

# TRANSMITTAL TO CITY COUNCIL

<b>Case No.(s)</b>	<b>Planning Staff Name(s) and Contact No.</b>	<b>C.D. No.</b>
CPC-2009-3271-ZC-HD-ZAA-SPR-ZAD	BLAKE LAMB 213-978-1167	5
<b>Items Appealable to Council:</b>	<b>Last Day to Appeal:</b>	<b>Appealed:</b>
ZAA-SPR-ZAD	MAR 07 2013	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Location of Project (Include project titles, if any.)</b>		
7901, 7909 W. BEVERLY BLVD.		
<b>Name(s), Applicant / Representative, Address, and Phone Number.</b>		
<div style="display: flex; justify-content: space-between;"> <div>ALEX GORBY, B &amp; F ASSOCIATES, LP</div> <div>REPRESENTATIVE: BENJAMIN FISS, CRAIG LAWSON &amp; CO.</div> </div>		
<b>Name(s), Appellant / Representative, Address, and Phone Number.</b>		
<b>Final Project Description</b> (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)		
<p>The demolition of the Fairfax Theater, with the exception of the street facing façades, and removal of existing uses from the existing 28,920.5 square-foot lot. The project is comprised of a mixed-use project with a maximum height of 55 feet and six (6) inches and six (6) stories (to accommodate a rooftop restroom and excluding the spire atop the theater which rises to 60 feet in height and would be maintained in place), containing 71 residential units, and approximately 11,118 square feet of commercial uses. The project would include 228 parking spaces in a 4 ½ level subterranean parking structure. The project site is zoned C2-1VL.</p>		
<b>Fiscal Impact Statement</b>	<b>Environmental No.</b>	<b>Commission Vote:</b>
<small>*Determination states administrative costs are recovered through fees.</small> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	ENV-2009-2656-EIR, SCH#2010011044	5- 0
JAMES K. WILLIAMS, Commission Executive Assistant II		Date: <b>MAR 08 2013</b>



# LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

**Determination Mailing Date:** FEB 15 2013

**CASE NO.:** CPC-2009-3271-ZC-HD-ZAA-SPR-ZAD  
**CEQA:** ENV-2009-2656-EIR, SCH#2010011044

**Location:** 7901, 7909 W. Beverly Blvd.

**Council District:** 5 – Koretz

**Plan Area:** Wilshire

**Request(s):** Zone Change, Height District Change  
Zoning Administrator's Adjustment, Site Plan Review,  
Zoning Administrator's Determination

**Applicant:** Alex Gorby, B & F Associates, LP  
**Representative:** Benjamin Fiss, Craig Lawson & Co.

**At its meeting on January 24, 2013, the following action was taken by the City Planning Commission:**

1. **Approved a Vesting Zone Change** from the existing C2 zone to (T)(Q)RAS4-1D zone.
2. **Approved a Height District Change** from Height District -1VL to **Height District -1D** for a maximum building height of 55 feet and 6 inches. The recommended "D" Limitation would restrict the allowable building height to not exceed 55 feet and 6 inches at its highest point (to accommodate a rooftop restroom) in lieu of the unlimited height allowed in Height District 1.
3. **Approved a Zoning Administrator's Adjustment** from Section 12.11.5 C.2. of the Municipal Code, to permit a 0-foot northerly side yard setback and 0-foot southerly side yard setback for the residential portion of the building in lieu of the required 5-foot side yard setbacks for side yards.
4. **Denied** without prejudice a **Zoning Administrator's Adjustment** from Section 12.11.5 C.4 of the Municipal Code to permit density and unit count to be based on lot area prior to dedications (if any are required) in order to permit an increase in the residential density permitted on the site from 68 units (1 unit per 400 square feet of post dedicated lot area) to 71 units (an approximate 4% increase). This enables the density to be based on lot area prior to dedications for the purpose of defining the buildable area permitted on the site from 27,396.42 (post-dedicated lot area) to 28,920.5 square feet (pre-dedicated lot area) which is an approximate 5.5% increase.
5. **Approved the Site Plan Review** findings.
6. **Approved a Zoning Administrator's Determination** for a Shared Parking Approval to permit the shared parking of a maximum of 30 on-site parking spaces between the proposed commercial parking and residential guest parking.
7. **Adopted** the attached **Conditions of Approval**.
8. **Adopted** the attached **Findings**.
9. **Certified** the Beverly and Fairfax Project EIR, case number **ENV-2009-2656-EIR**, (SCH No. 2010011044) and Adopt a Statement of Overriding Considerations, accompanying mitigation measures, the Mitigation Monitoring and Reporting Program and the required.

## RECOMMENDATIONS TO CITY COUNCIL:

1. **Recommend** that the City Council **Adopt a Vesting Zone Change** from the existing C2 zone to (T)(Q)RAS4-1D zone.
2. **Recommend** that the City Council **Adopt a Height District Change** from Height District -1VL to **Height District -1D** for a maximum building height of 55 feet and 6 inches. The recommended "D" Limitation would restrict the allowable building height to not exceed 55 feet and 6 inches at its highest point (to accommodate a rooftop restroom) in lieu of the unlimited height allowed in Height District 1.
3. **Recommend** that the City Council **adopt** the attached **Conditions of Approval**.
4. **Recommend** that the City Council **adopt** the attached **Findings**.
5. **Recommend** that the City Council **certify** the Beverly and Fairfax Project EIR, case number **ENV-2009-2656-EIR**, (SCH No. 2010011044) and Adopt a Statement of Overriding Considerations, accompanying mitigation measures, the Mitigation Monitoring and Reporting Program and the required.

**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:** Roschen  
**Seconded:** Lessin  
**Ayes:** Hovaguimian, Perlman, Romero  
**Absent:** Burton, Cardoso, Freer,  
**Vacant:** One

**Vote:** 5 - 0

---

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

**Effective Date:** The decision of the City Planning Commission is effective upon the mailing date of the determination letter and becomes final if no appeals are filed within the specified time limits.

**Appeals:** If the Commission has disapproved the Zone Change request, in whole or in part, only the applicant may appeal that disapproval to the Council **within 20 days** after the mailing date of this determination. Any aggrieved party may appeal the Zoning Administrator's Adjustment, Site Plan Review, and Zoning Administrator's Determination. Any appeal not filed within the **20-day period** shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

**Final Appeal Date:** MAR 07 2013

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

Attachments: Ordinance, Maps, Conditions of Approval, Findings  
City Planner: Blake Lamb

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

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

Dedication(s) and Improvement(s): Prior to the issuance of any building permits, except demolition, excavation, or foundation permits, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Department of Public Works, Bureau of Engineering Fire Department (and other responsible City, regional, and Federal government agencies, as may be necessary).

1. Responsibilities/Guarantees.

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

2. Transportation Improvements. The applicant shall consult with the Bureau of Engineering and the Department of Transportation (DOT) for any required improvements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, department of Public Works. They must be constructed and completed prior to issuance of any Certificate of Occupancy to the satisfaction of DOT and the Bureau of Engineering.

The improvements shall include the following:

- a. Improve the alley adjoining the tract by repairing any bad order portion including any necessary removal and reconstruction of existing improvements as determined necessary by the West Los Angeles District Office.
3. Street Lighting. To the satisfaction of the Bureau of Street Lighting, if new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the Certificate of Occupancy.



4. Street Trees. If determined necessary, construct tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division (213) 485-5675 of the Bureau of Street Services.
5. Sewers. The applicant shall make a request to the Central District Office of the Bureau of Engineering to determine the capacity of the existing sewer in the area.
6. Parking/Driveway Plan. Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation, Construction Services Counter (Station 23 at 201 North Figueroa Street, third floor), prior to the issuance of a building permit. A parking area and driveway plan may be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' which include proper documentation verifying the existing or previous use, square footage and shall include the minimum design features:
  - a. A minimum of 40-foot reservoir space be provided between any security gates and the property line.
  - b. Parking stalls shall be designed so that a vehicle is not required to back out onto any public street or sidewalk.
7. Recreation and Parks. Per Section 17.12-A of the LAMC, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
8. Schools. Per Mitigation Measure L-9, the applicant shall pay school fees to the LAUSD.
9. Fire Department. 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:
  - a. M  
M L-1. During demolition and construction, LAFD access from major roadways and internal roadways shall remain clear and unobstructed.
  - b. M  
M L-2. The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the proposed Project, for review and approval, which shall provide the capacity of the fire mains serving the Project site. Any required upgrades shall be identified and implemented prior to occupancy of the proposed Project.
  - c. M  
M L-3. The design of the Project site shall provide adequate access for LAFD equipment and personnel to the structure.

- d. M  
M L-4. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit.
  - e. M  
M L-5. The applicant shall submit plot plans for LAFD approval of access and fire hydrants.
  - f. M  
M L-6. The Project shall provide adequate off-site public and on-site private fire hydrants.
  - g. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  - h. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - i. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building, but in no case shall the horizontal travel distance from the access stairwell to the end of the public street, private street or Fire Lane exceed 150 feet. This stairwell shall extend unto the roof.
  - j. Entrance to the main lobby shall be located off the address side of the building.
  - k. Any required Fire Annunciator panel or Fire Control Room shall be located within a 50-foot visual sight line of the main entrance stairwell, or to the satisfaction of the Fire Department.
  - l. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders. Site plans shall include all overhead utility lines adjacent to the site.
  - m. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
10. Police Department. The requirements of the Police Department relative to public safety and crime prevention shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Police Department either prior to the issuance of any building permit, as well as the following:
- a. M  
M L-7. The Project site plans shall incorporate the design guidelines relative to security, semi-public and private spaces, that may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum

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

b.

M

M L-8. Upon completion of the proposed Project, the applicant shall provide LAPD's Wilshire Community Police Station's Commanding Officer with a diagram of all portions of the Project site that includes access routes and any other applicable information that may facilitate police response.

11. Covenant: Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

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

Notice: Certificates of Occupancies for the subject properties 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.

**(Q) QUALIFIED CONDITIONS OF APPROVAL**

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

**A. Entitlement Conditions**

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit B**, dated **January 24, 2013**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to the use and area provisions of the RAS4 zone, permitting a mixed use development with commercial uses on the ground level and residential uses as defined in Section 12.11.5 of the Municipal Code, except where conditions herein may be more restrictive. Residential uses shall be permitted on the ground floor subject to the limitations contained herein.
3. **Height.** The majority of the building shall be limited to a height of 50 feet, as defined by Los Angeles Municipal Code (LAMC) Section 12.03 and allowed per LAMC Section 12.21.1, except that a rooftop restroom area may reach a height of 55 feet and six (6) inches. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
4. **Floor Area Ratio (FAR).** The total floor area of the structure on the property shall not exceed 3:1 times the buildable area of the lot. The total floor area of non-residential, ground-floor commercial uses on the subject property shall not exceed 11,118 square feet, as defined by Section 12.03 of the LAMC.
5. **Residential Density.** Not more than 71 dwelling units may be constructed on the property, per the RAS4 zone, Section 12.11.5 of the LAMC.
6. **Rear Yard.** A rear yard of five (5) feet shall be provided.
7. **Parking.** The project shall provide parking pursuant to LAMC Section 12.21.A4. However, notwithstanding Section 12.21 A.4 of the LAMC, the project shall be permitted to share a maximum of 30 on-site parking spaces between the proposed commercial parking and the residential guest parking, per the approved Zoning Administrator Determination.
8. **Loading.** A loading space shall be provided in accordance with Section 12.21 C.6. The loading area shall be secured by gates, fencing, or other appropriate security measure and it shall be maintained free of any trash or debris for the life of the project.
9. **Refuse/recycling area.** Details shall be provided on the method of enclosure for the refuse/recycling areas at the time of final plan sign off. The refuse/recycling area shall be secured with an enclosure that fully screens the view of the refuse/recycling area. It shall be constructed in a style similar to that of the main building.

10. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.
11. **Façade Maintenance.** The existing street facing elevations shall be protected and maintained in place. This notation shall be included in the Final Elevation Plans. The existing wall on the north elevation shall remain in place per the notation on Exhibit B, Elevation Plans. Should the existing, street facing facades be removed from the site at any time, or should the existing concrete wall on the north façade be removed from the site at any time, dedications and improvements shall be required for the project, and the approved Zoning Administrator Adjustment for 0-foot side yards shall be nullified.
12. **Elevations.** Plan notations shall be added to the Final Elevation Plans indicating compliance with Draft EIR (DEIR) Exhibits, page III-1 which detail the treatment of the existing façade. Specifically:
  - a. The original windows shall be replaced in kind per DEIR Figure III-17;
  - b. The original plinth shall be restored per DEIR Figure III-17 and III-21 through III-23;
  - c. The original transom window shall be replaced in kind per DEIR Figure III-17;
  - d. The original struts shall be retained and restored per DEIR Figure III-28;
  - e. The marquee shall be rehabilitated per DEIR Figure III-18;
  - f. The original terrazzo flooring shall remain protected in place per DEIR Figures III-19 and III-24;
  - g. The original coffered ceiling shall be retained and restored per DEIR Figure III-19;
  - h. All billboards shall be removed per DEIR Figure III-20;
  - i. All existing signs and awnings shall be removed per DEIR Figure III-20;
  - j. Current steel gates shall be removed per DEIR Figures III-21 through III-23;
  - k. Any damage to the existing face of the building shall be restored per DEIR Figure III-22;
  - l. Existing building façade and details to be restored per DEIR Figure III-25;
  - m. Window openings to be restored to original size per DEIR Figure III-26;
  - n. Existing windows to be replaced with similar original 1930s design per DEIR Figure III-26.

## **B. Environmental Conditions**

13. The applicant shall prepare and execute a Covenant and Agreement (Planning Department form CP-6770) in a manner satisfactory to the Department of City Planning requiring the Applicant to identify mitigation monitors who shall provide periodic status reports on the implementation of applicable mitigation items required by Mitigation Conditions of the project's approval satisfactory to the Department of City Planning. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure the continued implementation of the below mentioned mitigation measures.

Note: MM corresponds to the mitigation measures as identified in the project EIR. To the extent that the Conditions of Approval conflict with mitigation measures, if any, the Conditions of Approval shall govern and shall serve as part of the final Mitigation Monitoring and Reporting Program.

#### Cultural Resources

14. If any archaeological materials are encountered during the course of Project development, all further development activity shall halt and:
  1. 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.
  2. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  3. The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
  4. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:  
SCCIC Department of Anthropology  
McCarthy Hall 477  
CSU Fullerton  
800 North State College Boulevard  
Fullerton, CA 92834
  5. 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.
  6. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit. **(MM A-1)**
15. If any paleontological materials are encountered during the course of the Project development, the Project shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology – University of Southern California (USC), UCLA, Cal State Los Angeles, Cal State Long Beach, or the Los Angeles County Natural History Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum. A covenant and agreement shall be recorded prior to obtaining a grading permit. **(MM A-2)**
16. If human remains are discovered at the Project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City Public Works Department and County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified

within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. **(MM A-3)**

#### Aesthetics

17. 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. **(MM B-1)**
18. The proposed structure shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation, or other similar material, pursuant to LAMC Section 91.8104. **(MM B-2)**
19. The exterior of the proposed structure shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91.8104. **(MM B-3)**
20. On-site signs shall be limited to the maximum allowable under the LAMC. **(MM B-4)**
21. Multiple temporary signs in the store windows and along the building walls shall not be permitted. **(MM B-5)**

#### Air Quality

22. During the Project's excavation phase, the Project Applicant shall limit the total number of daily truck trips (round trips) to a maximum of 105. **(MM C-1)**
23. 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. **(MM C-2)**
24. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. **(MM C-3)**
25. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. **(MM C-4)**
26. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust. **(MM C-5)**
27. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 miles per hour), so as to prevent excessive amounts of dust. **(MM C-6)**
28. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. **(MM C-7)**

29. Signs shall be posted around the Project site that instruct construction workers to not allow any engines of any construction equipment or vehicle to idle for longer than 5 minutes. **(MM C-8)**
30. For the commercial portion of the proposed Project - 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. **(MM C-9)**
31. For the residential portion of the proposed Project- An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety. **(MM C-10)**
32. To the extent feasible, during Project construction, all internal combustion engines/construction, equipment operating on the Project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following: **(MM C-11)**
  - a. All off-road diesel-powered construction equipment greater than 50 horse power shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - b. January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horse power shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - c. Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horse power shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - d. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
  - e. The Project Applicant shall encourage the Project Construction Contractor to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website:



<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

#### Geology and Soils

33. The design and construction of the proposed Project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety. **(MM E-1)**
34. Prior to the issuance of building or grading permits, the applicant shall submit a final geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The final geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, expansive soils, and discuss mitigation measures that may include building design consideration. **(MM E-2)**
35. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. **(MM E-3)**

#### Hazards and Hazardous Materials

36. Prior to any demolition activities, a licensed asbestos inspector shall be retained to determine the presence of ACMs within the Fairfax Theater building. A licensed asbestos abatement contractor shall be retained to remove all ACMs from the Project site during the Project's demolition phase. **(MM G-1)**
37. Prior to any demolition activities, a licensed lead-based paint inspector shall be retained to determine the presence of lead-based paint within the Fairfax Theater building. A licensed lead-based paint abatement contractor shall be retained to remove all lead-based paint from the Project site during the Project's demolition phase. **(MM G-2)**
38. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements: a vent system and gas-detection system that shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25 percent of the Lower Explosive Limit (LEL) methane concentration is detected within those areas. **(MM G-3)**

#### Hydrology and Water Quality

39. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity. **(MM H-1)**

40. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. **(MM H-2)**
41. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting. **(MM H-3)**
42. 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 shall be discarded at a licensed regulated disposal site. **(MM H-4)**
43. 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. **(MM H-5)**
44. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible. **(MM H-6)**
45. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting. **(MM H-7)**
46. The Project Applicant shall implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook, Part B, Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be required. **(MM H-8)**
47. Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. **(MM H-9)**
48. The amount of impervious surface shall be reduced to the extent feasible 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). **(MM H-10)**
49. A roof runoff system shall be installed, as feasible, where site is suitable for installation. **(MM H-11)**
50. Messages shall be painted that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. **(MM H-12)**
51. Materials with the potential to contaminate stormwater shall be placed in an enclosure such as a cabinet or shed. **(MM H-13)**
52. Storage areas shall be paved and sufficiently impervious to contain leaks and spills. **(MM H-14)**

53. An efficient irrigation system shall be designed and implemented to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers. **(MM H-15)**
54. The owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the property's owner(s), heirs or assigns to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions. This condition shall be fulfilled prior to issuance of any building permit. **(MM H-16)**
55. Toxic wastes shall be discarded at a licensed regulated disposal site. **(MM H-17)**
56. Wastes including paper, glass, aluminum, oil, and grease shall be recycled to the extent feasible. **(MM H-18)**

#### Noise

57. Noise and groundborne vibration construction activities whose specific location on the Project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the Silverado Senior Living multi-family residences. **(MM J-1)**
58. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be limited to between the hours of 10:00 AM and 4:00 PM. Examples include the use of drills and jackhammers. **(MM J-2)**
59. All on-site construction loading and staging areas shall be located as far as possible from the Silverado Senior Living multi-family residences. **(MM J-3)**
60. During the site demolition and site preparation/excavation phases at the Project site, temporary barriers such as plywood structures or flexible sound control curtains extending eight feet in height shall be erected between the Project site and the Silverado Senior Living multi-family residential building to the west of the Project site to minimize the amount of noise to the maximum extent feasible during construction. **(MM J-4)**
61. All construction truck traffic shall be restricted to truck routes approved by the City Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the maximum extent feasible. **(MM J-5)**
62. Two weeks prior to the commencement of construction at the Project site, notification must be provided to the immediate surrounding off-site residential uses that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. **(MM J-6)**
63. The Project Applicant 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. **(MM J-7)**

64. Construction and demolition shall be restricted to the hours of 7:00 AM to 9:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday. **(MM J-8)**
65. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. **(MM J-9)**
66. All exterior windows associated with the proposed residential uses at the Project site shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, of alternative means of sound insulation sufficient to mitigate interior noise levels to below a CNEL of 45 dBA in any habitable room. **(MM J-11)**
67. The Project Applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. **(MM J-12)**

#### Public Services

68. During demolition and construction, LAFD access from major roadways and internal roadways shall remain clear and unobstructed. **(MM L-1)**
69. The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the proposed Project, for review and approval, which shall provide the capacity of the fire mains serving the Project site. Any required upgrades shall be identified and implemented prior to occupancy of the proposed Project. **(MM L-2)**
70. The design of the Project site shall provide adequate access for LAFD equipment and personnel to the structure. **(MM L-3)**
71. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit. **(MM L-4)**
72. The applicant shall submit plot plans for LAFD approval of access and fire hydrants. **(MM L-5)**
73. The Project shall provide adequate off-site public and on-site private fire hydrants. **(MM L-6)**
74. The Project site plans shall incorporate the design guidelines relative to security, semi-public and private spaces, that may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic

areas, and provision of security guard patrol throughout the Project site, if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the LAPD. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the LAPD prior to the issuance of building permits. **(MM L-7)**

75. Upon completion of the proposed Project, the applicant shall provide LAPD's Wilshire Community Police Station's Commanding Officer with a diagram of all portions of the Project site that includes access routes and any other applicable information that may facilitate police response. **(MM L-8)**
76. The applicant shall pay school fees to the LAUSD. **(MM L-9)**
77. The Project Applicant shall pay all applicable fees associated with the construction of the proposed Project, including but not necessarily limited to, Quimby fees. **(MM L-10)**
78. The Project Applicant shall pay a mitigation fee of \$200 per capita based on projected residential population generated as a result of the buildout of the proposed development. The funds will be used for books, computers and other library materials and information services. **(MM L-11)**

#### Utilities

79. The landscaped irrigation system shall be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets. Each zone (sprinkler valve) shall water plants having similar watering needs (do not mix shrubs, flowers, and turf in the same watering zone).

Automatic irrigation timers shall be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times shall be adjusted for all zones seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property.

The irrigation systems shall also meet the following requirements:

- a. Weather-based irrigation controller with rain shutoff;
- b. Flow sensor and master valve shutoff (large landscapes);
- c. Matched precipitation (flow) rates for sprinkler heads;
- d. Drip/microspray/subsurface irrigation where appropriate;
- e. Minimum irrigation system distribution uniformity of 75 percent;
- f. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
- g. Use of landscaping contouring to minimize precipitation runoff.

**(MM N-1)**

80. Drought-tolerant, low water consuming plant varieties shall be used to reduce irrigation water consumption. For a list of these plant varieties, refer to Sunset Magazine, October 1988, "The Unthirsty 100," pp. 74-83, or consult a landscape architect. **(MM N-2)**

81. The Project Applicant shall use recycled water (where available) for appropriate end uses (irrigation, cooling towers, sanitary). **(MM N-3)**
82. The Project Applicant shall install ultra-low-flush high-efficiency toilets (1.28 gallons/flush or less, includes dual flush), ultra-low-flush high-efficiency urinals (0.5 gallons/flush or less, includes waterless), and water-saving showerheads (2.0 gallons/minute or less). Low flow faucet aerators shall be installed on all sink faucets with a faucet flow rate of 1.5 gallons/minute or less. **(MM N-4)**
83. Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). Cooling towers shall be operated at a minimum of 5.5 cycles of concentration. **(MM N-5)**
84. The Project Applicant shall install domestic water heating systems located in close proximity to point(s) of use. Tank-less and on-demand water heaters shall be used as feasible. **(MM N-6)**
85. The Project Applicant shall install high-efficiency clothes washers (water factor of 6.0 or less) where clothes washers are provided, and high-efficiency dishwashers (Energy Star rated) shall be installed where dishwashers are provided. Water conserving clothes washers and dishwashers are now available from many manufacturers. Water savings also represent energy savings, in that the water saved by these appliances is typically heated. **(MM N-7)**
86. Single-pass cooling shall be prohibited. **(MM N-8)**
87. The Project Applicant shall install metering systems as follows:
  - a. All dwelling units shall have individual metering and billing for water use; and
  - b. All irrigated landscapes of 5,000 square feet or more require separate metering or submetering. **(MM N-9)**
88. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable materials. **(MM N-10)**
89. Windows shall be designed to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather (e.g., tinting, double pane glass, etc.). **(MM N-11)**
90. Thermal insulation that exceeds requirements established by the State of California Energy Conservation Standards shall be installed in walls and ceilings. **(MM N-12)**
91. High-efficiency lamps shall be installed for all outdoor security lighting. **(MM N-13)**
92. Time control interior and exterior lighting shall be installed. These systems shall be programmed to account for variations in seasonal daylight times. **(MM N-14)**
93. Exterior walls shall be finished with light-colored materials and high-emissivity characteristics to reduce cooling loads. Interior walls shall be finished with light-colored materials to reflect more light and thus increase lighting efficiency. **(MM N-15)**

94. If applicable, the Applicant shall coordinate with DWP and fund the installation of upgraded facilities as needed to maintain an adequate electricity distribution system and/or to connect the Project site to the surrounding infrastructure. **(MM N-16)**
95. Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations. **(MM N-17)**
96. Install high-efficiency air conditioning controlled by a computerized energy-management system in the retail spaces that provides the following:
  - A variable air-volume system that results in minimum energy consumption and avoids hot water energy consumption for terminal reheat;
  - A 100-percent outdoor air-economizer cycle to obtain free cooling in appropriate climate zones during dry climatic periods;
  - Sequentially staged operation of air-conditioning equipment in accordance with building demands; and
  - The isolation of air conditioning to any selected floor or floors. **(MM N-18)**
97. Consider the applicability of the use of thermal energy storage to handle cooling loads. **(MM N-19)**
98. Cascade ventilation air from high-priority areas before being exhausted, thereby decreasing the volume of ventilation air required. For example, air could be cascaded from occupied space to corridors and then to mechanical spaces before being exhausted. **(MM N-20)**
99. Recycle lighting system heat for space heating during cool weather. Exhaust lighting-system heat from the buildings via ceiling plenums to reduce cooling loads in warm weather. **(MM N-21)**
100. Install low and medium static-pressure terminal units and ductwork to reduce energy consumption by air-distribution systems. **(MM N-22)**
101. Ensure that buildings are well sealed to prevent outside air from infiltrating and increasing interior space-conditioning loads. Where applicable, design building entrances with vestibules to restrict infiltration of unconditioned air and exhausting of conditioned air. **(MM N-23)**
102. A performance check of the installed space-conditioning system should be completed by the developer/install prior to issuance of the Certificate of Occupancy to ensure that energy-efficiency measures incorporated into the proposed Project operate as designed. **(MM N-24)**
103. Finish exterior walls with light-colored materials and high-emissivity characteristics to reduce cooling loads. Finish interior walls with light-colored materials to reflect more light and thus, increase lighting efficiency. **(MM N-25)**
104. Use a white reflective material for roofing meeting California standards for reflectivity and emissivity to reject heat. **(MM N-26)**

105. Install thermal insulation in walls and ceilings that exceeds requirements established by the California Code of Regulations. **(MM N-27)**
106. Design window systems to reduce thermal gain and loss, thus reducing cooling loads during warm weather and heating loads during cool weather. **(MM N-28)**
107. Install heat-rejecting window treatments, such as films, blinds, draperies, or others on appropriate exposures. **(MM N-29)**
108. Install whenever possible fluorescent and high-intensity-discharge (HID) lamps that give the highest light output per watt of electricity consumed, including all street and parking lighting to reduce electricity consumption. Use reflectors to direct maximum levels of light to work surfaces. **(MM N-30)**
109. Install photosensitive controls and dimmable electronic ballasts to maximize the use of natural daylight available and reduce artificial lighting load. **(MM N-31)**
110. Install occupant-controlled light switches and thermostats to permit individual adjustment of lighting, heating, and cooling to avoid unnecessary energy consumption. **(MM N-32)**
111. Install time-controlled interior and exterior public area lighting limited to that necessary for safety and security. **(MM N-33)**
112. Control mechanical systems (heating, ventilation, and cooling and lighting) in the building with timing systems to prevent accidental or inappropriate conditioning or lighting of unoccupied space. **(MM N-34)**
113. Incorporate windowless walls or passive solar inset of windows into the proposed Project for appropriate exposures. **(MM N-35)**
114. Design the proposed Project to focus pedestrian activity within sheltered outdoor areas. **(MM N-36)**

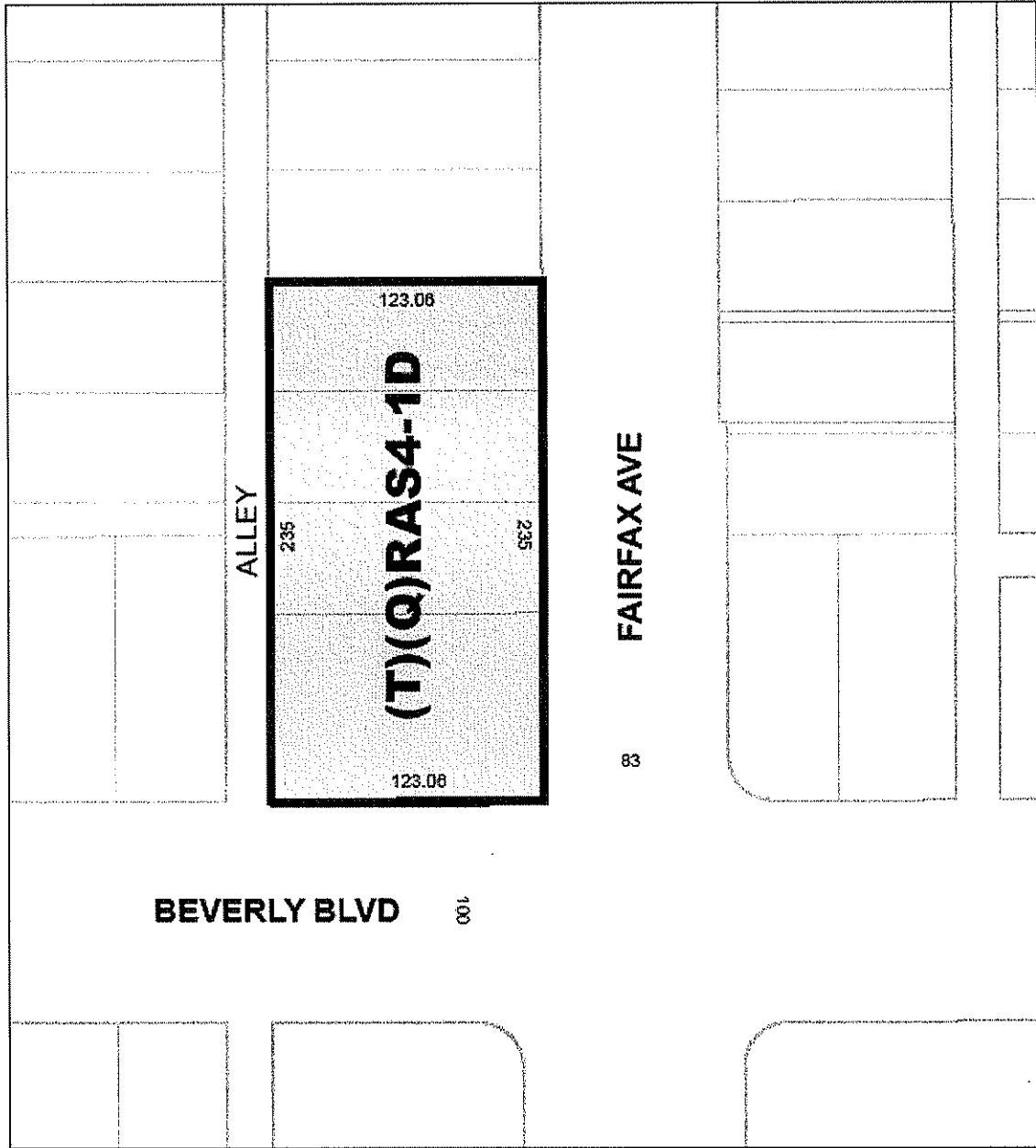


**ORDINANCE NO. \_\_\_\_\_**

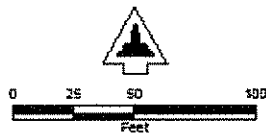
An ordinance amending Section 12.04 of the Los Angeles municipal Code by amending the zoning map.

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

Section \_\_\_\_\_. Section 12.04 of the Los Angeles municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



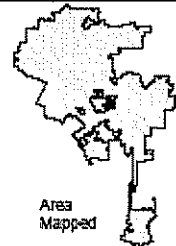
Data Source: Department of City Planning, Bureau of Engineering



C.M. 138 B 177	CPC-2009-3271-ZC-HD-ZAA-SPR-ZAD
----------------	---------------------------------

CF/

013113



Area  
Mapped

### CONDITIONS OF APPROVAL

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit B**, dated **January 24, 2013**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the City Planning Department for review.
2. **Setbacks.** Notwithstanding Section 12.11.5 C2 of the LAMC, the project shall be allowed to observe a zero (0) foot south side and north side yard setback except should the existing, street facing facades be removed from the site at anytime, or should the existing concrete wall on the north façade be removed from the site at anytime, this condition shall be nullified.
3. **Existing façade.** The areas of "existing wall to remain" on the north and west side elevations, per notation #1 on the Exhibit B Elevation Plans, shall be aesthetically enhanced with alternative materials, texture, articulation, or vegetation so that the final project does not present large expanses of blank walls.
4. **Shared parking.** Notwithstanding Section 12.21 A.4 of the LAMC, the project shall be permitted to share a maximum of 30 on-site parking spaces between the proposed commercial parking and the residential guest parking if the project includes a restaurant use.

### Administrative Conditions of Approval

5. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
6. **Code Compliance.** All other use, area, height, and yard regulations of the Los Angeles Municipal Code (LAMC) and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except where conditions are granted in this Determination.
7. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
8. **Building Plans.** All the Conditions of Approval, and any other written modifications, shall be printed on the final building plans / drawings submitted to the Department of City Planning and the Department of Building and Safety.
9. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions if, in the Commission's or Director's

opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

10. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
11. **Department of Building and Safety.** The granting of this Determination by the Director of Planning does not in any way indicate compliance with applicable provisions of the Los Angeles Municipal Code (LAMC). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect the uses, or any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
12. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these Conditions of Approval 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 Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Department of City Planning for attachment to the subject file.
13. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.
14. **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 relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

**"D" DEVELOPMENT CONDITIONS**

Section 3. Pursuant to Section 12.32 H of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "D" Development classification.

1. **Height.** The majority of the building shall be limited to a height of 50 feet, as defined by Los Angeles Municipal Code (LAMC) Section 12.03 and allowed per LAMC Section 12.21.1, except that a rooftop restroom area may reach a height of 55 feet and six (6) inches. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.

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

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

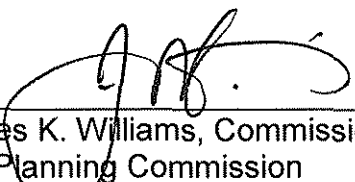
\_\_\_\_\_  
JUNE LAGMAY, City Clerk

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Pursuant to Section 558 of the City Charter,  
the City Planning Commission on January 24, 2013  
recommended this ordinance be adopted by the City Council.

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

File No(s). \_\_\_\_\_

## FINDINGS

1. **General Plan Land Use Designation.** The subject site is located within the area covered by the Wilshire Community Plan adopted by the City Council on September 19, 2001. The Wilshire Community Plan designates the subject site as Community Commercial with corresponding zones of CR, C2, C4, P, PB, RAS3, and RAS4.

### Framework Element

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

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

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

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

The project is a new mixed-use building located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. As conditioned, the project will be designed in harmony with the existing neighborhood and minimize impacts on neighboring properties. The project will provide a high quality project that incorporates the existing Fairfax Theater façade with a new, modern design. It will also provide new housing options for residents, and will incorporate measures to reduce impacts to air quality, geology, hazardous materials, noise, and public services for the surrounding community. This portion of Beverly Boulevard and Fairfax Avenue is not identified as a District or Center in the Framework Long-Range Land Use Diagram; however, the character of the area includes other mixed-use projects, commercial and retail uses, and high density residential. The project's recommended density and height will be compatible with existing development and will not create negative impacts to the adjacent commercial or residential areas.

*B. Economic Development Chapter, Framework Element*

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

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

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

The project is a new mixed-use building located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. The above objectives seek to concentrate commercial development in existing commercial corridors and in areas that are able to support such development which are in close proximity to rail and bus transit stations. It also encourages the development of general commercial uses, which support community needs. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above that will serve the existing community in a location that currently contains several under-utilized structures. The project will incorporate energy saving and sustainable features to improve environmental quality in the area.

Housing Element

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

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

The project is a new mixed-use building that will include 71 residential units and approximately 11,118 square feet of ground floor commercial/retail space. This project will activate the community by generating pedestrian activity during and after normal commercial business hours. The development will replace a currently under-utilized structure with a well-designed project that incorporates the existing Fairfax Theater façade, providing a unique design. The restoration of the Fairfax Theater façade will enhance the quality of the public realm. Work will include the restoration of the terrazzo at the Beverly Boulevard entrance, maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. All of this restoration work will serve to enhance the public realm at the project site. Additionally, because the project is incorporating the existing façade, dedications are not required, allowing a 15-foot wide sidewalk where normally only a 12-foot wide sidewalk is required.

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

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

*Policy 2.3.3: Encourage the development of new projects that are accessible to public transportation and services consistent with the community plans. Provide for the*



*development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.*

The project is a new mixed-use development that includes 71 new residential units and approximately 11,118 square feet of ground floor commercial space. The site is located close to numerous local bus routes as well as DASH routes. The combination of the high-medium residential and commercial character of the proposed development and the proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled, thus helping to mitigate traffic congestion, air pollution, and urban sprawl. Also, the project will provide for the development of land use patterns that emphasize bicycle access and use. The 2010 Bicycle Plan identifies Beverly Boulevard and Fairfax Avenue as part of the Backbone Bicycle Network and as future bicycle lane locations. The proposed project will include bike racks for the commercial uses and secured bicycle storage for the residential tenants.

#### Transportation Element

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

*Objective 5.10: Require off-street dock and/or loading facilities for all new non-residential buildings and for existing non-residential buildings undergoing extensive renovations and/or expansion, whenever practicable.*

The project is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. As conditioned, the project will be designed to enhance pedestrian circulation along Fairfax Avenue and Beverly Boulevard. The project does not propose any new curb cuts on Beverly Boulevard, provides one new curb cut on Fairfax Avenue, and provides access to the loading dock area off of an existing alley. These loading facilities are designed with capacity to accommodate all deliveries and prevent queuing on area streets. By taking advantage of existing alleyways for loading access, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. This restoration work will serve to enhance the pedestrian experience at the project site.

#### Land Use Element – Wilshire Community Plan

##### *Residential Policies and Objectives*

*Policy 1-1.3. Provide for adequate Multiple Family residential development*

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

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

The project is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. It will contain 71 residential units and approximately 11,118 square feet of commercial uses. The project provides ground floor commercial and retail uses as well as new residential units in close proximity to existing jobs and services. The project is located at the boundary of the Beverly-Fairfax Community Center (to the south of Beverly Boulevard) and the Fairfax-Beverly Neighborhood District (to the north of Beverly Boulevard), as identified in the Wilshire Community Plan. Neighborhood Districts are primarily developed into small commercial village arrangements, with one to four-story retail and office uses, and a mix of residential units. The Community Center includes the Farmer's Market shopping complex, the CBS Television City Studio, and the Pan Pacific Regional Park. Currently, the Community Center area is developed with commercial land uses ranging from one and two-story retail to high-rise office, multiple apartment towers, and large shopping centers.

The proposed project design and mix of uses takes into account the project's location at the crossroads of Neighborhood District and Community Center. In order to fit in with the Neighborhood District to the north, the project proposes small scale commercial uses that will be neighborhood serving. The proposed height (a majority of the building will be built at a 50-foot height with a small portion extending to 55 feet and six (6) inches) is also consistent with the typically one to four-story development pattern to the north. At the same time, however, the project brings a truly unique and place making design to an important commercial corner. The design of the project elevates what could have been a typical, mixed-use project into a project that will serve as a gateway to the Commercial Center located to the south.

There are multiple transportation opportunities in the subject site's immediate area. Currently, the Los Angeles Metropolitan Transportation Authority (MTA) routes a number of bus lines in close proximity to the project site. Five bus lines stop at the corner of Beverly Boulevard and Fairfax Avenue in front of the project site while four additional bus lines run within one block of the project site. Consequently, reduced vehicular trips are anticipated due to the project site's location adjacent to significant public transportation opportunities.

#### *Commercial Policies and Objectives*

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

*Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

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

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

*Policy 2-2.3 Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.*

*Policy 2-3.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.*

The project is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. It will contain 71 residential units and approximately 11,118 square feet of commercial uses. The project will provide small scale, neighborhood

serving commercial options at the ground floor and residential units above. The project will provide additional nearby commercial options for the adjacent residential districts.

The project is located at the boundary of the Beverly-Fairfax Community Center (to the south of Beverly Boulevard) and the Fairfax-Beverly Neighborhood District (to the north of Beverly Boulevard), as identified in the Wilshire Community Plan. Neighborhood Districts are primarily developed into small commercial village arrangements, with one to four-story retail and office uses, and a mix of residential units. The Community Center includes the Farmer's Market shopping complex, the CBS Television City Studio, and the Pan Pacific Regional Park. Currently, the Community Center area is developed with commercial land uses ranging from one and two-story retail to high-rise office, multiple apartment towers, and large shopping centers.

The proposed project design and mix of uses takes into account the project's location at the crossroads of Neighborhood District and Community Center. In order to fit in with the Neighborhood District to the north, the project proposes small scale commercial uses that will be neighborhood serving. The proposed height (a majority of the building built at a 50-foot height with a small portion extending to 55 feet and six (6) inches) is also consistent with the typically one to four-story development pattern to the north. At the same time, however, the project brings a truly unique and place making design to an important commercial corner. The design of the project elevates what could have been a typical, mixed-use project into a project that will serve as a gateway to the Commercial Center located to the south.

The site is located just outside the boundaries of two designated Mixed-Use Boulevards – one along Beverly Boulevard to the east and one along Fairfax Avenue to the south. According to the Wilshire Community Plan, the Mixed Use Boulevard concept encourages cohesive commercial development integrated with housing; incorporating retail, office and/or parking on the lower floors and residential units on the upper floors. The mixed use concept also accommodates separate commercial and residential structures in the same block. The intent of this type of development is to provide housing in close proximity to jobs and services, to reduce vehicular trips, traffic congestion, and air pollution, to provide housing, and to stimulate vibrancy and activity in pedestrian-oriented areas. While this project is located just outside two Mixed Use Districts, it nevertheless achieves many of the same goals and objectives such as locating neighborhood serving commercial uses with residential units above, on a site that is at the intersection of two commercial and transit corridors.

The project does not propose any new curb cuts on Beverly Boulevard, provides one new curb cut on Fairfax Avenue, and provides access to the loading dock area off an existing alley. These loading facilities are designed with capacity to accommodate all deliveries and prevent queuing on area streets. By taking advantage of existing alleyways for loading access, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. This restoration work will serve to enhance the pedestrian experience at the project site.

2. **Zone and Height District Change Findings.** Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action to rezone the property from C2-1VL to RAS4-1D is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. It would be built to a maximum height of 55 feet and six (6) inches. Beverly Boulevard and Fairfax Avenue are both transit corridors, as well as identified bicycle routes as part of the 2010 Bicycle Master Plan. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project represents the creative re-use of an existing, underutilized commercial site along two major corridors, balancing the preservation of neighborhood serving retail and the existing building façade with the addition of new housing options. The project eliminates an underutilized movie theater, revitalizes a commercial corner, and provides parking for all new uses on the site.

*Public Necessity*

The Wilshire Community Plan Footnote #5 limits Commercially zoned parcels in the Neighborhood Office Commercial General Plan Land Use, such as the subject site, to a maximum FAR of 1.5:1. The applicant has requested a Vesting Zone Change to RAS4 which would allow for a maximum FAR of 3:1. The site is also limited to a height of 45 feet per the -1VL Height District. Per the Zoning Code, projects that are within a RAS Zone (RAS3 or RAS4) which are in height district -1VL get a slight increase in allowable height over the 45 feet and are entitled to a maximum height of 50 feet. However the applicant has requested a Height District change to -1D for a maximum height of 55 feet and six (6) inches. The majority of the building will be built to a height of 50 feet; however a small rooftop restroom will extend to a maximum height of 55 feet and six (6) inches.

The Wilshire Community Plan, a part of the General Plan for the City of Los Angeles, designates the Project Site for Neighborhood Office Commercial uses, which corresponds to the C1, C1.5, C2, C4, P, CR, RAS3, and RAS4 zones. As part of its action adopting the new RAS zoning classifications, the City Council directed the Planning Department to update the City's 35 community plans to include the new RAS4 zone as corresponding zones in all commercial land use categories that allow R4 density housing. The Neighborhood Office Commercial designation for the Project Site allows the mixed-use RAS4 zone; therefore, the proposed RAS4 zoning classification is consistent with the City's General Plan.

The conditioned mixed-use project conforms to the requirements of the RAS4 Residential/Accessory Services zone. The purpose of the RAS4 zone is to provide a mechanism to increase housing opportunities, enhance neighborhoods, and revitalize older commercial corridors. The RAS4 zone is also intended to provide a tool to accommodate projected population growth in mixed-use and residential projects that is compatible with existing residential neighborhoods.

The rezoning of the site to accommodate the conditioned project will be consistent with public necessity as it will increase the housing opportunities in the Wilshire Community of Los Angeles by providing new housing options. The site's current zoning would restrict the site's redevelopment to an FAR that is too low to accommodate the project. In order to provide a range of unit types typical of modern apartment buildings and mixed-use projects, it is necessary to have a higher FAR. As conditioned, the compatible design of the mixed-use project will enhance the neighborhood and will contribute to the revitalization of the

Beverly Boulevard and Fairfax Avenue commercial corridors. The Wilshire Community Plan encourages multiple family residential and mixed-use developments in close proximity to regional and community commercial centers. The Wilshire Community Plan Objective 2-1 encourages the City to preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Not only will the project provide necessary retail opportunities for the surrounding community, but it will also provide an improved pedestrian experience for the neighborhood. By taking advantage of existing alleyways for loading access and providing only one curb cut on Fairfax Avenue, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. All of this restoration work will serve to enhance the pedestrian experience at the project site.

#### *Convenience*

The objectives of the Wilshire Community Plan include providing adequate land for new multiple family residential units and strengthening existing commercial areas while protecting lower density residential uses from incompatible development and designing new development to be compatible with adjacent residential neighborhoods. Changing the existing zone to the RAS4 and changing the Height District to -1D will allow for the development of a mixed use project that complements the adjoining residential and commercial development. It is also consistent with the objectives of the Wilshire Community Plan. The increase in the number of dwelling units and commercial floor area in this Neighborhood Commercial area will encourage the viability of the North La Cienega Boulevard corridor. The Public Convenience is also served by centrally locating employment and residential opportunities near a variety of other services including one of the Wilshire Community's Regional Centers.

The combination of housing and retail uses reduces reliance on the car by locating housing near job centers and shopping destinations. In addition to the convenience of providing neighborhood serving retail uses within the project, the site is located within a quarter mile of the Grove and Farmer's Market Regional Commercial Center. There are many bus routes that serve the site, and it is located near many office, retail and restaurant uses. These opportunities increase pedestrian activity, which in turn benefits local businesses and neighborhoods.

#### *General Welfare*

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

- Help meet local housing needs
- Enhance the sense of community in the area by providing a unique, well-designed, attractive development
- Rehabilitate an under-utilized site in need of improvement
- Provide an environmentally-friendly project designed to LEED Silver standards
- Restore an existing neighborhood landmark

#### *Good Zoning Practice*

The requested Zone and Height District Change from C2-1VL to RAS4-1D is in substantial conformance with the purposes, intent and provisions of the General Plan, and is consistent

with good zoning practice because it will provide for development of a mixed use project that complements the commercial character of Beverly Boulevard, Fairfax Avenue and the nearby residential neighborhoods. The proposed Zone and Height District Change is consistent with the surrounding uses and development pattern. Surrounding zones are C2-1V, C2-1-O and R4 and surrounding uses include the CBS (Television City) Studio to the southeast, a surface parking lot to the north, and a 4-story commercial bank to east. To the west, Hayworth Avenue is developed with multi-family residential buildings. Adjacent to the project site across the alley and located on Hayworth Street is a 154-unit residential building in the R4-1 zone, the Silverado Senior Assisted Living Facility. Hayworth Street is zoned R4-1 on the east side with a High Medium Residential Land Use Designation (abutting the project site) and R3-1 on the west side with a Medium Residential Land Use Designation. The entirety of this block is developed with multi-family buildings. The southern half of the east side of the block (the R4 zoned lots) is developed with buildings at a height of 3-5 stories.

The proposed project design and mix of uses takes into account the site's location at the crossroads of the Wilshire Community Plan designated Neighborhood District and Community Center. In order to fit in with the Neighborhood District to the north, the project proposes small scale commercial uses that will be neighborhood serving. The proposed height (a majority of the building will be built at a 50-foot height with a small portion extending to 55 feet and six (6) inches) is also compatible with the typically one to four-story development pattern to the north and west. At the same time, however, the project brings a truly unique and place making design at an important commercial corner. The design of the project elevates what could have been a typical, mixed-use project into a project that will serve as a gateway to the Commercial Center located to the south.

The proposed project is consistent with the surrounding uses and zoning. Given the surrounding properties and building heights, the requested Zone and Height District Change from the current zoning on the property to a RAS4-1D with proposed "D" Limitation allowing for a 55 foot and six (6) inch maximum height limitation would reflect good zoning practices. As requested, this height change would allow for better overall site design. The density and project size, made possibly with the proposed 3:1 FAR, is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed Zone and Height District Change will enhance the Beverly Boulevard and Fairfax Avenue intersection and pedestrian experience, provide new opportunities for commercial development, meet local housing needs, and provide a development compatible with the community.

3. **Zoning Administrator Adjustment Findings – Reduced Setbacks.** The applicant is requesting Zoning Administrator Adjustments from Section 12.11.5 C.2. of the Municipal Code, to permit a 0-foot northerly side yard setback and 0-foot southerly side yard setback for the residential portion of the building in lieu of the required 5-foot side yard setbacks for side yards.

- a. *While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.*

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The project proposes to maintain the existing Fairfax Theater façade and incorporate it into the new project. As the

existing building is constructed with zero foot setbacks, the project as designed cannot provide the required five (5) foot side yard setbacks for the residential portions of the building.

The commercial ground floor is not required to provide any setbacks, but the upper residential floors are required to provide setbacks. The project proposes to maintain the existing building façades along the Fairfax Avenue and Beverly Boulevard frontages. Additionally, a portion of the façade is to remain along the north frontage adjacent to the public parking lot (for structural shoring purposes). No yard setback is proposed along Fairfax Avenue for both commercial and residential uses. Along Beverly Boulevard the project proposes no setbacks for the first three (3) floors and a setback for the upper residential floors. On the north side yard, a zero foot side yard is proposed for the eastern part of the façade, though the western part of the façade has a variable setback for the residential levels. The alley façade provides a 10-foot rear yard as measured from the centerline of the alley for both the ground floor commercial and residential levels above. Since the project proposes to maintain the existing façade along Beverly Boulevard a setback is not feasible.

The site is located at an intersection of two commercial corridors – Beverly Boulevard and Fairfax Avenue. The adjacent properties north of the project site located along Fairfax Avenue are developed with commercial/retail uses with no yard setbacks. The adjacent properties located along Beverly Boulevard to the west of the project site are developed with commercial/retail uses and do not observe yard setbacks along Beverly Boulevard. Since the project site is located in a commercial area with properties observing non-conforming setbacks, granting this adjustment will result in development both compatible and consistent with the surrounding uses.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The project proposes to maintain the existing Fairfax Theater façade and incorporate it into the new project. As the existing building is constructed with zero foot setbacks, the project as designed cannot provide the required five (5) foot side yard setbacks for the all residential portions of the building.

Since the adjacent properties west of the project site located along Beverly Boulevard are developed with commercial/retail uses that do not observe yard setbacks, the proposed zero side yard setback for the residential portion of the building along Beverly Boulevard will not adversely affect or degrade adjacent properties or the surrounding neighborhood.

The purpose of yard setbacks is to buffer uses adjacent to the site, not to disrupt the flow of the site plan. The required front yard setback on Fairfax Avenue and side yard setback on Beverly Boulevard does not bring any benefit to the

community. Since no other buildings along Fairfax Avenue are set back, the required setbacks would be out of character and would have an adverse impact to the surrounding area. The requested adjustment to allow for a zero yard setback on Beverly Boulevard for the residential portion of the building is consistent with the adjacent properties in this commercial corridor, and thus does not create any adverse impact on adjoining or neighboring properties.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. It would be built to a maximum height of 55 feet and six (6) inches. Beverly Boulevard and Fairfax Avenue are both transit corridors, as well as identified bicycle routes as part of the 2010 Bicycle Master Plan. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project itself is consistent with the General Plan Framework Element, Transportation Element, Housing Element, and Wilshire Community Plan.

The general purpose of zoning regulations is to provide reasonable setbacks to allow adequate exposure to light and air for residents within a residential development. The requested reduction for the side yards to a zero foot setback will permit the creation of an integrated, mixed-use development that will enhance the Fairfax Avenue and Beverly Boulevard intersection and pedestrian experience, provide new opportunities for commercial development, meet local housing needs, and provide a development compatible with the community.

By maintaining the existing Fairfax Theater façades, the project will provide a much enhanced, pedestrian friendly street frontage. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. The Wilshire Community Plan includes several objectives and policies which promote distinctive pedestrian-oriented areas, encourage the improvement of streetscape identity and character, and encourage pedestrian-oriented design and this project is consistent with these objectives and policies.

4. **Zoning Administrator Adjustment Findings – Density and Unit Count.** The applicant is requesting a Zoning Administrator Adjustment from Section 12.11.5 C.4 of the Municipal Code to permit density and unit count to be based on lot area prior to dedications (o 71 units (an approximate 4% increase). This request would enable the density to be based on lot area prior to dedications for the purpose of defining the buildable area permitted on the site from 27,396.42 (post-dedicated lot area) to 28,920.5 square feet (pre-dedicated lot area) which is an approximate 5.5% increase. As dedications for this project have been waived, this request is not needed and is therefore **denied without prejudice**.

- a. *Site characteristics or existing improvements **do not** make strict adherence to the zoning regulations impractical or infeasible, and the project **does not** conform with the intent of those regulations.*



The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The façade of the Fairfax Theater are being maintained in place and will be incorporated into the proposed project. As the Fairfax Theater façade is not being demolished, the project is unable to provide the required dedications. Therefore, the dedications and improvements have been waived for this project, resulting in a wider sidewalk and allowing the existing Fairfax Theater to remain in place.

Since dedications are not required, the project is permitted to take their density and unit count on their gross lot area of 28.920 square feet. With the waiver of dedications, there are no site characteristics or existing improvements that make strict adherence to the zoning regulations impractical and this request is denied without prejudice.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The façade of the Fairfax Theater are being maintained in place and will be incorporated into the proposed project. As the Fairfax Theater façade is not being demolished, the project is unable to provide the required dedications. Therefore, the dedications and improvements have been waived for this project, resulting in a wider sidewalk and allowing the existing Fairfax Theater to remain in place.

Since dedications are not required, the project is permitted to take their density and unit count on their gross lot area of 28.920 square feet. With the waiver of dedications, this request is denied without prejudice.

- c. *The project **is not** in substantial conformance with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any applicable specific plan.*

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The façade of the Fairfax Theater is being maintained in place and will be incorporated into the proposed project. As the Fairfax Theater façade is not being demolished, the project is unable to provide the required dedications. Therefore, the dedications and improvements have been waived for this project, resulting in a wider sidewalk and allowing the existing Fairfax Theater to remain in place.

Since dedications are not required, the project is permitted to take their density and unit count on their gross lot area of 28,920 square feet. With the waiver of dedications, this request is denied without prejudice.

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

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

The site would be developed with a mixed-use project with a maximum height of 55 feet and six (6) inches and six (6) stories (to accommodate a rooftop restroom and excluding the spire atop the theater which rises to 60 feet in height and would be maintained in place), containing 71 residential units, and approximately 11,118 square feet of commercial uses. It would be developed with a maximum FAR of 3:1. The project would include 228 parking spaces in a 4 ½ level subterranean parking structure.

The 11,118 square feet of commercial tenant space would be located at the ground floor, with pedestrian access from both Fairfax Avenue and Beverly Boulevard. The existing street-facing elevations would be maintained, and the three retail spaces proposed would be incorporated into the restored Beverly Boulevard and Fairfax Avenue facades. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign.

The applicant is seeking a number of entitlements in order to construct their project – a Vesting Tentative Tract Map, a Vesting Zone Change, a Height District Change, a Zoning Administrator Adjustment for reduced yards and increased density, a Zoning Administrator Determination for a shared parking approval, and a Site Plan Review. If approved, the entitlement requests will bring the project into compliance with all applicable provisions of the LAMC. As detailed above, in the General Plan Text Findings section, the proposed project is in compliance with the Land Use Chapter and Economic Development Chapter of the General Plan Framework; the Transportation Element; the Housing Element; and the Land Use Element–Wilshire Community Plan. The site is not located within a Specific Plan. The project as conditioned is in conformance with the General Plan and Wilshire Community Plan as follows.

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

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

Commercial Areas - Site Planning: Structures shall be oriented toward the main commercial street where a parcel is located and avoid pedestrian/vehicular conflicts by

1. Minimize the number of driveways/curb cuts which provide access from Major and Secondary Highways. Prohibit driveway openings, or garage or parking lot entries in exterior frontage walls of buildings, or between frontage buildings, unless the Los Angeles Department of Transportation determines that driveways cannot be practically placed elsewhere.

The project does not propose any new curb cuts on Beverly Boulevard, provides one new curb cut on Fairfax Avenue, and provides access to the loading dock area off an existing alley. These loading facilities are designed with capacity to accommodate all deliveries and prevent queuing on area streets. By taking advantage of existing alleyways for loading access, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater.

2. Maximize pedestrian oriented retail and commercial service uses along street grade level frontages along commercial boulevards. Provide front pedestrian entrances for businesses which front on main commercial streets, with building facades and uses designed to promote customer interest, such as outdoor restaurants and inviting public way extensions.

Both Fairfax Avenue and Beverly Boulevard are commercial boulevards, and the proposed project locates retail uses at street grade on both of these streets. The commercial portion of the building is oriented toward the commercial boulevards, with the primary entrances on the street. The proposed building takes advantage of its location on a highly trafficked, pedestrian oriented corner through the use of fenestration and entryways located at grade.

3. Encourage pedestrian-only walkway openings, or entries (require at least one ground floor pedestrian entry), in exterior frontage walls of buildings, or between frontage buildings to plazas or courtyards with outdoor dining, seating, water features, kiosks, paseos, open air vending, or craft display areas.

Pedestrian access to the commercial uses is provided on Beverly Boulevard and Fairfax Avenue. Two pedestrian entryways are located on Fairfax Avenue – these provide access to the retail elevator, the parking garage, and the residential units. These entryways actually function as small courtyards as they are completely open to the sky, one of which includes a bicycle parking area. Because they are open to the sky, they also function to break up the massing of the building. Pedestrian access to the residential units is provided via a separate residential lobby on Beverly Boulevard as well as the two entryways on Fairfax Avenue. The project will

provide enhanced paving at the pedestrian residential entries as well as accessibility to the residential uses from all parking levels.

4. Provide fully landscaped and maintained unused building setback areas, and strips between driveways and walkways which allow safe and inviting pedestrian access to the rear of properties.

