rating System certified building which would be limited to 88

residential apartment units, 13,500 square feet of ground-floor commercial space, and 1 level of subterranean parking, 1 level of at-grade parking, and 2 levels of above-grade parking containing a total of 223 parking spaces. The proposed building will reach a maximum height of 87 feet (top of parapet.) Residential uses will be located within 5 stories located above the ground-floor retail and above-grade parking levels. With the implementation of the project, the two existing double-faced billboards will be removed from the subject site.

The project is proposing to add a new Footnote to the Wilshire Community Plan Map referencing the site as follows: "Development of the properties bounded by Burton Way on the north and east, Le Doux Road on the west, and Colgate Avenue on the south shall be permitted a Height District of 2D with development limited to a maximum floor area ratio of 4 to 1." The Footnote No. 5 of the Wilshire Community Plan currently restricts the commercial zones under the General Commercial land use designation with a Height District No. 1, which limits the floor area ratio (FAR) to 3 to 1 for residential uses. A Height District No. 2 would limit the maximum FAR to 6 to 1. The project would also add a "D" Development Limitation with a maximum FAR to 4 to 1 for the subject property.

The following table shows the FAR and height of surrounding buildings, based on the information provided by the Applicant:

Common Name	Floor Area Ratio (FAR)	Building Height
Beverly Center	7.3:1	126 ft
Sofitel Hotel	3.5:1	126 ft
Cedars Sinai Medical Center	4.6:1	144 ft
Westbury Terrace Condo Tower	[11 stories]	118 ft
Cedar Sinai Mark Goodson	18:1	150 ft
SLS Hotel (formerly Le Meridien)	2.7:1	85 ft

Based on this information, the floor area ratio of the proposed project would not be inconsistent with the major buildings in this "Burton Way Confluence" (the area within approximately 500-foot radius where Burton Way, San Vicente Boulevard and La Cienega Boulevard converge). The proposed project with a maximum of 88 dwelling units and 13,500 square feet with 223 on-site parking spaces would be consistent with the proposed addition to the Footnote to limit the FAR to 4:1 to the Wilshire Community Plan. Additionally, the in-fill development would further the objectives, policies and programs of the Plan by reducing vehicular trips by developing new housing in close proximity to regional and community commercial centers, encouraging higher density residential uses near major public transportation centers, preserving and strengthening viable commercial development, and promoting distinctive commercial districts and pedestrian-oriented areas.

Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The project site is currently developed with a surface parking lot and auto sales use with two double-faced billboards. It is one of the few under-improved properties in the vicinity. Development of this site is an infill of an otherwise mixed-use neighborhood. By enabling the construction of a supply of housing in close proximity to jobs and services, the proposed General Plan Amendment, Zone Change and associated Height District Change would be consistent with goals and policies of the Framework Element. The Land Use chapter of the Framework Element identifies objectives and supporting policies relevant to the project site. Those objectives and policies seek, in part, to provide for the stability and enhancement of multi-family residential neighborhoods.

3. **The Transportation Element** of the General Plan may be affected by the recommended action herein. Le Doux Road is a Local Street dedicated to a 60-foot width adjoining the property to the west. Colgate Avenue is a Local Street with a dedicated 60-foot width adjoining the property to the south. Colgate Avenue is barricaded at the intersection of Le Doux Road so that traffic cannot "enter" into the residential area. Traffic coming from the east on Colgate Avenue can only turn right, whereas traffic coming from the north on Le Doux Road can proceed south across Colgate Avenue. Three vehicular access points are proposed: two along Le Doux Road and one along Colgate Avenue. Burton Way is a (Scenic, as designated by the Wilshire Community Plan) Secondary Highway dedicated to a variable 170-foot width adjoining the property to the northeast. San Vicente Boulevard is a Scenic Major Highway Class II dedicated to a variable 92-foot to 130-foot width adjoining the property also to the northeast. La Cienega Boulevard is a Major Highway Class II dedicated to a variable 100- to 102-foot width adjoining the property to the east. An alley dividing the subject property has been vacated via Council File No. 86-1209 as of November 22, 1996. Any improvements will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05. As conditioned, the proposed project will provide off-street parking spaces in conformance with the LAMC.
4. **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 promotes an intensity and pattern of development that is consistent with the area's General Plan Framework designation and that encourages transit use; reduces automobile dependency; improves air quality; encourages the development of multiple-family housing and community-serving commercial uses; and enhances the pedestrian environment. The recommended General Plan Amendment to add a new Footnote to the Wilshire Community Plan Map to permit a Height District of 2D with development limited to a maximum floor area ratio of 4 to 1 will further many of the City's land use policies and address the need for housing.

The project will be an in-fill development, which is contiguous and compatible with other development in the immediate vicinity. The General Plan Amendment would allow for the project to intensify the use on the site and provide additional housing in Downtown that would accommodate the growing population of the surrounding area and balance the jobs-to-housing ratio. Finally, the proposed project would include varying unit sizes from studios to three-bedroom units that would accommodate various household sizes of the Central City community as well as provide different choices in housing needs.

