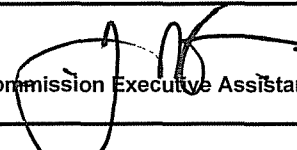


# TRANSMITTAL TO CITY COUNCIL

<b>Case No.(s)</b> CPC-2011-2103-VZC-HD-ZAA	<b>Planning Staff Name(s) and Contact No.</b> BLAKE LAMB 213-978-1167	<b>C.D. No.</b> 5		
<b>Items Appealable to Council:</b> VZC-HD-ZAA	<b>Last Day to Appeal:</b> APRIL 25, 2013	<b>Appealed:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Location of Project (Include project titles, if any.)</b>  316 – 324 N. LA CIENEGA				
<b>Name(s), Applicant / Representative, Address, and Phone Number.</b>  <table style="width: 100%;"> <tr> <td style="width: 50%;">                     BEVERLY HILLS LA CIENEGA, LLC                      SOLOMON ARYEH                      8455 BEVERLY BLVD.                      LOS ANGELES, CA 90048                      818-767-0000                 </td> <td style="width: 50%;">                     JOEL MILLER, PSOMAS                      555 S. FLOWER ST. 4300                      LOS ANGELES, CA 90071                      213-223-1440                 </td> </tr> </table>			BEVERLY HILLS LA CIENEGA, LLC SOLOMON ARYEH 8455 BEVERLY BLVD. LOS ANGELES, CA 90048 818-767-0000	JOEL MILLER, PSOMAS 555 S. FLOWER ST. 4300 LOS ANGELES, CA 90071 213-223-1440
BEVERLY HILLS LA CIENEGA, LLC SOLOMON ARYEH 8455 BEVERLY BLVD. LOS ANGELES, CA 90048 818-767-0000	JOEL MILLER, PSOMAS 555 S. FLOWER ST. 4300 LOS ANGELES, CA 90071 213-223-1440			
<b>Name(s), Appellant / Representative, Address, and Phone Number.</b>  <table style="width: 100%;"> <tr> <td style="width: 50%;">                     BEVERLY GROSSMAN PALMER,                      BURTON WAY FOUNDATION,                      BEVERLY-WILSHIRE HOA,  <del>LORELA AND WILLIAM SHARK</del>                      JACK CASH                      10940 WILSHIRE BOULEVARD, 2000 SUITE                      LOS ANGELES, CA 90024                      310-576-1233                 </td> <td style="width: 50%;">                     REP: BEVERLY GROSSMAN                      PALMER                      (SAME)                      LORELEI AND WILLIAM SHARK                 </td> </tr> </table>			BEVERLY GROSSMAN PALMER, BURTON WAY FOUNDATION, BEVERLY-WILSHIRE HOA, <del>LORELA AND WILLIAM SHARK</del> JACK CASH 10940 WILSHIRE BOULEVARD, 2000 SUITE LOS ANGELES, CA 90024 310-576-1233	REP: BEVERLY GROSSMAN PALMER (SAME) LORELEI AND WILLIAM SHARK
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<b>Final Project Description</b> (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)  <p>The proposed project is the construction of a 6-story, maximum 67-ft. in height, 46,230 square feet mixed-use building with 4,550 square feet of commercial space at the ground floor and 45 multi-family units above. The project involves 75 parking spaces in a garage that spans from the ground level to 3 levels subterranean. This project is located on three lots that total 15,410 square feet (0.35 acres). As proposed, the project would demolish the existing four commercial structures on site that total 5,385 square feet as well as a 47.5-ft. tall, two sided billboard structure and any existing vegetation. The applicant seeks a Vesting Zone Change and Height District Change from C2-1VL-O to RAS4-1D-O, and Zoning Administrator Adjustments for a front yard setback (requesting 0-ft. in lieu of the required 5-ft.) and a side yard setback (requesting 0-ft. in lieu of the required 5-ft. at the south property line), minimum lot area per dwelling unit (requesting 45 units in lieu of the 44.75 units allowed by the 17,900 square feet on site), and maximum floor area (requesting 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).</p>				
<b>Fiscal Impact Statement</b> <small>*Determination states administrative costs are recovered through fees.</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Environmental No.</b> ENV-2011-2104-MND		
		<b>Commission Vote:</b> 5 - 0		
JAMES WILLIAMS, Commission Executive Assistant II 		<b>Date:</b> APR 26 2013		

**MASTER APPEAL FORM**

City of Los Angeles – Department of City Planning

**APPEAL TO THE:** City Council  
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

**REGARDING CASE #:** CPC-2011-2103-VZC-HD-ZAA

**PROJECT ADDRESS:** 316-324 LaCienega Boulevard

**FINAL DATE TO APPEAL:** 4/25/13

- TYPE OF APPEAL:**
- 1.  Appeal by Applicant
  - 2.  Appeal by a person, other than the applicant, claiming to be aggrieved
  - 3.  Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

**APPELLANT INFORMATION** – Please print clearly

Name: Beverly Grossman Palmer

- Are you filing for yourself or on behalf of another party, organization or company?
  - Self
  - Other: Burton Way Foundation, Beverly-Wilshire Homes Assn., Lorelei & William Shark, Jack Cash

Address: 10940 Wilshire Boulevard, Suite 2000  
Los Angeles, California Zip: 90024

Telephone: (310) 576-1233 E-mail: bpalmer@strumwooch.com

- Are you filing to support the original applicant’s position?
  - Yes
  - No

**REPRESENTATIVE INFORMATION**

Name: Beverly Grossman Palmer

Address: Strumwasser & Woocher LLP, 10940 Wilshire Boulevard, Suite 2000  
Los Angeles, California Zip: 90024

Telephone: (310) 576-1233 E-mail: bpalmer@strumwooch.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

**JUSTIFICATION/REASON FOR APPEALING** – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire  Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

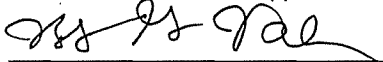
**ADDITIONAL INFORMATION/REQUIREMENTS**

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."*

--CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: April 11, 2013

*Planning Staff Use Only*

Amount	\$106.80	Reviewed and Accepted by		Date	4/12/13
Receipt No.	020206042	Deemed Complete by		Date	4/12/13

- Determination Authority Notified  Original Receipt and BTC Receipt (if original applicant)

**316-324 La Cienega Boulevard  
CPC-2011-2103-VZC-HD-ZAA**

**Justification for Appeal by Aggrieved Persons Burton Way Foundation, Beverly-Wilshire Homes Association, Lorelei and William Shark, and Jack Cash**

Appellants appeal the following decisions of the Central Area Planning Commission to the City Council:

1. Zoning Administrator's Adjustment to allow 0-foot front yard setback in lieu of the required 5-feet as per Section 12.11.5 C1 of the LAMC;
2. Zoning Administrator's Adjustment to allow 0-foot side yard setback in lieu of the required 5-feet at the south property line (alley side) as required per Section 12.11.5 C2 of the LAMC;
3. Zoning Administrator's Adjustment for minimum lot area per dwelling unit, to allow 45 units in lieu of the 44.75 unit allowed by the 17,900 square feet on site as required per section 12.11.5 C4; and
4. Zoning Administrator's Adjustment 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 Section 12.21.1 of the LAMC.

Appellants understand that they cannot appeal the Central Area Planning Commission's recommendation to the City Council to approve the Vesting Zone Change, the Height District change, or the Mitigated Negative Declaration. However, Appellants preserve all rights to object to these recommendations and intend to provide written and oral comment before City Council and/or the Planning and Land Use Management Committee regarding all of the entitlements requested for the instant project and as well as the Mitigated Negative Declaration. This appeal by no means is intended to confine or limit Appellant's objections to the instant project to the approvals specifically appealed.

*A. Background on the Subject Application*

Appellants object to the numerous ways in which the approved project fails to conform with the zoning for the site as established in the General Plan and documented in the Wilshire Community Plan. The site is currently zoned C2-1VL-O, with a height limit of 45 feet. The land use designation in the Wilshire Community Plan is Neighborhood Office Commercial. Although the site is located near the Beverly Center, a Regional Center in the Wilshire Community Plan, this property is located north of Beverly Boulevard, in an area which is entirely populated with low-rise development. The only high-rise development on the blocks north of Beverly Boulevard is the recently approved residential project at 375 N. La Cienega, which is a low-income housing project that received a density bonus under SB 1818.



The applicant requested a zone change to RAS4, and a height district change to 1D with a limit of 67 feet, more than a **45 percent increase** over the permitted 45 foot height limit in the Wilshire Community Plan. At the request of Councilmember Koretz, the applicant presented an alternative proposal with a maximum height of 56 feet, which is still more than a 25 percent increase over the 45 foot height limit in the Wilshire Community Plan.

The Department of City Planning issued a January 22, 2013 Recommendation Report, recommending that the zone change to RAS4 be granted, but that the project should be limited to the 50-foot height limit applicable to RAS4 properties in the 1VL height district. The recommendation also denied adjustments to the Floor Area Ratio (FAR) or minimum lot size area that would increase the density of the project beyond that permitted by the RAS4 zoning, which already permits increased FAR and density beyond the typical residential project.

At the January 22, 2013 hearing of the Central Area Planning Commission (CAPC), however, the applicant persuaded the CAPC that, because the project is stepped down for a few feet in the rear to 45 feet, that a project constructed at a majority of 56 feet in height is really equivalent to a 50 foot high project. This contention has no basis in reality nor any mathematical, geometrical, or architectural support. However, this faulty argument lead the CAPC to grant the applicant's various density and mass-increasing requests and approve a project that is 56 feet high, with no side or front yard setbacks, and which contains a greater number of units and greater physical mass than permitted under its new RAS4 zoning.

*B. Appellant's Are Aggrieved by the Approval*

Appellants are two area homeowners' associations and three individuals who reside in close proximity to the project. The Burton Way Foundation and Beverly-Wilshire Homes Association are aggrieved by a decision that increases density and disregards the limitations of the Wilshire Community Plan. The organizations' members are not only directly affected by the approval of this project, but will be affected in the future by other proposals seeking to use the instant entitlements as a basis for building larger and denser projects. Lorelei and William Shark and Jack Cash live on the residential street that abuts the rear of the project site. These appellants are directly affected by increased height and density granted to the project by the CAPC.

*C. Basis for Appeal*

The Zoning Administrator's Adjustments that are the subject of this appeal may not be granted, because it is not possible to make the required findings on the basis of the record before the City Council. LAMC section 12.28 C4 sets forth the required findings, noting that "[t]he Zoning Administrator *shall not grant an application* for an adjustment *unless* he or she finds" *all* of the findings set forth below:

"(a) that 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;

(b) that 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*; and

(c) that *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.*" (LAMC, §12.28 C4 (emphasis added).)

Not one of these findings may validly be made regarding the four Adjustments granted by the CAPC.

1) *It Is Not Impractical or Infeasible to Construct the Project Within the Confines of Existing Zoning Requirements*

The record contains no evidence that, due to site characteristics, strict conformance with zoning requirements is impractical or infeasible. The CAPC approved Adjustments for 0' setbacks in front and side yards, as well as for maximum floor area and minimum lot area per dwelling unit. The CAPC's decision contends that the strict adherence to zoning is impracticable and infeasible because surrounding properties do not have front yard setbacks. (Central Area Planning Commission Determination ("Determination") p. F-6.) That the surrounding properties do not have setbacks is not a basis for determining that the this *new* project should not conform to the zoning requirements for this type of mixed-use structure. Notably, the City hopes to widen La Cienega Boulevard in the future to better accommodate bike lanes and other traffic improvement measures. Permitting this new development – and then future new developments – to build with 0' front yard set backs will significantly inhibit and possibly prevent the City from taking these beneficial actions in the future.

As for the density increasing adjustments to increase FAR and the number of permitted units, the CAPC's decision contains no statement other than the conclusory assertion in the heading that site characteristics make strict adherence to zoning infeasible or impractical. (Determination, p. F-8.) The decision notes that the site is situated with frontage along two alleys, and explains that under the applicable LAMC provisions (12.22 C9), one-half of the alley area may be included in the lot area for purposes of calculating density. (Determination, p. F-8.) Why this situation makes it either infeasible or impractical to adhere to existing density provisions such as FAR and lot area per unit is not explained. It would seem only the applicant's desire to construct the largest possible project on this lot justifies granting these increases.

Indeed, the CAPC's Recommendation Report, prepared by Hearing Office Blake Lamb,

ably sets forth precisely why this finding cannot be made:

“There are no special site characteristics, such as topography or infrastructure that makes strict adhere to the zoning regulations impractical or infeasible. The site is a regular, square shaped site with alleys on two side and La Cienega Boulevard on the west side. No additional curb cuts are required on La Cienega Boulevard; the project can take access from an existing alley, ensuring that the majority of the parcel is buildable and does not need to be utilized for driveways. The allowable density of one unit per each 400 square feet of lot area is the highest allowable density in the Neighborhood Office Commercial Land Use Designation and there are no special circumstances that would allow in (*sic.*) increase of the density. Adjacent commercial structures are developed far below a 3:1 FAR, and appear to comply with the existing FAR restriction of 1.5:1 FAR or less.” (Department of City Planning Recommendation Report (January 22, 2013) (“Recommendation Report”), p. F-8.)

