

# 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  
Councilman, 5<sup>th</sup> District

SECONDED BY: 

ORIGINAL

September 10, 2013  
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**ORDINANCE NO. \_\_\_\_\_**

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

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

**Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the zoning map shall be as follows:**

**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 Dedications and Improvements.** The applicant shall consult with the Bureau of Engineering and the Department of Transportation (DOT) for any dedications or street widening requirements. 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.
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' and 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 LA Municipal Code, 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. School District Fees.** The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area.
9. **Fire Safety.** The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the issuance of any building permit. The plot plan shall include the following minimum design features:
  - a. Fire lanes, where required, shall be a minimum of 20-feet in width;
  - b. All structures shall be within 300-feet of an approved fire hydrant. Distance shall be computed along path of travel. Exception: Dwelling unit travel distance shall be computed to front door of unit.
  - c. Entrances to any dwelling unit or guest room shall not be more than 150-feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
  - d. All structures should be fully sprinklered.
  - e. Adequate public and private fire hydrants shall be required.
  - f. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - g. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
  - h. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
  - i. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
  - j. Private streets shall be recorded as Private Streets, AND Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.
  - k. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

- I. 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.** 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.
11. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning off 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 22, 2013**, and attached to the administrative file. Plans shall be revised to reflect the 50-foot height along La Cienega Boulevard. 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 RAS4-1D-O 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 building shall be limited to a height of 50 feet, as defined by Los Angeles Municipal Code (LAMC) Section 12.03, except that the rear portion of the building shall be stepped down to 45 feet in height as depicted on Exhibit B. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties.
4. **Floor Area Ratio (FAR).** The total floor area of the structure on the property shall not exceed 3:16 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 4,485 square feet, as defined by Section 12.03 of the LAMC.
5. **Residential Density.** Not more than 45 dwelling units may be constructed on the property.
6. **Rear Yard.** A rear yard of fifteen (15) feet shall be provided.
7. **Parking.** The project shall provide parking pursuant to LAMC Section 12.21.A4.
8. **Loading.** A loading space shall be provided in accordance with Section 12.21 C.6.
9. **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.

#### B. Environmental Conditions

10. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.

**11. Aesthetics (Vandalism).**

- a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
- b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

**12. Aesthetics (Signage).**

- a. On-site signs shall be limited to the maximum allowable under the Municipal Code.
- b. Multiple temporary signs in store windows and along building walls are not permitted.

**13. Aesthetics (Signage on Construction Barriers).**

- a. The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS".
- b. Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
- c. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

**14. Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.**15. Aesthetics (Glare).** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.**16. Air Pollution (Demolition, Grading, and Construction Activities).**

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.

17. **Objectionable Odors (Commercial Trash Receptacles).** Trash receptacles shall be located within an enclosed building or structure; otherwise the trash shall be located a minimum of 50 feet from the property line of any residential zone.

18. **Objectionable Odors.** No window openings or exhaust vents for commercial uses shall be permitted on the building facade which abuts a residential use or zone.

19. **Cultural Resources (Archaeological).**

- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the 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.

20. **Cultural Resources (Paleontological).**

- a. If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:
  - i. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
  - ii. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  - iii. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
  - iv. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- b. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.



- c. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

**21. Cultural Resources (Human Remains).** In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- a. Stop immediately and contact the County Coroner: 1104 N. Mission Road, Los Angeles, CA 90033. 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission.
- c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- d. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- e. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or;
- f. If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.
- g. Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party.

**22. Seismic.**

- a. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- b. The project shall implement the recommendations for construction methods and building design features of the Geotechnical Engineering Investigation dated September 30, 2011, and as may be subsequently amended.

**23. Erosion/Grading/Short-Term Construction Impacts.**

- a. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
  - i. 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.
  - ii. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

**24. Geotechnical Report.**

- a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. 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.
- b. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

**25. Liquefaction Area.**

- a. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. 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.
- b. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

**26. Green House Gas Emissions.**

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

**27. Explosion/Release (Existing Toxic/Hazardous Construction Materials).**

- a. Asbestos. Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
- b. Lead Paint. Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint

materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

- c. Polychlorinated Biphenyl – Commercial and Industrial Buildings. Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal.

