

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

CITY PLANNING COMMISSION

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MICHAEL K. WOO  
GABRIELE WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

EXECUTIVE OFFICES

S. GAIL GOLDBERG, AICP  
DIRECTOR  
(213) 978-1271  
GORDON B. HAMILTON  
DEPUTY DIRECTOR  
(213) 978-1272  
ROBERT H. SUTTON  
DEPUTY DIRECTOR  
(213) 978-1274  
FAX: (213) 978-1275  
INFORMATION  
(213) 978-1270  
www.lacity.org/PLN

June 14, 2006

Honorable City Council  
City of Los Angeles  
Room 395, City Hall  
MAIL STOP: 160

Case No. CPC 2005-0532-ZC-HD-CU-CUB-ZV-  
ZAA-ZAD-SPR  
Council File No. 05-2841  
Council District No. 5 ✓  
Wilshire Plan Area

Dear Honorable Members:

**ZONE CHANGE ORDINANCE REVISION: ZONE CHANGE FROM [Q]C2-1VL AND [Q]C1.5-1VL TO (T)(Q)C2-1 FOR PROPERTY LOCATED AT 100 N. LA CIENEGA BOULEVARD WITHIN THE WILSHIRE COMMUNITY PLAN AREA.**

The attached report adds and modifies "T" and "Q" Conditions as recommended for approval by the Planning and Land Use Management (PLUM) Committee of the City Council at its meeting held June 6, 2006.

Pursuant to Section 559 of the City Charter, I have reviewed the findings of the City Planning Commission's action taken relative to Case No. CPC 2005-0532-ZC-HD-CU-CUB-ZV-ZAA-ZAD-SPR on October 20, 2005, and on behalf of the Commission, I adopt its findings and approve this ordinance, and recommend its adoption insofar as it substantially conforms to the latest action of the City Planning Commission in this matter.

Pursuant to Rule No. 38, transmitted herewith is the revised zone change ordinance and accompanying findings, for appropriate action by the City Council.

In addition, as requested by PLUM Committee, revised conditions of approval and findings are attached for the related project entitlements, including: conditional use approval for floor area ratio averaging, commercial corner development and the sale or dispensing of alcoholic beverages for on-site consumption; a shared parking determination; yard and building separation adjustments, and site plan review.

S. Gail Goldberg, AICP  
Director of Planning

ROBERT H. SUTTON  
Deputy Director

SGG:RHS:LF:JT  
Attachments



## History

The history of the proposed zone change for the subject property is as follows:

- October 20, 2005      The City Planning Commission approved and recommended that the City Council adopt a Zone and Height District Change from [Q]C2-1VL and [Q]C1.5-1VL to (T)(Q)C2-1.
- June 6, 2006      The Planning and Land Use Management (PLUM) Committee of the City Council recommended that the City Council approved the Zone Change and added several new "Q" Conditions, as well as modified some "Q" Conditions. The Committee also modified the "T" Tentative Classification conditions, and the Shared Parking condition.

## PLUM Committee Recommendation

On June 6, 2006, the Planning and Land Use Management Committee of the City Council recommended approval of the subject zone change modifying "Q" Condition No's. 4, 8, 22, and 31 and adding new "Q" Condition Nos. 21, 50, and 51 to read as follows:

4.      **Density.** The maximum number of residential condominium units shall be ~~62~~ 52 units. The maximum number of assisted living residential units for senior citizens shall be ~~177~~ 150 units.

Affordable Senior Assisted Living Units. Ten (10) percent of the living units in the senior assisted living facility shall be designated for low income persons, and ten (10) percent of the living units shall be designated for moderate income persons, consistent with eligibility standards under federal and/or state regulations. A covenant and agreement shall be recorded, to the satisfaction of the Housing and Planning Departments, restricting the senior assisted living facility to be used only as a senior facility.

8.      **Emergency/Loading Access Driveway.** The existing driveway aisle located along the eastern property line off of Beverly Boulevard ~~and along the eastern property line~~ shall be permanently closed for use as not be used as a public driveway to the commercial parking structure. This driveway aisle shall be used for emergency access vehicles only. The most eastern existing driveway off Beverly Boulevard may be used and for access to loading docks on Beverly Boulevard only.

22.      **Parking Monitoring Program (formerly "Q" condition No. Q-21).**

d.      If the parking study does not show 90 percent or greater occupancy of the on-site parking spaces of the Beverly Connection parking area, a supplemental parking study shall be provided to analyze the availability of off-site parking uses in the surrounding area.

31.      **Construction (Noise).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 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.

a.      Construction shall be restricted to the hours of ~~7:00~~ 7:30 AM to 6:00 PM Monday through Friday, and ~~8:00~~ 8:30 AM to 6:00 PM on Saturday.

**Additional “Q” Conditions to be added:**

21. **Neighborhood Protection Plan (as volunteered by the Applicant).** Prior to the issuance of any building permits for work authorized pursuant to this approval, the property owner shall guarantee the necessary funding of the Neighborhood Protection Plan through cash or irrevocable letter of credit, payable to the Department of Transportation. The maximum amount required of the property owner to fund possible neighborhood protection improvements deemed necessary by the Department of Transportation and Department of City Planning, in consultation with the appropriate Council Office, is \$250,000. In the event the Plan is guaranteed by cash, the Department of Transportation shall deposit the monies in an interest bearing account and shall provide the property owner with an annual statement reflecting interest earned and payments made. Upon the expiration of a five year period from issuance of the last certificate of occupancy for the project, any unused portion of these funds shall be refunded to the owner.
  
50. **Idemnification.** The applicant shall defend, idemnify 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, idemnify, or hold harmless the City.
  
51. **Future Settlement Agreement Review.** The applicant shall execute a covenant and agreement which shall provide that any agreement entered into between the Applicant and third parties, including but not limited to homeowner associations, residents, and parties appealing land use determinations, regarding the matters involving approvals granted herein and/or any agreement relating to the waiver of legal rights in exchange for monetary payments shall be provided to the City of Los Angeles by the applicant. Such agreements shall be public records subject to the California Public Records Act.

The PLUM Committee also recommended modifying the street dedication and improvement requirement of “T” Condition No 2.a to read as follows:

2. 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 and Improvements: If determined necessary, dedicate and improve all adjacent streets to the satisfaction of the City Engineer.~~

**Third Street.** Dedicate the north side of Third Street by 5 feet and widen the roadway by 7 feet to provide a westbound right-turn-only lane on Third Street to La Cienega Boulevard.

**La Cienega Boulevard.** Dedicate a 7-foot wide, variable width and a 2-foot wide strip of land along the property frontage where there are no existing structures to complete a 57-foot wide, variable width and a 52-foot wide future half right-of-way

in accordance with Major Highway – Class II standards. The applicant shall file a “revocable encroachment permit” with Bureau of Engineering in order to temporarily occupy the dedicated land to maintain existing surface parking provisions until future tenant improvements or expiration of leases occur. The applicant shall submit a certified survey map showing the location of the existing buildings and legal description describing the areas to be dedicated along with the dedication application. No widening improvements shall be required along the project frontage.

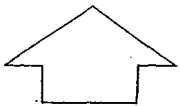
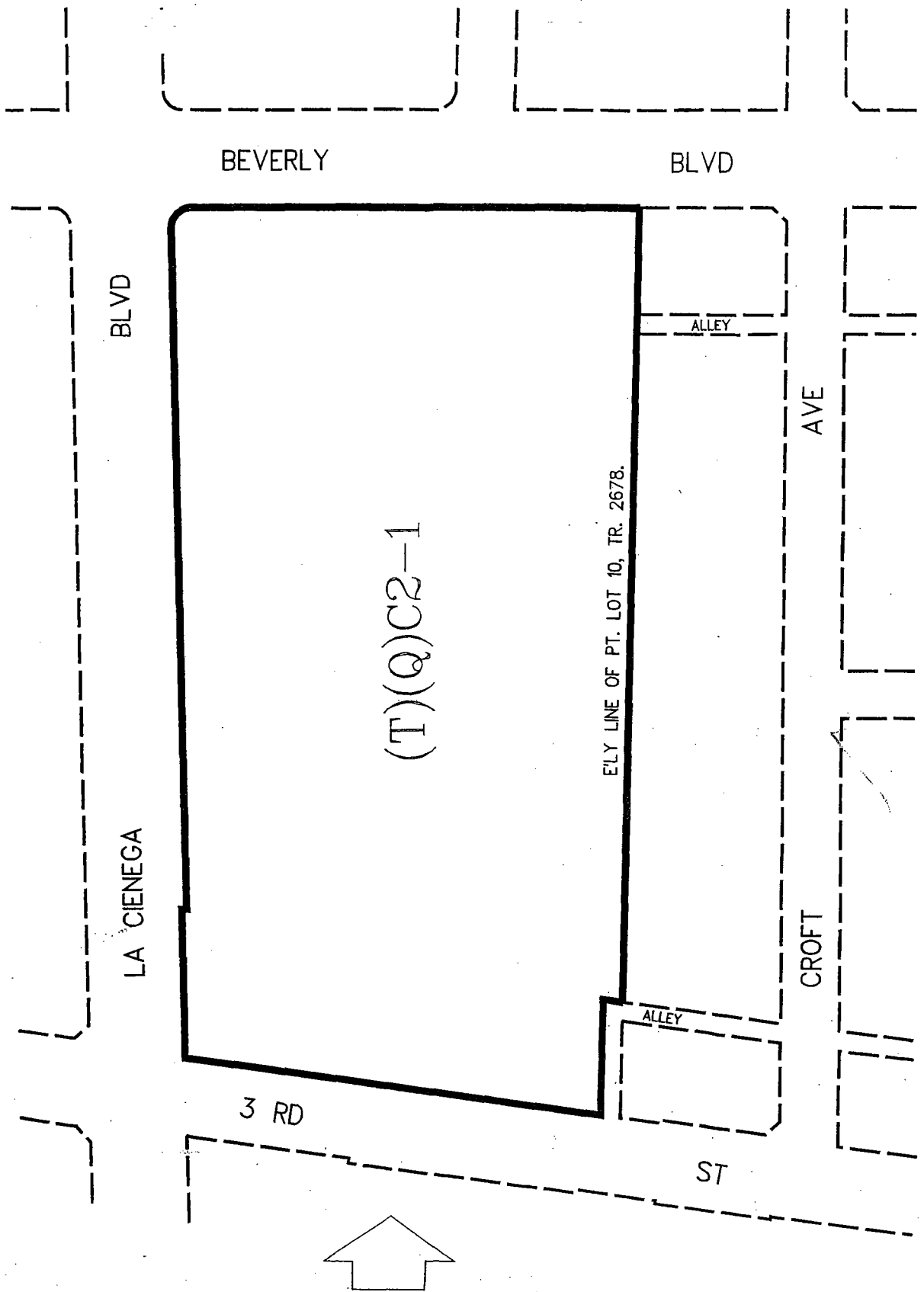
**Beverly Boulevard.** Dedicate a 7-foot wide, variable width and a 2-foot wide strip of land along the property frontage to complete a 57-foot wide, variable width and a 52-foot wide half right-of-way in accordance with Major Highway – Class II standards. The applicant shall file a “revocable encroachment permit” with Bureau of Engineering in order to temporarily occupy the dedicated land to maintain existing surface parking provisions until future tenant improvements or expiration of leases occur. The applicant shall submit a certified survey map showing the location of the existing buildings and legal description describing the areas to be dedicated along with the dedication application. No widening improvements shall be required along the project frontage.

