

REVISED CONDITIONS OF APPROVAL AND FINDINGS AS APPROVED BY THE
PLANNING AND LAND USE MANAGEMENT COMMITTEE ON 11/15/11

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Indemnification. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Approved herein a Zone Variance from Section 12.17.5 to allow the operation of a 10,087 square-foot retail furniture store not otherwise permitted in the MR1-1 Zone with hours of operation from 8:00 a.m. to 10:00 p.m., daily.
8. This grant shall have a life of **ten years** after which the applicant shall file for and win an authorization from the Office of Zoning Administration in order to continue the retail use of the property in the MR1-1 Zone.
9. The applicant shall plant shade trees in the public right-of-way in front of the

subject property with the maximum number of trees permitted to the satisfaction of the Bureau of Public Works, Urban Forestry Division.

10. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
11. Prior to issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

MANDATED FINDINGS

The Central Area Planning Commission and the Planning and Land Use Management (PLUM) Committee determined that the Zoning Administrator erred in denying the variance by not giving sufficient weight to the size and irregular shape of the property, particularly when compared to typical lots in the applicable zone that have been tied together to form larger lots, the historic continuous retail use of the site for both media and non-media related uses, and the surrounding uses in the zone.

- 1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant requested a zone variance to permit the operation of a 10,087 square-foot retail furniture store not otherwise permitted in the MR1-1 Zone. The property has been used for retail purposes for well over 20 years. The City approved a variance for the property in 1991 (Case No. ZA 91-0961(ZV)) which allowed the wholesale and retail sales of electronic, mechanical parts, tools, video and audio production supplies. The property was occupied for twenty years by Pacific Radio Exchange, Inc. Their lease expired on October 15, 2011, and the property is now vacant. Prior to 1991, the property was used by a machine shop and a manufacturer of building identification products, both of which conducted wholesale and retail sales on-site, and neither of which were media related uses. The MR1-1 Zone permits manufacturing, assembling, compounding, processing and treatment of materials, but does not allow retail sales. The requested variance will authorize the establishment of a retail mattress store, thereby continuing the long-established retail use of the property.

Industrial tenants are not interested in the property due to the limited size of the parcel and existing building and its location within a major commercial corridor and near residences. It has proven difficult to find an industrial tenant for the property. The applicant testified that their real estate brokers worked for the past two years to find an industrial tenant for the property, however, none were found. The PLUM Committee determined that requiring the property owner to seek out an industrial tenant for such an inappropriate property would result in practical difficulties and unnecessary hardships for the property owners. In addition, rejection of the historical retail use of the property may result in the long-term vacancy of the property, which would attract vandals and taggers and would not further the general purpose and intent of the zoning regulations. The PLUM Committee also considered the fact that the driveway (along Romaine) for the subject property is immediately adjacent to a major big-box retailer and not suitable for industrial traffic, and furthermore that there was a pattern of existing retail uses along La Brea Avenue.

The Council Office stated that they want to preserve industrial land, but there needs to be an effective boundary. The PLUM Committee determined that it was better to have a viable retail use at the site that will generate tax revenues while preserving the site for future industrial uses. The variance has a term grant of ten years consistent with the lease with the mattress store. If at the end of the

ten years the property's zoning is still MR1-1, the property owner can either file for a zone change to continue the commercial use or locate an industrial tenant.

The proposed use of the subject property meets the spirit and intent of the regulations that apply to any use in the MR1-1 zone. A major purpose of the applicable MR1-1 Zone is to ensure that industry will be a better neighbor to residences. The proposed retail mattress store is a less intensive use than heavier industrial and manufacturing uses and will be compatible with nearby residences. The store will be a low-impact and parking light use, compatible with existing and planned residential (including the mixed use project to be constructed at the southern portion of the block located at 915 North La Brea Avenue), commercial and industrial uses nearby. Further, the proposed use will not introduce any sensitive receptors such as residential uses that would in any way affect the adjacent industrial-zoned properties. The PLUM Committee determined that the strict application of the provisions of the Zoning Ordinance would not allow the applicant to continue historical retail operations at the property, consistent and compatible with the commercial La Brea corridor and nearby residential and light industrial land uses. Denial of this variance would result in the loss of the tenant and a potential long-term vacancy of the property which would be an unnecessary hardship to the property owner inconsistent with the general purpose and intent of the zoning regulations.