#### **28. Explosion/Release (Methane Gas).**

- a. 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 which 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% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.
- b. All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.
- c. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

#### **29. Groundwater Quantity (Dewatering System).**

- a. Prior to the issuance of any permit for excavation, the applicant shall, in consultation with the Department of Building and Safety, submit a Dewatering Plan to the decision-maker for review and approval. Such plan shall indicate estimates for how much water is anticipated to be pumped and how the extracted water will be utilized and/or disposed of.
- b. Extracted groundwater shall be pumped to a beneficial on-site use such as, but not limited to: 1) landscape irrigation; 2) decorative fountains or lakes; 3) toilet flushing; or 4) cooling towers.
- c. Return water to the groundwater basin by an injection well.

#### **30. Stormwater Pollution (Demolition, Grading, and Construction Activities)**

- a. Sediment carries with it other work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life.
- b. 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.
- c. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.

- d. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- e. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

**31. Standard Urban Stormwater Mitigation Plan (Hillside Residential and All 10-or-more-unit Subdivisions and Multi-Family Dwellings).** Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following (a copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>):

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- e. Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code.
- f. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- g. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- h. Legibility of stencils and signs must be maintained.
- i. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- j. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- k. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- l. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

(Multiple Residential Dwellings of 10+ Units of Single- or Multi-Family, incl. Subdivisions):

- m. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- n. Install Roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, can provide groundwater recharge and reduce excess runoff into storm drains.
- o. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.

**32. Flooding/Tidal Waves.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172081 effective 7/3/98.

**33. Land Use/Planning.** The project will result in land use and/or planning impact(s). However, the impact(s) can be reduced to a less than significant level through compliance with the following measure(s): The applicant shall comply with mitigation measures required by this MND.

**34. Increased Noise Levels (Landscape Buffer).**

- a. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
- b. A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.
- c. A minimum 3 foot landscaped buffer shall be planted on the roof top balcony adjacent to the residential use.

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

- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e. The operation of construction equipment at the project site that generates high levels of vibration, such as large bulldozers (above 300 horsepower) and caisson drills, shall be prohibited within 25 horizontal feet of the single- and multi-family residences located adjacent to the project site. Instead, small bulldozers shall be used during this time period within these areas during the grading and site preparation activities.
- f. Adjacent land uses within 300 feet of the construction site shall be notified in writing about the estimated duration and hours of construction activity at least 30 days prior to the start of construction.

**36. Increased Noise Levels (Parking Structure Ramps).**

- a. Concrete, not metal, shall be used for construction of parking ramps.
  - b. The interior ramps shall be textured to prevent tire squeal at turning areas.
37. **Increased Noise Levels (Retail Markets, Bars, Entertainment etc...).** No operable windows in a commercial space shall be permitted along sides of the building that abut a residential use or zone.
38. **Increased Noise Levels (Mixed-Use Development).** Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.
39. **Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway).**
  - a. All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
  - b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
  - c. All windows on the residential units abutting the eastern alley shall follow the same standards of this measure.
40. **Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
41. **Public Services (Police – Demolition/Construction Sites).** Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
42. **Public Services (Police).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities 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 Los Angeles Police Department. 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 Police Department prior to the issuance of building permits.

