



Los Angeles CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/Index.htm

Determination Mailing Date: MAY 04 2012

CASE NO.: DIR-2009-2065-DB-1A
CEQA: ENV-2007-365-MND

Location: 5241-5247 Santa Monica Boulevard,
5238-5246 Virginia Avenue
Council District: 13 – Garcetti
Request(s): Density Bonus

Applicant: Karnik Shadbazian
Rep.: Robert Lamishaw, JPL Zoning
Appellant: 1) Seta Panosian
Rep.: Robert Silverstein Law Firm
2) Gary and Petros Taglyan

At its meeting on April 12, 2012, the following action was taken by the City Planning Commission:

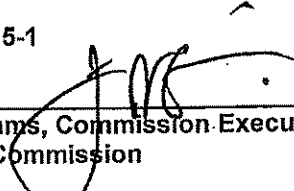
1. **Denied both appeals.**
2. **Modified** in part the Determination of the Director of Planning in approving a **Density Bonus Compliance Review** to add conditions relating to noise attenuation.
3. **Sustained** the remainder of the Determination of the Director of Planning in **approving a Density Bonus Compliance Review** to allow the construction of 49 residential dwelling units, with 20% as restricted affordable units, and 14,947 square feet of commercial floor area.
4. **Adopted** the attached **Modified Conditions of Approval**.
4. **Adopted** the attached revised **Findings**.
5. **Adopted** Mitigated Negative Declaration No. **ENV-2007-365-MND**.
6. **Advised** the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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

This action was taken by the following vote:

Moved: Freer
Seconded: Lessin
Ayes: Cardoso, Hovaguimian, Kim
Absent: Burton, Romero, Woo
Noes: Roschen

Vote: 5-1


James K. Williams, Commission Executive Assistant II
City Planning Commission

The above action of the City Planning Commission is not further appealable.

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

Attachments: Modified Conditions of Approval, Findings
City Planner: Blake Lamb

CONDITIONS OF APPROVAL

The Department of City Planning recommends modification of the Conditions of Approval. Underlined text has been added and ~~strikeout~~ text is to be removed.

Approval of the subject development project is made with the following Terms and Conditions imposed, in order to ensure compliance with applicable requirements of the State Government Code Section 65915 (State Density Bonus Program), and the promotion of development compatible with existing and future development of neighboring properties.

A. ENTITLEMENT CONDITIONS

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, floor plans, elevations, and landscape plans labeled **Exhibit G** and stamp-dated March 21, 2011, attached to the subject case file.

Prior to the issuance of any permits, revised detailed development plans incorporating the conditions below shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions. The revised plans shall include a detailed final landscape plan which follows the Landscape Ordinance as part of the final plans for review and approval by the City Planning Department. These plans shall become the final approved plans. Any proposed changes in project design from the aforementioned Exhibits or following conditions shall be made by the Director of Planning. Each change shall be identified and justified in writing.

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. Any such deviations shall be required to be approved by the Director of Planning.

2. **Use.** The main use of the subject property shall be limited to a Housing Development Project consisting of 49 residential units and 14,947 square feet of commercial space to consist of medical office / retail uses. Ten (10) of the 49 residential units shall be reserved as restricted affordable units, as defined by the State Density Bonus Program.
3. **Height.** The proposed structure fronting on Santa Monica Boulevard shall not exceed five (5) stories and a maximum height of 60 feet except for roof structures permitted pursuant to 12.22.A.25 and Section 12.21.1 B(a) 3 of the Los Angeles Municipal Code (LAMC). The proposed structure fronting on Virginia Avenue shall not exceed two (2) stories and a maximum height of 30 feet except for roof structures permitted pursuant to Ordinance No. 168,193 and Section 12.21.1 B(a) 3 of the LAMC. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties.
4. **Floor Area.** The maximum floor area of the proposed building fronting Santa Monica Boulevard shall not exceed 61,625.5 square feet, as defined by Section 12.21.1 of the LAMC, nor a maximum of 3:1 floor area ratio. The commercial portion of the building shall not exceed a floor area ratio of 0.5:1, or 14,947 square feet. The maximum floor area of the proposed residential building fronting Virginia Avenue shall not exceed 20,415.5 square feet, nor a maximum of 3:1 floor area ratio. The project shall be limited