2. There are 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 and vicinity.

There are 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 and vicinity. The property is approximately 19,970 square feet and is improved with a 10,087 square-foot building and 22 parking spaces. The property has a 65-foot frontage on La Brea Avenue, a maximum depth of 268 feet, and a highly irregular 19.65-foot by 127-foot portion that runs parallel to the alley and terminates at the southern end of Romaine Street. The property is much narrower and the building is smaller than most of the properties in the same zone and vicinity. In addition, unlike other properties in the same zone and vicinity, the existing building does not span multiple parcels and almost half of the lot is improved with surface parking. The small size of the property has made it difficult for the property owner to attract industrial tenants in the current economic environment. Additionally the lot size is not large enough and the shape and orientation is inappropriate to redevelop the site into a new industrial facility such as a motion-picture or production facility. The prior zoning of the property was M2 which permits retail uses by-right.

La Brea Avenue is a Major Highway-Class II dedicated to a 100-foot width at the property's frontage. The building's location on La Brea Avenue makes it ideally situated for retail use; however, the limited size of the property and building are not as well suited for industrial uses. The property is ideal for a retail mattress store because La Brea Avenue provides high visibility, La Brea Avenue contains a significant number of furniture retailers with which the proposed use will have a

natural synergy, there is adequate parking, and the building size is appropriate. The property is located near high density residential and retail land uses, making it more appropriate for a commercial use, such as the proposed use, than a purely industrial use. Additionally the driveway along Romaine is adjacent to a major commercial shopping center, is not appropriate for contemporary industrial users, but is however highly appropriate for the low-traffic retail mattress store use proposed in the variance application.

3. **That such variance is 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 the property.**

Granting the variance would not act as a special privilege not afforded to others in the area. Substantial retail commercial and mixed-use developments exist and are approved in the vicinity. Two new mixed use projects are approved on this same block, and neither include manufacturing and industry. Due to the transition in the neighborhood towards more general commercial use, the pending update to the Hollywood Community Plan proposes to change the land use designation and zoning for the property to Commercial Manufacturing and [Q]CM-2D-SN, which would allow the operation of the proposed retail mattress store by-right.

Properties to the north (before Romaine Street) are zoned MR1-1, and are improved with a photo lab and auto repair store. Across Romaine, located in the City of West Hollywood, properties are zoned as Regional or Community Commercial and are improved with retail uses. The site is less than one block from the West Hollywood Gateway in the City of West Hollywood, which includes a Target, Best Buy, restaurants and other businesses.

Properties on the east of La Brea are zoned [T][Q]M1-1 and MR1-1. The uses include, in the MR1-1 zone, a retail business engaging in sales and lease of lighting equipment on multiple tied lots of approximately 39,300 square feet, and other office, warehouse, and parking uses. The City Council recently approved a new mixed use, office, and commercial project directly across La Brea Avenue from the subject property. This new project includes a proposed retail sales uses in excess of 19,000 square feet and approximately 33,000 square feet of general office uses.

Properties to the south, across Willoughby Avenue, are zoned C4-1VL and R3-1XL and are improved with commercial and residential land uses. Within this same block, the City Council in 2009 approved a 219-unit residential and commercial project at 915 North La Brea Avenue. This new project includes retail sales. That project was reduced in size, pursuant to Case No. DIR-2011-1043-SPR-CLQ-ACI, to 179 residential units and 35,000 square feet of commercial uses including a proposed grocery store. The appeal of that project was heard by the PLUM Committee on the same day as the subject variance appeal. One of the appellants of the subject variance spoke in support of the

mixed-use project. Properties to the west are zoned MR1-1, R3-1XL, and PF-1XL, and are improved with light industrial and residential uses and public facilities.