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

|                |   |
|----------------|---|
| C.M. 138 B 173 | CPC 2005-0532 ZC HD CU CUB ZV ZAA ZAD SPR |
|----------------|---|

AE/

10/26/05

**(Q) QUALIFIED CONDITIONS OF APPROVAL**

Pursuant to Section 12.32.G of the Los Angeles 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 project shall comply with the use and area provisions of the C2-1 zone, pursuant to Los Angeles Municipal Code Section 12.14, except where modified by the conditions herein or related conditions of the subject case entitlements. The following uses are strictly prohibited:
  - a. Health clubs, gyms, dance studios, or similar uses.
  - b. Freestanding game arcades, billiard hall, detached bars or cocktail lounges.
  - c. Discos, live entertainment, dancing, nightclubs. This condition shall not be interpreted as prohibiting entertainment in any central interior mall area as part of a special event, festive or holiday show.
  - d. Medical uses except those medical-related uses that are ancillary to the assisted living residential facility.
  - e. Drive-through facilities (including but not limited to restaurants, ATM's, and pharmacies).
2. **Site Plan.** The use and development of the property shall be in substantial conformance with the site plan and elevation plans labeled "Exhibit-A" stamped and dated October 20, 2005, attached to the subject case file, except as modified by the conditions herein. Prior to the issuance of any permits for the subject project, a detailed site plan, including elevation plans, and floor plans, shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Floor Area.** Commercial floor area shall be limited to a maximum of 360,000 square feet (.85:1 FAR) as defined by Section 12.21.1 of the Municipal Code. There shall be no more than 31,000 cumulative square feet of leasable area utilized for restaurants or food establishments within the Beverly Connection site (North and South Lots).
4. **Density.** The maximum number of residential condominium units shall be 52 units. The maximum number of assisted living residential units for senior citizens shall be 150 units.

Affordable Senior Assisted Living Units. Ten (10) percent of the living units in the senior assisted living facility shall be designated for low income persons, and ten (10) percent of the living units shall be designated for moderate income persons, consistent with eligibility standards under federal and/or state regulations. A covenant and agreement shall be recorded, to the satisfaction of the Housing and Planning Departments, restricting the senior assisted living facility to be used only as a senior facility.

5. **Parking (Residential).** Residential parking shall be provided pursuant to Los Angeles Municipal Code Section 12.21.A.4 and in addition, guest parking shall be provided at a minimum of one-half space per residential condominium unit. Guest parking spaces shall be clearly identified and shall indicate that resident parking in a guest space is not permitted. If any guest parking is located behind security gates, the following shall apply:
- a. Assigned parking areas for the residential condominiums and the assisted living building shall be separate from the commercial parking structure and in no event shall residential parking spaces be used for commercial parking.
  - b. A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking. An electronic intercommunication system shall be installed. The system shall be readily accessible to the drivers of guest vehicles and to the units served by the secured guest parking.
  - c. The security gate shall be set back a minimum of 15-feet from the public right-of-way so as to provide a waiting area for guest vehicles and to prohibit blockage or interference with the public right-of way by waiting guest vehicles.
  - d. Alternatives to the provisions of this condition may be approved by the Department of City Planning provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.

**B. Other Conditions**

6. **Building Stepback (Assisted Living).** The mixed-use assisted living building shall be stepped back one foot in horizontal depth from the Third Street property line for every two feet in height which exceeds the first 45 feet in building height, to the satisfaction of the Department of City Planning.
7. **Building Stepback (Residential Condominium).** The mixed-use residential condominium shall be stepped back one foot in horizontal depth from the Beverly Boulevard property line for every two feet in height which exceeds the first 45 feet in building height, to the satisfaction of the Department of City Planning.
8. **Emergency/Loading Access Driveway.** The existing drive aisle located along the eastern property line off of Beverly Boulevard shall be permanently closed for use as a public driveway to the commercial parking structure. This drive aisle shall be used for emergency access vehicles only. The most eastern existing driveway off Beverly Boulevard may be used for access to loading docks on Beverly Boulevard.
9. **Community Meeting Room.** The applicant shall provide a public purpose meeting room of approximately 1,000 square feet within the Beverly Connection site at no charge to the community and charitable organizations.
10. **Window/Door Openings.** There shall be no window openings or door openings along the east side of the commercial structure on the north half of the Beverly Connection site,



except that needed for emergency exiting. Window glazing along this side, if any, shall be opaque.

11. **Supermarket Entrance.** The entrance to the supermarket on the Beverly Connection site shall be a minimum of 125 feet west of the easterly property line along the southerly side of the building; and any additional pedestrian access on the southerly side of the building shall be located west of the existing entrance to the building.
12. **Balconies.** Balconies shall be permitted on all levels for the residential condominiums and assisted living units facing south (Third Street), west (La Cienega Boulevard), and north (Beverly Boulevard). Balconies for the residential condominium building shall not be permitted along the eastern elevation except for French balconies no greater than two-feet in depth. French balconies shall be open in design to permit planters; French doors/sliding glass doors may be permitted to access these balconies.
13. **Signs.** Notwithstanding Section 91.6201 et. seq. of the Municipal Code to the contrary, the following sign requirements shall apply:
  1. **Sign Program.** Prior to the issuance of any building permits on the subject property by the Department of Building and Safety, the applicant shall submit an overall sign program for the placement of new signs for review and approval by the Director of Planning. The following design elements shall be considered by the Director:
    1. Architectural compatibility with the project.
    2. Compatible size, scale, style, color, theme, and material.
    3. No sign shall impede or cause a hazardous visual distraction to vehicular traffic on adjacent public streets; and
    4. Sign illumination shall be shielded or directed to limit direct illumination of adjacent properties.
  2. **Prohibited Signs.** Off-site commercial signs, flashing, blinking, animated, changeable message board signs, and new pole/pylon signs shall be prohibited. Signs shall be permitted on the northern and western elevations of the parking structure to allow for project identity signage, as well as business signage for the retail uses on the ground floor of the garage and in no event shall signs for commercial tenants be permitted along the east facade of any building on the site.
  3. **Sign Area.** Notwithstanding LAMC Section 91.6209(a)(1)(2) and (4) to the contrary, the sign area for business identification shall not exceed two square feet for each one foot of lot frontage on the applicable street or highway. Lineal footage on more than one street, alley, or public parking area cannot be accumulated for the purpose of sign area determination. No business identification sign shall exceed 100 square feet in sign area.
  4. **Wall Signs.** Wall signs with multiple business/tenant identification signs shall be prohibited unless approved as part of the Sign Program by the Director of Planning. If existing pole signs are removed, a wall sign may be considered an alternative

however, in no instance shall a wall sign with a menu of commercial tenants be permitted at the same time a pole sign containing tenant names remains.

5. Compliance Review. Prior to the issuance of a sign permit by the Department of Building and Safety for new signs, sign plans shall be reviewed by the Planning Department for substantial compliance with the sign program approved by the Director. Minor deviations from the sign program may be allowed in order to comply with provisions of the Municipal Code and the intent of the subject permit authorization. There shall be no restriction on the implementation of interior signs.
6. Exemptions. The following shall be exempt from these sign program and compliance review requirement:
  1. Three (3) existing pole signs indicated on the site plan, labeled as "Exhibit "A" attached to the subject case file, shall be permitted provided there is no increase in sign area, height, or location of these signs. In addition, the existing three pole signs shall be included in the Sign Program.
  2. Directional, informational and wayfinding signs which do not contain commercial advertising/logos.
  3. Temporary signs (including construction signs).
  4. All interior signs or exterior signs located interior to the site but not visible from the adjacent public rights-of-way.
  5. All interior signage which may be incidentally visible from the exterior.
14. **Maintenance**. The subject property including sidewalks, play areas, and landscaped areas shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.
15. **Community Response (Construction Phase)**.
  - a. Monitoring of Complaints. The applicant shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning construction activities associated with the subject facility.
  - b. Complaint Monitoring. A 24-hour "hot-line" phone number for the receipt of project related complaints from the community shall be posted at the public entrance to the facility and provided to the immediate neighbors, local neighborhood associations (if any), and any certified neighborhood council. The property owner shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for a minimum of one year and shall be made available on request to the Planning Department for review.
  - c. The applicant shall designate a community liaison. The liaison shall meet with the representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints during construction of the subject project.

16. **Security Guards.** A minimum of two security guards shall be on duty within the interior of the commercial buildings during all hours of operation and that a minimum of two security guards shall be provided to patrol the parking structure and the perimeter of the entire site on a 24-hour basis.
17. **Graffiti.** Every building, structure, or portion thereof shall be maintained in a safe and sanitary condition and good repair. The premises of every building or structure shall be maintained in 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 privately owned 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.
18. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys, and/or other public ways shall not be used for parking or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.

The loading areas for the subject site located on the Beverly Boulevard frontage within 120-feet of the northerly property line shall be screened in such a manner to reduce visual and noise impacts of off-loading trucks to residences to the east. All trash bins and trash compactors on site shall be enclosed. Use of the Beverly Boulevard dock shall be limited to the hours of 6:00 a.m. to 9:30 p.m. daily.

19. **Construction Parking.** Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owners base of operations.
20. **Holiday Season Excavation Restriction.** In accordance with Bureau of Public Works policy, excavation permits shall not be issued for work that would cause lane closures on adjoining streets, except for emergency work, during the winter Holiday Season generally between Thanksgiving and New Year's Day. The applicant shall consult with the Bureau of Engineering (Central District) for a list a streets affected by this restriction and the dates the restriction are in effect.
21. **Neighborhood Protection Plan (as volunteered by the Applicant).** Prior to the issuance of any building permits for work authorized pursuant to this approval, the property owner shall guarantee the necessary funding of the Neighborhood Protection Plan through cash or irrevocable letter of credit, payable to the Department of Transportation. The maximum amount required of the property owner to fund possible neighborhood protection improvements deemed necessary by the Department of Transportation and Department of City Planning, in consultation with the appropriate Council Office, is \$250,000. In the event the Plan is guaranteed by cash, the Department of Transportation shall deposit the monies in an interest bearing account and shall provide the property owner with an annual statement reflecting interest earned and payments made. Upon the expiration of a five year

period from issuance of the last certificate of occupancy for the project, any unused portion of these funds shall be refunded to the owner.