The Recommendation Report notes that the project could achieve the goals of the RAS4 zone without the additional density increase. (*Ibid.*) The purpose of the additional height limit provided by RAS4 zoning is to allow appropriate ceiling heights for ground floor commercial tenants, not to allow for an additional story of residential, but that is exactly what the applicant will achieve by virtue of the density bonuses. The increased density is not necessary to achieve the goals of RAS4 zoning. There is no justification in the record as to why the applicant cannot make his project conform to the existing zoning limits that apply to all other projects of this type, throughout the City.

2) *The Project’s Size and Height Are Not Compatible With Adjacent Properties or the Surrounding Neighborhood; Moreover, the Adjustments to Setback Requirements Will Prevent Future Widening of La Cienega Boulevard*

In light of the CAPC’s decision to grant the applicant the “compromise” request of a 56 foot height limit, the CAPC cannot find that the project’s size and height are compatible with adjacent properties. The CAPC’s findings implausibly assert that a 0’ front yard setback will ensure that the project is compatible “with adjacent low-rise commercial structures.” (Determination, p. F-7.) There is no recognition of the fact that the approved project is significantly higher than the nearby structures, nor does the CAPC explain why a five-foot setback would make the project incompatible with nearby structures.

As for the increased density adjustments, the CAPC’s decision again lacks support. The CAPC asserts that the increased density will allow the project to achieve the goals of the RAS4 zoning, without explanation as to how requiring the project to adhere to the density requirements of RAS4 zoning would inhibit those goals, and without discussion of the impact on neighboring

properties. (Determination, p. F-7.) Once again, the Recommendation Report provides a more cogent discussion of this required finding:

“The increased density and FAR will not be compatible with the adjacent properties and will adversely impact the surrounding neighborhood. Adjacent commercial structures are developed far below a 3:1 FAR, and appear to comply with the existing FAR restriction of 1.5:1 FAR or less. The intent of the RAS4 zone is to provide increased FAR in order to accommodate a mixed-use project - with a 3:1 FAR the project will still achieve the intent of the RAS4 zone. . . . 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, mitigation measures have been put in place to ensure that the project, as conditioned, is compatible with community. But, going above and beyond the density and FAR will not be compatible and will adversely impact the surrounding properties.” (Recommendation Report, pp. F-8 - F-9.)

In addition, the CAPC failed to consider the effect of the 0' front yard setback on the ability of the City to widen La Cienega Boulevard in the future. If the City cannot widen La Cienega Boulevard, the City's ability to achieve its goals with respect to bike lanes and transportation infrastructure will be hampered. The City should require the setback of this project and for future projects along this portion of La Cienega.

The CAPC's findings are consistent with only one demonstrated proposition in the record: the developer's insistence on maximizing the number of units it can construct, at the expense of the nearby residential community. There is no basis for a conclusion that this project's size and height are compatible with the neighborhood, and therefore no basis for any of the Adjustments.

3) *The Project is Not in Substantial Conformance with the Wilshire Community Plan*

The height district change permitting up to 56 feet in height directly conflicts with the limitations of the Wilshire Community Plan. The Wilshire Community Plan limits the height on all structures designated as Neighborhood Office Commercial to 45 feet, or 1-VL. (See Footnote #5 of the Wilshire Community Plan.) The project is **25 percent** higher than the 45 foot height limit, at 56 feet. A 25 percent differential cannot be dismissed as “substantial conformance” with the Wilshire Community Plan's limitations. The CAPC's findings do not address this discrepancy. With respect to setbacks, the CAPC's findings note that the project will provide adequate light and air, but do not address the issue whether a building at this height, without any front or side yard setback, will have impacts given its non-conformity to the Wilshire Community Plan. (Determination, p. F-7.)

As for the density increases, the CAPC's findings state that the policies and objectives of the Wilshire Community Plan "promote new multi-family residential development if it is compatible with the scale of adjacent neighborhoods." (Determination, p. F-9.) The CAPC does not acknowledge that the project exceeds the permitted height by over 25 percent. As the Recommendation Report noted, even in recognition of the policy in the Wilshire Community Plan to permit new multi-family housing, "going above and beyond the density and FAR will not be compatible and will adversely impact the surrounding properties. It will go above and beyond the intent and purpose of the RAS4 zone and what it allows, and will not achieve the goals and policies of the Wilshire Community Plan." (Recommendation Report, p. F-9.) Given the blatant disregard for the applicable height limit of the Wilshire Community Plan, the record does not support the CAPC's findings.

*C. Conclusion*

The City Council should reverse the determination of the CAPC as it is not supported by the record before the Council. The Zoning Administrator's Adjustments should be denied in their entirety, as there are no special site characteristics that prevent the applicant from complying with the standard zoning requirements.



## CENTRAL AREA PLANNING COMMISSION

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

APR 05 2013

Determination Mailing Date: \_\_\_\_\_

CPC-2011-2103-VZC-HD-ZAA  
 CEQA: ENV-2011-2104-MND

Location: 316-324 La Cienega Blvd.  
 Council Districts: 5 – Koretz  
 Plan Area: Wilshire  
 Requests: Vesting Zone Change, Height District  
 Change, Zoning Administrator's Adjustments

Applicant: Solomon Aryeh, Beverly La Cienega, LLC  
 Representative: Joel Miller, PSOMAS

At its meeting on January 22, 2013, the following action was taken by the Central Area Planning Commission:

1. **Approved a Vesting Zone Change** from the existing C2 zone to **(T)(Q)RAS4-1D**.
2. **Disapproved a Height District Change** from -1VL to -1D with a 67-foot "D" limitation in height.
3. **Approved a Height District Change** from -1VL to -1D with a 56-foot "D" limitation in height.
4. **Approved a Zoning Administrator's Adjustment** to allow a 0-foot front yard setback in lieu of the required 5-feet as per Section 12.11.5 C1 of the LAMC.
5. **Approved a Zoning Administrator's Adjustment** 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 Section 12.11.5 C2 of the LAMC.
6. **Approved a Zoning Administrator's Adjustment** 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 12.11.5 C4.
7. **Approved a Zoning Administrator's Adjustment** 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 Section 12.21.1 of the LAMC.
8. **Adopted the attached Conditions of Approval.**
9. **Adopted the attached Findings.**
10. **Adopted the Mitigated Negative Declaration, ENV-2011-2104-MND** and associated Findings, for the above referenced project pursuant to Section 21082.1(c)(3) of the California Public Resources Code.
11. **Advised the applicant that, pursuant to State fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.**

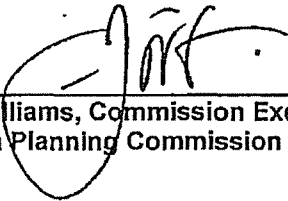
### Recommendation to the City Council:

1. **Recommend that the City Council adopt a Vesting Zone Change** from the existing C2 zone to **(T)(Q)RAS4-1D**.
2. **Recommend that the City Council deny a Height District Change** from -1VL to -1D with a 67-foot "D" limitation in height.
3. **Recommend that the City Council adopt a Height District Change** from -1VL to -1D with a 56-foot "D" limitation in height.
4. **Recommended the City Council adopt Mitigated Negative Declaration, ENV-2011-2104-MND** and associated Findings, for the above referenced project pursuant to Section 21082.1(c)(3) of the California Public Resources Code.

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

**This action was taken by the following vote:**

**Moved:** Acevedo  
**Seconded:** Kim  
**Ayes:** Brown, Martorell, Suh  
**Vote:** 5 - 0



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**James K. Williams, Commission Executive Assistant II  
Central Area Planning Commission**

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

**Final Appeal Date:** APR 25 2013

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

**Attachments:** Conditions, Map, Ordinance, Findings  
**City Planner:** Blake Lamb

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

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

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

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

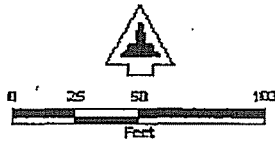
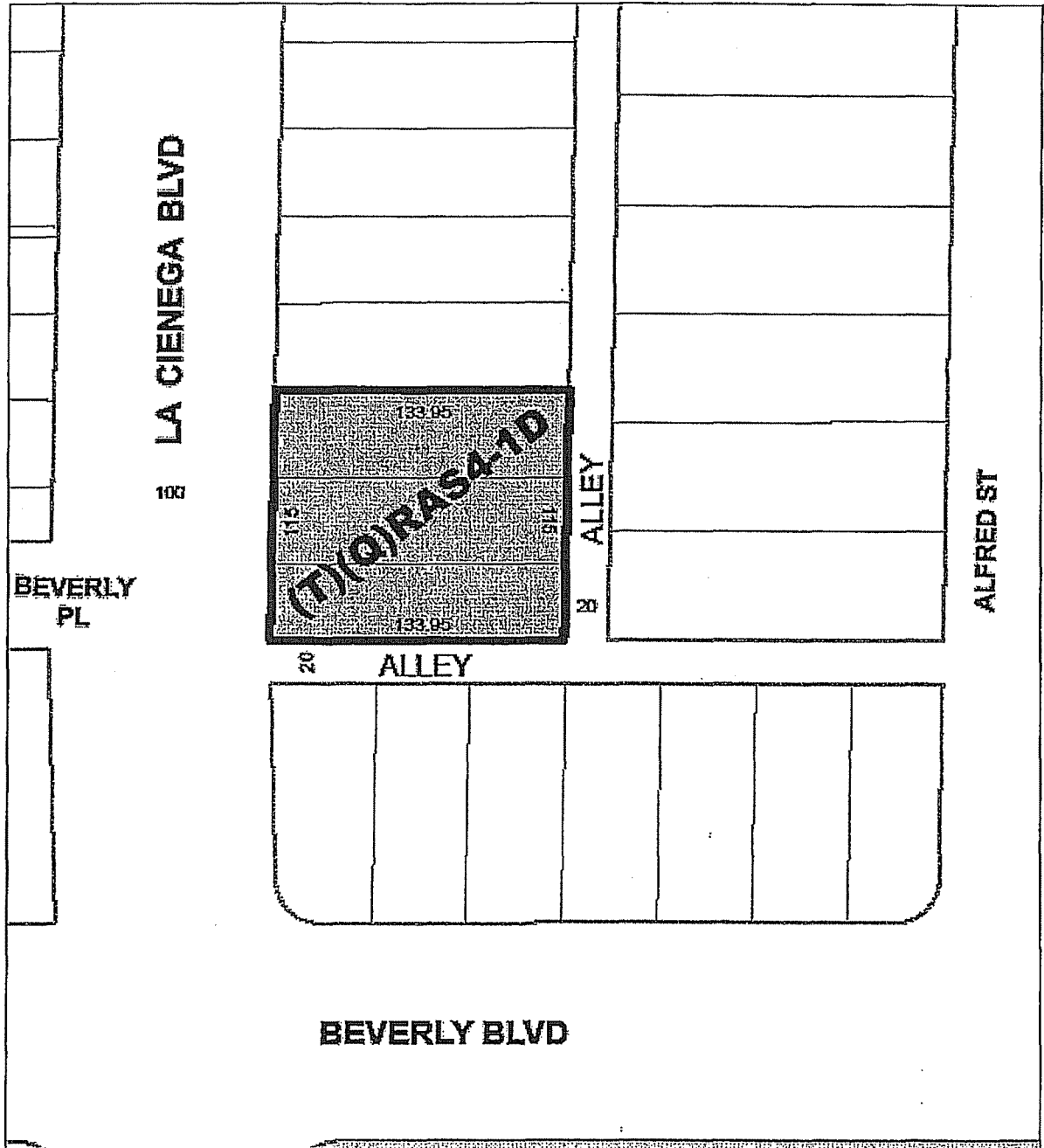
Notice: Certificates of Occupancies for the subject properties will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

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

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

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

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



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

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020113



City Sources: Department of City Planning, Bureau of Engineering

**(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 56-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 56 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.

**"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 56 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.

### 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.

## 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 56-feet would be compatible with adjacent development and is the same height as the new building being constructed across the street at 375 N. La Cienega Boulevard (the Luxe). 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 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 56-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 56 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 height of the project steps down in the rear to be compatible with the adjacent residential neighborhood. 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 56 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 56-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 56-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.

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). 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 56-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 56-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 proposed is 67 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 approved is 56 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.*

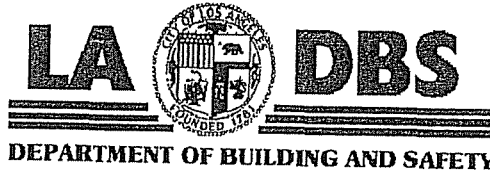
**The project requests a Zone Change to the RAS4 Zone.** The RAS4 Zone allows a density of one dwelling unit per each 400 square feet of lot area. The project requests a Height District Change to a -1D designation, which allows a maximum FAR of 3:1. The project as approved is 56 feet in height, with 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 objectives 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.

Office: Van Nuys  
 Applicant Copy  
 Application Invoice 1



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.

LA Department of Building and Safety  
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NOTICE: The staff of  
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Receipt #: 0202026042

\$106.80

e same full and impartial consideration to your  
 f anyone to represent you.