- to a 3:1 floor area ratio.
5. **Open Space.** The project shall provide any required open space required by Section 12.21 G of the LAMC.
 6. **Setbacks.** A front yard setback is not required in the C2 zone pursuant to Section 12.14. C. 1 of the LAMC. All other yards for the C2 zone shall conform to the minimum required setbacks, pursuant to Section 12.14C of the LAMC. All yards for the RD1.5-1XL zone shall conform to the minimum required setbacks, pursuant to 12.09.2 of the LAMC.
 7. **Automobile Parking – Residential Units.** For all residential units, the Housing Development Project shall utilize Parking Option No. 1 of Section 12.22 A 25 (d) of the LAMC. The 49 residential unit Housing Development Project shall provide a minimum of 87 parking spaces for the residential units. Parking stalls shall be designed so that no automobile is required to back into or out of any public street or sidewalk to leave the parking stall, parking bay or driveway, except where such parking stall, parking bays or driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway, LAMC Section 12.21 A-5(i).
 8. **Automobile Parking – Commercial Uses.** For all other uses besides residential, including, but not limited to, medical office, restaurant, retail, and office, the project shall provide parking per LAMC 12.21 A.4 and the requirements of the Los Angeles State Enterprise Zone.
 9. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a land use covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 20%, or 10 units, in the development available for rent to low income households, at a rental amount determined to be affordable to low income households by LAHD, for a period of 30 years from the date of the issuance of the Certificate of Occupancy. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. The applicant will present a copy of the recorded covenant to the Planning Department prior to the issuance of any building permits.
 10. **Subdivision.** No further lot line adjustment or any other action that may cause the Housing Development Project site to be subdivided subsequent to this grant shall be permitted.
 11. **Public 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:

Bureau of Engineering

- a. Construction of sewers shall be to the satisfaction of the City Engineer. Sewers exist in Santa Monica Boulevard and Virginia Avenue. Extension of the 6-inch house connection laterals to the new property line will be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit. (BOE)

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- b. An investigation by the Bureau of Engineering Central Los Angeles District Office Sewer Counter may be necessary to determine the capacity of the existing sewers to accommodate the proposed development. Submit a request to the Central Los Angeles District Office of the Bureau of Engineering (213) 482-7050. **(BOE)**
- c. Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter (Central District Office) for review and approval prior to excavating land adjacent to the public right-of-way (213) 482-7067. **(BOE)**
- d. Construction of drainage facilities shall be to the satisfaction of the City Engineer. Roof and surface run-off from the project site shall be collected and treated at the site and directed to the streets via drain systems constructed under the sidewalk and through the curb drains connected to the catch basins. **(BOE)**
- e. Santa Monica Boulevard: A 12-foot wide strip of land shall be dedicated along the property frontage on Santa Monica Boulevard to complete a 52-foot half right-of-way in accordance with Major Highway – Class II standards. **(BOE)**
1. Additional surfacing shall be constructed to join the existing improvements to provide a 40 -foot half roadway in accordance with Major Highway – Class II standards, including asphalt pavement, integral concrete curb, 2-foot gutter and a 12 -foot full width concrete sidewalk. These improvements should suitably transition to join the existing improvements.
- f. Virginia Avenue: A 5-foot wide strip of land along the property frontage on Virginia Avenue shall be required to complete a 30-foot half right-of-way in accordance with Local Street standards. **(BOE)**
1. Construct additional surfacing to join the existing improvements to provide a 20-foot half roadway in accordance with Local Street standards, including asphalt pavement, integral concrete curb, 2-foot gutter and a 5-foot wide concrete sidewalk within a 10-foot landscaped parkway. These improvements should suitably transition to join the existing improvements.
- g. Two copies of a parking area and driveway plan shall be submitted to the Central District Office of the Bureau of Engineering for approval or that a covenant and agreement be recorded agreeing to do the same prior to the issuance of a building permit. **(BOE)**
- h. Submit a street tree plan pursuant to Ordinance No. 168,193 to the Department of Urban Forestry for review and approval.
1. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services.
 2. Plant two (2) 24" box size Brisbane Box trees (*Tristania conferta*) in the existing five (5) foot wide parkway. Trees shall be planted with two (2) minimum 2.5" diameter by ten (10) feet in height lodgepole tree stakes installed to a two (2) foot depth outside of the rootball. Trees shall be secured to tree stakes with two (2) rubber cinch ties.
 3. Developer or their agent shall be responsible for street tree planting and pay fees for clerical, inspection, and maintenance for a five-year period per the LAMC Section 62.176 for each tree.

4. Contact the Urban Forestry Division, Subdivision staff, at (213) 947-3088 for site inspection prior to any street tree work. Board of Public Works approval shall be obtained prior to the issuance of the Certificate of Occupancy of the development project, for the removal of any tree in the existing or proposed public right-of-way area associated with the improvement requirements outlined herein. The applicant should contact the Urban Forestry Division for further information (213) 847-3077. (BOE)

Bureau of Street Lighting

- i. Relocate and upgrade street lights: two (2) on Santa Monica Boulevard. (BSL)

Bureau of Sanitation

- j. Based on the estimated flows, it appears the sewer system may be able to accommodate the total flows for the proposed project. Further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer shall be required to construct sewer lines to appoint in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project. (BOS)

Fire Department

- k. Submit plot plans to the Fire Department for review and approval. (FIRE)

Department of Transportation

- l. Submit a traffic control plan to DOT's Hollywood-Wilshire District Office at (323) 957-6843 for review and approval prior to start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. (DOT)
- m. Submit a parking and driveway plan to DOT's Citywide Planning Coordination Section for project site access and circulation review and approval. (DOT)

Notice. Certificates of Occupancies 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.

B. ENVIRONMENTAL CONDITIONS

12. **Aesthetics (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 decision maker.
13. **Aesthetics (Landscape Buffer).** A minimum five-foot wide landscape buffer shall be planted adjacent to a residential use.