43. **Public Services (Schools).** The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
44. **Public Services (Street Improvements Not Required By DOT).** The project shall comply with the Bureau of Engineering's requirements for street dedications and improvements that will reduce traffic impacts in direct portion to those caused by the proposed project's implementation.
45. **Construction Damage Bond.**
- a. A cash bond or security ("Bond") shall be posted in accordance with terms, specifications, and conditions to the satisfaction of the Bureau of Engineering and shall remain in full force and effect to guarantee that any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, is properly repaired by the applicant.
  - b. Prior to the issuance of a Certificate of Occupancy, any damage incurred to the roadway adjacent to the property, which may result from any construction activity on the site, shall be properly repaired by the applicant to the satisfaction of the Bureau of Engineering. The applicant is hereby advised to obtain all necessary permits to facilitate this construction/repair.
46. **Recreation (Increased Demand For Parks Or Recreational Facilities).** Pursuant to Section 21.10 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings.
47. **Increased Vehicle Trips/Congestion.**
- a. Implementing measures detailed in the Department of Transportation's communication to the Planning Department dated January 19, 2012 and attached shall be complied with. Such report and mitigation measures are incorporated herein by reference.
  - b. Construction Impacts: DOT recommends that a construction work site traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related traffic be restricted to off-peak hours.
  - c. Highway Dedication and Street Widening Requirements: Highway dedication and widening may be required along the streets that front the proposed project. Along the project's frontage, North La Cienega Boulevard is classified a Major Highway Class II. According to the standard street dimensions of the Department of Public Works, Bureau of Engineering (BOE), a Major Highway Class II requires a 40-foot half-width roadway within a 52-foot half-width right-of-way. The applicant should check with BOE's Land Development Group to determine if there are any highway dedication, street widening and/or sidewalk requirements for this project.
  - d. Parking Requirements: The traffic study did not indicate the number of parking spaces that will be provided. The developer should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.
  - e. Driveway Access and Circulation: The review of this study does not constitute approval of the driveway dimensions, access and circulation scheme. Those require separate review and approval and should be coordinated as soon as

possible with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 4th Floor, Station 3, @ 213-482-7024) to avoid delays in the building permit approval process. In order to minimize and prevent last minute building design changes, it is highly imperative that the applicant, prior to the commencement of building or parking layout design efforts, contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans to avoid any unnecessary time delays and potential costs associated with late design changes. All driveways should be Case 2 driveways and 30 feet and 16 feet wide for two-way and one-way operations, respectively. All delivery truck loading and unloading shall take place on site with no vehicles having to back into the project via one of the proposed project driveways.

- f. **Development Review Fees:** An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to the Department of Transportation for permit issuance activities was adopted by the Los Angeles City Council. Ordinance No. 180542, effective March 28, 2009, identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

#### **48. Transportation (Haul Route).**

- a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- b. (Non-Hillside): Projects involving the import/export of 20,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.

#### **49. Utilities (Local Water Supplies - Landscaping).**

- a. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- b. Weather-based irrigation controller with rain shutoff
- 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 plan materials
- g. Use of landscape contouring to minimize precipitation runoff
- h. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf. and greater.

#### **50. Utilities (Local Water Supplies - All New Construction).**



- a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
- b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

**51. Utilities (Local Water Supplies - New Residential).**

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

**52. Utilities (Local Water Supplies - Restaurant, Bar, or Nightclub).**

- a. Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
- b. Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- c. Install/retrofit and utilize only restroom faucets of a self-closing design.
- d. Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

**53. Utilities (Solid Waste Recycling).**

- a. (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These

bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

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

**54. Utilities (Solid Waste Disposal).** All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

## 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 Neighborhood Office Commercial with corresponding zones of C1, C1.5, C2, C4, P, CR, RAS3, and RAS4.
2. **General Plan Text**

#### 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 as conditioned is a new mixed-use building located near the intersection of two transit corridors, Beverly Boulevard and North La Cienega Boulevard. 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. In addition to providing a high quality, modern design that will provide new housing options for residents, the project will incorporate measures to reduce traffic, noise and lighting impacts on the surrounding community. This portion of La Cienega Boulevard is not identified as a District or Center in the Framework Long-Range Land Use Diagram, and therefore development at the requested height is not appropriate in this location. The project's proposed height of 67-feet would not be compatible with existing development along North La Cienega Boulevard. The project's recommended lower height of 50-feet will be compatible with existing development along North La Cienega Boulevard and will not create negative impacts to the adjacent lower-density residential neighborhoods to the east. Furthermore, the step-down at the back of the project to 45-feet is actually

lower than what is permitted in the RAS-4 zone and will minimize impacts to the adjacent lower-density residential neighborhoods to the east.