## 5. Zone Change and Height District Findings.

- a. Pursuant to Section 12.32-C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The Applicant proposes an 8-story, LEED-certified mixed-use development which would permit the project at 88 dwelling units, 13,500 square feet of ground-floor commercial space, and 1 level of subterranean parking, 1 level of at-grade parking and 2 levels of above-grade parking containing a total of 223 parking spaces. The proposed building will reach a maximum height of 87 feet (top of parapet). Residential uses will be located within 5 stories located above the ground-floor retail and above-grade parking levels. Parking for a total of approximately 223 vehicles will be provided; 159 spaces will be provided for the residential tenants, 54 spaces will be provided for the retail patrons, and 10 surplus spaces for the general project.

The project site is currently dual-zoned C2-1VL-O and (Q)C2-1-O. The portion fronting Burton Way is zoned C2-1VL-O with a height limit of 45 feet (per the Height District No. 1VL) and the portion bounded by Le Doux Road and Colgate Avenue is zoned (Q)C2-1-O and is also limited in height at 45 feet (per the existing "Q" Condition). This latter "rear" portion of the property also contains "Q" Conditions that require to limit the maximum buildable floor area to 39,044 square feet, a landscape buffer on the perimeter of the property, free validated parking for its tenants, employees and guests, vehicular access to one driveway each on Le Doux Road and Colgate Avenue, restrict loading and unloading to take place on-site without backing onto the street, and prohibit off-site advertising signage, among others.

The Applicant proposes to unify the dual zoning on the subject site with the requested Zone and Height District Change to C2-2D-O that would eliminate all of the existing "Q" Conditions. However, Planning Staff is recommending to instead approve the zone change to (T)(Q)C2-2D-O with a new set of "T", "Q" and "D" Conditions that are more applicable. (see Page Q-1).

Public Necessity. Granting the requested zone/height district change, as recommended, will be deemed consistent with public necessity. Data from the Los Angeles General Plan Framework Housing Element (Housing Element) indicates a housing growth increase of 34,813 units (or 2.60 percent) from 2000 to 2006 within the City. This increase results in approximately 5,802 housing units on average annually. The City population was estimated at 4.0 million in 2007 and is expected to climb to approximately 4.26 million by 2010. The City of Los Angeles data indicate a growth (population) increase of 279,180 persons (or 7.56 percent) from 2000 to 2006 within the City. The increase results in approximately 46,530 persons on average annually.

Based on this demand, there is a public need to locate new housing on parcels that do not first require demolition of existing housing stock. To satisfy the public necessity for more housing, the Wilshire Community Plan encourages multiple-family residential and mixed-use developments in close proximity to regional and community commercial centers. With the closing of Ralphs Supermarket at the nearby Beverly Connection shopping center, there is a need for a neighborhood market. The project site is currently improved with an automobile sales facility, which is currently used to park excess cars for a BMW dealership in Beverly Hills. The



development of no more than 88 dwelling units above 13,500 square feet of ground-floor commercial space would accomplish Wilshire Community Plan goals to provide the City with a mixed-use project including much needed infill housing without displacing current residents.

Convenience. Granting the requested zone change/height district change, as recommended, will be deemed consistent with public convenience. The proposed project contributes to the public convenience as it locates much needed housing on prime property in the heart of a thriving urban center. The Community Plan states, "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, to provide rental housing, and to stimulate vibrancy and activity in pedestrian-oriented areas." Additionally, the Wilshire Community Plan identifies as a primary commercial issue the need for an improvement to the "appearance of commercial developments...with concise, clear [on-site] signage, better visual identity, adequate parking, and convenient access."

The combination of housing and retail uses reduces reliance on the automobile by locating housing near job centers and shopping destinations. The subject site is located near many office, retail, and restaurant establishments on Third Street, La Cienega, and Beverly Boulevard, including the *Beverly Center*, *Beverly Connection*, and Restaurant Row, providing future residents the opportunity to walk to their places of employment, and shopping and dining destinations, thereby increasing pedestrian activity and local business.

General Welfare. Granting the requested zone/height district change, as recommended, will be deemed consistent with the general welfare, in that, the project will replace a surface parking lot serving auto sales use with an active viable use that will promote safety, bring residents on the streets, and create more stakeholders. Furthermore, with the site's proximity to several transit opportunities, will help alleviate congestion, vehicle dependency, and commute times to improve the general welfare.

Good Zoning Practices. Granting the requested zone/height district change, as recommended, will be deemed consistent with good zoning practice. The requested Zone and Height District Change from C2-1VL-O and (Q)C2-1-O to (T)(Q)C2-2D-O is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan.

Properties to the north, across Burton Way, are developed with a commercial retail shopping center (*Loehmann's*) and a church. A high-rise condo tower (*Westbury Terrace*) at approximate building height of 118 feet is developed within 500 feet to the north, with the Beverly Center and Cedars Sinai Medical Center further north. Properties to the east and southeast, across La Cienega Boulevard and San Vicente Boulevard, are developed with a 2-story and 1-story retail mini-mall and a Cedar Sinai Mark Goodman Medical Building with a height of approximately 150 feet. The property to the south, across Colgate Avenue, is developed with *Le Meridien* Hotel, which is presently being remodeled and will be named the *SLS* Hotel rising to approximately 85 feet. Properties to the west and southwest are developed with apartment buildings, one of which rising to approximately 60 feet in height, and single-family homes within 500 feet further southwest. The City of Beverly Hills boundary is located approximately 500 feet to the south.