14. **Aesthetics (Retaining Walls less than 8 feet in Height).** Retaining walls that can be viewed from the adjacent public right(s) -of-way shall incorporate one or more of the following to minimize their visibility: clinging vines, espaliered plants, or other vegetative screening; decorative masonry, or other varied and textured façade; or utilize a combination of methods. The method of compliance with this measure shall be noted on any required landscape plan.
15. **Aesthetics (Vandalism).**
 - a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
 - b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.
16. **Aesthetics (Signage).**
 - a. On-site signs shall be limited to the maximum allowable under the Municipal Code.
 - b. Multiple temporary signs in store windows and along building walls are not permitted.
17. **Aesthetics (Signage on Construction Barriers)**
 - a. The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS".
 - b. Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
 - c. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.
18. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen form adjacent residential properties.
19. **Aesthetics (Glare).** The exterior of the proposed building shall be constructed of materials such as but not limited to, high-performance tinted non-reflective glass (no mirror-like tints or films) and pre-cast concrete or fabricated with surfaces to minimize glare and reflected heat.
20. **Aesthetics.** The project shall incorporate step backs and articulation to transition to adjacent lower density uses.
21. **Air Pollution (Demolition, Grading, and Construction Activities)**
 - 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. Wetting could reduce fugitive dust by as much as 50 percent.

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- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (greater than 15 mph), so as to prevent excessive amounts of dust.
 - d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - g. Trucks having no current hauling activity shall not idle but be turned off.
 - h. Traffic speeds on unpaved roads shall be limited to 15 miles per hour.
 - i. On-site stockpiles of debris, dirt, or rusty materials shall be covered or watered at least twice per day. Track-out shall not extend 25 feet or more from an active operation, and track-out shall be removed at the conclusion of each work day.
 - j. A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site.
 - k. All haul trucks hauling soil, sand and other loose materials shall maintain at least six inches of freeboard in accordance with California vehicle Code Section 23114.
 - l. All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g. with tarps or other enclosures that would reduce fugitive dust emissions).
 - m. Operations on unpaved surfaces shall be suspended when winds exceed 15 miles per hour.
 - n. Heavy equipment operations shall be suspended during first and second stage smog alerts.
 - o. The construction contractor shall limit the area of land disturbed during grading and excavation activity to 0.2 acres per day and shall maintain and operate construction equipment so as to minimize exhaust emissions.
- 22. Air Pollution (Stationary).** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 12, to the satisfaction of the Department of Building and Safety.
- 23. Objectionable Odors (Commercial Trash Receptacles).**
- a. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - b. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
- 24. Objectionable Odors**
- a. No window openings or exhaust vents shall be permitted on the building façade which abuts a residential use or zone.
 - b. No window openings or exhaust vents for commercial uses shall be permitted on the building façade which abuts a residential use or zone.
- 25. Cultural Resources (Archaeological)** If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:

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- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University, Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the archeological survey, study or report are submitted to: SCCIC Department of Anthropology, McCarthy Hall 477, CSU Fullerton, 800 North State College Boulevard, Fullerton, CA 92834.
- e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

26. Cultural Resources (paleontological). If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:

- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology – USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles county Natural History Museum – who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.
- f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

27. Seismic

- a. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety,
- b. Before basement slabs are cast, any disturbed soils shall be compacted in-lace to a relative compaction of at least 90 percent.
- c. Unless otherwise specified by the City of Los Angeles, the proposed project shall demonstrate compliance with specific recommendations in the Geotechnical Investigation prepared by Advanced Geotechniques, dated October 14, 2005 and contained herein as Appendix A, to the satisfaction of the City of Los Angeles Department of Building and Safety Grading Division, prior to issuance of any grading and building permits.

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- d. Temporary shoring shall be required for the construction of the proposed subterranean garage. This shall include soldier piles with interior bracing or tieback anchors. One row of anchor shafts shall be required.
- e. A spread footing foundation may be used to support the proposed structure. Due to the presence of shallow groundwater at the project site, interior pads shall be connected in both directions using tie-beams. Also, basement slabs shall be at least 9 inches thick and will be reinforced with # 4 bars placed at every 16 inches on center.
- f. The bottom of the garage slab shall be properly waterproofed to avoid any water entry into the garage during periods of high groundwater level.
- g. A subdrain network shall be installed below the slab. This shall consist of 12-inch wide trenches extending at least 12 inches below garage level. The trenches shall be filled with free-draining gravel and will be diverted to a sump. The trenches shall have horizontal spacing of no more than 25 feet. As water level rises above a certain level, the pumps will become activated and shall pump the collected water to the curb line.
- h. Dewatering may be required during construction activities and if necessary, shall be performed by an experienced contractor familiar with site conditions.
- i. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/ wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- j. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- k. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- l. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- m. Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tacking of sediment into streets shall be limited.
- n. All vehicle/equipment, maintenance, repair and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