*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 as conditioned is a new mixed-use building located near the intersection of two transit corridors, Beverly Boulevard and North La Cienega Boulevard. The above objectives seek to concentrate commercial development in existing commercial corridors and in areas that are able to support such development that 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.

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 as conditioned is a new mixed-use building located near the intersection of two transit corridors, Beverly Boulevard and La Cienega Boulevard. 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 North La Cienega Boulevard. The project does not propose any new curb cuts on North La Cienega Boulevard, instead locating access to the subterranean parking structure and 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 access, the project reduces negative project impacts on North La Cienega Boulevard, instead creating a pedestrian friendly street frontage with large, glass storefronts, enhanced lighting and paving.

Land Use Element – Wilshire Community Plan

*Policy 1-1.1. Protect existing stable single-family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life.*

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

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

*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.*

*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.*

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

*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 as conditioned is a new mixed-use building located near the intersection of two transit corridors, Beverly Boulevard and La Cienega Boulevard. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. North La Cienega Boulevard is a stretch of small-scaled commercial uses, with structures predominately 1-2 stories tall. The project will provide additional nearby commercial options for the adjacent residential districts. Because the project is designed to take all access from existing alleys, no curb cuts are proposed on the La Cienega Boulevard frontage. The lack of curb cuts coupled with the pedestrian friendly street frontage of the project that includes large, glass storefronts, enhanced lighting and paving, will ensure the project is pedestrian oriented.

The project requests a Height District Change – as conditioned the Height District Change request to -1D with a 67-foot “D” limitation is denied and a Height District Change to -1D with a 50-foot “D” limitation is approved. Because of the project’s location adjacent to the Regional Center containing the Beverly Center, Beverly Connection, and Cedars Sinai Hospital, it is appropriate to locate increased residential density and ground floor commercial uses at this location. However, in order to ensure the design of the structure is compatible with the neighborhood, the project’s height shall be limited to 50 feet in the front, with a step-back in the rear down to 45 feet. This height will provide for adequate new multiple family residential choices in the neighborhood while respecting the scale of adjacent residential neighborhoods.

3. The **Transportation Element** of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvements to North La Cienega Boulevard, pursuant to T Condition #2, will assure compliance with this Element of the General Plan and with the City’s street improvement standards.
4. **Vesting Zone 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 to RAS4 is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed project, located at 320 North La Cienega Boulevard is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and North La Cienega Boulevard. The project will provide small scale, neighborhood serving commercial

options at the ground floor and residential units above. 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 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 67 feet, which is denied.

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 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 project as conditioned also complies with the Citywide Residential Design Guidelines. These guidelines are intended to establish height and massing transitions from multi-family uses to commercial uses or less dense single-family residential; consider the pedestrian as the cornerstone of design over automobile centric design; establish landscaping and open space as essential design concepts from the outset of a project; and highlight the role that quality building design can play in creating visually interesting and attractive multifamily buildings by contributing to existing neighborhood character and creating a "sense of place". This project provides pedestrian-oriented ground floor retail along North La Cienega Boulevard with large, glass storefronts accessed from La Cienega Boulevard and a variety of interesting building materials. No curb cuts are proposed on La Cienega Boulevard, emphasizing the pedestrian over the automobile. The project incorporates attractive landscaping and open space – both for the residents as well as along La Cienega Boulevard in the form of accent paving and decorative planters.

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 rental 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 aging commercial corridor along North La Cienega Boulevard. The Proposed Project will include large, glass storefronts, enhanced lighting and paving, and will take access from an existing alley enhancing the pedestrian realm. The height, only as conditioned to be limited to 50 feet in the front and 45 feet in the rear, will ensure the project is compatible with existing residential neighborhoods in the area.

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 developing a mixed use project that complements the adjoining residential and commercial development is 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 proposed change of zone is consistent with good zoning practice because it will provide for development of a mixed use project that complements the commercial character of La Cienega Boulevard and the nearby residential neighborhoods. The project, at the recommended floor area, height, scale and layout, will prove to be a compatible addition to the local neighborhood, serving to infuse vitality and a sense of place into the La Cienega corridor that is distinct and unique from that of the Regional Center located to the south of Beverly Boulevard and would follow the principals of good planning. The project reflects smart growth principles by combining residential and neighborhood-serving commercial uses in a unified development plan, thereby promoting the public convenience, general welfare and good zoning practice.