**22. Parking Monitoring Program.**

- a. The applicant shall complete a study of the Beverly Connection parking area within one year after the temporary or permanent certificate of occupancy is issued for the subject project. The study shall be done by a Professional Engineer in Traffic Engineering, duly registered by the State of California, Department of Consumer Affairs. The study shall survey parking occupancy on the following days during the Thanksgiving and Christmas holiday seasons: (1) the day after Thanksgiving; (2) the Saturday preceding Christmas; and (3) the day after Christmas. Annual progress reports shall be submitted to the Los Angeles Department of Transportation (LADOT). The study shall also include parking occupancy data for three other non-peak days through the calendar year. The parking study (two copies) shall be submitted to LADOT within 30 days of the final survey date.

The need for any additional parking studies beyond the first five years shall be evaluated by the Departments of City Planning and Transportation at the conclusion of the fifth year study.

- b. LADOT shall submit a report on the parking study to the Department of City Planning within 90 days of receipt thereof. If the parking study shows 90 percent or greater occupancy of the on-site parking spaces of the Beverly Connection parking area for each of four peak hours of the days surveyed, as determined by LADOT, then the Director of Planning may impose a requirement for the Beverly Connection to obtain off-site parking for its employees, based on the need demonstrated in the parking study. Such parking if necessary, shall be provided from the day after Thanksgiving until New Year's Day (or until January 2<sup>nd</sup> if New Year's Day falls on a weekend). The location of the off-site spaces shall be either in accordance with LAMC Section 12.21.A.4(g), or at any appropriate location if a shuttle service is provided between the Beverly Connection and the off-site parking area. Copies of any recorded parking affidavits approved by the Department of Building and Safety for this purpose shall be submitted to the Departments of City Planning and Transportation.

If it becomes necessary to impose an off-site employee parking requirement and future parking studies still show 90 percent or greater occupancy of the on-site parking spaces of the Beverly Connection parking area for each of the four peak hours on the days surveyed, as determined by the LADOT, then the Director of Planning shall have the authority to impose additional measures as deemed appropriate to help remedy the parking deficiency.

- c. If the parking study does not show 90 percent or greater occupancy of the on-site parking spaces of the Beverly Connection parking area, as indicated in (b) above, then the Director of Planning, based upon a recommendation from LADOT, shall not require off-site employee parking.
- d. If the parking study does not show 90 percent or greater occupancy of the on-site parking spaces of the Beverly Connection parking area, a supplemental parking study

shall be provided to analyze the availability of off-site parking uses in the surrounding area.

**23. Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.

- a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of project implementation as follows:
  - i. Pre-construction (prior to issuance of a building permit);
  - ii. Construction (prior to certificate of occupancy); and
  - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

- b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.
- c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
- d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.

### **C. Environmental Conditions**

**24. Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.

25. **Lighting.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
26. **Air Pollution (Stationary).** The applicant shall install an air filtration system to reduce the diminished air quality effects on occupants of the project.
27. **Archaeology.** 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, California State University at Northridge, OR a member of the Society of Professional Archaeologist (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.
28. **Paleontology.** 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, University of Southern California, University of California at Los Angeles, California State University at Los Angeles, California State University at Long Beach, or the Los Angeles County Museum of Natural History to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Museum of Natural History. A covenant and agreement shall be recorded prior to obtaining a grading permit.
29. **Seismic.** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
30. **Haul Routes.** Projects involving the import/export of 1,000 cubic yards or more of dirt shall be subject to haul route approval by the Department of Building and Safety. In addition, the developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Fences shall be constructed around the site to minimize trespassing, vandalism, short cut attractions, and attractive nuisances.
31. **Construction (Air Quality).**
  - a. 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.
  - b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
  - c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.

- e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
  - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- 32. Construction (Noise).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 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.
- a. Construction shall be restricted to the hours of 7:30 AM to 6:00 PM Monday through Friday, and 8:30 AM to 6:00 PM on Saturday.
  - b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
  - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
  - d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.
- 33. General Construction.**
- a. 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 and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
  - b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
  - c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
  - d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
  - e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
  - f. 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 clothes to catch drips and spills.
- 34. Liquefaction.** A geotechnical report shall be prepared by a registered civil engineer or

certified engineering geologist in compliance with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. 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 consider building design. Building design mitigation measures should consider, but not be limited to: ground stabilization, foundation type and depths, and structural systems to accommodate anticipated displacements.

**35. Methane Gas Explosion/Release.**

- a. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include a vent system and gas-detection system 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.
- b. 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. 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 approval by the Department of Building and Safety and Fire Department.

**36. Asbestos Containing Materials.** 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 asbestos containing materials are present in the building. If asbestos containing materials are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

**37. Stormwater and Urban Runoff Pollution Control.** The project shall comply with the following:

- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
- b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.
- c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).
- d. Applicable requirements associated with the National Pollutant Discharge Elimination System Permit regulations. The developer shall file a Notice of Intent (NOI) with the



State Water Resources Control Board prior to the issuance of any building or grading permits. A General Permit for Stormwater Discharge shall be obtained from the Southern California Regional Water Quality Board, in accordance with NOI instructions.

- e. Stormwater BMPs shall be incorporated 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 shall be required from a California licensed civil engineer or licensed architect that the proposed BMPs comply with this numerical threshold standard.
- f. A Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation, that shall include the following:
  - 1) Identifies the sources of sediments and other pollutants that affect the quality of storm water discharge;
  - 2) A monitoring program and reporting plan for the construction period.

The Stormwater Pollution Prevention Plan shall be retained at the construction site.
- g. Appropriate erosion control and drainage devices 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.
- h. Any connection to the sanitary sewer shall be required to receive authorization by the Bureau of Sanitation.
- i. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- j. The owner shall record a covenant and agreement 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.
- k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.

- 38. Flooding/Tidal Waves.** Compliance is required with the Flood Hazard Management Specific Plan, Ordinance No. 172,081 (this does not apply should a waiver be given under provisions of the Flood Hazard Management Specific Plan). All new construction or substantial improvements shall have the lowest floor, including the basement, elevated above the highest adjacent natural grade on the perimeter of the building, to the height of

one foot freeboard plus the Base Floor Depth (BFD) specified in feet on the Flood Insurance Rate Map (FIRM). If no depth number is specified on the FIRM, then the lowest floor, including the basement, must be elevated two-feet plus one foot freeboard to or above the highest adjacent natural grade.

39. **Parking Structure Ramps.** Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
40. **Noise (Retail Markets, Bars, Restaurants).** No window openings shall be permitted along the east side of the commercial structure facing adjacent residential buildings except that needed for emergency exiting. A 6 to 8-foot in height solid decorative masonry wall shall be constructed adjacent to the residential properties, if no such wall currently exists.
41. **Water Treatment or Distribution.** The landscape irrigation system shall be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways, and streets. Each zone sprinkler valve shall water plants having similar watering needs. Automatic irrigation timers shall be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Adjust irrigation run times for all zones seasonally, reducing watering times and frequency in the cooler months. Adjust sprinkler timer run times to avoid water runoff, especially when irrigating sloped property. Selection of drought tolerant, low water consuming plant varieties shall be used to reduce irrigation water consumption. The availability of recycled water shall be investigated as a source to irrigate large landscaped areas. Ultra-low flush water closets, ultra low flush urinals, and water-saving showerheads shall be installed in both new construction and when remodeling. Low flow water faucet aerators shall be installed on all sink faucets. The Los Angeles Department of Water and Power shall be contacted for specific information on water conserving appliances such as air conditioners, point-of-use hot water systems, clothes washers, and dishwashers.
42. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Planning Department to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.

#### **D. Administrative Conditions**

43. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
44. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are modified.
45. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement

concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

46. **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.
47. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
48. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
49. **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 opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
50. **Idemnification.** The applicant shall defend, idemnify 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, idemnify, or hold harmless the City.
51. **Future Settlement Agreement Review.** The applicant shall execute a covenant and agreement which shall provide that any agreement entered into between the Applicant and third parties, including but not limited to homeowner associations, residents, and parties appealing land use determinations, regarding the matters involving approvals granted herein and/or any agreement relating to the waiver of legal rights in exchange for monetary payments shall be provided to the City of Los Angeles by the applicant. Such agreements shall be public records subject to the California Public Records Act.

Section 2. 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 in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; 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 the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

Frank T. Martinez, City Clerk

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

\_\_\_\_\_  
ROCKARD J. DELGADILLO, City Attorney

By \_\_\_\_\_  
\_\_\_\_\_  
City Attorney

Pursuant to Charter Section 559, I approve this ordinance and recommend its adoption on behalf of the South Valley Area planning Commission.....

June 14, 2006

See attached report

*A. Paul Gilberg*  
\_\_\_\_\_  
Director of Planning

File No. C.F. 05-2841  
CPC 05-0532

**CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Los Angeles Municipal Code Section 12.32.G, the (T) Tentative Classification shall be removed by recordation of a final parcel or tract map or 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 approvals or guarantees provided to the Planning Department for attachment to the subject City Plan Case file.

Dedication(s) 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. 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 and Improvements.

**Third Street.** Dedicate the north side of Third Street by 5 feet and widen the roadway by 7 feet to provide a westbound right-turn-only lane on Third Street to La Cienega Boulevard.

**La Cienega Boulevard.** Dedicate a 7-foot wide, variable width and a 2-foot wide strip of land along the property frontage where there are no existing structures to complete a 57-foot wide, variable width and a 52-foot wide future half right-of-way in accordance with Major Highway – Class II standards. The applicant shall file a “revocable encroachment permit” with Bureau of Engineering in order to temporarily occupy the dedicated land to maintain existing surface parking provisions until future tenant improvements or expiration of leases occur. The applicant shall submit a certified survey map showing the location of the existing buildings and legal description describing the areas to be dedicated along with the dedication application. No widening improvements shall be required along the project frontage.

**Beverly Boulevard.** Dedicate a 7-foot wide, variable width and a 2-foot wide strip of land along the property frontage to complete a 57-foot wide, variable width and a 52-foot wide half right-of-way in accordance with Major Highway – Class II standards. The applicant shall file a “revocable encroachment permit” with Bureau of Engineering

in order to temporarily occupy the dedicated land to maintain existing surface parking provisions until future tenant improvements or expiration of leases occur. The applicant shall submit a certified survey map showing the location of the existing buildings and legal description describing the areas to be dedicated along with the dedication application. No widening improvements shall be required along the project frontage.

- b. Street Lighting. To the satisfaction of the Bureau of Street Lighting, if any new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the Certificate of Occupancy.
  - c. Street Trees. Construct tree wells and plant street trees to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
  - d. Sewers. Construct sewers to the satisfaction of the City Engineer.
  - e. Drainage. Construct drainage facilities to the satisfaction of the City Engineer.
3. Police. The building plans shall incorporate design guidelines relative to security, semi-public and private spaces (which may include but not be limited to access control to building), secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities and building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Refer to *Design out Crime Guidelines: Crime Prevention Through Environmental Design* published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, Phone: 213-485-3134). These measures shall be approved by the Police Department prior to the issuance of building permits.
  4. Fire. The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:
    - a. Fire lanes, where required, shall be a minimum of 20 feet in width;
    - b. All structures shall be within 300 feet of an approved fire hydrant.
    - c. Entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
  5. Recreation Fees. Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Recreation and Park fees to the satisfaction of the Department of City Planning and the Department of Recreation and Parks.
  6. Schools. The applicant shall make payment to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

7. Parking/Driveway Plan. Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that shall provide Code required emergency access.
  - a. All public ingress and egress driveways to the commercial parking structure shall be from Third Street or La Cienega Boulevard.
  - b. Parking access for the residential condominiums shall be from Beverly Boulevard; access driveways to the parking area for the assisted living building shall be from Third Street.
8. Cable Television. The applicant shall make necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05.N, to the satisfaction of the Department of Telecommunications.