Total: \$106.80

L.A.M.C.

Check 400.00

Applicant: STRUMWASSER & WOOCHER LLP - PALMER, BEVERLY GROSSMAN ( B:310-5761233 )
Representative:
Project Address: 320 N LA CIENEGA BLVD, 90048

NOTES: APPELLANT REPRESENTS BURTON WAY FOUNDATION , BEVERLY-WILSHIRE HOMES ASSN., ETC.

CPC-2011-2103-VZC-HD-ZAA-1A			
Item	Fee	%	Charged Fee
APPEAL BY AGGRIEVED PARTIES OTHER THAN THE ORIGINAL APPLICANT *	\$89.00	100%	\$89.00
<b>Case Total</b>			<b>\$89.00</b>

Item	Charged Fee
Fees Subject to Surcharges*	\$89.00
Fees Not Subject to Surcharges	\$0.00
<b>Plan &amp; Land Use Fees Total</b>	<b>\$89.00</b>
Expediting Fee	\$0.00
OSS Surcharge (2%)	\$1.78
Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
<b>Grand Total</b>	<b>\$106.80</b>
<b>Total Credit</b>	<b>\$0.00</b>
<b>Total Invoice</b>	<b>\$106.80</b>
<b>Total Overpayment Amount</b>	<b>\$0.00</b>
<b>Total Paid</b> (this amount must equal the sum of all checks)	<b>\$106.80</b>

LA Department of Building and Safety  
 VN 0017 202006974 4/12/2013 3:12:41 PM

PLAN & LAND USE	\$89.00
ONE STOP SURCH	\$1.78
CITY PLAN SURCH	\$5.34
OPERATING SURCH	\$6.23
GEN PLAN MAINT SURCH	\$4.45

Sub Total: \$106.80

Council District: 5  
 Plan Area: Wilshire

Processed by AGUSTIN, HERMINIGIL on 04/12/2013

Signature: *Herminigil*

Receipt #: 0202026042



## CENTRAL AREA PLANNING COMMISSION

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

Determination Mailing Date: APR 05 2013

**CPC-2011-2103-VZC-HD-ZAA**  
**CEQA: ENV-2011-2104-MND**

**Location:** 316-324 La Cienega Blvd.  
**Council Districts:** 5 – Koretz  
**Plan Area:** Wilshire  
Requests: Vesting Zone Change, Height District Change, Zoning Administrator's Adjustments

**Applicant:** Solomon Aryeh, Beverly La Cienega, LLC  
**Representative:** Joel Miller, PSOMAS

**At its meeting on January 22, 2013, the following action was taken by the Central Area Planning Commission:**

1. **Approved a Vesting Zone Change** from the existing C2 zone to **(T)(Q)RAS4-1D**.
2. **Disapproved** a Height District Change from -1VL to -1D with a 67-foot "D" limitation in height.
3. **Approved a Height District Change** from -1VL to **-1D with a 56-foot "D" limitation** in height.
4. **Approved a Zoning Administrator's Adjustment** to allow a 0-foot front yard setback in lieu of the required 5-feet as per Section 12.11.5 C1 of the LAMC.
5. **Approved a Zoning Administrator's Adjustment** 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 Section 12.11.5 C2 of the LAMC.
6. **Approved a Zoning Administrator's Adjustment** 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 12.11.5 C4.
7. **Approved a Zoning Administrator's Adjustment** 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 Section 12.21.1 of the LAMC.
8. **Adopted the attached Conditions of Approval.**
9. **Adopted the attached Findings.**
10. **Adopted** the Mitigated Negative Declaration, **ENV-2011-2104-MND** and associated Findings, for the above referenced project pursuant to Section 21082.1(c)(3) of the California Public Resources Code.
11. **Advised** the applicant that, pursuant to State fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

### **Recommendation to the City Council:**

1. **Recommend** that the City Council **adopt** a **Vesting Zone Change** from the existing C2 zone to **(T)(Q)RAS4-1D**.
2. **Recommend** that the City Council **deny** a Height District Change from -1VL to -1D with a 67-foot "D" limitation in height.
3. **Recommend** that the City Council **adopt** a **Height District Change** from -1VL to **-1D with a 56-foot "D" limitation** in height.
4. **Recommended** the City Council **adopt** Mitigated Negative Declaration, **ENV-2011-2104-MND** and associated Findings, for the above referenced project pursuant to Section 21082.1(c)(3) of the California Public Resources Code.

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

**This action was taken by the following vote:**

**Moved:** Acevedo  
**Seconded:** Kim  
**Ayes:** Brown, Martorell, Suh  
  
**Vote:** 5 - 0



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**James K. Williams, Commission Executive Assistant II  
Central Area Planning Commission**

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

**Final Appeal Date:** APR 25 2013

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

Attachments: Conditions, Map, Ordinance, Findings  
City Planner: Blake Lamb



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

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

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

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

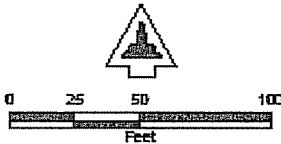
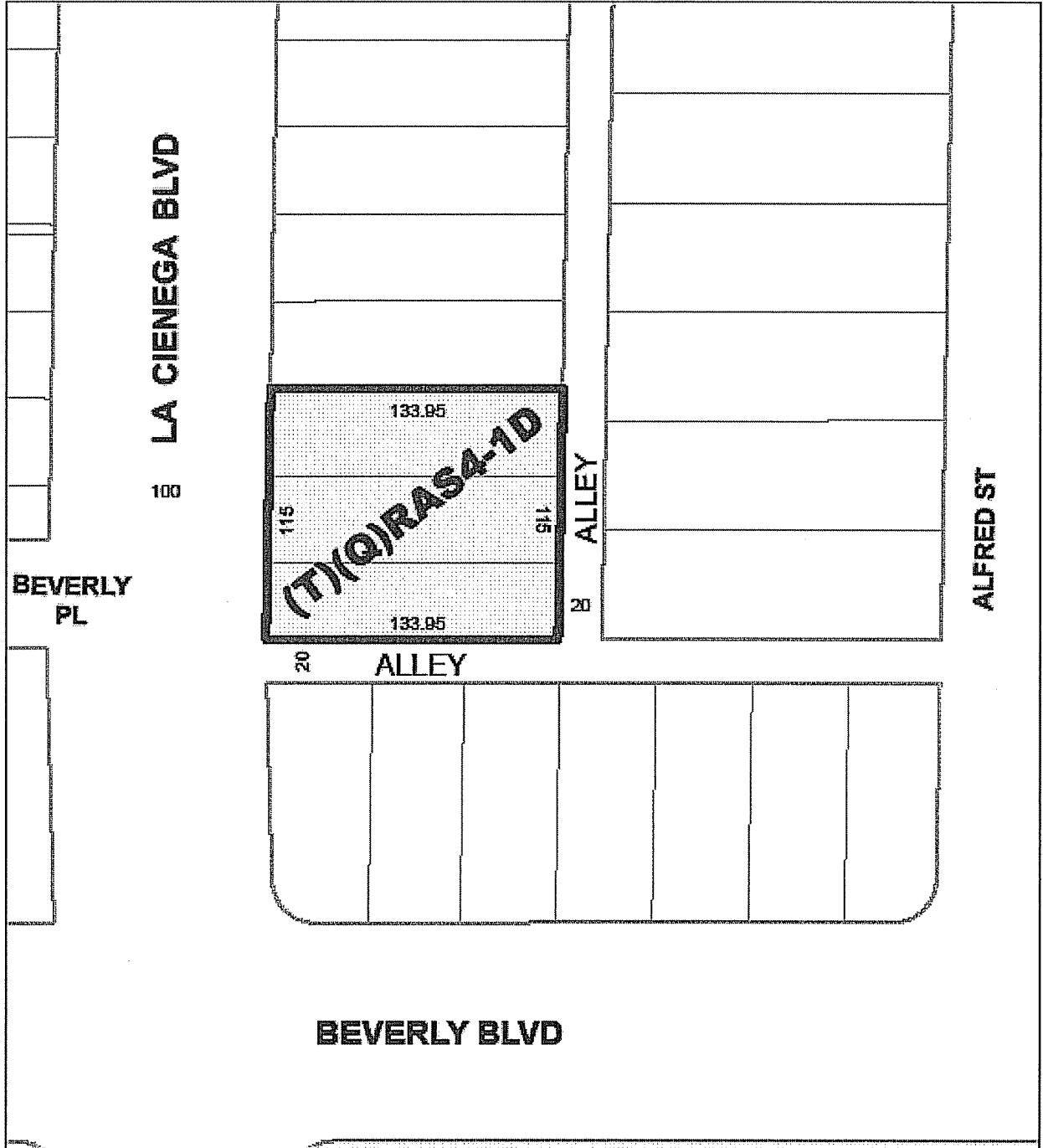
Notice: Certificates of Occupancies for the subject properties will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

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

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

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

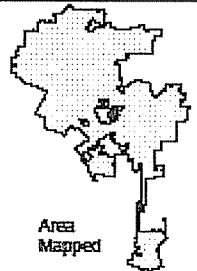
Section \_\_\_\_\_. Section 12.04 of the Los Angeles municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform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



C.M. 138 B 173	CPC-2011-2103-VZC-HD-ZAA
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## (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 56-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 56 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.

**“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 56 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.

### 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.

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Pursuant to Section 558 of the City Charter,  
the Central Area Planning Commission on January 22, 2013,  
recommended this ordinance be adopted by the City Council.

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

File No. \_\_\_\_\_

## 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 56-feet would be compatible with adjacent development and is the same height as the new building being constructed across the street at 375 N. La Cienega Boulevard (the Luxe). 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 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 56-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 56 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 height of the project steps down in the rear to be compatible with the adjacent residential neighborhood. 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 56 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 56-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 56-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.

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). 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 56-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 56-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 proposed is 67 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 approved is 56 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 56 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 objectives 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.

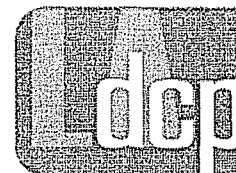
### **CEQA Findings**

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.



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### Los Angeles Central Area Planning Commission

**Date:** January 22, 2013  
**Time:** After 4:30  
**Place:** Los Angeles City Hall  
200 North Spring Street, Room 1010  
Los Angeles, CA 90012

**Public Hearing:** October 29, 2012  
**Appeal Status:** Vesting Zone Change/ Height District Change, appealable by applicant to City Council if disapproved in whole or in part.  
**Expiration Date:** January 22, 2012  
**Multiple Approval:** Yes, pursuant to 12.36.C.1

**Case No.:** CPC-2011-2103-VZC-HD-ZAA  
**CEQA No.:** ENV-2011-2104-MND  
**Related Cases:** None  
**Council No.:** 5 - Koretz  
**Plan Area:** Wilshire  
**Specific Plan:** None  
**Certified NC:** Mid-City West  
**GPLU:** Neighborhood Office  
Commercial  
**Zone:** C2-1VL-O  
**Applicant:** Solomon Aryeh, Beverly La Cienega LLC  
**Representative:** Joel Miller, PSOMAS

**PROJECT LOCATION:** 316-324 North La Cienega Boulevard

**PROPOSED PROJECT:** The proposed project is the construction of a 6-story, maximum 67-ft. in height, 46,230 square feet mixed-use building with 4,550 square feet of commercial space at the ground floor and 45 multi-family units above. The project involves 75 parking spaces in a garage that spans from the ground level to 3 levels subterranean. This project is located on three lots that total 15,410 square feet (0.35 acres). As proposed, the project would demolish the existing four commercial structures on site that total 5,385 square feet as well as a 47.5-ft. tall, two sided billboard structure and any existing vegetation. The applicant seeks a Vesting Zone Change and Height District Change from C2-1VL-O to RAS4-1D-O, and Zoning Administrator Adjustments for a front yard setback (requesting 0-ft. in lieu of the required 5-ft.) and a side yard setback (requesting 0-ft. in lieu of the required 5-ft. at the south property line), minimum lot area per dwelling unit (requesting 45 units in lieu of the 44.75 units allowed by the 17,900 square feet on site), and maximum floor area (requesting 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).

### REQUESTED ACTION:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt and Find** the Mitigated Negative Declaration ENV-2011-2104-MND is adequate and no additional environmental clearance is necessary.
2. Pursuant to Section 12.32Q of the Los Angeles Municipal Code (LAMC), a **Vesting Zone Change** from C2 to RAS4 and a **Height District Change** from -1VL to -1D with a 67-foot "D" limitation in height.
3. Pursuant to Section 12.28 of the LAMC, a **Zoning Administrator Adjustment** for a front yard setback, requesting 0-feet in lieu of the required 5-feet as per Section 12.11.5 C1 of the LAMC.
4. Pursuant to Section 12.28 of the LAMC, a **Zoning Administrator Adjustment** for a



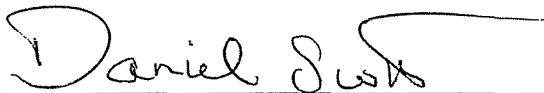
side yard setback, requesting 0-feet in lieu of the required 5-feet at the south property line (alley side) as required per Section 12.11.5 C2 of the LAMC.