- 5. Height District Change Findings.** Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action to change the Height District on the property from -1VL to -1D with a 50-foot "D" limitation in height is consistent with public necessity, convenience, general welfare and good zoning practice.

The proposed project, located at 320 North La Cienega Boulevard is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and North La Cienega Boulevard. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. 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 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 67 feet.

The change to Height District -1D, allowing a 67 foot height, is denied as the proposed height of 67 feet is not compatible with adjacent residential neighborhoods, which are developed with two-story duplexes zoned R2-1-O, with a height limit of 33 feet. With a change to Height District -1D with a 50-foot "D" limitation (and a 45 foot step down in the rear) as well as the Zone Change to a RAS4 zone, the project will be able to accommodate new housing options as well as small-scale, neighborhood serving commercial uses, while still remaining compatible with the surrounding neighborhood.

Changing the Height District to a -1D designation to allow a maximum height of 67 feet does not serve the public convenience in that it creates an incompatible height that is at odds with adjacent residential neighborhoods and the commercial character of North La Cienega Boulevard. The properties along this stretch of North La Cienega Boulevard all share the -1VL Height District limitation, however one project has been entitled for an increase in height to 56-feet – the affordable housing density bonus project at 375 North La Cienega

Boulevard (the Luxe). This increased height was permitted as a development incentive for the creation of affordable housing units. A Height District Change to a -1D designation with a 67-foot "D" limitation is not consistent with good zoning practice as this portion of La Cienega Boulevard has a different character than that south of Beverly Boulevard where the Regional Center is located. However, considering the project's proximity to the intersection of La Cienega Boulevard and Beverly Boulevard and the new 56-foot development across the street, a maximum height of 50-feet along La Cienega Boulevard is appropriate and compatible with the neighborhood. The subject site directly abuts an R2 Duplex zoned residential neighborhood to the east and the project will step down to 45-feet in the rear to transition to the one and two-story residences behind the site. With a Zone Change to RAS4 but keeping the -1VL Height District the project would be permitted to build to a height of 50-feet across the property. A Height District Change to -1D with a "D" limitation of 50-feet along La Cienega Boulevard and 45-feet in the rear of the property is sensitive to the neighboring residences and concentrates the height increase along the commercial corridor, where it is more appropriate.

The project, at the conditioned height, will be a compatible addition to the local neighborhood. The conditioned height is consistent with the adjacent development patterns and the policies and objectives in the community plan. The conditioned Height District Change promotes public convenience, general welfare and good zoning practice.

**6. Zoning Administrator Adjustment Findings – Reduced Setbacks.** The applicant is requesting Zoning Administrator Adjustments from LAMC Section 12.11.5 to allow a 0-foot front yard setback in lieu of the required 5-foot setback, a 0-foot south side yard setback in lieu of the required 5-foot setback.

- 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 320 North La Cienega Boulevard is a new mixed-use project near the intersection of two transit corridors, Beverly Boulevard and North La Cienega Boulevard. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project requests a Zone Change to RAS4. The RAS4 Zone requires a front yard setback of five (5) feet and side yard setbacks of five (5) feet for all portions of the building used for residential purposes. The project has requested that the front yard setback be eliminated and that the side yard on the south façade (facing an alley) be eliminated for the residential uses (though the project will observe some setbacks in portions of the building).

The site is located on a commercial corridor at 320 North La Cienega Boulevard, with an alley on the south and east sides. The overwhelming majority of the existing structures along La Cienega Boulevard are used for commercial purposes and have no yard setbacks. Strict adherence to the zoning regulations is impractical and infeasible because they require setbacks in a manner not applicable to surrounding commercial developments and also require a setback on a side yard adjacent to a commercially used alley. Located in a Neighborhood Office Land Use Designation and surrounded by commercial development, strict adherence to the setback requirements (which are complicated due to the mixed-use nature of the project) would not allow the project to be built in a beneficial manner for the community as proposed.