28. Geology and Soils

- a. Water shall not be allowed to flow over the top of the excavation in an uncontrolled manner. No surcharge shall be allowed within a 45-degree line drawn from the bottom of the excavation. Excavation surfaces shall be kept moist but not saturated to retard raveling and sloughing during construction. During wet season construction activities, polyethylene plastic sheeting shall be placed over slopes.
- b. The tip of the piles shall be maintained above the water level to reduce the chances of caving. An allowable passive pressure of 500 pounds per square foot per foot of depth may be used below the basement level for soldier piles having center to center spacing of at least two and one half times the pile diameter. Maximum allowable passive pressure shall be limited to 4,000 pounds per square foot. The maximum center-to-center spacing of the vertical shafts shall be maintained no greater than ten feet.
- c. Interior pads shall be connected in both directions using tie-beams. Spread footings shall be at least 16 inches wide and shall be placed at a minimum depth of 24 inches below the lowest adjacent final grades. Designed and constructed spread footings shall be based on an allowable maximum bearing pressure of

- 1,800 pounds per square foot. Prior to the placement of foundation of the column pads, the column pads shall be excavated an additional two feet and backfilled with gravel and compacted in place to 90 percent of relative compaction. Maximum concentrated loads for footings included in the Geotechnical Investigation shall be followed.
- d. Where space limitations permit, unshored temporary excavation slopes may be used. Temporary excavation slopes shall be used in accordance with specific recommendations included in the Geotechnical Investigation prepared for the proposed project.
 - e. Cantilevered soldier piles shall be used as a means of temporary shoring where total height of excavation does not exceed 14 feet and minor lateral movements at the tops of the piles can be tolerated. In areas where total height of excavation exceeds 14 feet and minor lateral movements at the tops of the piles cannot be tolerated, soldier piles shall be held back by interior bracing or toes back by concrete anchor shafts.
 - f. The temporary shoring shall be designed not only for lateral earth pressure but also against the applicable surcharge from the off-site structures and loaded cranes. The location of the crane shall be determined prior to construction and shoring piles in the vicinity of the cranes shall be designed for added loads from the crane.
 - g. The active pressure on cantilever soldier piles shall be computed using an equivalent fluid density of 30 pounds per cubic foot. Uniform surcharge shall be computed using an equivalent fluid density of 30 pounds per cubic foot. Uniform surcharge shall be computed using an active pressure coefficient of 0.25 times the uniform load. The point of fixity for cantilevered soldier piles shall be assumed to occur at some two feet below the base of excavation.
 - h. Where total height of excavation exceeds 14 feet and in areas where minor lateral movement at the top of the piles cannot be tolerated, the vertical shafts shall be held back with a lateral bracing system. If internal bracing are used against the vertical piles, the footings shall be pre-loaded to the anticipated final loads.
 - i. Recommendations included in the Geotechnical Investigation regarding footings of bracings and associated pressure distribution and lagging shall be followed.
 - j. As an alternative to using internal bracing, shoring piles may be tied back with concrete anchor shafts. If tie backs are used, permissions shall be obtained to extend the anchor shafts beneath adjacent properties. The back specifications, guidelines and recommendations included in the Geotechnical Investigation conducted for the proposed project shall be followed. (This includes the construction procedure of the anchor shafts and observation and testing during the installation of the tieback anchors.)
 - k. A passive pressure of zero at the finished grades and increasing at a rate of 200 pounds per square foot per foot of depth to a maximum value of 2,000 pounds per square foot shall be used for footings poured against native soils.
 - l. Slab subgrade shall be prepared in accordance with the recommendations presented in the Geotechnical Investigation. Recommendations concerning thickness of grade slabs, vapor-barriers shall also be followed.
 - m. Static design of the perimeter walls of the basement garage shall be based on an equivalent fluid pressure of 45 pounds per square foot per foot of depth and the portions of the subsurface walls below a depth of about 12 feet shall be designed based on fill hydrostatic pressure (65 pounds per square foot per foot of depth.) Additional recommendations concerning basement walls included in the Geotechnical Investigation shall be followed.
 - n. Prior to placing any fill, the Soil Engineer shall observe the excavation bottoms. The areas to receive compacted fill shall be sacrificed to a depth of about eight