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.

**CONDITIONAL USE, SHARED PARKING DETERMINATION, AND AREA ADJUSTMENT  
CONDITIONS OF APPROVAL**

**A. F.A.R. Averaging Conditions**

1. **Floor Area Ratio Averaging.** Averaging of the floor area shall be permitted between the two parcels (North and South Lots - Assessor Parcel Numbers 5511-013-069 to 070 and 5511-013-021 respectively) to permit a unified development with a maximum of 633,345 square feet of floor area. In addition, the applicant shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits (with a copy to be submitted to the Planning Department) which:
  1. Guarantees to continue the operation and maintenance of the development as a unified development, as defined by Section 12.24.W.19 of the Municipal Code;
  2. Indicates the floor area used on each parcel and the floor area potential, if any, that would remain;
  3. Guarantees the continued maintenance of the unifying design elements; and
  4. Specifies an individual entity to be responsible and accountable for this maintenance. An annual inspection of the development shall be made by the Department of Building and Safety to monitor compliance.

**B. Commercial Corner Conditions.** The project shall comply with all of the provisions of the Mini Shopping Center and Commercial Corner Development Standards contained in Section 12.22.A.23, except as varied by the following conditions:

1. **Hours/Days of Operation.** Restaurant uses shall be permitted to operate Sunday through Thursdays between the hours of 6:00 am and 11:00 pm, and Friday and Saturday between the hours of 6:00 am and 1:00 am. One supermarket shall be permitted to operate 24-hours, 7-days a week. All other commercial uses shall operate between the hours of 7:00 am and 11:00 pm, 7-days a week.
2. **Height.** The subject project shall comply with the following height provisions:
  - a. The maximum height of the mixed-use residential/commercial condominium building shall be limited to 111-feet except that roof structures for the housing of elevators and stairways may exceed the height limit up to a maximum of 127-feet, 6-inches.
  - b. A rooftop activity room shall be permitted on the roof top of the condominium building provided the maximum height does not exceed 119-feet, 6-inches. The roof top activity room shall be located on the western half of the roof top and not occupy more than 20% of the total roof top area.
  - c. The maximum height of the mixed-use senior assisted living building shall be limited to 80-feet except that roof structures for the housing of elevators and stairways may exceed the height limit up to a maximum height of 95-feet.



- d. All other buildings and the parking structure shall not exceed 45-feet in height, except that elevator shafts, stairways, and mechanical equipment enclosures may be permitted per Section 12.21.1.B3(a) and (b) of the Municipal Code.
  - e. Architectural projections may exceed the 45-foot height limit by a maximum of 30-feet for the commercial structures only, in substantial conformance with the elevations, Exhibit "A", attached to the subject case file. The projections shall not be visible from abutting residential properties and shall not display advertisements, banners, or other signs not permitted by the conditional use requirements of the subject multiple approval case.
  - f. All roof top equipment (air conditioning/ventilation systems, mechanical equipment) shall be screened from view of adjacent residential properties to the east. Such equipment shall be designed or located to direct emissions (noise, fumes, etc.) away from the residential area and to minimize these emissions in compliance with all applicable noise and air pollution regulations.
3. **Windows.** Pursuant to Section 12.22.A.23(a)(3) of the Municipal Code, the exterior walls and doors of the site's cumulative ground floor street facade containing non-residential shall consist of at least fifty percent transparent windows unless otherwise prohibited by law.
  4. **Tandem Parking.** Tandem parking shall be permitted on the roof level of the commercial parking structure for employees and patrons, provided an attendant is available at all times during the hours of commercial/retail operation.
  5. **Landscaping Setback.** A minimum five-foot landscape setback shall not be required along all street frontages of the lot. There shall be a 10-foot setback maintained between the easterly property line and the parking structure. Landscaping with mature, fully canopied trees (minimum 48-inch box trees) shall be provided within this setback area in accordance with a landscape plan approved by the Planning Department.

### **C. Alcoholic Beverages Conditions**

1. The conditional use authorization granted herein for the sale or dispensing for consideration of alcoholic beverages for off-site and on-site consumption shall be limited to a total of eight (8) licenses. The breakdown of the licenses are as follows: two (2) full line of alcoholic beverages for off-site consumption in conjunction with an existing supermarket and existing retail drug store; two (2) full line of alcoholic beverages for on-site consumption in conjunction with two restaurants (one existing restaurant and one proposed); and four (4) beer and wine licenses for on-site consumption in conjunction with four restaurants (two existing restaurants to remain, two existing restaurants to be replaced by two new restaurants). Individual licenses for the new establishments and the two restaurants to be replaced shall be effectuated through a Plan Approval process consistent with LAMC Section 12.24.M. Any new request for additional licenses or changes in type of license shall require a new conditional use application.
2. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Department of City Planning to impose additional corrective conditions if the Director of Planning determines such conditions are

proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

3. 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 included in and printed on the "notes" portion of the building plans submitted to the Department of City Planning and the department of Building and Safety for purposes of having a building permit.
4. The applicant or individual operator shall file a plan approval with the Department of City Planning prior to the utilization of any grant made herein pursuant to the sale of alcoholic beverages. Each plan approval shall be accompanied by the payment of appropriate fees, pursuant to Section 19.01 C of the Municipal Code, and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting property owners. In reviewing the plan approvals for alcohol sales, the Director of Planning may consider conditions volunteered by the applicant or suggested by the Police Department, but not limited to establishing conditions, as applicable, on the following: hours of operation; security plans; maximum seating capacity; valet parking; noise; mode, character and nature of the operation; food service and age limits.
5. Prior to the issuance of any permits relative to this matter, the applicant shall submit an overall security plan for the project site which shall be prepared in consultation with the Los Angeles Police Department and which addresses security measures for the protection of visitors, employees, and residents. Security features may include but not be limited to provisions of a private on-site security force, installation of a surveillance system, parking garage patrols, and security lighting. Under the plan approval process for certain of the proposed uses, individual security plans for each use may also be considered and required.
6. No live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, male or female performers, dancing, or piano bar are permitted. Any music shall not be audible beyond the restaurant premises. No amplified music is permitted.
7. No pool tables, jukebox or coin operated electronic, video, or mechanical amusement devices, shall be maintained on the premises.
8. The applicant/owner shall insure that a state licenced security guard contracted for the retail portion of the project patrols the market, drug store, and restaurants on a regular basis.
9. These conditions of approval shall be retained on the subject property at all times and shall be produced immediately upon request of the Police Department, Department of Building and Safety, or other enforcement agency.
10. The applicant/owner shall be responsible for maintaining the area adjacent to the premises over its control free of litter, including any parking area used specifically by patrons.
11. A kitchen shall be maintained in the restaurants in accordance with the definition of such in the Municipal Code. Food service shall be available at all times that the restaurant is open for business.

12. The applicant/owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activities on the subject premises and any accessory parking areas over which they exercise control.

**D. Determination for Shared Parking.**

1. **Shared Parking (Commercial).** There shall be a combined total of 1,332 shared parking spaces at all times for the 360,000 square feet of commercial/retail space for use by employees, patrons, and the general public, and parking for 100 additional vehicles on-site by means of a valet parking system. Up to 50% of the parking spaces may be designed for compact cars. All of the 1,332 shared parking spaces shall be maintained in perpetuity for the use of employees and patrons of the entire Beverly Connection (including the North and South Lots), by a recorded covenant suitable to the Planning Department and filed with the Department of Building and Safety. In recognition of the possibility that subsequent actions of the City Council, City Planning Department, City Engineer, and/or the Department of Building and Safety, may result in revisions to the overall parking layout plan, the Director of Planning shall have the authority, upon request of the Applicant, to adjust the exact number of shared parking spaces within a range of up to (5) percent of the approved 1,332 spaces. In addition, the following conditions shall be complied with:
  - a. Free on-site parking shall be provided for employees of all businesses within the commercial development, which shall be specified as a part of the tenant lease agreements. At a minimum of once annually, all employees shall be notified not to park on adjoining residential streets.
  - b. As volunteered by the applicant, commercial patron parking shall be provided as follows: a maximum of \$1.00 for the first 3 hours, and \$1.00 for the 4<sup>th</sup> hour, and \$2.00 each hour thereafter with a \$8.00 maximum. Annual adjustments based on Consumer Price Index (CPI) shall be permitted.
  - c. The roof level of the parking structure shall be reserved for employee parking with employees specifically required to use such spaces through signage or other devices utilized to indicate that patron parking is prohibited in such reserved areas.
  - d. The upper level (roof) of the parking structure shall be closed to entry between the hours of 10:00 p.m. and 7:00 a.m.
  - e. Valet parking for the commercial uses shall be made available during the annual winter holiday season between the day after Thanksgiving through New Years Day. The valet parking may be tandem parking provided there is a live attendant present at all times during its operation. However the option to self-park shall always be available. Tandem parking for commercial users shall be permitted on the roof level of the commercial parking structure at all times.
  - f. There shall be no reserved or restricted parking spaces, all parking spaces shall be shared.

g. In no event shall the parking structure be operated as a commercial automobile parking lot, but shall be maintained as a parking facility to serve the customers of the Beverly Connection.

2. **Parking Management Plan.** Prior to the issuance of a Certificate of Occupancy, a parking management plan shall be submitted to the Department of Transportation and the City Planning Department for approval in consultation with the appropriate Council Office. Where applicable, such plan shall incorporate attendant parking, validation program, employee parking, and similar parking programs set forth in the conditions of approval.

**E. Area Adjustment Conditions.**

1. **Side Yard Setback (Third Street).** Notwithstanding Section 12.14.C of the Municipal Code to the contrary, the assisted living/mixed-use building shall not be required to provide a setback from the lot line along Third Street for the initial 45 feet of building height, but shall provide a building setback(s) for any building height in excess of 45 feet in accordance with (Q) condition B.6 of the related zone change ordinance.
2. **Building Separation.** The project shall be permitted to maintain a minimum 10-foot separation between the residential condominium/mixed-use building and the adjacent commercial building on the same lot, subject to plot plan approval by the Fire Department.

**F. Administrative Conditions.**

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are modified.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
4. **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.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on

the building plans submitted to the Department of City Planning and the Department of Building and Safety.