The following table shows the FAR and height of surrounding buildings, based on the information provided by the Applicant:

Common Name	Floor Area Ratio (FAR)	Building Height
Beverly Center	7.3:1	126 ft
Sofitel Hotel	3.5:1	126 ft
Cedars Sinai Medical Center	4.6:1	144 ft
Westbury Terrace Condo Tower	[11 stories]	118 ft
Cedar Sinai Mark Goodson	18:1	150 ft
SLS Hotel (formerly Le Meridien)	2.7:1	85 ft

The proposed project with a maximum of 87 feet of the proposed project would be consistent with other major buildings in this “Burton Way Confluence” (the area within approximately 500-foot radius where Burton Way, San Vicente Boulevard and La Cienega Boulevard converge). Additionally, the in-fill development would further the objectives, policies and programs of the Plan by reducing vehicular trips by developing new housing in close proximity to regional and community commercial centers, encouraging higher density residential uses near major public transportation centers, preserving and strengthening viable commercial development, and promoting distinctive commercial districts and pedestrian-oriented areas.

On April 8, 1992, the City Council adopted Ordinance No. 167,771 that changed the zones for properties lying west of the subject property along Burton Way to [Q]R4-1-O. The “Q” Conditions included a provision that limited the building height to 45 feet. The legislative intent of the zone change was to create a tree-lined multi-family corridor with a visual and height consistency along Burton Way. On the other hand, the subject property is situated east of this residential corridor once Burton Way swings south and converges with San Vicente and La Cienega Boulevards in the commercial confluence.

Thus, the proposed zoning is consistent with the surrounding uses and zoning, as well as the surrounding properties and building heights, and the requested Zone and Height District Change from the current zoning on the property to (T)(Q) C2-2D-O would reflect good zoning practices. Additionally, the requested General Plan Amendment, in conjunction with the requested Zone and Height District Change, would reflect good zoning practices with a proposed “D” Development Limitation which would allow for a maximum FAR of 4:1. As requested, this FAR change would allow for better overall site design of the project as well as much needed multi-family housing. Furthermore, the proposed General Plan Amendment, Zone Change, and Height District Change will promote a distinctive commercial district and pedestrian-oriented area on a very accessible corner in the center of the City.

- b. The current action, as recommended, has been made contingent upon compliance with new “T”, “Q” and “D” conditions of approval imposed herein for the proposed project. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

- 6. Conditional Use Permit Findings (Off-Site Sale of Alcoholic Beverages).** In order for a Zoning Administrator's Determination to be granted, all of the legally mandated findings delineated in Section 12.24-W,1 of the Los Angeles Municipal Code must be made in the affirmative.

- a. *The proposed location will be desirable to the public convenience or welfare.*

The Applicant requests a Conditional Use Permit (CUB) for the sale of beer, wine, and distilled spirits for off-site consumption in conjunction with the operation of the proposed specialty market with up to a maximum of 13,500 square feet of floor area. The proposed use will provide opportunities for nearby residents to purchase food products, produce, along with alcoholic beverages in a convenient location. Being a stone's throw from a large pool of residents in the area, in addition to providing housing opportunities above the specialty market, customers will be encouraged to walk. Therefore, the proposed location of the project will be desirable to fulfilling the needs of the community.

- b. *The location is proper in relation to adjacent uses or the development of the community.*

The conditional use permit for the off-site consumption of alcohol is in proper relation to adjacent uses or the development of the community, in that the specialty market will serve the surrounding community. The use will not be part of a stand-alone liquor store, bar or nightclub. The specialty market will be situated on the ground floor of the proposed mixed-use project, replacing an under-utilized surface parking lot that is improved with an auto sales use. The sale of alcohol will occur as part of the operation of the supermarket that will carry produce and other food products. Furthermore, the specialty supermarket will fill a void that has been vacated by the closure of Ralphs Supermarket at the nearby Beverly Connection.

- c. *The use will not be materially detrimental to the character of the development in the immediate neighborhood.*

The Project site is comprised of a large, under-utilized parcel of land that is currently improved with an auto sales use. The sale of alcoholic beverages will be incidental to the operation of a specialty market, located on the ground floor of the proposed mixed-use project. The Project is buffered from the single-family homes couple blocks away by apartment buildings to the west and southwest and the SLS Hotel to the south. Traffic coming from the east will be prevented from "entering" into the residential areas as Colgate Avenue is barricaded at the intersection of Le Doux Road from vehicular traffic. Cars are also required to turn right only at this intersection.

The general layout of the site improvements has been designed to harmonize with existing and potential new uses and development in the surrounding community. Three vehicular access points have been designated on the side streets so as to minimize traffic disruption along Burton Way: two along Le Doux Road and one along Colgate Avenue. Mitigation measures have been identified to limit the driveways fronting Le Doux Road to be exclusively used for residential purposes. The project has been further conditioned to limit the Colgate Avenue driveway exclusively for commercial uses (except valet services). This will not only enhance the separation

of uses, but also prevent potential traffic bottleneck along Colgate Avenue. The Project's parking structure would be located in the interior of the site. At the same time, the in-fill Project provides a transition between the higher-density uses located along San Vicente and La Cienega Boulevards to the east and the residential uses to the west.

Furthermore, a Mitigated Negative Declaration has been prepared for the Project which analyzes potentially significant environmental effects. The Mitigated Negative Declaration identifies mitigation measures which, when applied to the Project, would reduce all potentially significant impacts caused by the sale of alcoholic beverages to a less than significant level. Therefore, the granting of a conditional use permit would not be detrimental to the existing development character of the neighborhood.