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- inches, as required to bring moisture content approximately three percent higher than optimum and compacted to at least 90 percent of the maximum dry density as determined by the ASTM designations.
- o. All fill shall be placed under engineering observation and in accordance with the following guidelines. All backfill shall be granular in nature. Only excavated sandy soil from the project site shall be reused in the areas of wall backfill. A subdrain shall be installed prior to wall backfilling. The subdrain system specifications included in the Geotechnical Investigation shall be followed. Excavated sandy soils shall be considered satisfactory to be reused in areas of compacted fill and wall backfill provided rocks larger than six inches in diameter are removed. Fill material approved by the Soil Engineer shall be placed in controlled layers. Each layer shall be compacted at least 90 percent of the maximum unit weight as determined by ASTM designations. Fill material shall be placed in layers and shall not exceed eight inches per layer when compacted. Each layer shall be spread evenly and shall be thoroughly mixed during the spreading to insure uniformity of material in each layer. When moisture content of the fill material is too low to obtain adequate compaction, water shall be added and thoroughly dispersed material is too high to obtain adequate compaction, the fill material shall be aerated by blading or other satisfactory methods until near optimum moisture conditions is achieved. Inspection and field density tests shall be conducted by the Soil Engineer during grading work to assure that adequate compaction is attained. Where compaction of less than 90 percent is indicated, additional compaction effort shall be made with adjustment of the moisture content of layer thickness, as necessary, until at least 90 percent compaction is obtained.
 - p. Site drainage shall be provided to divert roof and surface waters from the project site through non-erodible drainage devices to the street. Surface waters shall not be allowed to pond adjacent to building or behind the proposed basement garage walls. A minimum slope of one and two percent shall be used for paved and unpaved areas, respectively.
 - q. Before reinforcing is placed, all footing excavations shall be observed by an Advanced Geotechniques representative. The depths of cantilevered soldier piles shall be confirmed by an Advanced Geotechniques representative before the concrete is placed. Additionally, site grading work shall be conducted under observation of an Advanced Geotechniques representative.
 - r. All backfill soils shall be properly compacted to at least 90 percent relative compaction.

29. Green House Gas Emissions

- a. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- b. Only low-and non-VOC – containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

30. Hazardous Materials Site

- a. All hazardous waste, as well as the in-ground hydraulic hoist at the project site shall be removed and properly disposed.
- b. Prior to the issuance of any grading and building permits, the Applicant shall obtain site closure from the oversight agency, such as the Cal-EPA Department of Toxic Substances Control (DTSC). This is also known as “no further action” designation and is granted from the oversight agency when site issues are no

- longer a concern for human health or the environment based on the results of site assessment, site conditions, and/or risk evaluation findings.
- c. Further testing shall be completed to determine if a potential UST is located near the western portion of the project site parking area. If an UST is identified, additional subsurface investigation of that portion of the project site shall occur and removed if warranted.
- 31. Standard Urban Stormwater Mitigation Plan (Hillside Residential and All 10-or-more unit Subdivisions and Multi-Family Dwellings)**
- a. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, division 70 of the LAMC addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUMP) approved by Los Angeles Regional Water Quality Control Board, including the following (a copy of the SUMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4>):
- b. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing ¾ inch of rainfall in a 24 hour period. The design of structural NMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- c. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- d. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- e. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- f. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- g. Preserve riparian areas and wetlands.
- h. Promote natural vegetation by using parking lot islands and other landscaped areas.
- i. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- j. All storm drain inlets and catch basins within the project areas must be stenciled with prohibitive language (such as NO DUMPING – DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- k. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- l. Legibility of stencils and signs must be maintained,
- m. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes or curbs.
- n. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- o. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

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- p. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BNPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.
 - q. (Multiple Residential Dwellings of 10+ units of Single- or Multi-Family, incl. Subdivisions): Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- 32. Standard Urban Stormwater Mitigation Plan (Commercial/Industrial Development lot 43,560+sf; GasIX-60. Station/Automobile Maintenance and Repair)**
- a. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPS). Chapter IX, Division 70 of the LAMC addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following: (A copy of the SUSMP can be downloaded at: <http://www/swrcb.ca.gov/rwqcb4/>).
 - b. Cover loading dock areas or design drainage to minimize run-on and run-off of stormwater.
 - c. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
 - d. Repair/maintenance bays must be indoors or designed in such a way that doesn't allow stormwater run-on or contact with stormwater runoff.
 - e. Design repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to a standard sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required, obtain an Industrial Waste Discharge Permit.
 - f. Vehicle/equipment wash areas must be self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to the sanitary sewer.
 - g. Cleaning of vehicles and equipment to be performed within designated covered or bermed wash area paved with Portland concrete, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to a property connected sanitary sewer with a CPA type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis (at least twice a year) to remove any solids; and the oil absorbent pads must be replaced regularly, once in fall just before the wet season, and in accordance with manufacturer's specifications.
 - h. Reduce the use of hazardous materials and waste by: using detergent-based or water-based cleaning systems, non-caustic detergents for parts cleaning, and/or non-chlorinated solvents; and avoid chlorinated compounds, petroleum distillates, phenols, and formaldehyde.
 - i. Store above ground liquid storage tanks (drums and dumpsters) in designated areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, dikes, liners, vaults, and double-wall-tanks. Use drip pans or absorbent materials whenever grease containers are emptied. Where used oil or dangerous waste is stored, a dead-end sump should be installed in the drain. For all other liquids including antifreeze and radiator flush, the drain should be properly connected to a sanitary sewer with a positive control such as a lock, valve, or plug to prevent release of contaminated liquids.

- j. Toxic wastes must be discarded at a licensed regulated disposal site. Store trash dumpsters both under cover and with drains routed to the sanitary sewer or use non-leaking and water-tight dumpsters with lids. Use drip pans or absorbent materials whenever grease containers are emptied. Wash containers in an area with properly connected sanitary sewer.
- k. Reduce and recycle wastes, including: paper; glass; aluminum; oil; and grease.
- l. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.
- m. Utilize natural drainage systems to the maximum extent practicable.
- n. Control or reduce or eliminate flow to natural drainage systems to the maximum extent practicable.
- o. Stabilize permanent channel crossings.
- p. Protect slopes and channels and reduce run-off by complying with Chapter IX, Division 70 of the LAMC and utilizing vegetation (grass, shrubs, vines, ground covers, and trees) to provide long-term stabilization of soil.