The property has historically been used as a retail use and industrial tenants have not demonstrated interest in the property due to the limited size of the parcel and the building. The variance request is not requesting that a special privilege be conferred; it is requesting that the long-established retail use of the property be allowed to be continued. Accordingly, the granting of the variance is necessary to preserve the historical use of the subject property for retail operations, compatible with nearby existing and approved development. Requiring the property owner to seek out an industrial tenant for such inappropriate property would result in practical difficulties and unnecessary hardships for the property owners. In addition, rejection of the historical retail use of the property may result in the long-term vacancy of the property.

4. **The granting of such variance will not 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.**

The grant of the variance, including appropriate conditions of approval, will not result in detrimental effects on nearby properties. The proposed store will have limited hours of operation and will be a low-impact use for nearby existing and approved residential land uses.

The new store will benefit the neighborhood, including planting in the public right-of-way in front of the store with the maximum allowed shade trees and façade improvements to the store. The new store will improve the pedestrian experience on La Brea Avenue, thereby encouraging people to walk rather than drive in the neighborhood and assisting in the creation of a vibrant community.

The Mid City West Community Council submitted a letter of support of the variance request. The Community Council's only request was that the approval include a condition requiring the planting of the maximum number of shade trees. The Commission included this requirement as a condition of approval subject to the satisfaction of the Urban Forestry Division.

The proposed mattress store is consistent with the City's vision for this property and this community as reflected in the pending update to the Hollywood Community Plan. The update proposes to apply land use designations to the subject property that would allow retail sales by right, including the proposed use.

5. **The granting of the variance will not adversely affect any element of the General Plan.**

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

of Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Hollywood Community Plan designates the subject property for Limited Manufacturing land use with the corresponding zones of CM, MR1-1, M1-1, and P. The subject property is currently classified in the MR1-1 zone. This zoning occurred as a result of an amendment to the Hollywood Community Plan related to the Beverly Hills Freeway Deletion, adopted by the City Council on September 30, 1986 and the publishing of Ordinance No. 161,687 on October 10, 1986. This action changed the zoning on the subject site from M2-1 to MR1-1 along with numerous other properties within a large geographic area as depicted in the ordinance.

The current version of the Hollywood Community Plan was adopted in 1988. It stated that it was "subject to revision within five years" and that its objective was "to accommodate population and activities projected to the year 2010."

The Hollywood Community Plan states that among its primary objectives is "to promote economic well being and public convenience." It states that the Plan "is intended to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the community, within the larger framework of the City; guide the development, betterment, and change of the community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible." The Plan designates "land for industrial development that can be so used without detriment to adjacent uses of other types, and imposing restrictions on the types and intensities of industrial uses as are necessary." Regarding commercial uses, such as that current proposed use, the Plan also includes an objective to "allocate and distribute commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards."

Finally, the Plan includes a policy of encouraging and facilitating "lot assemblage" of industrial land as a key component of maximizing industrial sites – a recognition that smaller stand-alone historic lots do not meet the needs of current industrial users.

The requested variance will promote the purpose and intent of the General Plan and the Hollywood Community Plan. Grant of the variance will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the community. The current tenant is ending its 20-year lease. Grant of the variance will facilitate improvements to the building, including façade improvements and planting of new street trees, to improve the pedestrian experience. Grant of the variance will assure that the building will be occupied by a new tenant; without the variance, the building may become vacant as the property owner has had substantial difficulty locating a suitable industrial tenant, particularly in light of the fact that this site, unlike many other similarly zoned properties in the vicinity, has not been aggregated into a larger lot. The requested variance promotes the economic potential of the property and reflects its limits, consistent with the purpose of the Hollywood Community Plan.