- d. *The proposed location will be in harmony with the various elements and objectives of the General Plan.*

The Property is within the Wilshire Community Plan area of the City's General Plan, and has a land use designation of General Commercial with corresponding zones of C1.5, C2, C4, RAS3 and RAS4. The proposed project is a mixed-use development on a highly developed commercial corridor referred herein as the "Burton Way Confluence" (where Burton Way, San Vicente Boulevard and La Cienega Boulevard converge). The project is consistent with the objectives and policies of the Wilshire Community Plan text:

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

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

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

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

**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.*

The project is being proposed as a higher-density, residential and commercial mixed-use development on a surface parking lot that was utilized as an auto sales use. The ground-floor commercial use is proposed with a conditional use permit for the sale and dispensing of alcoholic beverages for off-site consumption in conjunction with the operation of a specialty market.

Not only is the mixed-use development located along major thoroughfares with nearby stops for Metro Bus and LADOT DASH transit services, but it will further strengthen the viability of commercial uses and serve the community by re-introducing a supermarket that has been voided by the vacation of Ralphs

Supermarket at the Beverly Connection. The Project will also provide street-level retail uses and provide enhanced landscaping and streetscape improvements, both of which would serve to encourage pedestrian activity in the area. The design of the building will represent a significant improvement in the visual appearance of the Property from the existing under-utilized auto use.

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

The approval of the conditional use request will not adversely affect the welfare of the Wilshire community. The subject property is zoned for commercial uses and will be utilized as such with the proposed mixed-use retail and residential uses. The project will provide much needed economic revitalization and housing and retail opportunities to the community. The subject site has been under-utilized for many years as an auto sales lot and its revitalization will create a positive benefit both aesthetically and economically and will create both construction and permanent jobs for the local residents.

- f. *That 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.*

The applicant is requesting a conditional use permit to sell a full line of alcoholic beverages for off-site consumption. According to the State Department of Alcoholic Beverage Control, there are 4 off-site licenses allocated to Census Tract No. 2149.00 while there are 2 off-site licenses existing. The applicant is proposing to add one off-site license to this census tract.

The proposed alcohol use is incidental to the operation of the neighborhood market and no stand-alone liquor stores, bars or night clubs are proposed. The approval of the requested conditional use will not result in an undue concentration of establishments selling alcoholic beverages. The market is proposed to have hours of operation, including the hours of alcohol sales, from 9 a.m. to 9 p.m. Monday to Sunday.

Statistics from the Los Angeles Police Department reveal that in the subject Crime Reporting District No. 701 which has jurisdiction over the subject property, a total of 393 crimes were reported in 2007, compared to the citywide average of 256 crimes and 307 crimes in the high crime reporting district for the same period. No revocation or nuisance proceedings have been initiated for any use in the area. The incorporation of conditions relative to the specific operation of the market was deemed necessary in order to mitigate the addition of a liquor license in the census tract.

- c. *The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to 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 subject property is zoned for commercial uses and the Wilshire Community Plan designates it as a General Commercial land use. The following sensitive uses were observed within a 600-foot radius of the subject property:

- Our Lady of Mount Lebanon Church – 333 San Vicente Blvd
- Cedar Sinai Mark Goodson Medical Building – 444 San Vicente Blvd
- Center for Orthopedic and Sport Excellence – 434 San Vicente Blvd
- Physical Therapy – 422 San Vicente Blvd

The subject site is also adjacent to multi-family residential uses to the west and single-family home couple blocks away further west. The applicant worked with the community to mitigate their concerns about the construction and operation of the proposed project. At the public hearing on March 4, representatives of the Mid-City West Neighborhood Council and the Burton Way Homeowner's Association spoke in support of the project. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved.

**7. Zoning Administrator Adjustment Findings (Density).** In order for a Zoning Administrator's Adjustment to be granted, all of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative.

- a. *The granting of an adjustment will result in development compatible and consistent with surrounding uses.*

The granting of an adjustment will result in development compatible and consistent with the surrounding uses. The residential density allowed in the C2-2 Zone allows a minimum lot area per dwelling unit of 400 square feet. Under this requirement, a maximum of 85 residential units are allowed based on a lot area of 34,090 square feet (before dedications, per L.A.M.C. Section 12.37.G.) The Applicant is requesting an adjustment for the increase in density to allow 387 square feet of lot area per dwelling unit, for a total of 88 units, in lieu of 400 square feet of lot area per dwelling unit. This represents approximately 3.5% increase over the Code-permitted density.

The proposed project is a mixed-use development comprised of a maximum of 88 residential apartment units, 13,500 square feet of ground-floor commercial space, and 4 levels of parking (1 subterranean level, 1 at-grade level, and 2 above-grade levels) containing a total of approximately 223 parking spaces. The proposed ground-floor commercial use may include one retail tenant, or may be separated into two retail spaces, creating a pedestrian, commercially-oriented street level presence. If the ground-floor commercial area is separated into two retail spaces, one prospective retail tenant may be a specialty market, and will occupy approximately 12,000 square feet of floor area on the southeast portion of the subject site, at the corner of Burton Way and Colgate Avenue (Tenant Space 1). The second retail tenant space may include another neighborhood-serving retail use, and will occupy approximately 1,500 square feet of floor area on the northern portion of the site, at

the corner of Le Doux Road and Burton Way (Tenant Space 2). Otherwise, the specialty market may occupy all of the 13,500 square feet of commercial space.