As designed and conditioned, the project proposes to maintain the existing building façades along the Fairfax Avenue and Beverly Boulevard frontages. Additionally, a portion of the façade is to remain along the north frontage adjacent to the public parking lot (for structural shoring purposes). No yard setback is proposed along Fairfax Avenue for both commercial and residential uses. Along Beverly Boulevard the project proposes no setbacks for the first three (3) floors and a setback for the upper residential floors. On the north side yard, a zero foot side yard is proposed for the eastern part of the façade, though the western part of the façade has a variable setback for the residential levels. The alley façade provides a 10-foot rear yard as measured from the centerline of the alley for both the ground floor commercial and residential levels above.

New street trees are proposed for the project, as well as new bus stop benches, trash receptacles, news racks, and enhanced paving at pedestrian entries. Enhanced landscaping is proposed within the residential portion of the project on the 2<sup>nd</sup> floor open air courtyard as well as on the roof.

5. Provide speed bumps for driveways which parallel walkways, or which are longer than 50 linear feet.

There are no driveways which parallel walkways, or which are longer than 50 linear feet.

6. Provide underground new utility service, including Internet services. Screen all mechanical and electrical equipment from public view. Screen all rooftop equipment and building appurtenances from public view. Require the enclosure of trash areas behind buildings for all projects.

New utilities will be provided as required by individual service providers and current regulations. All mechanical and electrical equipment, as well as rooftop equipment and building appurtenances, will be screened from public view. The trash area, as well as the loading area, will be located within the building and accessed from the alley.

#### Commercial Areas - Pedestrian-oriented, Building Height, and Design

7. For building frontages, require the use of offset building masses, recessed pedestrian entries, articulations, and surface perforations, or porticoes. Also require transparent windows (non-reflective, non-tinted glass for maximum visibility from sidewalks into building interiors).

Also require recessed doors, entryways or courtyards, decorative planters, pedestrian scale murals or public art, mosaic tiles, or other means of creating visual interest, to break up long, flat building facades and free-standing blank walls greater than ten feet wide.

As conditioned, the building design maintains the existing Art Deco façade along Beverly Boulevard and Fairfax Avenue, and the upper level residential component (new construction) incorporates many of the existing Art deco features found in the ground floor façade. The frontage of the existing Art Deco façade (from the 1920s) includes pedestrian oriented features. The restoration of the Fairfax Theater façade will enhance the quality of the public realm. Work will include the restoring the terrazzo at the Beverly Boulevard entrance, maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. All of this restoration work will serve to enhance the public realm at the project site. As conditioned, the areas of blank façades (the original walls that are to remain on the north and west elevations) shall be architecturally enhanced.

8. Require each new building to have a pedestrian-oriented ground floor, and maximize the building area devoted to ground level display windows and display cases, store front glass, doors, windows and other transparent elements on front facades to afford pedestrian views into retail, office, and lobby space, and those building surfaces facing rear parking areas.

The pedestrian nature of the neighborhood and proximity to mass transit make it an ideal location for a mixed-use building with a ground floor retail component. The retail spaces are fenestrated with transparent glass windows and doors. The restoration of the Fairfax Theater façade will enhance the quality of the project as well as public realm.

9. Require each new building to have building frontage on the floor immediately above the ground floor to be differentiated from the ground floor by recessed windows, balconies, offset planes, awnings, or other architectural details, but on buildings with pedestrian walkway openings, require continuity of an architectural feature on the facade, to retain continuity of the building wall at the ground floor. Maximize the applications of architectural features and articulations to building facades. Provide color, lighting, and surface texture accents and complementary building materials to building walls and facades, consistent with neighborhood adjacent architectural themes.

The existing Fairfax Theater façade will be maintained in place on Beverly Boulevard and Fairfax Avenue. This façade will be restored as described in the DEIR and these findings. The building frontage immediately above the ground floor will be respectful of the existing façade in that it will draw reference to the existing building proportions

and detail as a simplified contemporary interpretation of the Art Deco style. This interpretation provides a differentiation between the ground floor and upper floors of the project. The upper floors will include architectural features such as balconies, offset planes, and fenestration. As conditioned, the areas of blank façades (the original walls that are to remain on the north and west elevations) shall be architecturally enhanced.

10. Locate new structures to form common and semi-continuous building walls along street frontages and sidewalks of Major and Secondary Highways, and Collector Streets.

The project proposes to retain the existing façade on Beverly Boulevard and Fairfax Avenue. This façade will create a common and semi-continuous building wall.

11. Locate surface and above grade parking areas to the rear of buildings, with access driveways on side streets, or from rear streets where project buildings cover the majority of block areas.

The project provides four (4) levels of subterranean parking with no surface or above grade parking.

12. Integrate landscaping within pedestrian-friendly plazas, green space, pocket parks, and other open space compliments.

Landscaping is provided on three (3) different levels of the proposed project. At the street level the project proposes a combination of street trees and enhanced streetscape amenities including benches, trash receptacles, newspaper racks, and enhanced pavement. On the second level of the building the applicant proposes a landscaped open-air courtyard consisting of several trees, landscaping and a water feature. The rooftop includes active recreation opportunities such as a pool, gym, outdoor dining areas, outdoor kitchen, fireplace, and seating areas.

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

The project is consistent with many of the Urban Design Policies for individual projects in the Wilshire Community Plan that require recreational and service amenities that improve habitability for its residents.

Where feasible, Multiple Family Residential development of five or more units should be designed around a landscaped focal point or courtyard to serve as an amenity for residents. Provide a pedestrian entrance at the front of each project. Require useable open space for outdoor activities, especially for children.

The 71 residential units are configured around an internal open air courtyard located on the 2<sup>nd</sup> level. Two pedestrian entryways are located on Fairfax Avenue – these provide access to the retail elevator, the parking garage, and the residential units. These entryways actually function as small courtyards as they

are completely open to the sky, one of which includes a bicycle parking area. Because they are open to the sky, they also function to break up the massing of the building. Pedestrian access to the residential units is provided via a separate residential lobby on Beverly Boulevard and the two entryways on Fairfax Avenue.

Approximately 10,062 square feet of open space is proposed with the common open space located on the rooftop. The rooftop includes active recreation opportunities such as a pool, gym, outdoor dining areas, outdoor kitchen, fireplace, and seating areas. The project does provide recreational and service amenities that improve habitability for residents and minimizes impacts on neighboring properties.

6. **Zoning Administrator Determination Findings.** The applicant is requesting a Zoning Administrator Determination for a Shared Parking Approval to permit the shared parking of a maximum of 30 on-site parking spaces between the proposed commercial parking and residential guest parking. In order for two or more uses to share their off-street parking spaces, all findings mandated in Section 12.24 X.20 of the Municipal Code must be made in the affirmative.

- a. *A lower total number of parking spaces will provide adequate parking for the uses on the site.*

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. All parking is provided in a subterranean parking structure containing four (4) levels with a total of 228 parking spaces. For the commercial uses, 45 spaces are required and these are proposed to be located on the P1 level. For the 71 residential units, 178 spaces are required (142 for the units and 36 spaces for guests) and 183 spaces are provided. Of these 183 spaces, 36 are for guests and the remaining 147 are provided for the residential units.

The mixed-use building can meet its parking requirement through the sharing of on-site parking. The applicant is parking the commercial component of the project at the ratio for general retail uses – 1 space per each 250 square feet of commercial floor area. However, they wish to retain the option to locate a restaurant in one of the tenant spaces (approximately 5,000 square feet). Because restaurant uses require one (1) parking space per each 100 square feet of restaurant floor area (50 spaces), the current number of parking spaces would be insufficient. Therefore the applicant has requested a shared parking agreement to share 30 of the residential parking spaces with the commercial use. Since 20 of the required 50 parking spaces have already been accounted for in the retail parking component of the project, the other 30 required spaces would be shared out of the provided 36 residential guest parking spaces. This shared parking would only be required if a restaurant use were located in the project.

The Shared Parking Analysis prepared by Linscott, Law and Greenspan (Exhibit E) and dated May 27, 2009 states that the planned project parking supply will adequately accommodate the forecast weekday and weekend peak parking demand at the site. The parking analysis was prepared using the shared parking concept, which reflects changes in parking demand by hour, as well as by day of

the week for individual land uses. For example, this methodology would account for projected reductions for overlapping trips to more than one tenant (a trip to the dry cleaner's and restaurant at the same time) as well as different parking demand times due to the different hours of operation for the commercial and residential uses. The LAMC requires that parking be calculated by individual use which is appropriate with stand alone uses, but can result in too many spaces for uses such as mixed-use buildings. Thus, while the LAMC required parking calculations indicate a potential shortfall of parking spaces associated with the project (if it is developed with a restaurant project), the mixed-use nature of the proposed project allows for an actual parking demand that is significantly less than the parking required. Therefore, the supply of 224 parking spaces will meet parking demand for current and future anticipated residential and commercial/retail uses for the proposed project.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project represents the creative re-use of an existing, underutilized commercial site along two major corridors, balancing the preservation of neighborhood serving retail and the existing building façade with the addition of new housing options. The project eliminates an underutilized movie theater, revitalizes a commercial corner, and provides parking for all new uses on the site.

Not only will the project provide necessary retail opportunities for the surrounding community, it will also provide an improved pedestrian experience for the neighborhood. By taking advantage of existing alleyways for loading access and providing only one curb cut on Fairfax Avenue, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. All of this restoration work will serve to enhance the pedestrian experience at the project site.

The shared parking arrangement allows the project a more full utilization of the project site, while at the same time providing adequate parking, thus enabling a project that will enhance the built environment in the surrounding neighborhood.

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



The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. It would be built to a maximum height of 55 feet and six (6) inches. Beverly Boulevard and Fairfax Avenue are both transit corridors, as well as identified bicycle routes as part of the 2010 Bicycle Master Plan.

The project as conditioned is consistent with the surrounding uses and development pattern. Surrounding zones are C2-1V, C2-1-O and R4 and surrounding uses include the CBS (Television City) Studio to the southeast, a surface parking lot to the north, and a 4-story commercial bank to east. To the west, Hayworth Avenue is developed with multi-family residential buildings. Adjacent to the project site across the alley and located on Hayworth Street is a 154-unit residential building in the R4-1 zone, the Silverado Senior Assisted Living Facility. Hayworth Street is zoned R4-1 on the east side with a High Medium Residential Land Use Designation (abutting the project site) and R3-1 on the west side with a Medium Residential Land Use Designation. The entirety of this block is developed with multi-family buildings. The southern half of the east side of the block (the R4 zoned lots) is developed with buildings at a height of 3-5 stories.

Given the surrounding properties and building heights, the development of the project reflects good zoning practices. The density and project size, made possible with the proposed 3:1 FAR is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed project will enhance the Beverly Boulevard and Fairfax Avenue intersection and pedestrian experience, provide new opportunities for commercial development, meet local housing needs, and provide a development compatible with the community.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project represents the creative re-use of an existing, underutilized commercial site along two major corridors, balancing the preservation of neighborhood serving retail and the existing building façade with addition of new housing options. The project eliminates an underutilized movie theater, revitalizes a commercial corner, and provides parking for all new uses on the site. The shared parking arrangement allows the project a more full utilization of the project site while at the same time providing adequate parking.

The project is in substantial conformance with the purposes, intent and provisions of the General Plan, and is consistent with good zoning practice because it will provide for development of a mixed use project that complements the commercial character of Beverly Boulevard and Fairfax Avenue and the nearby residential neighborhoods. The granting of this shared parking determination will not adversely affect any element of the General Plan.

## **7. CEQA Findings**

The applicant proposes the demolition of the Fairfax Theater, with the exception of the street facing façades, and removal of existing uses from the existing 28,920.5 square-foot lot. The project is comprised of a mixed-use project with a maximum height of 55 feet and six (6) inches and six (6) stories (to accommodate a rooftop restroom and excluding the spire atop the theater which rises to 60 feet in height and would be maintained in place), containing 71 residential units, and approximately 11,118 square feet of commercial uses. The project would include 228 parking spaces in a 4 ½ level subterranean parking structure.

The City of Los Angeles Planning Department, acting as lead agency, circulated a Notice of Preparation ("NOP") for the EIR for a 30-day period on January 20, 2010. Comments on the NOP were considered during preparation of the DEIR. The City prepared and circulated for public review a Draft Environmental Impact Report ENV-2009-2656-EIR, (SCH No. 2010011044) to the State Clearinghouse, Office of Planning and Research, various public agencies, citizen groups, and interested individuals for a 45-day public review period on August 18, 2011. The public review period was later extended to October 30, 2011.

During that time, the DEIR was also available for review at the City of Los Angeles Department of City Planning, Central Library, Hollywood Regional Branch Library, Fairfax Branch Library, and via internet at <http://cityplanning.lacity.org>. The DEIR evaluated in detail the potential effects of the Proposed Project. It also analyzed the effects of a reasonable range of four alternatives to the Development and Add Area Projects, including potential effects of two different "No Project" alternatives. Following the close of the public review period, written responses were prepared to the comments received on the DEIR. Comments on the DEIR and the responses to those comments are included within the Final EIR ("FEIR"). The FEIR is comprised of: an Introduction; List of Commenters and Responses to Comments; Corrections and Additions; a Mitigation Monitoring and Reporting Plan; and Appendices. The FEIR, together with the DEIR, makes up the Final EIR as defined in CEQA Guidelines Section 15132 (the "Final EIR"). This Final EIR is being Certified in connection with all discretionary or ministerial approvals and permits required to implement the project.

## **Environmental Documentation, Background, Findings of Fact**

A Notice of Availability ("NOA") and the DEIR were submitted to the State Clearinghouse, Office of Planning and Research, various public agencies, citizen groups, and interested individuals for a 45-day public review period on August 18, 2011 in compliance with sections Sections 15085, 15087 and 15105 of the State CEQA Guidelines. The comment period on the Draft EIR ended on October 20, 2011.

- A. Impacts found to be less than significant.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the Initial Study, the proposed project would not have the potential to cause significant impacts in the area of Aesthetics (Scenic Vista / Light and Glare), Agricultural and Forest Resources, Air Quality (Odor), Biological Resources, Geology (Earthquake, Landslides, Soil Erosion), Hazards & Hazardous Materials, Hydrology and Water Quality (Waste Discharge, Drainage Pattern, Runoff Water, Housing and structures within a 100-year flood hazard area, flooding, inundation by seiche, tsunami, mudflow), Land Use Planning (Physically divide an established community, conflict with habitat or natural community conservation plan), Mineral Resources, Noise (Excessive noise due to airport or private airstrip), Population and Housing (Displace existing housing, people, or requiring new housing construction), Transportation/Traffic (change

in air traffic patterns, substantially increase hazards due to a design feature, inadequate emergency access, conflict with adopted policies, plans or programs), Utilities and Service Systems (Exceed wastewater treatment requirements, comply with federal, state and local statutes and regulations relating to solid waste). Therefore, these issue areas were not examined in detail in the DEIR or the FEIR. Nonetheless, the potential for impacts in each of these issue areas was discussed in DEIR Section IV.A.

- B. Impacts found not to be significant prior to mitigation.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the EIR, the following effects associated with the proposed project were analyzed in the Final EIR and found to be less-than-significant prior to mitigation: Aesthetics (Scenic Resources and Shade/Shadow), Air Quality (Air Quality Management Plan Consistency, Localized CO Hotspot Concentration, Toxic Air Contaminants), Cultural Resources (Historic Resources), Geology and Soils (Strong Seismic Groundshaking), Greenhouse Gas (Emissions, Conflict with Applicable Plan, Policy or Regulation), Land Use Planning (Conflict with Applicable Plan, Policy, or Regulation), Population and Housing (Induce Substantial Growth), Transportation and Traffic (Conflict with Applicable Plan, Ordinance, or Policies Relating to Performance of the Circulation System, Conflict with Applicable Congestion Management Program), Utilities and Service Systems (Wastewater, Natural Gas).
- C. Impacts found not to be significant prior to mitigation, where mitigation is nonetheless provided to further reduce impacts.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the EIR, the following effects associated with the Proposed Project were analyzed in the Final EIR and found not to be significant prior to mitigation. Nonetheless, mitigation measures have been incorporated to further reduce these effects: Aesthetics (Visual Character), Cultural Resources (Archeological, Paleontological, Human Remains), Hydrology and Water Quality (Water Quality), Noise (Operational), Public Services (Fire, Police, Schools, Parks and Recreation), Utilities and Service Systems (Water, Landfills, Electricity).
- D. Potential significant impacts mitigated to less-than-significant levels.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the EIR, the following effects associated with the Proposed Project were analyzed in the Final EIR and they were found potentially significant but mitigated to a less-than-significant level: Air Quality (Construction), Geology and Soils (Seismic Related Ground Failure/Liquefaction, Expansive Soils), Hazards and Hazardous Materials (Risk of upset/accident), Public Services (Libraries),
- E. Significant Impacts which remain significant after mitigation measures.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the Initial Study, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the proposed project. The following effects associated with the Proposed Project were analyzed in the Final EIR and they were found to have significant, unavoidable impacts after mitigation measures: Noise (Construction Noise and Vibration).

The EIR evaluated in detail the potentially significant effects of the proposed project. It also analyzed the effects of a reasonable range of five alternatives to the project, including the potential effects of a "No Project" alternative. The Draft EIR for the project was prepared pursuant to CEQA and State, Agency, and the City of Los Angeles CEQA guidelines.

Pursuant to Section 15088 of the CEQA Guidelines, the City of Los Angeles, as lead agency, reviewed all comments received during the review period for the Draft EIR and has responded to each comment in the Final EIR. The Final EIR also reflects further refinements to the project proposal made in response to public comments and community concerns, including Corrections and Additions as set forth in the Final EIR.

The environmental review discussed in the Final EIR, its supporting documents and appendices, and the administrative record on the project were prepared for and apply to all legislative, discretionary, and ministerial approvals and entitlements required to implement the project, including CPC-2009-3271-ZC-HD-ZAA-SPR-ZAD. The Lead Agency under the CEQA Guidelines is required to make findings as required by CEQA with respect to its approval of the proposed project. The Lead Agency reviewed and considered the information contained in the FEIR and other documents in the record with respect to the proposed project, and certified that its decision on the project reflects its independent judgment. The Lead Agency further determined as follows:

1. The Final EIR has been completed in compliance with CEQA and is adequate under CEQA for approval of the actions necessary to implement the Project and all other City permits, entitlements, and approvals for the Project;
2. Based on evidence in the record of proceedings, the Project will result in no impact or a less than significant impact without the need for mitigation with respect to each of the environmental impacts set forth in Section A above;
3. Pursuant to Public Resources Code Section 21081(a)(1), mitigation measures, changes, or alterations to the Project mitigate, avoid or substantially lessen the Project's significant effects on the environment as identified in the EIR for the environmental impacts set forth in Section B above;
4. Specific overriding economic, legal, social, technological, or other benefits of the Project, as set forth below, outweigh the Project's significant and unavoidable effects on the environment set forth in Section C above;
5. Specific economic, legal, social technological or other considerations, as set forth below, make infeasible the Project alternatives.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three allowable findings for each of the significant impacts.

- The first allowable finding is that "changes or alterations have been required in or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (State CEQA Guidelines Section 15091, subd. (a)(1)).
- The second allowable finding is that "such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding." Such changes have been adopted by such other agency or can and should be adopted by such other agency." (State CEQA Guidelines, Section 15091, subd. (a)(2)).

- The third allowable finding is that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report." (State CEQA Guidelines, Section 15091 (a) (3)).

Section 15126.6 of the State CEQA Guidelines require an EIR to identify and describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible."

### **Environmental Issues and Associated Findings**

The Final Environmental Impact Report (Final EIR) for the Beverly and Fairfax Mixed-Use Project identified significant, unavoidable impacts. EIR mitigation measures, project design features and conditions of approval imposed by the City on the proposed project will either avoid or provide substantial mitigation of the proposed project's identified significant environmental effects; however, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the proposed project.

As required by the California Environmental Quality Act (CEQA), the City of Los Angeles, in adopting these Findings of Fact, also adopts a Mitigation Monitoring and Reporting Plan. The City of Los Angeles finds that the Mitigation Monitoring and Reporting Plan, which is incorporated by reference and made a part of these Findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures to mitigate potentially significant effects of the project.

In accordance with CEQA and the CEQA Guidelines, the City of Los Angeles adopts these findings as part of the certification of the Final EIR Beverly and Fairfax Mixed-Use Project. Pursuant to Public Resources Code Section 21082.1(c) (3) the City of Los Angeles also finds that the Final EIR reflects the independent judgment of the City of Los Angeles as the lead agency for the project.

#### **A. Impacts found not to be significant.**

##### **1) Aesthetics (Scenic Vista / Light and Glare)**

The Proposed Project would not have a substantial adverse effect on a scenic vista. In the Los Angeles area, scenic vistas generally include: views of the ocean; downtown skyline; and the Santa Monica, San Gabriel, and San Bernardino Mountains. The existing urban development in the vicinity of the Proposed Project Site dictates that no views of scenic vistas are available. Therefore, the Proposed Project will not result in project-specific or cumulative impacts to any scenic vista.

The Proposed Project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in its vicinity. Again, the Proposed Project is located in a densely populated urban area of the City. Accordingly, it contains a substantial number of existing light sources. Moreover, the Proposed Project Site is currently developed with uses that include sources of nighttime lighting. While the Proposed Project will change the type of land uses at the Site, the amount and sources of light are not expected to change in any significant fashion. Accordingly, the Proposed Project will not result in project-specific or cumulative impacts related to light or glare.

2) Agriculture Resources and Forest Resources

The Proposed Project site is currently developed, does not contain any agricultural uses, and is not delineated as agricultural land on any maps prepared pursuant to the Farmland Mapping and Monitoring Program. The Farmland of Statewide Importance map for Los Angeles County designates the site as Urban and Built-Up Land. The Proposed Project site is currently zoned Commercial, C2-1VL and is not subject to an existing Williamson Act Contract or designated forest or timber land. Likewise, the area surrounding the Proposed Project site is fully developed with urban land uses, and does not contain any agricultural resources or forest land. The Proposed Project has no potential to convert farmland to a non-agricultural use or forest land to a non-forest use. Based upon the foregoing, the Proposed Project would not result in project-specific or cumulative impacts to an existing agricultural or forest resource.

3) Air Quality (Odor)

The SCAQMD has identified land uses that are typically associated with odor complaints. These include industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. The Proposed Project does not include any of these uses. Accordingly, the potential for odor impacts in connection with the Proposed Project is low. In addition, to the extent odors are generated by any related project proposed in the future, said project will be required to comply with SCAQMD's Rule 402, and to implement Best Available Control Technology meant to address odors. Accordingly, both project-specific and cumulative impacts in this issue area would be less than significant.

4) Biological Resources

The Proposed Project site is in an urbanized area in western Los Angeles and is currently developed with a structure. It does not contain any natural open space, act as a wildlife corridor, nor possess any areas of significant biological resource value. No hydrological features or wetlands are present, and there are no sensitive habitats, riparian or otherwise present in the vicinity of the Proposed Project site. There are no oak trees or other protected trees located on or adjacent to the Proposed Project site. Finally, there are no adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans that apply to the Proposed Project site. All of the aforementioned characteristics dictate that no candidate, sensitive, or special status species identified in local plans, policies or regulations of the California Department of Fish and Game, the California Native Plant Society, or the U.S. Fish and Wildlife Service would be expected to occur at the Proposed Project site, that sensitive habitat including riparian habitat or federally protected wetlands are unlikely to be impacted by the Proposed Project, that the Proposed Project will not interfere with the

movement of any native resident or migratory fish or wildlife species, conflict with local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

For the foregoing reasons, the Proposed Project would have no project-specific or cumulative impacts on Biological Resources.

5) Geology and Soils (Earthquake, Landslides, Soil Erosion)

The Proposed Project is not located within an Alquist-Priolo Earthquake Zone. Accordingly, it would not expose people or structures to potential substantial adverse effects because of its location within the same. In addition, the Proposed Project Site and its surrounding area are relatively flat and are not located within an area that is prone to, or is known to have historically been part of a landslide. Therefore, impacts in this issue area will also be less than significant. The Proposed Project will have no project-specific or cumulative impacts related to exposing people or structures to potential substantial adverse effects associated with rupture of an earthquake fault delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or landslides.

The Proposed Project Site is completely developed with a structure, and is surrounded by urban land uses. The surface area is impervious. After the Proposed Project is implemented, the Site will remain impervious, and no unpaved or unprotected surfaces would be exposed to stormwater drainage or any other type of drainage. Accordingly, the Proposed Project will not result in any project-specific or cumulative impacts related to soil erosion or the loss of topsoil.

Finally, the Proposed Project does not include septic tanks or alternative waste water disposal systems. The Proposed Project Site is located in a developed, urban area of the City that is served by a municipal wastewater collection, conveyance, and treatment system. For this reason, no project-specific or cumulative impacts in this issue area will occur.

6) Hazards and Hazardous Materials

The Proposed Project includes development of residential and retail uses. It does not include uses that will require the routine transport, use and disposal of hazardous materials during its operation. At most, the Proposed Project would use minimal amounts of cleaning, building maintenance, landscaping materials and landscaping chemicals. This use, however, is not anticipated to result in impacts that would rise to a level of significance. During the temporary construction phase, the Proposed Project may require the routine transport, use, and disposal of cleaning solvents, fuels, and other materials commonly associated with construction. All such materials would be handled in accordance with applicable local, state, and federal regulations. Compliance with these regulations will ensure that project-specific and cumulative impacts in this issue area are less than significant.

The Proposed Project is located within one-quarter mile of a school. However, the Proposed Project includes development of residential and retail uses, and the use of hazardous materials will be limited to the use of common cleaning, maintenance, and landscaping materials. Accordingly, it has been determined that the Proposed Project will not emit or handle hazardous materials in a manner that would affect

schools in its vicinity, and project-specific and cumulative impacts in this issue area are considered less than significant.

The Phase I Environmental Site Assessment prepared in connection with the Proposed Project determined that it is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Accordingly, there will be no project-specific or cumulative impacts in this issue area.

The Proposed Project is not located within two miles of a public airport or public use airport. It is also not within the vicinity of a private airstrip. Accordingly, there will be no project-specific or cumulative impacts related to safety hazards associated with the same.

No aspects of the Proposed Project would inhibit access to hospitals, emergency response centers, schools, communications facilities, highways and bridges, or airports, or change existing access in a manner that would affect emergency response or evacuation. In addition, the Proposed Project will comply with all City policies related to disaster preparedness and emergency response. Accordingly, project-specific and cumulative impacts related to interference with an adopted emergency response plan or evacuation plan will be less than significant.

The Proposed Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The Proposed Project is an urbanized portion of the City that does not include wildlands or high fire hazard terrain or vegetation, and is not adjacent to wildlands or high fire hazard terrain or vegetation. Therefore, there will be no project-specific or cumulative impacts in this issue area.

- 7) Hydrology and Water Quality (Waste Discharge, Drainage Pattern, Runoff Water, Housing and structures within a 100-year flood hazard area, flooding, inundation by seiche, tsunami, mudflow)

The Proposed Project will not violate any waste discharge requirements; substantially deplete groundwater supplies or interfere with ground water recharge; substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on or off-site or that would result in flooding; and will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional polluted runoff.

During construction, temporary dewatering will be required to allow construction of the subterranean parking structure. The water will either be discharged into the local storm drain system or conveyed to the Hyperion Treatment Plan. The amount of groundwater that would be discharged during the temporary dewatering phase would be minimal and would not substantially affect groundwater supplies. This is particularly true because the Proposed Project site in its existing state is completely impervious and is not in an area that provides groundwater recharge. During Construction, the Proposed Project will meet the National Pollution Discharge Elimination System (NPDES) requirements for storm water quality and comply with all applicable regulations with regard to surface water quality as governed by the state Water Resources Control Board (SWRCB) including filing a Notice of Intent, preparing a SWPPP and incorporating standard BMPs. In addition, the Proposed Project will comply with Los Angeles Municipal Code sections regulating Stormwater and Urban Runoff Pollution Control.



During operation the Proposed Project does not include any point-source discharge. The Proposed Project Site is completely impervious. During storm events, all stormwater that comes in contact with the site runs off from the site and discharges to the local storm drain system. After implementation of the Proposed Project, the Proposed Project Site will remain impervious, and drainage will occur in the same manner. All runoff will be directed to drainage infrastructure and discharged to the storm drain. No runoff would come in contact with bare ground or be discharged directly to a stream or river. Moreover, the amount of runoff from the site during any storm event will not change from existing conditions.

The Proposed Project Site is not located within a 100-year flood hazard area. Moreover, it is not located within the vicinity of any body of water, a levee, or a dam. Therefore, no impacts associated with being located within a flood plain or impeding or redirecting flood flows within a 100-year flood plain are anticipated. Moreover, the entirety of the Project site is located outside of the City-designated potential inundation basin and outside of an area with the potential to be impacted by tsunami or seiche. For the foregoing reasons, the Proposed Project would have no project-specific or cumulative Hydrology and Water Quality impacts in any of the issue areas discussed above.

- 8) Land Use Planning (Physically divide an established community, conflict with habitat or natural community conservation plan)

The Proposed Project would not physically divide an established community. It includes development of a site that is developed and has been developed for many decades, and that is located in a developed, urban area of the City. Accordingly, there will be no project-specific or cumulative impacts in this issue area.

The Proposed Project will not conflict with an applicable habitat conservation plan or natural community conservation Plan. The Site and its surrounding area are developed with urban land uses and are not located in an area that is subject to any habitat conservation plan or natural community conservation plan. Accordingly, there will be no project-specific or cumulative impacts in this issue area.

- 9) Mineral Resources

The Proposed Project site is not located within a City designated Mineral Resource Zone. Similarly, the Proposed Project is not designated in the Conservation Element of the City of Los Angeles General Plan as containing a locally-important mineral resource. Further, it is located on a site that is presently developed and located in an urbanized area. Based upon the foregoing, the Proposed Project will not result in the loss of availability of a known mineral resource or of a locally-important mineral resource recovery site and, therefore, there will be no project-specific or cumulative impacts to Mineral Resources in connection with the Proposed Project.

- 10) Noise (Excessive noise due to airport or private airstrip)

The Proposed Project is not located in the vicinity of an airport or a private airstrip. Accordingly, the Proposed Project will not result in any project-specific or cumulative impacts related to exposing people working or residing in the Proposed Project to excessive airport or airstrip noise.

- 11) Population and Housing (Displace existing housing, people, or requiring new housing construction)

The Proposed Project Site does not currently contain housing. Accordingly, the Proposed Project has no potential to displace substantial numbers of existing housing. For the same reason, the Proposed Project will not displace any people, necessitating the construction of replacement housing elsewhere. Based upon the foregoing, the Proposed Project will not result in any project-specific or cumulative impacts in these two issue areas.

- 12) Transportation/ Traffic (change in air traffic patterns, substantially increase hazards due to a design feature, inadequate emergency access, conflict with adopted policies, plans or programs)

The Proposed Project includes residential and commercial uses. It is not of a nature and scope that would have the potential to result in a change in air traffic patterns at any airport in the City. Accordingly, there would be no project-specific or cumulative impacts in this issue area.

All ingress/egress associated with the Proposed Project will be designed and constructed in conformance with all applicable City Building and Safety Department and Fire Department standards. Moreover, the Proposed Project is not located near any sharp curves or dangerous intersections, is compatible with surrounding uses and will do nothing to adversely affect existing emergency access. Accordingly, the Proposed Project has no potential to result in project-specific or cumulative impacts associated with substantially increasing hazards due to a design feature or incompatible uses or emergency access.

As a mixed-use project located in proximity to several bus lines and bus stops, in an urban setting, the Proposed Project has no potential to result in project-specific or cumulative impacts attributable to conflicts with adopted policies, plans, or programs supporting alternative transportation.

- 13) Utilities and Service Systems (Exceed wastewater treatment requirements, comply with federal, state and local statutes and regulations relating to solid waste)

All wastewater associated with the Proposed Project would discharge to the local City sewer and would not discharge to any surface and groundwater sources. Moreover, the Proposed Project would comply with all applicable standards of the Los Angeles Regional Water Quality Control Board during operation. Accordingly, the Proposed Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and project-specific and cumulative impacts in this issue area will be less than significant.

The Proposed Project will comply with all applicable federal, state, and local statutes and regulations related to solid waste and will participate in the City's recycling and waste reduction programs. Accordingly, it will not result in project-specific or cumulative impacts related to compliance with solid waste requirements.

**B. Impacts found not to be significant prior to mitigation.**

- 1) Aesthetics (Scenic Resources and Shade/Shadow)

The Proposed Project is not located along or within visual distance of a scenic highway or a scenic vista. Additionally, the Fairfax Theater building that currently exists at the Proposed Project Site is not a significant historical resource under CEQA, and the aspects of the building that are considered aesthetically pleasing will

be maintained, preplaced or improved. Accordingly, the Proposed Project will not impact any scenic resources and project-specific and cumulative impacts in this issue area will be less than significant prior to mitigation.

The Proposed Project does not include structures that exceed 60 feet in height. Therefore, the L.A. CEQA Threshold Guide does not technically require an analysis of impacts in this issue area. Nonetheless a shade/shadow analysis was provided for informational purposes and demonstrated that the Proposed Project would have less-than-significant shadow impacts during both summer and winter months. Based upon the foregoing, shade/shadow impacts will be less-than-significant prior to mitigation.

Of the 81 related projects analyzed for purposes of cumulative impacts, only 16 are in close proximity to the Proposed Project Site, none are close enough to the Proposed Project to create a cumulative shade/shadow impact. Therefore, cumulative shadow/shade impacts will also be less than significant prior to mitigation.

2) Air Quality (Air Quality Management Plan Consistency, Localized CO Hotspot Concentration, Toxic Air Contaminants)

The Proposed Project is consistent with the projections of employment, population and housing forecasts identified by SCAG and included in 2007 SCAQMD Air Quality Management Plan ("AQMP") growth projections. Furthermore, as a mixed-use project in an urbanized area, it will support the goals of the Wilshire Community Plan and the AQMP by developing housing and employment opportunities within close proximity to public transit. The mixed use character of the Proposed Project will also encourage residents to walk to neighborhood-serving retail uses (e.g. retail and restaurant facilities). For these reasons, the Proposed Project is planned in a way that will minimize VMT both within the Proposed Project area and the community in which the Proposed Project is located, thereby, minimizing emissions associated with traffic. For these reasons, the Proposed Project will not impair implementation of the SCAQMD AQMP.

Cumulative development can affect implementation of applicable air quality management plans. Because the Proposed Project is consistent with SCAG's growth projections, and would minimize the vehicle miles traveled within the community in which it is located, however, cumulative impacts in this issue area will also be less-than-significant prior to mitigation.

Operational air quality impacts will be generated by both stationary and mobile sources during day-to-day operations of the Proposed Project. Stationary source emissions would be generated by the consumption of natural gas for space and water heating devices, and the operation of landscape maintenance equipment. Mobile emissions would be generated by motor vehicles traveling to and from the Proposed Project site. Daily operational emissions associated with the Proposed Project were estimated using the URBEMIS 2007 computer model recommended by the SCAQMD, and then compared to applicable SCAQMD thresholds. Emissions estimates demonstrated that peak daily emissions generated during Proposed Project construction would not exceed SCAQMD threshold levels for any criteria pollutant during either the summer or the winter months. Therefore, air quality impacts associated with Proposed Project construction will be less than significant prior to mitigation.

Proposed Project operational emissions were also analyzed against SCAQMD's LSTs in order to determine whether the Proposed Project would cause or contribute to adverse localized air quality impacts, exposing off-site sensitive receptors to substantial pollutant concentrations during operation. Using the closest receptor distance of 82 feet, the net operational emissions would not exceed SCAQMD localized thresholds for NO<sub>x</sub> (, CO, PM<sub>10</sub>, or PM<sub>2.5</sub> at 82 feet and beyond. Thus, impacts in this issue area are less than significant prior to mitigation.

The South Coast Air Basin is currently in non-attainment for ozone, PM<sub>10</sub> and PM<sub>2.5</sub>. Accordingly, cumulative development could violate an air quality standard or contribute to an existing or projected air quality violation. According to the SCAQMD, however, individual projects that do not exceed SCAQMD recommended thresholds will not cause cumulatively significant impacts. As discussed above, the Proposed Project will not exceed SCAQMD recommended thresholds for any criteria pollutant or SCAQMD LSTs during its operation. Therefore, cumulative impacts associated with operation-related emissions will also be less than significant prior to mitigation.

Potential impacts related to CO concentrations associated with motor vehicle traveled generated by the Proposed Project have been evaluated with the addition of traffic growth associated with related cumulative development. Using the simplified CALINE4 screening procedure to predict future CO concentrations in the Proposed Project study area, it was determined that future 1-hour and 8-hour CO concentrations would not exceed their respective national or state ambient air quality standards, and that when compared to the baseline none of the intersections studied would experience an incremental increase in CO concentrations greater than or equal to the State 1-hour or 8-hour CO standards. Therefore, the Proposed Project will not expose sensitive receptors to substantial CO concentrations and impacts in this issue area will be less than significant prior to mitigation.

Notwithstanding the above, it is also unlikely that future projects would combine with the Proposed Project to result in long-term future exposure of sensitive receptors to CO concentrations. CO levels in the vicinity of the Proposed Project site are projected to decline in the foreseeable future because of improvements in vehicle emission rates, as dictated by California Air Resources Board vehicle emissions standards. Therefore, cumulative impacts in this issue area will also be less than significant prior to mitigation.

Construction activities associated with the Proposed Project will be typical of other similar residential and commercial developments in the City, and will be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and federal level that will protect sensitive receptors. The nature of the development (residential and retail uses) dictates that it will not involve the use, storage, or processing of carcinogenic or non-carcinogenic toxic air contaminants ("TACs") and that no operational-related toxic airborne emissions would result from its implementation. Based upon the foregoing, impacts in this issue area will be less than significant prior to mitigation.

This issue is project specific in nature. Nonetheless, related projects will also be required to comply with applicable regulations relating to toxic air pollutants and siting. Therefore, cumulative impacts in this issue area are not expected, and will also be less than significant prior to mitigation.

3) Cultural Resources (Historic Resources)

The Proposed Project Site is not listed as a landmark at the national, state or local levels. Based on research and field inspection conducted in connection with the Fairfax Theater Historic Resource Report, the Fairfax Theater is ineligible for individual listing at the national, state, or local levels because it is lacking in historical significance, architectural distinction, and physical integrity. In addition, the City's Cultural Heritage Commission determined that the building does not meet the criteria of the Cultural Heritage Ordinance for designation as a Historic-Cultural Monument. For these reasons, the building is not a significant historical resource under CEQA and impacts in this issue area will be less than significant.

Cumulative impacts in this issue area tend to be site-specific and are assessed on a site-by-site basis. There are no historic structures within the visual proximity of the Proposed Project Site or related projects and project-specific impacts in this issue area have been determined less than significant. Accordingly, cumulative impacts in this issue area will also be less than significant prior to mitigation.

4) Geology and Soils (Strong Seismic Groundshaking)

The Proposed Project is located in Southern California, a seismically active region. However, this hazard is common in the region, and as discussed above, the Proposed Project will be constructed in compliance with seismic requirements contained in the California Building Code and consistent with site-specific engineering recommendations meant to address this potential. In fact, adherence to current building codes and engineering practices dictates that Proposed Project structures will better withstand seismic events than existing buildings at the site. For the foregoing reasons, project-specific and cumulative impacts in this issue area will be less than significant prior to mitigation.

5) Greenhouse Gas (Emissions, Conflict with Applicable Plan, Policy or Regulation)

Construction and operational Greenhouse Gas (GHG) emissions have been estimated for the Proposed Project. As outlined in the Final EIR, construction and operation of the Proposed Project would result in a net increase of 839.53 metric tons of CO<sub>2</sub> equivalent emissions per year when compared to the future-without-project scenario.

Notwithstanding the above, the Proposed Project is consistent with the strategies contained in the 2006 CAT Report, the AB32 Scoping Plan and the L.A. Green Plan. Moreover, the Proposed Project Application is pursuing a LEED Silver certification. Accordingly it will incorporate energy conservation measures that go beyond those required by the City in order to exceed the minimum state energy requirements by 14 percent or more. Because the Proposed Project's emissions represent such a small percentage of total GHG emissions, and because Proposed Project design features will result in percentage reductions that exceed those contemplated as necessary to meet the goals of the 2006 CAT Report, the AB 32 Scoping Plan and the L.A. Green Plan, project-specific impacts in this issue area will be less than significant prior to mitigation.

For the reasons described above, the Proposed Project is not anticipated to result in cumulatively significant impacts either. Additionally, and as discussed in further detail above, the Proposed Project is consistent with applicable State, County, and City greenhouse gas emission goals. Moreover, related projects are anticipated to similarly comply with GHG goals and objectives. Therefore, the Proposed Project's

contribution to cumulative GHG emissions and global climate change impacts is also considered less than significant prior to mitigation.

The Proposed Project incorporates numerous design features intended to reduce GHG emissions from the BAU scenario. Moreover, the Proposed Project will be constructed in accordance with requirements contained in the 2006 CAT Report, the AB32 Scoping Plan and the L.A. Green Plan. Finally, because the Proposed Project applicant is pursuing a LEED Silver certification, the Proposed Project will incorporate energy efficiency measures that go beyond those required to meet applicable requirements. Accordingly, the Proposed Project will be consistent with all feasible and applicable strategies intended to reduce GHG emissions in California, and both project-specific and cumulative impacts in this issue area will be less than significant prior to mitigation.

6) Land Use Planning (Conflict with Applicable Plan, Policy, or Regulation)

The Proposed Project will generally conform to policies and objectives set forth in the Regional Comprehensive Plan and Guide, the Compass Blueprint 2% Strategy, the applicable Congestion Management Program, the City of Los Angeles General Plan, the Wilshire Community Plan, and Walkability Checklist Guidelines. The Proposed Project is consistent with the existing zoning. However, floor area ratio (FAR), height limitations, and yard/setbacks associated with the current zoning would not allow for development of as many as 71 residential units or a building height in excess of 45 feet. Therefore, the Proposed Project Applicant is requesting discretionary approvals related to zoning. With approval of the requested discretionary approvals, the Proposed Project would be consistent with Los Angeles Municipal Code zoning requirements. In addition, Proposed Project uses are compatible with existing surroundings. Actual uses nearby include residential and retail uses that are consistent with the Proposed Project, and would not be disrupted, divided, or isolated as a result of the Proposed Project. Therefore, impacts in this issue area will be less than significant prior to mitigation.

Cumulatively, the Proposed Project and other related projects would be consistent with, and would contribute to the residential and community commercial character of the area. Therefore, implementation of all related projects, also subject to applicable development standards and environmental review, would not result in significant impacts. Cumulative impacts in this issue area will be less than significant prior to mitigation.

7) Population and Housing (Induce Substantial Growth)

The Proposed Project site is located in a highly urbanized area of the City of Los Angeles that is served by existing roadways, utilities, and other infrastructure. The Proposed Project would not require the extension of roadways and other infrastructure into undeveloped areas. It is only expected to generate a net increase of 2 employees at the Proposed Project Site. Moreover, the type of employment associated with the Proposed Project can be accommodated by the existing work force available in the area. Accordingly, neither of these employees is anticipated to relocate and create demand for housing in the Proposed Project area. While the Proposed Project would result in temporary construction-related jobs, Proposed Project-related construction workers would not be expected to relocate their household's place of residence as a consequence of working on the Proposed Project. Based upon the foregoing, the Proposed Project it is not anticipated to

generate substantial population growth, and impacts in this issue area will be less than significant prior to mitigation.

The residential component of the Proposed Project would result in an increase of approximately 211 residents at the Site. Based on existing land use and zoning regulations applicable to the Proposed Project Site, this is 122 more residents than the approximate planned residential population associated with the Site. Notwithstanding, the Proposed Project's location in a highly urbanized area of the City and its proximity to employment and retail centers and transit lines dictates that the additional capacity the Proposed Project will create will draw from the existing residential population within the City and; therefore, that it will not induce substantial population growth. In addition, the Proposed Project would accommodate population growth and housing demand that would occur without the Proposed Project. Moreover, the Proposed Project's residential population would represent only approximately 0.05 percent of the anticipated 15-year population growth rate within the city and would not represent substantial increase in population. For all of the foregoing reasons, impact in this issue area would be less than significant prior to mitigation.

An analysis of related projects in the City of Los Angeles, and the growth anticipated by their prospective community plans determined that the Proposed Project together with anticipated related projects would not induce cumulatively significant cumulative growth in the Proposed Project's vicinity. Therefore, cumulative impacts in this issue area will be less than significant prior to mitigation.

8) Transportation and Traffic (Conflict with Applicable Plan, Ordinance, or Policies Relating to Performance of the Circulation System, Conflict with Applicable Congestion Management Program)

While the Proposed Project Site is located in an area with a relatively high level of pedestrian activity, safety measures have been incorporated into the Proposed Project that will reduce potential conflicts between pedestrians, bicyclists and vehicle drivers. These include: (1) Reconstruction of the sidewalks adjacent to the Proposed Project site to allow for easier pedestrian flow; (2) Installation of caution signage for bicyclists, pedestrians and drivers at the Proposed Project driveway; (3) Installation of mirrors at the Proposed Project driveway to allow drivers exiting the site to check for on-coming traffic; and (4) Installation of flashing lights at the Proposed Project driveway to indicate that a car is approaching the exit.

The Proposed Project will generate transit trips. However there are 15 transit lines adjacent or in close proximity to the Proposed Project site. Accordingly, giving the low number of transit trips that would be generated by the Proposed Project ~24, it is anticipated that all new transit trips can be accommodated by existing transit lines, and that there will be no impacts associated with mass transit.

During the Proposed Project's construction phase, the southbound lane of Fairfax Avenue would be temporarily closed for approximately nine months. Additionally, the four on-street parking spaces provided along this southbound lane would be temporarily unavailable. In order to ensure that that this does not result in significant impacts, the Proposed Project will be required to install signage in appropriate locations to notify travelers of the lane closure. In addition, the Proposed Project Applicant will be required to implement any other measures required by the Los Angeles Department of Transportation at the time they apply for the permit required

for the necessary road closure. Finally, and as alluded to above, the closure will be temporary. For all of the foregoing reasons, Proposed Project impacts related to in-street construction were also determined to be less than significant.

The Proposed Project Site currently has no parking spaces. The Proposed Project will provide 228 parking spaces, or approximately 2.5 parking spaces per dwelling unit. Parking requirements were analyzed under two different scenarios. Under the first, the Proposed Project requires 220 spaces. Accordingly, the 228 parking spaces being provided exceeds City parking requirements. Under the second, the Proposed Project would require 250 parking spaces. However, when a shared parking demand analysis was completed it was determined that the 228 parking spaces being provided is actually adequate to meet peak parking demands. Based upon all of the information provided above, the amount of parking provided by the Proposed Project is more than adequate to meet peak parking demands, and impacts related to parking will be less than significant.

Each of the conclusions set forth above supports the conclusion that the Proposed Project will not result in significant environmental impacts as a result of a conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Proposed Project traffic was also analyzed together with that of related projects. Therefore, project-specific impacts in this issue area will be less than significant prior to mitigation. The cumulative impacts analysis determined that the Proposed Project would not result in cumulative impacts related to bicycle, pedestrian, and vehicular safety, transit, parking or in-street construction. Accordingly, cumulative impacts will also be less than significant prior to mitigation.

The net trip generation associated with the Proposed Project is an increase of 26 vehicle trips during the morning peak hour and a net increase of 46 vehicle trips during the afternoon peak hour, and a net overall increase of 493 daily trip ends during the typical weekday. When Proposed Project trips were assigned to the surrounding freeway and arterial systems, it was determined that the Proposed Project would not result in traffic increases that exceeded applicable thresholds. Moreover, a neighborhood street segment analysis determined that the Proposed Project would not result in any significant impact related to neighborhood intrusion. Accordingly, the Proposed Project does not conflict with an applicable congestion management program and impacts in this issue area will be less than significant prior to mitigation.

Proposed Project traffic increases were also analyzed in the cumulative context. When Proposed Project traffic was analyzed together with all traffic generated by related projects, it was determined that the Proposed Project will not result in cumulative impacts associated with intersection capacity or neighborhood intrusion either. Accordingly, cumulative impacts in this issue area will also be less than significant prior to mitigation.

9) Utilities and Service Systems (Wastewater, Natural Gas)

Based on calculations provided by the Bureau of Sanitation, the Proposed Project would generate a net increase of approximately 9,289 gallons of wastewater per day over existing conditions, and a net increase of approximately 6,089 gallons of wastewater per day over historical conditions. The Hyperion Treatment Plant has treatment capacity of 450 MGD and currently treats 340 MGD. Thus, it has a



remaining capacity of 110 MGD and can adequately serve the Proposed Project, and no impacts related to wastewater treatment capacity will occur.

The existing flow capacity of the wastewater conveyance infrastructure that serves the Proposed Project also appears sufficient to serve the Proposed Project's needs. In addition, as part of the permit process, the Bureau of Sanitation will require the Proposed Project Applicant to conduct detailed gauging demonstrate the same. In the event said analysis determined upgrades were necessary, such upgrades were needed, they would be installed as part of the Proposed Project, and within the same alignment as the existing line within the street adjacent to the Proposed Project Site. Based on the foregoing, Proposed Project impacts related to wastewater infrastructure would also be less than significant.

Based upon the foregoing, all project-specific impacts related to wastewater will be less than significant prior to mitigation. Similar to the Proposed Project, applicants for related projects will be required to obtain a final approval from the Bureau of Sanitation for a sewer capacity connection permit. Moreover, the sewer line capacity for each related project will be evaluated on a case-by-case basis, and any upgrades will be implemented prior to issuance of any occupancy permits. Accordingly, cumulative impacts related to wastewater will also be less than significant prior to mitigation.

Proposed Project operation would result in the irreversible consumption and use of non-renewable natural gas. However, this use would be on a small scale, and consistent with regional and local growth expectations in the area. SoCal Gas has confirmed that it can accommodate the Proposed Project with existing natural gas infrastructure, and would not require construction of new facilities. Finally, the Proposed Project will be designed to reduce natural gas usage to the extent feasible, and will be consistent with energy standards. Thus, impacts related to natural gas usage will be less-than-significant prior to mitigation.

While the Proposed Project together with other related projects would represent a cumulative increase in natural gas usage, SoCal Gas has the capacity to serve this cumulative demand. Each related project is also expected to be consistent with building energy efficiency requirements in Title 24 and with other Federal, state and local requirements that will reduce usage. Accordingly, cumulative impacts in this issue area will be less-than-significant prior to mitigation.

- C. **Impacts found not to be significant prior to mitigation, where mitigation is nonetheless provided to further reduce impacts.** The following effects associated with the Proposed Project were analyzed in the Final EIR and found not to be significant prior to mitigation. Nonetheless, mitigation measures have been incorporated to further reduce these effects.

1) Aesthetics (Visual Character)

The Proposed Project includes maintaining the street-facing elevations that contain characteristic Art Deco features at the Proposed Project site. In addition, the Proposed Project would improve the aesthetics at the Proposed Project site by improving and replacing non-original aspects that are currently in place and removing large billboards. Overall, the proposed Project would produce a structure that reflects the Art Deco architecture that has been present at the site for many

decades and provides a visual continuity between the land uses at the site, and surrounding uses. Accordingly, impacts to the visual character and quality of the site would be less than significant prior to mitigation.

Nonetheless, Mitigation Measures IB-1 through B-5 are included to further reduce impacts and reflect good planning and design practices currently promoted by the City.

- 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. **(MM B-1)**
- The proposed structure shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation, or other similar material, pursuant to LAMC Section 91.8104. **(MM B-2)**
- The exterior of the proposed structure shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91.8104. **(MM B-3)**
- On-site signs shall be limited to the maximum allowable under the LAMC. **(MM B-4)**
- Multiple temporary signs in the store windows and along the building walls shall not be permitted. **(MM B-5)**

Although the Proposed Project would not result in significant impacts related to Aesthetics, and would not impact the visual character and quality of the Proposed Project Site prior to the implementation of mitigation measures, changes or alternations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts related to the visual character and quality of the site as identified in the Final EIR.

The Proposed Project is not anticipated to change the character of the Site in a manner that would result in significant impacts associated with visual quality and character. The Proposed Project will improve the visual character of the Proposed Project site by maintaining and the Art Deco façade that currently exists, and removing and replacing the non-uniform, varying signage associated with the storefronts along Beverly Boulevard and Fairfax Avenue, as well as the large billboards that currently stand on top of the existing structure. The Development Project represents a substantial aesthetic improvement as compared to the existing structure.

The Proposed Project together with related projects would result in an intensification of land uses in the already urbanized City. Nonetheless, the growth in the Proposed Project area will continue to be guided by the General Plan and, therefore, it is not anticipated that the Proposed Project would combine with any related projects to

create a cumulatively considerable affect. Therefore, with implementation of the above mitigation measures, project-specific and cumulative impacts would remain at less than significant levels.

2) Cultural Resources (Archeological, Paleontological, Human Remains)

*Archeological Resources*

The Proposed Project Site is in an urbanized area and has been previously developed and; therefore, the soils beneath the site are likely disturbed. According to a records search conducted by the South Central Coastal Information Center, there are no designated archaeological sites or survey areas within or adjacent to the Proposed Project Site. While the aforementioned facts dictate that the likelihood of uncovering unknown archaeological resources is very low and, therefore, potential impacts are considered less than significant prior to mitigation, the City requires implementation of standard mitigation measures to ensure that should archaeological resources be uncovered, they are treated appropriately.

- If any archaeological materials are encountered during the course of Project development, all further development activity shall halt and:
  - 7. 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.
  - 8. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  - 9. The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
  - 10. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:  
SCCIC Department of Anthropology  
McCarthy Hall 477  
CSU Fullerton  
800 North State College Boulevard  
Fullerton, CA 92834
  - 11. 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.
  - 12. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit. **(MM A-1)**

Although the Proposed Project would not result in significant impacts related to archeological resources prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon archeological resources as identified in the Final EIR.

Proposed Project activities are not anticipated to disturb archeological resources. The Proposed Project together with related projects could, however, result in the increased potential for encountering archaeological resources in the Proposed Project vicinity. Not all archaeological resources are of equal value, however, therefore, an increase in the frequency of encountering resources does not necessarily imply an adverse impact. Moreover, each related project will be required to implement standard mitigation measures identical to or equivalent to those required in connection with the Proposed Project. For these reasons, with implementation of the above mitigation measures, project-specific and cumulative impacts will be less-than-significant.

#### *Paleontological Resources*

The Proposed Project site is in an urbanized area and has been previously developed. According to a record search conducted by the Natural History Museum, there are no known designated paleontological resources within the Proposed Project Site. There have, however, been significant paleontological resources found in the Proposed Project area, including one site to the east, and one site to the west. Moreover, the La Brea Tar Pits are located approximately one mile to the southeast. The aforementioned facts dictate that the likelihood of uncovering unknown paleontological resources is very low, but there is at least some potential for encountering fossils. Potential impacts are considered less than significant prior to mitigation. However, the City requires implementation of standard mitigation measures to ensure that should paleontological resources be uncovered, they are treated appropriately.

- If any paleontological materials are encountered during the course of the Project development, the Project shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology – University of Southern California (USC), UCLA, Cal State Los Angeles, Cal State Long Beach, or the Los Angeles County Natural History Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum. A covenant and agreement shall be recorded prior to obtaining a grading permit. **(MM A-2)**

Although the Proposed Project would not result in significant impacts related to paleontological resources prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon paleontological resources as identified in the Final EIR.

Proposed Project activities are not anticipated to disturb paleontological resources. The Proposed Project together with related projects could, however, result in the increased potential for encountering paleontological resources in the Proposed Project vicinity. Not all paleontological resources are of equal value, however, therefore, an increase in the frequency of encountering resources does not necessarily imply an adverse impact. Moreover, each related project will be required to implement standard mitigation measures identical to or equivalent to those required in connection with the Proposed Project. For these reasons, with implementation of the above mitigation measures, Proposed Project-specific and cumulative impacts will be less-than-significant.

*Human Remains*

The Proposed Project site is in an urbanized area and has been previously developed. While the aforementioned facts dictate that the likelihood of uncovering unknown human remains is very low, there is at least some potential for encountering unknown human remains during excavation and grading activities. Potential impacts are considered less than significant prior to mitigation. However, the City requires implementation of standard mitigation measures to ensure that should human remains be uncovered, they are treated appropriately.

- If human remains are discovered at the Project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City Public Works Department and County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.  
**(MM A-3)**

Although the Proposed Project would not result in significant impacts related to human remains prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon human remains as identified in the Final EIR.

Proposed Project activities are not anticipated to disturb human remains. The Proposed Project together with related projects could, however, result in the increased potential for encountering human remains in the Development Project vicinity. The potential for encountering and handling human remains is a project-specific issue. Therefore, any increase is not necessarily indicative of an adverse impact. Moreover, each related project will be required to implement standard mitigation measures identical to or equivalent to those required in connection with the Proposed Project. For these reasons, with implementation of the above mitigation measures, project-specific and cumulative impacts will be less than significant.

### 3) Hydrology and Water Quality (Water Quality)

During construction, sediment is typically the constituent of greatest potential concern. However, sediment is not typically a constituent of concern during the long-term operation of developments like the Proposed Project that include paving and proper installation of drainage infrastructures. The Proposed Project applicant will prepare and implement a Standard Urban Stormwater Mitigation Plan (SUSMP) in accordance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity. This SUSMP would detail the treatment measures, housekeeping measures and BMPs that will be implemented during the construction and post-construction phases of the Proposed Project. Preparation and implementation of the SUSMP will ensure that the Proposed Project will not violate water quality standards and that the water quality impacts of the Proposed Project will be less than significant prior to the implementation of mitigation. Nonetheless, City standard mitigation measures have been incorporated into the Proposed Project.

- excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity. **(MM H-1)** E
- appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. **(MM H-2)** A
- stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting. **(MM H-3)** S
- 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 shall be discarded at a licensed regulated disposal site. **(MM H-4)** A
- 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. **(MM H-5)** L
- pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible. **(MM H-6)** P
- dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting. **(MM H-7)** D
- the Project Applicant shall implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook, Part B, Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be required. **(MM H-8)** T
- post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. **(MM H-9)** P

- he amount of impervious surface shall be reduced to the extent feasible 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). **(MM H-10)** T
- roof runoff system shall be installed, as feasible, where site is suitable for installation. **(MM H-11)** A
- essages shall be painted that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. **(MM H-12)** M
- aterials with the potential to contaminate stormwater shall be placed in an enclosure such as a cabinet or shed. **(MM H-13)** M
- torage areas shall be paved and sufficiently impervious to contain leaks and spills. **(MM H-14)** S
- n efficient irrigation system shall be designed and implemented to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers. **(MM H-15)** A
- he owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the property's owner(s), heirs or assigns to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions. This condition shall be fulfilled prior to issuance of any building permit. **(MM H-16)** T
- oxic wastes shall be discarded at a licensed regulated disposal site. **(MM H-17)** T
- astes including paper, glass, aluminum, oil, and grease shall be recycled to the extent feasible. **(MM H-18)** W

Although the Proposed Project would not result in significant impacts related to water quality prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to water quality as identified in the Final EIR.

In addition to complying with each of the mitigation measures set for the above, the Proposed Project would also comply with the SUSMP as set forth above. Accordingly, Development Project impacts will be less than significant. With respect to cumulative impacts, related projects are also located in an urbanized area where most of the surrounding properties are already developed and an existing storm drainage system exists. Moreover, new development will be required to undergo a case-by-case review and implement mitigation measures similar to those proposed in connection with the Development Project. Therefore, both project-specific and cumulative impacts in these issue areas will be less than significant.

#### 4) Noise (Operational)

The Proposed Project will not expose persons to or generate noise in excess of standards established in applicable plans, ordinances or standards during its operation. Sources that would generate noise during the Proposed Project's operation, e.g. rooftop HVAC equipment, parking and traffic generated by the Proposed Project would not generate noise that exceeds applicable thresholds. Accordingly, it will not result in a substantial permanent increase in ambient noise levels in the Proposed Project vicinity. In addition, it will not expose people to or generate excessive groundborne vibration. Accordingly, these impacts are considered less than significant prior to mitigation. Nonetheless, the City requires implementation of the following standard mitigation measures to ensure that all operational noise impacts will remain less than significant.