33. Hydrology/Water Quality. See previous mitigation measures in Condition 28. Geology and Soils.

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

- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e. A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g. starting too early, bad muffler, etc) and would be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.
- f. The construction contractor shall place a temporary sound attenuation blanket of at least ten feet in height and minimum Sound Transmission Class Rating of 20 along the eastern portion of the project site bordering the Kingsley Elementary School.
- g. The construction contractor shall construct a temporary six-foot solid wall (e.g. wood) along the northern, a portion of the western, and southern border of the project site such that the line-of-sight is blocked from the project site to residential receptors.
- h. Construction contractors shall require its construction contractor to provide advance notification to adjacent property owners and post notices adjacent to the proposed project site with regard to the schedule of construction activities.
- i. Prior to initiating construction, the construction contractor shall coordinate with the site administrator for the Kingsley Elementary School to discuss construction activities that generate high noise and vibration levels. Coordination between the site administrator and the construction contractor shall continue on an as-needed basis throughout the construction phase of the proposed project to mitigate potential disruption of classroom activities.

- j. Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than tract equipment).
- k. ~~The construction contractor shall place a temporary sound attenuation blanket of at least ten feet in height, with a minimum Sound Transmission Class Rating of 20, along the western portion (only) of the property sharing a common property line with 5248 W. Virginia Avenue.~~

A temporary absorptive noise barrier wall shall be erected along the common property line with 5248 W Virginia Avenue. Such noise barrier shall have a minimum height equivalent to the highest portion of any fenestration in the residential building located upon 5248 W Virginia Avenue. This temporary absorptive noise barrier wall shall be capable of reducing construction related noise impacts between 15 and 25 dBA across its depth.

As an alternative, the applicant shall purchase and pay for the installation of double-paned windows in the southern and eastern elevations of the residential building located at 5248 W Virginia Avenue. The windows shall reduce noise levels a minimum of 15 dBA across their depth. The applicant shall be responsible for the securing of all applicable permits associated with the retro-fit. 100 percent participation in the retro-fit must be achieved, otherwise this measure is not effective and a construction noise barrier will be required.

35. Increased Noise Levels (Parking Structure Ramps)

- a. Concrete, not metal, shall be used for construction of parking ramps.
- b. The interior ramps shall be textured to prevent tire squeal at turning areas.
- c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.

36. Increased Noise levels (Mixed-Use Development) Wall and floor ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM #413.

37. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)

- a. All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

38. Increased Noise levels (Residential within 500 feet of Freeway) Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50,

and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.

39. **Increased Noise Levels.** The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

40. **Public Services (Fire).**

- a. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- b. All construction materials shall be stored on-site and not on the street to preserve adequate access for emergency vehicles.
- c. During the project's construction phase, the applicant shall ensure adequate through access for emergency vehicles.

41. **Public Services (Police)**

- a. The applicant shall provide project plans to the LAPD Crime Prevention Unit to determine any additional crime prevention and security features appropriate to the design of the project. Any additional design features identified by the LAPD Crime Prevention Unit shall be incorporated into the project's final design and to the satisfaction of LAPD, prior to issuance of a Certificate of occupancy for the project.
- b. The applicant shall consult with the Police Department and comply with recommended security features for the construction site(s), including security fencing, locked entrances, lighting, and the use of a seven-day, 24-hour security patrol.
- c. Upon completion of the project, the applicant shall provide the Rampart Division Commanding Officer with a diagram of each portion of the property, including access routes and other information that might facilitate police response, as requested by the LAPD.
- d. The project shall incorporate design guidelines relative to security, semi-public and private spaces, which may include, but not be limited to, access control to buildings, secured parking facilities, walls/fences with key systems, well illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas and provision of security guard patrol throughout the project site if needed. The applicant is referred to Design Out Crime Guidelines; crime Prevention Through Environmental Design (CPTED) published by the Los Angeles Street, Room 818, Los Angeles, (213) 485-3134. The CPTED operates on three key concepts. Natural surveillance: The placement of physical features, activities, and people in a way that maximized visibility. Natural access control: Restricting or encouraging people to come into a space through the placement of entrances, exits, fencing, landscaping and lighting. Territorial reinforcement: The use of physical attributes to define ownership and separate public and private space.

42. Transportation (Haul Route).

- a. Projects involving the import/export of 20,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
- b. A construction work site traffic control plan shall be submitted to LADOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operations, protective devices, warning signs and access to abutting properties.
- c. All construction related traffic shall be restricted to off-peak hours.
- d. A three-foot easement shall be provided along Santa Monica Boulevard in addition to any required dedication to provide for a 15-foot sidewalk.
- e. The applicant shall check with the Bureau of Engineering (BOE) Land Development group to determine the highway dedication, street widening and sidewalk requirements for the project.
- f. Any proposed gates shall have a 20-foot minimum reservoir space from the property line.