The requested variance will allow for the continued long standing historic retail use of the property and is appropriate for this property and this changing community. Accordingly, grant of the variance balances growth and stability and protects the property owners' investment in this property and this community.

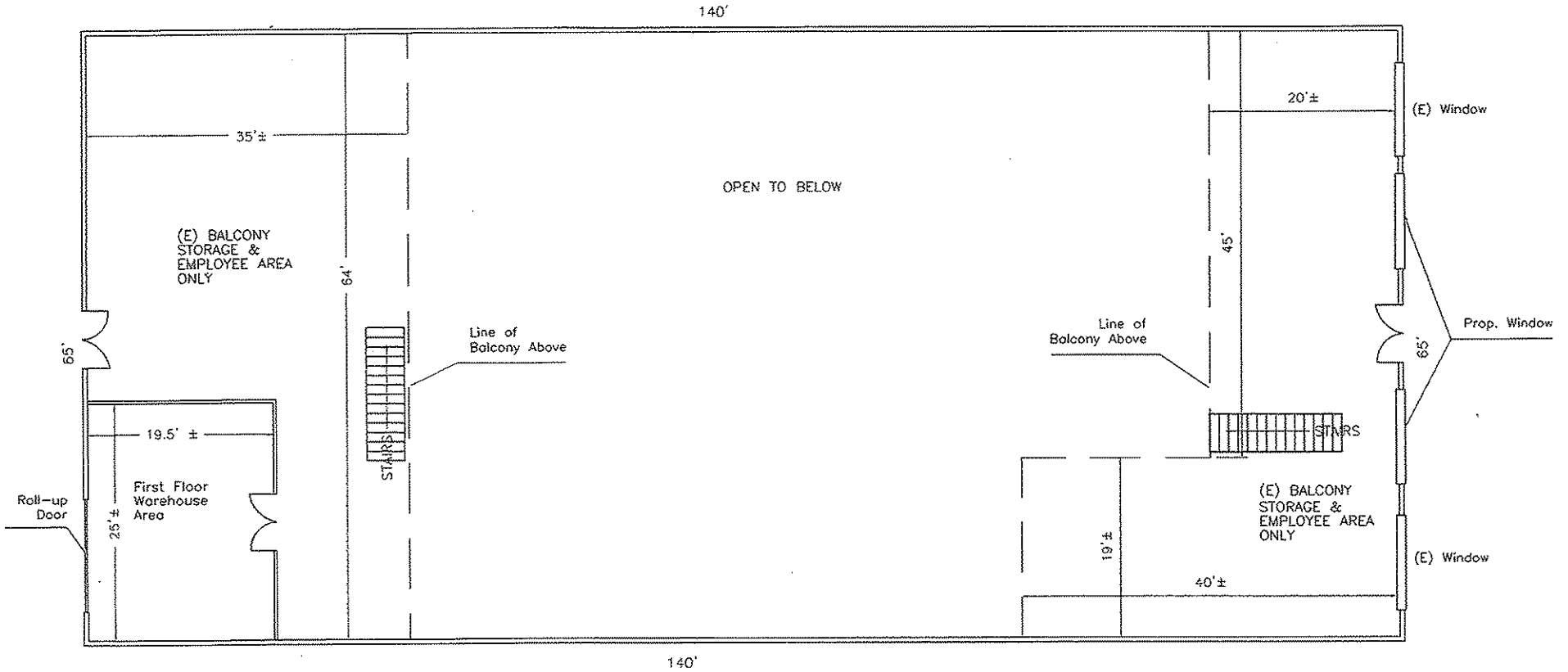
The Plan designates land within the Hollywood community, including the subject property, as industrial. However, the Plan encourages the imposition of restrictions on industry to ensure that adjacent uses are protected. Grant of the variance will protect adjacent users, including residents of new development approved on this same block. The store will have limited hours of operation and it will be a low-impact and parking light use, compatible with existing and planned residential, commercial and industrial uses nearby.