- All exterior windows associated with the proposed residential uses at the Project site shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, of alternative means of sound insulation sufficient to mitigate interior noise levels to below a CNEL of 45 dBA in any habitable room. **(MM J-11)** A
- The Project Applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. **(MM J-12)** T

Although the Proposed Project would not result in significant impacts related to operational noise prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to noise as identified in the Final EIR.

The DEIR analyzed the potential for noise increases associated with rooftop HVAC equipment, the Proposed Project's parking facility and traffic generated by the Proposed Project. It determined that the noise generated by these sources would fall below applicable thresholds and that noise impacts associated with the Proposed Project would be less than significant prior to mitigation. In addition, the above



mitigation measure was incorporated into the Proposed Project to further reduce these less than significant impacts.

Development of the Proposed Project in combination with ambient growth and other development projects within the vicinity was considered. As noise is a localized phenomenon, and decreases in magnitude as distance from the source increases, only related projects in the very nearby area could combine with the Proposed Project to generate noise during operation. As the Proposed Project is not expected to generate any significant noise during operation and related projects are anticipated to incorporate design features and mitigation measures intended to reduce the same below levels of significance, cumulative impacts are also expected to be less than significant prior to implementation of mitigation.

#### 5) Public Services (Fire, Police, Schools, Parks and Recreation)

##### *Fire*

The Proposed Project would introduce approximately 211 new permanent residents to the Site. This increase could generate an increased demand for fire protection services. That said, LAFD has indicated that the Proposed Project is within a 3.0-mile radius of three fire stations with response distance and times that meet applicable performance standards, and that these response times and performance standards would not be affected by implementation of the Proposed Project. Additionally, the Proposed Project will comply with applicable Fire Code Policies. Accordingly, Proposed Project impacts in this issue area will be less than significant prior to implementation of mitigation.

- during demolition and construction, LAFD access from major roadways and internal roadways shall remain clear and unobstructed. **(MM L-1)** D
- he Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the proposed Project, for review and approval, which shall provide the capacity of the fire mains serving the Project site. Any required upgrades shall be identified and implemented prior to occupancy of the proposed Project. **(MM L-2)** T
- he design of the Project site shall provide adequate access for LAFD equipment and personnel to the structure. **(MM L-3)** T
- o building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit. **(MM L-4)** N
- he applicant shall submit plot plans for LAFD approval of access and fire hydrants. **(MM L-5)** T

- he Project shall provide adequate off-site public and on-site private fire hydrants. **(MM L-6)** T

Although the Proposed Project would not result in significant impacts related to fire services prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to fire services as identified in the Final EIR.

The Proposed Project may increase the need for fire protection services in its vicinity. However, LAFD has determined that it can accommodate any such increased need without compromising response times. Moreover, the aforementioned City standard mitigation measures have been incorporated, and will ensure that the less than significant impacts of the Proposed Project are reduced even further. While the Proposed Project could work in concert with related projects to result in cumulative impacts related to fire services, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Moreover, both the Proposed Project and related projects will result in increased tax revenue that can be utilized to fund any additional infrastructure or personnel necessary to meet increased needs. Accordingly both project-specific and cumulative impacts related to fire protection will be less than significant prior to mitigation.

#### *Police*

The Proposed Project would introduce approximately 211 new permanent residents to the Site. This increase could generate an increased demand for police protection services. That said, LAPD has indicated that the Proposed Project would have a minimal impact on police protection services. Furthermore, compliance with standard LAPD requirements would reduce the Proposed Project's impacts further. Accordingly, Proposed Project impacts in this issue area will be less than significant prior to implementation of mitigation.

- he Project site plans shall incorporate the design guidelines relative to security, semi-public and private spaces, that may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project site, if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the LAPD. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the LAPD prior to the issuance of building permits. **(MM L-7)** T

- pon completion of the proposed Project, the applicant shall provide LAPD's Wilshire Community Police Station's Commanding Officer with a diagram of all U

portions of the Project site that includes access routes and any other applicable information that may facilitate police response. **(MM L-8)**

Although the Proposed Project would not result in significant impacts related to police protection services prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to police services as identified in the Final EIR.

The Proposed Project may increase the need for police protection services in its vicinity. However, LAPD has determined that it can accommodate any such increased need without compromising existing services. Moreover, the aforementioned City standard mitigation measures have been incorporated, and will ensure that the less than significant impacts of the Proposed Project are reduced even further. While the Proposed Project could work in concert with related projects to result in cumulative impacts related to police protection services, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Moreover, both the Proposed Project and related projects will result in increased tax revenue that can be utilized to fund any additional infrastructure or personnel necessary to meet increased needs. Accordingly both project-specific and cumulative impacts related to police protection will be less than significant prior to mitigation.

#### *Schools*

The Proposed Project will generate a total of approximately 28 students. However, it is likely that some of the students generated by the Proposed Project would already reside in the area served by LAUSD and would already be enrolled in LAUSD schools. Notwithstanding, the DEIR conservatively assumed that all student generated by the Proposed Project would be new to LAUSD. Even using this assumption, the DEIR demonstrated that all schools in the vicinity of the Proposed Project have sufficient capacity to serve the student generated by the Proposed Project. Therefore, impacts in this issue area are less than significant prior to mitigation. Payment of school fees established by LAUSD is required in accordance with existing rules and regulations. The payment of these fees would further mitigate the Proposed Project's direct and indirect impact on schools.

○

he applicant shall pay school fees to the LAUSD. **(MM L-9)**

T

Although the Proposed Project would not result in significant impacts related to schools prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to schools as identified in the Final EIR.

The Proposed Project will generate students that will matriculate at LAUSD schools. However, as explained in the Final EIR, LAUSD has capacity to accommodate these additional students without compromising existing services. Moreover, as required by law, the Proposed Project will pay school fees to the LAUSD, which will ensure that the less than significant impacts of the Proposed Project are reduced even further. While the Proposed Project could work in concert with related projects to result in cumulative impacts related to schools, related projects will similarly be

subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Moreover, both the Proposed Project and related projects will result in increased tax revenue that can be utilized to fund any additional infrastructure or personnel necessary to meet increased needs. Both project-specific and cumulative impacts related to schools will be less than significant prior to mitigation.

#### *Parks and Recreation*

The Proposed Project would introduce approximately 211 residents to the Proposed Project site. The Proposed Project area is currently served by a number of parks and recreation facilities that are located within two miles of the Proposed Project site. Moreover, the Proposed Project includes recreational amenities consisting of a swimming pool, men/women bathrooms, and a recreation room. It also includes approximately 10,684 square feet of open space, which exceeds the open space requirements of the Los Angeles Municipal Code by 3,584 square feet. Considering all of the above, the Proposed Project's impact on parks and recreational facilities is anticipated to be less than significant prior to mitigation. Nonetheless, the following measure was incorporated into the Proposed Project and will further reduce its impacts.

- The Project Applicant shall pay all applicable fees associated with the construction of the proposed Project, including but not necessarily limited to, Quimby fees. **(MM L-10)**

Although the Proposed Project would not result in significant impacts related to parks and recreation prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to parks and recreation as identified in the Final EIR.

The Proposed Project will generate new residents, increasing demand for parks and other recreational facilities in its vicinity. However, it also includes recreational facilities and open space, the number of residents the Proposed Project is expected to generate will not lead to substantial deterioration of existing parks and recreational facilities, and the Proposed Project will pay Quimby fees as required by the aforementioned mitigation measure. This will ensure that the less than significant impacts of the Proposed Project are reduced even further. While the Proposed Project could work in concert with related projects to result in cumulative impacts related to parks and recreation, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Moreover, both the Proposed Project and related projects will result in increased tax revenue that can be utilized to fund any additional infrastructure or personnel necessary to meet increased needs. Both project-specific and cumulative impacts related to parks and recreation will be less than significant prior to mitigation.

#### 6) Utilities and Service Systems (Water, Landfills, Electricity)

##### *Water*

The Proposed Project would result in a net water consumption increase of approximately 11,100 gallons per day over existing conditions, and a net increase of approximately 7,100 over historical conditions. As explained in the DEIR, the LAA Filtration Plant has remaining capacity that is sufficient to accommodate the water consumption increase resulting from the Proposed Project. Accordingly, impacts related to water treatment will be less than significant prior to mitigation.

SB 610 does not require preparation of a water supply assessment for a project the size of the Proposed Project. Accordingly, impacts in this issue area were assessed using the UWMP prepared by DWP. The Proposed Project would result in a net water consumption increase of approximately 7,100 gallons per day, or 524 gallons of water per day more than a project consistent with the current zoning at the Proposed Project site would generate. Although the consumption numbers are slightly greater than anticipated, the water consumption associated with the Proposed Project is not great enough to require acquisition of additional water supplies. Accordingly, impacts in this issue area are considered less than significant prior to mitigation. Notwithstanding this conclusion, however, the Proposed Project would be required to comply with the City's water conservation measures, as contained in mitigation measures, which would further reduce its less than significant impacts.

- he landscaped irrigation system shall be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets. Each zone (sprinkler valve) shall water plants having similar watering needs (do not mix shrubs, flowers, and turf in the same watering zone).
- Automatic irrigation timers shall be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times shall be adjusted for all zones seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property.
  - a. The irrigation systems shall also meet the following requirements:
  - b. Weather-based irrigation controller with rain shutoff;
  - c. Flow sensor and master valve shutoff (large landscapes);
  - d. Matched precipitation (flow) rates for sprinkler heads;
  - e. Drip/microspray/subsurface irrigation where appropriate;
  - f. Minimum irrigation system distribution uniformity of 75 percent;
  - g. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
  - h. Use of landscaping contouring to minimize precipitation runoff.

**(MM N-1)**
- Drought-tolerant, low water consuming plant varieties shall be used to reduce irrigation water consumption. For a list of these plant varieties, refer to Sunset Magazine, October 1988, "The Unthirsty 100," pp. 74-83, or consult a landscape architect. **(MM N-2)**

- The Project Applicant shall use recycled water (where available) for appropriate end uses (irrigation, cooling towers, sanitary). **(MM N-3)**
- The Project Applicant shall install ultra-low-flush high-efficiency toilets (1.28 gallons/flush or less, includes dual flush), ultra-low-flush high-efficiency urinals (0.5 gallons/flush or less, includes waterless), and water-saving showerheads (2.0 gallons/minute or less). Low flow faucet aerators shall be installed on all sink faucets with a faucet flow rate of 1.5 gallons/minute or less. **(MM N-4)**
- Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). Cooling towers shall be operated at a minimum of 5.5 cycles of concentration. **(MM N-5)**
- The Project Applicant shall install domestic water heating systems located in close proximity to point(s) of use. Tank-less and on-demand water heaters shall be used as feasible. **(MM N-6)**
- The Project Applicant shall install high-efficiency clothes washers (water factor of 6.0 or less) where clothes washers are provided and high-efficiency dishwashers (Energy Star rated) shall be installed where dishwashers are provided. Water conserving clothes washers and dishwashers are now available from many manufacturers. Water savings also represent energy savings, in that the water saved by these appliances is typically heated. **(MM N-7)**
- Single-pass cooling shall be prohibited. **(MM N-8)**
- The Project Applicant shall install metering systems as follows:
  - a. All dwelling units shall have individual metering and billing for water use; and
  - b. All irrigated landscapes of 5,000 square feet or more require separate metering or submetering. **(MM N-9)**

Although the Proposed Project would not result in significant impacts related to water treatment or water supplies prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to water treatment and water supplies as identified in the Final EIR.

The Proposed Project can be served by existing water treatment facilities and existing water supplies. Notwithstanding, the Proposed Project will implement the aforementioned mitigation measures, which will ensure that its less than significant impacts in these issue areas will be reduced even further. Implementation of the Proposed Project in conjunction with related projects and regional growth will result in a net increase in demand for water supplies and wastewater treatment. However, the Metropolitan Water District and Los Angeles Department of Water and Power have indicated that they can meet this increased demand. Moreover, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Both project-specific and cumulative

impacts related to water treatment and water supply will be less than significant prior to mitigation.

#### *Landfill Capacity*

The Proposed Project requires demolition that will generate construction debris. The demolition and construction debris associated with the Proposed Project would primarily be classified as inert waste and would be recycled to the extent possible. The remaining debris will be disposed of at Peck Road Grave Pit, which has been demonstrated to have capacity to serve the Proposed Project. Accordingly, impacts related to landfill capacity during construction will be less than significant prior to mitigation.

During its operation the Proposed Project will generate approximately 0.16 tons of solid waste per day. This constitutes a net increase of 0.14 tons per day, and a net decrease of 0.11 tons per day over historic conditions. In accordance with City requirements, the Proposed Project incorporates waste recycling areas and will divert waste from local landfills through waste reduction and recycling. Accordingly, it will ultimately demand less landfill capacity and waste hauling than the land uses that currently exist at the Proposed Project Site. For these reasons, impacts related to landfill capacity during operation will also be less than significant prior to mitigation. Nonetheless, the following mitigation measure has been incorporated into the Proposed Project.

- Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable materials. **(MM N-10)**

Although the Proposed Project would not result in significant impacts related to landfill capacity prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon landfill capacity as identified in the Final EIR.

The Proposed Project, together with related projects will increase total waste generation in its vicinity. However, local landfills have sufficient capacity to accommodate construction and operation waste, and recycling measures are incorporated into the Proposed Project. In addition, cumulative impacts are not anticipated to be significant because local landfills have the capacity to accommodate all waste generated by the Proposed Project and related projects. In addition, like the Proposed Project, all related projects will be required to comply with requirements that require diverting at solid waste generated from landfills through waste reduction and recycling. Cumulative impacts will also be less than significant prior to mitigation.

#### *Electricity*

The Proposed Project is not anticipated to result in significant impacts related to electricity. The Proposed Project would not require new (off-site) energy supply facilities and distribution infrastructure. Moreover, Proposed Project design features such as those required to obtain LEED certification and incorporation of energy conservation measures beyond those required by the City to exceed the minimum State energy conservation requirements, such as those established by Title 24 would help alleviate electrical demand. Notwithstanding the above, it has also been determined that the Proposed Project's annual electricity demand can be served by

existing Los Angeles Department of Water and Power supplies. Therefore, impacts related to electricity usage will be less than significant prior to mitigation. Notwithstanding, the following mitigation measure has been incorporated into the Proposed Project.

- Windows shall be designed to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather (e.g., tinting, double pane glass, etc.). **(MM N-11)**
- Thermal insulation that exceeds requirements established by the State of California Energy Conservation Standards shall be installed in walls and ceilings. **(MM N-12)**
- High-efficiency lamps shall be installed for all outdoor security lighting. **(MM N-13)**
- Time control interior and exterior lighting shall be installed. These systems shall be programmed to account for variations in seasonal daylight times. **(MM N-14)**
- Exterior walls shall be finished with light-colored materials and high-emissivity characteristics to reduce cooling loads. Interior walls shall be finished with light-colored materials to reflect more light and thus increase lighting efficiency. **(MM N-15)**
- If applicable, the Applicant shall coordinate with DWP and fund the installation of upgraded facilities as needed to maintain an adequate electricity distribution system and/or to connect the Project site to the surrounding infrastructure. **(MM N-16)**
- Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations. **(MM N-17)**
- Install high-efficiency air conditioning controlled by a computerized energy-management system in the retail spaces that provides the following:
  - a. A variable air-volume system that results in minimum energy consumption and avoids hot water energy consumption for terminal reheat;
  - b. A 100-percent outdoor air-economizer cycle to obtain free cooling in appropriate climate zones during dry climatic periods;
  - c. Sequentially staged operation of air-conditioning equipment in accordance with building demands; and
  - d. The isolation of air conditioning to any selected floor or floors. **(MM N-18)**
- Consider the applicability of the use of thermal energy storage to handle cooling loads. **(MM N-19)**
- Cascade ventilation air from high-priority areas before being exhausted, thereby decreasing the volume of ventilation air required. For example, air



could be cascaded from occupied space to corridors and then to mechanical spaces before being exhausted. **(MM N-20)**

- Recycle lighting system heat for space heating during cool weather. Exhaust lighting-system heat from the buildings via ceiling plenums to reduce cooling loads in warm weather. **(MM N-21)**
- Install low and medium static-pressure terminal units and ductwork to reduce energy consumption by air-distribution systems. **(MM N-22)**
- Ensure that buildings are well sealed to prevent outside air from infiltrating and increasing interior space-conditioning loads. Where applicable, design building entrances with vestibules to restrict infiltration of unconditioned air and exhausting of conditioned air. **(MM N-23)**
- A performance check of the installed space-conditioning system should be completed by the developer/install prior to issuance of the Certificate of Occupancy to ensure that energy-efficiency measures incorporated into the proposed Project operate as designed. **(MM N-24)**
- Finish exterior walls with light-colored materials and high-emissivity characteristics to reduce cooling loads. Finish interior walls with light-colored materials to reflect more light and thus, increase lighting efficiency. **(MM N-25)**
- Use a white reflective material for roofing meeting California standards for reflectivity and emissivity to reject heat. **(MM N-26)**
- Install thermal insulation in walls and ceilings that exceeds requirements established by the California Code of Regulations. **(MM N-27)**
- Design window systems to reduce thermal gain and loss, thus reducing cooling loads during warm weather and heating loads during cool weather. **(MM N-28)**
- Install heat-rejecting window treatments, such as films, blinds, draperies, or others on appropriate exposures. **(MM N-29)**
- Install whenever possible fluorescent and high-intensity-discharge (HID) lamps that give the highest light output per watt of electricity consumed, including all street and parking lighting to reduce electricity consumption. Use reflectors to direct maximum levels of light to work surfaces. **(MM N-30)**
- Install photosensitive controls and dimmable electronic ballasts to maximize the use of natural daylight available and reduce artificial lighting load. **(MM N-31)**
- Install occupant-controlled light switches and thermostats to permit individual adjustment of lighting, heating, and cooling to avoid unnecessary energy consumption. **(MM N-32)**

- Install time-controlled interior and exterior public area lighting limited to that necessary for safety and security. **(MM N-33)**
- Control mechanical systems (heating, ventilation, and cooling and lighting) in the building with timing systems to prevent accidental or inappropriate conditioning or lighting of unoccupied space. **(MM N-34)**
- Incorporate windowless walls or passive solar inset of windows into the proposed Project for appropriate exposures. **(MM N-35)**
- Design the proposed Project to focus pedestrian activity within sheltered outdoor areas. **(MM N-36)**

Although the Proposed Project would not result in significant impacts related to electricity prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon electricity as identified in the Final EIR.

The Proposed Project will not result in impacts related to electricity. Moreover, the aforementioned mitigation measure has been incorporated to further reduce its less than significant impacts in this issue area. While the Proposed Project together with other related projects would represent a cumulative increase in electricity usage, LADWP has the capacity to serve this cumulative demand. Each related project is also expected to be consistent with building energy efficiency requirements in Title 24 and with other Federal, state and local requirements that will reduce usage. Accordingly, cumulative impacts in this issue area will also be less than significant prior to mitigation.

#### **D. Potential significant impacts mitigated to less-than-significant levels**

##### **1) Air Quality (Construction)**

The Proposed Project will generate construction-related emissions during demolition, excavation, grading and the construction of the proposed residential and retail uses. An analysis of regional daily construction emissions was prepared utilizing the URBEMIS 2007 computer model. It determined that construction-related daily emissions would exceed the regional emissions thresholds for NO<sub>x</sub> during the site grading and excavation phases, a potentially significant impact. The NO<sub>x</sub> emissions generated during these phases of the Proposed Project would also be cumulatively considerable.

The peak daily emissions of the other five criteria pollutants would not exceed the SCAQMD significance thresholds during any of the construction phases. Additionally, it was determined that construction emissions would not exceed the established SCAQMD localized threshold for NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub>. Therefore, the localized air quality impacts resulting from construction emissions would also be less than significant.

- During the Project's excavation phase, the Project Applicant shall limit the total number of daily truck trips (round trips) to a maximum of 105. **(MM C-1)**
- 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. **(MM C-2)**
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. **(MM C-3)**
- All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. **(MM C-4)**
- All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust. **(MM C-5)**
- All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 miles per hour), so as to prevent excessive amounts of dust. **(MM C-6)**
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. **(MM C-7)**
- Signs shall be posted around the Project site that instruct construction workers to not allow any engines of any construction equipment or vehicle to idle for longer than 5 minutes. **(MM C-8)**
- For the commercial portion of the proposed Project - 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. **(MM C-9)**
- For the residential portion of the proposed Project- An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety. **(MM C-10)**
- To the extent feasible, during Project construction, all internal combustion engines/construction, equipment operating on the Project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following: **(MM C-11)**
- All off-road diesel-powered construction equipment greater than 50 horse power shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the Project Contractor

shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horse power shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horse power shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- The Project Applicant shall encourage the Project Construction Contractor to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website:
- <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm> h

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to construction emissions, as identified in the Final EIR, to a less-than-significant level.

Grading and excavation activities to accommodate the proposed residential and retail and the subterranean parking structure would be expected to occur and generate construction emissions. Mitigation measures will ensure that all potentially significant construction impacts and cumulative impacts related to construction NO<sub>x</sub> emissions will be reduced to a less than significant level. All other construction related emissions impacts will be less than significant prior to mitigation.

## 2) Geology and Soils (Seismic Related Ground Failure/Liquefaction, Expansive Soils)

### ***Geology and Soils (Seismic Related Ground Failure/Liquefaction)***

The soil strata between 10 to 17 feet bgs at the Proposed Project site are susceptible to liquefaction and related effects. Without removal of the liquefiable soil layers and proper soil engineering during the Project's construction phase, impacts related to liquefaction could be potentially significant.

- he design and construction of the proposed Project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety. **(MM E-1)** T

- Prior to the issuance of building or grading permits, the applicant shall submit a final geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The final geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, expansive soils, and discuss mitigation measures that may include building design consideration. **(MM E-2)** P

- Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. **(MM E-3)** B

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to geologic/soil instability and liquefaction, as identified in the Final EIR, to a less-than-significant level.

While the Geotechnical Investigation concluded that there was a potential for impacts related to soil stability and liquefaction, it also concluded that with implementation of project-specific design and construction recommendations, as summarized in the proposed mitigation measures and in the Preliminary Geotechnical Report, impacts could be reduced to a less than significant level. The Proposed Project will also be required to be constructed in accordance with the 2008 City of Los Angeles Building Code, the City's Planning and Zoning Code, and any additional site-specific recommendations by the City's Department of Building and Safety. For the foregoing reasons, Proposed Project impacts related to these issues will be less than significant after implementation of proposed mitigation.

With respect to cumulative impacts, related projects may also present dangers associated with soil stability and liquefaction. Such impacts would be directly related to the conditions present at each individual related site, however, and each such related site would be subject to review intended to determine if site-specific characteristics require implementation of mitigation. Moreover, they will also be constructed in accordance with the aforementioned City requirements. Therefore, with implementation of proposed mitigation both project-specific and cumulative impacts in these issue areas will be less than significant.

*Expansive Soils*

Laboratory testing on a mixture of soils taken from 37 to 47 feet bgs at the Proposed Project site indicates a "medium" soil expansion potential. The high groundwater table level at the Site dictates that soil expansion may not be a critical factor for purposes of retaining wall design and construction. In order to confirm this however, during construction activities, it is recommended that additional testing be completed. If it is determined during this additional testing that soils have a high expansion potential, impacts related to expansive soils would be potentially significant.

Mitigation – see above

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to expansive soils, as identified in the Final EIR, to a less than significant level.

The Geotechnical Investigation concluded that there was a potential for impacts expansive soils, it also concluded that with implementation of project-specific design and construction recommendations, as summarized in the proposed mitigation measures and in the Preliminary Geotechnical Report, impacts could be reduced to a less than significant level. The Proposed Project will also be required to be constructed in accordance with the 2008 City of Los Angeles Building Code, the City's Planning and Zoning Code, and any additional site-specific recommendations by the City's Department of Building and Safety. For the foregoing reasons, Proposed Project impacts related to these issues will be less than significant after implementation of proposed mitigation.

With respect to cumulative impacts, related projects may also present dangers associated with expansive soils. Such impacts would be directly related to the conditions present at each individual related site, however, and each such related site would be subject to review intended to determine if site-specific characteristics require implementation of mitigation. Moreover, they will also be constructed in accordance with the aforementioned City requirements. Therefore, with implementation of proposed mitigation both project-specific and cumulative impacts in these issue areas will be less than significant.

### 3) Hazards and Hazardous Materials (Risk of upset/accident)

Prior to development of the proposed mixed-use building, the Fairfax Theater building would be demolished and removed from the Proposed Project site. The Fairfax Theater Building was constructed prior to the ban of ACMs and lead-based paint as construction materials. Accordingly, it is possible that the building contains ACMs and lead-based paint. Without proper handling of these materials during construction, impacts related to ACMs and lead-based paint could be potentially significant.

During development of the proposed subterranean parking, groundwater could be encountered, and dewatering could be required. Per the Phase I Environmental Site Assessment prepared for the Proposed Project site there are

no Recognized Environmental Conditions from past or present on-or off-site land uses that are known to have affected the soil and groundwater at the Proposed Project Site. Accordingly, the likelihood of encountering contaminated groundwater is low. Nonetheless, if it is encountered, impacts related to this groundwater could be potentially significant.

Based on the results of the Methane Gas subsurface Investigation prepared for the Proposed Project Site and based on Department of Building and safety's methane design levels, the site is designated as a Site Design Level I, which requires certain elements be incorporated into the Proposed Project, and dictates that impacts related to methane are potentially significant.

- Prior to any demolition activities, a licensed asbestos inspector shall be retained to determine the presence of ACMs within the Fairfax Theater building. A licensed asbestos abatement contractor shall be retained to remove all ACMs from the Project site during the Project's demolition phase. **(MM G-1)**
- Prior to any demolition activities, a licensed lead-based paint inspector shall be retained to determine the presence of lead-based paint within the Fairfax Theater building. A licensed lead-based paint abatement contractor shall be retained to remove all lead-based paint from the Project site during the Project's demolition phase. **(MM G-2)**
- All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements: a vent system and gas-detection system that shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25 percent of the Lower Explosive Limit (LEL) methane concentration is detected within those areas. **(MM G-3)**

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to risk of upset, as identified in the Final EIR, to a less than significant level.

While there is the potential for encountering ACMs and lead-based paint, groundwater/soil contamination and/or methane gas in connection with demolition, grading and construction of the Proposed Project, impacts related to any such discovery can be mitigated to a less-than-significant level through implementation of the aforementioned mitigation measures. Moreover, implementation of the proposed mitigation measures will ensure that there are no impacts related to these issues when the Proposed Project becomes operational.

With respect to cumulative impacts, related projects may also present dangers associated with hazards and hazardous materials. However, each related project would also be required to evaluate for potential threats and impose mitigation necessary to reduce impacts to the extent feasible. Further, local municipalities are required to follow local, state, and federal laws regarding

hazardous materials and other hazards. Therefore, with implementation of proposed mitigation both project-specific and cumulative impacts in these issue areas will be less than significant.

#### 4) Public Services (Libraries)

Implementation of the Proposed Project would generate residents and additional employees, creating demand for libraries. The Proposed Project Site would be served by the Fairfax Branch Library, which has a collection that adequately meets the current demand for library services, but does not have a building that meets the size criteria set forth in the Branch Facilities Plan. Accordingly, the Proposed Project would contribute the library building size disparity by increasing the library's service population. In order to alleviate any increased library demands generated by the Proposed Project, mitigation is required. Therefore, impacts in this issue area are potentially significant.

- The Project Applicant shall pay a mitigation fee of \$200 per capita based on projected residential population generated as a result of the buildout of the proposed development. The funds will be used for books, computers and other library materials and information services. (MM L-11)

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to libraries, as identified in the Final EIR, to a less than significant level.

Implementation of proposed mitigation measures will reduce Proposed Project-specific impacts in this issue area. The Los Angeles Public Libraries have recommended a mitigation fee of \$200 per capita to alleviate any increased library demand generated by the Proposed Project. The above Mitigation Measure will ensure that the Proposed Project pays this fee.

While the Proposed Project could work in concert with related projects to result in cumulative impacts related to libraries, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures and to pay similar fees. Accordingly both project-specific and cumulative impacts related to libraries will be less than significant.

### **E. Significant impacts which remain significant after mitigation measures**

#### 1) Noise (Construction Noise and Vibration)

Construction of the Proposed Project will require the use of heavy equipment for the demolition of the existing on-site structures, grading and excavation, installation of new utilities, paving, and building fabrication. Development activities would also involve the use of smaller power tools, generators, and



other sources of noise. Construction noise levels associated with these proposed activities are likely to exceed the existing ambient noise levels at all of the identified off-site sensitive locations, by more than 5 dBA for more than ten days in a three-month period and by more than 10 dBA for more than one day. Accordingly, the Proposed Project has the potential to expose persons to noise in excess of applicable standards and would generate a substantial temporary or periodic increase in ambient noise levels in the Proposed Project vicinity during construction. In addition, vibration impacts at the Silverado Senior Living multi-family residences would exceed the applicable vibration threshold. These impacts would be significant and unavoidable.

Despite the above conclusions, the distance of related projects dictates that construction-related noise and vibration impacts will not be cumulatively significant.

- noise and groundborne vibration construction activities whose specific location on the Project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the Silverado Senior Living multi-family residences. **(MM J-1)** N
- The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be limited to between the hours of 10:00 AM and 4:00 PM. Examples include the use of drills and jackhammers. **(MM J-2)** T
- All on-site construction loading and staging areas shall be located as far as possible from the Silverado Senior Living multi-family residences. **(MM J-3)** A
- During the site demolition and site preparation/excavation phases at the Project site, temporary barriers such as plywood structures or flexible sound control curtains extending eight feet in height shall be erected between the Project site and the Silverado Senior Living multi-family residential building to the west of the Project site to minimize the amount of noise to the maximum extent feasible during construction. **(MM J-4)** D
- All construction truck traffic shall be restricted to truck routes approved by the City Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the maximum extent feasible. **(MM J-5)** A
- Two weeks prior to the commencement of construction at the Project site, notification must be provided to the immediate surrounding off-site residential uses that discloses the construction schedule, including the T

various types of activities and equipment that would be occurring throughout the duration of the construction period. **(MM J-6)**

- he Project Applicant 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. **(MM J-7)** T
- onstruction and demolition shall be restricted to the hours of 7:00 AM to 9:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday. **(MM J-8)** C
- he Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. **(MM J-9)** T
- ll exterior windows associated with the proposed residential uses at the Project site shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, of alternative means of sound insulation sufficient to mitigate interior noise levels to below a CNEL of 45 dBA in any habitable room. **(MM J-11)** A
- he Project Applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. **(MM J-12)** T

Changes or alterations have been required in, or incorporated into, the Proposed Project, which avoid or substantially lessen the significant environmental effects Proposed Project construction noise and vibration. However, the potential for a significant Proposed Project-specific and cumulative impacts remains. Specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of this document (Statement of Overriding Considerations), justify the decision to move forward with the Proposed Project despite these impacts.

Demolition of existing structures, grading and excavation activities to accommodate the proposed mixed-use building and the subterranean parking structure, and physical construction of the newly proposed building would be expected to occur and generate noise at the Proposed Project site. The nearest and most notable off-site noise-sensitive receptors to the Proposed Project site are: the Silverado Senior Living multi-family residences and 4 separate multi-family residences also nearby. The equipment that will be used during Proposed Project construction will expose each of these identified sensitive off-site locations to significant short-term construction noise impacts. It will also

expose the Silverado Senior Living multi-family residences to construction-vibration impacts.

Notwithstanding the above, the City's standard practice is to exempt construction projects from the City's noise standards as long as these projects conform to Los Angeles Municipal Code requirements. The Proposed Project would comply with Los Angeles Municipal Code requirements. Moreover, the aforementioned mitigation measures were incorporated to reduce the noise levels associated with construction to the maximum extent feasible. Nevertheless, because construction noise and vibration levels associated with the Proposed Project will still exceed relevant standards at certain nearby sensitive receptors during Proposed Project construction, and result in a substantial periodic or temporary increase in noise levels and vibration, Proposed Project-specific impacts in this issue area remain significant and unavoidable.

### **Project Purposes and Objectives**

The project has the following goals and objectives, as described above.

- I. Reenergize the Project Site by creating an integrated development of residential and commercial uses;
- II. Incorporate, to the extent feasible, important exterior architectural-defining features of the existing Fairfax Theater building into the design of the proposed Project;
- III. Support the goals of the Wilshire Community Plan by developing mixed uses at the intersection of Beverly Boulevard and Fairfax and providing housing and employment opportunities within proximity of public transit;
- IV. Improve the visual character of the project area by removing visual "clutter" from the Project site and creating a new building reflecting current architecture; and
- V. Provide more vibrant land uses (both social and economical) on the Project Site for both existing retail tenants and future tenants and residents.

### **Project Alternatives**

State CEQA Guideline Section 15126.6(a) requires an EIR to: (1) describe a range of reasonable alternatives to the proposed project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project; and (2) evaluate the comparative merits of the alternatives.

Consistent with State CEQA Guidelines Section 15126.6, the DEIR evaluated a reasonable range of four alternatives to the Proposed Project. The DEIR also described several more alternatives that were identified but subsequently rejected from further analysis. These include:

- VI. Alternate Project Site. This alternative was rejected for further analysis, because the Proposed Project Applicant does not own any other developable property in

the City and cannot “reasonably acquire, control or otherwise have access to [an] alternative site.” In addition, this alternative would not substantially reduce or avoid the significant impacts of the Proposed Project.

- VII. Adaptive Reuse. This alternative was deemed infeasible and rejected for further review because use of the theater space for anything other than a theater would be subject to Los Angeles Municipal Code parking requirements. The Proposed Project Site does not contain any parking, and no off-site parking exists within 750 feet of the site that could accommodate the number of parking spaces required to meet the requirements of the Los Angeles Municipal Code. Because adequate parking could not be accommodated in this reuse scenario, the City would not approve it at the Proposed Project Site.

The Alternatives discussed in detail in the DEIR include: 1) No Project [Continuation of Existing Uses]; 2) No Project [No Continuation of Theater Use]; 3) By-Right 1 [Commercial/Residential]; and 4) By-Right 2 [Office/Commercial]. In accordance with CEQA requirements, the alternatives to the Proposed Project include a No Project alternative and alternatives capable of eliminating the significant adverse impacts of the Proposed Project. These alternatives and their impacts, which are summarized below, are more fully described in Chapter VI of the DEIR.

A. Alternative A: No Project (Continuation of Existing Uses)

The No Project (Continuation of Existing Uses) Alternative (“Alternative A”) assumes retaining the existing Fairfax Theater building, reinstatement of operation of the existing theater, and continued operation of the retail land uses. It is noted that the theater portion of the building is not currently in operation due to economic viability problems experienced by the previous operator of the theater and due to structural damage within the ceiling of the theater space (currently being repaired) that prevents use of the space.

Alternative A would eliminate the significant and unavoidable construction-related noise impacts of the Proposed Project. In addition, it would eliminate all of the other Proposed Project impacts that are either less than significant prior to mitigation or will be mitigated to a less than significant level. Conversely, it would not meet any of the Proposed Project objectives.

It is found pursuant to CEQA Guidelines Section 15126.6(c) that Alternative A would not feasibly accomplish most of the basic objectives of the Proposed Project.

With Alternative A, environmental impacts projected to occur in connection with the Proposed Project would be avoided. Accordingly, it would be an environmentally superior alternative to the Proposed Project.

However, the alternative would not attain any of the basic objectives outlined for the Proposed Project. It would not reenergize the Site by creating an integrated development of residential and commercial uses; it would not support the goals of the Wilshire Community Plan; it would not provide more vibrant land uses; it would not incorporate upgrades and replacements that would restore the important exterior architectural-defining features of the existing building; and it would not improve the visual character of the area. For these reasons, the City finds that this alternative would not meet Proposed Project objectives, and; on that basis, rejects Alternative A.

B. Alternative B: No Project (No Continuation of Theater Use)

The No Project (No Continuation of Theater Use) Alternative ("Alternative B") assumes that the Fairfax Theater building would be vacated, operation of the theater use would not be reinstated, and operation of the existing retail uses would continue.

Alternative B would eliminate the significant and unavoidable construction-related noise impacts of the Proposed Project. In addition, it would eliminate all of the other Proposed Project impacts that are either less than significant prior to mitigation or will be mitigated to a less than significant level. It would also have fewer impacts than Alternative A because the theater use would not continue under this alternative. Conversely, Alternative B would not meet any of the Proposed Project objectives.

Alternative B is the environmentally superior alternative, as the significant impacts that would occur with the Proposed Project would not occur with this alternative. However, it is found pursuant to CEQA Guidelines Section 15126.6(c) that this alternative would not feasibly accomplish most of the basic objectives of the Proposed Project.

With Alternative B, environmental impacts projected to occur in connection with the Proposed Project would be avoided. Accordingly, it would be an environmentally superior alternative to the Proposed Project.

However, the alternative would not attain any of the basic objectives outlined for the Proposed Project. It would not reenergize the Site by creating an integrated development of residential and commercial uses; it would not support the goals of the Wilshire Community Plan; it would not provide more vibrant land uses; it would not incorporate upgrades and replacements that would restore the important exterior architectural-defining features of the existing building; and it would not improve the visual character of the area. For these reasons, the City finds that this alternative would not meet Proposed Project objectives, and; on that basis, rejects Alternative B.

C. Alternative C: By-Right (Commercial/Residential)

By-Right 1 (Commercial/Residential) Alternative ("Alternative C") includes demolition and removal of the entire Fairfax Theater building from the Proposed Project Site and redevelopment of the site consistent with the number of residential units and commercial square footage allowed under the existing zoning for the Site. This alternative would include an approximately 40,000-square-foot, three-story building that would reach 45 feet in height. The overall footprint of the building would be smaller than the footprint of the existing structure due to setback and dedication requirements. The ground floor would contain approximately 10,000 square feet of commercial space, and the second floor and third floors would contain approximately 30 residential units. In addition, 115 parking spaces (in conformance to the parking requirements of the LAMC) would be provided in a subterranean parking garage.

Alternative C would have similar impacts to the Proposed Project. Most notably, it will also result in significant and unavoidable construction noise impacts. Because it will generate slightly fewer residents and employees, less than significant impacts in the issue areas that are driven by population and employee increases would be slightly less than those of the Proposed Project. That said, the Proposed Project's impacts in each said issue area were also less than significant.

It is found pursuant to CEQA Guidelines Section 15126.6(c) that Alternative C would not feasibly accomplish one of the basic objectives of the Proposed Project.

With Alternative C, the significant and unavoidable environmental impacts of the Proposed Project would not be avoided. All other impacts of the project would be substantially similar to those of the Proposed Project. In addition, the alternative would not meet the Proposed Project objective of incorporating, to the extent feasible, important exterior architectural defining features of the existing Fairfax Theater building. Moreover, it would only include 115 new parking spaces at the Proposed Project Site (which currently has no parking in a severely under parked area), where the Proposed Project includes 228. For these reasons, the City finds that this alternative would not meet all Proposed Project objectives, and; on that basis, rejects Alternative C.

D. Alternative D: By-Right Alternative 2 (Office/Commercial)

The By-Right 2 (Office/Commercial) Alternative ("Alternative D") includes demolition and removal of all existing development at the Project Site and redevelopment of the site with office and commercial square footage that is allowed under the existing zoning for the Site. The alternative would include an approximately 40,000-square-foot, three-story building that would reach 45 feet in height. The overall footprint of the building would be smaller than the footprint of the existing structure due to setback and dedication requirements. The ground floor would contain 10,000 square feet of commercial space and the second and third stores would contain a total of 30,000 square feet of office space. In addition, 100 parking spaces (in conformance to the parking requirements of the LAMC) would be provided in a subterranean parking garage.

Alternative D would have similar impacts to the Proposed Project. Most notably, it will also result in significant and unavoidable construction noise impacts. Because it will generate slightly fewer residents and employees, less than significant impacts in the issue areas that are driven by population and employee increases would be slightly less than those of the Proposed Project. That said, the Proposed Project's impacts in each said issue area were also less than significant.

It is found pursuant to CEQA Guidelines Section 15126.6(c) that Alternative D would not feasibly accomplish one of the basic objectives of the Proposed Project and would only partially meet three other Proposed Project objectives.

With Alternative D, the significant and unavoidable environmental impacts of the Proposed Project would not be avoided. All other impacts of the project would be substantially similar to those of the Proposed Project. In addition, the alternative would not meet the Proposed Project objective of incorporating, to the extent feasible, important exterior architectural defining features of the existing Fairfax Theater building, and would only partially meet the following objectives: (1) reenergize the Project site by creating an integrated development of residential and commercial uses; Support the goals of the Wilshire Community Plan by developing mixed uses at the intersection of Beverly Boulevard and Fairfax providing housing and employment opportunities within the proximity of public transit; and Provide more vibrant land uses (both social and economical) on the Project Site for both existing retail tenants and future tenants and residents. Moreover, it would only include 100 new parking spaces at the Proposed Project Site (which currently has no parking in a severely under parked area), where the Proposed Project includes 228. For these reasons, the City finds that this alternative would not meet all Proposed Project objectives, and; on that basis, rejects Alternative D.

## Findings Regarding Other CEQA Considerations

### A. Growth Inducing Impacts of the Proposed Project

The Proposed Project will directly result in approximately 211 permanent residents, or 122 more than what could be developed under existing land use designations at the Proposed Project Site. It will also include 11,454 square feet of commercial/retail land uses). However, as discussed above, it will not indirectly cause growth-inducing changes such as new housing or businesses, and will not necessitate the extension of roads or other infrastructure. The Proposed Project will be developed in a densely populated urban area, and will provide additional local amenities within walking distance of offices and homes, potentially reducing, rather than increasing the need for additional infrastructure.

The Proposed Project would generate some temporary construction employment and approximately 2 permanent jobs. None of the new employees is anticipated to relocate to the Proposed Project area, because there is a large available labor pool that already exists within the City. Accordingly, no new population would be generated that would place a strain on the local community.

Finally, the Proposed Project would not provide for the removal of an impediment to growth or development of, or encroachment on an isolated or adjacent area of open space. Again, the Proposed Project is located on an already developed site in urban West Los Angeles.

Based upon the foregoing, there are no aspects of the Proposed Project that are anticipated to be growth inducing.

### B. Significant Irreversible Impacts

The CEQA Guidelines require that an EIR address any significant irreversible environmental changes that would be involved in a project should it be implemented (CEQA Guidelines, Sections 15126(c) and 15126.2(c)). CEQA Guidelines Section 15126.2(c) indicates that "[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."

The types and level of development associated with the Proposed Project would consume limited, slowly renewable and non-renewable resources. This consumption would occur during construction of the Proposed Project and would continue throughout its operational lifetime. Committed resources would include: (1) building materials, (2) fuel and operational materials/resources, and (3) resources used in the transport of goods and people to and from the Proposed Project site.

The commitment of resources to the Proposed Project would limit the availability of these resources for future generations. However, the Proposed Project would not require a large commitment of any of these resources, and impacts related to this commitment would be less than significant.

More importantly, however, the Proposed Project is being developed in a densely populated urban area, and will provide additional local amenities within walking distance of offices and homes, potentially reducing, rather than increasing the need for certain resources, including infrastructure. In addition, the Proposed Project will meet the standards necessary to obtain a LEED Silver rating by incorporating a variety of green building elements.

A consideration of all the foregoing factors supports the conclusion that the Proposed Project's use of resources is justified, and that the Proposed Project will not result in significant irreversible environmental changes that warrant further consideration.

### **Other CEQA Considerations**

- A. **Substantial Evidence.** The City Planning Commission finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, technical studies, and other CEQA-related materials, the administrative record, staff reports, information provided by the Applicant, each and all of which are incorporated herein by this reference. Moreover, the Lead Agency finds that where more than one reason exists for any finding, each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.
- B. **Relationship of Findings to EIR.** These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control and the Draft EIR and Final EIR or both, as the case may be, are hereby amended as set forth in these Findings. To the extent relevant, each of the other findings and conditions of approval made by or adopted by the City in connection with the Project are also incorporated herein by this reference.
- C. **Recirculation Not Required.** Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the Lead Agency finds that there is no new significant information any of the other factors set forth in CEQA and the CEQA Guidelines requiring recirculation of the Draft EIR in the record of proceedings or in the Final EIR and finds that recirculation of the Draft EIR is not required.

### **Mitigation Monitoring**

The Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in accordance with Public Resources Code Section 21081.6, which requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects



to adopt a "reporting or monitoring program for the changes to project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The City is the Lead Agency for the proposed project.

The MMRP is designed to monitor implementation of all feasible mitigation measures as identified in the EIR for the proposed project. The Project applicant shall be obligated to provide certification prior to the issuance of site or building plans that compliance with the required mitigation measures has been achieved. All departments listed are within the City unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project applicant unless otherwise noted.

### **Statement of Overriding Consideration**

The Final EIR has identified unavoidable significant impacts which will result from implementation of the Proposed Project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decision of the public agency allows the occurrence of significant impacts which are identified in the EIR but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. Article I of the City of Los Angeles CEQA Guidelines incorporates all of the State CEQA Guidelines contained in title 15, California Code of Regulations, section 15000 et seq. and hereby requires, pursuant to CEQA Guidelines Section 15093(b) that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR which cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the record of proceedings, including but not limited to the Final EIR, and other documents and materials that constitute the record of proceedings.

The following impacts are not mitigated to a less than significant level for the Proposed Project: Noise (construction-related noise and vibration) as identified in the Final EIR and it is not feasible to mitigate these impacts to a less-than-significant level.

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

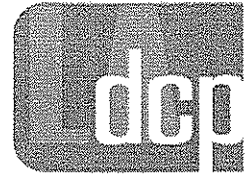
The below stated reasons summarize the benefits, goals and objectives of the Proposed Project, and provide the rationale for the benefits of the Proposed Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the adverse environmental impacts of the Proposed Project and justify adoption of the Proposed Project and certification of the Final EIR.

- A. Implementation of the Proposed Project will further the goals of the Wilshire Community Plan by reinvesting in a currently underdeveloped site and developing mixed uses at the intersection of Beverly Boulevard and Fairfax.

- B. The project will provide additional housing and retail/shopping options to meet the needs of local residents.
- C. Implementation of the Proposed Project will preserve the important exterior architectural-defining features of the existing Fairfax Theater building.
- D. Implementation of the Proposed Project will work to emphasize trip reduction and will minimize the intrusion of traffic into nearby residential neighborhoods through its siting of multiple neighborhood-serving uses near to residential neighborhoods and in close proximity to public transit.
- E. Implementation of the Proposed Project will provide a project that meets LEED Silver standards and includes energy efficient features that will minimize impacts to the environment.
- F. Implementation of the project will provide economic growth for the City.
- G. The pedestrian scaled retail uses and architectural design will enhance the pedestrian experience along the street frontage of the project and promote walkability.



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



### City Planning Commission

**Date:** January 24, 2013  
**Time:** After 8:30 a.m.  
**Place:** Van Nuys City Hall  
Council Chambers (2<sup>nd</sup> Floor)  
14410 Sylvan Street  
Van Nuys, CA 91401

**Public Hearing:** Held Dec. 12, 2012  
**Appeal Status:** Zone/Height District Change  
appealable to City Council by  
applicant if disapproved in whole or  
in part by the CPC. Zoning  
Administrator Adjustment, Site Plan  
Review, and Zoning Administrator  
Determination appealable to City  
Council.

**Expiration Date:** January 24, 2013  
**Multiple Approval:** Yes, pursuant to 12.36.C.1

**Case No.:** CPC-2009-3271-ZC-HD-  
ZAA-SPR-ZAD  
**CEQA No.:** ENV-2009-2656-EIR, (SCH  
No. 2010011044)  
**Incidental Cases:** CHC-2010-520-HCM  
**Related Cases:** VTT-71061  
**Council No.:** 5 – Koretz  
**Plan Area:** Wilshire  
**Certified NC:** Mid-City West  
**GPLU:** Community Commercial  
**Zone:** C2-1VL

**Applicant:** Alex Gorby, B & F  
Associates, LP

**Representative:** Benjamin Fiss, Craig  
Lawson & Co., LLC

**PROJECT LOCATION:** 7901 and 7909 West Beverly Boulevard, legally described as Tract: TR 6790, Lot: 335, 336, 337, 338

**PROPOSED PROJECT:** The demolition of the Fairfax Theater, with the exception of the street facing façades, and removal of existing uses from the existing 28,920.5 square-foot lot. The project is comprised of a mixed-use project with a maximum height of 55 feet and six (6) inches and six (6) stories (to accommodate a rooftop restroom and excluding the spire atop the theater which rises to 60 feet in height and would be maintained in place), containing 71 residential units, and approximately 11,118 square feet of commercial uses. The project would include 228 parking spaces in a 4 ½ level subterranean parking structure. The project site is zoned C2-1VL.

### REQUESTED ACTION:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Certification of an Environmental Impact Report (EIR)** for the above referenced project and **Adoption** of the proposed Mitigation Monitoring and Reporting Program and the required findings for the adoption of the EIR and Statement of Overriding Consideration.
2. Pursuant to LAMC Section 12.32 of the Municipal Code, a **Vesting Zone Change** from the existing C2-1VL zone to RAS4-1D zone.
3. Pursuant to LAMC Section 12.32 of the Municipal Code, a **Height District Change** from Height District -1VL to Height District -1D for a maximum building height of 55 feet and 6 inches (to accommodate a rooftop restroom).
4. Pursuant to LAMC Section 12.28 of the Municipal Code, a **Zoning Administrator Adjustment**:

- a. From Section 12.11.5 C.2. of the Municipal Code, to permit a 0-foot northerly side yard setback and 0-foot southerly side yard setback for the residential portion of the building in lieu of the required 5-foot side yard setbacks for side yards.
  - b. From Section 12.11.5 C.4 of the Municipal Code to permit density and unit count to be based on lot area prior to dedications (if any are required) in order to permit an increase in the residential density permitted on the site from 68 units (1 unit per 400 square feet of post dedicated lot area) to 71 units (an approximate 4% increase). This request would enable the density to be based on lot area prior to dedications for the purpose of defining the buildable area permitted on the site from 27,396.42 (post-dedicated lot area) to 28,920.5 square feet (pre-dedicated lot area) which is an approximate 5.5% increase.
5. Pursuant to Section 16.05 of the Municipal Code, **Site Plan Review** for a project which results in an increase of 50 or more residential units.
  6. Pursuant to LAMC Section 12.24 X.20 of the Municipal Code a **Zoning Administrator Determination** for a Shared Parking Approval to permit the shared parking of a maximum of 30 on-site parking spaces between the proposed commercial parking and residential guest parking.

#### RECOMMENDED ACTIONS:

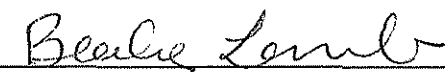
1. **Certify** the Beverly and Fairfax Project EIR, case number ENV-2009-2656-EIR, (SCH No. 2010011044) and **Adopt a Statement of Overriding Considerations**, accompanying mitigation measures, the Mitigation Monitoring and Reporting Program and the required.
2. **Approve and Recommend** the City Council Adopt a **Vesting Zone Change** from the existing C2 zone to RAS4 zone, subject to the Conditions of Approval.
3. **Approve and Recommend** the City Council Adopt a **Height District change** from Height District -1VL to Height District -1D for a maximum building height of 55 feet and 6 inches, subject to the conditions of approval. The recommended "D" Limitation would restrict the allowable building height to not exceed 55 feet and 6 inches at its highest point (to accommodate a rooftop restroom) in lieu of the unlimited height allowed in Height District 1.
4. **Approve a Zoning Administrator Adjustment** from Section 12.11.5 C.2. of the Municipal Code, to permit a 0-foot northerly side yard setback and 0-foot southerly side yard setback for the residential portion of the building in lieu of the required 5-foot side yard setbacks for side yards.
5. **Deny without prejudice a Zoning Administrator Adjustment** from Section 12.11.5 C.4 of the Municipal Code to permit density and unit count to be based on lot area prior to dedications (if any are required) in order to permit an increase in the residential density permitted on the site from 68 units (1 unit per 400 square feet of post dedicated lot area) to 71 units (an approximate 4% increase). This enables the density to be based on lot area prior to dedications for the purpose of defining the buildable area permitted on the site from 27,396.42 (post-dedicated lot area) to 28,920.5 square feet (pre-dedicated lot area) which is an approximate 5.5% increase.
6. **Approve the Site Plan Review** findings.

7. **Approve a Zoning Administrator Determination** for a Shared Parking Approval to permit the shared parking of a maximum of 30 on-site parking spaces between the proposed commercial parking and residential guest parking.

MICHAEL J. LOGRANDE  
Director of Planning

  
\_\_\_\_\_  
Daniel Scott, Principal City Planner

  
\_\_\_\_\_  
Shana Bonstin, Senior City Planner

  
\_\_\_\_\_  
Blake E. Lamb, AICP, Hearing Officer  
Telephone: 213-978-1167

## TABLE OF CONTENTS

<b>Project Analysis .....</b>	<b>A-1</b>
Project Summary	
Background	
Issues	
Conclusion	
<b>(Q) Qualified Conditions of Approval.....</b>	<b>Q-1</b>
<b>(T) Conditions of Approval.....</b>	<b>T-1</b>
<b>(D) Development Limitation Conditions of Approval.....</b>	<b>D-1</b>
<b>Conditions of Approval .....</b>	<b>C-1</b>
<b>Findings.....</b>	<b>F-1</b>
General Plan/Charter Findings	
Entitlement Findings	
CEQA Findings	
<b>Public Hearing and Communications .....</b>	<b>P-1</b>
<b>Exhibits:</b>	
A – Maps	
A1 – Vicinity Map	
A2 – Radius Map	
B - Plans	
Site Plan	
Floor Plans	
Roof Plan	
Sections	
Elevation Plans	
Landscape Plan	
C – Environmental Clearance - ENV-2009-2656-EIR, (SCH No. 2010011044)	
D – Mitigation Monitoring and Reporting Plan	
E – Parking Demand Analysis	

## PROJECT ANALYSIS

### Project Summary

This report contains discussions, recommendations, conditions and findings for the demolition of a majority of the Fairfax Theater (with the exception of the street-facing façade) at the project site and removal of existing uses from the existing 28,920.5 square-foot lot. The site would be developed with a mixed-use project with a maximum height of 55 feet and six (6) inches and six (6) stories (to accommodate a rooftop restroom and excluding the spire atop the theater which rises to 60 feet in height and would be maintained in place), containing 71 residential units, and approximately 11,118 square feet of commercial uses. The project would include 228 parking spaces in a 4 ½ level subterranean parking structure.

The 11,118 square feet of commercial tenant space would be located at the ground floor, with pedestrian access from both Fairfax Avenue and Beverly Boulevard. The existing street-facing elevations would be maintained, and the three retail spaces proposed would be incorporated into the restored Beverly Boulevard and Fairfax Avenue facades. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign.

The site is currently zoned C2-1VL.

### *Height and FAR*

The Wilshire Community Plan Footnote #5 limits Commercially zoned parcels in the Neighborhood Office Commercial General Plan Land Use, such as the subject site, to a maximum FAR of 1.5:1. The applicant has requested a Vesting Zone Change to RAS4 which would allow for a maximum FAR of 3:1. The site is also limited to a height of 45 feet per the -1VL Height District. Per the Zoning Code, projects that are within a RAS Zone (RAS3 or RAS4) which are in height district -1VL get a slight increase in allowable height over the 45 feet and are entitled to a maximum height of 50 feet. However the applicant has requested a height district change to -1D for a maximum height of 55 feet and six (6) inches in order to accommodate a small rooftop restroom. The majority of the building would be constructed to a height of 50 feet, which is allowable under the -1VL Height District.

### *Parking*

The completed building would be located at the corner of Beverly Boulevard and Fairfax Avenue, with an alley along the western façade. All parking is provided in a subterranean parking structure containing four (4) levels with a total of 228 parking spaces. For the commercial uses, 45 spaces are required and these are proposed to be located on the P1 level. For the 71 residential units, 178 spaces are required (142 for the units and 36 spaces for guests) and 183 spaces are provided. Of these 183 spaces, 36 are for guests and the remaining 147 are provided for the residential units.

The applicant is parking the commercial component of the project at the ratio for general retail uses – 1 space per each 250 square feet of commercial floor area. However, they wish to retain the option to locate a restaurant in one of the tenant spaces (approximately 5,000 square feet). Because restaurant uses require one (1) parking space per each 100 square feet of restaurant floor area (50 spaces), the current number of parking spaces would be insufficient. Therefore the applicant has requested a shared parking agreement to share 30 of the residential parking spaces with the commercial use. Since 20 of the required 50 parking spaces have already been accounted for in the retail parking component of the project, the other 30 required spaces would

be shared out of the provided 36 residential guest parking spaces. This shared parking would only be required if a restaurant use were located in the project.

#### *Site Design*

The site is located at the northeast corner of Fairfax Avenue and Beverly Boulevard. The building incorporates new construction within the existing façade of the Fairfax Theater. While the Fairfax Theater has no official historic designation, the proposed project makes use of the existing façade and proposes to restore many of its components. The existing façade would house the proposed commercial component, residential lobby, and some residential units. The remaining residential units would be located in new construction which is to be placed set back from and atop the existing façade. The new façades are articulated in a way that responds to the existing Fairfax Theater façade, but they are differentiated with different materials, colors, textures, different fenestration patterns, and balconies. As conditioned, all façades of the building will receive rigorous architectural treatment to ensure there are no blank or unarticulated walls.

Pedestrian access to the commercial uses is provided on Beverly Boulevard and Fairfax Avenue. Two pedestrian entryways are located on Fairfax Avenue – these provide access to the retail elevator, the parking garage, and the residential units. These entryways actually function as small courtyards as they are completely open to the sky, one of which includes a bicycle parking area. Because they are open to the sky, they also function to break up the massing of the building. Pedestrian access to the residential units is provided via a separate residential lobby on Beverly Boulevard and the two entryways on Fairfax Avenue.

Open space for the residential units is provided on a second level courtyard that is open to the sky, as well as a rooftop area that includes a pool, seating area, and restroom/shower area.

Because the project is incorporating the existing Fairfax Theater façade into the building, the project is unable to provide the required side yard setbacks per the RAS4 Zone, and is therefore requesting relief in order to maintain the existing zero-foot side yard setbacks.

#### *Citywide Urban Design Guidelines / Wilshire Community Plan Urban Design Guidelines and the Professional Volunteer Program*

The Citywide Urban Design Guidelines have been approved by the City Planning Commission, but have not yet received final approval from City Council and the Mayor; therefore they are not yet implemented. However, the Wilshire Community Plan contains Urban Design Guidelines that are similar to, and in some cases more specific than, those in the Citywide Urban Design Guidelines. The project has been evaluated against these guidelines and is found to be in substantial conformance with them. Additionally, the project was taken to the Planning Department's Professional Volunteer Program for an architectural critique. Comments in general were positive about the project's design. However, there were several comments that expressed concerns regarding blank façades on the north and west elevation of the project. These blank façades are part of the original Fairfax Theater façade that are to be maintained in place. The Professional Volunteer participants wished to see fenestration, additional architectural treatment, setbacks, or other elements that could enhance these blank facades.

At the public hearing, the architect was asked about these façades and information was shared about the concerns of the Volunteer architects. The façades cannot be moved. Because the façades are proposed to be maintained in place, the blank façade areas on the north and west are needed for structural support (for shoring). If fenestration were punched into these facades, then they could no longer support residential units directly behind them, and the project would have to be redesigned. As a result of comments received from the Professional Volunteer Program and the project architect, a condition has been placed on the project which requires the



walls be aesthetically enhanced with alternative materials, texture, articulation, or vegetation so that the final project does not present large expanses of blank walls.