43. Utilities (Local Water Supplies – Landscaping)

- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy seasons).
- b. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:
 - i. Weather-based irrigation controller with rain shutoff
 - ii. Matched precipitation (flow) rates for sprinkler heads
 - iii. Drip/micro-spray/subsurface irrigation where appropriate
 - iv. Minimum irrigation system distribution uniformity of 75 percent
 - v. Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
 - vi. Use of landscape contouring to minimize precipitation runoff
 - vii. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 square feet and greater.
 - viii. Prior to the issuance of a building permit, the applicant shall consult with LADWP to identify feasible and reasonable measures that reduce water consumption, including but not limited to, systems to use reclaimed water for landscaping (should reclaimed water become available to the City), drip irrigation, re-circulating hot water systems, and water conserving landscape techniques.
 - ix. The proposed project shall incorporate Phase 1 ESA of the City of Los Angeles Emergency Water Conservation Plan. The Plan prohibits hose watering of driveways and associated walkways, mandates decorative fountains to use recycled water, and provides that water leaks are repaired in a timely manner.
 - x. The proposed project shall comply with any additional mandatory water use restrictions imposed as a result of drought conditions.

- xi. Automatic sprinkler systems shall be installed to irrigate landscaping during morning hours or during the evening to reduce water losses from evaporation. Sprinklers shall be reset to water less often in cooler months and during the rainfall seasons, so that water is not wasted in excessive landscape irrigation.

44. Utilities (Local Water Supplies – All New Construction)

- a. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- b. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- c. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment discharging the heated water to the sanitary wastewater system.)

45. Utilities (Local Water Supplies – Commercial or Industrial). All restroom faucets shall be of a self-closing design.

46. Utilities (Local Water Supplies – New Residential)

- a. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- b. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- c. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

47. Utilities (Solid Waste Recycling)

- a. (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as part of the project's regular solid waste disposal program.
- b. (Construction/Demolition) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- c. (Construction/Demolition) to facilitate on-site separation and recycling of demolition-and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

ADMINISTRATIVE CONDITIONS

48. **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 Planning Department for placement in the subject file.
49. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with LAMC, except where herein granted conditions override.
50. **Definition.** Any agency, public official, or city department referenced in these conditions shall mean that agency, public official, or city department, or its successor(s) or designee(s). "State Density Bonus Program" refers to State Government Code Section 65915. "Ordinance" refers to Ordinance 179,681 as the implementation Ordinance approved by the City Planning Commission on June 9, 2005 and August 21, 2006 and the Planning and Land Use Management Committee of the City Council on April 4, 2006, adopted by the City Council on February 20, 2008 effective on April 15, 2008.
51. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
52. **Building Plans.** Page 1 of this grant and all the conditions of approval, shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
53. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the city Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions if, in the commission's or Directors opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
54. **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 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.
55. **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 owners, heirs or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

DENSITY BONUS COMPLIANCE FINDINGS

1. The Project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program.

As submitted, the subject project does not comply with the applicable regulations, standards, and provisions of the City's adopted Density Bonus Ordinance, LAMC 12.22.A.25. The project as submitted includes commercial floor area in excess of the permitted 0.5:1 FAR per the zoning designation of the parcel, C2-1D, and thus is denied.

The project as approved and conditioned by this determination complies with all applicable provisions of the State Density Bonus Program and the City's adopted implementation Ordinance. The project qualifies for a 35% density bonus because 20% or ten (10) of its units are set-aside as restricted for low-income households. As noted in the adopted Ordinance, the set aside units allow by-right increases in density and reduced parking requirements (based on the type and number of units).

On the C2 zoned portion of the site, one (1) dwelling unit is allowed for each 400 square feet of lot area, for a total allowable density of 74 units. On the RD1.5 zoned portion of the site, one (1) dwelling unit is allowed for each 1,500 square feet of lot area, for a total allowable density of 9 units. Utilizing the Density Bonus, 35% of the 83 residential unit base density yields 29.05 units which per the code is rounded up to 30 units. Therefore, 113 total residential units may be developed on the property. The project proposes only 49 units (39 units on the Santa Monica building and 10 units on the Virginia Avenue building), well under the maximum of 113 with the Density Bonus and even under the maximum "by right" density of 83 units. Of these 49 units, 20%, or ten (10) of its units are set aside as restricted for low-income households, qualifying the project for the 35% density bonus.

In addition, since the project sets aside at least 20% of its units for low-income residents, the applicant is eligible for two incentives and has requested two incentives from a specified menu of concessions, as described below:

Incentives/Concessions:

The following concessions are required to maximize the number of affordable units for this under-served population.

Floor Area Ratio. LAMC 12.22.A.25 permits a deviation from the permitted FAR to an FAR not to exceed 3:1 for the residential portion of the Housing Development Project because the following conditions are met:

a. The property is in a commercial zone in Height District 1.