The Hollywood Community Plan was designed to accommodate the anticipated growth in population and employment to the year 2010. Recognizing the neighborhood trend toward commercial land uses and the general commercial nature of the La Brea corridor, the pending update to the Hollywood Community Plan proposes to change the land use designation and zoning for the property, along with the few other properties on this block remaining in the MR1 zone, to Commercial Manufacturing and [Q]CM-2D-SN.

The General Plan Framework Element, which is the City's strategy for long-term growth, acknowledges the importance of the retention of industrial land "except where such lands are unsuitable for such purposes." The Framework Element states "Economic opportunity in all communities is essential to improve social equality and maintain the quality of life. A business-friendly environment is a requirement for protecting current jobs and developing new ones." Objective 7.2 of the Framework Element states: "Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality." The granting of the variance to permit the proposed mattress store at the subject property will provide the growing local residential population with household goods in a convenient location, will provide jobs, and will not impact the environmental quality of the community. The granting of the variance will not adversely affect any element of the General Plan.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in Zone X, areas of minimal flooding.
7. On January 13, 2011, the project was issued a Notice of Exemption_log reference ENV-2011-104-CE, for a Categorical Exemption, Class 1, Category 22. The Central Area Planning Commission adopted that action.



NOTES

1. REPRESENTATIVE:
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Van Nuys, CA 91401
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2. APPLICANT:
Bank of America N.A., US Trust
Bradley Parker
333 S. Hope Street
19th Floor
Los Angeles, CA 90071
P: 213-621-7349
3. LEGAL DESCRIPTION:
Por Lt 2, Arb 22, Tract 215, M.B. 14-42/43
4. SITUS ADDRESS:
969 N. La Brea Avenue
Los Angeles, CA 90046
5. ZONE: MR1-1
6. TOTAL SITE AREA: 19,970± sq ft
7. TOTAL FLOOR AREA: 10,087± sq ft