7. **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 opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
8. **Utilization of Entitlement.** The applicant/owner shall have a period of two years from the effective date of the subject grant to effectuate the terms of this entitlement by either securing a building permit or a certificate of occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the privileges, the applicant files a written request and is granted an extension to the termination period for up to one additional year pursuant to Sections 12.24.J.3 and 12.28.C, of the Municipal Code. Thereafter, the entitlement shall be deemed terminated and the property owner shall be required to secure a new authorization for the use.
9. **Multiple Entitlements.** The subject Conditional Use, Area Adjustment, and Shared Parking Determination require the completion of all applicable conditions of approval herein to the satisfaction of the Planning Department and the effective date of these grants shall coincide with that of the associated zone/height district change on the property involved.
10. **Idemnification.** The applicant shall defend, idemnify 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, idemnify, or hold harmless the City.

## FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Wilshire Community Plan, which was adopted by the City Council on September 19, 2001 (Case No. CPC-1997-0051-CPU). The Wilshire Community Plan designates the subject property as "Community Commercial" with corresponding zones of CR, C2, C4, P, PB, RAS3, and RAS4. The site is currently zoned [Q]C2-1VL-O and [Q]C1.5-1VL-O. The applicant has requested a zone change to the C2-1 zone to permit the renovation and expansion of an existing commercial shopping center with residential and assisted living units, which currently are not permitted because of "Q" conditions from a prior zone change. The requested C2-1 zone is consistent and a permitted zone within the Community Commercial designation and the proposed commercial and residential uses are permitted uses in Community Commercial land use designation.
  
2. **General Plan Text.** The Wilshire Community Plan text, Chapter I, under Community Issues and Opportunities identifies the following relevant language as a commercial opportunity:

"Potential for mixed-use development in Wilshire Center, along Beverly, Olympic, Pico, Robertson, and La Cienega Boulevards; and along 3<sup>rd</sup> Street, Fairfax, La Brea, Vermont and Western Avenues, to encourage pedestrian activity, reduce traffic circulation and congestion, and invigorate commercial areas".

Chapter III, Land Use Policies and Programs, includes the following relevant language for residential and commercial uses:

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

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

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

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

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

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

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

The proposed project is a renovation and expansion of an existing commercial center. The proposal includes residential units as well as senior assisted living units. The proposed project will require the demolition of some of the existing structures and the construction of new structures. The project will unify the development of the site with a wholesale redesign of the entire complex which has in the past been characterized by a lack of unifying design. The site location along three major arterials is on an established commercial corridor. The project will add 150 senior assisted living units and 52 condominium units on the Beverly Connection site. The site is located within walking distance of a major medical center (Cedar Sinai), and a regional mall (Beverly Center). The site is served by six MTA bus lines and two local DASH routes.

3. The **Transportation Element** of the General Plan will be affected by the recommended action herein. However, as part of the zone change "T" and/or tract map conditions of approval, any necessary dedication and/or improvement of Beverly Boulevard and La Cienega Boulevard to Plan designated Major Highway Class II standards, and Third Street to Secondary Highway standards assures compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.
4. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoin the subject property.
5. **Zone and Height District Change 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.*

Zone Change. The Wilshire Community Plan designates the subject property as Community Commercial with corresponding zones of CR, C2, C4, P, PB, RAS3, and RAS4. The subject site is currently zoned [Q]C2-1VL and [Q]C1.5-1VL, and the requested zone of C2 is essentially the same as the existing zone in terms of allowed uses, however the existing zone has [Q] Qualifying conditions from a previous zone change that restricts the site to existing uses. A zone change is necessitated by the current proposal which will require changes to the existing [Q] conditions. The requested zone change to C2 is consistent with the designated land use category and consistent with C2 zoning along the abutting commercial corridors.

Based on the traffic study prepared for the project reviewed and approved by the City (LADOT), all but one of the eight intersections was performing at LOS A, B, C or D under existing traffic volume flows. The traffic study further concluded that the proposed Project will result in a potential net increase of 4 trips in the AM peak hour and a net increase of 65 trips in the PM peak hour; however, there will be a net decrease of 174 new total daily trips. The additional Project traffic increase at the studied intersections is less than significant. Based on these results, the area intersections can accommodate the small amount of additional traffic volume from the proposed Project. Therefore, it can be reasonably concluded that transportation infrastructure serving the Project's site and surrounding area, specifically the

freeways, highways, and streets presently serving the affected area within the Wilshire Community Plan, have adequate capacity to accommodate the existing traffic flow volumes.

The proposed Project provides significant community benefits. These benefits include the provision of home ownership opportunities in an area that needs more housing units, as specified in the Housing Element of the General Plan. The project will add a residential component to the existing shopping center, thus creating a mixed use development which is well planned and integrated in a designated commercial area (and is near public transit opportunities), will create additional pedestrian activity, and will reduce overall daily trips generated from the site. Additionally, the senior assisted living complex will provide ten percent of its units for low income persons and an additional ten percent of the units for moderate income persons. Because the center is in close proximity to medical services and commercial businesses it will be especially beneficial for the senior residents and those with restricted mobility,

Height District Change. The existing height district on the subject site is 1VL which limits the floor area ratio (FAR) to one and one half times the buildable area of the lot (1.5:1). The "VL" limits the height of buildings on the subject site to 45-feet. Although the maximum allowable FAR will remain the same, the applicant has requested to eliminate the height restriction and construct two buildings in excess of the 45-foot height limit. The residential condominium building and the assisted living building will exceed the existing height limit. Both buildings will be mixed-use structures with the first two levels occupied by commercial space. All the other buildings on-site will remain at a maximum 45-feet in height.

Surrounding commercial properties on the east side of La Cienega Boulevard and along Beverly Boulevard and Third Street are zoned C2-1VL-O, similar to the Beverly Connection parcels, however the General Plan designates these parcels as General Commercial. Across the street on the west side of La Cienega Boulevard is the eight level, 115-foot in height Beverly Center, an enclosed shopping mall with approximately 225 tenants. On the northwest corner of La Cienega Boulevard and Beverly Boulevard is the Sofitel Hotel, also 115-foot in height. Both the Beverly Center and Sofitel Hotel sites are zoned C2-1-O and are in the Regional Center Commercial designation and not subject to a 45-foot height limit. The adjacent parcels east of the Beverly Connection along Croft Avenue are multi-family residential buildings zoned R3-1 designated as Medium Density Residential. The closest single family zone is located approximately 600-feet, two blocks northeast of the Beverly Connection along Orlando Avenue.

Unlike other commercial parcels along Beverly Boulevard and Third Street which consist of small approximately 50- by 100-foot lots, the Beverly Connection site at approximately 460- by 900-feet in size occupies almost the entire block and therefore designated as Community Commercial. The smaller parcels consist of small retail shops and restaurants in one and two story buildings. Although the applicant has requested elimination of the 45-foot height limit on the entire Beverly Connection site, the majority of the buildings on-site will remain at 45-feet in height.

The entire Beverly Connection site consists of approximately 423,206 square feet



of lot area. The proposed 52-unit mixed-use residential condominium building will occupy approximately 25,083 square feet of lot area, and the mixed-use assisted living building will occupy 33,677 square feet of the lot area. The combined area of both buildings at 58,760 is approximately 14% of the entire Beverly Connection site. This means that the remaining 86% of the site will have development that is 45-feet in height or less. In comparison, the neighboring Beverly Center is built to the property line at 115-feet in height occupying the entire parcel. Although the request to remove the height limitation is over the entire site, only the two proposed buildings will exceed the current height limit. Due to the special circumstance in which the Beverly Connection site is considerably larger than abutting C2-1VL-O parcels (with a different land use designation) and the actual buildings that exceed the height limit is for a small percentage of the overall site, removal of the 45-foot height limit is appropriate for the site. Furthermore, the Wilshire Community Plan does not restrict the Beverly Connection location to a 45-feet in height restriction.

Shade and shadow studies prepared by consultants for the applicants show that some of the adjacent multi-family residential buildings will be affected by shadows cast during the winter months; specifically the condominium building will partially shade one of the multi-family residential uses from approximately 3:45 P.M. until sunset (1-2 hours) and the assisted living building will partially shade several multi-family residential uses from approximately 1:00 P.M. until sunset (2-3 hours). Generally shade impacts are considered significant when a shadow is cast on one-third or more of any adjacent residential structure for more than two hours between the hours of 9:00 AM and 3:00 PM on December 21.

- b. *The action, as recommended, has been made contingent upon compliance with the "T" and "Q" conditions of approval imposed herein. 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.*

The residential condominium building has been conditioned to be setback for that portion of the building above 45-feet along the north facing elevation. By stepping the building back, the north facade will be articulated so that there will not be a single massive building wall, 111-feet tall along Beverly Boulevard. Balconies are also prohibited along the east facade except for window box balconies used for landscape planters. By limiting balconies along the east side of the building, the residents abutting the eastern property line will be less subject to noise and other nuisances from the residents of the condominiums who could potentially use larger balconies for entertaining, cooking, or for storage.

The assisted living building has been conditioned to setback the building facade above the first 45-feet in height along Third Street. The existing commercial businesses along Third Street east of the Beverly Connection are characterized by small, pedestrian oriented storefronts that for the most part come up to the sidewalk. In order to maintain the pedestrian oriented nature of Third Street, stepping back the assisted living building above the first 45-feet in height will maintain the scale of the street as small retail buildings. If the building were to rise 80-feet from the sidewalk, the resulting building would not be conducive to the existing environment of Third Street.

**6. Conditional Use Findings for Unified Development and Floor Area Averaging.**

Pursuant to Section 12.24.W.19 of the Municipal Code the project is a unified development, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The subject request is for Conditional Use authorization to permit floor area averaging over the entire site known as the Beverly Connection site (including both the North and South Lots). Currently, the Beverly Connection site is divided into three parcels under two different ownerships. The southernmost parcel, or South Lot, is not tied to the other two parcels (either by ownership, covenant, or use) and, therefore, is considered separate from the northerly portion of the site. As a result, floor area ratio (FAR) for the North and South Lots must be calculated separately based on their respective lot areas.

The proposed project is designed to unify current disparate buildings by creating common architectural and landscape features. The project includes a combination of functional linkages, such as pedestrian and vehicular connections which serve to unify the proposed development. When viewed from adjoining streets, the entire site will appear to be a consolidated whole.

*a. The location of the project will be desirable to the public convenience and welfare.*

The project as a whole will include approximately 360,000 square feet of commercial floor area (2,861 square feet less than existing commercial floor area) plus 278,087 square feet of residential floor area for a total of 633,345 square feet, or an FAR of 1.5 to 1 as permitted by right in the C2-1 Zone. Divided between the two lots, the North Lot will include approximately 293,680 square feet of commercial floor area and 138,598 square feet of residential (condominium) floor area for an FAR of 1.25 to 1, and the South Lot will include approximately 61,578 square feet of commercial floor area and 139,489 square feet of residential (assisted living) floor area for an FAR of 2.59 to 1.

Because this is a unified development, whereby functional and aesthetic linkages serve to connect the entire lot, calculating permitted floor area based on separate lots is not practical. The North Lot, at 345,628 square feet in lot area, is over four times larger than the South Lot, which totals 77,578 square feet in lot area. Without an averaging of the floor area over the two lots, the senior assisted living component cannot be built at the proposed location as it includes almost double the floor area permitted on the South Lot.