As approved, the project receives an FAR increase from 0.5:1 to 3:1 for the residential component of the project on the three (3) C2-1D zoned properties fronting Santa Monica Boulevard. These three parcels comprise approximately 29,948 square feet. Without the FAR incentive, the amount of floor area allowed on these three (3) parcels would be 14,974 square feet total. When the FAR incentive is applied to the residential development on these lots for a total FAR of 3:1, the total amount of floor area allowed is 89,844 square feet. However, this allowable floor area applies only to the residential uses proposed for the lots, per the City of Los Angeles' adopted Density Bonus Ordinance. The purpose of the Density Bonus Ordinance is to

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encourage the production of more affordable residences for moderate, low, and very-low income households.

As submitted and subsequently denied by this determination, the project included a floor area of 32,272 square feet for the commercial portion of the building fronting on Santa Monica Boulevard. This is 17,325 square feet in excess of the permitted FAR of 0.5:1, or 14,974. This project incorrectly requested the FAR incentive for the commercial portions of the Housing Development Project. However, as the FAR incentive may only be applied to the residential portion of the building, this project is not approved. As previously stated, the purpose of the Density Bonus Ordinance is to encourage the production of more affordable residences for moderate, low, and very-low income households, not to encourage the development of additional commercial floor area in excess of zoning regulations.

For the three (3) commercially zoned lots, the project as approved by this determination will include a maximum total floor area of 14,947 square feet of commercial uses to include medical office / retail uses. These three (3) commercially zoned lots will include approximately 46,677 square feet of residential uses. Thus, the project complies with the requirement of the incentive.

b. The property fronts on a Major Highway as identified in the City's General Plan.

As described above, Santa Monica Boulevard is identified in the City's General Plan as a designated Class II Major Highway.

As part of the Hollywood Community Plan update process, a Hollywood Street Standards Committee was formed to evaluate the current street designations within the Hollywood area and develop revised street standards. The Committee recommended that Santa Monica Boulevard be redesignated to a Major Highway Class II with Modified Standards providing a 37-foot half-width roadway within a 52-foot half-width right-of-way (with 15 foot sidewalk). Although the Hollywood Community Plan Update has not yet been adopted, this project is conditioned to provide improvements with the dimensions as proposed by the Hollywood Community Plan update. The required dedication is not impacted.

c. The project includes the number of Restricted Affordable Units sufficient to qualify for a 35% Density Bonus.

A Housing Development Project that includes 20% of the total units of the project for Low-income Households shall be granted a Density Bonus of 35%. The project proposes 49 residential units, 10 of which (or 20%) are Restricted Affordable Units for Low-income Households, thus complying with the requirement of the Ordinance.

d. 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/ Major Employment Center.

The project site includes three parcels with C2-1D zoning designation. Per 12.22.A.25 of the LAMC, the definition of a "Transit Stop / Major Employment

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Center" includes a Metro Rapid Bus stop located along a Metro Rapid Bus route. These three parcels, located on the north side of Santa Monica Boulevard are within 1,500 feet of the #704 Metro Rapid Bus stop, which is located at the northwest and southeast corners of Santa Monica Boulevard and Normandie Avenue. Thus, the project complies with the requirement of the incentive.

Averaging of Floor Area Ratio, Density, Parking or Open Space, and Permitting Vehicular Access. The project is requesting to receive the averaging of parking, open space, and permitting vehicular access from a less restrictive zone to a more restrictive zone. The project is conditioned to provide a minimum of 87 parking spaces for the residential units and code required parking spaces for the commercial floor area. Plans indicate that the project will provide code required parking spaces, which are to be averaged across all five (5) parcels. As approved, the project plans indicate that all required open space is to be averaged across all five (5) lots. The project takes its access from both Virginia Avenue and Santa Monica Boulevard, allowing vehicular access from a less restrictive zone (C2) to a more restrictive zone (RD1.5).

LAMC 12.22.A.25 permits the averaging of parking, open space, and permitting vehicular access from a less restrictive zone to a more restrictive zone, provided that certain conditions are met:

- a. **The Housing Development Project includes 20% of the units for Low Income households.** The project proposes 49 residential units, 10 of which (or 20%) are Restricted Affordable Units for Low Income Households, thus complying with the requirement of the Ordinance.
- b. **The proposed use is permitted by the underlying zones of each parcel.** The property is comprised of five (5) lots. Three (3) of the lots have a zoning designation of C2-1D. Permitted C2 uses include medical office, retail uses, and multi-family dwelling units (subject to the requirements of the R-4 zone), which the proposed project complies with. Two (2) of the lots are zoned RD1.5-1XL which permits multi-family dwelling units. The project proposes ten (10) multi-family dwelling units on these two parcels, thus complying with the Ordinance.
- c. **No further lot line adjustment or any other action that may cause the Housing Development Project site to be subdivided subsequent to this grant shall be permitted.** As conditioned, this project shall not be allowed to be subdivided, thus complying with the condition.

2. **Environmental:** The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible. In compliance with requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV-2007-0365-MND, Exhibit D) in accordance with the Los Angeles CEQA guidelines.