5. Pursuant to Section 12.28 of the LAMC, a **Zoning Administrator Adjustment** for minimum lot area per dwelling unit, requesting 45 units in lieu of the 44.75 units allowed by the 17,900 square feet on site as required per section 12.11.5 C4.
6. Pursuant to Section 12.28 of the LAMC, a **Zoning Administrator Adjustment** for maximum floor area, requesting 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 Section 12.21.1 of the LAMC.

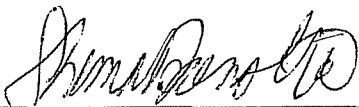
#### RECOMMENDED ACTIONS:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration ENV-2011-2104-MND and associated Findings.
2. **Approve and Recommend** the City Council Adopt a **Vesting Zone Change** from the existing C2 zone to RAS4 zone, subject to the Conditions of Approval.
3. **Deny a Height District Change** from -1VL to -1D with a 67-foot "D" limitation in height.
4. **Approve a Zoning Administrator Adjustment** to allow a 0-foot front yard setback in lieu of the required 5-feet as per Section 12.11.5 C1 of the LAMC.
5. **Approve a Zoning Administrator Adjustment** 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 Section 12.11.5 C2 of the LAMC.
6. **Deny a Zoning Administrator Adjustment** 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 12.11.5 C4.
7. **Deny a Zoning Administrator Adjustment** 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 Section 12.21.1 of the LAMC.

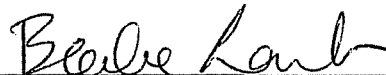
MICHAEL J. LOGRANDE  
Director of Planning



Daniel Scott, Principal City Planner



Shana Bonstin, Senior City Planner



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

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        Elevation Plans  
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    C – Environmental Clearance - ENV-2011-2104-MND

## PROJECT ANALYSIS

### Project Summary

This report contains discussions, recommendations, conditions and findings for the demolition of approximately four commercial structures on the project site that total 5,385 square feet as well as a 47.5-ft. tall two sided billboard structure and any existing vegetation. The project as proposed would consist of a 6-story, maximum 67-ft. in height, 46,230 square feet mixed-use building with 4,480 square feet of commercial space at the ground floor and 45 multi-family units above. The project involves 75 parking spaces in a garage that spans from the ground level to 3 levels subterranean. This project is located on three lots that total 15,410 square feet (0.35 acres).

The 4,450 square feet of commercial tenant space would be located at the ground floor, accessed from North La Cienega Boulevard, and these tenant spaces are architecturally designed with large, glass storefronts. The residential portion of the project begins at the podium level and it contains units, a courtyard, common area, water feature, and rooftop garden.

The site is currently zoned C2-1VL-O. The "O" in the zone for the property (C2-1VL-O) indicates Oil Drilling District permits are available for limited hydrocarbon resource extraction uses on the property.

#### *Height and FAR*

The Wilshire Community Plan Footnote #5 limits Commercially zoned parcels in the Neighborhood Office Commercial General Plan Land Use, such as the subject site, to a maximum FAR of 1.5:1. The applicant has requested a 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.

As recommended in this staff report, the project's total height would be limited to that allowed in the RAS4-1VL zone, which is 50 feet, except that the project is recommended to be stepped down in height at the rear, for a maximum height of 45 feet. This will reduce the massing of the building where it is closest to the residential uses in the adjoining neighborhood to the east.

#### *Site Design*

The completed building will be bounded by an alley on the eastern and southern sides; it will take all vehicular access from the southern alley. All parking is provided in a subterranean parking structure containing three levels with a total of 75 parking spaces. For the commercial uses, 19 parking spaces are required; 23 are provided. Of these, 11 commercial parking spaces are located at the ground level, and 12 of these are located in the P1 parking level. The remaining parking for the residential uses is all located in the subterranean parking levels.

The building uses a variety of materials, textures, and colors such as fiber cement panels, corrugated metal, a frameless storefront system, and variety of colored glass. All four (4) sides of the building receive equal architectural treatment and design rigor.

### *Requested Entitlements*

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

**Height District Change.** The project is requesting a Height District Change from -1VL to -1D to allow a building height of 67 feet. The current C2-1VL designation allows a maximum height of 45 feet. If the project received the Zone Change to RAS4 with a -1VL Height District, the project would be allowed a maximum height of 50 feet. As the applicant wishes to build to 67 feet, they are requesting the -1D Height District. As recommended by this Staff Report, the Height District change request would be denied, and the project would be limited to that allowed in the RAS4-1VL zone, which is 50 feet, except that the project is recommended to be stepped down in height at the rear, for a maximum height of 45 feet. This would likely result in a 4-story building.

**Zoning Administrator Adjustments.** 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 the alley) be eliminated for the residential uses (though the project will observe some setbacks in portions of the building). The applicant has requested a Zoning Administrator Adjustment to allow an extra unit for a total unit count of 45 units when the base density is 44 units. Finally, the applicant requests an Adjustment to allow an increase to a 3.16:1 FAR in lieu of the allowable 3:1 FAR. As recommended in this Staff Report, staff recommends the approval of the Adjustments for yards, but does not recommend the Adjustment for density and FAR.

## **Background**

### *Project History*

Since the project was originally filed in August of 2011, the design of the project has undergone several iterations in response to stakeholder input. The initial proposal was for a 7-story, 83-foot tall building with an FAR of 4.22:1, 20,000 square feet of commercial space including a CUP for alcohol, a supergraphic/billboard sign on the south façade, and all vehicular access taken from the rear alley. Since this initial proposal, the applicant has made changes to the project. The project as currently submitted to the Planning Department proposes a height of 67 feet, with a stepped back portion in the rear with a height of 45 feet. However, in response to a request at the Public Hearing from Council Office 5 (Koretz), the applicant has prepared a project alternative that observes a maximum height of 56 feet, with a stepped back portion in the rear observing a height of 45 feet. This results in a 5-story building along North La Cienega Boulevard, and a 4-story building along the alley. This lower height alternative has a commensurate lower density of 43 units (versus the proposed 45) and a lower FAR of 2.94:1 (versus the proposed FAR of 3.16:1). Additionally, with this reduced alternative, the Zoning Administrator Adjustments for extra density and FAR would no longer be needed.

### *Existing Uses*

The project site is located in the Wilshire Community Plan Area on North La Cienega Boulevard, just one lot north of the intersection with Beverly Boulevard.

The property consists of three contiguous lots and is developed with four one-story commercial buildings on two lots; the lots each have one building built in 1939 with a square footage of 885 square feet and a second building built in 1959 with 1672 square feet. The uses on site are: a tailor, rug retail shop, frame store, and psychic. One of the three lots is vacant with the exception of the 47 foot high two-sided billboard that also spans over the middle lot and

provides 1,344 square feet of advertising area. Two alleys abut the parcel with one on the south side and one on the east side.

### *Surrounding Zones and Uses*

**North side of Beverly Boulevard:** The properties on the north side of Beverly Boulevard on either side of North La Cienega Boulevard are in the Neighborhood Office Commercial Land Use Designation and are zoned C2-1VL-O, which again allows a height of 45 feet and an FAR of 1.5:1. The abutting property to the north is a one-story commercial building zoned C2-1VL-O; across North La Cienega to the west is a one-story private school zoned C2-1VL-O. The property directly to the south of the project and across the east-west alley is a one-story gas station, zoned C2-1VL-O. To the east of the property and across the alley are two-story duplexes zoned R2-1-O. The 11-story Sofitel hotel is kitty-corner from the project site at North La Cienega and Beverly Place, and is zoned C2-1-O. The Sofitel hotel was originally constructed in 1987. It is important to note that while 11 stories at its highest, at the corner of Beverly Boulevard and North La Cienega Boulevard, the Sofitel drops in height to three (3) stories.

**East of Project Site:** To the east of the project site (Alfred Street) lies a residential neighborhood that has a Low Medium I Land Use Designation and is zoned R2-1 – a Duplex Zone that allows a height of 33 feet. The homes are a mix of one- and two-story structures.

**South of Project Site:** The properties on the south of Beverly Boulevard are in the Regional Commercial Land Use Designation, and are developed at a higher intensity than found north of Beverly Boulevard. The southwest corner of the intersection is developed with the Beverly Center. The southeast corner of the intersection is developed with the Beverly Connection shopping center, approximately 45 feet in height. The residential neighborhood located east of the Beverly Connection has a similarly higher density – a zone of R3 and a General Plan Land Use Designation of Medium Residential.

**1-VL Height District:** The -1VL Height District was adopted in 1988 pursuant to CPC-30642 and Ordinance 163,505. This Height District is effective for both the west and east sides of North La Cienega Boulevard, and stretches for two blocks from Rosewood Avenue to the north (the boundary line between the cities of Los Angeles and West Hollywood) and the subject parcel, 320 North La Cienega Boulevard, to the south.

### *Streets and Circulation*

North La Cienega Boulevard is a designated Major Highway Class II and is dedicated to a substandard 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk. The alleys to the south and east of the project have each been improved to 20 feet in width and improved with asphalt roadway.

## **Issues**

### *Height*

The project's height remains the biggest concern among the opponents of the project, as many of them reside in the residentially zoned neighborhoods nearby. A distinction should be made between the north and side sides of Beverly Boulevard. The south side of Beverly Boulevard has a Regional Commercial Land Use Designation and commensurate development intensity for uses such as the Beverly Center, Cedars Sinai, and the Beverly Connection. Despite the

increased allowable density, however, the Beverly connection observes a height of 45 feet. Other developments are taller than this.

The north side of Beverly Boulevard has a Neighborhood Office Commercial Land Use Designation, and a lower allowable FAR and height. As currently zoned, the project site has a maximum height limit of 45 feet, slightly taller than the residential neighborhood to the east, which restricts new development to a maximum height of 33 feet. There are some structures on the north side of Beverly Boulevard which do exceed the 45 feet height limit. The Sofitel Hotel does – though at the corner of Beverly Boulevard and North La Cienega Boulevard it does drop in height – but it was constructed prior to the imposition of the -1VL height limit. There is a six story building at the intersection of Alfred Street and Beverly Boulevard, but it was constructed in 1962 under different zoning regulations. North La Cienega Boulevard contains mostly 1-story buildings built in the late 1940s and 50s. One taller building stands out – the Baker Building at 360 North North La Cienega, constructed in 1981. It has been cited by the community as the intensity and height of buildings that are appropriate for their neighborhood. The Baker Building is three-stories tall – the ground floor is retail, the second level is parking, and the third level is office. Because any floor area utilized as parking is not included per the LAMC for zoning purposes, the building appears to be built to a 1.5:1 FAR. Another approved but not yet constructed project in the area is the Luxe at 375 North La Cienega Boulevard. This is a project utilizing the LAMC Density Bonus Ordinance for affordable housing, which enabled two development incentives in exchange for affordable housing with an increased FAR to 3:1 and an increased height to 56 feet.

Within the two block length of La Cienega Boulevard that is affected by the 1988 Height District Change to -1VL, no other building, besides the entitled but not yet built Luxe at 375 La Cienega Boulevard, observes a height over 45 feet.

#### *Project Access*

As originally designed, the project proposed taking all vehicular access from the eastern alley at the rear of the project. However, the abutting residential neighbors had concerns regarding that location due to noise, traffic, light impacts, and privacy. Therefore, the proposed vehicular access was relocated to the southern alley, adjacent to the gas station. Neighbors are still concerned about this planned location. However, from a traffic and pedestrian safety perspective, it is preferable to locate the driveway off an existing alley rather than create a new curb cut on North La Cienega Boulevard.

#### **Conclusion**

The Department recommends the project as conditioned in this recommendation report. The Zone Change to RAS4 is appropriate given the context of North La Cienega Boulevard, in that it provides for a mixed-use project that both compliments the commercial character of La Cienega Boulevard and the nearby residential neighborhoods. The -1VL Height District for this portion of North La Cienega Boulevard is an appropriate height limit, given the lower density residential uses to the east, the Neighborhood Office Commercial Land Use Category, and the existing uses and structures on North La Cienega Boulevard. The project, at the recommended floor area, height, scale and layout, will be a compatible addition to the local neighborhood and will provide a sense of place to La Cienega Boulevard that is distinct and unique from that of the Regional Center located to the south of Beverly Boulevard.

## (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 3:1 FAR and 44 residential units. 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 RAS4-1VL-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 and allowed per LAMC Section 12.21.1, 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.
4. **Floor Area Ratio (FAR).** The total floor area of the structure on the property shall not exceed 3:1 times the buildable area of the lot. The total floor area of non-residential, ground-floor commercial uses on the subject property shall not exceed 4,480 square feet, as defined by Section 12.03 of the LAMC.
5. **Residential Density.** Not more than 44 dwelling units may be constructed on the property, per the RAS4 zone, Section 12.11.5 of the LAMC.
6. **Rear Yard.** A rear yard of 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 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. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- d. Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- e. 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.
- f. Promote natural vegetation by using parking lot islands and other landscaped areas.
- g. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- h. 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. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.
- i. 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.
- j. 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.
- k. Legibility of stencils and signs must be maintained.
- l. 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.