Requiring the front and side yard setbacks would also result in a more constrained development that may not be able to provide the amount of commercial and residential uses which are beneficial to the entire community.

- 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.*

Similar to its surrounding properties to the north and south (along La Cienega Boulevard) the project site is located along a commercial corridor. The overwhelming majority of the existing structures along La Cienega Boulevard are used for commercial purposes and have no yard setbacks. The adjustment requests are to reduce yards for the front and south side yard. A reduction in the front yard setback will ensure the project is compatible with adjacent low-rise commercial structures. The south side of the site directly faces an alley with a gas station beyond. A reduction in this yard setback is also compatible with these uses. In addition, while the request is for a zero-foot side yard setback, the project will observe some setbacks in portions of the building's south façade. There will not be any adverse impacts to the west (front yard) because the west side abuts similarly developed commercial properties. There will not be any adverse impact to the south (side-alley) because this alley provides a buffer between the proposed building and the adjacent gas station. Mitigation measures imposed to reduce impacts related to lighting, noise, and traffic and to ensure landscaping and other aesthetic enhancements will ensure the project is equally compatible with the adjacent residential uses to the east of the site. Therefore, there are no adverse impacts resulting from the requested adjustment.

- 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 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 in the side and front yard setbacks is consistent with the residential and non-residential needs for the various uses. Adequate light and air are provided for residents at the residential levels, and commercial setbacks consistent with the property's surroundings are provided at the non-residential levels. Adequate light and air are also maintained for the surrounding residential uses without the express provision of the LAMC's setback requirements, because of the location of the south side alley. The Planning and Zoning Code of the City allows mixed-use developments in the requested RAS4 Zone. This type of development is consistent with the objectives and policies of the Wilshire Community Plan. Given the nature of the surrounding development, granting an adjustment to allow a reduced side yard and front yard setback conforms with the intent of the Planning and Zoning Code of the City.

7. **Zoning Administrator Adjustment Findings – Increased FAR and Density.** The applicant is requesting Zoning Administrator Adjustments from LAMC Section 12.11.5 C4 to

allow 45 units in lieu of the 44.75 units allowed by the 17,900 square feet on site, and from LAMC Section 12.21.1 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.

- a. *Site characteristics or existing improvements do make strict adherence to the zoning regulations impractical or infeasible, and the project does conform with the intent of those regulations.*

The proposed project, located at 320 North La Cienega Boulevard is a new mixed-use project located near the intersection of two transit corridors, Beverly Boulevard and North La Cienega Boulevard. The project will provide small scale, neighborhood serving commercial options at the ground floor and residential units above. The project requests a Zone Change to RAS4. The RAS4 Zone allows a density of one dwelling unit per each 400 square feet of lot area. The project requests a Height District Change to a -1D designation, which allows a maximum FAR of 3:1. The project as conditioned is 50 feet in height, with a step down to 45 feet in height in the rear. In order to build to the requested height, the applicant has requested Zoning Administrator Adjustments for increased units and increased FAR.

The site is a regular, square shaped site with alleys on two sides and La Cienega Boulevard on the west side. The subject site is unique in that it has frontage along two alleys, one to the east of the site and one to the south. Pursuant to LAMC 12.22 C.19, one-half of the alley width may be included in the lot area for purposes of calculating density. The RAS4 zone allowable density of one unit per 400 square feet would yield a maximum density of 44.75 units. An adjustment to allow 45 units would not result in an adverse impact and would allow the applicant to most efficiently use the infill site.

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 LAMC allows the site to include one-half of the width of adjacent alleys in the lot area when calculating density, but not when calculating allowable floor area. An adjustment to allow a 3.16:1 FAR will allow the project to meet the intent of the RAS4 zone while also providing a range of unit types typical of modern apartment buildings and mixed-use projects.