Floor area averaging over the entire site will facilitate mixed-use development at the subject location, a use which is desirable to the public welfare and convenience as it encourages pedestrian activity and reduces traffic in the area. Mixed-use at this location will enable residents to live in an area accessible to shopping and dining opportunities and located along major transit corridors. For the elderly residents of the assisted living facility and their families, the proposed project will be most beneficial as they will be able to have access to nearby retail services without having to drive to a different location. Additionally, the new units will be less than half a mile from Cedars Sinai Medical Center and related medical offices. The proposed location of the assisted living complex will be desirable to the public convenience and welfare.

- b. *The proposed project will be proper in relation to adjacent uses or the development of the community.*

Currently the Beverly Connection includes community-serving uses such as markets, drug stores, restaurants, clothing stores, etc. and is surrounded by multi-family housing and commercial properties developed with similar and/or more intense commercial uses (e.g. Beverly Center). The proposed project will remain a community serving commercial center; however, it will add two residential components, senior assisted living and residential condominiums, to the site. The Beverly Connection does not and will not contain any large Department or Discount stores.

A mixed-use development at the proposed size is appropriate for the subject location as it is surrounded by similar uses. Adjacent to the site are two and three story multi-family residential apartments; along Beverly Boulevard and Third Street are one and two story commercial buildings; and across La Cienega are the Beverly Center, a regional shopping mall, and the Sofitel Hotel. Moreover, the Beverly Connection is located along major transit corridors, making it prime for mixed-use development and the Wilshire Community Plan designates this area for potential mixed-use development.

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

The project will not be materially detrimental to the character of development in the immediate neighborhood. The proposed project will transform what is now considered a dysfunctional and aesthetically disjointed commercial shopping center into one that will be unified in design, and access that will include the addition of much needed infill residential condominiums and senior housing. A new retail face will unify currently disparate buildings, thereby updating the exterior façade of the shopping center along Beverly Boulevard, La Cienega Boulevard and Third Street.

A Traffic Impact Analysis conducted for the proposed project concluded that the level of project trip generation is not expected to significantly impact any of the intersections in the immediate area during peak hours.

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

See Findings Nos. 1, 2, and 3.

7. **Conditional Use Findings (Commercial Corner):** Pursuant to Section 12.24.W.27 of the Municipal Code, the following alternatives to the existing Commercial Corner Development regulations and standards have been requested. Many of the requests are necessitated because of existing conditions. The Beverly Connection was originally approved in 1989, and prior to the regulations of the existing Commercial Corner regulations which have been amended as recently as June of 2003. Specifically, the extended hours of operation, existing lack of the required transparent glazing of the Rexall/Longs Drug Store, existing pole signs along La Cienega Boulevard, and lack of a five-foot landscape buffer, cannot be retroactively made to comply with current conditions without significant changes to current

operating conditions. The Conditional Use is necessary in order to maintain some of the pre-existing conditions of the site.

Extended Hours of Operation. The Commercial Corner Development regulations do not allow commercial activity to operate between 11:00 p.m. and 7:00 a.m. The applicant has requested that the existing supermarket maintain its 24-hour, 7-days a week operation. In addition, the applicant has requested that the existing restaurants as well as any new or replacement restaurants be allowed to operate Sunday through Thursday between 6:00 a.m. and 11:00 p.m., and Friday and Saturday between 6:00 a.m. and 1:00 a.m.

Building Height. Section 12.22.A.23 of the Municipal Code sets forth development standards for mini-shopping centers and commercial corner developments. Buildings or structures located in Height District No. 1 are restricted to a maximum height of 45-feet. The applicant has requested that the mixed-use residential condominium building be permitted a height of 111-feet with a rooftop activity room up to 119-feet, 6-inches and an elevator shaft up to 127-feet, 6-inches. The mixed-use assisted living building would exceed the height limit with a building height of 79-feet, 3-inches and an elevator shaft up to 94-feet, 3-inches. In addition, the applicant is requesting that certain non-habitable architectural projections exceed the 45-foot height limit by a maximum of 30-feet for a total height of 75-feet.

Transparent Glazing. Section 12.22.A.23(a)(3) of the Municipal Code requires that at least 50% of the ground floor exterior walls and windows for non-residential uses contain a transparent window. The applicant is requesting that this requirement not be required for the existing commercial buildings along Beverly Boulevard, but indicated at the City Planning Commission meeting on October 20, 2005 that the street facade of ground floor non-residential uses cumulatively over the entire site will comply with the requirement.

Tandem Parking. Commercial Corner regulations prohibit the use of tandem parking for commercial developments. Tandem parking was approved by the City Planning Commission to be permitted on the roof level of the commercial parking structure for employees and patrons during the holiday season between Thanksgiving and New Year's Day, subject to a valet attendant, to accommodate anticipated increased parking demand. Tandem parking for commercial users shall be permitted on the roof level of the commercial parking structure at all times.

Pole Signs. Currently there are three pole signs on the subject property as noted on the submitted Site Plan. These are existing and permitted pole signs built prior to the Commercial Corner development regulations. Although the pole signs are technically permitted by-right and do not require conditional use approval, they have been included in the request to integrate their location as part of the overall development of the site.

Five-foot wide landscape area. Commercial Corner regulations require a minimum five-foot wide landscaped area along the perimeter of the lots that front along streets. The applicant has requested that portions of the existing and proposed development maintain less than the minimum five-foot required.

- a. *The location of the project will be desirable to the public convenience, welfare, and safety.*

The Beverly Connection was originally approved in 1989 with community serving uses such as a supermarket, drug store, restaurants, clothing stores, theaters (now closed) and is surrounded by multi-family housing and commercial properties developed with similar and/or more intense commercial uses. The project will maintain a community commercial character as there will be no large retail anchors or regional attraction; however, it will renovate the existing commercial building and add two residential components, a senior assisted living complex and residential condominiums to the site. Many of the Commercial Corner standards cannot be met because of pre-existing operating conditions. Specifically, the extended hours of operation for the existing supermarket and restaurants, the non-transparent glazing on existing commercial buildings, the existing pole signs, and the existing locations of buildings as they relate to landscaping.

A mixed-use development is appropriate for the subject location as it is a transitional area between the much more commercially intense Beverly Center to the west (across La Cienega Boulevard) and the multi-family residential uses located adjacent to the subject site to the east. Moreover, the Beverly Connection is surrounded by major transit corridors, making it ideal for a mixed-use development.

In addition, the project will provide an improved pedestrian experience and pedestrian safety for the neighborhood. The Wilshire Community Plan encourages pedestrian oriented design in designated areas and new development. As a result of the project's redesign of vehicular access and circulation to the site, pedestrian access and circulation will be greatly enhanced. The new pedestrian plaza and walkway will showcase landscape seating and pedestrian-scale lighting opportunities for outdoor dining, and the retail building on Third Street will also be brought up to the property line with an arcade, contributing to the pedestrian experience on Third Street.

The proposed project will promote the general welfare by meeting area needs for housing, increasing the sense of community in the area, and increasing tax revenue for the City. The new Beverly Connection will provide for a more pedestrian friendly, safe environment that will eliminate many of the vehicular hazards that exist today.

- b. *The proposed project will be proper in relation to adjacent uses or the development of the community.*

The existing Beverly Connection is currently comprised of four buildings with approximately 358,117 square feet of commercial space which includes retail and restaurant space, a 1,875 seat theater and approximately 28,868 square feet of office space. The proposed project will convert existing theater and office uses to retail space, renovate the remaining retail space, and add two new retail pads. In total, the redeveloped center will provide 355,258 square feet of retail and restaurant space, reducing total commercial floor area approximately 2,861 square feet. The proposed project also includes a master design program which will remodel the center's exterior along La Cienega Boulevard to update and coordinate the various buildings which compose the Beverly Connection. The result of this renovation will be a less commercially intense shopping center consistent with existing commercial uses in the area.

The most significant addition will be the two residential towers to the site atop the existing commercial buildings along Third Street and Beverly Boulevard: on Third Street, the proposed senior assisted living building will be 74'-3" to top of roof (79'-3" to top of parapet) with an elevator shaft extending above the roof level an additional 20 feet for a total height of 94'-3"; and on Beverly Boulevard, the proposed condominium building will be 107'-6" to the top of the roof (111 feet to top of parapet) with a rooftop activity room extending to a height of 119'-6" and an elevator shaft extending above the roof level for an additional 20 feet for a total height of 127'-6". The height of the proposed residential buildings will be consistent with adjacent commercial buildings including the Beverly Center (across La Cienega Boulevard) and the Sofitel Hotel (across Beverly Boulevard), both of which maintain a building height of approximately 115 feet to top of parapet. The proposed buildings will also maintain setbacks consistent with the ground floor and adjacent commercial uses and will be setback 20 to 30 feet from the easterly property line, adjacent to multi-family residential uses.

The proposed project includes load areas, lighting, landscaping and trash collection areas consistent with Code requirements and respectful of surrounding neighbors. Load areas and trash collection will be located in designated areas off of Beverly Boulevard, a Major Highway, as well as Third Street, a Secondary Highway, and therefore will not disturb residents adjacent to the site; and lighting will continue to be shielded from adjacent uses. As part of the commercial renovations to the site, loading areas and lighting will be redesigned so as to be further concealed them from adjoining uses. Finally, as part of the overall redevelopment of the Beverly Connection, a new landscape plan will be implemented to complement the façade changes and building addition to the site. Hours of operation, signs, landscape areas, will be similar to the surrounding commercial uses.

Finally, the project includes adequate parking for both the commercial and residential components of the proposed development thereby keeping cars off of neighborhood streets. An existing well-landscaped central parking structure setback 10 feet from adjacent multi-family residences will provide 1,332 spaces for shared use among the various retail stores and restaurants while each of the two residential structures will provide exclusive parking for its residents in a subterranean level: Code required parking spaces are proposed for the 150 senior assisted living units and Code required parking plus one-half guest parking space per unit for the proposed for 52 condominium units.

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

The project will not be materially detrimental to the character of development in the immediate neighborhood. The proposed project will transform what is now a dysfunctional and disjointed commercial shopping center into a unified mixed-use project that will include the addition of much needed infill and senior housing as well as significant changes to existing vehicular and pedestrian congestion in the area. Furthermore, a new retail face will unify currently disparate buildings, thereby updating the exterior façade of the shopping center along Beverly Boulevard, La Cienega and Third Street.

An Initial Environmental Study (Initial Study) and Traffic Impact Analysis were

conducted for the proposed project and submitted to the City Planning Department. The Initial Study found that there will be no significant impact to the surrounding neighborhood as a result of the proposed project. Furthermore, the Traffic Impact Analysis concludes that the level of project trip generation will not significantly impact any of the intersections in the immediate area during peak hours.

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

See Findings Nos. 1, 2, and 3.