- m. The storage area must be paved and sufficiently impervious to contain leaks and spills.
- n. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- o. 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):

- p. 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.
- q. 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.
- r. 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.

## 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.
  - l. 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.

## 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. **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

4. **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.
5. **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.
6. **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.
7. **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.
8. **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.
9. **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.

10. **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.
11. **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.
12. **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.
13. **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.



## 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, 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 a higher density and intensity is not appropriate in this location. The project's recommended intensity and lower height 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.

*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 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 Cienga 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 is denied and the height shall be limited to that allowed in the current -1VL Height District. 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 is recommended to be limited to 50 feet, with a step-back in the rear down to 45 feet. This recommended project 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 Cienga 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 Wilshire Community Plan, a part of the General Plan for the City of Los Angeles, designates the Project Site for Neighborhood Office Commercial uses, which corresponds to the C1, C1.5, C2, C4, P, CR, RAS3, and RAS4 zones. As part of its action adopting the new RAS zoning classifications, the City Council directed the Planning Department to update the City's 35 community plans to include the new RAS4 zone as corresponding zones in all commercial land use categories that allow R4 density housing. The Neighborhood Office Commercial designation for the Project Site allows the mixed-use RAS4 zone; therefore, the proposed RAS4 zoning classification is consistent with the City's General Plan.

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

The 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 Cienga Boulevard and a variety of interesting building materials. No curb cuts are proposed on La Cienga Boulevard, emphasizing the pedestrian over the automobile. The height of the project steps down in the rear to be compatible with the adjacent residential neighborhood. 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 is **not** 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 recommended to be 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. It would set a precedent for adjoining properties to seek similar Height District changes, which would create even more incompatibility with adjacent residential neighborhoods. With a 50 foot height limit as proposed (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. This is a neighborhood commercial area – dissimilar to the Regional Center south of Beverly Boulevard—where additional intensity and height may be appropriate. A Height District change to -1D is not consistent with public necessity and is not necessary to provide new housing in the area.

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, and only one project has been entitled for additional height – 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. Additionally, a Height District Change to a -1D designation is not consistent with good zoning practice. This portion of La Cienega Boulevard has a different character than that south of Beverly Boulevard where the Regional Center is located. The subject site is located adjacent to one- and two-story commercial structures and directly abuts an R2 Duplex zoned residential neighborhood. While more intensive development is located south of Beverly Boulevard (the Beverly Center and Cedars Sinai), the -1VL Height District portion of La Cienega Boulevard in this location is appropriate and good zoning practice.

The project, at the proposed height will not be a compatible addition to the local neighborhood. The proposed height is not consistent with the adjacent development patterns nor the policies and objectives in the community plan. The proposed Height District Change does not promote 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 not** make strict adherence to the zoning regulations impractical or infeasible, and the project **does not** conform with the intent of those regulations.*

The proposed project, located at 320 North La Cienga 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 proposed is 67 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.

There are no special site characteristics, such as topography or infrastructure that makes strict adherence to the zoning regulations impractical or infeasible. The site is a regular, square shaped site with alleys on two sides and La Cienega Boulevard on the west side. No additional curb cuts are required on La Cienega Boulevard; the project can take access from an existing alley, ensuring that the majority of the parcel is buildable and does not need to be utilized for driveways. The allowable density of one unit per each 400 square feet of lot area is the highest allowable density in the Neighborhood Office Commercial Land Use Designation and there are no special circumstances that would allow an increase of the density. Adjacent commercial structures are developed far below a 3:1 FAR, and appear to comply with the existing FAR restriction of 1.5:1 FAR or less.

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 3:1 FAR and an R4 density, the project will still achieve the intent of the RAS4 zone while ensuring compatibility with the adjacent residential neighborhood.

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

The 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 proposed is 67 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 not be compatible with the adjacent properties and will adversely impact the surrounding neighborhood. Adjacent commercial structures are developed far below a 3:1 FAR, and appear to comply with the existing FAR restriction of 1.5:1 FAR or less. The intent of the RAS4 zone is to provide increased FAR in order to accommodate a mixed-use project – with a 3:1 FAR the project will still achieve the intent of the RAS4 zone. 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 3:1 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, mitigation measures have been put in place to ensure that the project, as conditioned, is compatible with the community. But, going above and beyond the density and FAR will not be compatible and will adversely impact the surrounding properties.

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

The 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 proposed is 67 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 objectives 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. But, going above and beyond the density and FAR will not be compatible and will adversely impact the surrounding properties. It will go above and beyond the intent and purpose of the RAS4 zone and what it allows, and will not achieve 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.

## PUBLIC HEARING AND COMMUNICATIONS

The Public Hearing on this matter was held at Los Angeles City Hall, 200 North Spring Street, 10<sup>th</sup> Floor, Room 1020, Los Angeles, CA 90012 on Monday, October 29, 2012 at 10 a.m.

### Summary of Public Hearing

1. The applicant and applicant's representative spoke at the hearing and made the following statements:
  - The applicant walked through what is permitted under the current zoning: 1.5:1 FAR, 45 foot maximum height limit. The site is currently occupied by 4 one-story commercial buildings and a V-shape billboard.
  - The project has been modified to address issues previously brought up by surrounding residents. The initial proposal was for a 7-story, 83-foot tall building with an FAR of 4.22:1, 20,000 square feet of commercial space, and a supergraphic/billboard sign. The main concerns were height, shadow, traffic, privacy, and alcohol.
  - In response the applicant has reduced the proposed height to 67 feet along North La Cienega Boulevard and less than 44 feet on the east side of the parcel, adjacent to the residential properties along Alfred Street. The balconies on the east side that would face the Alfred residences were eliminated. Additionally the commercial area was reduced to a 800 square foot café, with no CUB, and approximately 4,700 square feet of retail, access was moved to the east-west alley, FAR was reduced to 3.16:1 with 45 dwelling units, trips were reduced by more than 50% and extra bicycle parking was added, and a zone change from C2 to RAS4-1 is being sought.
  - To redevelop the site at the current zoning of 1.5:1 FAR and a height limit of 45 feet, a maximum of 44 units would be permitted and if the building was 100% residential the units would be 514 square feet each. The developer would have to build far fewer units if restricted to current zoning.
  - An initial shade/shadow study was done for the 83 foot tall proposal and it was found that there would not be significant impacts, therefore the reduced height building will have even fewer impacts.
  - A traffic study was approved for the larger building and impacts have been greatly reduced since then.
  - There are mitigation measures for dust control and grading and liquefaction addressed in the geotechnical report.
2. A total of 17 members of the public spoke at the public hearing. The following comments were made:

*In Support of the Project*

  - A resident of Los Angeles who lives near the project site supports the current proposal. The developer has made a lot of concessions and the design is nice. The alley is currently unattractive and there is a need for revitalization and development in the area.

- A member of a design-related merchant association on North La Cienega Boulevard supports the project. The association is seeking to revitalize North La Cienega Boulevard. The group is hoping to beautify the street and slow down traffic and is working towards creating a Business Improvement District (BID). The existing small buildings bring down the value and there is a history of mixed-use along the corridor. Parking is not an issue because the new residents will park in the building.
- Another member of the design-related merchant association and member of the BID-seeking group supports the project. The project is an integral part of investment in the corridor and is aesthetically pleasing.
- An owner of a nearby day spa, who has been there for 15 years, supports the project. The speaker is in agreement with previous speakers and the project will support local businesses and improve the area. Mixed-use development will not add to the traffic and would add needed housing to the area.
- A resident of Los Angeles, who lives near the project site supports the project. The project will beautify the corner and will provide the type of housing that his kids are looking for in the neighborhood.
- A resident of Los Angeles, who lives near the project site supports the project. The beautiful mixed-use building will improve the corridor.
- A local business owner supports the project. The current site is vacant and not well-maintained, which leads to trash and graffiti.
- A resident of Los Angeles supports the project. Walkability is a strength of the neighborhood and the community will benefit from mixed-use development. The existing single family residences are not well maintained and new development will provide amenities for young professionals. The alleys do not appear to be congested currently and new development will increase home values. Allowing the developer to build over the current height limit will maximize the benefits of the project.

*Not in Support of the Project as Proposed*

- A resident of Los Angeles who lives behind the project site spoke against the current proposal. New development is supported but should be built within what is allowed per the zoning code.
- A resident of Los Angeles who lives behind the project site spoke against the current proposal. The owner purchased the property knowing the existing zoning. A building on this site is supported, but not one that deviates from the code. The Baker Building was built to code. The Beverly Connection across the street is 45 feet tall. Nothing on North La Cienega is over 45 feet in height that isn't an SB 1818 project. More housing is not needed in this area, but affordable housing is needed. The project as proposed will affect the neighbors' enjoyment of their land, diminish light and privacy. The height is not appropriate especially since the site is not on a corner but is on an alley, and the alley is already too busy. Adjacent homes are zoned R2 and are no more than 33 feet tall. A project that met the 45 foot height limit but had an increase in density would be supported. Gridlock contributed to the vacancies in Westwood Village and the Beverly-North La Cienega area is experiencing a similar gridlock.
- A resident of Los Angeles who lives behind the project site spoke against the current proposal. When you purchase a house the zoning is part of the contract. The increase in

height requested for the project would create a hardship for surrounding residents. The rear windows of the project will look into the backyard of the residents on Alfred Street and property values will decrease. There needs to be a cumulative impact study taking into account the increase in traffic from other nearby large projects. Dust exposure is a concern. Those supporting the project live further away and will not experience the hardship of those that are immediately adjacent to the site.

- A resident of Los Angeles who lives and owns properties behind the project site spoke against the current proposal. A development that is built within the current code limitations would be supported. Height is the biggest issue for the residents of the 300 block of Alfred. The speaker is supportive of streetscape improvements that would come with a development, but additional height does not provide additional streetscape benefits. Do not set an increased height precedent. There will be more redevelopment along North La Cienega and they should all be subject to the height limits. The developer should understand the zoning when purchasing the property. The same density is possible to achieve within the height limit.
- A resident of Los Angeles who lives behind the project site spoke against the current proposal. The proposed project will sit on a narrow, busy alley, directly adjacent to residential uses. The Beverly Center and Cedars-Sinai are both taller than 45 feet but are not directly adjacent to residential neighborhoods. It is not true that new residents may not have cars. If low income housing was built then residents would likely have fewer cars. There is already a parking problem in the neighborhood. The speaker does not want to see a change in the neighborhood character or a precedent set for higher density. There are also health concerns related to digging in the alley and general construction activities and increased traffic.
- A resident of Los Angeles who lives behind the project site spoke against the current proposal. By disregarding the height limit the backyards of residents on Alfred Street will be shaded all of the time. Increased alley traffic will make it more difficult to access garages.
- The Zone 3 Representative for the Mid-City West Neighborhood Council spoke against the current proposal. The speaker is in favor of development that is within the current zoning code. Concerned about alley safety, traffic and parking. The alley is already congested and other nearby stores are adding to the traffic and parking problems. A project that meets the zoning code will have a positive effect but one built outside of that will negatively affect property values nearby.
- A resident of Los Angeles who lives behind the project site spoke against the current proposal. Supportive of development that meets the current zoning. Issues with proposal include: alley access, delivery access, additional impacts to shade and shadow, reduced sunlight to solar panels and garden.
- A representative of the Beverly Wilshire Homeowners Association who frequents the area for business spoke against the current proposal. Parking is already a major problem and it is typical to have to park 6 blocks away. How will those who are not able to walk that far going to visit the area? The area is already congested and more traffic will make it even more difficult for emergency vehicles. The proposed building is unattractive. There is no lack of apartments in the area, but there is a lack of affordable housing, which this project will not address. The proposal will add to existing environmental and infrastructure problems.

3. John Darnell, Field Deputy for Councilmember Koretz (Council District 5) spoke against the current proposal. Council District 5 would support a project with a maximum height of 56 feet. Supported nearby developments and concerned about impacts on neighboring residents from current proposal.

### **Summary of Written Testimony**

A total of 18 letters from members of the public and 4 letters from organizations were received by the Department of City Planning regarding the proposed project. Of these, 17 letters oppose the project as currently proposed, and 4 letters support the project as currently proposed.