- 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 project requests a Zone Change to the RAS4 Zone.** The RAS4 Zone allows a density of one dwelling unit per each 400 square feet of lot area. The project requests a Height District Change to a -1D designation, which allows a maximum FAR of 3:1. The project as conditioned is 50 feet in height, with a step down to 45 feet in height in the rear. In order to build to the requested height, the applicant has requested Zoning Administrator Adjustments for increased units and increased FAR. The increased density and FAR will be compatible with the

adjacent properties and will not adversely impact the surrounding neighborhood. The intent of the RAS4 zone is to provide increased FAR in order to accommodate a mixed-use project – with a 3.16:1 FAR the project will achieve the intent of the RAS4 zone and be able to provide a mix of unit types ranging from studios to two-bedroom units. Adjacent residential structures are zoned R2 – Duplex zone, which allows two units per each lot. 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. With a 3.16:1 FAR and a density of one unit per each 397 square feet of lot area, the project will be developed at a higher density and intensity than nearby buildings. However, mitigation measures have been put in place to ensure that the project, as conditioned, is compatible with the community.

- 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 project requests a Zone Change to the RAS4 Zone.** The RAS4 Zone allows a density of one dwelling unit per each 400 square feet of lot area. The project requests a Height District Change to a -1D designation, which allows a maximum FAR of 3:1. The project as approved is 50 feet in height, with a step down to 45 feet in height in the rear. With a 3:1 FAR and a density of one unit per each 400 square feet of lot area, the project will be developed at a higher density and intensity than nearby buildings. However, in order to build to the requested height, the applicant has requested Zoning Administrator Adjustments for increased units and increased FAR and unit count.

The policies and objective of the Wilshire Community Plan promote new multi-family residential development if it is compatible with the scale of adjacent neighborhoods. Mitigation measures have been put in place to ensure that the project, as conditioned, is compatible with the community. A slight increase in allowable density and FAR will still be compatible with the adjacent neighborhoods, while allowing the project to provide a range of unit types typical of a modern apartment building, while still complying with the intent and purpose of the RAS4 zone and the goals and policies of the Wilshire Community Plan.

### **CEQA Findings**

A Mitigated Negative Declaration (ENV-2011-2104-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

### CONDITIONS OF APPROVAL

1. Notwithstanding Section 12.11.5 C1 of the LAMC, the project shall be allowed to observe a zero (0) foot front yard setback.
2. Notwithstanding Section 12.11.5 C2 of the LAMC, the project shall be allowed to observe a zero (0) foot south side yard setback except in those portions of the south façade indicated as having a variable setback per Exhibit B.
3. Notwithstanding Section 12.11.5 C4 of the LAMC, the project shall be allowed a density of 45 units.
4. Notwithstanding Section 12.21.1 A1 of the LAMC, the project shall be allowed a Floor Area Ratio of 3.16:1.
5. **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 22, 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.

#### Administrative Conditions of Approval

6. **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.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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