#### *Requested Entitlements*

**Vesting Zone Change.** The project is requesting a Vesting Zone Change from C2 to RAS4, which would allow a maximum FAR of 3:1, a project density of one (1) unit per each 400 square feet of lot area, and ground floor retail.

**Height District Change.** The project is requesting a Height District Change from -1VL to -1D to allow a building height of 55 feet and 6 inches. The current C2-1VL designation allows a maximum height of 45 feet. If the project received the Vesting Zone Change to RAS4 with a -1VL Height District, the project would be allowed a maximum height of 50 feet. The applicant wishes to build a majority of the building to a maximum 50 foot height, but wishes to construct a rooftop restroom that would reach a height of 55 feet and six (6) inches, and is therefore requesting the -1D Height District. As recommended by this Staff Report, the Height District change request would be approved in order to accommodate the rooftop restroom.

**Zoning Administrator Adjustments.** The RAS4 Zone requires side yard setbacks of five (5) feet for all portions of the building used for residential purposes. The project has requested that the north and side yard setbacks be eliminated for the residential uses as the project is maintaining the existing Fairfax Theater façade in place and cannot accommodate the required side yard setbacks. The applicant has also requested a Zoning Administrator Adjustment to permit residential density to be based on lot area prior to dedication. However, dedications are not required for this project and therefore this request is recommended to be Denied Without Prejudice as it is unnecessary for the project.

**Site Plan Review.** The project proposes 71 residential units and requires Site Plan Review.

**Zoning Administrator Determination.** The applicant has requested for a Shared Parking Approval to permit the shared parking of a maximum of 30 on-site parking spaces between the proposed commercial parking and residential guest parking. This is in order to accommodate a possible restaurant, which requires more parking than general retail.

## **Background**

### *Existing Uses*

The site is approximately 28,921 feet in size and is located at the northeast corner of Beverly Boulevard and Fairfax Avenue. It is bounded by an alley on the west side and a surface parking lot at the north side.

The site is currently developed with a two-story (height ranging from 37 feet to 62 feet above ground) building that houses an 800-seat, three-screen movie theater and 10,729 square feet of ground-floor retail uses. All of the seats in the theater have been removed and the ceiling sustained water damage and was removed in compliance with an order from the Department of Building and Safety.

Three billboards are located on the roof of the building extending to heights of 52 feet, 56 feet, and 62 feet above ground surface, respectively.

### *Surrounding Zones and Uses*

Directly to the north of the site is a parking lot for Diamond bakery and this site is zoned C2-1VL. Other uses north of the project site include commercial/retail and multi-family residential.

To the south of the site is a gas station, commercial/retail land uses, and CBS Studios (Television City).

To the east, across Fairfax Avenue, is neighborhood serving retail uses including a Chase Bank and health and senior centers (Inez and Joseph K. Eichenbaug Health Center and the Jewish Family Services Center). These lots are zoned C2-1VL-O.

To the west of the site, across the alley, are retail uses zoned C2-1VL. Behind the retail uses and adjacent to the project site across the alley and located on Hayworth Street is a 154-unit residential building in the R4-1 zone, the Silverado Senior Assisted Living Facility. Hayworth Street is zoned R4-1 on the east side (abutting the project site) and R3-1 on the west side. The entirety of this block is developed with multi-family buildings. The southern half of the east side of the block (the R4 zoned lots) is developed with buildings at a height of 3-5 stories.

#### *Streets and Circulation*

Beverly Boulevard is a designated Major Highway Class II, with a required 104 foot right-of-way (114 at intersections which require dual left lanes) including 12 foot sidewalks and a 40 foot (or 45 foot with dual left turn lanes) half-width roadway to centerline. Beverly Boulevard is currently improved with a 100 foot wide right-of-way consisting of a 50 foot half-width right-of-way, 35-foot half-width roadway and a 15 foot sidewalk. If dedications and improvements were imposed on this project, it would be required to dedicate two (2) feet and three (3) feet would be taken from the existing 15 foot sidewalk (creating a 12 foot sidewalk) to get a 40 foot half-width roadway. Additionally, the existing Fairfax Theater facade is not being demolished, making it impossible for the applicant to provide the two (2) foot dedication. Therefore, the dedications and improvements are waived for this project, resulting in a wider sidewalk and allowing the existing Fairfax Theater to remain in place.

Fairfax Avenue is a designated Secondary Highway with a required 90 foot right-of-way, including 10 foot sidewalks and a 35 foot half-width roadway to centerline. Fairfax Avenue is currently improved to a variable 80-83 foot right-of-way (the area of 83 foot right-of-way includes a three (3) foot dedication across the street from the project site). Fairfax Avenue currently has 10 foot sidewalks.

The alley adjoining the property to the west measures 20 feet in width.

#### **Issues**

##### *Historic Preservation*

The project was originally filed in 2009. One of the issues that originally surfaced was whether the building would qualify as a Historic Cultural Monument per the Los Angeles Administrative Code Chapter 9, Division 22, Article 1, Section 22.171.10. A nomination was submitted by Friends of the Fairfax Theater requesting the Cultural Heritage Commission (CHC) declare the building a Historic Cultural Monument. However, at their meeting on June 3, 2010 the CHC found that the building did not meet the required findings for a Historic Cultural Monument and the nomination was denied. As part of this process, there was discussion of the existing Theater and what portions of the existing building should be maintained as part of the project.

An Environmental Impact Report was prepared for the project. An analysis of historic resources was prepared and the EIR concluded that no significant impacts related to historic resources were identified and therefore no mitigation measures are required.

##### *Noise*

An Environmental Impact Report was prepared for the project and it included a noise analysis. This analysis concluded that a portion of the construction noise and vibration could not be

mitigated to a level of insignificance. Construction noise will exceed existing ambient noise levels by more than five (5) dBA for more than ten (10) days in a three-month period and by more than 10 dBA for more than one day (with mitigation) at the identified off-site sensitive receptors. Vibration levels will exceed FTA's threshold of 80 VdB for residences at the Silverado Senior Living multi-family residences located west of the site, across the alley. Because these two impact areas cannot be fully mitigated, they will be significant and unavoidable and require the adoption of a Statement of Overriding Consideration. After reviewing the benefits that this project will produce, a Statement of Overriding Consideration has been prepared for this project.

#### *Other Areas of Controversy*

Other areas of controversy include the effect on business owners at the project site, the effect on the character of the community, traffic congestion, and parking. Regarding traffic impacts, an Environmental Impact Report was prepared for the project and the EIR concluded that no significant impacts related to transportation/traffic were identified and therefore no mitigation measures are required.

#### **Conclusion**

The Department recommends the project as conditioned in this report. The Vesting Zone Change to RAS4 is appropriate given the context of Beverly Boulevard and Fairfax Avenue, in that it provides for a mixed-use project that both compliments the commercial character of these streets as well as the High Medium Density residential neighborhood to the west. The -1D Height District, for a maximum height of 55 feet and six (6) inches for this intersection is an appropriate height limit, given the corner location, and the high density residential uses abutting it. Also, the additional five (5) feet and six (6) inches over the 50 foot height limit allowed in the -1VL Zone are to accommodate a 950 SF restroom on the roof. The majority of the building would be built to a height of 50 feet, which would be allowed under the site's current Height District -1VL. The relief for the required side yards is appropriate given the fact that the existing theater façade is being retained for the project's design, and the shared parking determination is appropriate given that a detailed analysis of the parking demand by hour and day finds that the mixed-use nature of the proposed project allows for an actual parking demand that is significantly less than the parking required by the Los Angeles Municipal Code (LAMC).

The project, at the recommended floor area, height, scale, design and layout, will be a compatible addition to the local neighborhood and will provide a sense of place to the corner of Beverly Boulevard and Fairfax Avenue that is distinct and unique in its design.

## (Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

### A. Entitlement Conditions

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit B**, dated **January 24, 2013**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to the use and area provisions of the RAS4 zone, permitting a mixed use development with commercial uses on the ground level and residential uses as defined in Section 12.11.5 of the Municipal Code, except where conditions herein may be more restrictive. Residential uses shall be permitted on the ground floor subject to the limitations contained herein.
3. **Height.** The majority of the building shall be limited to a height of 50 feet, as defined by Los Angeles Municipal Code (LAMC) Section 12.03 and allowed per LAMC Section 12.21.1, except that a rooftop restroom area may reach a height of 55 feet and six (6) inches. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
4. **Floor Area Ratio (FAR).** The total floor area of the structure on the property shall not exceed 3:1 times the buildable area of the lot. The total floor area of non-residential, ground-floor commercial uses on the subject property shall not exceed 11,118 square feet, as defined by Section 12.03 of the LAMC.
5. **Residential Density.** Not more than 71 dwelling units may be constructed on the property, per the RAS4 zone, Section 12.11.5 of the LAMC.
6. **Rear Yard.** A rear yard of five (5) feet shall be provided.
7. **Parking.** The project shall provide parking pursuant to LAMC Section 12.21.A4. However, notwithstanding Section 12.21 A.4 of the LAMC, the project shall be permitted to share a maximum of 30 on-site parking spaces between the proposed commercial parking and the residential guest parking, per the approved Zoning Administrator Determination.
8. **Loading.** A loading space shall be provided in accordance with Section 12.21 C.6. The loading area shall be secured by gates, fencing, or other appropriate security measure and it shall be maintained free of any trash or debris for the life of the project.
9. **Refuse/recycling area.** Details shall be provided on the method of enclosure for the refuse/recycling areas at the time of final plan sign off. The refuse/recycling area shall be secured with an enclosure that fully screens the view of the refuse/recycling area. It shall be constructed in a style similar to that of the main building.

10. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.
11. **Façade Maintenance.** The existing street facing elevations shall be protected and maintained in place. This notation shall be included in the Final Elevation Plans. The existing wall on the north elevation shall remain in place per the notation on Exhibit B, Elevation Plans. Should the existing, street facing facades be removed from the site at any time, or should the existing concrete wall on the north façade be removed from the site at any time, dedications and improvements shall be required for the project, and the approved Zoning Administrator Adjustment for 0-foot side yards shall be nullified.
12. **Elevations.** Plan notations shall be added to the Final Elevation Plans indicating compliance with Draft EIR (DEIR) Exhibits, page III-1 which detail the treatment of the existing façade. Specifically:
  - a. The original windows shall be replaced in kind per DEIR Figure III-17;
  - b. The original plinth shall be restored per DEIR Figure III-17 and III-21 through III-23;
  - c. The original transom window shall be replaced in kind per DEIR Figure III-17;
  - d. The original struts shall be retained and restored per DEIR Figure III-28;
  - e. The marquee shall be rehabilitated per DEIR Figure III-18;
  - f. The original terrazzo flooring shall remain protected in place per DEIR Figures III-19 and III-24;
  - g. The original coffered ceiling shall be retained and restored per DEIR Figure III-19;
  - h. All billboards shall be removed per DEIR Figure III-20;
  - i. All existing signs and awnings shall be removed per DEIR Figure III-20;
  - j. Current steel gates shall be removed per DEIR Figures III-21 through III-23;
  - k. Any damage to the existing face of the building shall be restored per DEIR Figure III-22;
  - l. Existing building façade and details to be restored per DEIR Figure III-25;
  - m. Window openings to be restored to original size per DEIR Figure III-26;
  - n. Existing windows to be replaced with similar original 1930s design per DEIR Figure III-26.

## **B. Environmental Conditions**

13. The applicant shall prepare and execute a Covenant and Agreement (Planning Department form CP-6770) in a manner satisfactory to the Department of City Planning requiring the Applicant to identify mitigation monitors who shall provide periodic status reports on the implementation of applicable mitigation items required by Mitigation Conditions of the project's approval satisfactory to the Department of City Planning. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure the continued implementation of the below mentioned mitigation measures.

Note: MM corresponds to the mitigation measures as identified in the project EIR. To the extent that the Conditions of Approval conflict with mitigation measures, if any, the Conditions of Approval shall govern and shall serve as part of the final Mitigation Monitoring and Reporting Program.

### Cultural Resources

14. If any archaeological materials are encountered during the course of Project development, all further development activity shall halt and:
  - 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 Project 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 archaeological 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. **(MM A-1)**
15. If any paleontological materials are encountered during the course of the Project development, the Project shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology – University of Southern California (USC), UCLA, Cal State Los Angeles, Cal State Long Beach, or the Los Angeles County Natural History Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum. A covenant and agreement shall be recorded prior to obtaining a grading permit. **(MM A-2)**
16. If human remains are discovered at the Project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City Public Works Department and County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. **(MM A-3)**

### Aesthetics

17. 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. **(MM B-1)**

18. The proposed structure shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation, or other similar material, pursuant to LAMC Section 91.8104. **(MM B-2)**
19. The exterior of the proposed structure shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91.8104. **(MM B-3)**
20. On-site signs shall be limited to the maximum allowable under the LAMC. **(MM B-4)**
21. Multiple temporary signs in the store windows and along the building walls shall not be permitted. **(MM B-5)**

#### Air Quality

22. During the Project's excavation phase, the Project Applicant shall limit the total number of daily truck trips (round trips) to a maximum of 105. **(MM C-1)**
23. 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. **(MM C-2)**
24. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. **(MM C-3)**
25. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. **(MM C-4)**
26. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust. **(MM C-5)**
27. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 miles per hour), so as to prevent excessive amounts of dust. **(MM C-6)**
28. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. **(MM C-7)**
29. Signs shall be posted around the Project site that instruct construction workers to not allow any engines of any construction equipment or vehicle to idle for longer than 5 minutes. **(MM C-8)**
30. For the commercial portion of the proposed Project - 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. **(MM C-9)**
31. For the residential portion of the proposed Project- An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety. **(MM C-10)**

32. To the extent feasible, during Project construction, all internal combustion engines/construction equipment operating on the Project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following: **(MM C-11)**
- a. All off-road diesel-powered construction equipment greater than 50 horse power shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - b. January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horse power shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - c. Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horse power shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - d. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
  - e. The Project Applicant shall encourage the Project Construction Contractor to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website:

<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

#### Geology and Soils

33. The design and construction of the proposed Project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety. **(MM E-1)**
34. Prior to the issuance of building or grading permits, the applicant shall submit a final geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The final geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, expansive soils, and discuss mitigation measures that may include building design consideration. **(MM E-2)**
35. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural



systems to accommodate anticipated displacements or any combination of these measures. **(MM E-3)**

#### Hazards and Hazardous Materials

36. Prior to any demolition activities, a licensed asbestos inspector shall be retained to determine the presence of ACMs within the Fairfax Theater building. A licensed asbestos abatement contractor shall be retained to remove all ACMs from the Project site during the Project's demolition phase. **(MM G-1)**
37. Prior to any demolition activities, a licensed lead-based paint inspector shall be retained to determine the presence of lead-based paint within the Fairfax Theater building. A licensed lead-based paint abatement contractor shall be retained to remove all lead-based paint from the Project site during the Project's demolition phase. **(MM G-2)**
38. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements: a vent system and gas-detection system that shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25 percent of the Lower Explosive Limit (LEL) methane concentration is detected within those areas. **(MM G-3)**

#### Hydrology and Water Quality

39. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity. **(MM H-1)**
40. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. **(MM H-2)**
41. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting. **(MM H-3)**
42. 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 shall be discarded at a licensed regulated disposal site. **(MM H-4)**
43. 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. **(MM H-5)**
44. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible. **(MM H-6)**
45. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting. **(MM H-7)**

46. The Project Applicant shall implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook, Part B, Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be required. **(MM H-8)**
47. Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. **(MM H-9)**
48. The amount of impervious surface shall be reduced to the extent feasible 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). **(MM H-10)**
49. A roof runoff system shall be installed, as feasible, where site is suitable for installation. **(MM H-11)**
50. Messages shall be painted that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. **(MM H-12)**
51. Materials with the potential to contaminate stormwater shall be placed in an enclosure such as a cabinet or shed. **(MM H-13)**
52. Storage areas shall be paved and sufficiently impervious to contain leaks and spills. **(MM H-14)**
53. An efficient irrigation system shall be designed and implemented to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers. **(MM H-15)**
54. The owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the property's owner(s), heirs or assigns to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions. This condition shall be fulfilled prior to issuance of any building permit. **(MM H-16)**
55. Toxic wastes shall be discarded at a licensed regulated disposal site. **(MM H-17)**
56. Wastes including paper, glass, aluminum, oil, and grease shall be recycled to the extent feasible. **(MM H-18)**

#### Noise

57. Noise and groundborne vibration construction activities whose specific location on the Project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the Silverado Senior Living multi-family residences. **(MM J-1)**
58. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be limited to between the hours of 10:00 AM and 4:00 PM. Examples include the use of drills and jackhammers. **(MM J-2)**

59. All on-site construction loading and staging areas shall be located as far as possible from the Silverado Senior Living multi-family residences. **(MM J-3)**
60. During the site demolition and site preparation/excavation phases at the Project site, temporary barriers such as plywood structures or flexible sound control curtains extending eight feet in height shall be erected between the Project site and the Silverado Senior Living multi-family residential building to the west of the Project site to minimize the amount of noise to the maximum extent feasible during construction. **(MM J-4)**
61. All construction truck traffic shall be restricted to truck routes approved by the City Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the maximum extent feasible. **(MM J-5)**
62. Two weeks prior to the commencement of construction at the Project site, notification must be provided to the immediate surrounding off-site residential uses that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. **(MM J-6)**
63. The Project Applicant 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. **(MM J-7)**
64. Construction and demolition shall be restricted to the hours of 7:00 AM to 9:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday. **(MM J-8)**
65. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. **(MM J-9)**
66. All exterior windows associated with the proposed residential uses at the Project site shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, of alternative means of sound insulation sufficient to mitigate interior noise levels to below a CNEL of 45 dBA in any habitable room. **(MM J-11)**
67. The Project Applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. **(MM J-12)**

#### Public Services

68. During demolition and construction, LAFD access from major roadways and internal roadways shall remain clear and unobstructed. **(MM L-1)**
69. The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the proposed Project, for review and approval, which shall provide the capacity of the fire mains serving the Project site. Any required upgrades shall be identified and implemented prior to occupancy of the proposed Project. **(MM L-2)**

70. The design of the Project site shall provide adequate access for LAFD equipment and personnel to the structure. **(MM L-3)**
71. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit. **(MM L-4)**
72. The applicant shall submit plot plans for LAFD approval of access and fire hydrants. **(MM L-5)**
73. The Project shall provide adequate off-site public and on-site private fire hydrants. **(MM L-6)**
74. The Project site plans shall incorporate the design guidelines relative to security, semi-public and private spaces, that may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project site, if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the LAPD. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the LAPD prior to the issuance of building permits. **(MM L-7)**
75. Upon completion of the proposed Project, the applicant shall provide LAPD's Wilshire Community Police Station's Commanding Officer with a diagram of all portions of the Project site that includes access routes and any other applicable information that may facilitate police response. **(MM L-8)**
76. The applicant shall pay school fees to the LAUSD. **(MM L-9)**
77. The Project Applicant shall pay all applicable fees associated with the construction of the proposed Project, including but not necessarily limited to, Quimby fees. **(MM L-10)**
78. The Project Applicant shall pay a mitigation fee of \$200 per capita based on projected residential population generated as a result of the buildout of the proposed development. The funds will be used for books, computers and other library materials and information services. **(MM L-11)**

#### Utilities

79. The landscaped irrigation system shall be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets. Each zone (sprinkler valve) shall water plants having similar watering needs (do not mix shrubs, flowers, and turf in the same watering zone).

Automatic irrigation timers shall be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times shall be adjusted for all zones seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property.

The irrigation systems shall also meet the following requirements:

- a. Weather-based irrigation controller with rain shutoff;
- b. Flow sensor and master valve shutoff (large landscapes);
- c. Matched precipitation (flow) rates for sprinkler heads;
- d. Drip/microspray/subsurface irrigation where appropriate;
- e. Minimum irrigation system distribution uniformity of 75 percent;
- f. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
- g. Use of landscaping contouring to minimize precipitation runoff.

**(MM N-1)**

80. Drought-tolerant, low water consuming plant varieties shall be used to reduce irrigation water consumption. For a list of these plant varieties, refer to Sunset Magazine, October 1988, "The Unthirsty 100," pp. 74-83, or consult a landscape architect. **(MM N-2)**
81. The Project Applicant shall use recycled water (where available) for appropriate end uses (irrigation, cooling towers, sanitary). **(MM N-3)**
82. The Project Applicant shall install ultra-low-flush high-efficiency toilets (1.28 gallons/flush or less, includes dual flush), ultra-low-flush high-efficiency urinals (0.5 gallons/flush or less, includes waterless), and water-saving showerheads (2.0 gallons/minute or less). Low flow faucet aerators shall be installed on all sink faucets with a faucet flow rate of 1.5 gallons/minute or less. **(MM N-4)**
83. Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). Cooling towers shall be operated at a minimum of 5.5 cycles of concentration. **(MM N-5)**
84. The Project Applicant shall install domestic water heating systems located in close proximity to point(s) of use. Tank-less and on-demand water heaters shall be used as feasible. **(MM N-6)**
85. The Project Applicant shall install high-efficiency clothes washers (water factor of 6.0 or less) where clothes washers are provided, and high-efficiency dishwashers (Energy Star rated) shall be installed where dishwashers are provided. Water conserving clothes washers and dishwashers are now available from many manufacturers. Water savings also represent energy savings, in that the water saved by these appliances is typically heated. **(MM N-7)**
86. Single-pass cooling shall be prohibited. **(MM N-8)**
87. The Project Applicant shall install metering systems as follows:
  - a. All dwelling units shall have individual metering and billing for water use; and
  - b. All irrigated landscapes of 5,000 square feet or more require separate metering or submetering. **(MM N-9)**
88. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable materials. **(MM N-10)**
89. Windows shall be designed to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather (e.g., tinting, double pane glass, etc.). **(MM N-11)**

90. Thermal insulation that exceeds requirements established by the State of California Energy Conservation Standards shall be installed in walls and ceilings. **(MM N-12)**
91. High-efficiency lamps shall be installed for all outdoor security lighting. **(MM N-13)**
92. Time control interior and exterior lighting shall be installed. These systems shall be programmed to account for variations in seasonal daylight times. **(MM N-14)**
93. Exterior walls shall be finished with light-colored materials and high-emissivity characteristics to reduce cooling loads. Interior walls shall be finished with light-colored materials to reflect more light and thus increase lighting efficiency. **(MM N-15)**
94. If applicable, the Applicant shall coordinate with DWP and fund the installation of upgraded facilities as needed to maintain an adequate electricity distribution system and/or to connect the Project site to the surrounding infrastructure. **(MM N-16)**
95. Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations. **(MM N-17)**
96. Install high-efficiency air conditioning controlled by a computerized energy-management system in the retail spaces that provides the following:
  - A variable air-volume system that results in minimum energy consumption and avoids hot water energy consumption for terminal reheat;
  - A 100-percent outdoor air-economizer cycle to obtain free cooling in appropriate climate zones during dry climatic periods;
  - Sequentially staged operation of air-conditioning equipment in accordance with building demands; and
  - The isolation of air conditioning to any selected floor or floors. **(MM N-18)**
97. Consider the applicability of the use of thermal energy storage to handle cooling loads. **(MM N-19)**
98. Cascade ventilation air from high-priority areas before being exhausted, thereby decreasing the volume of ventilation air required. For example, air could be cascaded from occupied space to corridors and then to mechanical spaces before being exhausted. **(MM N-20)**
99. Recycle lighting system heat for space heating during cool weather. Exhaust lighting-system heat from the buildings via ceiling plenums to reduce cooling loads in warm weather. **(MM N-21)**
100. Install low and medium static-pressure terminal units and ductwork to reduce energy consumption by air-distribution systems. **(MM N-22)**
101. Ensure that buildings are well sealed to prevent outside air from infiltrating and increasing interior space-conditioning loads. Where applicable, design building entrances with vestibules to restrict infiltration of unconditioned air and exhausting of conditioned air. **(MM N-23)**
102. A performance check of the installed space-conditioning system should be completed by the developer/install prior to issuance of the Certificate of Occupancy to ensure that

energy-efficiency measures incorporated into the proposed Project operate as designed. **(MM N-24)**

103. Finish exterior walls with light-colored materials and high-emissivity characteristics to reduce cooling loads. Finish interior walls with light-colored materials to reflect more light and thus, increase lighting efficiency. **(MM N-25)**
104. Use a white reflective material for roofing meeting California standards for reflectivity and emissivity to reject heat. **(MM N-26)**
105. Install thermal insulation in walls and ceilings that exceeds requirements established by the California Code of Regulations. **(MM N-27)**
106. Design window systems to reduce thermal gain and loss, thus reducing cooling loads during warm weather and heating loads during cool weather. **(MM N-28)**
107. Install heat-rejecting window treatments, such as films, blinds, draperies, or others on appropriate exposures. **(MM N-29)**
108. Install whenever possible fluorescent and high-intensity-discharge (HID) lamps that give the highest light output per watt of electricity consumed, including all street and parking lighting to reduce electricity consumption. Use reflectors to direct maximum levels of light to work surfaces. **(MM N-30)**
109. Install photosensitive controls and dimmable electronic ballasts to maximize the use of natural daylight available and reduce artificial lighting load. **(MM N-31)**
110. Install occupant-controlled light switches and thermostats to permit individual adjustment of lighting, heating, and cooling to avoid unnecessary energy consumption. **(MM N-32)**
111. Install time-controlled interior and exterior public area lighting limited to that necessary for safety and security. **(MM N-33)**
112. Control mechanical systems (heating, ventilation, and cooling and lighting) in the building with timing systems to prevent accidental or inappropriate conditioning or lighting of unoccupied space. **(MM N-34)**
113. Incorporate windowless walls or passive solar inset of windows into the proposed Project for appropriate exposures. **(MM N-35)**
114. Design the proposed Project to focus pedestrian activity within sheltered outdoor areas. **(MM N-36)**

## CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

Dedication(s) and Improvement(s): Prior to the issuance of any building permits, except demolition, excavation, or foundation permits, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Department of Public Works, Bureau of Engineering Fire Department (and other responsible City, regional, and Federal government agencies, as may be necessary).

1. Responsibilities/Guarantees.

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

2. Transportation Improvements. The applicant shall consult with the Bureau of Engineering and the Department of Transportation (DOT) for any required improvements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, department of Public Works. They must be constructed and completed prior to issuance of any Certificate of Occupancy to the satisfaction of DOT and the Bureau of Engineering.

The improvements shall include the following:

- a. Improve the alley adjoining the tract by repairing any bad order portion including any necessary removal and reconstruction of existing improvements as determined necessary by the West Los Angeles District Office.
3. Street Lighting. To the satisfaction of the Bureau of Street Lighting, if new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the Certificate of Occupancy.



4. Street Trees. If determined necessary, construct tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division (213) 485-5675 of the Bureau of Street Services.
5. Sewers. The applicant shall make a request to the Central District Office of the Bureau of Engineering to determine the capacity of the existing sewer in the area.
6. Parking/Driveway Plan. Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation, Construction Services Counter (Station 23 at 201 North Figueroa Street, third floor), prior to the issuance of a building permit. A parking area and driveway plan may be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' which include proper documentation verifying the existing or previous use, square footage and shall include the minimum design features:
  - a. A minimum of 40-foot reservoir space be provided between any security gates and the property line.
  - b. Parking stalls shall be designed so that a vehicle is not required to back out onto any public street or sidewalk.
7. Recreation and Parks. Per Section 17.12-A of the LAMC, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
8. Schools. Per Mitigation Measure L-9, the applicant shall pay school fees to the LAUSD.
9. Fire Department. 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:
  - a. MM L-1. During demolition and construction, LAFD access from major roadways and internal roadways shall remain clear and unobstructed.
  - b. MM L-2. The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the proposed Project, for review and approval, which shall provide the capacity of the fire mains serving the Project site. Any required upgrades shall be identified and implemented prior to occupancy of the proposed Project.
  - c. MM L-3. The design of the Project site shall provide adequate access for LAFD equipment and personnel to the structure.
  - d. MM L-4. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit.

- e. MM L-5. The applicant shall submit plot plans for LAFD approval of access and fire hydrants.
  - f. MM L-6. The Project shall provide adequate off-site public and on-site private fire hydrants.
  - g. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  - h. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - i. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building, but in no case shall the horizontal travel distance from the access stairwell to the end of the public street, private street or Fire Lane exceed 150 feet. This stairwell shall extend unto the roof.
  - j. Entrance to the main lobby shall be located off the address side of the building.
  - k. Any required Fire Annunciator panel or Fire Control Room shall be located within a 50-foot visual sight line of the main entrance stairwell, or to the satisfaction of the Fire Department.
  - l. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders. Site plans shall include all overhead utility lines adjacent to the site.
  - m. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
10. Police Department. The requirements of the Police Department relative to public safety and crime prevention shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Police Department either prior to the issuance of any building permit, as well as the following:
- a. MM L-7. The Project site plans shall incorporate the design guidelines relative to security, semi-public and private spaces, that may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project site, if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the LAPD. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the LAPD prior to the issuance of building permits.
  - b. MM L-8. Upon completion of the proposed Project, the applicant shall provide LAPD's Wilshire Community Police Station's Commanding Officer with a diagram of all portions of the Project site that includes access routes and any other applicable information that may facilitate police response.

11. Covenant: Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

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

Notice: Certificates of Occupancies for the subject properties 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.

## CONDITIONS OF APPROVAL

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked **Exhibit B**, dated **January 24, 2013**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the City Planning Department for review.
2. **Setbacks.** Notwithstanding Section 12.11.5 C2 of the LAMC, the project shall be allowed to observe a zero (0) foot south side and north side yard setback except should the existing, street facing facades be removed from the site at anytime, or should the existing concrete wall on the north façade be removed from the site at anytime, this condition shall be nullified.
3. **Existing façade.** The areas of "existing wall to remain" on the north and west side elevations, per notation #1 on the Exhibit B Elevation Plans, shall be aesthetically enhanced with alternative materials, texture, articulation, or vegetation so that the final project does not present large expanses of blank walls.
4. **Shared parking.** Notwithstanding Section 12.21 A.4 of the LAMC, the project shall be permitted to share a maximum of 30 on-site parking spaces between the proposed commercial parking and the residential guest parking.

### Administrative Conditions of Approval

5. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
6. **Code Compliance.** All other use, area, height, and yard regulations of the Los Angeles Municipal Code (LAMC) and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except where conditions are granted in this Determination.
7. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
8. **Building Plans.** All the Conditions of Approval, and any other written modifications, shall be printed on the final building plans / drawings submitted to the Department of City Planning and the Department of Building and Safety.
9. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

10. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
11. **Department of Building and Safety.** The granting of this Determination by the Director of Planning does not in any way indicate compliance with applicable provisions of the Los Angeles Municipal Code (LAMC). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect the uses, or any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
12. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these Conditions of Approval 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 Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Department of City Planning for attachment to the subject file.
13. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.
14. **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 relating to or 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.

## FINDINGS

### General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject site is located within the area covered by the Wilshire Community Plan adopted by the City Council on September 19, 2001. The Wilshire Community Plan designates the subject site as Community Commercial with corresponding zones of CR, C2, C4, P, PB, RAS3, and RAS4.

#### Framework Element

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

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

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

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

The project is a new mixed-use building located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. As conditioned, the project will be designed in harmony with the existing neighborhood and minimize impacts on neighboring properties. The project will provide a high quality project that incorporates the existing Fairfax Theater façade with a new, modern design. It will also provide new housing options for residents, and will incorporate measures to reduce impacts to air quality, geology, hazardous materials, noise, and public services for the surrounding community. This portion of Beverly Boulevard and Fairfax Avenue is not identified as a District or Center in the Framework Long-Range Land Use Diagram; however, the character of the area includes other mixed-use projects, commercial and retail uses, and high density residential. The project's recommended density and height will be compatible with existing development and will not create negative impacts to the adjacent commercial or residential areas.

*B. Economic Development Chapter, Framework Element*

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

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

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

The project is a new mixed-use building located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. The above objectives seek to concentrate commercial development in existing commercial corridors and in areas that are able to support such development which are in close proximity to rail and bus transit stations. It also encourages the development of general commercial uses, which support community needs. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above that will serve the existing community in a location that currently contains several under-utilized structures. The project will incorporate energy saving and sustainable features to improve environmental quality in the area.

Housing Element

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

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

The project is a new mixed-use building that will include 71 residential units and approximately 11,118 square feet of ground floor commercial/retail space. This project will activate the community by generating pedestrian activity during and after normal commercial business hours. The development will replace a currently under-utilized structure with a well-designed project that incorporates the existing Fairfax Theater façade, providing a unique design. The restoration of the Fairfax Theater façade will enhance the quality of the public realm. Work will include the restoration of the terrazzo at the Beverly Boulevard entrance, maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. All of this restoration work will serve to enhance the public realm at the project site. Additionally, because the project is incorporating the existing façade, dedications are not required, allowing a 15-foot wide sidewalk where normally only a 12-foot wide sidewalk is required.

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

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

*Policy 2.3.3: Encourage the development of new projects that are accessible to public transportation and services consistent with the community plans. Provide for the*

*development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.*

The project is a new mixed-use development that includes 71 new residential units and approximately 11,118 square feet of ground floor commercial space. The site is located close to numerous local bus routes as well as DASH routes. The combination of the high-medium residential and commercial character of the proposed development and the proximity to local and rapid public transit routes will facilitate a reduction of vehicle trips and vehicle miles traveled, thus helping to mitigate traffic congestion, air pollution, and urban sprawl. Also, the project will provide for the development of land use patterns that emphasize bicycle access and use. The 2010 Bicycle Plan identifies Beverly Boulevard and Fairfax Avenue as part of the Backbone Bicycle Network and as future bicycle lane locations. The proposed project will include bike racks for the commercial uses and secured bicycle storage for the residential tenants.

#### Transportation Element

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

*Objective 5.10: Require off-street dock and/or loading facilities for all new non-residential buildings and for existing non-residential buildings undergoing extensive renovations and/or expansion, whenever practicable.*

The project is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. As conditioned, the project will be designed to enhance pedestrian circulation along Fairfax Avenue and Beverly Boulevard. The project does not propose any new curb cuts on Beverly Boulevard, provides one new curb cut on Fairfax Avenue, and provides access to the loading dock area off of an existing alley. These loading facilities are designed with capacity to accommodate all deliveries and prevent queuing on area streets. By taking advantage of existing alleyways for loading access, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. This restoration work will serve to enhance the pedestrian experience at the project site.

#### Land Use Element – Wilshire Community Plan

##### *Residential Policies and Objectives*

*Policy 1-1.3. Provide for adequate Multiple Family residential development*

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

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

The project is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. It will contain 71 residential units and approximately



11,118 square feet of commercial uses. The project provides ground floor commercial and retail uses as well as new residential units in close proximity to existing jobs and services. The project is located at the boundary of the Beverly-Fairfax Community Center (to the south of Beverly Boulevard) and the Fairfax-Beverly Neighborhood District (to the north of Beverly Boulevard), as identified in the Wilshire Community Plan. Neighborhood Districts are primarily developed into small commercial village arrangements, with one to four-story retail and office uses, and a mix of residential units. The Community Center includes the Farmer's Market shopping complex, the CBS Television City Studio, and the Pan Pacific Regional Park. Currently, the Community Center area is developed with commercial land uses ranging from one and two-story retail to high-rise office, multiple apartment towers, and large shopping centers.

The proposed project design and mix of uses takes into account the project's location at the crossroads of Neighborhood District and Community Center. In order to fit in with the Neighborhood District to the north, the project proposes small scale commercial uses that will be neighborhood serving. The proposed height (a majority of the building will be built at a 50-foot height with a small portion extending to 55 feet and six (6) inches) is also consistent with the typically one to four-story development pattern to the north. At the same time, however, the project brings a truly unique and place making design to an important commercial corner. The design of the project elevates what could have been a typical, mixed-use project into a project that will serve as a gateway to the Commercial Center located to the south.

There are multiple transportation opportunities in the subject site's immediate area. Currently, the Los Angeles Metropolitan Transportation Authority (MTA) routes a number of bus lines in close proximity to the project site. Five bus lines stop at the corner of Beverly Boulevard and Fairfax Avenue in front of the project site while four additional bus lines run within one block of the project site. Consequently, reduced vehicular trips are anticipated due to the project site's location adjacent to significant public transportation opportunities.

#### *Commercial Policies and Objectives*

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

*Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

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

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

*Policy 2-2.3 Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.*

*Policy 2-3.1: Improve streetscape identity and character through appropriate controls of signs, landscaping, and streetscape improvements; and require that new development be compatible with the scale of adjacent neighborhoods.*

The project is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and Fairfax Avenue. It will contain 71 residential units and approximately 11,118 square feet of commercial uses. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project will provide additional nearby commercial options for the adjacent residential districts.

The project is located at the boundary of the Beverly-Fairfax Community Center (to the south of Beverly Boulevard) and the Fairfax-Beverly Neighborhood District (to the north of

Beverly Boulevard), as identified in the Wilshire Community Plan. Neighborhood Districts are primarily developed into small commercial village arrangements, with one to four-story retail and office uses, and a mix of residential units. The Community Center includes the Farmer's Market shopping complex, the CBS Television City Studio, and the Pan Pacific Regional Park. Currently, the Community Center area is developed with commercial land uses ranging from one and two-story retail to high-rise office, multiple apartment towers, and large shopping centers.

The proposed project design and mix of uses takes into account the project's location at the crossroads of Neighborhood District and Community Center. In order to fit in with the Neighborhood District to the north, the project proposes small scale commercial uses that will be neighborhood serving. The proposed height (a majority of the building built at a 50-foot height with a small portion extending to 55 feet and six (6) inches) is also consistent with the typically one to four-story development pattern to the north. At the same time, however, the project brings a truly unique and place making design to an important commercial corner. The design of the project elevates what could have been a typical, mixed-use project into a project that will serve as a gateway to the Commercial Center located to the south.

The site is located just outside the boundaries of two designated Mixed-Use Boulevards – one along Beverly Boulevard to the east and one along Fairfax Avenue to the south. According to the Wilshire Community Plan, the Mixed Use Boulevard concept encourages cohesive commercial development integrated with housing; incorporating retail, office and/or parking on the lower floors and residential units on the upper floors. The mixed use concept also accommodates separate commercial and residential structures in the same block. The intent of this type of development is to provide housing in close proximity to jobs and services, to reduce vehicular trips, traffic congestion, and air pollution, to provide housing, and to stimulate vibrancy and activity in pedestrian-oriented areas. While this project is located just outside two Mixed Use Districts, it nevertheless achieves many of the same goals and objectives such as locating neighborhood serving commercial uses with residential units above, on a site that is at the intersection of two commercial and transit corridors.

The project does not propose any new curb cuts on Beverly Boulevard, provides one new curb cut on Fairfax Avenue, and provides access to the loading dock area off an existing alley. These loading facilities are designed with capacity to accommodate all deliveries and prevent queuing on area streets. By taking advantage of existing alleyways for loading access, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. This restoration work will serve to enhance the pedestrian experience at the project site.

2. **Zone and Height District Change Findings.** Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action to rezone the property from C2-1VL to RAS4-1D is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. It would be built to a maximum height of 55 feet and six (6) inches. Beverly Boulevard and Fairfax Avenue are both transit corridors, as well as identified bicycle

routes as part of the 2010 Bicycle Master Plan. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project represents the creative re-use of an existing, underutilized commercial site along two major corridors, balancing the preservation of neighborhood serving retail and the existing building façade with the addition of new housing options. The project eliminates an underutilized movie theater, revitalizes a commercial corner, and provides parking for all new uses on the site.

#### *Public Necessity*

The Wilshire Community Plan Footnote #5 limits Commercially zoned parcels in the Neighborhood Office Commercial General Plan Land Use, such as the subject site, to a maximum FAR of 1.5:1. The applicant has requested a Vesting Zone Change to RAS4 which would allow for a maximum FAR of 3:1. The site is also limited to a height of 45 feet per the -1VL Height District. Per the Zoning Code, projects that are within a RAS Zone (RAS3 or RAS4) which are in height district -1VL get a slight increase in allowable height over the 45 feet and are entitled to a maximum height of 50 feet. However the applicant has requested a Height District change to -1D for a maximum height of 55 feet and six (6) inches. The majority of the building will be built to a height of 50 feet; however a small rooftop restroom will extend to a maximum height of 55 feet and six (6) inches.

The Wilshire Community Plan, a part of the General Plan for the City of Los Angeles, designates the Project Site for Neighborhood Office Commercial uses, which corresponds to the C1, C1.5, C2, C4, P, CR, RAS3, and RAS4 zones. As part of its action adopting the new RAS zoning classifications, the City Council directed the Planning Department to update the City's 35 community plans to include the new RAS4 zone as corresponding zones in all commercial land use categories that allow R4 density housing. The Neighborhood Office Commercial designation for the Project Site allows the mixed-use RAS4 zone; therefore, the proposed RAS4 zoning classification is consistent with the City's General Plan.

The conditioned mixed-use project conforms to the requirements of the RAS4 Residential/Accessory Services zone. The purpose of the RAS4 zone is to provide a mechanism to increase housing opportunities, enhance neighborhoods, and revitalize older commercial corridors. The RAS4 zone is also intended to provide a tool to accommodate projected population growth in mixed-use and residential projects that is compatible with existing residential neighborhoods.

The rezoning of the site to accommodate the conditioned project will be consistent with public necessity as it will increase the housing opportunities in the Wilshire Community of Los Angeles by providing new housing options. The site's current zoning would restrict the site's redevelopment to an FAR that is too low to accommodate the project. In order to provide a range of unit types typical of modern apartment buildings and mixed-use projects, it is necessary to have a higher FAR. As conditioned, the compatible design of the mixed-use project will enhance the neighborhood and will contribute to the revitalization of the Beverly Boulevard and Fairfax Avenue commercial corridors. The Wilshire Community Plan encourages multiple family residential and mixed-use developments in close proximity to regional and community commercial centers. The Wilshire Community Plan Objective 2-1 encourages the City to preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Not only will the project provide necessary retail opportunities for the surrounding community, but it will also provide an improved pedestrian experience for the neighborhood. By taking advantage of existing alleyways for loading access and providing only one curb cut on Fairfax Avenue, the project reduces negative project impacts on Beverly Boulevard

and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. All of this restoration work will serve to enhance the pedestrian experience at the project site.

#### *Convenience*

The objectives of the Wilshire Community Plan include providing adequate land for new multiple family residential units and strengthening existing commercial areas while protecting lower density residential uses from incompatible development and designing new development to be compatible with adjacent residential neighborhoods. Changing the existing zone to the RAS4 and changing the Height District to -1D will allow for the development of a mixed use project that complements the adjoining residential and commercial development. It is also consistent with the objectives of the Wilshire Community Plan. The increase in the number of dwelling units and commercial floor area in this Neighborhood Commercial area will encourage the viability of the North La Cienega Boulevard corridor. The Public Convenience is also served by centrally locating employment and residential opportunities near a variety of other services including one of the Wilshire Community's Regional Centers.

The combination of housing and retail uses reduces reliance on the car by locating housing near job centers and shopping destinations. In addition to the convenience of providing neighborhood serving retail uses within the project, the site is located within a quarter mile of the Grove and Farmer's Market Regional Commercial Center. There are many bus routes that serve the site, and it is located near many office, retail and restaurant uses. These opportunities increase pedestrian activity, which in turn benefits local businesses and neighborhoods.

#### *General Welfare*

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

- Help meet local housing needs
- Enhance the sense of community in the area by providing a unique, well-designed, attractive development
- Rehabilitate an under-utilized site in need of improvement
- Provide an environmentally-friendly project designed to LEED Silver standards
- Restore an existing neighborhood landmark

#### *Good Zoning Practice*

The requested Zone and Height District Change from C2-1VL to RAS4-1D is in substantial conformance with the purposes, intent and provisions of the General Plan, and is consistent with good zoning practice because it will provide for development of a mixed use project that complements the commercial character of Beverly Boulevard, Fairfax Avenue and the nearby residential neighborhoods. The proposed Zone and Height District Change is consistent with the surrounding uses and development pattern. Surrounding zones are C2-1V, C2-1-O and R4 and surrounding uses include the CBS (Television City) Studio to the southeast, a surface parking lot to the north, and a 4-story commercial bank to east. To the west, Hayworth Avenue is developed with multi-family residential buildings. Adjacent to the project site across the alley and located on Hayworth Street is a 154-unit residential building in the R4-1 zone, the Silverado Senior Assisted Living Facility. Hayworth Street is zoned R4-1 on the east side with a High Medium Residential Land Use Designation (abutting the project site) and R3-1 on the west side with a Medium Residential Land Use Designation. The entirety of this block is developed with multi-family buildings. The southern half of the

east side of the block (the R4 zoned lots) is developed with buildings at a height of 3-5 stories.

The proposed project design and mix of uses takes into account the site's location at the crossroads of the Wilshire Community Plan designated Neighborhood District and Community Center. In order to fit in with the Neighborhood District to the north, the project proposes small scale commercial uses that will be neighborhood serving. The proposed height (a majority of the building will be built at a 50-foot height with a small portion extending to 55 feet and six (6) inches) is also compatible with the typically one to four-story development pattern to the north and west. At the same time, however, the project brings a truly unique and place making design at an important commercial corner. The design of the project elevates what could have been a typical, mixed-use project into a project that will serve as a gateway to the Commercial Center located to the south.

The proposed project is consistent with the surrounding uses and zoning. Given the surrounding properties and building heights, the requested Zone and Height District Change from the current zoning on the property to a RAS4-1D with proposed "D" Limitation allowing for a 55 foot and six (6) inch maximum height limitation would reflect good zoning practices. As requested, this height change would allow for better overall site design. The density and project size, made possible with the proposed 3:1 FAR, is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed Zone and Height District Change will enhance the Beverly Boulevard and Fairfax Avenue intersection and pedestrian experience, provide new opportunities for commercial development, meet local housing needs, and provide a development compatible with the community.

3. **Zoning Administrator Adjustment Findings – Reduced Setbacks.** The applicant is requesting Zoning Administrator Adjustments from Section 12.11.5 C.2. of the Municipal Code, to permit a 0-foot northerly side yard setback and 0-foot southerly side yard setback for the residential portion of the building in lieu of the required 5-foot side yard setbacks for side yards.

- a. *While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.*

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The project proposes to maintain the existing Fairfax Theater façade and incorporate it into the new project. As the existing building is constructed with zero foot setbacks, the project as designed cannot provide the required five (5) foot side yard setbacks for the residential portions of the building.

The commercial ground floor is not required to provide any setbacks, but the upper residential floors are required to provide setbacks. The project proposes to maintain the existing building façades along the Fairfax Avenue and Beverly Boulevard frontages. Additionally, a portion of the façade is to remain along the north frontage adjacent to the public parking lot (for structural shoring purposes). No yard setback is proposed along Fairfax Avenue for both commercial and residential uses. Along Beverly Boulevard the project proposes no setbacks for the first three (3) floors and a setback for the upper residential floors. On the north side yard, a zero foot side yard is proposed for the eastern part of the façade, though the western part of the façade has a variable setback for the

residential levels. The alley façade provides a 10-foot rear yard as measured from the centerline of the alley for both the ground floor commercial and residential levels above. Since the project proposes to maintain the existing façade along Beverly Boulevard a setback is not feasible.

The site is located at an intersection of two commercial corridors – Beverly Boulevard and Fairfax Avenue. The adjacent properties north of the project site located along Fairfax Avenue are developed with commercial/retail uses with no yard setbacks. The adjacent properties located along Beverly Boulevard to the west of the project site are developed with commercial/retail uses and do not observe yard setbacks along Beverly Boulevard. Since the project site is located in a commercial area with properties observing non-conforming setbacks, granting this adjustment will result in development both compatible and consistent with the surrounding uses.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The project proposes to maintain the existing Fairfax Theater façade and incorporate it into the new project. As the existing building is constructed with zero foot setbacks, the project as designed cannot provide the required five (5) foot side yard setbacks for the all residential portions of the building.

Since the adjacent properties west of the project site located along Beverly Boulevard are developed with commercial/retail uses that do not observe yard setbacks, the proposed zero side yard setback for the residential portion of the building along Beverly Boulevard will not adversely affect or degrade adjacent properties or the surrounding neighborhood.

The purpose of yard setbacks is to buffer uses adjacent to the site, not to disrupt the flow of the site plan. The required front yard setback on Fairfax Avenue and side yard setback on Beverly Boulevard does not bring any benefit to the community. Since no other buildings along Fairfax Avenue are set back, the required setbacks would be out of character and would have an adverse impact to the surrounding area. The requested adjustment to allow for a zero yard setback on Beverly Boulevard for the residential portion of the building is consistent with the adjacent properties in this commercial corridor, and thus does not create any adverse impact on adjoining or neighboring properties.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. It would be built to a maximum height of 55 feet and six (6) inches. Beverly Boulevard and Fairfax Avenue are both transit corridors, as well as identified bicycle routes as part of the 2010 Bicycle

Master Plan. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project itself is consistent with the General Plan Framework Element, Transportation Element, Housing Element, and Wilshire Community Plan.

The general purpose of zoning regulations is to provide reasonable setbacks to allow adequate exposure to light and air for residents within a residential development. The requested reduction for the side yards to a zero foot setback will permit the creation of an integrated, mixed-use development that will enhance the Fairfax Avenue and Beverly Boulevard intersection and pedestrian experience, provide new opportunities for commercial development, meet local housing needs, and provide a development compatible with the community.

By maintaining the existing Fairfax Theater façades, the project will provide a much enhanced, pedestrian friendly street frontage. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. The Wilshire Community Plan includes several objectives and policies which promote distinctive pedestrian-oriented areas, encourage the improvement of streetscape identity and character, and encourage pedestrian-oriented design and this project is consistent with these objectives and policies.

4. **Zoning Administrator Adjustment Findings – Density and Unit Count.** The applicant is requesting a Zoning Administrator Adjustment from Section 12.11.5 C.4 of the Municipal Code to permit density and unit count to be based on lot area prior to dedications (o 71 units (an approximate 4% increase). This request would enable the density to be based on lot area prior to dedications for the purpose of defining the buildable area permitted on the site from 27,396.42 (post-dedicated lot area) to 28,920.5 square feet (pre-dedicated lot area) which is an approximate 5.5% increase. As dedications for this project have been waived, this request is not needed and is therefore **denied without prejudice**.

- a. *Site characteristics or existing improvements **do not** make strict adherence to the zoning regulations impractical or infeasible, and the project **does not** conform with the intent of those regulations.*

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The façade of the Fairfax Theater are being maintained in place and will be incorporated into the proposed project. As the Fairfax Theater façade is not being demolished, the project is unable to provide the required dedications. Therefore, the dedications and improvements have been waived for this project, resulting in a wider sidewalk and allowing the existing Fairfax Theater to remain in place.

Since dedications are not required, the project is permitted to take their density and unit count on their gross lot area of 28.920 square feet. With the waiver of dedications, there are no site characteristics or existing improvements that make strict adherence to the zoning regulations impractical and this request is denied without prejudice.

- b. *In light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features **will not***

*be compatible with and **will** adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.*

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The façade of the Fairfax Theater are being maintained in place and will be incorporated into the proposed project. As the Fairfax Theater façade is not being demolished, the project is unable to provide the required dedications. Therefore, the dedications and improvements have been waived for this project, resulting in a wider sidewalk and allowing the existing Fairfax Theater to remain in place.

Since dedications are not required, the project is permitted to take their density and unit count on their gross lot area of 28,920 square feet. With the waiver of dedications, this request is denied without prejudice.

- c. *The project **is not** in substantial conformance with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any applicable specific plan.*

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The façade of the Fairfax Theater is being maintained in place and will be incorporated into the proposed project. As the Fairfax Theater façade is not being demolished, the project is unable to provide the required dedications. Therefore, the dedications and improvements have been waived for this project, resulting in a wider sidewalk and allowing the existing Fairfax Theater to remain in place.

Since dedications are not required, the project is permitted to take their density and unit count on their gross lot area of 28,920 square feet. With the waiver of dedications, this request is denied without prejudice.

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

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

The site would be developed with a mixed-use project with a maximum height of 55 feet and six (6) inches and six (6) stories (to accommodate a rooftop restroom and excluding the spire atop the theater which rises to 60 feet in height and would be maintained in place), containing 71 residential units, and approximately 11,118 square feet of commercial uses. It would be developed with a maximum FAR of 3:1. The project would include 228 parking spaces in a 4 ½ level subterranean parking structure.

The 11,118 square feet of commercial tenant space would be located at the ground floor, with pedestrian access from both Fairfax Avenue and Beverly Boulevard. The existing street-facing elevations would be maintained, and the three retail spaces proposed would be incorporated into the restored Beverly



Boulevard and Fairfax Avenue facades. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign.

The applicant is seeking a number of entitlements in order to construct their project – a Vesting Tentative Tract Map, a Vesting Zone Change, a Height District Change, a Zoning Administrator Adjustment for reduced yards and increased density, a Zoning Administrator Determination for a shared parking approval, and a Site Plan Review. If approved, the entitlement requests will bring the project into compliance with all applicable provisions of the LAMC. As detailed above, in the General Plan Text Findings section, the proposed project is in compliance with the Land Use Chapter and Economic Development Chapter of the General Plan Framework; the Transportation Element; the Housing Element; and the Land Use Element–Wilshire Community Plan. The site is not located within a Specific Plan. The project as conditioned is in conformance with the General Plan and Wilshire Community Plan as follows.

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

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

Commercial Areas - Site Planning: Structures shall be oriented toward the main commercial street where a parcel is located and avoid pedestrian/vehicular conflicts by

- 1) Minimize the number of driveways/curb cuts which provide access from Major and Secondary Highways. Prohibit driveway openings, or garage or parking lot entries in exterior frontage walls of buildings, or between frontage buildings, unless the Los Angeles Department of Transportation determines that driveways cannot be practically placed elsewhere.

The project does not propose any new curb cuts on Beverly Boulevard, provides one new curb cut on Fairfax Avenue, and provides access to the loading dock area off an existing alley. These loading facilities are designed with capacity to accommodate all deliveries and prevent queuing on area streets. By taking advantage of existing alleyways for loading access, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater.

- 2) Maximize pedestrian oriented retail and commercial service uses along street grade level frontages along commercial boulevards.

Provide front pedestrian entrances for businesses which front on main commercial streets, with building facades and uses designed to promote customer interest, such as outdoor restaurants and inviting public way extensions.

Both Fairfax Avenue and Beverly Boulevard are commercial boulevards, and the proposed project locates retail uses at street grade on both of these streets. The commercial portion of the building is oriented toward the commercial boulevards, with the primary entrances on the street. The proposed building takes advantage of its location on a highly trafficked, pedestrian oriented corner through the use of fenestration and entryways located at grade.

- 3) Encourage pedestrian-only walkway openings, or entries (require at least one ground floor pedestrian entry), in exterior frontage walls of buildings, or between frontage buildings to plazas or courtyards with outdoor dining, seating, water features, kiosks, paseos, open air vending, or craft display areas.

Pedestrian access to the commercial uses is provided on Beverly Boulevard and Fairfax Avenue. Two pedestrian entryways are located on Fairfax Avenue – these provide access to the retail elevator, the parking garage, and the residential units. These entryways actually function as small courtyards as they are completely open to the sky, one of which includes a bicycle parking area. Because they are open to the sky, they also function to break up the massing of the building. Pedestrian access to the residential units is provided via a separate residential lobby on Beverly Boulevard as well as the two entryways on Fairfax Avenue. The project will provide enhanced paving at the pedestrian residential entries as well as accessibility to the residential uses from all parking levels.

- 4) Provide fully landscaped and maintained unused building setback areas, and strips between driveways and walkways which allow safe and inviting pedestrian access to the rear of properties.

As designed and conditioned, the project proposes to maintain the existing building façades along the Fairfax Avenue and Beverly Boulevard frontages. Additionally, a portion of the façade is to remain along the north frontage adjacent to the public parking lot (for structural shoring purposes). No yard setback is proposed along Fairfax Avenue for both commercial and residential uses. Along Beverly Boulevard the project proposes no setbacks for the first three (3) floors and a setback for the upper residential floors. On the north side yard, a zero foot side yard is proposed for the eastern part of the façade, though the western part of the façade has a variable setback for the residential levels. The alley façade provides a 10-foot rear yard as measured from the centerline of the alley for both the ground floor commercial and residential levels above.

New street trees are proposed for the project, as well as new bus stop benches, trash receptacles, news racks, and enhanced paving at pedestrian entries. Enhanced landscaping is proposed within the

residential portion of the project on the 2<sup>nd</sup> floor open air courtyard as well as on the roof.

- 5) Provide speed bumps for driveways which parallel walkways, or which are longer than 50 linear feet.

There are no driveways which parallel walkways, or which are longer than 50 linear feet.

- 6) Provide underground new utility service, including Internet services. Screen all mechanical and electrical equipment from public view. Screen all rooftop equipment and building appurtenances from public view. Require the enclosure of trash areas behind buildings for all projects.

New utilities will be provided as required by individual service providers and current regulations. All mechanical and electrical equipment, as well as rooftop equipment and building appurtenances, will be screened from public view. The trash area, as well as the loading area, will be located within the building and accessed from the alley.

#### Commercial Areas - Pedestrian-oriented, Building Height, and Design

- 7) For building frontages, require the use of offset building masses, recessed pedestrian entries, articulations, and surface perforations, or porticoes. Also require transparent windows (non-reflective, non-tinted glass for maximum visibility from sidewalks into building interiors). Also require recessed doors, entryways or courtyards, decorative planters, pedestrian scale murals or public art, mosaic tiles, or other means of creating visual interest, to break up long, flat building facades and free-standing blank walls greater than ten feet wide.

As conditioned, the building design maintains the existing Art Deco façade along Beverly Boulevard and Fairfax Avenue, and the upper level residential component (new construction) incorporates many of the existing Art deco features found in the ground floor façade. The frontage of the existing Art Deco façade (from the 1920s) includes pedestrian oriented features. The restoration of the Fairfax Theater façade will enhance the quality of the public realm. Work will include the restoring the terrazzo at the Beverly Boulevard entrance, maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. All of this restoration work will serve to enhance the public realm at the project site. As conditioned, the areas of blank façades (the original walls that are to remain on the north and west elevations) shall be architecturally enhanced.

- 8) Require each new building to have a pedestrian-oriented ground floor, and maximize the building area devoted to ground level display windows and display cases, store front glass, doors, windows and other transparent elements on front facades to afford pedestrian views

into retail, office, and lobby space, and those building surfaces facing rear parking areas.

The pedestrian nature of the neighborhood and proximity to mass transit make it an ideal location for a mixed-use building with a ground floor retail component. The retail spaces are fenestrated with transparent glass windows and doors. The restoration of the Fairfax Theater façade will enhance the quality of the project as well as public realm.

- 9) Require each new building to have building frontage on the floor immediately above the ground floor to be differentiated from the ground floor by recessed windows, balconies, offset planes, awnings, or other architectural details, but on buildings with pedestrian walkway openings, require continuity of an architectural feature on the facade, to retain continuity of the building wall at the ground floor. Maximize the applications of architectural features and articulations to building facades. Provide color, lighting, and surface texture accents and complementary building materials to building walls and facades, consistent with neighborhood adjacent architectural themes.

The existing Fairfax Theater façade will be maintained in place on Beverly Boulevard and Fairfax Avenue. This façade will be restored as described in the DEIR and these findings. The building frontage immediately above the ground floor will be respectful of the existing façade in that it will draw reference to the existing building proportions and detail as a simplified contemporary interpretation of the Art Deco style. This interpretation provides a differentiation between the ground floor and upper floors of the project. The upper floors will include architectural features such as balconies, offset planes, and fenestration. As conditioned, the areas of blank façades (the original walls that are to remain on the north and west elevations) shall be architecturally enhanced.