The Applicant requests an adjustment to permit an approximately 3.5% increase in density from 400 SF of lot area per unit to approximately 387 SF of lot area per unit.

As such, the granting of an adjustment will result in development compatible and consistent with surrounding uses.

- b. *The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.*

The granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City. The granting of this approval permits the creation of an integrated mixed-use development compatible and consistent with the surrounding uses. The proposed project is consistent with the Wilshire Community Plan and the Housing and Transportation Elements of the City of Los Angeles.

The Wilshire Community Plan identifies several objectives which promote the development of mixed-use projects at this transit-rich location. The proposed project is consistent with the following Residential Goals of the Wilshire Community Plan:

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

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

**Program:** *To accommodate the anticipated population increase to the Wilshire Community Plan Area by the year 2010, the Plan designates a number of increased residential density city blocks, in close proximity to the City's highest number of major public transit corridors, major bus route stops, and subway stations.*

The proposed mixed-use development will reduce reliance on the automobile not only by providing ground floor commercial/retail use(s) with residential uses above, but also by locating such a mixed-use project in a transit-rich area. The project is located at the intersection of Burton Way, La Cienega Boulevard, and San Vicente Boulevard and is conveniently located near stops served by Metro and LADOT DASH public transit services.

- c. *The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.*

Granting the requested adjustment is in conformance with the spirit and intent of the Zoning Code. The intent of the Zoning Code is to provide for orderly development throughout the City. The proposed project is essentially consistent with the density permitted in the zone, the intent of the development standards imposed by the Zoning Code, and the existing development of the area.

The spirit of the Code is to create compatible development with other projects in the area. The C2 Zone permits R4 Zone density, which is 400 square feet of lot area per dwelling unit. The Applicant is requesting a slight increase to 387 square feet of lot area per dwelling unit to permit 88 residential dwelling units in lieu of the 85 permitted. The Wilshire Community Plan designates the site as High Medium Residential and a density of 387 square feet of lot area per unit would likely be considered High Medium Residential. The R4 Zone density is permitted on a citywide basis and does not take into account the unique location of the proposed project and the configuration of the subject property. The site is located at the intersection of five converging streets with up to 170 feet that separates the site from the properties to the north. This special circumstance is unique in Los Angeles. The site is located in a dense urban area, which contains existing commercial and residential development in the immediate area, yet the absence of immediately abutting neighbors and the separation of all the roadways minimizes the density on the other dense, surrounding uses. The surrounding properties are most often permitted up to an R4 density. Additionally, the triangle-shaped configuration of the site presents the development with a unique circumstance. While the Code's density regulations are imposed on a Citywide basis and cannot take into account the unique characteristics of a specific site, the Zoning Code allows adjustments when special circumstances exist and when there are no adverse impacts.

As demonstrated above, the proposed building will be compatible with adjacent uses and also consistent with surrounding development, yet physically separate from surrounding uses. The significant buffer between the proposed use and adjacent buildings satisfies the spirit and intent of the Planning and Zoning Code of the City.

- d. *There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.*

Granting the adjustment to allow a 3.5% increase in the number of residential units allowed (85 permitted versus 88 proposed) will not result in any adverse impacts. As demonstrated in the MND, there are no significant project impacts at the proposed density. The addition of three residential units will not have a significant impact as it is not a substantial increase in density. Consequently, the additional requested density provides flexibility in the unit mix to serve the many different populations that comprise the highly urban environment, without interfering with the building's streamlined appearance or its functionality, and without causing adverse impacts.

As discussed in Finding No. 1, the granting of the adjustment to increase the permitted density will not result in adverse impacts to the surrounding properties or to the subject property. A Draft Expanded Initial Study of the proposed project has been submitted to the Los Angeles Department of City Planning and will analyze any potentially significant impacts that will result from the proposed project and how those impacts, if any, can be mitigated. Conditions and Mitigation Measures will be placed on the proposed project and monitored to ensure that any potentially significant impacts remain at a level of insignificance.

No adverse impacts will be created from the increase of three dwelling units over the permitted 85 dwelling units. The subject site has an irregular triangle-shape and has a mix of uses, which includes residential, commercial/retail, and parking.



The project's proposed Open Space will exceed the required amount of Open Space. The proposed project requires approximately 10,125 square feet of total Open Space. The total Open Space proposed is approximately 11,950 square feet, which exceeds the Open Space requirements by 1,825 square feet. This amount of Open Space, will decrease impacts on the community. Additionally, the residential use massing is broken up with space between the volumes, specifically along Burton Way, which also allows air and light to traverse the site. Furthermore, the design of the building is sensitive to the surrounding uses as it is set back from the surrounding residential uses to the west with the proposed 5-foot landscape buffer along Le Doux Road, which is not required per the Zoning Code. These additional amenities help to minimize the proposed project's impacts on the prospective tenants and the community.

- e. *The site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.*

The irregularly-shaped lot, the relatively small urban site, the location of the site at the intersection of five streets, the diverse mix of uses and zones in the area, along with providing a project with good urban design elements, make strict adherence to the Zoning Code impractical and infeasible.

