

CITY OF LOS ANGELES

CALIFORNIA



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When making inquiries relative to
this matter, please refer to the
Council File No.

September 23, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 13-0509, at
its meeting held September 10, 2013.



City Clerk
srb

TIME LIMIT FILES
ORDINANCES

Mayor's Time Stamp
2013 SEP 11 PM 2:18
CITY OF LOS ANGELES

City Clerk's Time Stamp
CITY CLERK'S OFFICE
2013 SEP 11 PM 2:08
CITY CLERK
BY _____ DEPUTY

COUNCIL FILE NUMBER 13-0509 COUNCIL DISTRICT 5

COUNCIL APPROVAL DATE September 10, 2013 LAST DAY FOR MAYOR TO ACT SEP 23 2013

ORDINANCE TYPE: Ord of Intent Zoning Personnel General

Improvement LAMC LAAC CU or Var Appeals - CPC No. _____

SUBJECT MATTER: AN APPEAL FOR PROPERTY AT 316-324 NORTH LA CIENEGA BOULEVARD

	APPROVED	DISAPPROVED	BY
PLANNING COMMISSION	_____	_____	CITY CLERK DEPUTY
DIRECTOR OF PLANNING	_____	_____	
CITY ATTORNEY	<u>X</u>	_____	
CITY ADMINISTRATIVE OFFICER	<u>X</u>	_____	
OTHER	_____	_____	

RECEIVED
CITY CLERK'S OFFICE
2013 SEP 19 PM 3:09

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO SEP 18 2013
(*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c))

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR SEP 19 2013 ORDINANCE NO. 182720

DATE PUBLISHED _____ DATE POSTED SEP 20 2013 EFFECTIVE DATE OCT 30 2013

ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: YES NO

8/6/13

8

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

FILE NO. 13-0509

Your **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to an appeal for property at 316-324 North La Cienega Boulevard.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council File No. 13-0509 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV-2011-2104-MND] filed on August 16, 2012.
2. ADOPT the FINDINGS of the Planning and Land Use Management (PLUM) Committee as the Findings of Council.
3. RESOLVE TO GRANT IN PART/DENY IN PART THE APPEAL filed by Beverly Grossman Palmer on behalf of Burton Way Foundation, Beverly - Wilshire Homes Association, Lorelei and William Shark, and Jack Cash, from part of the determination of the Central Los Angeles Area Planning Commission (CLAAPC), and THEREBY SUSTAIN the decision of the Zoning Administrator's determination and APPROVE, for the demolition of four existing commercial structures as well as a 47.5-foot tall, two sided billboard structure and the construction of a six-story, maximum 67-foot in height, 46,230 square feet mixed-use building for property located at 316-324 North La Cienega Boulevard, the following adjustments: 1) to allow a 0-foot front yard setback in lieu of the required 5-feet per Los Angeles Municipal Code (LAMC) Section 12.11.5, 2) to allow a 0-foot side yard setback in lieu of the required 5-feet at the south property line (alley side) as required per LAMC Section 12.11.5 C2, 3) for minimum lot area per dwelling unit, to allow 45 units in lieu of the 44.75 units allowed by the 17,900 square feet on site as required per section LAMC 12.11, 4) for maximum floor area, to allow a floor area adjustment for an increase of 2,400 square feet for a Floor Area Ratio of 3.16:1 in lieu of the allowable 3:1 as required per LAMC Section 12.21.1.5 C4.
4. DENY a height district change from -1VL to -1D with a 56-foot "D" limitation in height and APPROVE height district of -1VL with a 50-foot "D" limitation in height.
5. PRESENT and ADOPT the accompanying NEW ORDINANCE, approved by the Director of Planning, on behalf of the CLAAPC, effecting a vesting zone change from C2 zone to RAS4, for the demolition of four existing commercial structures as well as a 47.5-foot tall, two sided billboard structure and the construction of a mixed-use building for property located at 316-324 North La Cienega Boulevard, subject to Conditions of Approval, as modified by the PLUM Committee and attached to the Council file.