- 10) Locate new structures to form common and semi-continuous building walls along street frontages and sidewalks of Major and Secondary Highways, and Collector Streets.

The project proposes to retain the existing façade on Beverly Boulevard and Fairfax Avenue. This façade will create a common and semi-continuous building wall.

- 11) Locate surface and above grade parking areas to the rear of buildings, with access driveways on side streets, or from rear streets where project buildings cover the majority of block areas.

The project provides four (4) levels of subterranean parking with no surface or above grade parking.

- 12) Integrate landscaping within pedestrian-friendly plazas, green space, pocket parks, and other open space compliments.

Landscaping is provided on three (3) different levels of the proposed project. At the street level the project proposes a combination of

street trees and enhanced streetscape amenities including benches, trash receptacles, newspaper racks, and enhanced pavement. On the second level of the building the applicant proposes a landscaped open-air courtyard consisting of several trees, landscaping and a water feature. The rooftop includes active recreation opportunities such as a pool, gym, outdoor dining areas, outdoor kitchen, fireplace, and seating areas.

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

The project is consistent with many of the Urban Design Policies for individual projects in the Wilshire Community Plan that require recreational and service amenities that improve habitability for its residents.

Where feasible, Multiple Family Residential development of five or more units should be designed around a landscaped focal point or courtyard to serve as an amenity for residents. Provide a pedestrian entrance at the front of each project. Require useable open space for outdoor activities, especially for children.

The 71 residential units are configured around an internal open air courtyard located on the 2<sup>nd</sup> level. Two pedestrian entryways are located on Fairfax Avenue – these provide access to the retail elevator, the parking garage, and the residential units. These entryways actually function as small courtyards as they are completely open to the sky, one of which includes a bicycle parking area. Because they are open to the sky, they also function to break up the massing of the building. Pedestrian access to the residential units is provided via a separate residential lobby on Beverly Boulevard and the two entryways on Fairfax Avenue.

Approximately 10,062 square feet of open space is proposed with the common open space located on the rooftop. The rooftop includes active recreation opportunities such as a pool, gym, outdoor dining areas, outdoor kitchen, fireplace, and seating areas. The project does provide recreational and service amenities that improve habitability for residents and minimizes impacts on neighboring properties.

6. **Zoning Administrator Determination Findings.** The applicant is requesting a Zoning Administrator Determination for a Shared Parking Approval to permit the shared parking of a maximum of 30 on-site parking spaces between the proposed commercial parking and residential guest parking. In order for two or more uses to share their off-street parking spaces, all findings mandated in Section 12.24 X.20 of the Municipal Code must be made in the affirmative.

- a. *A lower total number of parking spaces will provide adequate parking for the uses on the site.*

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. All parking is provided in a subterranean parking structure containing four (4) levels with a total of 228 parking spaces. For the commercial uses, 45 spaces are required and these are proposed to be located on the P1 level. For the 71 residential units, 178 spaces are required (142 for the units and 36 spaces for guests) and 183 spaces are provided. Of

these 183 spaces, 36 are for guests and the remaining 147 are provided for the residential units.

The mixed-use building can meet its parking requirement through the sharing of on-site parking. The applicant is parking the commercial component of the project at the ratio for general retail uses – 1 space per each 250 square feet of commercial floor area. However, they wish to retain the option to locate a restaurant in one of the tenant spaces (approximately 5,000 square feet). Because restaurant uses require one (1) parking space per each 100 square feet of restaurant floor area (50 spaces), the current number of parking spaces would be insufficient. Therefore the applicant has requested a shared parking agreement to share 30 of the residential parking spaces with the commercial use. Since 20 of the required 50 parking spaces have already been accounted for in the retail parking component of the project, the other 30 required spaces would be shared out of the provided 36 residential guest parking spaces. This shared parking would only be required if a restaurant use were located in the project.

The Shared Parking Analysis prepared by Linscott, Law and Greenspan (Exhibit E) and dated May 27, 2009 states that the planned project parking supply will adequately accommodate the forecast weekday and weekend peak parking demand at the site. The parking analysis was prepared using the shared parking concept, which reflects changes in parking demand by hour, as well as by day of the week for individual land uses. For example, this methodology would account for projected reductions for overlapping trips to more than one tenant (a trip to the dry cleaner's and restaurant at the same time) as well as different parking demand times due to the different hours of operation for the commercial and residential uses. The LAMC requires that parking be calculated by individual use which is appropriate with stand alone uses, but can result in too many spaces for uses such as mixed-use buildings. Thus, while the LAMC required parking calculations indicate a potential shortfall of parking spaces associated with the project (if it is developed with a restaurant project), the mixed-use nature of the proposed project allows for an actual parking demand that is significantly less than the parking required. Therefore, the supply of 224 parking spaces will meet parking demand for current and future anticipated residential and commercial/retail uses for the proposed project.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project represents the creative re-use of an existing, underutilized commercial site along two major corridors, balancing the preservation of neighborhood serving retail and the existing building façade with the addition of new housing options. The project eliminates an underutilized movie theater, revitalizes a commercial corner, and provides parking for all new uses on the site.

Not only will the project provide necessary retail opportunities for the surrounding community, it will also provide an improved pedestrian experience for the neighborhood. By taking advantage of existing alleyways for loading access and

providing only one curb cut on Fairfax Avenue, the project reduces negative project impacts on Beverly Boulevard and Fairfax Avenue, creating a pedestrian friendly street frontage that is designed utilizing the existing facades of the Fairfax Theater. The façade restoration includes maintaining the existing building façade and details, maintaining the existing spire, restoring windows, removing existing steel gates, restoring the original plinth, replacing original transom windows in-kind, and rehabilitating the marquee sign. All of this restoration work will serve to enhance the pedestrian experience at the project site.

The shared parking arrangement allows the project a more full utilization of the project site, while at the same time providing adequate parking, thus enabling a project that will enhance the built environment in the surrounding neighborhood.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. It would be built to a maximum height of 55 feet and six (6) inches. Beverly Boulevard and Fairfax Avenue are both transit corridors, as well as identified bicycle routes as part of the 2010 Bicycle Master Plan.

The project as conditioned is consistent with the surrounding uses and development pattern. Surrounding zones are C2-1V, C2-1-O and R4 and surrounding uses include the CBS (Television City) Studio to the southeast, a surface parking lot to the north, and a 4-story commercial bank to east. To the west, Hayworth Avenue is developed with multi-family residential buildings. Adjacent to the project site across the alley and located on Hayworth Street is a 154-unit residential building in the R4-1 zone, the Silverado Senior Assisted Living Facility. Hayworth Street is zoned R4-1 on the east side with a High Medium Residential Land Use Designation (abutting the project site) and R3-1 on the west side with a Medium Residential Land Use Designation. The entirety of this block is developed with multi-family buildings. The southern half of the east side of the block (the R4 zoned lots) is developed with buildings at a height of 3-5 stories.

Given the surrounding properties and building heights, the development of the project reflects good zoning practices. The density and project size, made possible with the proposed 3:1 FAR is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed project will enhance the Beverly Boulevard and Fairfax Avenue intersection and pedestrian experience, provide new opportunities for commercial development, meet local housing needs, and provide a development compatible with the community.

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

The proposed project, located at 7901 Beverly Boulevard, at the intersection with Fairfax Avenue, is a mixed-use building containing 71 residential units and 11,118 square feet of commercial uses. The project will provide small scale,

neighborhood serving commercial options at the ground floor and residential units above. The project represents the creative re-use of an existing, underutilized commercial site along two major corridors, balancing the preservation of neighborhood serving retail and the existing building façade with addition of new housing options. The project eliminates an underutilized movie theater, revitalizes a commercial corner, and provides parking for all new uses on the site. The shared parking arrangement allows the project a more full utilization of the project site while at the same time providing adequate parking.

The project is in substantial conformance with the purposes, intent and provisions of the General Plan, and is consistent with good zoning practice because it will provide for development of a mixed use project that complements the commercial character of Beverly Boulevard and Fairfax Avenue and the nearby residential neighborhoods. The granting of this shared parking determination will not adversely affect any element of the General Plan.

## **7. CEQA Findings**

The applicant proposes the demolition of the Fairfax Theater, with the exception of the street facing façades, and removal of existing uses from the existing 28,920.5 square-foot lot. The project is comprised of a mixed-use project with a maximum height of 55 feet and six (6) inches and six (6) stories (to accommodate a rooftop restroom and excluding the spire atop the theater which rises to 60 feet in height and would be maintained in place), containing 71 residential units, and approximately 11,118 square feet of commercial uses. The project would include 228 parking spaces in a 4 ½ level subterranean parking structure.

The City of Los Angeles Planning Department, acting as lead agency, circulated a Notice of Preparation ("NOP") for the EIR for a 30-day period on January 20, 2010. Comments on the NOP were considered during preparation of the DEIR. The City prepared and circulated for public review a Draft Environmental Impact Report ENV-2009-2656-EIR, (SCH No. 2010011044) to the State Clearinghouse, Office of Planning and Research, various public agencies, citizen groups, and interested individuals for a 45-day public review period on August 18, 2011. The public review period was later extended to October 30, 2011.

During that time, the DEIR was also available for review at the City of Los Angeles Department of City Planning, Central Library, Hollywood Regional Branch Library, Fairfax Branch Library, and via internet at <http://cityplanning.lacity.org>. The DEIR evaluated in detail the potential effects of the Proposed Project. It also analyzed the effects of a reasonable range of four alternatives to the Development and Add Area Projects, including potential effects of two different "No Project" alternatives. Following the close of the public review period, written responses were prepared to the comments received on the DEIR. Comments on the DEIR and the responses to those comments are included within the Final EIR ("FEIR"). The FEIR is comprised of: an Introduction; List of Commenters and Responses to Comments; Corrections and Additions; a Mitigation Monitoring and Reporting Plan; and Appendices. The FEIR, together with the DEIR, makes up the Final EIR as defined in CEQA Guidelines Section 15132 (the "Final EIR"). This Final EIR is being Certified in connection with all discretionary or ministerial approvals and permits required to implement the project.

## **Environmental Documentation, Background, Findings of Fact**

A Notice of Availability ("NOA") and the DEIR were submitted to the State Clearinghouse, Office of Planning and Research, various public agencies, citizen groups, and interested individuals for a 45-day public review period on August 18, 2011 in compliance with sections Sections 15085,



15087 and 15105 of the State CEQA Guidelines. The comment period on the Draft EIR ended on October 20, 2011.

- A. **Impacts found to be less than significant.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the Initial Study, the proposed project would not have the potential to cause significant impacts in the area of Aesthetics (Scenic Vista / Light and Glare), Agricultural and Forest Resources, Air Quality (Odor), Biological Resources, Geology (Earthquake, Landslides, Soil Erosion), Hazards & Hazardous Materials, Hydrology and Water Quality (Waste Discharge, Drainage Pattern, Runoff Water, Housing and structures within a 100-year flood hazard area, flooding, inundation by seiche, tsunami, mudflow), Land Use Planning (Physically divide an established community, conflict with habitat or natural community conservation plan), Mineral Resources, Noise (Excessive noise due to airport or private airstrip), Population and Housing (Displace existing housing, people, or requiring new housing construction), Transportation/Traffic (change in air traffic patterns, substantially increase hazards due to a design feature, inadequate emergency access, conflict with adopted policies, plans or programs), Utilities and Service Systems (Exceed wastewater treatment requirements, comply with federal, state and local statutes and regulations relating to solid waste). Therefore, these issue areas were not examined in detail in the DEIR or the FEIR. Nonetheless, the potential for impacts in each of these issue areas was discussed in DEIR Section IV.A.
- B. **Impacts found not to be significant prior to mitigation.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the EIR, the following effects associated with the proposed project were analyzed in the Final EIR and found to be less-than-significant prior to mitigation: Aesthetics (Scenic Resources and Shade/Shadow), Air Quality (Air Quality Management Plan Consistency, Localized CO Hotspot Concentration, Toxic Air Contaminants), Cultural Resources (Historic Resources), Geology and Soils (Strong Seismic Groundshaking), Greenhouse Gas (Emissions, Conflict with Applicable Plan, Policy or Regulation), Land Use Planning (Conflict with Applicable Plan, Policy, or Regulation), Population and Housing (Induce Substantial Growth), Transportation and Traffic (Conflict with Applicable Plan, Ordinance, or Policies Relating to Performance of the Circulation System, Conflict with Applicable Congestion Management Program), Utilities and Service Systems (Wastewater, Natural Gas).
- C. **Impacts found not to be significant prior to mitigation, where mitigation is nonetheless provided to further reduce impacts.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the EIR, the following effects associated with the Proposed Project were analyzed in the Final EIR and found not to be significant prior to mitigation. Nonetheless, mitigation measures have been incorporated to further reduce these effects: Aesthetics (Visual Character), Cultural Resources (Archeological, Paleontological, Human Remains), Hydrology and Water Quality (Water Quality), Noise (Operational), Public Services (Fire, Police, Schools, Parks and Recreation), Utilities and Service Systems (Water, Landfills, Electricity).
- D. **Potential significant impacts mitigated to less-than-significant levels.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the EIR, the following effects associated with the Proposed Project were analyzed in the Final EIR and they were found potentially significant but mitigated to a less-than-significant level: Air Quality (Construction), Geology and Soils (Seismic Related Ground Failure/Liquefaction, Expansive Soils), Hazards and Hazardous Materials (Risk of upset/accident), Public Services (Libraries),

- E. **Significant Impacts which remain significant after mitigation measures.** Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the Initial Study, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the proposed project. The following effects associated with the Proposed Project were analyzed in the Final EIR and they were found to have significant, unavoidable impacts after mitigation measures: Noise (Construction Noise and Vibration).

The EIR evaluated in detail the potentially significant effects of the proposed project. It also analyzed the effects of a reasonable range of five alternatives to the project, including the potential effects of a "No Project" alternative. The Draft EIR for the project was prepared pursuant to CEQA and State, Agency, and the City of Los Angeles CEQA guidelines.

Pursuant to Section 15088 of the CEQA Guidelines, the City of Los Angeles, as lead agency, reviewed all comments received during the review period for the Draft EIR and has responded to each comment in the Final EIR. The Final EIR also reflects further refinements to the project proposal made in response to public comments and community concerns, including Corrections and Additions as set forth in the Final EIR.

The environmental review discussed in the Final EIR, its supporting documents and appendices, and the administrative record on the project were prepared for and apply to all legislative, discretionary, and ministerial approvals and entitlements required to implement the project, including CPC-2009-3271-ZC-HD-ZAA-SPR-ZAD. The Lead Agency under the CEQA Guidelines is required to make findings as required by CEQA with respect to its approval of the proposed project. The Lead Agency reviewed and considered the information contained in the FEIR and other documents in the record with respect to the proposed project, and certified that its decision on the project reflects its independent judgment. The Lead Agency further determined as follows:

1. The Final EIR has been completed in compliance with CEQA and is adequate under CEQA for approval of the actions necessary to implement the Project and all other City permits, entitlements, and approvals for the Project;
2. Based on evidence in the record of proceedings, the Project will result in no impact or a less than significant impact without the need for mitigation with respect to each of the environmental impacts set forth in Section A above;
3. Pursuant to Public Resources Code Section 21081(a)(1), mitigation measures, changes, or alterations to the Project mitigate, avoid or substantially lessen the Project's significant effects on the environment as identified in the EIR for the environmental impacts set forth in Section B above;
4. Specific overriding economic, legal, social, technological, or other benefits of the Project, as set forth below, outweigh the Project's significant and unavoidable effects on the environment set forth in Section C above;
5. Specific economic, legal, social technological or other considerations, as set forth below, make infeasible the Project alternatives.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three allowable findings for each of the significant impacts.

- The first allowable finding is that "changes or alterations have been required in or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (State CEQA Guidelines Section 15091, subd. (a)(1)).
- The second allowable finding is that "such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding." Such changes have been adopted by such other agency or can and should be adopted by such other agency." (State CEQA Guidelines, Section 15091, subd. (a)(2)).
- The third allowable finding is that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report." (State CEQA Guidelines, Section 15091 (a) (3)).

Section 15126.6 of the State CEQA Guidelines require an EIR to identify and describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible."

### **Environmental Issues and Associated Findings**

The Final Environmental Impact Report (Final EIR) for the Beverly and Fairfax Mixed-Use Project identified significant, unavoidable impacts. EIR mitigation measures, project design features and conditions of approval imposed by the City on the proposed project will either avoid or provide substantial mitigation of the proposed project's identified significant environmental effects; however, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the proposed project.

As required by the California Environmental Quality Act (CEQA), the City of Los Angeles, in adopting these Findings of Fact, also adopts a Mitigation Monitoring and Reporting Plan. The City of Los Angeles finds that the Mitigation Monitoring and Reporting Plan, which is incorporated by reference and made a part of these Findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures to mitigate potentially significant effects of the project.

In accordance with CEQA and the CEQA Guidelines, the City of Los Angeles adopts these findings as part of the certification of the Final EIR Beverly and Fairfax Mixed-Use Project. Pursuant to Public Resources Code Section 21082.1(c) (3) the City of Los Angeles also finds that the Final EIR reflects the independent judgment of the City of Los Angeles as the lead agency for the project.

**A. Impacts found not to be significant.****1) Aesthetics (Scenic Vista / Light and Glare)**

The Proposed Project would not have a substantial adverse effect on a scenic vista. In the Los Angeles area, scenic vistas generally include: views of the ocean; downtown skyline; and the Santa Monica, San Gabriel, and San Bernardino Mountains. The existing urban development in the vicinity of the Proposed Project Site dictates that no views of scenic vistas are available. Therefore, the Proposed Project will not result in project-specific or cumulative impacts to any scenic vista.

The Proposed Project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in its vicinity. Again, the Proposed Project is located in a densely populated urban area of the City. Accordingly, it contains a substantial number of existing light sources. Moreover, the Proposed Project Site is currently developed with uses that include sources of nighttime lighting. While the Proposed Project will change the type of land uses at the Site, the amount and sources of light are not expected to change in any significant fashion. Accordingly, the Proposed Project will not result in project-specific or cumulative impacts related to light or glare.

**2) Agriculture Resources and Forest Resources**

The Proposed Project site is currently developed, does not contain any agricultural uses, and is not delineated as agricultural land on any maps prepared pursuant to the Farmland Mapping and Monitoring Program. The Farmland of Statewide Importance map for Los Angeles County designates the site as Urban and Built-Up Land. The Proposed Project site is currently zoned Commercial, C2-1VL and is not subject to an existing Williamson Act Contract or designated forest or timber land. Likewise, the area surrounding the Proposed Project site is fully developed with urban land uses, and does not contain any agricultural resources or forest land. The Proposed Project has no potential to convert farmland to a non-agricultural use or forest land to a non-forest use. Based upon the foregoing, the Proposed Project would not result in project-specific or cumulative impacts to an existing agricultural or forest resource.

**3) Air Quality (Odor)**

The SCAQMD has identified land uses that are typically associated with odor complaints. These include industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. The Proposed Project does not include any of these uses. Accordingly, the potential for odor impacts in connection with the Proposed Project is low. In addition, to the extent odors are generated by any related project proposed in the future, said project will be required to comply with SCAQMD's Rule 402, and to implement Best Available Control Technology meant to address odors. Accordingly, both project-specific and cumulative impacts in this issue area would be less than significant.

**4) Biological Resources**

The Proposed Project site is in an urbanized area in western Los Angeles and is currently developed with a structure. It does not contain any natural open space, act as a wildlife corridor, nor possess any areas of significant biological resource value. No hydrological features or wetlands are present, and there are no sensitive habitats, riparian or otherwise present in the vicinity of the Proposed Project site. There are no oak trees or other protected trees located on or adjacent to the Proposed Project site. Finally, there are no adopted Habitat Conservation Plans, Natural Community

Conservation Plans or other approved local, regional, or state habitat conservation plans that apply to the Proposed Project site. All of the aforementioned characteristics dictate that no candidate, sensitive, or special status species identified in local plans, policies or regulations of the California Department of Fish and Game, the California Native Plant Society, or the U.S. Fish and Wildlife Service would be expected to occur at the Proposed Project site, that sensitive habitat including riparian habitat or federally protected wetlands are unlikely to be impacted by the Proposed Project, that the Proposed Project will not interfere with the movement of any native resident or migratory fish or wildlife species, conflict with local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

For the foregoing reasons, the Proposed Project would have no project-specific or cumulative impacts on Biological Resources.

**5) Geology and Soils (Earthquake, Landslides, Soil Erosion)**

The Proposed Project is not located within an Alquist-Priolo Earthquake Zone. Accordingly, it would not expose people or structures to potential substantial adverse effects because of its location within the same. In addition, the Proposed Project Site and its surrounding area are relatively flat and are not located within an area that is prone to, or is known to have historically been part of a landslide. Therefore, impacts in this issue area will also be less than significant. The Proposed Project will have no project-specific or cumulative impacts related to exposing people or structures to potential substantial adverse effects associated with rupture of an earthquake fault delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or landslides.

The Proposed Project Site is completely developed with a structure, and is surrounded by urban land uses. The surface area is impervious. After the Proposed Project is implemented, the Site will remain impervious, and no unpaved or unprotected surfaces would be exposed to stormwater drainage or any other type of drainage. Accordingly, the Proposed Project will not result in any project-specific or cumulative impacts related to soil erosion or the loss of topsoil.

Finally, the Proposed Project does not include septic tanks or alternative waste water disposal systems. The Proposed Project Site is located in a developed, urban area of the City that is served by a municipal wastewater collection, conveyance, and treatment system. For this reason, no project-specific or cumulative impacts in this issue area will occur.

**6) Hazards and Hazardous Materials**

The Proposed Project includes development of residential and retail uses. It does not include uses that will require the routine transport, use and disposal of hazardous materials during its operation. At most, the Proposed Project would use minimal amounts of cleaning, building maintenance, landscaping materials and landscaping chemicals. This use, however, is not anticipated to result in impacts that would rise to a level of significance. During the temporary construction phase, the Proposed Project may require the routine transport, use, and disposal of cleaning solvents, fuels, and other materials commonly associated with construction. All such materials would be handled in accordance with applicable local, state, and federal regulations. Compliance with these regulations will ensure that project-specific and cumulative impacts in this issue area are less than significant.

The Proposed Project is located within one-quarter mile of a school. However, the Proposed Project includes development of residential and retail uses, and the use of hazardous materials will be limited to the use of common cleaning, maintenance, and landscaping materials. Accordingly, it has been determined that the Proposed Project will not emit or handle hazardous materials in a manner that would affect schools in its vicinity, and project-specific and cumulative impacts in this issue area are considered less than significant.

The Phase I Environmental Site Assessment prepared in connection with the Proposed Project determined that it is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Accordingly, there will be no project-specific or cumulative impacts in this issue area.

The Proposed Project is not located within two miles of a public airport or public use airport. It is also not within the vicinity of a private airstrip. Accordingly, there will be no project-specific or cumulative impacts related to safety hazards associated with the same.

No aspects of the Proposed Project would inhibit access to hospitals, emergency response centers, schools, communications facilities, highways and bridges, or airports, or change existing access in a manner that would affect emergency response or evacuation. In addition, the Proposed Project will comply with all City policies related to disaster preparedness and emergency response. Accordingly, project-specific and cumulative impacts related to interference with an adopted emergency response plan or evacuation plan will be less than significant.

The Proposed Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The Proposed Project is an urbanized portion of the City that does not include wildlands or high fire hazard terrain or vegetation, and is not adjacent to wildlands or high fire hazard terrain or vegetation. Therefore, there will be no project-specific or cumulative impacts in this issue area.

7) Hydrology and Water Quality (Waste Discharge, Drainage Pattern, Runoff Water, Housing and structures within a 100-year flood hazard area, flooding, inundation by seiche, tsunami, mudflow)

The Proposed Project will not violate any waste discharge requirements; substantially deplete groundwater supplies or interfere with ground water recharge; substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on or off-site or that would result in flooding; and will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional polluted runoff.

During construction, temporary dewatering will be required to allow construction of the subterranean parking structure. The water will either be discharged into the local storm drain system or conveyed to the Hyperion Treatment Plant. The amount of groundwater that would be discharged during the temporary dewatering phase would be minimal and would not substantially affect groundwater supplies. This is particularly true because the Proposed Project site in its existing state is completely impervious and is not in an area that provides groundwater recharge. During Construction, the Proposed Project will meet the National Pollution Discharge Elimination System (NPDES) requirements for storm water quality and comply with all applicable regulations with regard to surface water quality as governed by the

state Water Resources Control Board (SWRCB) including filing a Notice of Intent, preparing a SWPPP and incorporating standard BMPs. In addition, the Proposed Project will comply with Los Angeles Municipal Code sections regulating Stormwater and Urban Runoff Pollution Control.

During operation the Proposed Project does not include any point-source discharge. The Proposed Project Site is completely impervious. During storm events, all stormwater that comes in contact with the site runs off from the site and discharges to the local storm drain system. After implementation of the Proposed Project, the Proposed Project Site will remain impervious, and drainage will occur in the same manner. All runoff will be directed to drainage infrastructure and discharged to the storm drain. No runoff would come in contact with bare ground or be discharged directly to a stream or river. Moreover, the amount of runoff from the site during any storm event will not change from existing conditions.

The Proposed Project Site is not located within a 100-year flood hazard area. Moreover, it is not located within the vicinity of any body of water, a levee, or a dam. Therefore, no impacts associated with being located within a flood plain or impeding or redirecting flood flows within a 100-year flood plain are anticipated. Moreover, the entirety of the Project site is located outside of the City-designated potential inundation basin and outside of an area with the potential to be impacted by tsunami or seiche. For the foregoing reasons, the Proposed Project would have no project-specific or cumulative Hydrology and Water Quality impacts in any of the issue areas discussed above.

8) Land Use Planning (Physically divide an established community, conflict with habitat or natural community conservation plan)

The Proposed Project would not physically divide an established community. It includes development of a site that is developed and has been developed for many decades, and that is located in a developed, urban area of the City. Accordingly, there will be no project-specific or cumulative impacts in this issue area.

The Proposed Project will not conflict with an applicable habitat conservation plan or natural community conservation Plan. The Site and its surrounding area are developed with urban land uses and are not located in an area that is subject to any habitat conservation plan or natural community conservation plan. Accordingly, there will be no project-specific or cumulative impacts in this issue area.

9) Mineral Resources

The Proposed Project site is not located within a City designated Mineral Resource Zone. Similarly, the Proposed Project is not designated in the Conservation Element of the City of Los Angeles General Plan as containing a locally-important mineral resource. Further, it is located on a site that is presently developed and located in an urbanized area. Based upon the foregoing, the Proposed Project will not result in the loss of availability of a known mineral resource or of a locally-important mineral resource recovery site and, therefore, there will be no project-specific or cumulative impacts to Mineral Resources in connection with the Proposed Project.

10) Noise (Excessive noise due to airport or private airstrip)

The Proposed Project is not located in the vicinity of an airport or a private airstrip. Accordingly, the Proposed Project will not result in any project-specific or cumulative impacts related to exposing people working or residing in the Proposed Project to excessive airport or airstrip noise.

11) Population and Housing (Displace existing housing, people, or requiring new housing construction)

The Proposed Project Site does not currently contain housing. Accordingly, the Proposed Project has no potential to displace substantial numbers of existing housing. For the same reason, the Proposed Project will not displace any people, necessitating the construction of replacement housing elsewhere. Based upon the foregoing, the Proposed Project will not result in any project-specific or cumulative impacts in these two issue areas.

12) Transportation/ Traffic (change in air traffic patterns, substantially increase hazards due to a design feature, inadequate emergency access, conflict with adopted policies, plans or programs)

The Proposed Project includes residential and commercial uses. It is not of a nature and scope that would have the potential to result in a change in air traffic patterns at any airport in the City. Accordingly, there would be no project-specific or cumulative impacts in this issue area.

All ingress/egress associated with the Proposed Project will be designed and constructed in conformance with all applicable City Building and Safety Department and Fire Department standards. Moreover, the Proposed Project is not located near any sharp curves or dangerous intersections, is compatible with surrounding uses and will do nothing to adversely affect existing emergency access. Accordingly, the Proposed Project has no potential to result in project-specific or cumulative impacts associated with substantially increasing hazards due to a design feature or incompatible uses or emergency access.

As a mixed-use project located in proximity to several bus lines and bus stops, in an urban setting, the Proposed Project has no potential to result in project-specific or cumulative impacts attributable to conflicts with adopted policies, plans, or programs supporting alternative transportation.

13) Utilities and Service Systems (Exceed wastewater treatment requirements, comply with federal, state and local statutes and regulations relating to solid waste)

All wastewater associated with the Proposed Project would discharge to the local City sewer and would not discharge to any surface and groundwater sources. Moreover, the Proposed Project would comply with all applicable standards of the Los Angeles Regional Water Quality Control Board during operation. Accordingly, the Proposed Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board and project-specific and cumulative impacts in this issue area will be less than significant.

The Proposed Project will comply with all applicable federal, state, and local statutes and regulations related to solid waste and will participate in the City's recycling and waste reduction programs. Accordingly, it will not result in project-specific or cumulative impacts related to compliance with solid waste requirements.

**B. Impacts found not to be significant prior to mitigation.**

1) Aesthetics (Scenic Resources and Shade/Shadow)

The Proposed Project is not located along or within visual distance of a scenic highway or a scenic vista. Additionally, the Fairfax Theater building that currently exists at the Proposed Project Site is not a significant historical resource under CEQA, and the aspects of the building that are considered aesthetically pleasing will



be maintained, preplaced or improved. Accordingly, the Proposed Project will not impact any scenic resources and project-specific and cumulative impacts in this issue area will be less than significant prior to mitigation.

The Proposed Project does not include structures that exceed 60 feet in height. Therefore, the L.A. CEQA Threshold Guide does not technically require an analysis of impacts in this issue area. Nonetheless a shade/shadow analysis was provided for informational purposes and demonstrated that the Proposed Project would have less-than-significant shadow impacts during both summer and winter months. Based upon the foregoing, shade/shadow impacts will be less-than-significant prior to mitigation.

Of the 81 related projects analyzed for purposes of cumulative impacts, only 16 are in close proximity to the Proposed Project Site, none are close enough to the Proposed Project to create a cumulative shade/shadow impact. Therefore, cumulative shadow/shade impacts will also be less than significant prior to mitigation.

2) Air Quality (Air Quality Management Plan Consistency, Localized CO Hotspot Concentration, Toxic Air Contaminants)

The Proposed Project is consistent with the projections of employment, population and housing forecasts identified by SCAG and included in 2007 SCAQMD Air Quality Management Plan ("AQMP") growth projections. Furthermore, as a mixed-use project in an urbanized area, it will support the goals of the Wilshire Community Plan and the AQMP by developing housing and employment opportunities within close proximity to public transit. The mixed use character of the Proposed Project will also encourage residents to walk to neighborhood-serving retail uses (e.g. retail and restaurant facilities). For these reasons, the Proposed Project is planned in a way that will minimize VMT both within the Proposed Project area and the community in which the Proposed Project is located, thereby, minimizing emissions associated with traffic. For these reasons, the Proposed Project will not impair implementation of the SCAQMD AQMP.

Cumulative development can affect implementation of applicable air quality management plans. Because the Proposed Project is consistent with SCAG's growth projections, and would minimize the vehicle miles traveled within the community in which it is located, however, cumulative impacts in this issue area will also be less-than-significant prior to mitigation.

Operational air quality impacts will be generated by both stationary and mobile sources during day-to-day operations of the Proposed Project. Stationary source emissions would be generated by the consumption of natural gas for space and water heating devices, and the operation of landscape maintenance equipment. Mobile emissions would be generated by motor vehicles traveling to and from the Proposed Project site. Daily operational emissions associated with the Proposed Project were estimated using the URBEMIS 2007 computer model recommended by the SCAQMD, and then compared to applicable SCAQMD thresholds. Emissions estimates demonstrated that peak daily emissions generated during Proposed Project construction would not exceed SCAQMD threshold levels for any criteria pollutant during either the summer or the winter months. Therefore, air quality impacts associated with Proposed Project construction will be less than significant prior to mitigation.

Proposed Project operational emissions were also analyzed against SCAQMD's LSTs in order to determine whether the Proposed Project would cause or contribute

to adverse localized air quality impacts, exposing off-site sensitive receptors to substantial pollutant concentrations during operation. Using the closest receptor distance of 82 feet, the net operational emissions would not exceed SCAQMD localized thresholds for NOx (, CO, PM10, or PM2.5 at 82 feet and beyond. Thus, impacts in this issue area are less than significant prior to mitigation.

The South Coast Air Basin is currently in non-attainment for ozone, PM10 and PM2.5. Accordingly, cumulative development could violate an air quality standard or contribute to an existing or projected air quality violation. According to the SCAQMD, however, individual projects that do not exceed SCAQMD recommended thresholds will not cause cumulatively significant impacts. As discussed above, the Proposed Project will not exceed SCAQMD recommended thresholds for any criteria pollutant or SCAQMD LSTs during its operation. Therefore, cumulative impacts associated with operation-related emissions will also be less than significant prior to mitigation.

Potential impacts related to CO concentrations associated with motor vehicle traveled generated by the Proposed Project have been evaluated with the addition of traffic growth associated with related cumulative development. Using the simplified CALINE4 screening procedure to predict future CO concentrations in the Proposed Project study area, it was determined that future 1-hour and 8-hour CO concentrations would not exceed their respective national or state ambient air quality standards, and that when compared to the baseline none of the intersections studied would experience an incremental increase in CO concentrations greater than or equal to the State 1-hour or 8-hour CO standards. Therefore, the Proposed Project will not expose sensitive receptors to substantial CO concentrations and impacts in this issue area will be less than significant prior to mitigation.

Notwithstanding the above, it is also unlikely that future projects would combine with the Proposed Project to result in long-term future exposure of sensitive receptors to CO concentrations. CO levels in the vicinity of the Proposed Project site are projected to decline in the foreseeable future because of improvements in vehicle emission rates, as dictated by California Air Resources Board vehicle emissions standards. Therefore, cumulative impacts in this issue area will also be less than significant prior to mitigation.

Construction activities associated with the Proposed Project will be typical of other similar residential and commercial developments in the City, and will be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and federal level that will protect sensitive receptors. The nature of the development (residential and retail uses) dictates that it will not involve the use, storage, or processing of carcinogenic or non-carcinogenic toxic air contaminants ("TACs") and that no operational-related toxic airborne emissions would result from its implementation. Based upon the foregoing, impacts in this issue area will be less than significant prior to mitigation.

This issue is project specific in nature. Nonetheless, related projects will also be required to comply with applicable regulations relating to toxic air pollutants and siting. Therefore, cumulative impacts in this issue area are not expected, and will also be less than significant prior to mitigation.

### 3) Cultural Resources (Historic Resources)

The Proposed Project Site is not listed as a landmark at the national, state or local levels. Based on research and field inspection conducted in connection with the Fairfax Theater Historic Resource Report, the Fairfax Theater is ineligible for

individual listing at the national, state, or local levels because it is lacking in historical significance, architectural distinction, and physical integrity. In addition, the City's Cultural Heritage Commission determined that the building does not meet the criteria of the Cultural Heritage Ordinance for designation as a Historic-Cultural Monument. For these reasons, the building is not a significant historical resource under CEQA and impacts in this issue area will be less than significant.

Cumulative impacts in this issue area tend to be site-specific and are assessed on a site-by-site basis. There are no historic structures within the visual proximity of the Proposed Project Site or related projects and project-specific impacts in this issue area have been determined less than significant. Accordingly, cumulative impacts in this issue area will also be less than significant prior to mitigation.

4) Geology and Soils (Strong Seismic Groundshaking)

The Proposed Project is located in Southern California, a seismically active region. However, this hazard is common in the region, and as discussed above, the Proposed Project will be constructed in compliance with seismic requirements contained in the California Building Code and consistent with site-specific engineering recommendations meant to address this potential. In fact, adherence to current building codes and engineering practices dictates that Proposed Project structures will better withstand seismic events than existing buildings at the site. For the foregoing reasons, project-specific and cumulative impacts in this issue area will be less than significant prior to mitigation.

5) Greenhouse Gas (Emissions, Conflict with Applicable Plan, Policy or Regulation)

Construction and operational Greenhouse Gas (GHG) emissions have been estimated for the Proposed Project. As outlined in the Final EIR, construction and operation of the Proposed Project would result in a net increase of 839.53 metric tons of CO<sub>2</sub> equivalent emissions per year when compared to the future-without-project scenario.

Notwithstanding the above, the Proposed Project is consistent with the strategies contained in the 2006 CAT Report, the AB32 Scoping Plan and the L.A. Green Plan. Moreover, the Proposed Project Application is pursuing a LEED Silver certification. Accordingly it will incorporate energy conservation measures that go beyond those required by the City in order to exceed the minimum state energy requirements by 14 percent or more. Because the Proposed Project's emissions represent such a small percentage of total GHG emissions, and because Proposed Project design features will result in percentage reductions that exceed those contemplated as necessary to meet the goals of the 2006 CAT Report, the AB 32 Scoping Plan and the L.A. Green Plan, project-specific impacts in this issue area will be less than significant prior to mitigation.

For the reasons described above, the Proposed Project is not anticipated to result in cumulatively significant impacts either. Additionally, and as discussed in further detail above, the Proposed Project is consistent with applicable State, County, and City greenhouse gas emission goals. Moreover, related projects are anticipated to similarly comply with GHG goals and objectives. Therefore, the Proposed Project's contribution to cumulative GHG emissions and global climate change impacts is also considered less than significant prior to mitigation.

The Proposed Project incorporates numerous design features intended to reduce GHG emissions from the BAU scenario. Moreover, the Proposed Project will be constructed in accordance with requirements contained in the 2006 CAT Report, the

AB32 Scoping Plan and the L.A. Green Plan. Finally, because the Proposed Project applicant is pursuing a LEED Silver certification, the Proposed Project will incorporate energy efficiency measures that go beyond those required to meet applicable requirements. Accordingly, the Proposed Project will be consistent with all feasible and applicable strategies intended to reduce GHG emissions in California, and both project-specific and cumulative impacts in this issue area will be less than significant prior to mitigation.

6) Land Use Planning (Conflict with Applicable Plan, Policy, or Regulation)

The Proposed Project will generally conform to policies and objectives set forth in the Regional Comprehensive Plan and Guide, the Compass Blueprint 2% Strategy, the applicable Congestion Management Program, the City of Los Angeles General Plan, the Wilshire Community Plan, and Walkability Checklist Guidelines. The Proposed Project is consistent with the existing zoning. However, floor area ratio (FAR), height limitations, and yard/setbacks associated with the current zoning would not allow for development of as many as 71 residential units or a building height in excess of 45 feet. Therefore, the Proposed Project Applicant is requesting discretionary approvals related to zoning. With approval of the requested discretionary approvals, the Proposed Project would be consistent with Los Angeles Municipal Code zoning requirements. In addition, Proposed Project uses are compatible with existing surroundings. Actual uses nearby include residential and retail uses that are consistent with the Proposed Project, and would not be disrupted, divided, or isolated as a result of the Proposed Project. Therefore, impacts in this issue area will be less than significant prior to mitigation.

Cumulatively, the Proposed Project and other related projects would be consistent with, and would contribute to the residential and community commercial character of the area. Therefore, implementation of all related projects, also subject to applicable development standards and environmental review, would not result in significant impacts. Cumulative impacts in this issue area will be less than significant prior to mitigation.

7) Population and Housing (Induce Substantial Growth)

The Proposed Project site is located in a highly urbanized area of the City of Los Angeles that is served by existing roadways, utilities, and other infrastructure. The Proposed Project would not require the extension of roadways and other infrastructure into undeveloped areas. It is only expected to generate a net increase of 2 employees at the Proposed Project Site. Moreover, the type of employment associated with the Proposed Project can be accommodated by the existing work force available in the area. Accordingly, neither of these employees is anticipated to relocate and create demand for housing in the Proposed Project area. While the Proposed Project would result in temporary construction-related jobs, Proposed Project-related construction workers would not be expected to relocate their household's place of residence as a consequence of working on the Proposed Project. Based upon the foregoing, the Proposed Project it is not anticipated to generate substantial population growth, and impacts in this issue area will be less than significant prior to mitigation.

The residential component of the Proposed Project would result in an increase of approximately 211 residents at the Site. Based on existing land use and zoning regulations applicable to the Proposed Project Site, this is 122 more residents than the approximate planned residential population associated with the Site. Notwithstanding, the Proposed Project's location in a highly urbanized area of the City and its proximity to employment and retail centers and transit lines dictates that

the additional capacity the Proposed Project will create will draw from the existing residential population within the City and; therefore, that it will not induce substantial population growth. In addition, the Proposed Project would accommodate population growth and housing demand that would occur without the Proposed Project. Moreover, the Proposed Project's residential population would represent only approximately 0.05 percent of the anticipated 15-year population growth rate within the city and would not represent substantial increase in population. For all of the foregoing reasons, impact in this issue area would be less than significant prior to mitigation.

An analysis of related projects in the City of Los Angeles, and the growth anticipated by their prospective community plans determined that the Proposed Project together with anticipated related projects would not induce cumulatively significant cumulative growth in the Proposed Project's vicinity. Therefore, cumulative impacts in this issue area will be less than significant prior to mitigation.

8) Transportation and Traffic (Conflict with Applicable Plan, Ordinance, or Policies Relating to Performance of the Circulation System, Conflict with Applicable Congestion Management Program)

While the Proposed Project Site is located in an area with a relatively high level of pedestrian activity, safety measures have been incorporated into the Proposed Project that will reduce potential conflicts between pedestrians, bicyclists and vehicle drivers. These include: (1) Reconstruction of the sidewalks adjacent to the Proposed Project site to allow for easier pedestrian flow; (2) Installation of caution signage for bicyclists, pedestrians and drivers at the Proposed Project driveway; (3) Installation of mirrors at the Proposed Project driveway to allow drivers exiting the site to check for on-coming traffic; and (4) Installation of flashing lights at the Proposed Project driveway to indicate that a car is approaching the exit.

The Proposed Project will generate transit trips. However there are 15 transit lines adjacent or in close proximity to the Proposed Project site. Accordingly, giving the low number of transit trips that would be generated by the Proposed Project ~24, it is anticipated that all new transit trips can be accommodated by existing transit lines, and that there will be no impacts associated with mass transit.

During the Proposed Project's construction phase, the southbound lane of Fairfax Avenue would be temporarily closed for approximately nine months. Additionally, the four on-street parking spaces provided along this southbound lane would be temporarily unavailable. In order to ensure that this does not result in significant impacts, the Proposed Project will be required to install signage in appropriate locations to notify travelers of the lane closure. In addition, the Proposed Project Applicant will be required to implement any other measures required by the Los Angeles Department of Transportation at the time they apply for the permit required for the necessary road closure. Finally, and as alluded to above, the closure will be temporary. For all of the foregoing reasons, Proposed Project impacts related to in-street construction were also determined to be less than significant.

The Proposed Project Site currently has no parking spaces. The Proposed Project will provide 228 parking spaces, or approximately 2.5 parking spaces per dwelling unit. Parking requirements were analyzed under two different scenarios. Under the first, the Proposed Project requires 220 spaces. Accordingly, the 228 parking spaces being provided exceeds City parking requirements. Under the second, the Proposed Project would require 250 parking spaces. However, when a shared parking demand analysis was completed it was determined that the 228 parking

spaces being provided is actually adequate to meet peak parking demands. Based upon all of the information provided above, the amount of parking provided by the Proposed Project is more than adequate to meet peak parking demands, and impacts related to parking will be less than significant.

Each of the conclusions set forth above supports the conclusion that the Proposed Project will not result in significant environmental impacts as a result of a conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Proposed Project traffic was also analyzed together with that of related projects. Therefore, project-specific impacts in this issue area will be less than significant prior to mitigation. The cumulative impacts analysis determined that the Proposed Project would not result in cumulative impacts related to bicycle, pedestrian, and vehicular safety, transit, parking or in-street construction. Accordingly, cumulative impacts will also be less than significant prior to mitigation.

The net trip generation associated with the Proposed Project is an increase of 26 vehicle trips during the morning peak hour and a net increase of 46 vehicle trips during the afternoon peak hour, and a net overall increase of 493 daily trip ends during the typical weekday. When Proposed Project trips were assigned to the surrounding freeway and arterial systems, it was determined that the Proposed Project would not result in traffic increases that exceeded applicable thresholds. Moreover, a neighborhood street segment analysis determined that the Proposed Project would not result in any significant impact related to neighborhood intrusion. Accordingly, the Proposed Project does not conflict with an applicable congestion management program and impacts in this issue area will be less than significant prior to mitigation.

Proposed Project traffic increases were also analyzed in the cumulative context. When Proposed Project traffic was analyzed together with all traffic generated by related projects, it was determined that the Proposed Project will not result in cumulative impacts associated with intersection capacity or neighborhood intrusion either. Accordingly, cumulative impacts in this issue area will also be less than significant prior to mitigation.

9) Utilities and Service Systems (Wastewater, Natural Gas)

Based on calculations provided by the Bureau of Sanitation, the Proposed Project would generate a net increase of approximately 9,289 gallons of wastewater per day over existing conditions, and a net increase of approximately 6,089 gallons of wastewater per day over historical conditions. The Hyperion Treatment Plant has treatment capacity of 450 MGD and currently treats 340 MGD. Thus, it has a remaining capacity of 110 MGD and can adequately serve the Proposed Project, and no impacts related to wastewater treatment capacity will occur.

The existing flow capacity of the wastewater conveyance infrastructure that serves the Proposed Project also appears sufficient to serve the Proposed Project's needs. In addition, as part of the permit process, the Bureau of Sanitation will require the Proposed Project Applicant to conduct detailed gauging demonstrate the same. In the event said analysis determined upgrades were necessary, such upgrades were needed, they would be installed as part of the Proposed Project, and within the same alignment as the existing line within the street adjacent to the Proposed Project Site. Based on the foregoing, Proposed Project impacts related to wastewater infrastructure would also be less than significant.

Based upon the foregoing, all project-specific impacts related to wastewater will be less than significant prior to mitigation. Similar to the Proposed Project, applicants for related projects will be required to obtain a final approval from the Bureau of Sanitation for a sewer capacity connection permit. Moreover, the sewer line capacity for each related project will be evaluated on a case-by-case basis, and any upgrades will be implemented prior to issuance of any occupancy permits. Accordingly, cumulative impacts related to wastewater will also be less than significant prior to mitigation.

Proposed Project operation would result in the irreversible consumption and use of non-renewable natural gas. However, this use would be on a small scale, and consistent with regional and local growth expectations in the area. SoCal Gas has confirmed that it can accommodate the Proposed Project with existing natural gas infrastructure, and would not require construction of new facilities. Finally, the Proposed Project will be designed to reduce natural gas usage to the extent feasible, and will be consistent with energy standards. Thus, impacts related to natural gas usage will be less-than-significant prior to mitigation.

While the Proposed Project together with other related projects would represent a cumulative increase in natural gas usage, SoCal Gas has the capacity to serve this cumulative demand. Each related project is also expected to be consistent with building energy efficiency requirements in Title 24 and with other Federal, state and local requirements that will reduce usage. Accordingly, cumulative impacts in this issue area will be less-than-significant prior to mitigation.

- C. Impacts found not to be significant prior to mitigation, where mitigation is nonetheless provided to further reduce impacts.** The following effects associated with the Proposed Project were analyzed in the Final EIR and found not to be significant prior to mitigation. Nonetheless, mitigation measures have been incorporated to further reduce these effects.

**1) Aesthetics (Visual Character)**

The Proposed Project includes maintaining the street-facing elevations that contain characteristic Art Deco features at the Proposed Project site. In addition, the Proposed Project would improve the aesthetics at the Proposed Project site by improving and replacing non-original aspects that are currently in place and removing large billboards. Overall, the proposed Project would produce a structure that reflects the Art Deco architecture that has been present at the site for many decades and provides a visual continuity between the land uses at the site, and surrounding uses. Accordingly, impacts to the visual character and quality of the site would be less than significant prior to mitigation.

Nonetheless, Mitigation Measures IB-1 through B-5 are included to further reduce impacts and reflect good planning and design practices currently promoted by the City.

- 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. **(MM B-1)**

- The proposed structure shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation, or other similar material, pursuant to LAMC Section 91.8104. **(MM B-2)**
- The exterior of the proposed structure shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91.8104. **(MM B-3)**
- On-site signs shall be limited to the maximum allowable under the LAMC. **(MM B-4)**
- Multiple temporary signs in the store windows and along the building walls shall not be permitted. **(MM B-5)**

Although the Proposed Project would not result in significant impacts related to Aesthetics, and would not impact the visual character and quality of the Proposed Project Site prior to the implementation of mitigation measures, changes or alternations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts related to the visual character and quality of the site as identified in the Final EIR.

The Proposed Project is not anticipated to change the character of the Site in a manner that would result in significant impacts associated with visual quality and character. The Proposed Project will improve the visual character of the Proposed Project site by maintaining and the Art Deco façade that currently exists, and removing and replacing the non-uniform, varying signage associated with the storefronts along Beverly Boulevard and Fairfax Avenue, as well as the large billboards that currently stand on top of the existing structure. The Development Project represents a substantial aesthetic improvement as compared to the existing structure.

The Proposed Project together with related projects would result in an intensification of land uses in the already urbanized City. Nonetheless, the growth in the Proposed Project area will continue to be guided by the General Plan and, therefore, it is not anticipated that the Proposed Project would combine with any related projects to create a cumulatively considerable affect. Therefore, with implementation of the above mitigation measures, project-specific and cumulative impacts would remain at less than significant levels.

## 2) Cultural Resources (Archeological, Paleontological, Human Remains)

### *Archeological Resources*

The Proposed Project Site is in an urbanized area and has been previously developed and; therefore, the soils beneath the site are likely disturbed. According to a records search conducted by the South Central Coastal Information Center, there are no designated archaeological sites or survey areas within or adjacent to the Proposed Project Site. While the aforementioned facts dictate that the likelihood of uncovering unknown archaeological resources is very low and, therefore, potential impacts are considered less than significant prior to mitigation, the City requires implementation of standard mitigation measures to ensure that should archaeological resources be uncovered, they are treated appropriately.



- o If any archaeological materials are encountered during the course of Project development, all further development activity shall halt and:
  - g. 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.
  - h. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  - i. The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
  - j. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:  
SCCIC Department of Anthropology  
McCarthy Hall 477  
CSU Fullerton  
800 North State College Boulevard  
Fullerton, CA 92834
  - k. 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.
  - l. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit. **(MM A-1)**

Although the Proposed Project would not result in significant impacts related to archeological resources prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon archeological resources as identified in the Final EIR.

Proposed Project activities are not anticipated to disturb archeological resources. The Proposed Project together with related projects could, however, result in the increased potential for encountering archaeological resources in the Proposed Project vicinity. Not all archaeological resources are of equal value, however, therefore, an increase in the frequency of encountering resources does not necessarily imply an adverse impact. Moreover, each related project will be required to implement standard mitigation measures identical to or equivalent to those required in connection with the Proposed Project. For these reasons, with implementation of the above mitigation measures, project-specific and cumulative impacts will be less-than-significant.

#### *Paleontological Resources*

The Proposed Project site is in an urbanized area and has been previously developed. According to a record search conducted by the Natural History Museum, there are no known designated paleontological resources within the Proposed Project Site. There have, however, been significant paleontological resources found in the Proposed Project area, including one site to the east, and one site to the west. Moreover, the La Brea Tar Pits are located approximately one mile to the southeast. The aforementioned facts dictate that the likelihood of uncovering unknown paleontological resources is very low, but there is at least some potential for

encountering fossils. Potential impacts are considered less than significant prior to mitigation. However, the City requires implementation of standard mitigation measures to ensure that should paleontological resources be uncovered, they are treated appropriately.

- If any paleontological materials are encountered during the course of the Project development, the Project shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology – University of Southern California (USC), UCLA, Cal State Los Angeles, Cal State Long Beach, or the Los Angeles County Natural History Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum. A covenant and agreement shall be recorded prior to obtaining a grading permit. **(MM A-2)**

Although the Proposed Project would not result in significant impacts related to paleontological resources prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon paleontological resources as identified in the Final EIR.

Proposed Project activities are not anticipated to disturb paleontological resources. The Proposed Project together with related projects could, however, result in the increased potential for encountering paleontological resources in the Proposed Project vicinity. Not all paleontological resources are of equal value, however, therefore, an increase in the frequency of encountering resources does not necessarily imply an adverse impact. Moreover, each related project will be required to implement standard mitigation measures identical to or equivalent to those required in connection with the Proposed Project. For these reasons, with implementation of the above mitigation measures, Proposed Project-specific and cumulative impacts will be less-than-significant.

#### *Human Remains*

The Proposed Project site is in an urbanized area and has been previously developed. While the aforementioned facts dictate that the likelihood of uncovering unknown human remains is very low, there is at least some potential for encountering unknown human remains during excavation and grading activities. Potential impacts are considered less than significant prior to mitigation. However, the City requires implementation of standard mitigation measures to ensure that should human remains be uncovered, they are treated appropriately.

- If human remains are discovered at the Project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City Public Works Department and County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. **(MM A-3)**

Although the Proposed Project would not result in significant impacts related to human remains prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed

Project which further reduce these less than significant impacts upon human remains as identified in the Final EIR.

Proposed Project activities are not anticipated to disturb human remains. The Proposed Project together with related projects could, however, result in the increased potential for encountering human remains in the Development Project vicinity. The potential for encountering and handling human remains is a project-specific issue. Therefore, any increase is not necessarily indicative of an adverse impact. Moreover, each related project will be required to implement standard mitigation measures identical to or equivalent to those required in connection with the Proposed Project. For these reasons, with implementation of the above mitigation measures, project-specific and cumulative impacts will be less than significant.

### 3) Hydrology and Water Quality (Water Quality)

During construction, sediment is typically the constituent of greatest potential concern. However, sediment is not typically a constituent of concern during the long-term operation of developments like the Proposed Project that include paving and proper installation of drainage infrastructures. The Proposed Project applicant will prepare and implement a Standard Urban Stormwater Mitigation Plan (SUSMP) in accordance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity. This SUSMP would detail the treatment measures, housekeeping measures and BMPs that will be implemented during the construction and post-construction phases of the Proposed Project. Preparation and implementation of the SUSMP will ensure that the Proposed Project will not violate water quality standards and that the water quality impacts of the Proposed Project will be less than significant prior to the implementation of mitigation. Nonetheless, City standard mitigation measures have been incorporated into the Proposed Project.

- Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity. **(MM H-1)**
- Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. **(MM H-2)**
- Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting. **(MM H-3)**
- 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 shall be discarded at a licensed regulated disposal site. **(MM H-4)**

- 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. **(MM H-5)**
- Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible. **(MM H-6)**
- Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting. **(MM H-7)**
- The Project Applicant shall implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook, Part B, Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be required. **(MM H-8)**
- Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. **(MM H-9)**
- The amount of impervious surface shall be reduced to the extent feasible 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). **(MM H-10)**
- A roof runoff system shall be installed, as feasible, where site is suitable for installation. **(MM H-11)**
- Messages shall be painted that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets. **(MM H-12)**
- Materials with the potential to contaminate stormwater shall be placed in an enclosure such as a cabinet or shed. **(MM H-13)**
- Storage areas shall be paved and sufficiently impervious to contain leaks and spills. **(MM H-14)**
- An efficient irrigation system shall be designed and implemented to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers. **(MM H-15)**
- The owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the property's owner(s), heirs or assigns to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions. This condition shall be fulfilled prior to issuance of any building permit. **(MM H-16)**

- Toxic wastes shall be discarded at a licensed regulated disposal site. **(MM H-17)**
- Wastes including paper, glass, aluminum, oil, and grease shall be recycled to the extent feasible. **(MM H-18)**

Although the Proposed Project would not result in significant impacts related to water quality prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to water quality as identified in the Final EIR.

In addition to complying with each of the mitigation measures set for the above, the Proposed Project would also comply with the SUSMP as set forth above. Accordingly, Development Project impacts will be less than significant. With respect to cumulative impacts, related projects are also located in an urbanized area where most of the surrounding properties are already developed and an existing storm drainage system exists. Moreover, new development will be required to undergo a case-by-case review and implement mitigation measures similar to those proposed in connection with the Development Project. Therefore, both project-specific and cumulative impacts in these issue areas will be less than significant.

#### 4) Noise (Operational)

The Proposed Project will not expose persons to or generate noise in excess of standards established in applicable plans, ordinances or standards during its operation. Sources that would generate noise during the Proposed Project's operation, e.g. rooftop HVAC equipment, parking and traffic generated by the Proposed Project would not generate noise that exceeds applicable thresholds. Accordingly, it will not result in a substantial permanent increase in ambient noise levels in the Proposed Project vicinity. In addition, it will not expose people to or generate excessive groundborne vibration. Accordingly, these impacts are considered less than significant prior to mitigation. Nonetheless, the City requires implementation of the following standard mitigation measures to ensure that all operational noise impacts will remain less than significant.

- All exterior windows associated with the proposed residential uses at the Project site shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, of alternative means of sound insulation sufficient to mitigate interior noise levels to below a CNEL of 45 dBA in any habitable room. **(MM J-11)**
- The Project Applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. **(MM J-12)**

Although the Proposed Project would not result in significant impacts related to operational noise prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed

Project which further reduce these less than significant impacts related to noise as identified in the Final EIR.

The DEIR analyzed the potential for noise increases associated with rooftop HVAC equipment, the Proposed Project's parking facility and traffic generated by the Proposed Project. It determined that the noise generated by these sources would fall below applicable thresholds and that noise impacts associated with the Proposed Project would be less than significant prior to mitigation. In addition, the above mitigation measure was incorporated into the Proposed Project to further reduce these less than significant impacts.

Development of the Proposed Project in combination with ambient growth and other development projects within the vicinity was considered. As noise is a localized phenomenon, and decreases in magnitude as distance from the source increases, only related projects in the very nearby area could combine with the Proposed Project to generate noise during operation. As the Proposed Project is not expected to generate any significant noise during operation and related projects are anticipated to incorporate design features and mitigation measures intended to reduce the same below levels of significance, cumulative impacts are also expected to be less than significant prior to implementation of mitigation.

5) Public Services (Fire, Police, Schools, Parks and Recreation)

*Fire*

The Proposed Project would introduce approximately 211 new permanent residents to the Site. This increase could generate an increased demand for fire protection services. That said, LAFD has indicated that the Proposed Project is within a 3.0-mile radius of three fire stations with response distance and times that meet applicable performance standards, and that these response times and performance standards would not be affected by implementation of the Proposed Project. Additionally, the Proposed Project will comply with applicable Fire Code Policies. Accordingly, Proposed Project impacts in this issue area will be less than significant prior to implementation of mitigation.

- During demolition and construction, LAFD access from major roadways and internal roadways shall remain clear and unobstructed. **(MM L-1)**
- The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the proposed Project, for review and approval, which shall provide the capacity of the fire mains serving the Project site. Any required upgrades shall be identified and implemented prior to occupancy of the proposed Project. **(MM L-2)**
- The design of the Project site shall provide adequate access for LAFD equipment and personnel to the structure. **(MM L-3)**
- No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit. **(MM L-4)**
- The applicant shall submit plot plans for LAFD approval of access and fire hydrants. **(MM L-5)**

- The Project shall provide adequate off-site public and on-site private fire hydrants. **(MM L-6)**

Although the Proposed Project would not result in significant impacts related to fire services prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to fire services as identified in the Final EIR.

The Proposed Project may increase the need for fire protection services in its vicinity. However, LAFD has determined that it can accommodate any such increased need without compromising response times. Moreover, the aforementioned City standard mitigation measures have been incorporated, and will ensure that the less than significant impacts of the Proposed Project are reduced even further. While the Proposed Project could work in concert with related projects to result in cumulative impacts related to fire services, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Moreover, both the Proposed Project and related projects will result in increased tax revenue that can be utilized to fund any additional infrastructure or personnel necessary to meet increased needs. Accordingly both project-specific and cumulative impacts related to fire protection will be less than significant prior to mitigation.