Strict adherence to the citywide Zoning Code requirements for the R4 density should not be so strictly applied to the subject site, as they are appropriate for a lower density suburban design but not for the Wilshire Community Plan area which can handle a negligible increase of three residential units. The subject site is permitted to provide up to an R4 zone density, and is merely asking for a 3.5% increase than what is permitted. The subject site is located in a high-medium dense urban area where real estate is at a premium. As with other mixed-use projects past and present, full compliance with density regulations for the proposed project would be impractical and would make the proposed project as designed infeasible.

- 8. **Site Plan Review Findings.** In order for the site plan review to be granted, all six of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative.

- a. *The project complies with all applicable provisions of this Code and any applicable specific plan.*

The Applicant proposes a new 8-story, LEED-certified mixed-use development which would include a maximum of 88 residential apartment units, a maximum of 13,500 square feet of ground-floor commercial space, and one level of subterranean parking, one level of at-grade parking, and two levels of above-grade parking containing a total of approximately 223 parking spaces. The proposed building will reach a maximum height of 87 feet (top of parapet). Two double-faced billboards existing on the site will be removed as part of the proposed project.

With the granting of the General Plan Amendment to add a Footnote to limit the maximum buildable FAR to 4:1 to the Wilshire Community Plan for the subject property and Zone/Height District Change from C2-1VL-O and (Q)C2-1-O to

(T)(Q)C2-2D-O with a height limit of 87 feet; a Conditional Use to permit the sale and dispensing of alcoholic beverages for off-site consumption; compliance with the Sign Ordinance that prohibits new off-site signage; and application of the R4 density requirement of a minimum lot area of 400 square feet per dwelling unit, the proposed project will otherwise comply with, as conditioned, all applicable provisions of the Zoning Code.

The project site is not located within a Specific Plan area.

- b. *This project is consistent with the General Plan.*

The subject property is located within the area covered by the Wilshire Community Plan area, which was adopted by the City Council on September 19, 2001. The adopted Community Plan designates the subject property for General Commercial land use with the corresponding zones of C1.5, C2, C4, RAS3 and RAS4. The subject property contains approximately 34,090 square feet (0.78 acres) of buildable area or 33,848 net square feet and the proposed zone is (T)(Q)C2-2D-O and therefore is consistent with the General Commercial land use designation.

The Wilshire Community Plan text includes the following relevant land use objectives, policies and programs:

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

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

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

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

***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 2.1:*** *Promote housing strategies which enhance neighborhood safety and sustainability and provide for adequate population, development, and infrastructure and service capacities within the City and each community plan area, or other pertinent service area.*

***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.*

The project would consist of a higher-density, residential and commercial mixed-use development encouraging the location of housing, jobs, and services in mutual proximity. The incorporation of the retail uses on the ground floor would also promote pedestrian activities and viable commercial development.

As found and conditioned in this report to comply with the General Plan Amendment and Zone/Height Change; a Conditional Use to permit the sale and dispensing of alcoholic beverages for off-site consumption; the Sign Ordinance that prohibits new off-site signage; and the R4 density requirement of a minimum of 1 dwelling unit per 400 square feet of lot area, the proposed project will be consistent with the General Plan.

- c. *The project is consistent with any applicable adopted redevelopment plan.*

The project site is not located within an adopted Community Redevelopment Plan Area.

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

The project is designed with an overall building envelope that would be compatible with the major buildings in the commercial corridor of the "Burton Way Confluence". The proposed project consists of a new 8-story, mixed-use development with up to 88 dwelling units, 13,500 square feet of ground floor retail uses on a 33,848 net square-foot site in the proposed (T)(Q)C2-2D-O Zone. Residential uses will be located within 5 stories located above the ground-floor retail and above-grade parking levels.

A total of 223 off-street parking spaces are proposed for the project: 159 spaces for the residential tenants, 54 spaces for the retail patrons, and 10 surplus spaces for the general project. The project is required to provide ample parking spaces internal to the building, in accordance with the parking regulations for residential and commercial uses. Further, the project will be required to comply with the parking regulations.

On the other hand, no tenant and/or employee parking have been provided on-site as part of the project. At the public hearing on March 4, 2009, the Applicant stated that employee parking may be provided off-site on a nearby property. However, consistent with the currently existing "Q" Condition on the site, the project will be required to provide parking for employees and tenants and validated parking for customers, unless a parking agreement to provide free parking for employees and tenants on a site within 500 feet of the subject property is guaranteed. At peak hours, it is estimated that approximately 25 employees will be working on-site. The Applicant is also voluntarily providing bicycles and storage spaces for tenants and employees.

Vehicular access to the residential parking is proposed from Le Doux Road via two separate driveways, a northerly ingress/egress driveway closer to Burton Way and another southerly valet ingress-only driveway closer to Colgate Avenue. Parking

access for the retail uses has been proposed off of Colgate Avenue as an ingress/egress driveway. In addition to the commercial vehicular access, this Colgate Avenue driveway has been proposed by the Applicant to provide a third residential vehicular access point. Due to the fact that there are already two driveways proposed for the exclusive use by residents along Le Doux Road, along with the fact that queue-ing is expected from the popular specialty market on the Colgate Avenue side (a maximum of three car queue-ing), residential access will be restricted to the Le Doux Road driveways, with the exception of the valet services.