**8. Additional Conditional Use Findings for Commercial Corner Development.** Pursuant to Section 12.24.W.27(b) of the Municipal Code, the following additional findings for Commercial Corner Development:

- a. *That the Mini Shopping Center or Commercial Corner Development use is consistent with the public welfare and safety.*

The proposed project will maintain approximately the same amount of commercial space; however in order to unify the overall appearance of the Beverly Connection, physical changes have been proposed to create a more visually cohesive look. The current center, criticized for its confusing layout, is comprised of buildings constructed and remodeled over a period of years. The proposed project will redevelop the site in an effort to create a more pedestrian friendly retail center. This includes improvements to the existing parking structure for better circulation and access including longer automobile queing lanes on site. The proposed project will also offer 52 for sale residential condominium units as well as 150 senior assisted living units as part of an overall mixed-use development. The subject site is located away from single family zoned neighborhoods, is accessible to public transportation, and located in proximity to shopping amenities and medical services making the site conducive for a mixed-use development and consistent with public welfare and safety.

- b. *That access, ingress, and egress to the Mini Shopping Center or Commercial Corner Development will not constitute a traffic hazard or cause significant traffic disruption of vehicular circulation on adjacent streets, based on data provided by the Department of Transportation or by a licensed traffic engineer.*

Access to the project site will be provided by a total of five driveways located along La Cienega Boulevard, Third Street, and Beverly Boulevard. The south driveway on La Cienega Boulevard will continue to be the primary access to the retail and restaurant uses. Two Third Street driveways will provide secondary access to retail and restaurant uses, with an additional separate entry and exit ramps for access to the assisted living units. Exclusive access to the condominium units will be provided by a driveway located on Beverly Boulevard. Vehicular ingress to the surface parking lot at the northwest corner of the site will be provided by a second Beverly Boulevard driveway and vehicle egress from the surface parking lot will be provided by the north driveway on La Cienega Boulevard.

The traffic impact analysis concluded that the proposed project will not contribute

significantly to traffic congestion or disruption of vehicular circulation on adjacent streets. By removing trip-intensive uses such as movie theaters and adding assisted living units and condominiums which are less traffic intensive, there will be only very minimal increase in AM or PM peak trips generated by the proposed project, and the analysis indicates overall daily trips to and from the site will decrease. The City's Department of Transportation reviewed the traffic impact analysis and concurred that traffic impacts from the proposed project will be less than significant. Further, the substantial circulation renovations to the shopping center site will substantially improve on-site vehicular circulation, thereby alleviating some of the existing traffic congestion near the project site.

- c. *That there is not a detrimental concentration of Mini Shopping Centers or Commercial Corner Developments in the vicinity of the proposed Mini Shopping Center or Commercial Corner Development.*

The proposed project is not for the construction of a new commercial development but for the renovation and reconfiguration of an existing shopping center. The Beverly Connection is currently 358,117 square feet of commercial space which includes retail and restaurant space, a 1,875 seat multiplex movie theater complex, and approximately 28,868 square feet of office space. The proposed project will convert the existing theaters and office uses to retail space, renovate the remaining retail space, and add two new retail pads. In total, the redeveloped center will provide 355,258 square feet of retail and restaurant space thereby reducing the total commercial floor area of the Beverly Connection by approximately 2,861 square feet. Overall the proposed project is not increasing commercial development in the vicinity but rather maintaining the existing shopping center and will not cause a detrimental concentration of commercial corner development.

- d. *That the Mini Shopping Center or Commercial Corner Development is not located in an identified pedestrian oriented, commercial and artcraft, community design overlay, historic preservation overlay, or transit oriented district, area or zone, or, if the lot or lots are located in identified district, area, or zone, that the Mini Shopping Center or Commercial Corner Development would be consistent with the district, area, or zone.*

The proposed project site is not located in an adopted pedestrian oriented, commercial/artcraft, community design overlay, historic preservation overlay, or transit oriented district or zone.

9. **Conditional Use Findings for Alcoholic Beverage Sales.** Pursuant to Section 12.24.W.1 of the Municipal Code, the applicant proposes to permit the sale and/or dispensing of alcoholic beverages for consumption on the premises and/or off site in conjunction with 7-existing licenses and one proposed use (5-existing to remain, 2-existing to be replaced, and 1-proposed). Specifically there are two existing retail stores with off-site sales (Ralphs Supermarket and Rexall/Longs Drugs), one existing restaurant with a full line alcoholic beverages license (Daily Grill), and four existing restaurants serving beer and wine only (Souplantation, Pine House Dim Sum, Café Vogue, and Beverly Sushi House). The applicant is requesting to maintain the existing alcohol approvals for the two retail stores, the one restaurant with the full line license, and two of the restaurants serving beer and wine only (Souplantation and Pine House Dim Sum). The applicant requests approval to



add one restaurant with full line alcohol, and to replace two of the existing uses approved for beer and wine only with two new restaurants serving beer and wine only. The net increase will be one additional restaurant serving a full line of alcoholic beverages. Prior conditional use approval have been granted by the Zoning Administrator (or by the Board of Zoning Appeals on appeal) as case nos. ZA-88-0619(CUB)(ZV), ZA-88-1307(CUB), ZA-89-0404(CUB), ZA-89-1030(CUB), ZA-89-1031(CUB), ZA-90-0601(CUB), and ZA-91-0930(CUB).

- a. *That the proposed use will not adversely affect the welfare of the pertinent community.*

Over the lifetime of the Beverly Connection several conditional use permits have been granted for alcohol sales including beer/wine, full-line and offsite sales. The subject request is proper in relation to adjacent uses. The Beverly Connection is a large commercial center located in a highly urbanized setting. The site is designated for Community Commercial uses by the Wilshire Community Plan. The subject site is developed with a multiple-level parking structure and one- and two-story buildings occupied by varied commercial uses and surface parking areas. The property is surrounded by commercial and retail uses to the north, south and west and is adjacent to residential uses to the east. The request is for one additional restaurant to serve a full line of alcoholic beverages, the remaining seven are currently operating under existing licenses.

- b. *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 granting of the application will not result in an undue concentration of alcohol-serving establishments. The request is for one additional restaurant to serve a full line of alcoholic beverages; the other establishments are either existing or to be replaced. The subject property is surrounded by commercial corridors and is adjacent to the Beverly Center, a regional shopping mall with ground floor restaurants and bars. As a result, there is a large concentration of alcohol uses in the immediate area. However, it is not uncommon to have concentrations of this nature in certain pedestrian-oriented areas of the City. Within 1,000 feet of the subject site there are 34 establishments serving/selling alcoholic beverages, two of these are for off site sales, the remaining are restaurants. Many are located at the Beverly Center. Final consideration of whether the site can sustain another alcoholic beverage license will be with the Department of Alcoholic Beverage Control.

The majority of activities on the site will not involve the sale of alcoholic beverages. The proposed restaurants are anticipated to offer a wide range of cuisines and

atmospheres. The sale of alcoholic beverages, however, is of critical importance to operators of these facilities to attract and cater to their patrons. Since the establishments are a part of an existing shopping center and the service of alcoholic beverages will be incidental to their primary operations, these establishments will not take on the potentially negative characteristics of a stand alone bar, disco, or other such establishment. The project has been conditioned so that the serving of alcoholic beverages is in conjunction with food service.

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

The adjacent residential uses are multi-family apartments. The Beverly Connection is not adjacent to single-family residential areas, the nearest of which are two blocks away from the site and across Beverly Boulevard. All parking will continue to be provided on-site. Spill-over parking into residential areas is not anticipated due to the adequacy of on-site parking and the distance of the project from those areas. There are currently four uses within 1,000 feet of the site that may be considered sensitive uses: Cedars-Sinai Medical Center (8700 Beverly Boulevard); Institute of Jewish Education (8339 W. Third Street); Maimonides Academy (310 Huntley Drive); and Our Lady of Mount Lebanon Maronite-St. Peter (333 S. San Vicente Blvd.). Changes to existing operating conditions or additional requests will require the filing of a Plan Approval application, or in some instances a new conditional use application.

**10. Zone Variance Denial Findings.** Pursuant to Section 12.27.D of the Municipal Code:

- a. *The strict application of the provisions of the zoning ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.*

The applicant has requested a Zone Variance to start construction on the residential portion of the project (condominiums) prior to the recordation of a Final Tract Map (Tentative Tract Map 61125). The reason for the request is to start construction on the building as soon as possible without completing all of the tract map conditions. Typically the applicant agrees to abide by the conditions of approval by recording a covenant and agreement. However, in this case there are other discretionary requests as part of the overall project entitlement procedures that could possibly alter the Final Tract Map conditions of approval.

The subject site is currently restricted by "Q" conditions from a previous zone change affecting many aspects of project design such as height, floor area, access, and setbacks. The applicant has requested a concurrent zone and height district change to C2-1 which if recommended for approval by the City Planning Commission needs final approval by City Council and adoption of an ordinance to effectuate the zone change. Since project design could further change by this subsequent action, it would not be practical to allow early start on the residential

portion of the project in anticipation of getting the other discretionary requests approved.

- b. *There are NO special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings that do not apply generally to other property in the same zone or vicinity.*

The subject site is currently developed as a commercial center with retail, restaurants, and a supermarket, all in operation. The requested variance seeks to start early construction prior to the recordation of a Final Tract Map and is a self-imposed special circumstance. By waiting for the zone change to become effective, the Final Tract Map can be recorded and the project built without a zone variance. In the meantime there is nothing preventing the property owner from utilizing the existing commercial center.

- c. *The variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.*

The requested variance is not a result of special circumstances or practical difficulties encountered on site; rather the variance is a request to jump start a project prior to recordation of a Final Tract Map. In this respect there is no hardship or taking of property rights since the project site is already being utilized by existing zoning regulations.

- d. *The granting of the variance WILL be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

Allowing a 52-unit residential structure to be built under the current zoning regulations, which do not permit its use, and prior to the final recordation of a Tract Map and adoption of a concurrent zone change, negates the purpose of the discretionary review process. Tract Map conditions as well as zone change conditions require compliance with certain public improvements and project conditions of approval that are in place to protect public welfare of both project residents and adjacent residents. Allowing a project to be built without these conditions in place could compromise the ability of the city to enforce the pending zone change conditions of approval.

- e. *The granting of the variance WILL adversely affect any element of the General Plan.*

Zone variance procedures are established to grant relief when certain hardships and physical site characteristics make compliance with the zoning regulations impossible. The applicant has not shown cause why hardships, practical difficulties, or special circumstances applicable to the subject property exist to warrant granting a variance to start early construction on the project. Since the zone change procedure is a legislative action implementing the General Plan, granting a variance for early start construction would prejudice the Council's consideration of the zone

change and therefore adversely affect the General Plan.