#### *Police*

The Proposed Project would introduce approximately 211 new permanent residents to the Site. This increase could generate an increased demand for police protection services. That said, LAPD has indicated that the Proposed Project would have a minimal impact on police protection services. Furthermore, compliance with standard LAPD requirements would reduce the Proposed Project's impacts further. Accordingly, Proposed Project impacts in this issue area will be less than significant prior to implementation of mitigation.

- The Project site plans shall incorporate the design guidelines relative to security, semi-public and private spaces, that may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project site, if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the LAPD. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the LAPD prior to the issuance of building permits. **(MM L-7)**
- Upon completion of the proposed Project, the applicant shall provide LAPD's Wilshire Community Police Station's Commanding Officer with a diagram of all portions of the Project site that includes access routes and any other applicable information that may facilitate police response. **(MM L-8)**

Although the Proposed Project would not result in significant impacts related to police protection services prior to the implementation of mitigation

measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to police services as identified in the Final EIR.

The Proposed Project may increase the need for police protection services in its vicinity. However, LAPD has determined that it can accommodate any such increased need without compromising existing services. Moreover, the aforementioned City standard mitigation measures have been incorporated, and will ensure that the less than significant impacts of the Proposed Project are reduced even further. While the Proposed Project could work in concert with related projects to result in cumulative impacts related to police protection services, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Moreover, both the Proposed Project and related projects will result in increased tax revenue that can be utilized to fund any additional infrastructure or personnel necessary to meet increased needs. Accordingly both project-specific and cumulative impacts related to police protection will be less than significant prior to mitigation.

#### *Schools*

The Proposed Project will generate a total of approximately 28 students. However, it is likely that some of the students generated by the Proposed Project would already reside in the area served by LAUSD and would already be enrolled in LAUSD schools. Notwithstanding, the DEIR conservatively assumed that all student generated by the Proposed Project would be new to LAUSD. Even using this assumption, the DEIR demonstrated that all schools in the vicinity of the Proposed Project have sufficient capacity to serve the student generated by the Proposed Project. Therefore, impacts in this issue area are less than significant prior to mitigation. Payment of school fees established by LAUSD is required in accordance with existing rules and regulations. The payment of these fees would further mitigate the Proposed Project's direct and indirect impact on schools.

- The applicant shall pay school fees to the LAUSD. **(MM L-9)**

Although the Proposed Project would not result in significant impacts related to schools prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to schools as identified in the Final EIR.

The Proposed Project will generate students that will matriculate at LAUSD schools. However, as explained in the Final EIR, LAUSD has capacity to accommodate these additional students without compromising existing services. Moreover, as required by law, the Proposed Project will pay school fees to the LAUSD, which will ensure that the less than significant impacts of the Proposed Project are reduced even further. While the Proposed Project could work in concert with related projects to result in cumulative impacts related to schools, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Moreover, both the Proposed Project and related projects will result in increased tax revenue that can be utilized to fund any additional infrastructure or personnel necessary to meet increased needs. Both project-specific and cumulative impacts related to schools will be less than significant prior to mitigation.



*Parks and Recreation*

The Proposed Project would introduce approximately 211 residents to the Proposed Project site. The Proposed Project area is currently served by a number of parks and recreation facilities that are located within two miles of the Proposed Project site. Moreover, the Proposed Project includes recreational amenities consisting of a swimming pool, men/women bathrooms, and a recreation room. It also includes approximately 10,684 square feet of open space, which exceeds the open space requirements of the Los Angeles Municipal Code by 3,584 square feet. Considering all of the above, the Proposed Project's impact on parks and recreational facilities is anticipated to be less than significant prior to mitigation. Nonetheless, the following measure was incorporated into the Proposed Project and will further reduce its impacts.

- The Project Applicant shall pay all applicable fees associated with the construction of the proposed Project, including but not necessarily limited to, Quimby fees. **(MM L-10)**

Although the Proposed Project would not result in significant impacts related to parks and recreation prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to parks and recreation as identified in the Final EIR.

The Proposed Project will generate new residents, increasing demand for parks and other recreational facilities in its vicinity. However, it also includes recreational facilities and open space, the number of residents the Proposed Project is expected to generate will not lead to substantial deterioration of existing parks and recreational facilities, and the Proposed Project will pay Quimby fees as required by the aforementioned mitigation measure. This will ensure that the less than significant impacts of the Proposed Project are reduced even further. While the Proposed Project could work in concert with related projects to result in cumulative impacts related to parks and recreation, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Moreover, both the Proposed Project and related projects will result in increased tax revenue that can be utilized to fund any additional infrastructure or personnel necessary to meet increased needs. Both project-specific and cumulative impacts related to parks and recreation will be less than significant prior to mitigation.

6) Utilities and Service Systems (Water, Landfills, Electricity)

*Water*

The Proposed Project would result in a net water consumption increase of approximately 11,100 gallons per day over existing conditions, and a net increase of approximately 7,100 over historical conditions. As explained in the DEIR, the LAA Filtration Plant has remaining capacity that is sufficient to accommodate the water consumption increase resulting from the Proposed Project. Accordingly, impacts related to water treatment will be less than significant prior to mitigation.

SB 610 does not require preparation of a water supply assessment for a project the size of the Proposed Project. Accordingly, impacts in this issue area were assessed using the UWMP prepared by DWP. The Proposed Project would result in a net

water consumption increase of approximately 7,100 gallons per day, or 524 gallons of water per day more than a project consistent with the current zoning at the Proposed Project site would generate. Although the consumption numbers are slightly greater than anticipated, the water consumption associated with the Proposed Project is not great enough to require acquisition of additional water supplies. Accordingly, impacts in this issue area are considered less than significant prior to mitigation. Notwithstanding this conclusion, however, the Proposed Project would be required to comply with the City's water conservation measures, as contained in mitigation measures, which would further reduce its less than significant impacts.

- The landscaped irrigation system shall be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets. Each zone (sprinkler valve) shall water plants having similar watering needs (do not mix shrubs, flowers, and turf in the same watering zone).
- Automatic irrigation timers shall be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times shall be adjusted for all zones seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property.
  - a. The irrigation systems shall also meet the following requirements:
  - b. Weather-based irrigation controller with rain shutoff;
  - c. Flow sensor and master valve shutoff (large landscapes);
  - d. Matched precipitation (flow) rates for sprinkler heads;
  - e. Drip/microspray/subsurface irrigation where appropriate;
  - f. Minimum irrigation system distribution uniformity of 75 percent;
  - g. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
  - h. Use of landscaping contouring to minimize precipitation runoff.**(MM N-1)**
- Drought-tolerant, low water consuming plant varieties shall be used to reduce irrigation water consumption. For a list of these plant varieties, refer to Sunset Magazine, October 1988, "The Unthirsty 100," pp. 74-83, or consult a landscape architect. **(MM N-2)**
- The Project Applicant shall use recycled water (where available) for appropriate end uses (irrigation, cooling towers, sanitary). **(MM N-3)**
- The Project Applicant shall install ultra-low-flush high-efficiency toilets (1.28 gallons/flush or less, includes dual flush), ultra-low-flush high-efficiency urinals (0.5 gallons/flush or less, includes waterless), and water-saving showerheads (2.0 gallons/minute or less). Low flow faucet aerators shall be installed on all sink faucets with a faucet flow rate of 1.5 gallons/minute or less. **(MM N-4)**
- Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). Cooling towers shall be operated at a minimum of 5.5 cycles of concentration. **(MM N-5)**

- The Project Applicant shall install domestic water heating systems located in close proximity to point(s) of use. Tank-less and on-demand water heaters shall be used as feasible. **(MM N-6)**
- The Project Applicant shall install high-efficiency clothes washers (water factor of 6.0 or less) where clothes washers are provided and high-efficiency dishwashers (Energy Star rated) shall be installed where dishwashers are provided. Water conserving clothes washers and dishwashers are now available from many manufacturers. Water savings also represent energy savings, in that the water saved by these appliances is typically heated. **(MM N-7)**
- Single-pass cooling shall be prohibited. **(MM N-8)**
- The Project Applicant shall install metering systems as follows:
  - a. All dwelling units shall have individual metering and billing for water use; and
  - b. All irrigated landscapes of 5,000 square feet or more require separate metering or submetering. **(MM N-9)**

Although the Proposed Project would not result in significant impacts related to water treatment or water supplies prior to the implementation of mitigation measures, changes or alterations have nonetheless been incorporated into the Proposed Project which further reduce these less than significant impacts related to water treatment and water supplies as identified in the Final EIR.

The Proposed Project can be served by existing water treatment facilities and existing water supplies. Notwithstanding, the Proposed Project will implement the aforementioned mitigation measures, which will ensure that its less than significant impacts in these issue areas will be reduced even further. Implementation of the Proposed Project in conjunction with related projects and regional growth will result in a net increase in demand for water supplies and wastewater treatment. However, the Metropolitan Water District and Los Angeles Department of Water and Power have indicated that they can meet this increased demand. Moreover, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required to implement similar mitigation measures. Both project-specific and cumulative impacts related to water treatment and water supply will be less than significant prior to mitigation.

#### *Landfill Capacity*

The Proposed Project requires demolition that will generate construction debris. The demolition and construction debris associated with the Proposed Project would primarily be classified as inert waste and would be recycled to the extent possible. The remaining debris will be disposed of at Peck Road Grave Pit, which has been demonstrated to have capacity to serve the Proposed Project. Accordingly, impacts related to landfill capacity during construction will be less than significant prior to mitigation.

During its operation the Proposed Project will generate approximately 0.16 tons of solid waste per day. This constitutes a net increase of 0.14 tons per day, and a net decrease of 0.11 tons per day over historic conditions. In accordance with City requirements, the Proposed Project incorporates waste recycling areas and will divert waste from local landfills through waste reduction and recycling. Accordingly,

it will ultimately demand less landfill capacity and waste hauling than the land uses that currently exist at the Proposed Project Site. For these reasons, impacts related to landfill capacity during operation will also be less than significant prior to mitigation. Nonetheless, the following mitigation measure has been incorporated into the Proposed Project.

- Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable materials. **(MM N-10)**

Although the Proposed Project would not result in significant impacts related to landfill capacity prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon landfill capacity as identified in the Final EIR.

The Proposed Project, together with related projects will increase total waste generation in its vicinity. However, local landfills have sufficient capacity to accommodate construction and operation waste, and recycling measures are incorporated into the Proposed Project. In addition, cumulative impacts are not anticipated to be significant because local landfills have the capacity to accommodate all waste generated by the Proposed Project and related projects. In addition, like the Proposed Project, all related projects will be required to comply with requirements that require diverting at solid waste generated from landfills through waste reduction and recycling. Cumulative impacts will also be less than significant prior to mitigation.

#### *Electricity*

The Proposed Project is not anticipated to result in significant impacts related to electricity. The Proposed Project would not require new (off-site) energy supply facilities and distribution infrastructure. Moreover, Proposed Project design features such as those required to obtain LEED certification and incorporation of energy conservation measures beyond those required by the City to exceed the minimum State energy conservation requirements, such as those established by Title 24 would help alleviate electrical demand. Notwithstanding the above, it has also been determined that the Proposed Project's annual electricity demand can be served by existing Los Angeles Department of Water and Power supplies. Therefore, impacts related to electricity usage will be less than significant prior to mitigation. Notwithstanding, the following mitigation measure has been incorporated into the Proposed Project.

- Windows shall be designed to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather (e.g., tinting, double pane glass, etc.). **(MM N-11)**
- Thermal insulation that exceeds requirements established by the State of California Energy Conservation Standards shall be installed in walls and ceilings. **(MM N-12)**
- High-efficiency lamps shall be installed for all outdoor security lighting. **(MM N-13)**

- Time control interior and exterior lighting shall be installed. These systems shall be programmed to account for variations in seasonal daylight times. **(MM N-14)**
- Exterior walls shall be finished with light-colored materials and high-emissivity characteristics to reduce cooling loads. Interior walls shall be finished with light-colored materials to reflect more light and thus increase lighting efficiency. **(MM N-15)**
- If applicable, the Applicant shall coordinate with DWP and fund the installation of upgraded facilities as needed to maintain an adequate electricity distribution system and/or to connect the Project site to the surrounding infrastructure. **(MM N-16)**
- Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations. **(MM N-17)**
- Install high-efficiency air conditioning controlled by a computerized energy-management system in the retail spaces that provides the following:
  - a. A variable air-volume system that results in minimum energy consumption and avoids hot water energy consumption for terminal reheat;
  - b. A 100-percent outdoor air-economizer cycle to obtain free cooling in appropriate climate zones during dry climatic periods;
  - c. Sequentially staged operation of air-conditioning equipment in accordance with building demands; and
  - d. The isolation of air conditioning to any selected floor or floors. **(MM N-18)**
- Consider the applicability of the use of thermal energy storage to handle cooling loads. **(MM N-19)**
- Cascade ventilation air from high-priority areas before being exhausted, thereby decreasing the volume of ventilation air required. For example, air could be cascaded from occupied space to corridors and then to mechanical spaces before being exhausted. **(MM N-20)**
- Recycle lighting system heat for space heating during cool weather. Exhaust lighting-system heat from the buildings via ceiling plenums to reduce cooling loads in warm weather. **(MM N-21)**
- Install low and medium static-pressure terminal units and ductwork to reduce energy consumption by air-distribution systems. **(MM N-22)**
- Ensure that buildings are well sealed to prevent outside air from infiltrating and increasing interior space-conditioning loads. Where applicable, design building entrances with vestibules to restrict infiltration of unconditioned air and exhausting of conditioned air. **(MM N-23)**
- A performance check of the installed space-conditioning system should be completed by the developer/install prior to issuance of the Certificate of

Occupancy to ensure that energy-efficiency measures incorporated into the proposed Project operate as designed. **(MM N-24)**

- Finish exterior walls with light-colored materials and high-emissivity characteristics to reduce cooling loads. Finish interior walls with light-colored materials to reflect more light and thus, increase lighting efficiency. **(MM N-25)**
- Use a white reflective material for roofing meeting California standards for reflectivity and emissivity to reject heat. **(MM N-26)**
- Install thermal insulation in walls and ceilings that exceeds requirements established by the California Code of Regulations. **(MM N-27)**
- Design window systems to reduce thermal gain and loss, thus reducing cooling loads during warm weather and heating loads during cool weather. **(MM N-28)**
- Install heat-rejecting window treatments, such as films, blinds, draperies, or others on appropriate exposures. **(MM N-29)**
- Install whenever possible fluorescent and high-intensity-discharge (HID) lamps that give the highest light output per watt of electricity consumed, including all street and parking lighting to reduce electricity consumption. Use reflectors to direct maximum levels of light to work surfaces. **(MM N-30)**
- Install photosensitive controls and dimmable electronic ballasts to maximize the use of natural daylight available and reduce artificial lighting load. **(MM N-31)**
- Install occupant-controlled light switches and thermostats to permit individual adjustment of lighting, heating, and cooling to avoid unnecessary energy consumption. **(MM N-32)**
- Install time-controlled interior and exterior public area lighting limited to that necessary for safety and security. **(MM N-33)**
- Control mechanical systems (heating, ventilation, and cooling and lighting) in the building with timing systems to prevent accidental or inappropriate conditioning or lighting of unoccupied space. **(MM N-34)**
- Incorporate windowless walls or passive solar inset of windows into the proposed Project for appropriate exposures. **(MM N-35)**
- Design the proposed Project to focus pedestrian activity within sheltered outdoor areas. **(MM N-36)**

Although the Proposed Project would not result in significant impacts related to electricity prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Proposed Project which further reduce these less than significant impacts upon electricity as identified in the Final EIR.

The Proposed Project will not result in impacts related to electricity. Moreover, the aforementioned mitigation measure has been incorporated to further reduce its less

than significant impacts in this issue area. While the Proposed Project together with other related projects would represent a cumulative increase in electricity usage, LADWP has the capacity to serve this cumulative demand. Each related project is also expected to be consistent with building energy efficiency requirements in Title 24 and with other Federal, state and local requirements that will reduce usage. Accordingly, cumulative impacts in this issue area will also be less than significant prior to mitigation.

#### **D. Potential significant impacts mitigated to less-than-significant levels**

##### **1) Air Quality (Construction)**

The Proposed Project will generate construction-related emissions during demolition, excavation, grading and the construction of the proposed residential and retail uses. An analysis of regional daily construction emissions was prepared utilizing the URBEMIS 2007 computer model. It determined that construction-related daily emissions would exceed the regional emissions thresholds for NO<sub>x</sub> during the site grading and excavation phases, a potentially significant impact. The NO<sub>x</sub> emissions generated during these phases of the Proposed Project would also be cumulatively considerable.

The peak daily emissions of the other five criteria pollutants would not exceed the SCAQMD significance thresholds during any of the construction phases.

Additionally, it was determined that construction emissions would not exceed the established SCAQMD localized threshold for NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub>.

Therefore, the localized air quality impacts resulting from construction emissions would also be less than significant.

- During the Project's excavation phase, the Project Applicant shall limit the total number of daily truck trips (round trips) to a maximum of 105. **(MM C-1)**
- 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. **(MM C-2)**
- The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. **(MM C-3)**
- All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. **(MM C-4)**
- All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust. **(MM C-5)**
- All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 miles per hour), so as to prevent excessive amounts of dust. **(MM C-6)**
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. **(MM C-7)**

- Signs shall be posted around the Project site that instruct construction workers to not allow any engines of any construction equipment or vehicle to idle for longer than 5 minutes. **(MM C-8)**
- For the commercial portion of the proposed Project - 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. **(MM C-9)**
- For the residential portion of the proposed Project- An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety. **(MM C-10)**
- To the extent feasible, during Project construction, all internal combustion engines/construction, equipment operating on the Project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following: **(MM C-11)**
- All off-road diesel-powered construction equipment greater than 50 horse power shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horse power shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horse power shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the Project Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- The Project Applicant shall encourage the Project Construction Contractor to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-



road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website:

- o <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to construction emissions, as identified in the Final EIR, to a less-than-significant level.

Grading and excavation activities to accommodate the proposed residential and retail and the subterranean parking structure would be expected to occur and generate construction emissions. Mitigation measures will ensure that all potentially significant construction impacts and cumulative impacts related to construction NOx emissions will be reduced to a less than significant level. All other construction related emissions impacts will be less than significant prior to mitigation.

2) Geology and Soils (Seismic Related Ground Failure/Liquefaction, Expansive Soils)

***Geology and Soils (Seismic Related Ground Failure/Liquefaction)***

The soil strata between 10 to 17 feet bgs at the Proposed Project site are susceptible to liquefaction and related effects. Without removal of the liquefiable soil layers and proper soil engineering during the Project's construction phase, impacts related to liquefaction could be potentially significant.

- o The design and construction of the proposed Project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety. **(MM E-1)**
- o Prior to the issuance of building or grading permits, the applicant shall submit a final geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The final geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, expansive soils, and discuss mitigation measures that may include building design consideration. **(MM E-2)**
- o Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. **(MM E-3)**

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to geologic/soil instability and liquefaction, as identified in the Final EIR, to a less-than-significant level.

While the Geotechnical Investigation concluded that there was a potential for impacts related to soil stability and liquefaction, it also concluded that with

implementation of project-specific design and construction recommendations, as summarized in the proposed mitigation measures and in the Preliminary Geotechnical Report, impacts could be reduced to a less than significant level. The Proposed Project will also be required to be constructed in accordance with the 2008 City of Los Angeles Building Code, the City's Planning and Zoning Code, and any additional site-specific recommendations by the City's Department of Building and Safety. For the foregoing reasons, Proposed Project impacts related to these issues will be less than significant after implementation of proposed mitigation.

With respect to cumulative impacts, related projects may also present dangers associated with soil stability and liquefaction. Such impacts would be directly related to the conditions present at each individual related site, however, and each such related site would be subject to review intended to determine if site-specific characteristics require implementation of mitigation. Moreover, they will also be constructed in accordance with the aforementioned City requirements. Therefore, with implementation of proposed mitigation both project-specific and cumulative impacts in these issue areas will be less than significant.

#### *Expansive Soils*

Laboratory testing on a mixture of soils taken from 37 to 47 feet bgs at the Proposed Project site indicates a "medium" soil expansion potential. The high groundwater table level at the Site dictates that soil expansion may not be a critical factor for purposes of retaining wall design and construction. In order to confirm this however, during construction activities, it is recommended that additional testing be completed. If it is determined during this additional testing that soils have a high expansion potential, impacts related to expansive soils would be potentially significant.

Mitigation – see above

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to expansive soils, as identified in the Final EIR, to a less than significant level.

The Geotechnical Investigation concluded that there was a potential for impacts expansive soils, it also concluded that with implementation of project-specific design and construction recommendations, as summarized in the proposed mitigation measures and in the Preliminary Geotechnical Report, impacts could be reduced to a less than significant level. The Proposed Project will also be required to be constructed in accordance with the 2008 City of Los Angeles Building Code, the City's Planning and Zoning Code, and any additional site-specific recommendations by the City's Department of Building and Safety. For the foregoing reasons, Proposed Project impacts related to these issues will be less than significant after implementation of proposed mitigation.

With respect to cumulative impacts, related projects may also present dangers associated with expansive soils. Such impacts would be directly related to the conditions present at each individual related site, however, and each such related site would be subject to review intended to determine if site-specific characteristics require implementation of mitigation. Moreover, they will also be constructed in accordance with the aforementioned City requirements.

Therefore, with implementation of proposed mitigation both project-specific and cumulative impacts in these issue areas will be less than significant.

### 3) Hazards and Hazardous Materials (Risk of upset/accident)

Prior to development of the proposed mixed-use building, the Fairfax Theater building would be demolished and removed from the Proposed Project site. The Fairfax Theater Building was constructed prior to the ban of ACMs and lead-based paint as construction materials. Accordingly, it is possible that the building contains ACMs and lead-based paint. Without proper handling of these materials during construction, impacts related to ACMs and lead-based paint could be potentially significant.

During development of the proposed subterranean parking, groundwater could be encountered, and dewatering could be required. Per the Phase I Environmental Site Assessment prepared for the Proposed Project site there are no Recognized Environmental Conditions from past or present on-or off-site land uses that are known to have affected the soil and groundwater at the Proposed Project Site. Accordingly, the likelihood of encountering contaminated groundwater is low. Nonetheless, if it is encountered, impacts related to this groundwater could be potentially significant.

Based on the results of the Methane Gas subsurface Investigation prepared for the Proposed Project Site and based on Department of Building and safety's methane design levels, the site is designated as a Site Design Level I, which requires certain elements be incorporated into the Proposed Project, and dictates that impacts related to methane are potentially significant.

- Prior to any demolition activities, a licensed asbestos inspector shall be retained to determine the presence of ACMs within the Fairfax Theater building. A licensed asbestos abatement contractor shall be retained to remove all ACMs from the Project site during the Project's demolition phase. **(MM G-1)**
- Prior to any demolition activities, a licensed lead-based paint inspector shall be retained to determine the presence of lead-based paint within the Fairfax Theater building. A licensed lead-based paint abatement contractor shall be retained to remove all lead-based paint from the Project site during the Project's demolition phase. **(MM G-2)**
- All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements: a vent system and gas-detection system that shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25 percent of the Lower Explosive Limit (LEL) methane concentration is detected within those areas. **(MM G-3)**

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the

impacts related to risk of upset, as identified in the Final EIR, to a less than significant level.

While there is the potential for encountering ACMs and lead-based paint, groundwater/soil contamination and/or methane gas in connection with demolition, grading and construction of the Proposed Project, impacts related to any such discovery can be mitigated to a less-than-significant level through implementation of the aforementioned mitigation measures. Moreover, implementation of the proposed mitigation measures will ensure that there are no impacts related to these issues when the Proposed Project becomes operational.

With respect to cumulative impacts, related projects may also present dangers associated with hazards and hazardous materials. However, each related project would also be required to evaluate for potential threats and impose mitigation necessary to reduce impacts to the extent feasible. Further, local municipalities are required to follow local, state, and federal laws regarding hazardous materials and other hazards. Therefore, with implementation of proposed mitigation both project-specific and cumulative impacts in these issue areas will be less than significant.

#### 4) Public Services (Libraries)

Implementation of the Proposed Project would generate residents and additional employees, creating demand for libraries. The Proposed Project Site would be served by the Fairfax Branch Library, which has a collection that adequately meets the current demand for library services, but does not have a building that meets the size criteria set forth in the Branch Facilities Plan. Accordingly, the Proposed Project would contribute the library building size disparity by increasing the library's service population. In order to alleviate any increased library demands generated by the Proposed Project, mitigation is required. Therefore, impacts in this issue area are potentially significant.

- The Project Applicant shall pay a mitigation fee of \$200 per capita based on projected residential population generated as a result of the buildout of the proposed development. The funds will be used for books, computers and other library materials and information services.

**(MM L-11)**

Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant effect of all of the impacts related to libraries, as identified in the Final EIR, to a less than significant level.

Implementation of proposed mitigation measures will reduce Proposed Project-specific impacts in this issue area. The Los Angeles Public Libraries have recommended a mitigation fee of \$200 per capita to alleviate any increased library demand generated by the Proposed Project. The above Mitigation Measure will ensure that the Proposed Project pays this fee.

While the Proposed Project could work in concert with related projects to result in cumulative impacts related to libraries, related projects will similarly be subject to a case-by-case analysis to determine their potential to result in significant impacts, and to the extent necessary will be required

to implement similar mitigation measures and to pay similar fees. Accordingly both project-specific and cumulative impacts related to libraries will be less than significant.

#### **E. Significant impacts which remain significant after mitigation measures**

##### **1) Noise (Construction Noise and Vibration)**

Construction of the Proposed Project will require the use of heavy equipment for the demolition of the existing on-site structures, grading and excavation, installation of new utilities, paving, and building fabrication. Development activities would also involve the use of smaller power tools, generators, and other sources of noise. Construction noise levels associated with these proposed activities are likely to exceed the existing ambient noise levels at all of the identified off-site sensitive locations, by more than 5 dBA for more than ten days in a three-month period and by more than 10 dBA for more than one day. Accordingly, the Proposed Project has the potential to expose persons to noise in excess of applicable standards and would generate a substantial temporary or periodic increase in ambient noise levels in the Proposed Project vicinity during construction. In addition, vibration impacts at the Silverado Senior Living multi-family residences would exceed the applicable vibration threshold. These impacts would be significant and unavoidable.

Despite the above conclusions, the distance of related projects dictates that construction-related noise and vibration impacts will not be cumulatively significant.

- Noise and groundborne vibration construction activities whose specific location on the Project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the Silverado Senior Living multi-family residences. **(MM J-1)**
- The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be limited to between the hours of 10:00 AM and 4:00 PM. Examples include the use of drills and jackhammers. **(MM J-2)**
- All on-site construction loading and staging areas shall be located as far as possible from the Silverado Senior Living multi-family residences. **(MM J-3)**
- During the site demolition and site preparation/excavation phases at the Project site, temporary barriers such as plywood structures or flexible sound control curtains extending eight feet in height shall be erected between the Project site and the Silverado Senior Living multi-family residential building to the west of the Project site to minimize the amount of noise to the maximum extent feasible during construction. **(MM J-4)**
- All construction truck traffic shall be restricted to truck routes approved by the City Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the maximum extent feasible. **(MM J-5)**

- Two weeks prior to the commencement of construction at the Project site, notification must be provided to the immediate surrounding off-site residential uses that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. **(MM J-6)**
- The Project Applicant 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. **(MM J-7)**
- Construction and demolition shall be restricted to the hours of 7:00 AM to 9:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday. **(MM J-8)**
- The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. **(MM J-9)**
- All exterior windows associated with the proposed residential uses at the Project site shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, of alternative means of sound insulation sufficient to mitigate interior noise levels to below a CNEL of 45 dBA in any habitable room. **(MM J-11)**
- The Project Applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment. **(MM J-12)**

Changes or alterations have been required in, or incorporated into, the Proposed Project, which avoid or substantially lessen the significant environmental effects Proposed Project construction noise and vibration. However, the potential for a significant Proposed Project-specific and cumulative impacts remains. Specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of this document (Statement of Overriding Considerations), justify the decision to move forward with the Proposed Project despite these impacts.

Demolition of existing structures, grading and excavation activities to accommodate the proposed mixed-use building and the subterranean parking structure, and physical construction of the newly proposed building would be expected to occur and generate noise at the Proposed Project site. The nearest and most notable off-site noise-sensitive receptors to the Proposed Project site are: the Silverado Senior Living multi-family residences and 4 separate multi-family residences also nearby. The equipment that will be used during Proposed Project construction will expose each of these identified sensitive off-site locations to significant short-term construction noise impacts. It will also expose the Silverado Senior Living multi-family residences to construction-vibration impacts.

Notwithstanding the above, the City's standard practice is to exempt construction projects from the City's noise standards as long as these projects conform to Los Angeles Municipal Code requirements. The Proposed Project would comply with Los Angeles Municipal Code requirements. Moreover, the aforementioned mitigation measures were incorporated to reduce the noise levels associated with construction to the maximum extent feasible. Nevertheless, because construction noise and vibration levels associated with the Proposed Project will still exceed relevant standards at certain nearby sensitive receptors during Proposed Project construction, and result in a substantial periodic or temporary increase in noise levels and vibration, Proposed Project-specific impacts in this issue area remain significant and unavoidable.

### **Project Purposes and Objectives**

The project has the following goals and objectives, as described above.

- Reenergize the Project Site by creating an integrated development of residential and commercial uses;
- Incorporate, to the extent feasible, important exterior architectural-defining features of the existing Fairfax Theater building into the design of the proposed Project;
- Support the goals of the Wilshire Community Plan by developing mixed uses at the intersection of Beverly Boulevard and Fairfax and providing housing and employment opportunities within proximity of public transit;
- Improve the visual character of the project area by removing visual "clutter" from the Project site and creating a new building reflecting current architecture; and
- Provide more vibrant land uses (both social and economical) on the Project Site for both existing retail tenants and future tenants and residents.

### **Project Alternatives**

State CEQA Guideline Section 15126.6(a) requires an EIR to: (1) describe a range of reasonable alternatives to the proposed project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project; and (2) evaluate the comparative merits of the alternatives.

Consistent with State CEQA Guidelines Section 15126.6, the DEIR evaluated a reasonable range of four alternatives to the Proposed Project. The DEIR also described several more alternatives that were identified but subsequently rejected from further analysis. These include:

- Alternate Project Site. This alternative was rejected for further analysis, because the Proposed Project Applicant does not own any other developable property in the City and cannot "reasonably acquire, control or otherwise have access to [an] alternative site." In addition, this alternative would not substantially reduce or avoid the significant impacts of the Proposed Project.

- Adaptive Reuse. This alternative was deemed infeasible and rejected for further review because use of the theater space for anything other than a theater would be subject to Los Angeles Municipal Code parking requirements. The Proposed Project Site does not contain any parking, and no off-site parking exists within 750 feet of the site that could accommodate the number of parking spaces required to meet the requirements of the Los Angeles Municipal Code. Because adequate parking could not be accommodated in this reuse scenario, the City would not approve it at the Proposed Project Site.

The Alternatives discussed in detail in the DEIR include: 1) No Project [Continuation of Existing Uses]; 2) No Project [No Continuation of Theater Use]; 3) By-Right 1 [Commercial/Residential]; and 4) By-Right 2 [Office/Commercial]. In accordance with CEQA requirements, the alternatives to the Proposed Project include a No Project alternative and alternatives capable of eliminating the significant adverse impacts of the Proposed Project. These alternatives and their impacts, which are summarized below, are more fully described in Chapter VI of the DEIR.

A. Alternative A: No Project (Continuation of Existing Uses)

The No Project (Continuation of Existing Uses) Alternative ("Alternative A") assumes retaining the existing Fairfax Theater building, reinstatement of operation of the existing theater, and continued operation of the retail land uses. It is noted that the theater portion of the building is not currently in operation due to economic viability problems experienced by the previous operator of the theater and due to structural damage within the ceiling of the theater space (currently being repaired) that prevents use of the space.

Alternative A would eliminate the significant and unavoidable construction-related noise impacts of the Proposed Project. In addition, it would eliminate all of the other Proposed Project impacts that are either less than significant prior to mitigation or will be mitigated to a less than significant level. Conversely, it would not meet any of the Proposed Project objectives.

It is found pursuant to CEQA Guidelines Section 15126.6(c) that Alternative A would not feasibly accomplish most of the basic objectives of the Proposed Project.

With Alternative A, environmental impacts projected to occur in connection with the Proposed Project would be avoided. Accordingly, it would be an environmentally superior alternative to the Proposed Project.

However, the alternative would not attain any of the basic objectives outlined for the Proposed Project. It would not reenergize the Site by creating an integrated development of residential and commercial uses; it would not support the goals of the Wilshire Community Plan; it would not provide more vibrant land uses; it would not incorporate upgrades and replacements that would restore the important exterior architectural-defining features of the existing building; and it would not improve the visual character of the area. For these reasons, the City finds that this alternative would not meet Proposed Project objectives, and; on that basis, rejects Alternative A.

B. Alternative B: No Project (No Continuation of Theater Use)

The No Project (No Continuation of Theater Use) Alternative ("Alternative B") assumes that the Fairfax Theater building would be vacated, operation of the theater use would not be reinstated, and operation of the existing retail uses would continue.



Alternative B would eliminate the significant and unavoidable construction-related noise impacts of the Proposed Project. In addition, it would eliminate all of the other Proposed Project impacts that are either less than significant prior to mitigation or will be mitigated to a less than significant level. It would also have fewer impacts than Alternative A because the theater use would not continue under this alternative. Conversely, Alternative B would not meet any of the Proposed Project objectives.

Alternative B is the environmentally superior alternative, as the significant impacts that would occur with the Proposed Project would not occur with this alternative. However, it is found pursuant to CEQA Guidelines Section 15126.6(c) that this alternative would not feasibly accomplish most of the basic objectives of the Proposed Project.

With Alternative B, environmental impacts projected to occur in connection with the Proposed Project would be avoided. Accordingly, it would be an environmentally superior alternative to the Proposed Project.

However, the alternative would not attain any of the basic objectives outlined for the Proposed Project. It would not reenergize the Site by creating an integrated development of residential and commercial uses; it would not support the goals of the Wilshire Community Plan; it would not provide more vibrant land uses; it would not incorporate upgrades and replacements that would restore the important exterior architectural-defining features of the existing building; and it would not improve the visual character of the area. For these reasons, the City finds that this alternative would not meet Proposed Project objectives, and; on that basis, rejects Alternative B.

#### C. Alternative C: By-Right (Commercial/Residential)

By-Right 1 (Commercial/Residential) Alternative ("Alternative C") includes demolition and removal of the entire Fairfax Theater building from the Proposed Project Site and redevelopment of the site consistent with the number of residential units and commercial square footage allowed under the existing zoning for the Site. This alternative would include an approximately 40,000-square-foot, three-story building that would reach 45 feet in height. The overall footprint of the building would be smaller than the footprint of the existing structure due to setback and dedication requirements. The ground floor would contain approximately 10,000 square feet of commercial space, and the second floor and third floors would contain approximately 30 residential units. In addition, 115 parking spaces (in conformance to the parking requirements of the LAMC) would be provided in a subterranean parking garage.

Alternative C would have similar impacts to the Proposed Project. Most notably, it will also result in significant and unavoidable construction noise impacts. Because it will generate slightly fewer residents and employees, less than significant impacts in the issue areas that are driven by population and employee increases would be slightly less than those of the Proposed Project. That said, the Proposed Project's impacts in each said issue area were also less than significant.

It is found pursuant to CEQA Guidelines Section 15126.6(c) that Alternative C would not feasibly accomplish one of the basic objectives of the Proposed Project.

With Alternative C, the significant and unavoidable environmental impacts of the Proposed Project would not be avoided. All other impacts of the project would be substantially similar to those of the Proposed Project. In addition, the alternative would not meet the Proposed Project objective of incorporating, to the extent feasible, important exterior architectural defining features of the existing Fairfax Theater building. Moreover, it would only include 115 new parking spaces at the Proposed Project Site.

(which currently has no parking in a severely under parked area), where the Proposed Project includes 228. For these reasons, the City finds that this alternative would not meet all Proposed Project objectives, and; on that basis, rejects Alternative C.

**D. Alternative D: By-Right Alternative 2 (Office/Commercial)**

The By-Right 2 (Office/Commercial) Alternative ("Alternative D") includes demolition and removal of all existing development at the Project Site and redevelopment of the site with office and commercial square footage that is allowed under the existing zoning for the Site. The alternative would include an approximately 40,000-square-foot, three-story building that would reach 45 feet in height. The overall footprint of the building would be smaller than the footprint of the existing structure due to setback and dedication requirements. The ground floor would contain 10,000 square feet of commercial space and the second and third stores would contain a total of 30,000 square feet of office space. In addition, 100 parking spaces (in conformance to the parking requirements of the LAMC) would be provided in a subterranean parking garage.

Alternative D would have similar impacts to the Proposed Project. Most notably, it will also result in significant and unavoidable construction noise impacts. Because it will generate slightly fewer residents and employees, less than significant impacts in the issue areas that are driven by population and employee increases would be slightly less than those of the Proposed Project. That said, the Proposed Project's impacts in each said issue area were also less than significant.

It is found pursuant to CEQA Guidelines Section 15126.6(c) that Alternative D would not feasibly accomplish one of the basic objectives of the Proposed Project and would only partially meet three other Proposed Project objectives.

With Alternative D, the significant and unavoidable environmental impacts of the Proposed Project would not be avoided. All other impacts of the project would be substantially similar to those of the Proposed Project. In addition, the alternative would not meet the Proposed Project objective of incorporating, to the extent feasible, important exterior architectural defining features of the existing Fairfax Theater building, and would only partially meet the following objectives: (1) reenergize the Project site by creating an integrated development of residential and commercial uses; Support the goals of the Wilshire Community Plan by developing mixed uses at the intersection of Beverly Boulevard and Fairfax providing housing and employment opportunities within the proximity of public transit; and Provide more vibrant land uses (both social and economical) on the Project Site for both existing retail tenants and future tenants and residents. Moreover, it would only include 100 new parking spaces at the Proposed Project Site (which currently has no parking in a severely under parked area), where the Proposed Project includes 228. For these reasons, the City finds that this alternative would not meet all Proposed Project objectives, and; on that basis, rejects Alternative D.

**Findings Regarding Other CEQA Considerations**

**A. Growth Inducing Impacts of the Proposed Project**

The Proposed Project will directly result in approximately 211 permanent residents, or 122 more than what could be developed under existing land use designations at the Proposed Project Site. It will also include 11,454 square feet of commercial/retail land uses). However, as discussed above, it will not indirectly cause growth-inducing

changes such as new housing or businesses, and will not necessitate the extension of roads or other infrastructure. The Proposed Project will be developed in a densely populated urban area, and will provide additional local amenities within walking distance of offices and homes, potentially reducing, rather than increasing the need for additional infrastructure.

The Proposed Project would generate some temporary construction employment and approximately 2 permanent jobs. None of the new employees is anticipated to relocate to the Proposed Project area, because there is a large available labor pool that already exists within the City. Accordingly, no new population would be generated that would place a strain on the local community.

Finally, the Proposed Project would not provide for the removal of an impediment to growth or development of, or encroachment on an isolated or adjacent area of open space. Again, the Proposed Project is located on an already developed site in urban West Los Angeles.

Based upon the foregoing, there are no aspects of the Proposed Project that are anticipated to be growth inducing.

#### B. Significant Irreversible Impacts

The CEQA Guidelines require that an EIR address any significant irreversible environmental changes that would be involved in a project should it be implemented (CEQA Guidelines, Sections 15126(c) and 15126.2(c)). CEQA Guidelines Section 15126.2(c) indicates that "[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."

The types and level of development associated with the Proposed Project would consume limited, slowly renewable and non-renewable resources. This consumption would occur during construction of the Proposed Project and would continue throughout its operational lifetime. Committed resources would include: (1) building materials, (2) fuel and operational materials/resources, and (3) resources used in the transport of goods and people to and from the Proposed Project site.

The commitment of resources to the Proposed Project would limit the availability of these resources for future generations. However, the Proposed Project would not require a large commitment of any of these resources, and impacts related to this commitment would be less than significant.

More importantly, however, the Proposed Project is being developed in a densely populated urban area, and will provide additional local amenities within walking distance of offices and homes, potentially reducing, rather than increasing the need for certain resources, including infrastructure. In addition, the Proposed Project will meet the standards necessary to obtain a LEED Silver rating by incorporating a variety of green building elements.

A consideration of all the foregoing factors supports the conclusion that the Proposed Project's use of resources is justified, and that the Proposed Project will not result in significant irreversible environmental changes that warrant further consideration.

### **Other CEQA Considerations**

- A. **Substantial Evidence.** The City Planning Commission finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, technical studies, and other CEQA-related materials, the administrative record, staff reports, information provided by the Applicant, each and all of which are incorporated herein by this reference. Moreover, the Lead Agency finds that where more than one reason exists for any finding, each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.
- B. **Relationship of Findings to EIR.** These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control and the Draft EIR and Final EIR or both, as the case may be, are hereby amended as set forth in these Findings. To the extent relevant, each of the other findings and conditions of approval made by or adopted by the City in connection with the Project are also incorporated herein by this reference.
- C. **Recirculation Not Required.** Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the Lead Agency finds that there is no new significant information any of the other factors set forth in CEQA and the CEQA Guidelines requiring recirculation of the Draft EIR in the record of proceedings or in the Final EIR and finds that recirculation of the Draft EIR is not required.

### **Mitigation Monitoring**

The Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in accordance with Public Resources Code Section 21081.6, which requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a "reporting or monitoring program for the changes to project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The City is the Lead Agency for the proposed project.

The MMRP is designed to monitor implementation of all feasible mitigation measures as identified in the EIR for the proposed project. The Project applicant shall be obligated to provide certification prior to the issuance of site or building plans that compliance with the required mitigation measures has been achieved. All departments listed are within the City unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project applicant unless otherwise noted.

### Statement of Overriding Consideration

The Final EIR has identified unavoidable significant impacts which will result from implementation of the Proposed Project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decision of the public agency allows the occurrence of significant impacts which are identified in the EIR but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. Article I of the City of Los Angeles CEQA Guidelines incorporates all of the State CEQA Guidelines contained in title 15, California Code of Regulations, section 15000 et seq. and hereby requires, pursuant to CEQA Guidelines Section 15093(b) that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR which cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the record of proceedings, including but not limited to the Final EIR, and other documents and materials that constitute the record of proceedings.

The following impacts are not mitigated to a less than significant level for the Proposed Project: Noise (construction-related noise and vibration) as identified in the Final EIR and it is not feasible to mitigate these impacts to a less-than-significant level.

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

The below stated reasons summarize the benefits, goals and objectives of the Proposed Project, and provide the rationale for the benefits of the Proposed Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the adverse environmental impacts of the Proposed Project and justify adoption of the Proposed Project and certification of the Final EIR.

- A. Implementation of the Proposed Project will further the goals of the Wilshire Community Plan by reinvesting in a currently underdeveloped site and developing mixed uses at the intersection of Beverly Boulevard and Fairfax.
- B. The project will provide additional housing and retail/shopping options to meet the needs of local residents.
- C. Implementation of the Proposed Project will preserve the important exterior architectural-defining features of the existing Fairfax Theater building.
- D. Implementation of the Proposed Project will work to emphasize trip reduction and will minimize the intrusion of traffic into nearby residential neighborhoods through its siting of multiple neighborhood-serving uses near to residential neighborhoods and in close proximity to public transit.
- E. Implementation of the Proposed Project will provide a project that meets LEED Silver standards and includes energy efficient features that will minimize impacts to the environment.

- F. Implementation of the project will provide economic growth for the City.
- G. The pedestrian scaled retail uses and architectural design will enhance the pedestrian experience along the street frontage of the project and promote walkability.

## PUBLIC HEARING AND COMMUNICATIONS

The Public Hearing on this matter was held at Los Angeles City Hall, 200 North Spring Street, 10<sup>th</sup> Floor, Room 1020, Los Angeles, CA 90012 on Wednesday, December 12, 2012 at 10 a.m.

### Summary of Public Hearing

1. The applicant and applicant's representative spoke at the hearing and made the following statements:

- The project is six stories (although the majority of the building will be built to five stories), contains 71 residential units and 3 commercial condo units with a total of 11,500 square feet of retail and will retain the iconic building façade and be built to LEED Silver standards. The project will remove all existing billboards on-site, renovate the existing marquee, replace all signs, replace all windows in kind, restore transom windows and will preserve the terrazzo at the entrance.
- The existing building contains approximately 10,000 square feet of retail and a vacant movie theater.
- The project is seeking a change from height district -1VL to -1D in order to accommodate rooftop amenities and appurtenances, a ZAA for yards in order to retain the façade and provide dedications, and a shared parking request.
- The height adjustment would allow a restroom and gym on the roof. The project is currently designed to have a maximum height of 55'-6"; however the applicant is seeking an allowance of up to 58-feet. The residential units will be limited to a height of 50-feet.
- There is currently no parking on site and the project will provide 2.5 spaces per unit and is requesting a shared parking agreement to share 30 of 36 guest spaces between retail and residential guests in the event that a restaurant is provided in the retail space (there are no current plans for a restaurant). The retail is intended to be neighborhood serving, and it is likely that many customers will walk from nearby. Bicycle parking will also be provided for residents and guests.
- The project is also proposing to underground the power lines.
- The applicants have met over 80 times with local organizations and businesses and have letters of support from Councilmember Koretz, the Mid City West Neighborhood Council, CBS, and the Farmers Market.

2. A total of four members of the public spoke at the public hearing. The following comments were made:

#### *In Support of the Project*

- A business owner in the area supports the project. It is the best adaptive reuse project and there has been a high level of involvement between the developer and the community.

- A resident of Los Angeles who lives near the project site and is a member of the Mid City West Neighborhood Council supports the project. It is an important corner and the project will add residents who can take greater ownership of the area. Having such an anchor near Fairfax High School will be a benefit.
- A resident of Los Angeles, and founder of the Greenway Corps Theater and the Melrose Trading Post, supports the project. It will be a great anchor, especially given its proximity to the Sunday trading post. The project will help unite Fairfax north and south of Beverly Boulevard.
- A resident of Los Angeles, who lives near the project site and is the Parent Representative for Fairfax High School and Chair of the Fairfax Business Association, supports the project. The developer has responded to community input and the project will provide a much needed anchor on a corner that has been neglected and will hopefully spur growth in this section of Fairfax.

*Not In Support of the Project*

- There were no speakers opposing the project.
3. Christopher Koontz, representative for Councilmember Koretz (Council District 5), spoke in support of the project. Council District 5 enthusiastically supports the project. There has been community support and the project will create construction and permanent jobs and will provide off-street parking in the area.
  4. The project was reviewed by architects participating in the Professional Volunteer Program and they were concerned about the blank wall on the north elevation, and the potential lack of light in the interior courtyard. The project architect responded to these concerns and made the following statements:
    - The blank wall that is proposed on the North elevation is necessary to shore up the existing façade and cannot have windows because it is on the property line. Moving that wall away from the property line would result in losing units. The architect will look at using textures or articulation or vegetation to break up the blank space.
    - The landscape architect took into consideration the available winter light when proposing plantings for the courtyard. All plants proposed will receive sufficient light during winter months. The King Palms are higher up and will survive even in low light conditions.
    - The landscape architect is also exploring using stamped concrete at all entrances. All concrete designs will have to be approved by the Bureau of Engineering.

**Summary of Written Testimony**

One letter from members of the public was received. The letter opposes the project as proposed.

1. Letters in opposition to proposal

- The owners of the parking lot adjacent to the project site are concerned that the building height as proposed will block light to their property, that there will be an increase in traffic



on Fairfax which is already heavily congested due to the project, and that the placement of the driveway will cause conflicts with their driveway and the nearby bus stop.

0.66 NET AC.

**DETERMINATION LETTER**  
**CPC-2009-3271-ZC-HD-ZAA-**  
**SPR-ZAD**  
**MAILING DATE: 02/15/13**

Anton Henning  
1545 12<sup>th</sup> Street  
Santa Monica, CA 90401

Shawn Bayliss  
Fifth Council District  
City Hall, Room 440  
**Mail Stop# 208**

Alex Gorby  
B & F Associates, LP  
710 Wilshire Blvd., Suite 409  
Santa Monica, CA 90403

Pierson Blactz  
544 N. Fairfax Avenue  
Los Angeles, CA 90036

GIS/Fae Tsukamoto  
City Hall, Room 825  
**Mail Stop #395**

Benjamin Fiss  
Craig Lawson & Co.  
8758 Venice Blvd., Suite 200  
Los Angeles, CA 90034

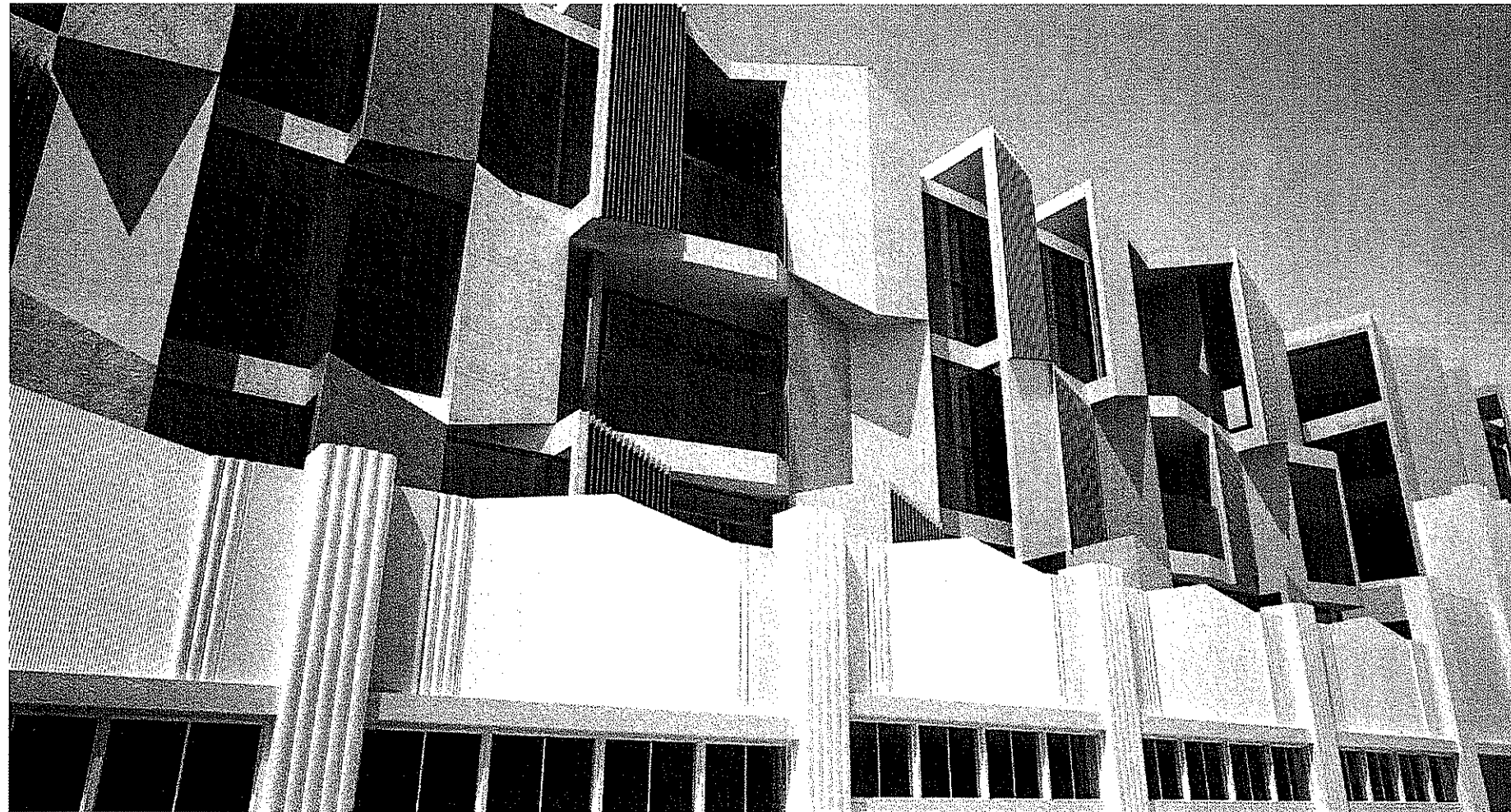
Joyce Kleifield  
122 S. Kilkea Dr.  
Los Angeles, CA 90048

Blake Lamb  
City Planner  
City Hall, Room 621  
**Mail Stop #395**

# 7901 BEVERLY BLVD.

LOS ANGELES, CALIFORNIA, 90048-4501

SEPTEMBER 01, 2012



REVISIONS  
BY DATE DESCRIPTION  
JHL 09-01-12 PLANNING SUBMITTAL



howard laks architects  
10000 W. PICO BLVD., SUITE 1000  
LOS ANGELES, CA 90004

CONSULTANTS

7901 BEVERLY BOULEVARD  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA, 90048

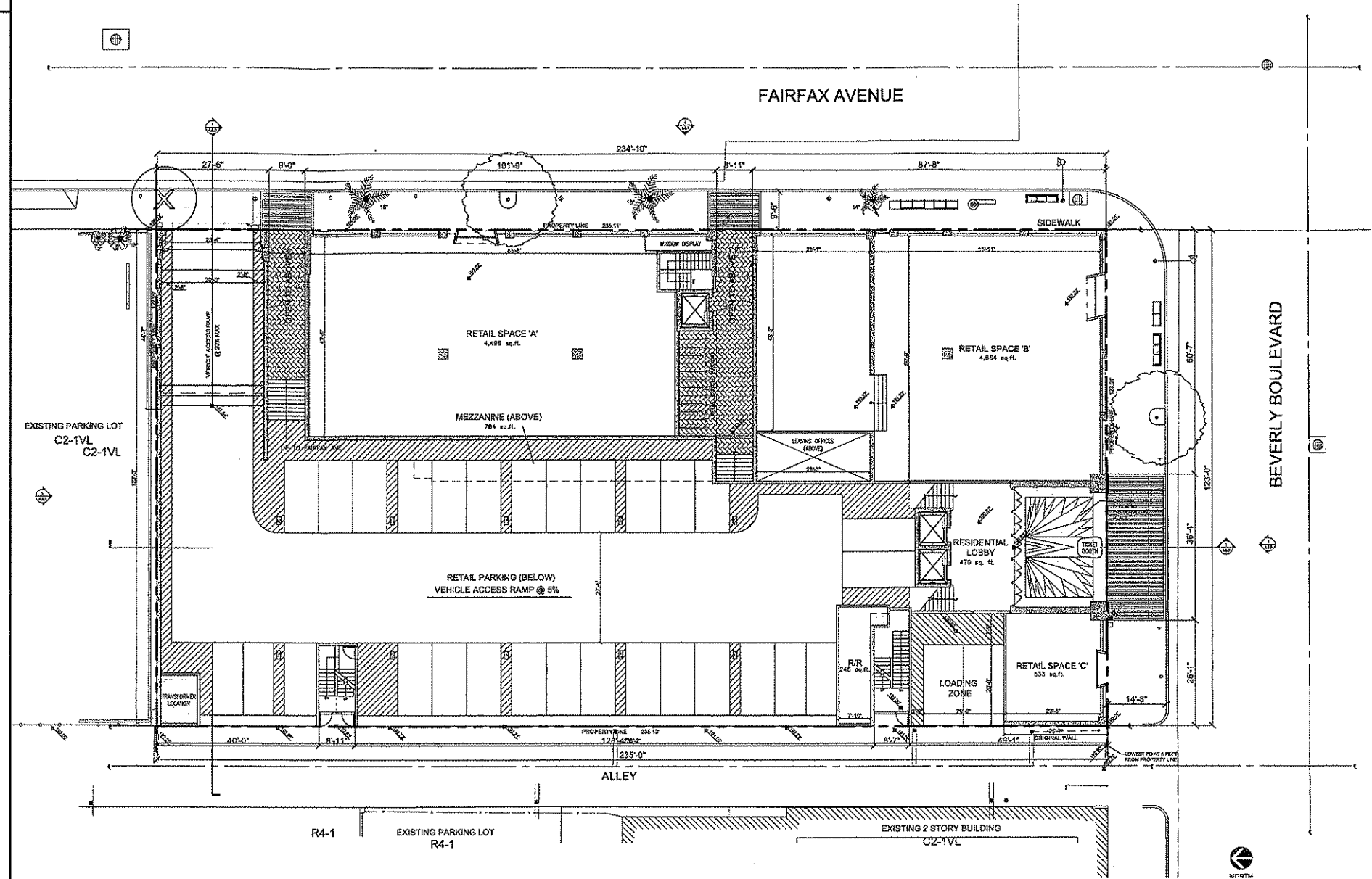
COVER

PRELIMINARY - NOT  
FOR CONSTRUCTION

DRAWN: A/H  
CHECKED: HLA  
APPROVED: -  
SCALE: -  
SHEET: T.1.0  
DATE: 09/01/12  
PROJECT NUMBER: HLA 0000000-00000

# BUILDING DATA

ADDRESS:	7901 AND 7909 BEVERLY BLVD.
APN:	5527-036-020
LEGAL DESCRIPTION:	LOTS 335 THROUGH 338, INCLUSIVE, OF TRACT NO. 6790, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 74 PAGE 32, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
ZONING CLASSIFICATION:	C2-1VL (REQUEST FOR ZONE CHANGE TO RAS4-1D)
PARCEL AREA:	235.11' x 123.01' = 28,920.50 SQ. FT.
RESIDENTIAL UNIT DENSITY:	28,920.5 SQ. FT. + (1/2 ALLEY) 2,350 = 31,270.5 SQ. FT. 31,270.5 SQ. FT. / 400 = 78.176 (78 UNITS)
ALLOWED:	78 UNITS
PROPOSED:	71 UNITS
ALLOWABLE FLOOR AREA:	28,920.50 SQ. FT. x 3.0 = 86,761.5 SQ. FT.
ALLOWED:	86,762 SQ. FT.
PROPOSED:	84,597 SQ. FT. (FAR=2.93)
AREA CALCULATIONS:	GROUND FLOOR: 10,779 SQ.FT. -COMMERCIAL 470 SQ.FT. -LOBBY 11,249 SQ.FT. SECOND FLOOR: 8,344 SQ.FT. (INCLUDES LEASING OFFICE @ 339 SQ.FT.) THIRD FLOOR: 22,145 SQ.FT. FOURTH FLOOR: 20,662 SQ.FT. FIFTH FLOOR: 21,252 SQ.FT. ROOF AMENITIES: 945 SQ.FT. TOTAL: 84,597 SQ.FT.
OPEN SPACE:	REQUIRED: 1-HABITABLE ROOMS: 4X100 SQ.FT. = 400 SQ.FT. 2-HABITABLE ROOMS: 42X100 SQ.FT. = 4,200 SQ.FT. 3-HABITABLE ROOMS: 21X125 SQ.FT. = 2,625 SQ.FT. 3-HABITABLE ROOMS: 4X125 SQ.FT. = 500 SQ.FT. 7,725 SQ.FT. PROVIDED: COMMON AREA @ COURTYARD 2,474 SQ.FT. COMMON AREAS @ ROOFTOP DECK 7,588 SQ.FT. 10,062 SQ.FT.
BUILDING HEIGHT:	MAX HEIGHT: 50' FROM 5' OUT FROM LOWEST CORNER OF BUILDING FOOTPRINT 189.90' + 50' = 239.90' MAX ALLOWABLE HEIGHT MAXIMUM ALLOWABLE HEIGHT: 239.90' (50'-0") PROPOSED HEIGHT: 245.43' (55'-6")
NUMBER OF STORIES:	6 STORIES TO INCLUDE 945 SQ. FT. ROOF AMENITIES. (POOL BATHROOMS RECREATION RM.)
SETBACKS:	FRONT: (PROPOSED FAIRFAX AVE.) 0' REAR: (WEST ALLEY) 0' SIDEYARD: (NORTH INTERIOR) 0' (COMM.); 10' (RES.) SIDEYARD: (BEVERLY BLVD.) 0' (COMM.); 8' (RES.)
PARKING:	71-CONDOS X 2.5 = 178 RESIDENTIAL PARKING SPACES 11,118 sq. ft. @ 1/250 = 45 COMMERCIAL PARKING SPACES TOTAL SPACES REQUIRED = 223 PARKING SPACES PROVIDED = 228 SHARED PARKING: 142 (RESIDENTIAL SPACE) + 36 (GUEST) = 178 SPACES NOTE: 30 OF 36 GUEST PARKING SPACES TO BE SHARED BETWEEN RETAIL AND GUESTS.