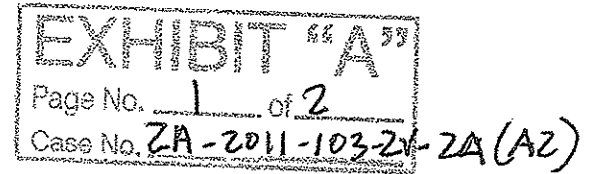
ZA 2011 103

FLOOR PLAN

CAD GRAPHICS BY



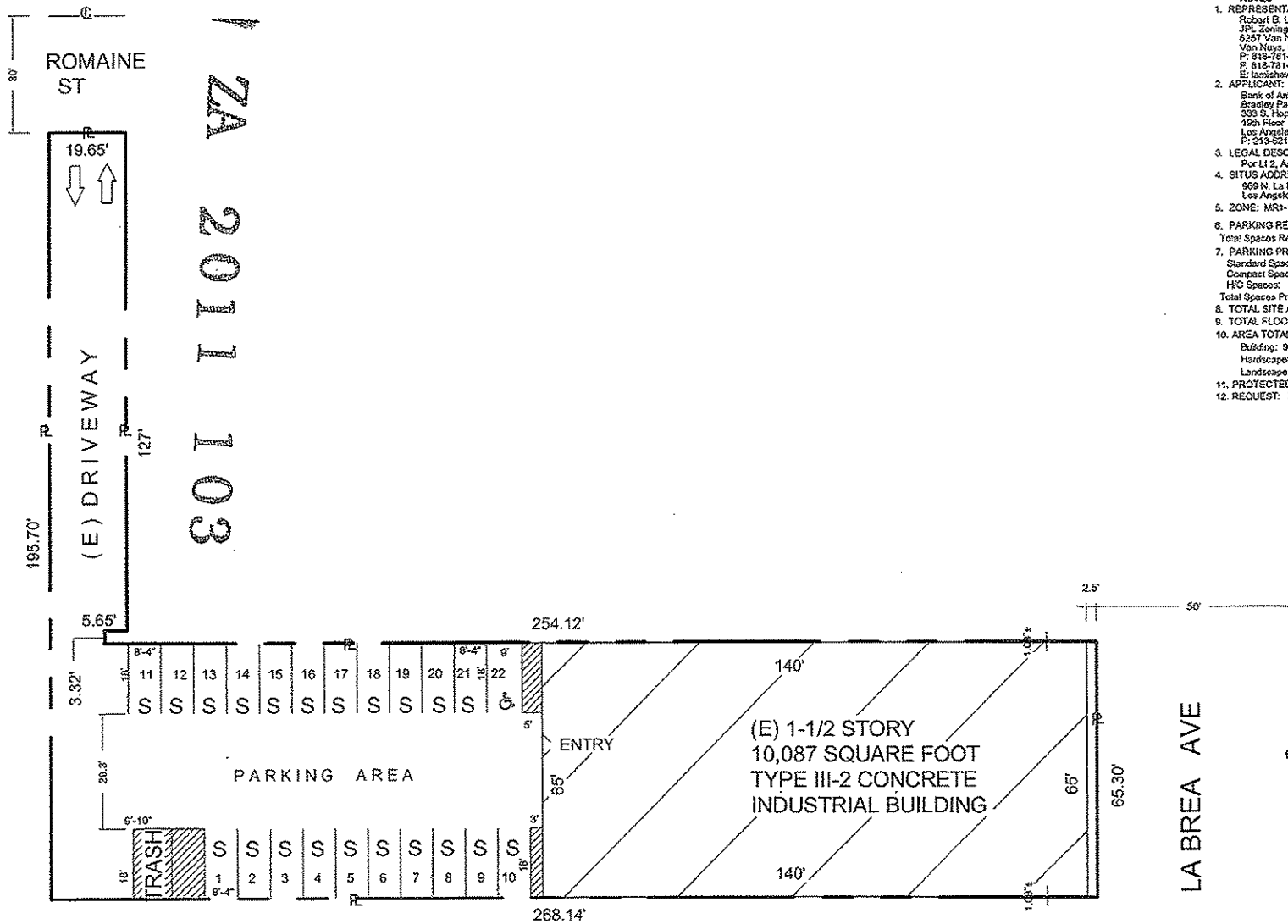
JPL Zoning Services
6257 Van Nuys Blvd, #101
Van Nuys, CA 91401
(818)781-0016



SCALE: 1/16" = 1'
DATE: 14 December 2010



JPL-6711FP



- NOTES
1. REPRESENTATIVE:
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 2. APPLICANT:
Bank of America N.A., US Trust
Bradley Parker
333 S. Hope Street
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Los Angeles, CA 90071
P: 213-621-7349
 3. LEGAL DESCRIPTION:
Port L12, Acs 22, Tract 215, M.B. 14-42/43
 4. SITUS ADDRESS:
969 N. La Brea Avenue
Los Angeles, CA 90048
 5. ZONE: MR1-1
 6. PARKING REQUIRED:
Total Spaces Required: 20 Spaces
 7. PARKING PROVIDED:
Standard Spaces: 21 spaces
Compact Spaces: 0 spaces
HCO Spaces: 1 space
Total Spaces Provided: 22 spaces
 8. TOTAL SITE AREA: 19,070± sq ft
 9. TOTAL FLOOR AREA: 10,087± sq ft
 10. AREA TOTALS:
Building: 9,100 sq ft / 48%
Hardscape: 10,870 sq ft / 56%
Landscape: 0 sq ft / 0%
 11. PROTECTED TREES: None
 12. REQUEST: Zone Variance for Retail in the MR1 Zone.

PLOT PLAN COMMERCIAL/INDUSTRIAL

CAD GRAPHICS BY

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(818)781-9016



EXHIBIT "A"
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Case No. ZA-2011-103-ZV

NORTH
DATE: 12-13-10
SCALE: 1/40" = 1'
JPL-6711PP