**11. Zoning Administrator Adjustment Findings.** Pursuant to Section 12.28.C.4 of the Municipal Code:

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

The requested adjustment is to permit a reduced passageway between two existing buildings on the subject property. A 22-foot passageway would normally be required in this case because one of the buildings will contain residential uses. These passageways are used for emergency access. Currently, there is a 10-foot passageway between the two buildings. Such passageway is permitted because the two existing buildings are being used for commercial purposes. However, as part of the proposed project, 6-stories of residential use are proposed atop the northeasterly portion of the building formerly used as movie theaters.

The requested adjustment will allow the addition of housing on a portion of the site unaffected by the subject passageway. The proposed residential building will be located along a Major Highway, which will serve as the building's main access point and will be adjacent to a designated fire lane already existing on the subject property. Therefore the building will be accessible in an emergency and safe for residential purposes and thus 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 of the City.*

The General Plan designates the subject parcel as Community Commercial. The General Plan requires that projects comply with regulations of the zoning code to implement the land use designation. In certain situations when there are existing circumstances that make compliance with the LAMC impractical or infeasible, adjustments can be granted. In this case, the proposed project site is substantially built out. The proposed residential addition is to an existing commercial structure that is currently maintaining a 10-foot building separation.

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

The Zoning Code allows adjustments from the Code when special circumstances exist, provided that the development does not result in any adverse impacts. In the instant case, the proposed residential building and passageway are located on a corner lot with access on three sides from two major highways and a designated fire lane, thus ensuring access in the event of an emergency. For this reason, the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

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

The site and existing improvements make strict adherence to the zoning regulations

impractical and infeasible. As stated above, the proposed residential use will be built atop an existing 2-story commercial building. The applicant plans to maintain the commercial use of this building as well as the adjacent commercial buildings on the lot. The subject passageway could not be expanded to accommodate the width required for the proposed residential addition without demolishing a large part of these commercial buildings. Because such a passageway is not needed due to site's frontage along two public streets and a designated fire lane, as well as due to the large setback of the proposed residential use from adjacent buildings, strict adherence to the zoning regulations would be impractical and infeasible.

- 12. Zoning Administrator's Determination.** Pursuant to Section 12.24.X 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 and that the action will be in substantial conformance with the various elements and objectives of the General Plan.

Section 12.24.X.20. The applicant has requested that the required project parking be allowed to share the same parking spaces among all of the commercial/retail uses. Current parking regulations require the proposed project provide 1,579 parking spaces (if each use were a stand alone project). The project site has available 1,332 parking spaces on-site for the commercial/retail component. Based on a straight calculation of the parking deficiency, the project would be short 247 parking spaces (1,579 minus 1,332). However, it is reasonable to expect that not all of the commercial uses will be utilizing their entire required parking spaces at a given hour. This project contains a commercial shopping center within an urban commercial environment with a residential component where many of the retail and restaurant uses will capture each others customers and parking demand is not the same as a project that stands alone. In addition, the neighborhood is transit oriented with bus stops along the site's adjoining transit corridors, which will add to the pedestrian activity. There are also multi-family residential properties adjacent to the site where many of the customers can walk to the Beverly Connection.

The applicant has submitted a traffic study conducted by Crain and Associates Traffic Engineers. As part of the study, a shared parking analysis has been made on the proposed uses which forecasts peak hour demands during the weekday and weekends for both winter and summer. The shared parking analysis indicates that there will be adequate parking for the existing and proposed uses at all times. The shared parking analysis concludes that the maximum parking demand for the commercial component would be approximately 1,221 parking spaces at peak hour. The residential and assisted living portions of the project have designated parking areas and are not a part of the shared parking arrangement. In order to alleviate potential holiday season traffic, valet parking will be available to customers. During the period that valet parking is available, tandem parking shall also be permitted by valet only. To provide the capacity for an additional 100 vehicles, valet and tandem parking on the roof level of the commercial parking structure may be utilized at all times. In addition, up to 50% of the of the parking spaces may be for compact cars as previously approved under Ordinance No. 165,356, "Q" Condition No. 8.

- 13. Site Plan Review Findings.** Pursuant to Section 16.05.F, the development project as conditioned, meets all of the following requirements:
- a. *That the project complies with all applicable provisions of the Los Angeles Municipal Code and with any applicable Specific Plan.*

The project as proposed requires conditional uses, modifications, and adjustments from the Los Angeles Municipal Code. With the granting of the requested entitlements, the project as conditioned, complies with the applicable regulations, standards, and provisions of the Municipal Code and the Specific Plan.

- b. *That the project is consistent with the adopted General Plan.*

See Findings No. 1 and 2.

- c. *That the project is consistent with any applicable adopted redevelopment plan.*

The project site is not located within a redevelopment area.

- d. *That 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 improvement which is or will be compatible with existing and future development on neighboring properties.*

The existing Beverly Connection is currently comprised of four buildings with approximately 358,117 square feet of commercial space which includes retail and restaurant space, a 1,875 seat multiplex theater and approximately 28,868 square feet of office space. The proposed project will convert existing theater and office uses to retail space, renovate the remaining retail space, and add two new retail pads. In total, the redeveloped center will provide approximately 355,258 square feet of retail and restaurant space, reducing total commercial floor area approximately 2,861 square feet.

The proposed project will also add two residential towers to the site atop the existing commercial buildings along Third Street and Beverly Boulevard: on Third Street, the proposed senior assisted living building will be 94'-3" in height at maximum (including elevator shaft); and on Beverly Boulevard, the proposed condominium building will be 127'-6" in height at maximum. The buildings will maintain setbacks consistent with the commercial uses below and will be set back 20 to 30 feet from the easterly property line, adjacent to multi-family residential uses.

The project includes parking for both the commercial and residential components of the proposed development. A central parking structure and surface parking areas will provide 1,332 spaces for shared use among the various retail stores and restaurants while each of the two residential structures will provide exclusive parking for its residents.

The proposed project includes loading areas, lighting, landscaping and trash collection areas consistent with Code requirements. Load areas and trash collection will be located in designated areas off of Beverly Boulevard, a Major Highway, as well as Third Street, a Secondary Highway, and therefore will not disturb residents adjacent to the site; lighting will continue to be shielded from adjacent uses. As part of the commercial renovations to the site, loading areas and lighting will be redesigned so as to be further concealed from adjoining uses. Finally, as part of the overall redevelopment of the Beverly Connection, a new landscape plan will be

implemented to complement the façade changes and building addition to the site.

- e. *That 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.*

An Initial Study was prepared for the project which identified potential impacts related to Aesthetics (landscaping, signage, lighting), Air pollution (stationary), Archaeological Resources, Paleontological Resources, Seismic Safety, Haul Routes, Grading (air quality, noise, general construction), Liquefaction, Methane Gas, Asbestos, Stormwater drainage, Flood Hazard, Increased Noise Levels (parking ramps, commercial noise), Public Services (fire, police, schools), Recreation Demand, Circulation/Traffic, Utilities (water treatment, solid waste). The Mitigated Negative Declaration, ENV-2004-5580-MND, was prepared by the Environmental Review Unit of the City Planning Department. As such, it reflects their independent judgment and the independent judgment of the Director of Planning or the Director's designee as permitted by the Site Plan Review Ordinance (Ordinance No. 166,127). On May 18, 2005, the City Planning Department determined that the project, as conditioned with mitigation measures, will have a less than significant impact on the environment.

- f. *That 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 project includes recreational facilities and service amenities that will improve habitability for the residents and will minimize impacts on neighboring properties. The project includes specific dedicated areas for community based social and recreation functions. The open space proposed will provide both private and common outdoor space for the residents of both the senior assisted living and condominium buildings. Common open space consists of amenities such as open-air gardens, fitness rooms, media and community rooms, laundry facilities, staff lounges and office space. Furthermore, an entire floor dedicated to Alzheimer's patients will ensure an appropriate type and placement of facilities and amenities with no impact on neighboring properties.

For the condominium units, amenities will consist of a roof-top garden and private balconies. Additionally, there will be a ground floor lobby for exclusive use by the residents, trash chutes on each floor and laundry rooms in each unit.

14. **Environmental.** Conditions of approval are imposed in order to mitigate any potentially adverse environmental effects identified in the Mitigated Negative Declaration. For the reasons set forth in Proposed Mitigated Negative Declaration No. ENV-2004-5580-MND, the project will not have a significant effect on the environment. See also Finding 12.e.

A traffic analysis was prepared by Crain and Associates (March 2005) and submitted to the Los Angeles Department of Transportation (LADOT) for review. An analysis of existing AM and PM peak hour traffic conditions was performed at the following eight intersections

which were determined as study sites by LADOT:

1. Oakwood Avenue and La Cienega Boulevard
2. Beverly Boulevard and San Vicente Boulevard (in West Hollywood)
3. Beverly Boulevard and La Cienega Boulevard
4. Beverly Boulevard and Sweetzer Avenue
5. Third Street and San Vicente Boulevard
6. Third Street and La Cienega Boulevard
7. Third Street and Sweetzer Avenue
8. San Vicente Boulevard and La Cienega Boulevard

Procedures have been developed for grading the operational quality of an intersection (and accepted by LADOT) in terms of "Level of Service" (LOS) which describes different traffic flow characteristics. Levels "A", "B", and "C" indicate intersections that are operating well. Level "D" typically is the level for which a metropolitan area street system is designed. Level "E" represents volumes at or near capacity of the street that may result in stoppages of momentary duration and fairly unstable flow. Level "F" occurs when a facility is overloaded and is characterized by stop-and-go traffic with stoppages of long duration. Of the eight intersections, the intersection of Beverly Boulevard and La Cienega Boulevard is currently operating at or beyond acceptable levels (design capacity); specifically, LOS "E" during the AM peak hour and LOS "F" during the PM peak hour. The intersection of Third Street and La Cienega Boulevard operates at LOS "D" during both AM and PM peak hours. The remaining six intersections all currently operate at acceptable levels of LOS "A" to "C" (see attached LOS Summary Chart). Future projections of traffic conditions at the study intersections even without the proposed project are that four intersections are expected to operate at LOS "E" or "F" during one or both peak hours. The remaining intersections are expected to operate at LOS "D" or better. At anticipated project completion in 2009, there will be a potential net increase of 4 trips in the AM peak hour and a net increase of 65 trips in the PM peak hour. The project's minimal increase in AM and PM peak hour traffic will not significantly impact existing or future traffic conditions.

The assisted living building and residential condominium building each have their own access and designated parking, separate from retail parking. The access/egress for the condominium building (on Beverly Boulevard) will utilize an existing driveway, relocated to align with Alfred Street to meet LADOT's requirements. The assisted living building will have a new access driveway, with a dedicated area available for passenger loading and unloading along Third Street. Further, the removal of the movie theater use significantly reduces the projected traffic volumes, and is replaced with a less intensive traffic use (residential). In addition, future residents living on-site will be able to walk to the commercial uses on-site and nearby, further reducing their impacts on traffic conditions. The project is anticipated by the traffic study to result in a net decrease of approximately 174 vehicle trips per day.

The LADOT has reviewed and approved the traffic study conducted by Crain and Associates and made recommendations for conditions.

15. **Fish and Game.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2. The project qualified for the De Minimus Exemption from Fish and Game Fees (AB3158).