## PROJECT DIRECTORY

PROPERTY OWNER:  
B&F ASSOCIATES, A LIMITED PARTNERSHIP  
710 WILSHIRE BOULEVARD, SUITE 409  
SANTA MONICA, CA. 90401  
PHONE: 310-394-6100  
FAX: 310-301-9461

ARCHITECT:  
HOWARD LAKS ARCHITECTS  
1545 TWELFTH STREET  
SANTA MONICA, CALIFORNIA 90401.  
PHONE: 310-393-4455  
FAX: 310-393-2230

LAND SURVEYOR:  
IACOBELLIS & ASSOCIATES, INC  
11145 TAMPA AVENUE, SUITE 15-B  
NORTHRIDGE, CALIFORNIA 91326  
PHONE: 818-366-9222  
FAX: 818-366-4813

CIVIL ENGINEER:  
KPFF CONSULTING ENGINEERS  
6080 CENTER DRIVE SUITE 700  
LOS ANGELES, CA 90045  
PHONE: 310-665-2800  
FAX: 310-665-9075

STRUCTURAL ENGINEER:  
T.B.D.

MEP ENGINEER:  
T.B.D.

LAND USE CONSULTANTS:  
CRAIG LAWSON & CO., LLC  
8758 VENICE BLVD., SUITE 200  
LOS ANGELES, CA 90034  
PHONE: 310-838-2400  
FAX: 310-838-2424

LANDSCAPE ARCHITECT:  
AHBE' LANDSCAPE ARCHITECTS  
8729 WASHINGTON BOULEVARD  
CULVER CITY, CALIFORNIA 90232  
PHONE: 310-838-0448  
FAX: 310-204-2664

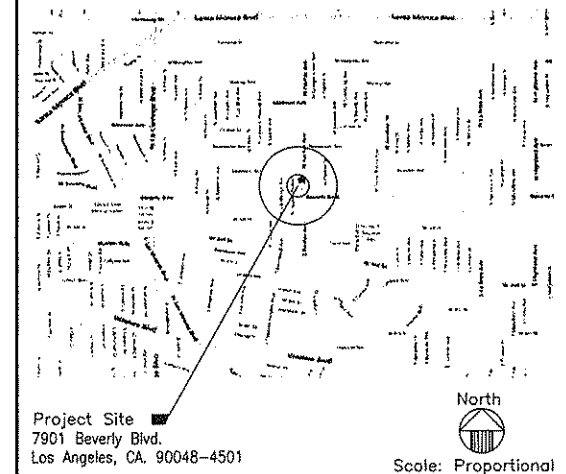
## SHEET INDEX

- T.1.0 COVER
- T.2.0 BUILDING DATA/ PROJECT INFORMATION
- SV.1 BOUNDARY / TOPOGRAPHIC SURVEY
- VTM VESTING TENTATIVE TRACT MAP
- A.1.0 SITE PLAN
- A.2.0 GROUND FLOOR PLAN
- A.2.1 SECOND FLOOR PLAN
- A.2.2 THIRD FLOOR PLAN
- A.2.3 FOURTH FLOOR PLAN
- A.2.4 FIFTH FLOOR PLAN
- A.2.5 ROOF TERRACE
- A.2.6 GARAGE LEVEL PLAN (P.1)
- A.2.7 GARAGE LEVEL PLAN (P.2)
- A.2.8 GARAGE LEVEL PLAN (P.3)
- A.2.9 GARAGE LEVEL PLAN (P.4)
- A.2.10 GARAGE LEVEL PLAN (P.4 1/2)
- A.5.0 SOUTH EXTERIOR ELEVATIONS
- A.5.1 EAST EXTERIOR ELEVATIONS
- A.5.2 WEST EXTERIOR ELEVATIONS
- A.5.3 NORTH EXTERIOR ELEVATIONS

- A.6.0 BUILDING CROSS SECTION
- A.6.1 GARAGE RAMP SECTION
- A.6.2 BUILDING LONGITUDINAL SECTION

- L3.00 PLANTING LEGEND
- L3.11 GROUND LEVEL & SECOND FLOOR PLANTING PLAN
- L3.12 ROOF TERRACE PLANTING PLAN

## VICINITY MAP



REVISIONS  
BY DATE DESCRIPTION  
JAL 09-01-12 PLANNING SUBMITTAL

hla

howard laks architects

CONSULTANTS

7901 BEVERLY BOULEVARD  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA 90048

PLOT PLAN / DATA SHEET

PRELIMINARY NOT FOR CONSTRUCTION

DRAWN: AJH  
CHECKED: HLA  
APPROVED: -  
SCALE: AS NOTED  
SHEET

T.2.0

DATE: 09/01/12  
PROJECT NUMBER: HLA 0000000-00000

CPC-2009-3271-ZC-HD-ZAA-SPR-ZAD

Exhibit B

Page 2 of 26

SURVEYOR'S NOTES:

1. DATE OF SURVEY: MARCH 6, 9 AND 11, 2009

2. SITE AREA:

NET AREA: 28,920.50 SQ. FT., OR 0.6639 ACRES  
GROSS AREA: 49,326.96 SQ. FT., OR 1.1324 ACRES  
NET AREA AFTER DEDICATION:  
27,396.42 SQ. FT., OR 0.6289 ACRES

3. BASIS OF BEARINGS: THE BEARING N00°05'55"W OF THE CENTERLINE OF FAIRFAX AVENUE, AS SHOWN ON MAP OF TRACT NO. 6790, AS PER MAP RECORDED IN BOOK 74 PAGE 32 OF MAPS, WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

4. VERTICAL DATUM:  
CITY OF LOS ANGELES BENCHMARK NO. B-04268; ELEV. = 190.669 (1985 AD); SPBM "STMPD B-04268 1985" 4 FT S/O S CURB BEVERLY BLVD 55 FT E/O BCR E/O FAIRFAX AVE E END CB  
CITY OF LOS ANGELES BENCHMARK NO. B-14482; ELEV. = 187.493 (1985 AD); WIRE SPK IN S CURB BEVERLY BLVD; 13 FT E/O HAYWORTH AVE, IN FRONT OF LIGHT POST

5. UNDERGROUND UTILITIES SHOWN HEREON ARE PER CITY OF LOS ANGELES RECORDS AND PER FIELD LOCATION AS EVIDENCED BY PAINT MARKS ON THE PAVEMENT, AND CANNOT BE GUARANTEED FOR COMPLETENESS OR ACCURACY. THEIR LOCATION SHOULD BE VERIFIED IN THE FIELD BEFORE ANY EXCAVATING.

6. ZONING: C2VL

SETBACK REQUIREMENTS

FRONT YARD: NONE  
SIDE YARD: NONE FOR COMMERCIAL USES; SAME AS R4 ZONE FOR RESIDENTIAL USES AT LOWEST RESIDENTIAL STORY  
REAR YARD: NONE FOR COMMERCIAL USES; SAME AS R4 ZONE FOR RESIDENTIAL USES AT LOWEST RESIDENTIAL STORY

THIS SUMMARY IS ONLY A GUIDE. DEFINITIVE INFORMATION SHOULD BE OBTAINED FROM THE ZONING CODE ITSELF AND FROM CONSULTATION WITH THE DEPARTMENT OF BUILDING AND SAFETY.

7. DISTRICT MAP NO.: B8 B 177

8. SEWER WYE MAP NO.: 5477-5

9. DRAINAGE MAP NO.: 492

10. STREET DEDICATION:  
FAIRFAX AVENUE - SECONDARY HIGHWAY - 90' REQ. - 80' EXISTING  
5' POTENTIAL STREET DEDICATION  
BEVERLY BOULEVARD - MAJOR HIGHWAY CLASS II - 104' REQ. - 100' EXISTING  
2' POTENTIAL STREET DEDICATION  
NO STREET WIDENING PER COMMUNITY PLAN  
CORNER OF FAIRFAX AND BEVERLY - 15' X 15' CUT CORNER POTENTIAL DEDICATION

\* DEDICATIONS SHOWN HEREON ARE BASED ON NAVIGATE L.A. STREET & HIGHWAY STANDARDS AND ARE SUBJECT TO REVIEW BY BUREAU OF ENGINEERING AND DEPARTMENT OF TRANSPORTATION.\*

FLOOD ZONE DATA:

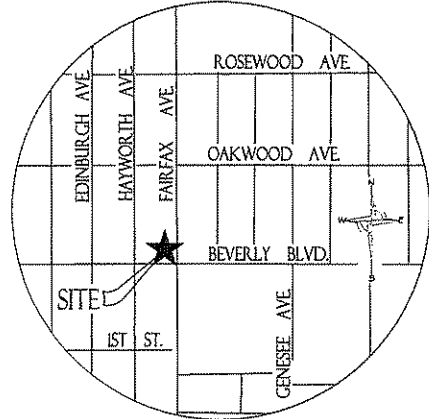
FLOOD ZONE: X  
COMMUNITY NO.: 06037  
PANEL NO.: 0603D  
EFFECTIVE DATE: 7-6-1988

AREAS OUTSIDE THE 1 PERCENT ANNUAL CHANCE FLOODPLAIN, AREAS OF 1% ANNUAL CHANCE SHEET FLOW FLOODING WHERE AVERAGE DEPTHS ARE LESS THAN 1 FOOT, AREAS OF 1% ANNUAL CHANCE STREAM FLOODING WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN 1 SQUARE MILE, OR AREAS PROTECTED FROM THE 1% ANNUAL CHANCE FLOOD BY LEVEES. NO BASE FLOOD ELEVATIONS OR DEPTHS ARE SHOWN IN THIS ZONE. INSURANCE PURCHASE IS NOT REQUIRED IN THESE ZONES.

LEGAL DESCRIPTION:

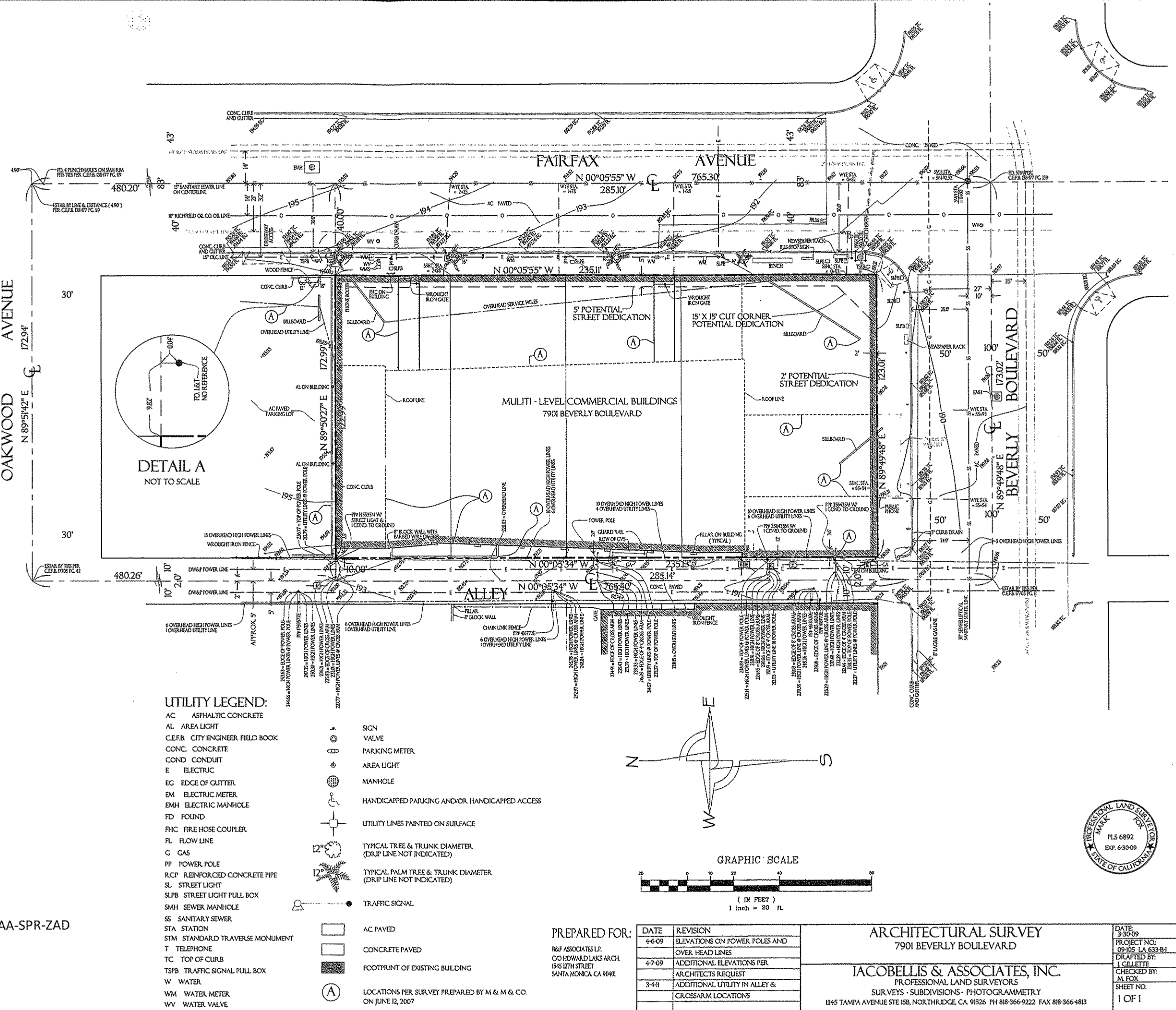
LOTS 335 THROUGH 338, INCLUSIVE, OF TRACT NO. 6790, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 74 PAGE 32, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, OF SAID COUNTY.

PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. NO EASEMENTS SHOWN HEREON.



VICINITY MAP  
THOMAS GUIDE PAGE 633-B1  
NOT TO SCALE

CPC-2009-3271-ZC-HD-ZAA-SPR-ZAD  
Exhibit B  
Page 3 of 26



UTILITY LEGEND:

- AC ASPHALTIC CONCRETE
- AL AREA LIGHT
- CEFB CITY ENGINEER FIELD BOOK
- CONC CONCRETE
- COND CONDUIT
- E ELECTRIC
- EG EDGE OF GUTTER
- EM ELECTRIC METER
- EMH ELECTRIC MANHOLE
- FD FOUNDED
- FHC FIRE HOSE COUPLER
- FL FLOW LINE
- C GAS
- PP POWER POLE
- RCP REINFORCED CONCRETE PIPE
- SL STREET LIGHT
- SLPB STREET LIGHT PULL BOX
- SMH SEWER MANHOLE
- SS SANITARY SEWER
- STA STATION
- STM STANDARD TRAVERSE MONUMENT
- T TELEPHONE
- TC TOP OF CURB
- TSPB TRAFFIC SIGNAL PULL BOX
- W WATER
- WM WATER METER
- WV WATER VALVE
- SIGN
- VALVE
- PARKING METER
- AREA LIGHT
- MANHOLE
- HANDICAPPED PARKING AND/OR HANDICAPPED ACCESS
- UTILITY LINES PAINTED ON SURFACE
- TYPICAL TREE & TRUNK DIAMETER (DRIP LINE NOT INDICATED)
- TYPICAL PALM TREE & TRUNK DIAMETER (DRIP LINE NOT INDICATED)
- TRAFFIC SIGNAL
- AC PAVED
- CONCRETE PAVED
- FOOTPRINT OF EXISTING BUILDING
- LOCATIONS PER SURVEY PREPARED BY M & M & CO. ON JUNE 12, 2007

PREPARED FOR:  
B&F ASSOCIATES LP  
C/O HOWARD LARK ARCH  
1545 12TH STREET  
SANTA MONICA, CA 90401

DATE	REVISION
4-6-09	ELEVATIONS ON POWER POLES AND OVER HEAD LINES
4-7-09	ADDITIONAL ELEVATIONS PER ARCHITECTS REQUEST
3-4-11	ADDITIONAL UTILITY IN ALLEY & CROSSARM LOCATIONS

ARCHITECTURAL SURVEY  
7901 BEVERLY BOULEVARD

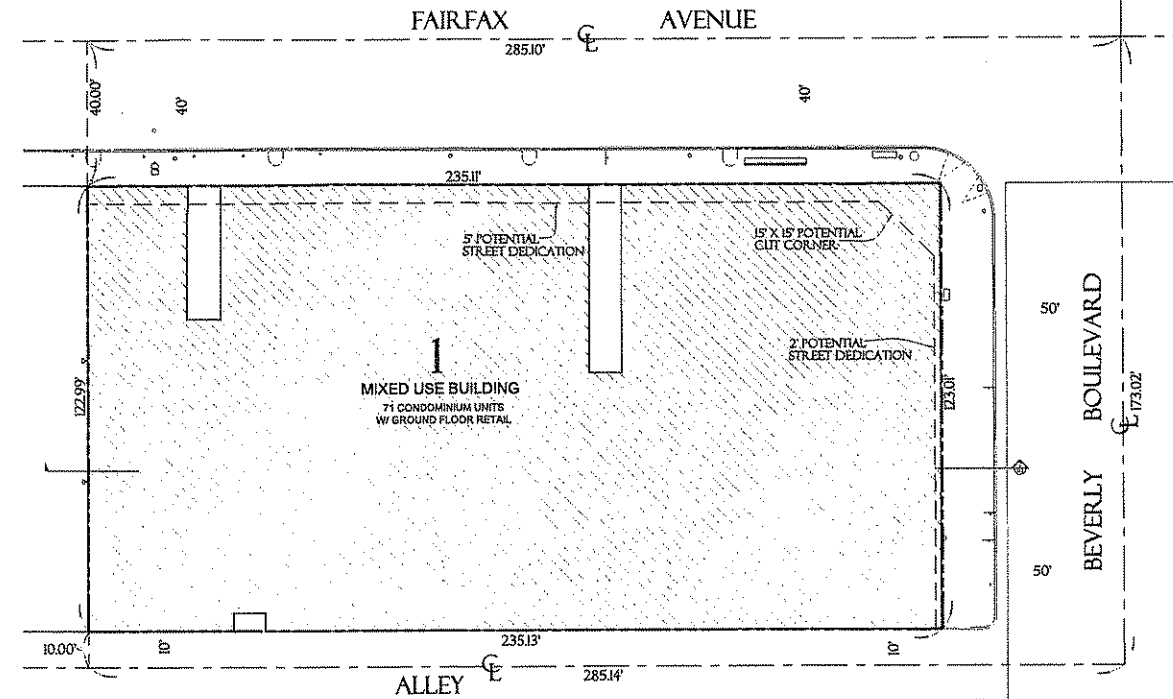
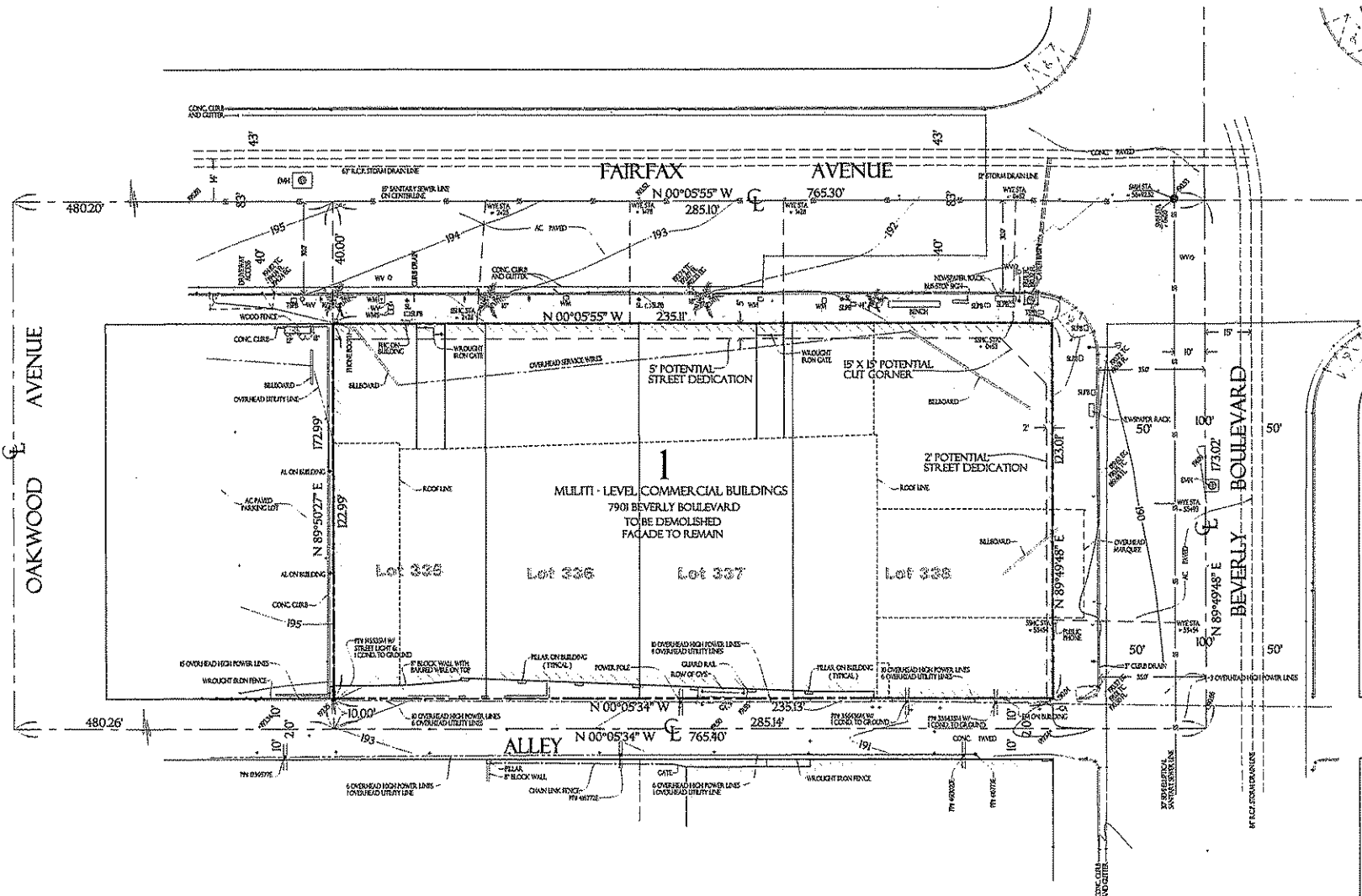
IACOBELLIS & ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
SURVEYS • SUBDIVISIONS • PHOTOGRAMMETRY  
1145 TAMPA AVENUE STE 15B, NORTHridge, CA 91326 PH 818-366-9222 FAX 818-366-4813

DATE: 3-30-09  
PROJECT NO.: 09105 LA 633-B1  
DRAWN BY: J. GILLETTE  
CHECKED BY: M. FOX  
SHEET NO.: 1 OF 1



## EXISTING SITE

## PROPOSED DEVELOPMENT



### LEGAL DESCRIPTION:

LOTS 335 THROUGH 338, INCLUSIVE, OF TRACT NO. 679, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 74 PAGE 32, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. NO EASEMENTS SHOWN HEREON.

### SURVEYOR'S NOTES:

- GROSS SITE AREA: 49,256.94 SQ. FT. OR 1.1324 ACRES  
NET SITE AREA: 28,920.30 SQ. FT. OR 0.6659 ACRES  
NET SITE AREA AFTER DEDICATION: 27,423.33 SQ. FT. OR 0.628 ACRES
- PROTECTED TREES: THERE ARE NO PROTECTED TREES ON SITE
- TREES TO BE REMOVED: THERE ARE NO TREES ON SITE
- SITE ADDRESS: 7901 BEVERLY BOULEVARD
- PROPOSED DEVELOPMENT:  
A. PROPOSED 5-STORY, MIXED USED 71 UNIT RESIDENTIAL CONDOMINIUM COMPLEX WITH 11,559 SQ. FT. FOR 3 COMMERCIAL CONDOMINIUM UNITS ON THE GROUND FLOOR. THE BUILDING FACADE IS TO REMAIN.
- 4 LEVELS OF SUBTERRANEAN PARKING INCLUDING TOTAL OF 224 PARKING SPACES (142 RESIDENTIAL SPACES, 36 GUEST SPACES AND 46 RETAIL SPACES).
- HEIGHT OF BUILDING: MAXIMUM ALLOWABLE: 50' - 1' PROPOSED: 50' - 1'
- ZONING: EXISTING: C2-1VL PROPOSED: RASH-1D
- DISTRICT MAP NO.: 138 B 127
- NOTE:  
THIS PROPERTY IS NOT LOCATED IN THE HILLSIDE AREA. THIS PROPERTY IS LOCATED IN THE LIQUOR ACTION AREA. THIS PROPERTY IS NOT LOCATED IN THE HIGH FIRE HAZARD SEVERITY ZONE.
- HAZARDOUS AREAS: THIS PROPERTY IS LOCATED IN A METHANE ZONE IN BEVERLY BOULEVARD & FAIRFAX AVENUE
- PROPOSED HAUL ROUTE: 41,800 CUBIC YARDS OF EXISTING DEDICATION.
- THE BUILDING FACADE IS TO REMAIN; THEREFORE A REQUEST IS BEING MADE FOR THE DEDICATIONS TO BE WAIVED OR APPLIED AS FUTURE DEDICATIONS.

FAIRFAX AVENUE - SECONDARY HIGHWAY - 90 REQ. - 80' EXISTING  
5' POTENTIAL STREET DEDICATION  
BEVERLY BOULEVARD - MAJOR HIGHWAY CLASS II - 100 REQ. - 100' EXISTING  
2' POTENTIAL STREET DEDICATION  
NO STREET WIDENING PER WILSHIRE COMMUNITY PLAN  
CORNER OF FAIRFAX AND BEVERLY - 15' X 15' CUT CORNER POTENTIAL DEDICATION

\* DEDICATIONS SHOWN HEREON ARE BASED ON NAVIGATE L.A. STREET & HIGHWAY STANDARDS AND ARE SUBJECT TO REVIEW BY BUREAU OF ENGINEERING AND DEPARTMENT OF TRANSPORTATION.

### LIST OF DISCRETIONARY REQUESTS:

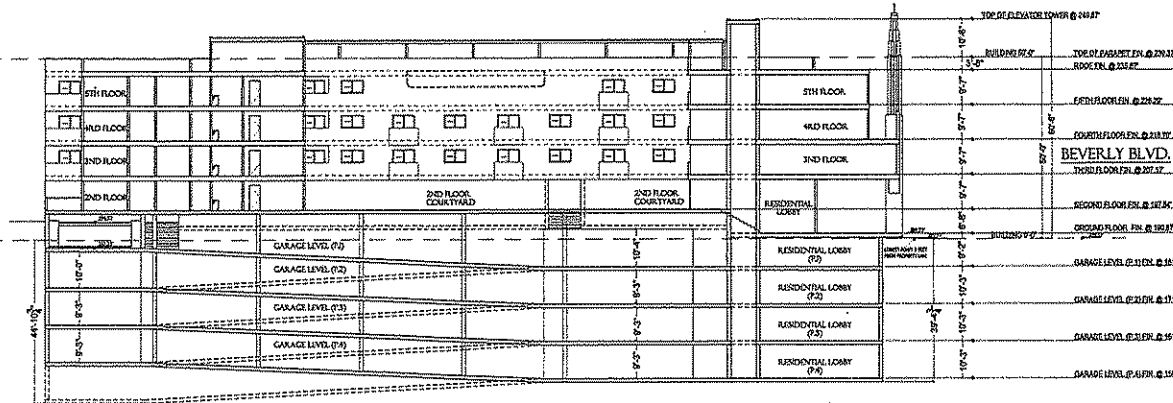
- VESTING TENTATIVE TRACT MAP (VTT NO. 71061) PURSUANT TO L.A.M.C. SECTION 17.00 ET AL FOR A SINGLE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR THE FOLLOWING:  
A. A MERGER AND RE-SUBDIVISION OF FOUR (4) EXISTING LOTS FOR CONDOMINIUM PURPOSES.  
B. 71 RESIDENTIAL CONDOMINIUM UNITS AND 11,559 SQUARE FEET FOR 3 COMMERCIAL CONDOMINIUM UNITS.  
C. THAT FAIRFAX AVENUE BE CONSIDERED THE FRONT YARD, THE WESTERLY PROPERTY LINE ABUTTING THE ALLEY BE CONSIDERED THE REAR YARD, AND BEVERLY BOULEVARD AND NORTHERLY PROPERTY LINE BE CONSIDERED THE SIDE YARDS.  
D. APPROVAL OF THE PROPOSED HAUL ROUTE.
- VESTING ZONE CHANGE FROM THE EXISTING C2-1VL ZONE TO RASH-1D ZONE
- HEIGHT DISTRICT CHANGE FROM HEIGHT DISTRICT -1VL TO HEIGHT DISTRICT -1D: THE PROPOSED "D" DEVELOPMENT LIMITATION WOULD PROVIDE A MAXIMUM HEIGHT OF 51 FEET.
- ZONING ADMINISTRATOR'S ADJUSTMENT: TO PERMIT: A 5-FOOT FRONT YARD SETBACK IN LIEU OF THE REQUIRED 5-FOOT FRONT YARD SETBACK AND A 5-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 5-FOOT SIDE YARD SETBACK.
- ZONING ADMINISTRATOR'S ADJUSTMENT: THE DENSITY TO BE BASED ON LOT AREA PRIOR TO DEDICATIONS (IF ANY ARE REQUIRED) FOR THE PURPOSE OF DETERMINING THE BUILDABLE AREA PERMITTED ON THE SITE.
- SHARED PARKING APPROVAL: TO PERMIT THE SHARED PARKING OF A TOTAL OF 30 ON-SITE PARKING SPACES BETWEEN PROPOSED COMMERCIAL PARKING AND RESIDENTIAL GUEST PARKING IN ORDER TO PERMIT A MAXIMUM 5,000 SQUARE FEET OF RESTAURANT USE.
- THE APPLICANT REQUESTS THE APPROVAL OF SITE PLAN REVIEW.

### SETBACKS:

FRONT: (PROPOSED FAIRFAX AVE) 0'  
REAR: (WEST ALLEY) 0'  
SIDEYARD: (NORTH INTERIOR) 0' (COM) 10' (RES)  
SIDEYARD: (BEVERLY BLVD) 0' (COM) 0' (RES)

### UTILITY LEGEND:

- AC ASPHALTIC CONCRETE
- AL AREA LIGHT
- CONC CONCRETE
- COND CONDUIT
- EC EDGE OF CUTTER
- EM ELECTRIC METER
- EMH ELECTRIC MANHOLE
- FHC FIRE HOSE COUPLER
- FL FLOW LINE
- PP POWER POLE
- RCP REINFORCED CONCRETE PIPE
- SL STREET LIGHT
- SLPB STREET LIGHT PULL BOX
- SMH SEWER MANHOLE
- SS SANITARY SEWER
- STA STATION
- TC TOP OF CURB
- TSPB TRAFFIC SIGNAL PULL BOX
- WM WATER METER
- WV WATER VALVE
- ▲ SIGN
- VALVE
- PARKING METER
- AREA LIGHT
- MANHOLE
- HANDICAPPED PARKING AND/OR HANDICAPPED ACCESS
- TYPICAL TREE & TRUNK DIAMETER (DRUP LINE NOT INDICATED)
- TYPICAL PALM TREE & TRUNK DIAMETER (DRUP LINE NOT INDICATED)
- TRAFFIC SIGNAL
- AC PAVED
- CONCRETE PAVED
- FOOTPRINT OF EXISTING BUILDING



### OWNER:

B&F ASSOCIATES, L.P.  
70 WILSHIRE BOULEVARD SUITE 409  
SANTA MONICA, CA 90406  
TEL: 310 822 2904

### PREPARED UNDER THE DIRECTION OF:

THOMAS JACOBUS, PLS 4574  
JACOBUS AND ASSOCIATES INC.  
1845 TAMPA AVENUE SUITE 158  
NORTH RIDGE, CA 91326  
TEL: 818 366 9222  
FAX: 818 366 4813

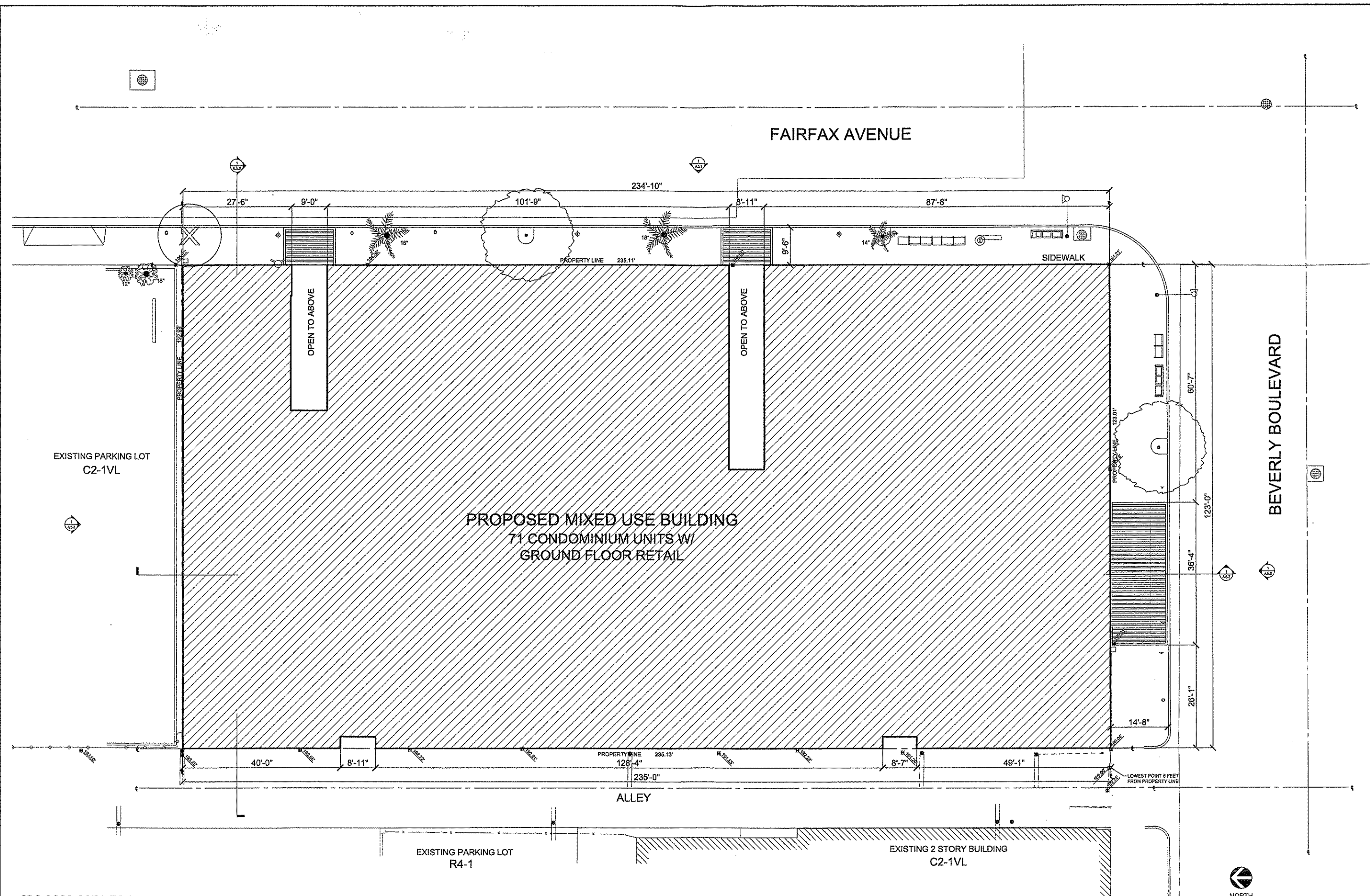


VESTING TENTATIVE TRACT MAP NO. 71061  
FOR RESIDENTIAL AND COMMERCIAL PURPOSES

IAC B L T A T E S, L. C.  
A/E, D/E, L/S, D/S, S/V, P/S, P/S  
SURVEYS • SUBDIVISIONS • PHOTOGRAMMETRY  
1845 TAMPA AVENUE SUITE 158, NORTH RIDGE, CA 91326 TEL: 818 366 9222 FAX: 818 366 4813

DATE	REVISION

DATE: 3/30/09 PROJECT NO: 09-105, LA 633-B1 DRAWN BY: TJC CHECKED BY: TJC SHEET NO: 1 OF 1
--



REVISIONS	DATE	DESCRIPTION
1	JAN 09-01-12	PLANNING SUBMITTAL



howard laks architects

CONSULTANTS

**7901 BEVERLY BOULEVARD**  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES • CALIFORNIA 90048

SITE PLAN

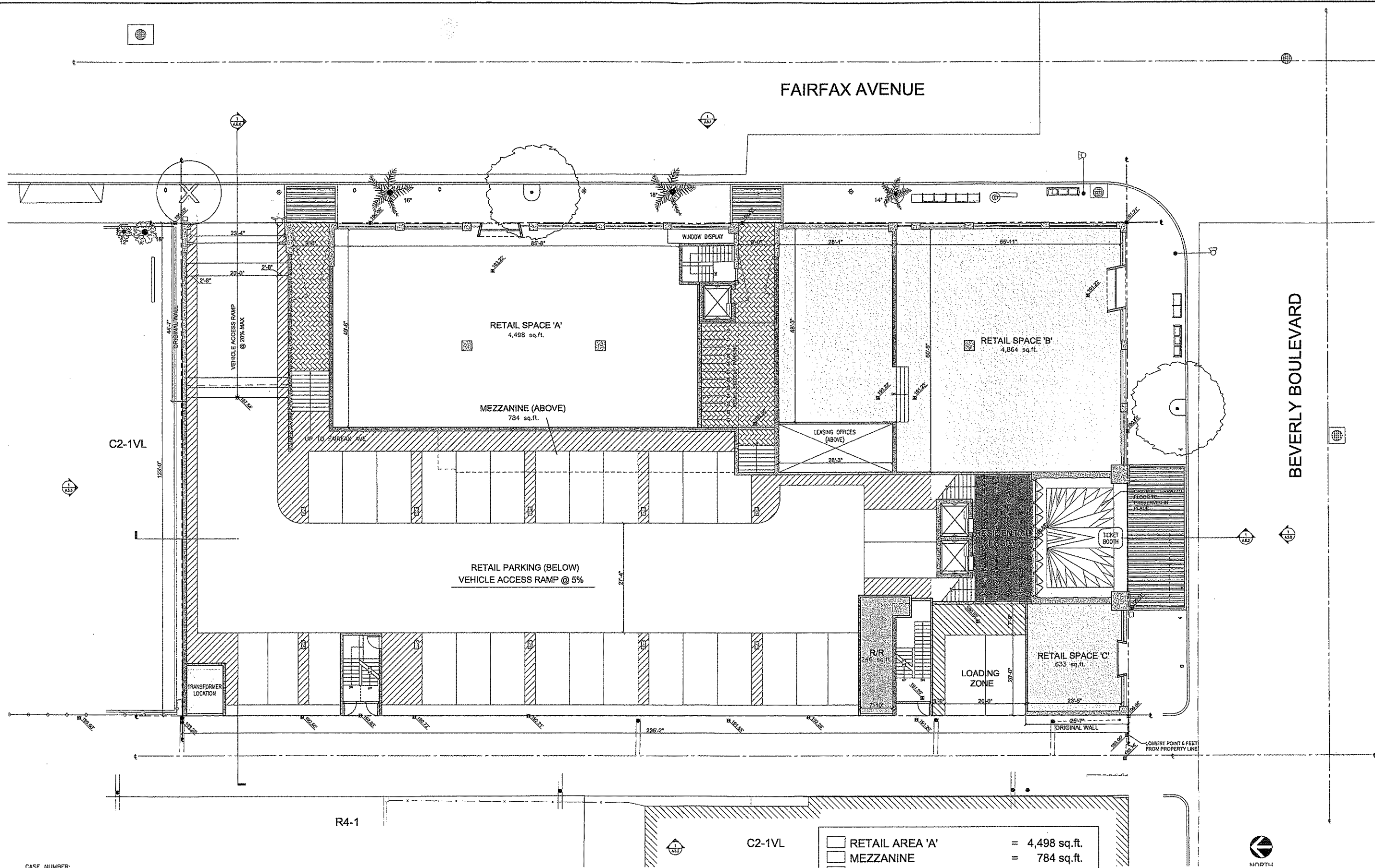
PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN	A/H
CHECKED	H/A
APPROVED	
SCALE	3/32" = 1'-0"
SHEET	

**A.1.0**

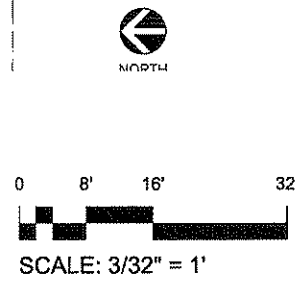
DATE	09/01/12
PROJECT NUMBER	H/A 0000000-00000

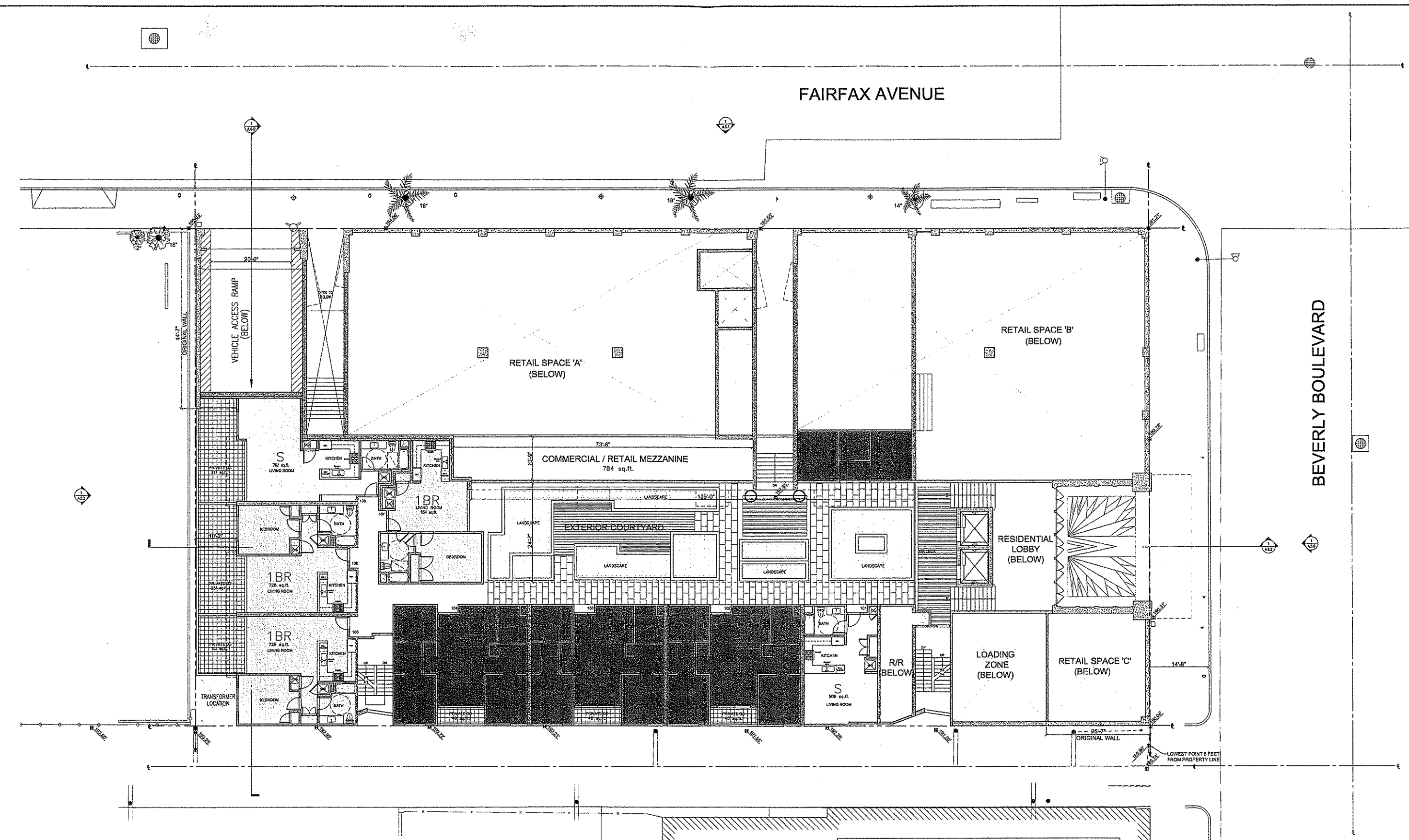




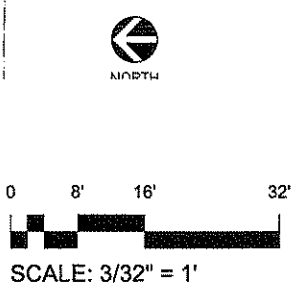
CASE NUMBER: \_\_\_\_\_  
SITE ADDRESS: 7901 BEVERLY BOULEVARD, LOS ANGELES  
331, 333, 337 FAIRFAX AVENUE, LOS ANGELES  
LEGAL DESCRIPTION: LOTS 335, 336, 337 AND 338 OF TRACT NO. 6790, MAP BOOK 74, PAGE 32.  
BENCH MARK: THE ELEVATION OF 202.0 ON SEWER MANHOLE STATION 7+50.30  
AS SHOWN ON SEWER "Y" MAP NO. 5477-5 ON FILE IN THE CITY  
OF LOS ANGELES WAS USED AS DATUM FOR THIS SURVEY.

RETAIL AREA 'A'	= 4,498 sq.ft.
MEZZANINE	= 784 sq.ft.
RETAIL AREA 'B'	= 4,864 sq.ft.
RETAIL AREA 'C'	= 633 sq.ft.
TOTAL RETAIL AREA	= 10,779 sq.ft.
RESIDENTIAL LOBBY	= 470 sq.ft.
REFUSE & RECYCLING	= 246 sq.ft.
TOTAL GROUND FLOOR	= 11,249 sq.ft.





2ND FLOOR AREA	= 8,344 sq.ft.
LEASING OFFICE	= 339 sq.ft.
COURTYARD AREA	= 2,474 sq.ft.
SINGLE UNITS	= 2
1 BEDROOM UNITS	= 3
2 BEDROOM UNITS	= 3
TOTAL	= 8



REVISIONS

BY	DATE	DESCRIPTION
AKL	08-01-12	PLANNING SUBMITTAL

hla

howard laks architects

CONSULTANTS

7901 BEVERLY BOULEVARD

MIXED USE - RETAIL & APARTMENTS

LOS ANGELES - CALIFORNIA 90048

SECOND FLOOR PLAN

PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN

AJH

CHECKED

HLA

APPROVED

SCALE

3/32" = 1'-0"

SHEET

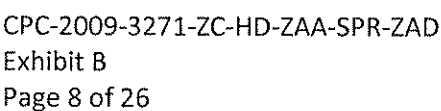
A.2.1

DATE

08/01/12

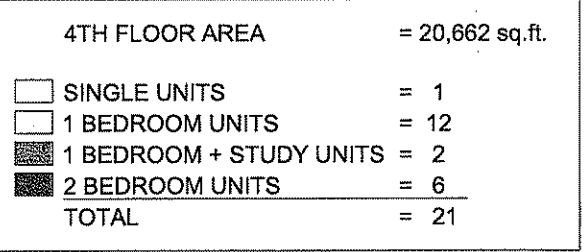
PROJECT NUMBER

HLA 00000000-000000

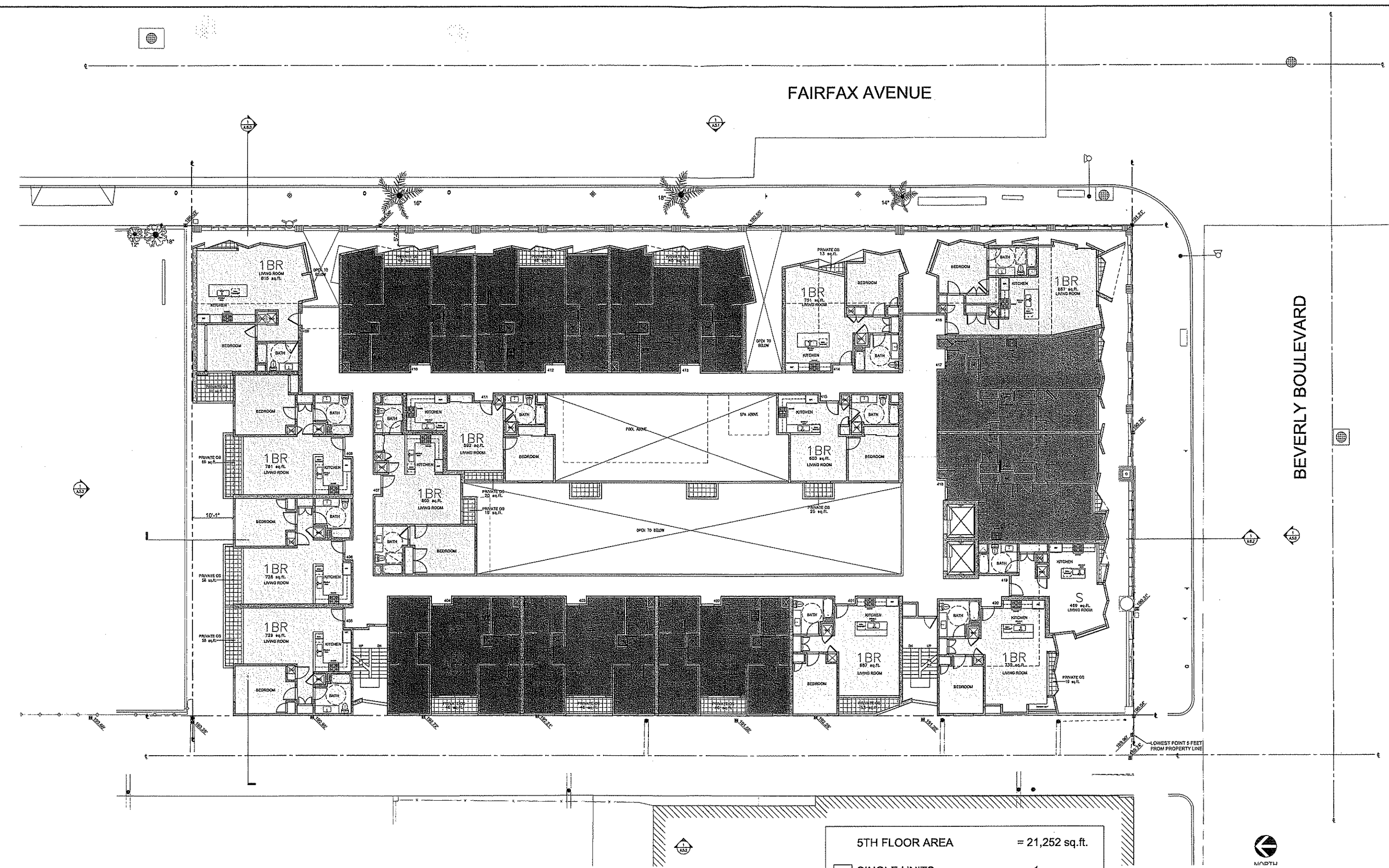


0 8' 16' 32'

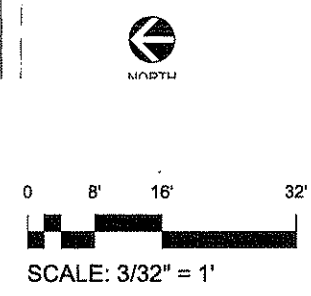
SCALE: 3/32" = 1'







5TH FLOOR AREA		= 21,252 sq.ft.
	SINGLE UNITS	= 1
	1 BEDROOM UNITS	= 11
	1 BEDROOM + STUDY UNITS	= 2
	2 BEDROOM UNITS	= 6
	TOTAL	= 20



REVISIONS

NO.	DATE	DESCRIPTION
1	09-01-12	FINAL SUBMITTAL

howard laks architects

CONSULTANTS

7901 BEVERLY BOULEVARD

MIXED USE - RETAIL & APARTMENTS

LOS ANGELES • CALIFORNIA 90048

FIFTH FLOOR PLAN

PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN

AJH

CHECKED

HLA

APPROVED

SCALE

3/32" = 1'-0"

SHEET

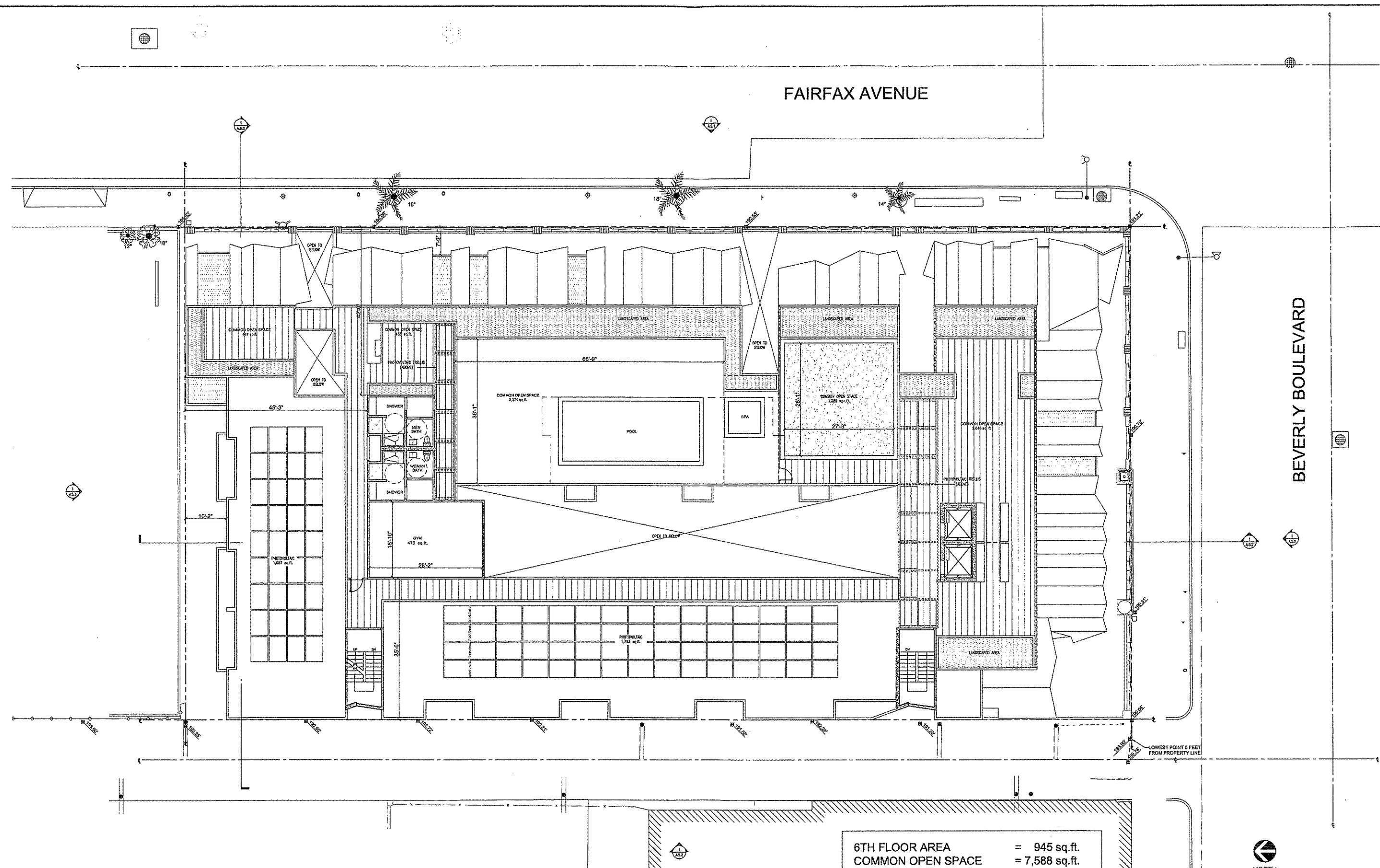
A.2.4

DATE

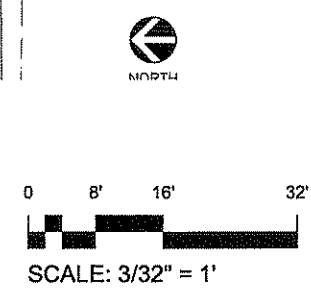
09/01/12

PROJECT NUMBER

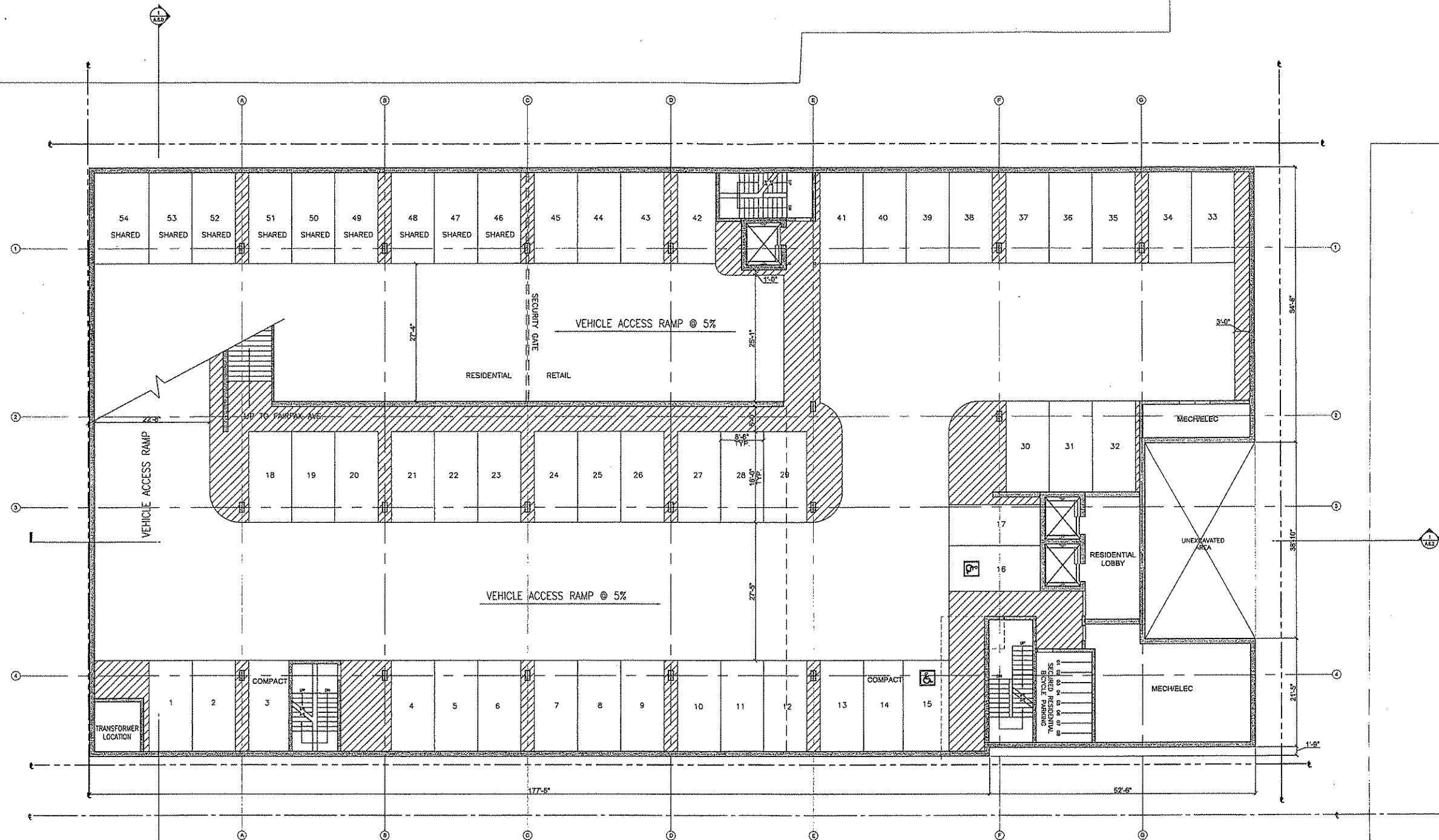
HLA 0000000-00000



6TH FLOOR AREA = 945 sq. ft.  
 COMMON OPEN SPACE = 7,588 sq. ft.  
 PHOTOVOLTAIC AREA = 3,512 sq. ft.