#### **1. Letters in opposition to proposal**

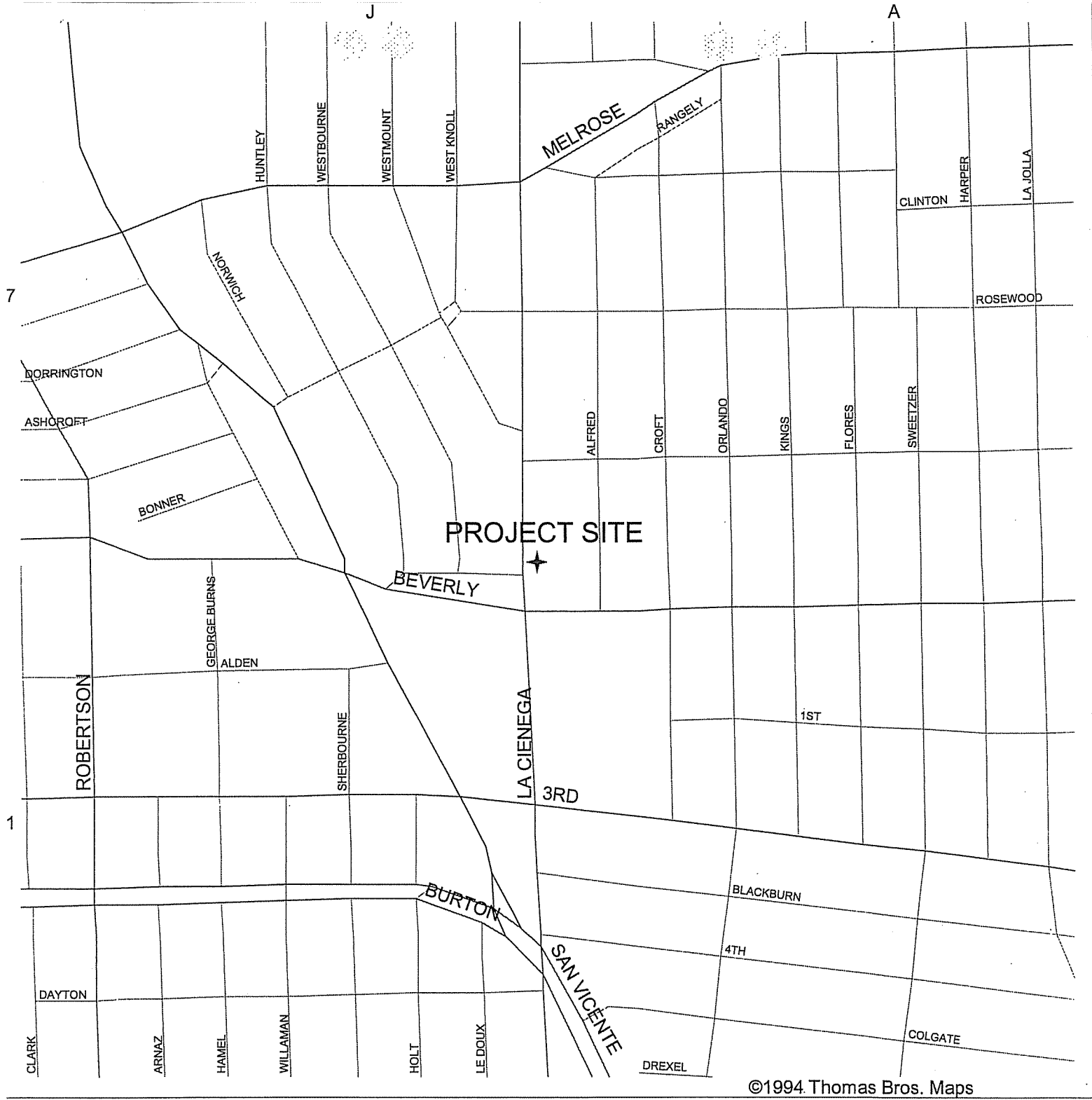
- The Mid-City West Community Council adopted a motion from the Planning and Land Use Committee to oppose the project as submitted based on the following concerns: excessive height including shade/shadow and privacy issues for residents on Alfred Street; a zone change could set a precedent for future buildings; traffic circulation, including that in adjacent alley; traffic congestion; inclusion of the billboard in the project.
- The President of the Beverly-Wilshire Homes Association submitted comments on behalf of this organization. The Association is opposed to the project as currently proposed. *Stolman v. City of Los Angeles* states that zoning is similar to a contract and each party forgoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted. The Wilshire Community Plan lists the protection of residential neighborhoods as a top priority. The Housing Element of the General Plan has already accounted for local housing needs within the current zoning and more market rate housing is not needed. Low to Moderate income housing is needed. The Beverly Center is located on an intersection and is zoned Regional Commercial, which is different from this property. The Sofitel was built before height limits were put in place. The proposal is oversized and out of place and does not offer anything to the community. It will lead to a reduced privacy, lower property values, increased traffic, and will set a precedent for larger, denser projects in the area.
- The President of the Burton Way Homeowners Association submitted comments on behalf of this organization. The Association is opposed to the project as currently proposed. The height and density of the building is over scale and size and will result in an increase in traffic and parking demands in a heavily impacted area. A full Environmental Impact Report (EIR), rather than a Mitigated Negative Declaration (MND), is needed to fully assess the impacts on traffic, parking, shade and shadow, and view shed. The vesting zone change is a plan amendment from what the Wilshire Community Plan presently allows and seems like spot zoning and should require an EIR. The community has nothing to gain from setback variances, particularly on the south and east sides which border alleys. The Association opposes any increase in density or FAR beyond 3:1. The request for major grants from the city does not include any benefits to the community such as landscaping, affordable housing, traffic or parking mitigations and the developer should take advantage of the current development rights.
- The Vice President of the West Hollywood West Residents Association submitted comments on behalf of this organization. The Association is opposed to the project as currently proposed. The North La Cienega and Beverly Boulevards intersection is already often cited as one of the 10 worst intersections for traffic in the city. The project as proposed will intensify the number of trips and entry and exiting the project just 100 feet from this intersection could create a dangerous situation for drivers and pedestrians.

- 14 individual residents of Los Angeles also submitted comments opposing the current proposal. Residents are concerned about the height of the building, impacts to privacy, increased shade and shadow impacts, traffic and parking, potential for a decrease in property values, the precedent this project could set, and potential health issues due to dust from construction in the alley and increased emissions from traffic and construction vehicles. In general residents are in favor of development on this site, but would like to see it limited to what is permitted by the current zoning. Residents would especially like to see the height limited to no more than 45 feet however, even if an increase in density is approved.
  - The proposed building height will be out of scale with the duplexes and single family residences behind the site and the nearby buildings on North La Cienega. The only buildings higher than 45 feet are the Beverly Center, which is on a corner and is zoned Regional Commercial, and the Sofitel Hotel, which is also on a corner and was built before height restrictions were put into place, and a building currently under construction that will be 56 feet, but is providing affordable housing under SB 1818. The increased height will result in reduced privacy for the residences on Alfred Street, a loss of sunlight in backyards, and will change the character of the neighborhood. A winter shade study should be performed to evaluate the ambient sunlight that will be compromised by a building over 45 feet in height. There is also a concern that permitting this proposal would set a precedent for tall buildings in this area.
  - Traffic and parking are currently issues in the neighborhood and this project as proposed would further impact the neighborhood. The alley is also already congested with cars and delivery trucks and this will just get worse with the addition of the project. The garages for the residences on Alfred Street are only accessible via the rear alley and the access may be affected.
  - The project would involve construction in the alley creating potential health issues from dust. Moistening the dust twice daily is not adequate and Cal-OSHA recommends particulate masks. There will also be an increase in emissions from the increase in traffic and from construction vehicles.
  - The developer understood the zoning when purchasing the property and should be limited to developing within what is permitted.
  - A full EIR should be done to adequately analyze potential impacts. The MND is not sufficient.
  - There could be an increase in crime due to the proposed project.
  - There could be a significant loss of neighboring property values due to negative environmental factors.
  - An increase in FAR would be acceptable as long as there is no zone change, no additional height and the side yard setbacks are not reduced.

## 2. Letters in support of current proposal

- A resident of Los Angeles supports the current proposal. The project is well designed and will fit with the commercial and residential improvements in the area and will enhance the neighborhood. The project is an improvement upon the existing structures and will provide needed commercial and residential units.
- A resident of Los Angeles who owns a business and lives near the project site supports the current proposal. This new retail and residential development will be a great asset to the neighborhood and it is refreshing to see developers make an effort to improve the neighborhood.

- An owner of a commercial property near the project site supports the current proposal. The project is beautifully designed and is part of a larger movement by the community to improve North La Cienega Boulevard and its surroundings.
- A resident of Los Angeles supports the current proposal. The project is beautifully designed and will improve North La Cienega and its surroundings. The project will give the community a better use and aesthetic than the current land use and will draw higher end clientele to the area. The project will increase the property values of the surrounding area and will provide a housing option close to Cedars-Sinai Hospital and bring new people to the area that will patronize local businesses.



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**VICINITY MAP**

**SITE : 316-320 N. LA CIENEGA BLVD.**

**GC MAPPING SERVICE, INC.**

**3055 WEST VALLEY BOULEVARD  
ALHAMBRA CA 91803**

**(626) 441-1080, FAX (626) 441-8850**



**GCMAPPING@RADIUSMAPS.COM**

CPC-2011-2103-VZC-HD-ZAA  
Exhibit A-1

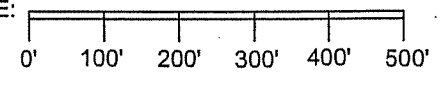




**EXISTING ZONING**

-  C2-1VL-O TO C2-2D-O
-  ZONE BOUNDARY LINE

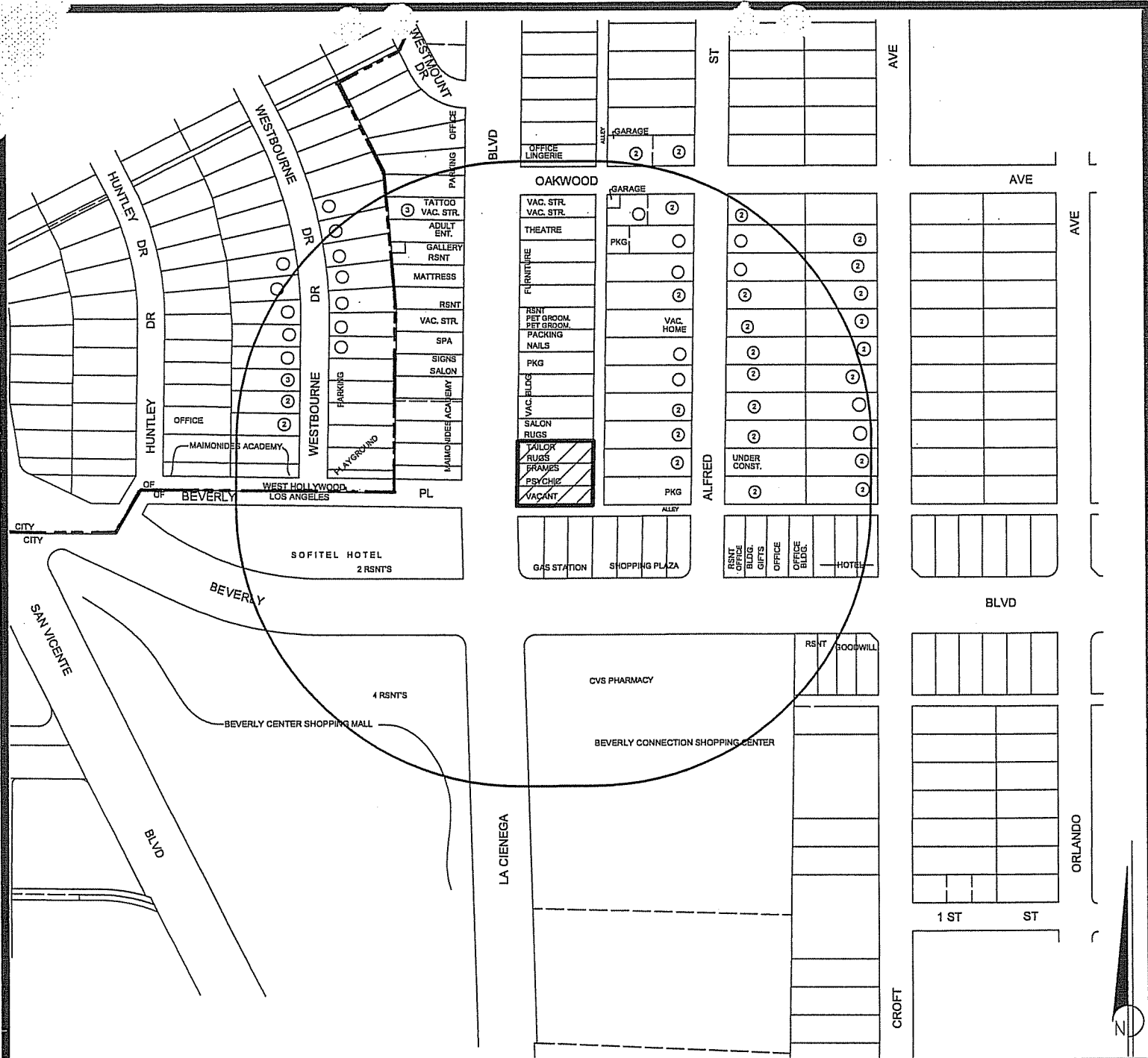
CASE NO.  
 DATE: 08 - 10 - 2011  
 SCALE:



**GC MAPPING SERVICE**

3055 WEST VALLEY BOULEVARD  
 ALHAMBRA CA 91803  
 (626) 441-1080, (626) 441-8850  
 gcmapping@radiusmaps.com



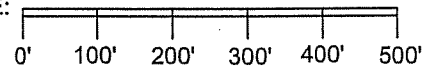


**EXISTING LAND USE**



316-320 N. LA CIENEGA BLVD.