Applicant: Solomon Aryeh, Beverly La Cienega, LLC
Representative: Joel Miller, PSOMAS
Case No. CPC-2011-2103-VZC-HD-ZAA

6. NOT PRESENT and ORDER FILED the Ordinance approved by the CLAAPC on January 22, 2013.

7. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Council file.
8. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
9. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
10. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Fiscal Impact Statement: The CLAAPC reports that there is no General Fund impact as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - AUGUST 31, 2013

(LAST DAY FOR COUNCIL ACTION - AUGUST 31, 2013)

Summary:

At the public hearing held on June 25, 2013, the Planning and Land Use Management Committee considered an appeal for property at 316-324 North La Cienega Boulevard. Staff from the Department of City Planning (DCP) provided the Committee background information on the matter. The Applicant's representative and appellants as well as staff from Council District Five provided testimony. While the CLAAPC approved a height district change from -1VL to -1D with a 56-foot "D" limitation in height, the appellants and Council District Five requested the Committee to set a 50-foot height limitation. DCP staff noted that a height district change is not needed in this case because the RAS4 zone increases the height limit by 5-feet, which in the -1VL height district would allow for a 50-foot maximum.

After an opportunity for public comment, the Committee recommended that Council grant in part/deny in part the appeal filed by Beverly Grossman Palmer on behalf of Burton Way Foundation, Beverly - Wilshire Homes Association, Lorelei and William Shark, and Jack Cash, from part of the determination of the CLAAPC, in sustaining the Zoning Administrator's determination, and thereby approve the adjustments; deny a height district change from -1VL to -1D with a 56-foot "D" limitation in height and approve height district of -1VL with a 50-foot "D" limitation in height; and a vesting zone change from C2 zone to RAS4, for the demolition of four existing commercial structures as well as a 47.5-foot tall, two sided billboard structure and the construction of a six-story, maximum 67-foot in height, 46,230 square feet mixed-use building for property located at 316-324 North La Cienega Boulevard, subject to Conditions of Approval as modified by the PLUM Committee. This matter is now forwarded to the Council for its consideration.

As indicated in Recommendation No. 8 and pursuant to Section 12.32-J of the Los Angeles Municipal Code, the applicant is hereby advised that: ". . . whenever property remains in a "Q" Qualified classification for six years . . . after the effective date of the ordinance creating same without substantial physical development thereof for one or more of the uses first permitted herein having taken place within such time or if the Director of Planning determines that such development is not thereafter continuously and expeditiously carried on to completion, or if no physical development is necessary, without having been need for one or more of the purpose first permitted thereby, such Qualified classification and the authority contained therein shall become null and void, the rezoning proceedings shall be terminated and the property thereafter may only be utilized for those purposes permitted prior to the commencement of such rezoning proceedings."

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

Earl P. Reyes

<u>MEMBER</u>	<u>VOTE</u>
REYES:	YES
HUIZAR:	ABSENT
ENGLANDER	YES

SG
CD 5
6/28/13

13-0509_rpt_plum_6-25-13

- Not Official Until Council Acts -

AUG 6 2013 Continued to ~~Sept. 10~~ 2013

ADOPTED

As Amended
SEP 10 2013

**LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH**

See Amending motion

MAYOR WITH FILE

ITEM No. 8 - A

MOTION

I MOVE that the matter of the Continued Consideration of Mitigated Negative Declaration, Planning and Land Use Management Committee Report and ordinance first consideration relative to an appeal for property at 316-324 North La Cienega Boulevard, Item No. 8 on today's Council Agenda (CF 13-0509), BE AMENDED to PRESENT and ADOPT the attached ordinance, in lieu of the ordinance accompanying the Committee Report and attached to the File, which clarifies the height district limitation in height.

PRESENTED BY: *Paul Koretz*
PAUL KORETZ
Councilman, 5th District

SECONDED BY: *Paul Kerkorian*

ORIGINAL

September 10, 2013
ak

Amending motion
ADOPTED

SEP 10 2013

LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH



MAYOR WITH FILE