REVISIONS BY DATE DESCRIPTION AML 09-01-12 PLANNING SUBMITTAL	
howard laks architects	
CONSULTANTS	
<b>7901 BEVERLY BOULEVARD</b> MIXED USE - RETAIL & APARTMENTS LOS ANGELES - CALIFORNIA 90048	
ROOF TERRACE	
PRELIMINARY - NOT FOR CONSTRUCTION	
DRAWN: ABL CHECKED: HLA APPROVED:	SCALE: 3/32" = 1'-0" SHEET: <b>A.2.5</b> DATE: 09/01/12 PROJECT NUMBER: HLA 0000000-000000



PARKING LEVEL P.1

STANDARD PARKING SPACES = 52

COMPACT PARKING SPACES = 2



REVISIONS	DATE	DESCRIPTION
1	09-01-12	PARKING SUBMITTAL

**hla**

howard laks architects

CONSULTANTS

**7901 BEVERLY BOULEVARD**

MIXED USE - RETAIL & APARTMENTS

LOS ANGELES - CALIFORNIA, 90048

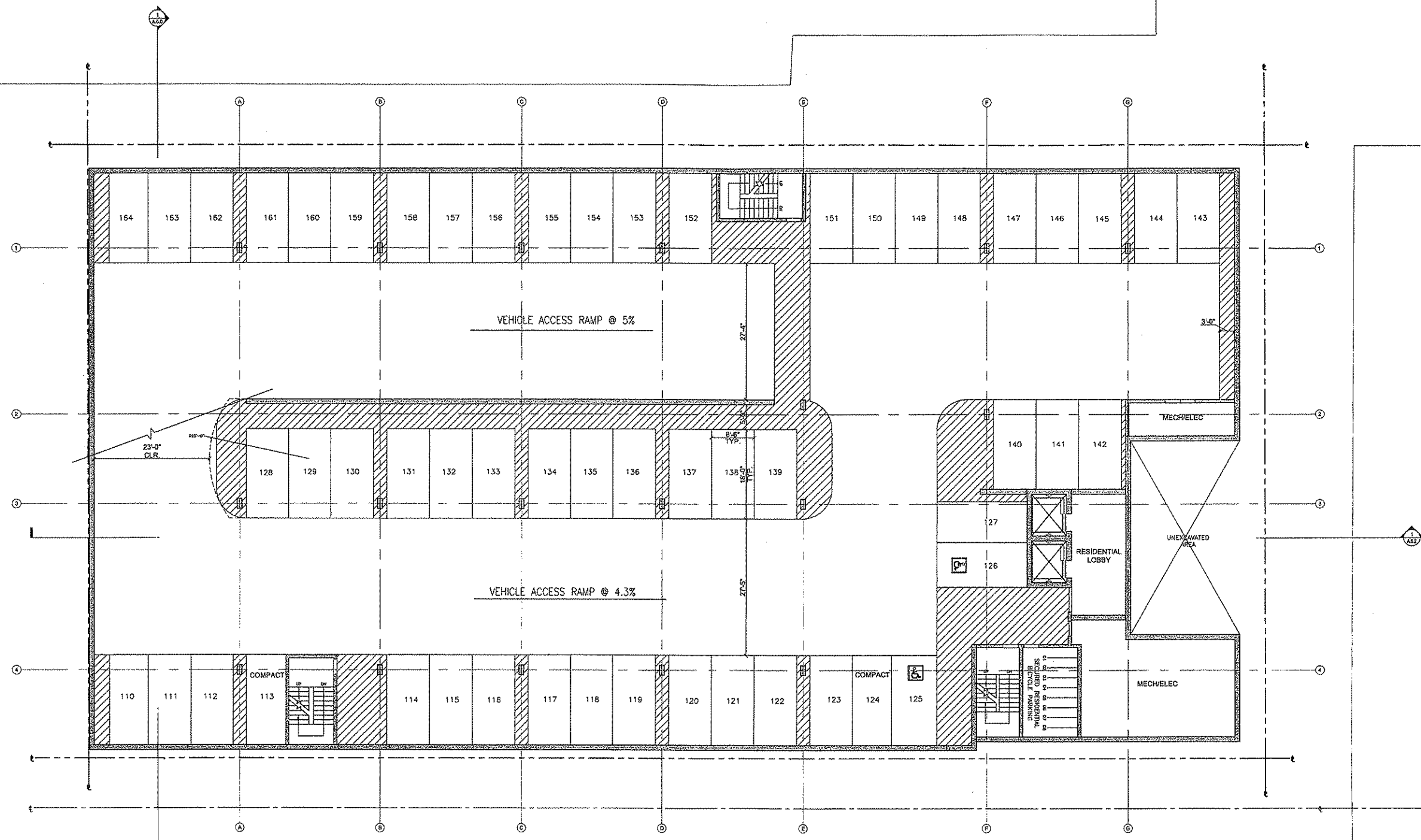
PARKING LEVEL P.1

PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN	A/R
CHECKED	H/LA
APPROVED	-
SCALE	3/32" = 1'-0"
SHEET	A.2.6
DATE	09/01/12
PROJECT NUMBER	HLA 0000000-00000







**PARKING LEVEL P.3**

STANDARD PARKING SPACES = 52  
 COMPACT PARKING SPACES = 2



REVISIONS	DATE	DESCRIPTION
1	09-01-12	PARKING SUBMITTAL

**hla**

howard laks architects

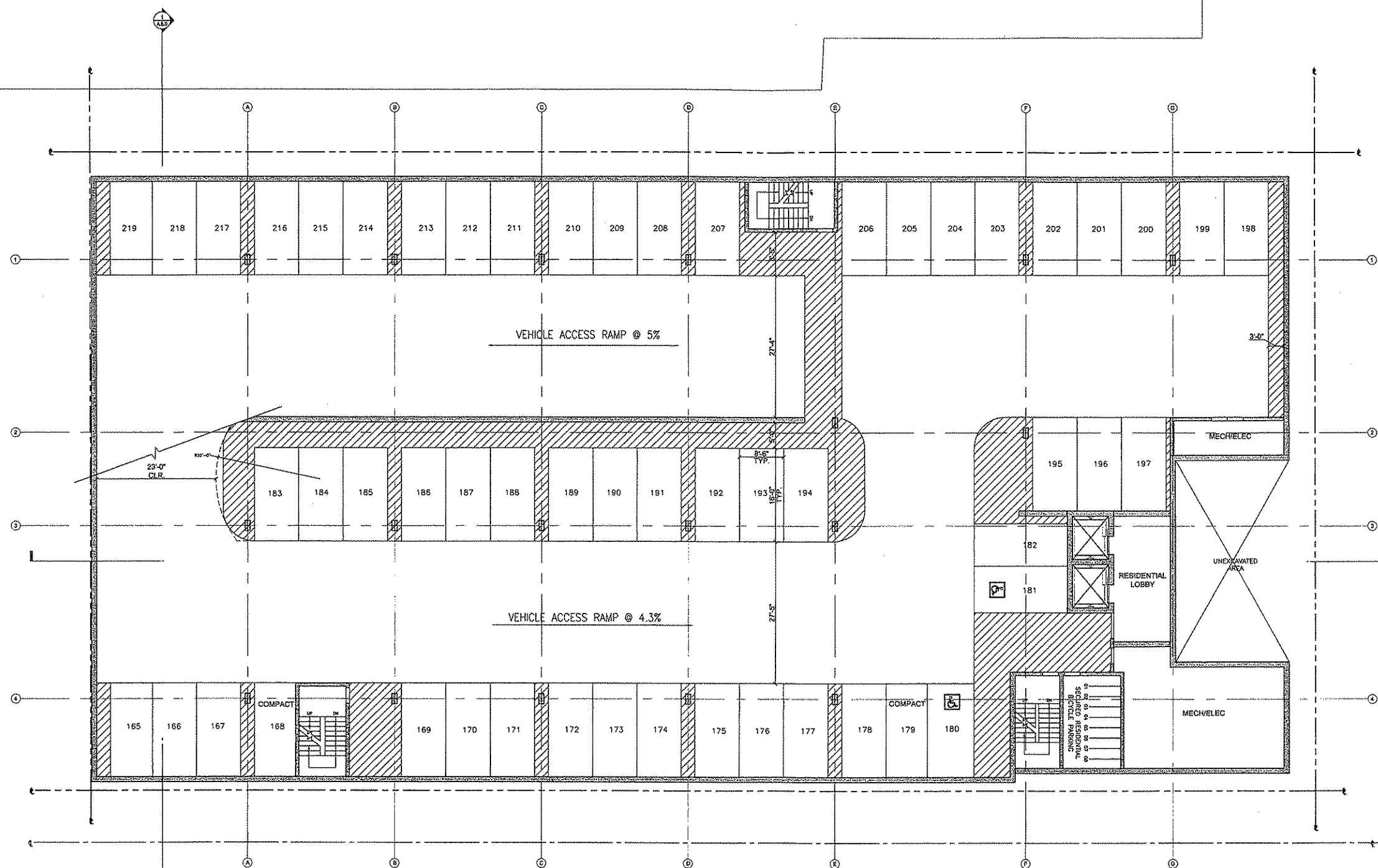
CONSULTANTS

**7901 BEVERLY BOULEVARD**  
 MIXED USE - RETAIL & APARTMENTS  
 LOS ANGELES - CALIFORNIA 90048

PARKING LEVEL P.3

PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN	A/H
CHECKED	H/LA
APPROVED	-
SCALE	3/32" = 1'-0"
SHEET	<b>A.2.8</b>
DATE	09/01/12
PROJECT NUMBER	HLA 0000000-00000



PARKING LEVEL P.4

STANDARD PARKING SPACES = 52

COMPACT PARKING SPACES = 2



REVISION	DATE	DESCRIPTION
1	JAN 09-01-12	PLANNING SUBMITTAL



howard laks architects

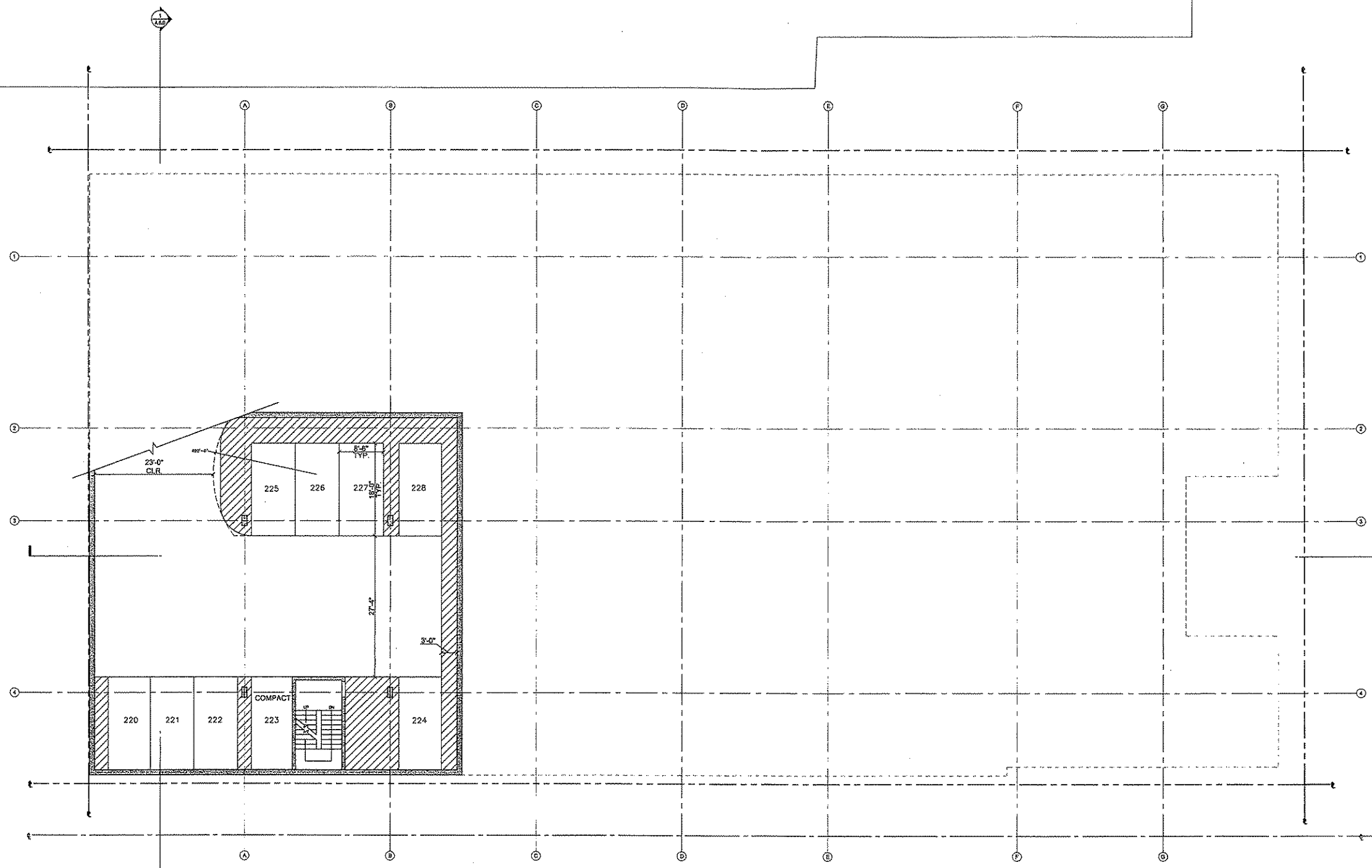
CONSULTANTS

7901 BEVERLY BOULEVARD  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA 90048

PARKING LEVEL P.4

PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN	AJH
CHECKED	HJA
APPROVED	-
SCALE	3/32" = 1'-0"
SHEET	A.2.9
DATE	09/01/12
PROJECT NUMBER	HJA 0000000-00000



PARKING LEVEL P.4 1/2

STANDARD PARKING SPACES = 8  
COMPACT PARKING SPACES = 1



REVISIONS	DATE	DESCRIPTION
BY	09-01-12	EXHIBIT SUBMIT
DATE	09-01-12	EXHIBIT SUBMIT
DATE	09-01-12	EXHIBIT SUBMIT
DATE	09-01-12	EXHIBIT SUBMIT

**hla**

howard laks architects

CONSULTANTS

**7901 BEVERLY BOULEVARD**  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA 90048

PARKING LEVEL P.4 1/2

PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN	A/H
CHECKED	H/A
APPROVED	"

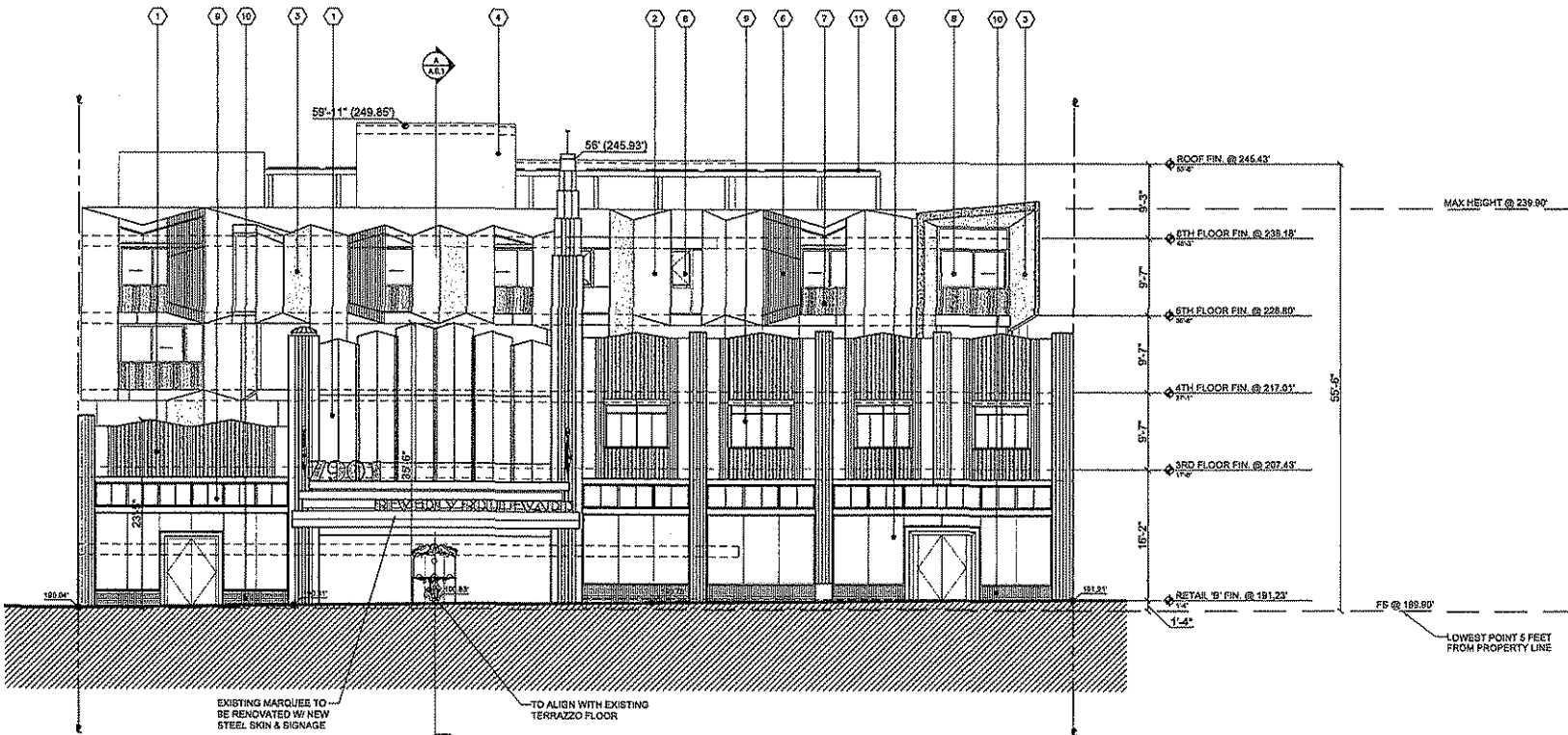
SCALE  
3/32" = 1'-0"

SHEET  
**A.2.10**

DATE  
09/01/12

PROJECT NUMBER  
H/A 0000000-000000

EXTERIOR MATERIALS			
1	EXTERIOR WALL	MATERIAL: EXISTING CONCRETE FACADE COLOR: EXISTING	
2	EXTERIOR PANEL	MATERIAL: GLASS FIBER REINFORCED CONCRETE COLOR: NATURAL	
3	EXTERIOR PANEL	MATERIAL: GLASS FIBER REINFORCED CONCRETE COLOR: GREEN TINT	
4	EXTERIOR WALL	MATERIAL: SMOOTH STUCCO COLOR: TBD	
5	EXTERIOR WALL	MATERIAL: TEXTURED STUCCO COLOR: TBD	
6	SCREEN	MATERIAL: STEEL COLOR: NATURAL	
7	GUARDRAIL	MATERIAL: VERTICAL FLUTED GLASS COLOR: GREEN	
8	DOOR & WINDOW	MATERIAL: ALUMINUM FRAME W/ GLASS COLOR: FRAME: ALUMINUM, GLASS: CLEAR	
9	WINDOW	MATERIAL: TO MATCH ORIGINAL W/ GLASS COLOR: FRAME: TBD, GLASS: CLEAR	
10	RETAIL PLINTH	MATERIAL: TILE COLOR: BLACK	
11	PHOTOVOLTAIC PANEL	MATERIAL: PHOTOVOLTAIC PANEL W/ STEEL FRAME COLOR: PANEL: NATURAL, FRAME: STEEL	



**1 SOUTH ELEVATION**  
Scale: 3/32" = 1'-0"

DATE

09/01/12

DESCRIPTION

PLANNING SUBMITTAL

REVISIONS

BY

DATE

1

HLA

09/01/12

howard laks architects

CONSULTANTS

7901 BEVERLY BOULEVARD

MIXED USE - RETAIL & APARTMENTS

LOS ANGELES • CALIFORNIA, 90048

SOUTH ELEVATION

PRELIMINARY - NOT FOR CONSTRUCTION

DRAWN

AJH

CHECKED

HLA

APPROVED

-

SCALE

3/32" = 1'-0"

SHEET

A.5.0

DATE

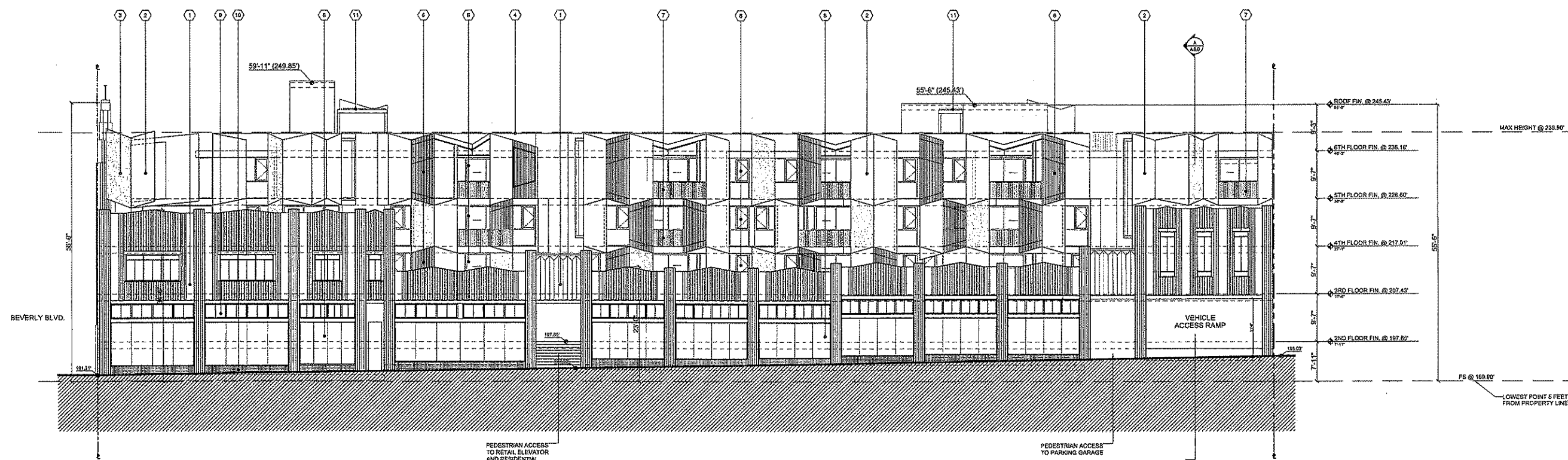
09/01/12

PROJECT NUMBER

HLA 0000000-00000

# EXTERIOR MATERIALS

1	EXTERIOR WALL	MATERIAL: EXISTING CONCRETE FACADE COLOR: EXISTING
2	EXTERIOR PANEL	MATERIAL: GLASS FIBER REINFORCED CONCRETE COLOR: NATURAL
3	EXTERIOR PANEL	MATERIAL: GLASS FIBER REINFORCED CONCRETE COLOR: GREEN TINT
4	EXTERIOR WALL	MATERIAL: SMOOTH STUCCO COLOR: TBD
5	EXTERIOR WALL	MATERIAL: TEXTURED STUCCO COLOR: TBD
6	SCREEN	MATERIAL: STEEL COLOR: NATURAL
7	GUARDRAIL	MATERIAL: VERTICAL FLUTED GLASS COLOR: GREEN
8	DOOR & WINDOW	MATERIAL: ALUMINUM FRAME W/ GLASS COLOR: FRAME: ALUMINUM, GLASS: CLEAR
9	WINDOW	MATERIAL: TO MATCH ORIGINAL W/ GLASS COLOR: FRAME: TBD, GLASS: CLEAR
10	RETAIL PLINTH	MATERIAL: TILE COLOR: BLACK
11	PHOTOVOLTAIC PANEL	MATERIAL: PHOTOVOLTAIC PANEL W/ STEEL FRAME COLOR: PANEL: NATURAL, FRAME: STEEL



**1 EAST ELEVATION**  
Scale: 3/32" = 1'-0"



howard laks architects

CONSULTANTS

7901 BEVERLY BOULEVARD  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA 90048

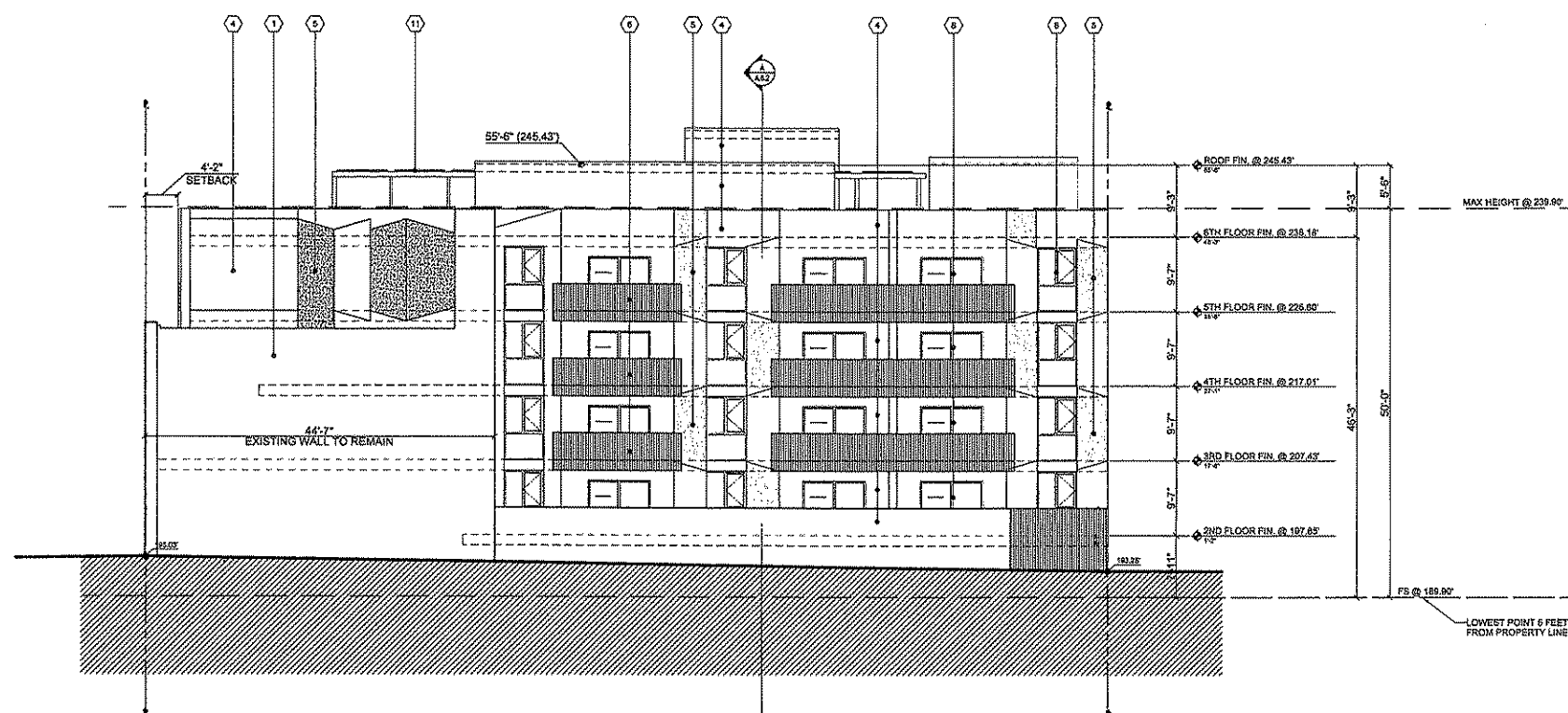
EAST ELEVATION

PRELIMINARY NOT FOR CONSTRUCTION

DRAWN	AJH
CHECKED	HLA
APPROVED	"
SCALE	3/32" = 1'-0"
SHEET	A.5.1
DATE	09/01/12
PROJECT NUMBER	HLA 0000000-00000

# EXTERIOR MATERIALS

1	EXTERIOR WALL	MATERIAL: EXISTING CONCRETE FACADE COLOR: EXISTING
2	EXTERIOR PANEL	MATERIAL: GLASS FIBER REINFORCED CONCRETE COLOR: NATURAL
3	EXTERIOR PANEL	MATERIAL: GLASS FIBER REINFORCED CONCRETE COLOR: GREEN TINT
4	EXTERIOR WALL	MATERIAL: SMOOTH STUCCO COLOR: TBD
5	EXTERIOR WALL	MATERIAL: TEXTURED STUCCO COLOR: TBD
6	SCREEN	MATERIAL: STEEL COLOR: NATURAL
7	GUARDRAIL	MATERIAL: VERTICAL FLUTED GLASS COLOR: GREEN
8	DOOR & WINDOW	MATERIAL: ALUMINUM FRAME W/ GLASS COLOR: FRAME: ALUMINUM, GLASS: CLEAR
9	WINDOW	MATERIAL: TO MATCH ORIGINAL W/ GLASS COLOR: FRAME: TBD, GLASS: CLEAR
10	RETAIL PLINTH	MATERIAL: TILE COLOR: BLACK
11	PHOTOVOLTAIC PANEL	MATERIAL: PHOTOVOLTAIC PANEL W/ STEEL FRAME COLOR: PANEL: NATURAL, FRAME: STEEL



**1 NORTH ELEVATION**  
Scale: 3/32" = 1'-0"



howard laks architects

CONSULTANTS

7901 BEVERLY BOULEVARD  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA, 90048

NORTH ELEVATION

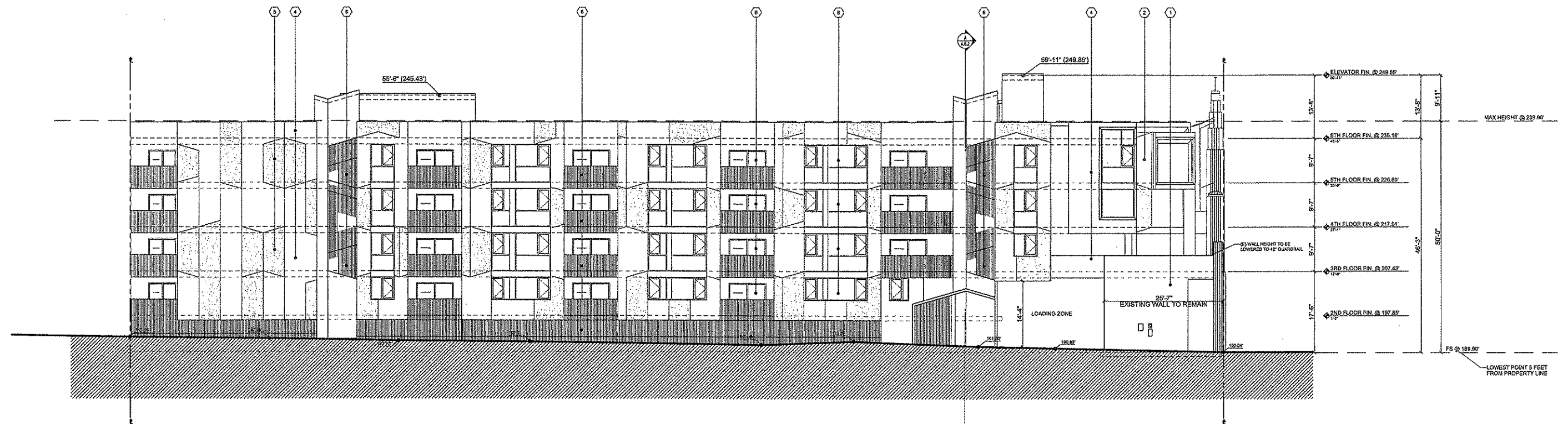
PRELIMINARY NOT  
FOR CONSTRUCTION

DRAWN: AJH  
CHECKED: HLA  
APPROVED: -  
SCALE: 3/32" = 1'-0"  
SHEET

**A.5.2**  
DATE: 09/01/12  
PROJECT NUMBER: HLA 0000000-00000

# EXTERIOR MATERIALS

1	EXTERIOR WALL	MATERIAL: EXISTING CONCRETE FACADE COLOR: EXISTING
2	EXTERIOR PANEL	MATERIAL: GLASS FIBER REINFORCED CONCRETE COLOR: NATURAL
3	EXTERIOR PANEL	MATERIAL: GLASS FIBER REINFORCED CONCRETE COLOR: GREEN TINT
4	EXTERIOR WALL	MATERIAL: SMOOTH STUCCO COLOR: TBD
5	EXTERIOR WALL	MATERIAL: TEXTURED STUCCO COLOR: TBD
6	SCREEN	MATERIAL: STEEL COLOR: NATURAL
7	GUARDRAIL	MATERIAL: VERTICAL FLUTED GLASS COLOR: GREEN
8	DOOR & WINDOW	MATERIAL: ALUMINUM FRAME W/ GLASS COLOR: FRAME: ALUMINUM, GLASS: CLEAR
9	WINDOW	MATERIAL: TO MATCH ORIGINAL W/ GLASS COLOR: FRAME: TBD, GLASS: CLEAR
10	RETAIL PLINTH	MATERIAL: TILE COLOR: BLACK
11	PHOTOVOLTAIC PANEL	MATERIAL: PHOTOVOLTAIC PANEL W/ STEEL FRAME COLOR: PANEL: NATURAL, FRAME: STEEL



**1 WEST ELEVATION**  
Scale: 3/32" = 1'-0"

REVISIONS  
BY DATE DESCRIPTION  
AL 08-01-12 PLANNING SUBMITTAL



howard laks architects

CONSULTANTS

7901 BEVERLY BOULEVARD  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA, 90048

WEST ELEVATION

PRELIMINARY - NOT  
FOR CONSTRUCTION

DRAWN: ALH  
CHECKED: HLA  
APPROVED: -

SCALE:  
3/32" = 1'-0"

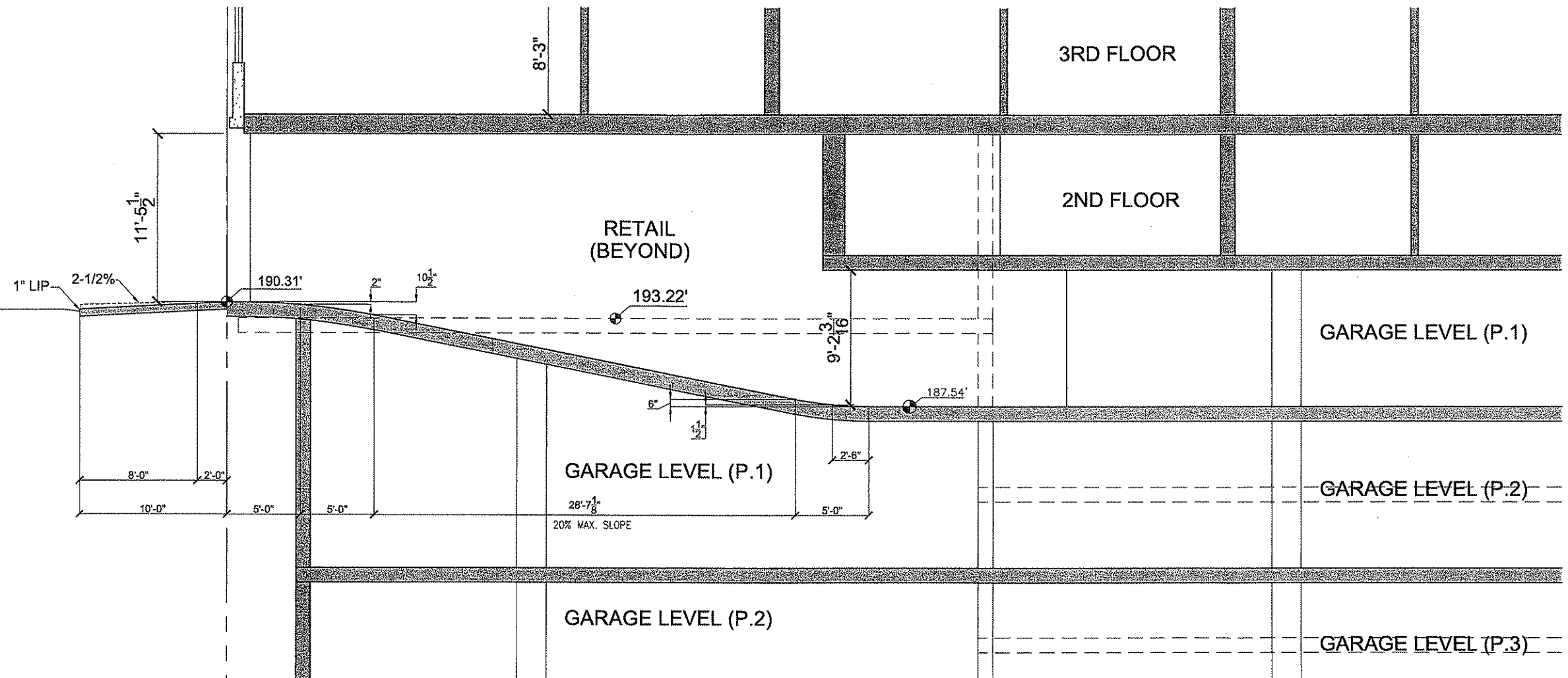
SHEET  
**A.5.3**

DATE: 09/01/12  
PROJECT NUMBER: HLA 00000000-00000





FAIRFAX AVE.



**1 GARAGE RAMP SECTION**  
Scale: 1/4" = 1'-0"



PLANTING NOTES:

- A. PLANT QUANTITIES ARE PROVIDED FOR BIDDING CONVENIENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR PROVIDING SUFFICIENT QUANTITIES OF MATERIAL EQUAL TO SYMBOL COUNT OR TO FILL AREA SHOWN ON PLAN AT SPACING SPECIFIED.
- B. TREE LOCATIONS MAY BE ADJUSTED TO AVOID CONFLICTS WITH UNDERGROUND UTILITIES. CONSULT WITH LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE PRIOR TO ADJUSTMENT OF TREE LOCATIONS, ESPECIALLY THOSE ARRANGED ON A SPECIFIED MODULE OR IN A GRID PATTERN.
- C. ALL TREES LOCATED WITHIN 3' OF PAVEMENT OR STRUCTURES ARE TO HAVE ROOT CONTROL BARRIERS INSTALLED AT TIME OF PLANTING. UNLESS OTHERWISE SPECIFIED, A 12" LONG X 18" DEEP LINEAR BARRIER SHALL BE INSTALLED AT EDGE OF PAVEMENT/STRUCTURE, WITH LENGTH CENTERED AT THE TREE TRUNK.
- D. NURSERY STAKES ARE TO BE REMOVED AFTER PLANTING TREES AND STAKING OR GUYING AS SHOWN ON PLANS.
- E. TREES PLANTED IN TURF AREAS ARE TO HAVE TRUNKS PROTECTED WITH PERFORATED POLYETHYLENE TREE TRUNK PROTECTORS (ARBOR-GARD+ OR EQUAL).
- F. CONTRACTOR IS RESPONSIBLE FOR PRUNING TREES AS DIRECTED BY LANDSCAPE ARCHITECT. NO PRUNING IS TO BE DONE UNLESS DIRECTED.
- G. MULCH ALL AREAS (EXCEPT TURF, SLOPES GREATER THAN 2:1, OR AS NOTED ON PLANS) WITH 3" LAYER OF SPECIFIED MATERIAL. AREAS PLANTED WITH FLATTED MATERIAL ARE TO HAVE A 2" LAYER OF MULCH.
- H. SEE DETAIL FOR PLACEMENT OF SHRUBS IN IRREGULARLY SHAPED PLANTING AREAS.
- I. WHERE GROUNDCOVER IS SHOWN ON PLANS: GROUNDCOVER PLANTING CONTINUES UNDER SHRUBS & TREES AT SPECIFIED SPACING. DO NOT PLANT GROUNDCOVER IN SHRUB/TREE WATERING BASINS.
- J. ALL SLOPES 2:1 OR GREATER ARE TO BE STABILIZED WITH JUTE MESH PRIOR TO PLANTING. DO NOT INSTALL JUTE MESH ON SEEDED SLOPES. SEE SPECIFICATIONS.

PALM TREE PROTECTION NOTES:

- A. PROTECTION BARRIER: A PROTECTION BARRIER SHALL BE INSTALLED AROUND THE TREE (OR TREES) TO BE PRESERVED. THE BARRIER SHALL BE CONSTRUCTED OF DURABLE FENCING MATERIAL, SUCH AS PLASTIC CONSTRUCTION FENCING, OR CHAIN-LINK FENCING. THE BARRIER SHALL BE PLACED AS FAR FROM THE BASE OF THE PALM TREE(S) AS POSSIBLE, MINIMUM IF 4' AWAY FROM THE CENTER OF THE TRUNK. THE FENCING SHALL BE MAINTAINED IN GOOD REPAIR THROUGHOUT THE DURATION OF THE PROJECT, AND SHALL NOT BE REMOVED, RELOCATED, OR ENCLOSED UPON WITHOUT PERMISSION OF THE ARBORIST INVOLVED.
- B. STORAGE OF MATERIALS: THERE SHALL BE NO STORAGE OF MATERIALS OR SUPPLIES OF ANY KIND WITHIN THE AREA OF THE PROTECTION BARRIERS. CONCRETE AND CEMENT MATERIALS, BLOCK, STONE, SAND AND SOIL SHALL NOT BE PLACED WITHIN THE DRIP-LINE OF THE TREE.
- C. FUEL STORAGE: FUEL STORAGE SHALL NOT BE PERMITTED WITHIN 150 FEET OF ANY PALM TREE TO BE PRESERVED. REFUELING, SERVICING AND MAINTENANCE OF EQUIPMENT AND MACHINERY SHALL NOT BE PERMITTED WITHIN 150 FEET OF PROTECTED PALM TREES.
- D. DEBRIS & WASTE MATERIALS: DEBRIS AND WASTE FROM CONSTRUCTION OR OTHER ACTIVITIES SHALL NOT BE PERMITTED WITHIN PROTECTED AREAS. WASH DOWN OF CONCRETE OR CEMENT HANDLING EQUIPMENT, IN PARTICULAR, SHALL NOT BE PERMITTED WITHIN 150 FEET OF PROTECTED PALM TREES.
- E. GRADE CHANGES: GRADE CHANGES CAN BE PARTICULARLY DAMAGING TO PALM TREES. EVEN AS LITTLE AS TWO INCHES OF FILL CAN CAUSE THE DEATH OF A TREE. LOWERING THE GRADE CAN DESTROY MAJOR PORTIONS OF A ROOT SYSTEM. ANY GRADE CHANGES PROPOSED SHOULD BE APPROVED BY A REGISTERED CONSULTING ARBORIST BEFORE CONSTRUCTION BEGINS, AND PRECAUTIONS TAKEN TO MITIGATE POTENTIAL INJURIES.
- F. DAMAGES: ANY DAMAGES OR INJURIES TO PALM TREES SHOULD BE REPORTED TO THE PROJECT ARBORIST AS SOON AS POSSIBLE. SEVERED ROOTS SHALL BE PRUNED CLEANLY TO HEALTHY TISSUE, USING PROPER PRUNING TOOLS.
- G. PREVENTIVE MEASURES: BEFORE CONSTRUCTION BEGINS, FERTILIZATION OF THE AFFECTED TREES IS RECOMMENDED TO IMPROVE PALM TREE VIGOR AND HEALTH. SOIL ANALYSIS TESTING SHOULD BE COMPLETED TO ASSURE FERTILIZATION WITH THE APPROPRIATE FERTILIZER PRODUCTS.
- H. CONTRACTOR IS RESPONSIBLE FOR WATERING OF EXISTING PALM TREES DURING CONSTRUCTION. GENERAL CONTRACTOR IS RESPONSIBLE FOR THE HEALTH OF EXISTING PALM TREES DURING CONSTRUCTION.

ah/be landscape architects

Project: 7901 Beverly Blvd.  
Project number: 109015  
Date: 2009.6.26

Directions (delete this line before printing): 1) acquire numbers for blue cells from owner/architects, 2) input numbers in the green cells, 3) modify (add/delete if necessary) the open space descriptions, and 4) verify formulas include added cells.

City of Los Angeles Open Space Calculation

Open Space Required

	Quantity Proposed	Requirement/ Unit	Unit	Total Requirement
Studio (less than 3 habitable rooms)	4	100 sf		400 sf
1-Bedroom DU (less than 3 habitable rooms)	42	100 sf		4,200 sf
2-Bedroom DU (3 habitable rooms)	21	125 sf		2,625 sf
3-Bedroom DU (greater than 3 habitable rooms)	4	175 sf		700 sf
<b>TOTAL REQUIRED</b>				<b>7,925 sf</b>

Open Space (Common and Private) Provided

Common open space areas must be readily accessible to all residents of the site and constitute at least 50 percent of the total required usable open space. Common open space areas can incorporate recreational amenities such as swimming pools, spas, child

Common Open Space

	Quantity Proposed	Size	Unit	Total Provided
Recreation Rooms	0	0 sf		0 sf
Pool level	1	2,705 sf		2,705 sf
Residential courtyard	1	2,282 sf		2,282 sf
Ground level	0	0 sf		0 sf
Misc (please indicate)	0	0 sf		0 sf
<b>Total Common Space Provided</b>				<b>4,987 sf</b>
<b>Minimum Common Space Required (50% of OS)</b>				<b>3,963 sf</b>

Common Open Space Planted

	Quantity Proposed	Size	Unit	Total Provided
Pool level	1	1,532 sf		1,532 sf
Residential courtyard	1	1,106 sf		1,106 sf
Ground level	1	0 sf		0 sf
Misc (please indicate)	0	0 sf		0 sf
<b>Total Common Space Planted</b>				<b>2,638 sf</b>
<b>Total Common Space Planted Required (25% of CS)</b>				<b>1,247 sf</b>

Private Open Space

Example: Balconies/Patios

	Quantity Proposed	Size	Unit	Total Provided
Pool level	1	931 sf		931 sf
Residential courtyard	1	1,494 sf		1,494 sf
Ground level	1	1,277 sf		1,277 sf
Misc (please indicate)	1	431 sf		431 sf
<b>Total Private Space Provided</b>				<b>4,133 sf</b>

TOTAL OPEN SPACE PROVIDED

9,120 sf

24" Box Trees (or larger) requirement

	Quantity Proposed	Total Required # of 24" box Trees (1per 4 unit)
Pool level	31	18 trees
Residential courtyard	0	33 trees
Ground level	2	
<b>Number of 24" box trees provided</b>		<b>33 trees</b>

TREE LEGEND:

SYMBOL	BOTANICAL NAME "COMMON NAME"	SIZE (HTxSPR)	REMARKS	DETAIL REFER.
	ARBUTUS "MARINA" "MAYN"	24" BOX	STANDARD	X X
	ARCHONTOPHOENIX CUNNINGHAMIANA "KING PALM"	10' BTH	STANDARD	X X
	LAGERSTROEMIA INDICA "GRAPE MYRTLE"	36" BOX	MULTI TRUNK	X X
	MAGNOLIA GRANDIFLORA "SOUTHERN MAGNOLIA"	48" BOX	STANDARD	X X
	ODOCARPUS ELONGATUS "MONNAL" "ICEE BLUE YELLOW-WOOD"	24" BOX	AVAILABLE: MONROVIA	X X
	TIBOUCHINA URVILLEANA "PRINCESS FLOWER"	24" BOX	X X	X X

SHRUB, VINE, & GROUNDCOVER LEGEND: (SUSUMP PLANTER)

SYMBOL	BOTANICAL NAME "COMMON NAME"	SIZE & SPACING	REMARKS	DETAIL REFER.
	ASPARAGUS DENSIFLORUS "MYERS" "MYERS ASPARAGUS"	5 GAL	X X	X X
	ACORUS GRAMINEUS "OGON" "JAPANESE SWEET FLAG"	5 GAL	X X	X X
	ASPIDISTRA ELATIOR "CAST IRON PLANT"	1 GAL	X X	X X
	CLIVIA MINIATA "BUSH LILY"	5 GAL	X X	X X
	CYATHEA COOPERI "AUSTRALIAN TREE FERN"	15 GAL	X X	X X
	HOSTA PLANTAGINEA "FRAGRANT PLANTAIN LILY"	5 GAL	X X	X X
	LIRIODENDRON MUSCARI "BIG BLUE LILY TURF"	1 GAL	X X	X X
	PHILODENDRON "XANADU" "PHILODENDRON"	5 GAL	X X	X X
	SETCREASEA PALLIDA "PURPLE HEART" "PURPLE HEART"	1 GAL	X X	X X

SHRUB, VINE, & GROUNDCOVER LEGEND: (POOL DECK/POTTED PLANTS)

SYMBOL	BOTANICAL NAME "COMMON NAME"	SIZE & SPACING	REMARKS	DETAIL REFER.
	AGAVE ATTENUATA "NOVA" "BLUE FOX TAIL AGAVE"	15 GAL	X X	X X
	CANNIA "PHAISSON" "CANNIA"	5 GAL	X X	X X
	CORDYLINE AUSTRALIS "RED STAR" "RED GRASS PALM"	5 GAL @ 36" O.C.	X X	X X
	EUCALYPTUS PERRINIANA "SPRING GUM"	5 GAL 18" O.C.	IN POT	X X
	HELICHRYSUM PETIOLARE "LIMELIGHT" "LIMELIGHT LICORICE PLANT"	1 GAL @18" O.C.	IN PLANTER/POT	X X
	KNIPHOFIA SPP. "RED HOT POKER"	5 GAL	IN PLANTER/POT	X X
	LUPINUS NANUS "SKY LUPINE"	5 GAL 24" O.C.	IN POT	X X
	PHORMIUM TENAX "TINY TIGER" "DWARF VARIEGATED NEW ZEALAND FLAX"	5 GAL 24" O.C.	AVAILABLE: MONROVIA	X X
	SENECIO MANDRALISCAE	1 GAL @ 12" O.C.	X X	X X
	ALT: SEDUM REPESTR "ANGELINA" "GOLDEN SEDUM"	1 GAL @ 12" O.C.	X X	X X
	STRELITZIA REGINAE "BIRD OF PARADISE"	5 GAL	X X	X X
	ZANTEDESCHIA ELIOTIANA "GOLDEN CALLA"	5 GAL @ 24" O.C.	IN POT	X X
	TRACHELOSPERMUM JASMINOIDES "STAR JASMINE"	1 GAL	X X	X X

REVISIONS  
BY  
DATE

hla

howard laks

CONSULTANTS

ahbe  
landscape architects  
8729 Washington Blvd  
Culver City, CA 90232  
(310) 833-0446 (310) 204-2864

7901 BEVERLY BOULEVARD  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA 90048

PLANTING LEGEND

DRAWN

CHECKED

APPROVED

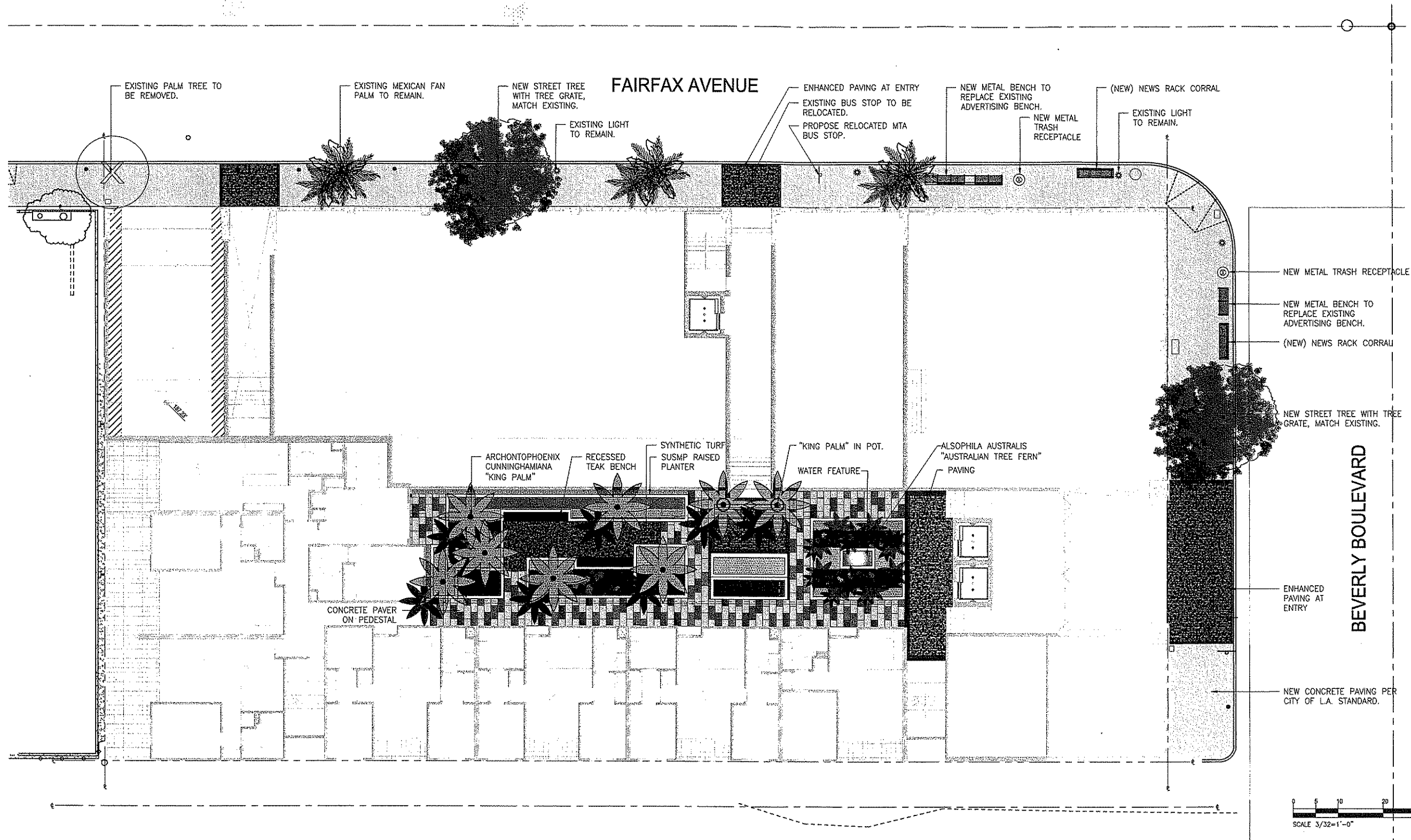
SCALE  
3/32"=1'-0"

SHEET

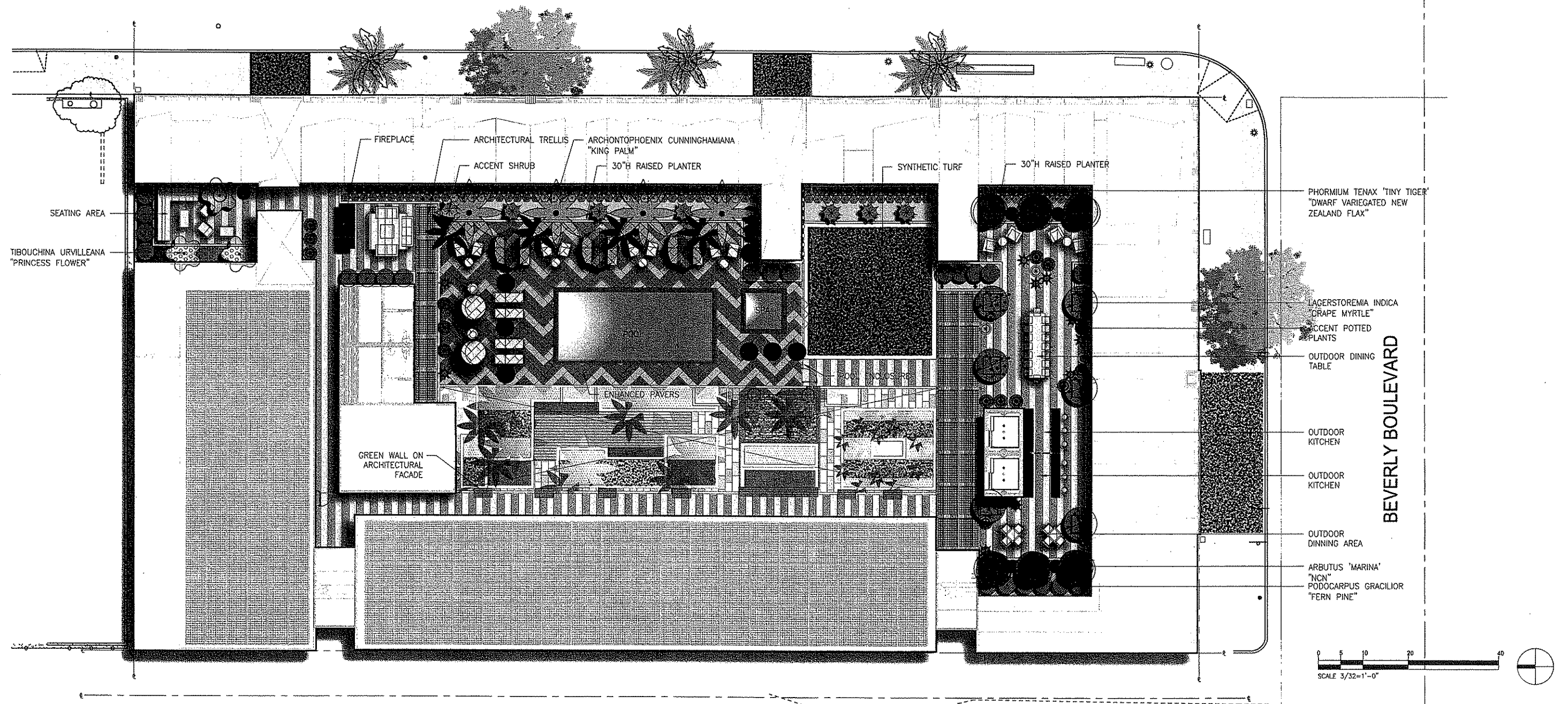
L3.00

DATE  
06/15/09

PROJECT NUMBER



FAIRFAX AVENUE



REVISIONS  
BY  
DATE



howard laks architects  
11100 Wilshire Blvd, Suite 1000  
Beverly Hills, CA 90232  
Tel: 310.274.1100  
Fax: 310.274.1101

CONSULTANTS

ahb   
landscape architects  
8728 Washington Blvd  
Culver City, CA 90232  
1 310 838 0448 1 310 204 2884

7901 BEVERLY BOULEVARD  
MIXED USE - RETAIL & APARTMENTS  
LOS ANGELES - CALIFORNIA, 90046  
ROOF TERRACE PLANTING PLAN

DRAWN

CHECKED

APPROVED

SCALE

3/32"=1'-0"

SHEET

L3.12

DATE

06/15/09

PROJECT NUMBER

HLA 10000000 000000