CASE NO.  
 DATE: 08 - 10 - 2011  
 SCALE:



**GC MAPPING SERVICE**

3055 WEST VALLEY BOULEVARD  
 ALHAMBRA CA 91803  
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 gcmapping@radiusmaps.com

No. NG-12-238-PL

Certified by MAV

Date: AUG 16 2012

CITY OF LOS ANGELES  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
PROPOSED MITIGATED NEGATIVE DECLARATION

<b>LEAD CITY AGENCY</b> City of Los Angeles	<b>COUNCIL DISTRICT</b> 5
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<b>PROJECT TITLE</b> ENV-2011-2104-MND	<b>CASE NO.</b> CPC-2011-2103-GPA-VZC-HD-CUB-ZAA-DA
---	--

**PROJECT LOCATION**  
320 N LA CIENEGA BLVD

**PROJECT DESCRIPTION**  
The proposed project is the construction of a 6-story, maximum 67 feet in height, 46,230 square feet mixed-use building with 4,550 square feet of commercial space at the ground floor and 45 multi-family units above. The project provides 75 parking spaces in a garage that spans from the ground level to three levels subterranean. This project is located on three lots that total 15,410 square feet (0.35 acres). As proposed, the project would demolish the existing four commercial structures on site that total 5,385 square feet as well as a 47.5 foot tall two sided billboard structure and any existing vegetation. The applicant seeks a Vesting Zone Change and Height District Change from C2-1VL-O to RAS4-1D-O, and Zoning Administrator's Adjustments for a front yard setback (requesting 0 feet in lieu of the required 5 feet) and a side yard setback (requesting 0 feet in lieu of the required 5 feet at the north property line), minimum lot area per dwelling unit (requesting 45 units in lieu of the 44.75 units allowed by the 17,900 square feet on site), and maximum floor area (requesting 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).

**NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY**  
Beverly La Cienega LLC— Solomon Ayreh  
8460 San Fernando Road  
Sun Valley, CA 91362

**FINDING:**  
The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance  
(CONTINUED ON PAGE 2)

SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED.

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt the mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

NAME OF PERSON PREPARING THIS FORM	TITLE	TELEPHONE NUMBER
<i>Courtney Schoenwald</i>	Planning Assistant	(213) 978-1166

ADDRESS	SIGNATURE (Official)	DATE
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012	<i>Daniel Sosa</i>	SEPTEMBER 24, 2012

**I-10. Aesthetics (Landscape Plan)**

- Environmental impacts to the character and aesthetics of the neighborhood may result from project implementation. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- 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.

**I-90. Aesthetics (Vandalism)**

- Environmental impacts may result from project implementation due to graffiti and accumulation of rubbish and debris along the wall(s) adjacent to public rights-of-way. However, this potential impact will be mitigated to a less than significant level by the following measures:
- 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.
- 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.

**I-100. Aesthetics (Signage)**

- Environmental impacts may result from project implementation due to on-site signage in excess of that allowed under the Los Angeles Municipal Code Section 91.6205. However, the potential impact will be mitigated to a less than significant level by the following measures:
- On-site signs shall be limited to the maximum allowable under the Municipal Code.
- Multiple temporary signs in store windows and along building walls are not permitted.

**I-110. Aesthetics (Signage on Construction Barriers)**

- Environmental impacts may result from project implementation due to on-site signage in excess of that allowed under the Los Angeles Municipal Code Section 91.6205. However, the potential impact will be mitigated to a less than significant level by the following measures:
- 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".
- Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
- 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.

**I-120. Aesthetics (Light)**

- Environmental impacts to the adjacent residential properties may result due to excessive illumination on the project site. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- 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.

**I-130. Aesthetics (Glare)**

- Environmental impacts to adjacent residential properties may result from glare from the proposed project. However, the potential impacts will be mitigated to a less than significant level by the following measure:
- 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.

**III-10. Air Pollution (Demolition, Grading, and Construction Activities)**

- 
- 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.
- 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.
- 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.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

**III-60. Objectionable Odors (Commercial Trash Receptacles)**

- Environmental impacts may result from project implementation due to the location of trash receptacles near adjacent residences. However, these impacts will be mitigated to a less than significant level by the following measure:
- 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.

**III-70. Objectionable Odors**

- Environmental impacts to adjacent residential properties may result due to objectionable odors from the proposed project. However, these impacts can be mitigated to a less than significant level by the following measures:
- No window openings or exhaust vents for commercial uses shall be permitted on the building facade which abuts a residential use or zone.

**V-20. Cultural Resources (Archaeological)**

- Environmental impacts may result from project implementation due to discovery of unrecorded archaeological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- If any archaeological materials are encountered during the course of project development, all further development activity shall halt and:
- 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.
- The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report.
- 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.
- 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.
- A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

**V-30. Cultural Resources (Paleontological)**

- Environmental impacts may result from project implementation due to discovery of unrecorded paleontological resources. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- If any paleontological materials are encountered during the course of project development, all further development activities shall halt and:
- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
- c. The applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.
- 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.
- A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

**V-40. Cultural Resources (Human Remains)**

- Environmental impacts may result from project implementation due to discovery of unrecorded 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.
- *Discuss and confer* means the meaningful and timely discussion careful consideration of the views of each party.

**VI-10. Seismic**

- Environmental impacts to the safety of future occupants may result due to the project's location in an area of potential seismic activity. However, this potential impact will be mitigated to a less than significant level by the following measure:
  - 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.
  - 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.

**VI-20. Erosion/Grading/Short-Term Construction Impacts**

- Short-term erosion impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a less than significant level by the following measures:
  - 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.
  - 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:
    - a. 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.
    - b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

**VI-50. Geotechnical Report**

- 
- 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.
- 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.

**VI-70. Liquefaction Area**

- Environmental impacts may result due to the proposed project's location in an area with liquefaction potential. However, these potential impacts will be mitigated to a less than significant level by the following measures:
- 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.
- 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.

**VII-10. Green House Gas Emissions**

- The project will result in impacts resulting in increased green house gas emissions. However, the impact can be reduced to a less than significant level through compliance with the following measure(s):
- Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s).
- Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

**VIII-10. Explosion/Release (Existing Toxic/Hazardous Construction Materials)**

- Due to the age of the building(s) being demolished, toxic and/or hazardous construction materials may be located in the structure(s). Exposure to such materials during demolition or construction activities could be hazardous to the health of the demolition workers, as well as area residents, employees, and future occupants. However, these impacts can be mitigated to a less than significant level by the following measure:
- **(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.
- **(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.
- **(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.

**VIII-20. Explosion/Release (Methane Gas)**

- Environmental impacts may result from project implementation due to its location in an area of potential methane gas zone. However, this potential impact will be mitigated to a less than significant level by the following measures:
- 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.
- 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.
- 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.

**IX-10. Groundwater Quantity (Dewatering System)**

- Environmental impacts to groundwater quantity may result from implementation of the proposed project through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capacity. The Department of Building and Safety requires, when feasible, that applicants modify the structural design of a building so as not to need a permanent dewatering system. When a permanent dewatering system is necessary, the Department of Building and Safety require the following measures to mitigate the impacts to a less than significant level:
- 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.
- 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.
- Return water to the groundwater basin by an injection well.

**IX-20. Stormwater Pollution (Demolition, Grading, and Construction Activities)**

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

**IX-40. Standard Urban Stormwater Mitigation Plan (Hillside Residential and All 10-or-more-unit Subdivisions and Multi-Family Dwellings)**

- Environmental impacts may result from erosion carrying sediments and/or the release of toxins into the stormwater drainage channels. However, the potential impacts will be mitigated to a less than significant level by incorporating stormwater pollution control measures. 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/>):
- 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.
- 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.
- Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- 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.
- Promote natural vegetation by using parking lot islands and other landscaped areas.
- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.



- 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. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.
- 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.
- 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.
- Legibility of stencils and signs must be maintained.
- 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.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 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):**
- 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.
- 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.
- 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.

**IX-120. Flooding/Tidal Waves**

- Environmental impacts may result due to the location of the proposed project in an area which is potentially subject to flood hazards. However, any flood hazard that exists will be mitigated to a less than significant level by the following measure:
- The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172081 effective 7/3/98.

**X-60. 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.

**XII-10. Increased Noise Levels (Landscape Buffer)**

- Environmental impacts to the adjacent residential properties may result due to the project. However, the potential impact will be mitigated to a less than significant level by the following measures:
- A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
- A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.
- A minimum 3 foot landscaped buffer shall be planted on the roof top balcony adjacent to the residential use.

**XII-20. Increased Noise Levels (Demolition, Grading, and Construction Activities)**

- 
- 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.
- 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.
- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- 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.
- 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.

**XII-40. Increased Noise Levels (Parking Structure Ramps)**

- Environmental impacts may result from project implementation due to noise from cars using the parking ramp. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- Concrete, not metal, shall be used for construction of parking ramps.
- The interior ramps shall be textured to prevent tire squeal at turning areas.

**XII-50. Increased Noise Levels (Retail Markets, Bars, Entertainment etc...)**

- Environmental impacts to adjacent residential properties may result from project implementation due to noise from the proposed project's activities and parking on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- No operable windows in a commercial space shall be permitted along sides of the building that abut a residential use or zone.

**XII-60. Increased Noise Levels (Mixed-Use Development)**

- Environmental impacts to proposed on-site residential uses from noises generated by proposed on-site commercial uses may result from project implementation. However, the potential impact will be mitigated to a less than significant level by the following measure:
- 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.

**XII-170. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)**

- Environmental impacts to future occupants may result from this project's implementation due to mobile noise. However, these impacts will be mitigated to a less than significant level by the following measures:
- 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.
- 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.
- All windows on the residential units abutting the eastern alley shall follow the same standards of this measure.

**XIV-10. Public Services (Fire)**

- Environmental impacts may result from project implementation due to the location of the project in an area having marginal fire protection facilities. However, this potential impact will be mitigated to a less than significant level by the following measure:
- 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.

**XIV-20. Public Services (Police – Demolition/Construction Sites)**

- Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

**XIV-30. Public Services (Police)**

- Environmental impacts may result from project implementation due to the location of the project in an area having marginal police services. However, this potential impact will be mitigated to a less than significant level by the following measure:
- 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.

**XIV-60. Public Services (Schools)**

- Environmental impacts may result from project implementation due to the location of the project in an area with insufficient school capacity. However, the potential impact will be mitigated to a less than significant level by the following measure:
- 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.

**XIV-70. Public Services (Street Improvements Not Required By DOT)**

- Environmental impacts may result from project implementation due to the deterioration of street quality from increased traffic generation. However, the potential impact will be mitigated to a less than significant level by the following measure:
- 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.

**XIV-80. Construction Damage Bond**

- 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.
- 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.

**XV-10. Recreation (Increased Demand For Parks Or Recreational Facilities)**

- Environmental impacts may result from project implementation due to insufficient parks and/or recreational facilities. However, the potential impact will be mitigated to a less than significant level by the following measure:
- **(Apartments)** 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.

**XVI-10. Increased Vehicle Trips/Congestion**

- An adverse impact may result from the project's traffic generation. An investigation and analysis conducted by the Department of Transportation has identified significant project-related traffic impacts which can be mitigated to less than significant level by the following measure:
- 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.
- 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.

- 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, 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.
- 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.
- 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.
- 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.

**XVI-30. Transportation (Haul Route)**

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- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- (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.

**XVII-10. Utilities (Local Water Supplies - Landscaping)**

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
- 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:
- Weather-based irrigation controller with rain shutoff
- Matched precipitation (flow) rates for sprinkler heads
- Drip/microspray/subsurface irrigation where appropriate
- Minimum irrigation system distribution uniformity of 75 percent
- Proper hydro-zoning, turf minimization and use of native/drought tolerant plan materials
- Use of landscape contouring to minimize precipitation runoff
- 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.

**XVII-20. Utilities (Local Water Supplies - All New Construction)**

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
- If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.

- 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.
- Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- 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.)

**XVII-40. Utilities (Local Water Supplies - New Residential)**

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
  - Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
  - 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.
  - 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.

**XVII-60. Utilities (Local Water Supplies - Restaurant, Bar, or Nightclub)**

- Environmental impacts may result from project implementation due to the cumulative increase in demand on the City's water supplies. However, this potential impact will be mitigated to a less than significant level by the following measures:
  - 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.
  - Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
  - Install/retrofit and utilize only restroom faucets of a self-closing design.
  - 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.
  - 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.)

**XVII-90. Utilities (Solid Waste Recycling)**

- Environmental impacts may result from project implementation due to the creation of additional solid waste. However, this potential impact will be mitigated to a less than significant level by the following measure:
  - **(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.
  - **(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.
  - **(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.

**XVII-100. Utilities (Solid Waste Disposal)**

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MITIGATED NEGATIVE DECLARATION  
ENV-2011-2104-MND

- 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.