Loading and unloading of goods is proposed to take place on the curbside along Colgate Avenue just east of the commercial driveway. Ideally, all loading/unloading should be conducted on-site without backing onto the street to minimize noise, disruption and traffic bottleneck effect. The fact that the existing "Q" Condition on the subject property explicitly prohibits curbside loading/unloading demonstrates the historical traffic problems that this would generate. However, due to design challenges on a triangular-site to incorporate on-site loading docks, impacts caused by loading/unloading on curbside would be mitigated by the restriction on delivery hours during off-peaks hours (no delivery between 5PM – 7PM).

Trash storage, recycling rooms and bicycle facilities are all designed internal to the site. All exterior lighting will be directed onto the site so that no floodlighting will be located as to be seen directly by the adjacent residential areas. Landscape and/or architectural screening elements will be incorporated into project design so as to minimize off-site glare impacts associated with vehicles.

Therefore, as conditioned, the project will be designed and arranged, so that it will be compatible with existing and future development on neighboring properties.

- e. *The project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review that would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.*

On February 9, 2009, a Mitigated Negative Declaration Case No. ENV-2008-498-MND was prepared for the proposed project. All mitigation measures and other requirements have been made a part of this action so that the project, as conditioned, will not have a significant impact on the environment. Other identified potential impacts not mitigated by these conditions are mandatory subject to other existing City ordinances (Sewer Ordinance, Grading Ordinance, Water Conservation Ordinance, Landscape Ordinance, Flood Plain Management Specific Plan, etc.), which are specifically intended to mitigate such impacts on all projects.

There are no substantial changes in the proposed project or the circumstances under which the project is undertaken, which will cause any significant environmental effects or require any revisions to the final MND.

- f. *Any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.*

The proposed project offers a substantial amount of both common and private Open Space to its residents. Each unit will enjoy a private balcony and common amenities. The proposed project will provide its residents with appropriate types and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties. The total Open Space proposed is approximately 11,950 square feet, which exceeds the total Open Space requirement of 10,125 square feet by 1,825 square feet. Of the total proposed Open Space, approximately 8,450 square feet (71% of the total Open Space) will be provided as Common Open Space, which surpasses the 50% minimum Common Open Space requirement, and approximately 3,500 square feet will be provided as Private Open Space (29% of the total Open Space). The proposed Common Open Space, which will be available to all residents of the proposed project, will be located on the Podium Level (4<sup>th</sup> Floor) and Penthouse Level (8<sup>th</sup> Floor). More specifically, the Podium Level will include an approximately 1,250 square foot recreation room/fitness center and an approximately 2,700 square foot garden. The Penthouse Level will include an approximately 4,500 square foot roof garden, including a pool, BBQs, and other amenities.

The Applicant is also proposing to provide 60 on-site trees. This amenity is 38 trees more than the 22 trees required. Also, the Applicant is proposing to provide a 5-foot landscape area along Le Doux Road to create a buffer between the proposed project and the adjacent residential uses to the west.

In conclusion, the additional 1,825 square feet of Open Space over the Code required, the 38 on-site trees over the Code required, and the 5-foot landscaped buffer, which is not required by Code, are elements of the proposed project which will improve habitability for the residents and minimize impacts on neighboring properties where appropriate.

9. **Environmental.** A Mitigated Negative Declaration (ENV-2008-498-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.

Furthermore, staff finds that modifications to and corrections of specific mitigation measures have been required in order to assure appropriate and adequate mitigation of potential environmental impacts of the proposed use of this subdivision.

RESOLUTION

WHEREAS, the applicant has requested in its application a Plan Amendment to add a Footnote that would permit a maximum floor area ratio of four times the buildable area to the existing General Commercial land use designation for the property located at 8500 Burton Way, within the Wilshire Community Plan; and

WHEREAS, the City Planning Commission approved the applicant's Plan Amendment request and recommended adoption by City Council of the Plan Amendment; and

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

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

WHEREAS, the subject request would provide for a more logical and uniform pattern of planned land use development that is compatible with surrounding land use designations on the General Plan; and

WHEREAS, the Footnote addition and the (T)(Q)C2-2D-O zone change will allow for construction of 88 dwelling units and 13,500 square feet of ground floor commercial space, consistent with the Plan and zone of surrounding uses; and

WHEREAS, the subject project has been given a Mitigated Negative Declaration No. ENV-2008-498-MND in accordance with the City's Guidelines for implementation of the California Environmental Quality Act (CEQA) by the City Planning Department's Environmental Staff Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED that the Wilshire Community Plan be amended to include the attached Footnote addition.

**Add Footnote No. 5.1 to General Commercial designation in the Wilshire Community Plan to read as follows:**

Development of the properties bounded by Burton Way on the north and east, Le Doux Road on the west, and Colgate Avenue on the south shall be permitted a Height District of 2D with development limited to a maximum floor area ratio of 4 to 1.

# EXHIBIT 5

## Official City of Los Angeles Municipal Code (TM) - Chapter I, Planning & Zoning

### **SEC. 12.28. ADJUSTMENTS AND SLIGHT MODIFICATIONS.**

**(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

**A. Adjustments.** (Amended by Ord. No. 181,624, Eff. 5/9/11.) The Zoning Administrator shall have the authority to grant adjustments in the Yard, area, Building line and height requirements of Chapter 1 of this Code. An adjustment shall not be permitted for relief from a density (Lot area per unit) or height requirement, excluding fences and hedges, if the request represents an increase of 20 percent or more than what is otherwise permitted by this Code. A request for an increase of 20 percent or more shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be permitted by other provisions of Chapter 1 of this Code.