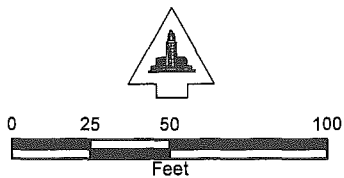
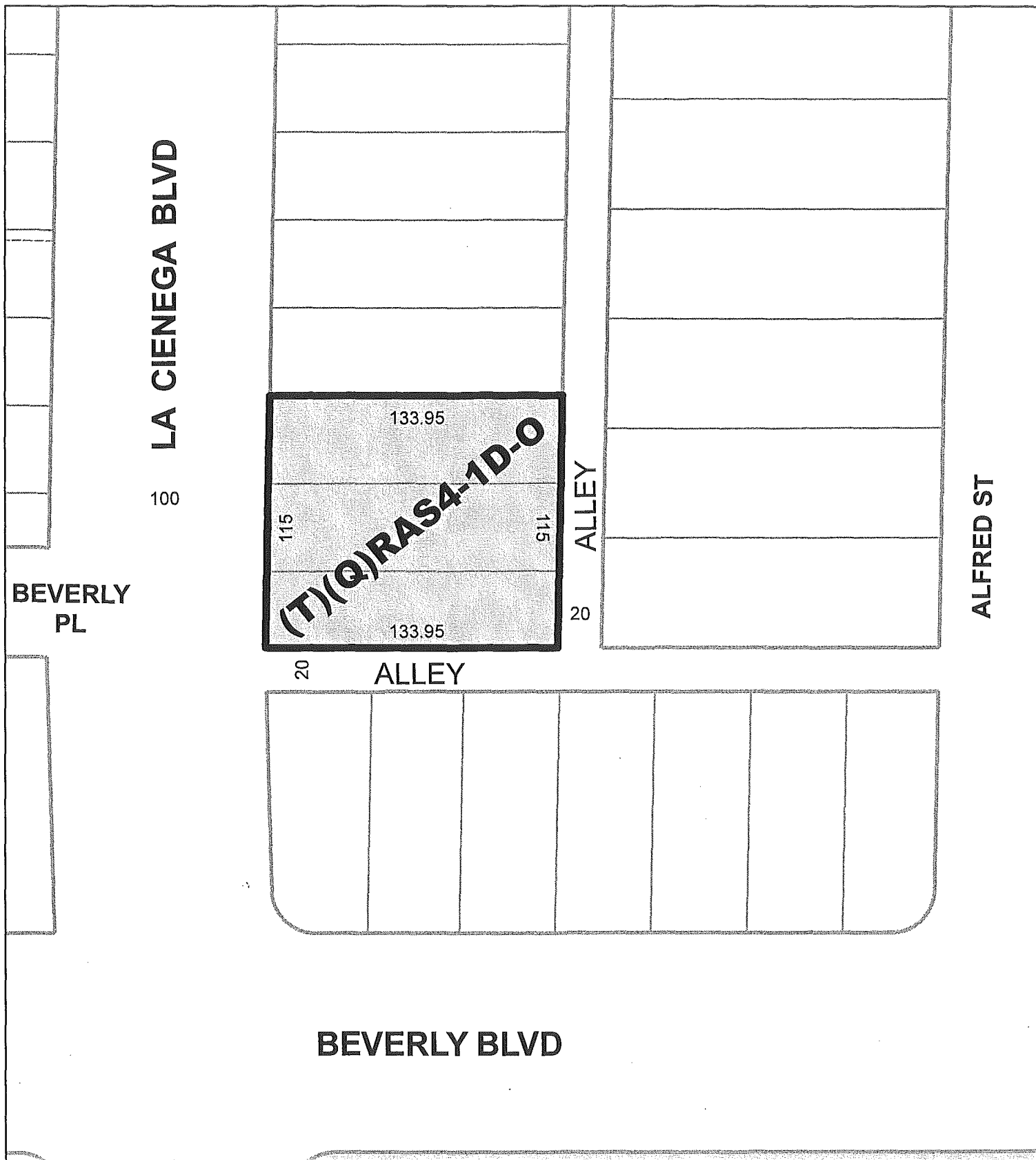
Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

12. **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.
13. **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.
14. **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.
15. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

### **“D” DEVELOPMENT CONDITIONS**

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.

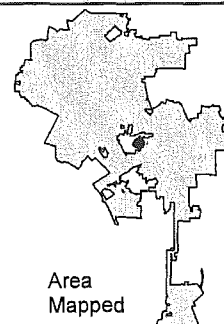
**Height.** The building shall be limited to a height of 50 feet, as defined by Los Angeles Municipal Code (LAMC) Section 12.03, except that the rear portion of the building shall be stepped down to 45 feet in height as depicted on Exhibit B. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.



C.M. 138 B 173	CPC-2011-2103-VZC-HD-ZAA
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CF/edd

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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 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 A. LAGMAY, City Clerk

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


Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Pursuant to Sec. 559 of the City Charter,  
**I approve** this ordinance on behalf of the  
City Planning Commission and  
recommend that it be adopted....

August 6, 2013  
See attached report

File No. CF-13-0509  
CPC-2011-2103-VZC-HD-ZAA

  
\_\_\_\_\_  
Michael J. LoGrande  
Director of Planning