The Zoning Administrator shall also have the authority to grant adjustments in Residential Floor Area of no more than a ten percent increase beyond what is otherwise permitted by Chapter 1 of this Code. A request for an increase in Residential Floor Area greater than ten percent shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be permitted by other provisions of Chapter 1 of this Code.

**B. Slight Modifications - Authority of Zoning Administrator.** The Zoning Administrator shall have the authority to grant slight modifications in the yard and area requirements of Chapter 1 of this Code where circumstances make the literal application of the yard and area requirements impractical. Slight Modifications from the yard and area requirements shall be limited to:

1. deviations permitting portions of buildings to extend into a required yard or other open space a distance of no more than 20 percent of the width or depth of the required yard or open space only when the request is filed incidental to another application or appeal within the jurisdiction of the Zoning Administrator; and

2. deviations of no more than ten percent from the required lot area regulations. In those cases, the procedures for notice, hearing, time limits and appeals shall be the same as those applicable to the underlying application or appeal. In granting a slight modification, a Zoning Administrator may impose conditions related to the interests addressed in the findings set forth in Subdivision 4. of Subsection C. below.  
(Amended by Ord. No. 182,095, Eff. 5/7/11.)

**C. Procedures for Slight Modifications and Adjustments.** (Amended by Ord. No. 173,492, Eff. 10/10/00.) The initial decision-maker for adjustments or slight modifications shall be the Zoning Administrator and the appellate body shall be the Area Planning



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Commission. Procedures for slight modifications and adjustments shall be as set forth in Section 12.24B through J, except as otherwise provided here.

1. **Applications for a Slight Modification or Adjustment.** An application for an adjustment or a slight modification shall be filed pursuant to this section, upon forms provided by the Department of City Planning and accompanied by applicable fees. Each application shall be verified by the owner or lessee of the property involved. In the case of a slight modification of the area requirements, the verification of the application may be waived.

2. **Public Hearing and Notice.** The following are exceptions to the public hearing and notice requirements in Section 12.24.

(a) An application for an adjustment shall be set for public hearing unless the Zoning Administrator makes written findings in the record that the requested adjustment:

(1) will not have a significant effect on adjoining properties or on the immediate neighborhood; or

(2) is not likely to evoke public controversy.

(b) The Zoning Administrator may set an application for an adjustment or slight modification for public hearing, even though a public hearing is not otherwise required, if the Zoning Administrator determines that it would be in the public interest. In that event, written notices of the public hearing shall be mailed to the owners of all properties abutting, across the street or alley from or having a common corner with the subject property. When a public hearing is scheduled pursuant to this section, written notices shall be mailed at least 24 days prior to the date of the hearing. The last known names and addresses of the owners as shown on the records of the City Engineer or the records of the County Assessor. Notice of the public hearing shall be posted, by the applicant in a conspicuous place on the property involved at least ten days prior to the date of the public hearing. **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

(c) An application for an adjustment to permit a game court, including a tennis or paddle tennis court, accessory to a primary residential use on the same lot, or to permit the erection of light standards in conjunction with that use shall be set for public hearing and notice shall be given in the same manner required for adjustments unless the applicant has secured the approval of the owners of all

## **Official City of Los Angeles Municipal Code (TM) - Chapter I, Planning & Zoning**

properties abutting, across the street or alley from or having a common corner with the subject property.

(d) For R1, RS, RE and RA Zoned properties the Zoning Administrator must conduct a public hearing for any Adjustment or Slight Modification requests. **(Amended by Ord. No. 184,802, Eff. 3/17/17.)**

3. **Initial Decision by Zoning Administrator.** Decisions by a Zoning Administrator shall be supported by written findings of fact based upon written or oral statements and documents presented to him or her which may include photographs, maps, and plans, together with the result of his or her investigations. Upon making a determination pursuant to an application for an adjustment or slight modification, the Zoning Administrator shall place a copy of the determination and any written findings in the file and furnish a copy to the Department of Building and Safety. Furthermore, with respect to adjustments, whether or not set for public hearing and with respect to slight modifications which have been set for public hearing, a copy of the determination shall be mailed to the applicant, and to the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed written requests for notice with the Office of Zoning Administration.

With respect to slight modifications which have not been set for public hearing, a copy of the determination shall be mailed to the applicant, to the owner of the subject property if other than the applicant, and to all persons who have filed written requests for notice with the Office of Zoning Administration.

4. **Findings for Approval of Adjustments. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** The Zoning Administrator shall not grant an application for an adjustment unless he or she finds:

(a) that while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations;

(b) that in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and

(c) that the project is in substantial conformance with the purpose,

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intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.

5. **Conditions for Approval.** In approving an adjustment or slight modification, the Zoning Administrator may impose those conditions he or she deems necessary to remedy a disparity of privileges and that are necessary to protect the public health, safety or welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning.

**D. Discontinuance of Adjustment - Revocation. (Added by Ord. No. 173,492, Eff. 10/10/00.)** The revocation procedures that apply to variances in Section 12.27S shall also apply to adjustments.

**E. Adjustment - Plan Approvals. (Added by Ord. No. 173,492, Eff. 10/10/00.)** The plan approval procedures that apply to variances in Section 12.27U shall also apply to adjustments.