**CITY OF LOS ANGELES**  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**INITIAL STUDY**  
**and CHECKLIST**  
(CEQA Guidelines Section 15063)

<b>LEAD CITY AGENCY:</b> City of Los Angeles	<b>COUNCIL DISTRICT:</b> CD 5 - PAUL KORETZ	<b>DATE:</b> 07/24/2012
<b>RESPONSIBLE AGENCIES:</b> Department of City Planning		
<b>ENVIRONMENTAL CASE:</b> ENV-2011-2104-MND	<b>RELATED CASES:</b> CPC-2011-2103-GPA-VZC-HD-CUB-ZAA-DA	
<b>PREVIOUS ACTIONS CASE NO.:</b>	<input type="checkbox"/> Does have significant changes from previous actions. <input checked="" type="checkbox"/> Does NOT have significant changes from previous actions.	
<b>PROJECT DESCRIPTION:</b> DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND THE CONSTRUCTION OF A NEW 6-STORY MIXED-USE BUILDING W/45 RESIDENTIAL UNITS & 4,550 SQ FT OF COMMERCIAL FLR AREA.		
<b>ENV PROJECT DESCRIPTION:</b> The proposed project is the construction of a 6-story, maximum 67 feet in height, 46,230 square feet mixed-use building with 4,550 square feet of commercial space at the ground floor and 45 multi-family units above. The project provides 75 parking spaces in a garage that spans from the ground level to three levels subterranean. This project is located on three lots that total 15,410 square feet (0.35 acres). As proposed, the project would demolish the existing four commercial structures on site that total 5,385 square feet as well as a 47.5 foot tall two sided billboard structure and any existing vegetation. The applicant seeks a Vesting Zone Change and Height District Change from C2-1VL-O to RAS4-1D-O, and Zoning Administrator's Adjustments for a front yard setback (requesting 0 feet in lieu of the required 5 feet) and a side yard setback (requesting 0 feet in lieu of the required 5 feet at the north property line), minimum lot area per dwelling unit (requesting 45 units in lieu of the 44.75 units allowed by the 17,900 square feet on site), and maximum floor area (requesting 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).		
<b>ENVIRONMENTAL SETTINGS:</b> The property, consisting of three contiguous lots, is a level, square-shaped corner, approximately 0.35 acre parcel of land with 115 feet of frontage along La Cienega Boulevard; two alleys abut the parcel with one on the south end where the property fronts the alley for 127 feet, and a rear alley that also has 127 frontage from the parcel. The nearest fault (Hollywood Fault) is 1.95 km away from the parcel, is within the "AO D=1 E=N/A IN" (100 year) flood zone, a liquefaction zone, and the Methane Zone of a Methane Hazard Site. The "O" in the zone for the property (C2-1VL-O) indicates Oil Drilling District permits are available for limited hydrocarbon resource extraction uses on the property.  The property is developed with four one-story commercial buildings on two lots; the lots each have one building built in 1939 with a square footage of 885 square feet and a second building built in 1959 with 1672 square feet. The uses on site are: a tailor, rug retail shop, frame store, and psychic. One of the three lots is vacant with the exception of the 47 foot high two-sided billboard that also spans over the middle lot and provides 1,344 square feet of advertising area.  La Cienega Boulevard, which the project abuts on the western edge, is a designated Major Highway Class II and is dedicated to a substandard 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk. The alleys to the south and east of the project have each been improved to 20 feet in width and improved with asphalt roadway.  The north abutting property is a one-story commercial building; to the west and across La Cienega is zoned C2-1VL-O and developed with a one-story private school. The 11-story Sofitel hotel is kitty-corner from the project site to the southwest at La Cienega and Beverly Place, and is zoned C2-1-O. The property directly to the south of the project and across the east-west alley is a one-story gas station, zoned C2-1VL-O. To the east of the property and across the alley are two-story duplexes zoned R2-1-O.		
<b>PROJECT LOCATION:</b> 320 N LA CIENEGA BLVD		

<b>COMMUNITY PLAN AREA:</b> WILSHIRE <b>STATUS:</b>  <input type="checkbox"/> Does Conform to Plan <input checked="" type="checkbox"/> Does NOT Conform to Plan	<b>AREA PLANNING COMMISSION:</b> CENTRAL	<b>CERTIFIED NEIGHBORHOOD COUNCIL:</b> MID CITY WEST
<b>EXISTING ZONING:</b> C2-1VL-O	<b>MAX. DENSITY//INTENSITY ALLOWED BY ZONING:</b> 3:1	<b>LA River Adjacent:</b> NO
<b>GENERAL PLAN LAND USE:</b> NEIGHBORHOOD OFFICE COMMERCIAL	<b>MAX. DENSITY//INTENSITY ALLOWED BY PLAN DESIGNATION:</b>	
	<b>PROPOSED PROJECT DENSITY:</b> 3:16.1	

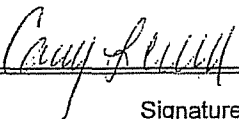


## Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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	Planning Assistant	(213) 978-1166
Signature	Title	Phone

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### Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

**Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> AESTHETICS <input type="checkbox"/> AGRICULTURE AND FOREST RESOURCES <input checked="" type="checkbox"/> AIR QUALITY <input type="checkbox"/> BIOLOGICAL RESOURCES <input checked="" type="checkbox"/> CULTURAL RESOURCES <input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input checked="" type="checkbox"/> GREEN HOUSE GAS EMISSIONS <input checked="" type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS <input checked="" type="checkbox"/> HYDROLOGY AND WATER QUALITY <input checked="" type="checkbox"/> LAND USE AND PLANNING <input type="checkbox"/> MINERAL RESOURCES <input checked="" type="checkbox"/> NOISE	<input type="checkbox"/> POPULATION AND HOUSING <input checked="" type="checkbox"/> PUBLIC SERVICES <input checked="" type="checkbox"/> RECREATION <input checked="" type="checkbox"/> TRANSPORTATION/TRAFFIC <input checked="" type="checkbox"/> UTILITIES AND SERVICE SYSTEMS <input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
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<b>INITIAL STUDY CHECKLIST</b> (To be completed by the Lead City Agency)	
<i>Background</i>	
<b>PROPONENT NAME:</b> Beverly La Cienega LLC— Solomon Ayreh	<b>PHONE NUMBER:</b> (818) 767-0000
<b>APPLICANT ADDRESS:</b> 8460 San Fernando Road Sun Valley, CA 91362	
<b>AGENCY REQUIRING CHECKLIST:</b> Department of City Planning	<b>DATE SUBMITTED:</b> 08/16/2011
<b>PROPOSAL NAME (if Applicable):</b> 320 La Cienega	

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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<b>I. AESTHETICS</b>				
a.	Have a substantial adverse effect on a scenic vista?		✓	
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			✓
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	✓		
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	✓		
<b>II. AGRICULTURE AND FOREST RESOURCES</b>				
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?			✓
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			✓
d.	Result in the loss of forest land or conversion of forest land to non-forest use?			✓
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓
<b>III. AIR QUALITY</b>				
a.	Conflict with or obstruct implementation of the applicable air quality plan?		✓	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	✓		
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		✓	
d.	Expose sensitive receptors to substantial pollutant concentrations?		✓	
e.	Create objectionable odors affecting a substantial number of people?	✓		
<b>IV. BIOLOGICAL RESOURCES</b>				
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			✓
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			✓
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓	
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓	
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			✓
<b>V. CULTURAL RESOURCES</b>				

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				✓
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓		
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		
d.	Disturb any human remains, including those interred outside of formal cemeteries?		✓		
<b>VI. GEOLOGY AND SOILS</b>					
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			✓	
b.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?		✓		
c.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?		✓		
d.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?			✓	
e.	Result in substantial soil erosion or the loss of topsoil?		✓		
f.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
g.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
h.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓
<b>VII. GREEN HOUSE GAS EMISSIONS</b>					
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		✓		
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		✓		
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		✓		
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓
<b>IX. HYDROLOGY AND WATER QUALITY</b>					
a.	Violate any water quality standards or waste discharge requirements?		✓		
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?		✓		
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		✓		
f.	Otherwise substantially degrade water quality?				✓
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?		✓		
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			✓	
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
j.	Inundation by seiche, tsunami, or mudflow?			✓	
<b>X. LAND USE AND PLANNING</b>					
a.	Physically divide an established community?				✓
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		✓		
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓
<b>XI. MINERAL RESOURCES</b>					
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓
<b>XII. NOISE</b>					
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓		
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		✓		
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		✓		
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓		

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓
<b>XIII. POPULATION AND HOUSING</b>					
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
<b>XIV. PUBLIC SERVICES</b>					
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?		✓		
b.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?		✓		
c.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?		✓		
d.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?		✓		
e.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilities?		✓		
<b>XV. RECREATION</b>					
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		✓		
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✓	
<b>XVI. TRANSPORTATION/TRAFFIC</b>					
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		✓		

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?		✓	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			✓
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		✓	
e.	Result in inadequate emergency access?		✓	
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?		✓	

**XVII. UTILITIES AND SERVICE SYSTEMS**

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		✓	
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		✓	
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	✓		
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		✓	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	✓		
g.	Comply with federal, state, and local statutes and regulations related to solid waste?		✓	

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		✓	
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓	

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.



DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as ENV-2011-2104-MND and the associated case(s), CPC-2011-2103-GPA-VZC-HD-CPC-2011-2103-GPA-VZC-HD-CUB-ZAA-DA. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) **will not:**

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org> ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) [cityplanning.lacity.org/](http://cityplanning.lacity.org/) or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE: Planning Assistant	TELEPHONE NO.: (213) 978-1166	DATE: 08/07/2012
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Impact?	Explanation	Mitigation Measures
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**APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE**

<b>I. AESTHETICS</b>		
a.	LESS THAN SIGNIFICANT IMPACT	With the implementation of the project, the height of the development would increase from one story to six stories. However, there are no identified designated panoramic or focal views containing scenic vistas in the project area.
b.	NO IMPACT	There are no identified scenic resources such as rock outcroppings or historic buildings located on-site, and no State-designated scenic highways located adjacent to or within view of the project site.
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>The proposed project would alter the visual character of the project site as it would replace the four existing one-story buildings, a double-faced billboard, surface parking, and vacant land with one six-story mixed-use development. Although the project would be taller than the adjacent uses, it is not the tallest structure within the viewing area of the project site. The building's massing is affected by the courtyard at the podium/ second level and the step back of the top floor adjacent to the residential uses from the eastern edge; these features reduce the appearance of the building on the eastern and southern vantage points. The design of the building, through the use of materials, projecting balconies, and other building articulation also help reduce the visual impact of the massing. The project would cast shadows on the nearby residential properties to the east in both summer and winter months. At a height of 67 feet, the building crosses Los Angeles CEQA Guidelines threshold of 60 feet above-ground height for potential impacts. As such, with the mitigation measures included, the impacts will be less than significant.</p>
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>The project will result in glare and increased lighting impacts due to the increased height and materials of the new structure. But with the mitigations incorporated, the impacts will be less than significant.</p>

Impact?	Explanation	Mitigation Measures
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**II. AGRICULTURE AND FOREST RESOURCES**

a.	NO IMPACT	The project vicinity is completely developed with commercial and residential uses. The area is a transportation corridor in a highly developed area of the City of Los Angeles and does not include any State-designated agricultural lands. As such, no impact would result.	
b.	NO IMPACT	The project site is not currently zoned for agricultural use and is therefore not subject to a Williamson Act contract. Therefore, the project would not conflict with the existing zoning for agricultural use or a Williamson Act contract, and no impact would occur.	
c.	NO IMPACT	The existing zoning is not forestland, timberland, or timberland zoned Timberland Production. As such, the project would not conflict with any such zoning and no impact would occur.	
d.	NO IMPACT	The land is currently urbanized and developed and is not forest land. Therefore, the project would not result in the loss of any forest land and no impact would occur.	
e.	NO IMPACT	The project site is located in an urbanized area and neither the project site nor the surrounding properties are zoned or used for agricultural purposes. Therefore, the implementation of the project would not result in an impact associated with the conversion for farm or forest land.	

**III. AIR QUALITY**

a.	LESS THAN SIGNIFICANT IMPACT	The project site is in an urbanized area within the Wilshire Community Plan Area for the City of Los Angeles. The proposed project involves the development of 45 units with ground level commercial on property that is surrounded by typical urban uses and development. The project is planned in a way that minimizes vehicle miles traveled, both within the project area and the community in which it is located, thereby minimizing the amount of air pollutant emissions. Therefore, the project would be consistent with the goals of the Air Quality Management Plan of the Southern California Air Quality Management District (SCAQMD) for reducing the emissions associated with new development. Based on this design, the project would not impact the implementation of the Air Quality Management Plan (AQMP) and the	
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Impact?	Explanation	Mitigation Measures	
		impact would be less than significant.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	Construction related daily and net emissions are generated by the project's construction which goes above the existing uses currently at the project site. These emissions are not anticipated to exceed any SCAQMD significance thresholds for criteria pollutants during the construction phase. However, to address any potential impacts, the following mitigation measures will be implemented.	III-10 Control of dust, dirt, and exhaust help to maintain a lower impact on air quality issues.
c.	LESS THAN SIGNIFICANT IMPACT	The erection of the project would not generate operational emissions that exceed the SCAQMD's recommended thresholds. Therefore, the proposed project would not generate a cumulatively considerable increase in emissions of the pollutant for which the Basin is in non-attainment, and impacts would be less than significant.	
d.	LESS THAN SIGNIFICANT IMPACT	The construction activity may increase the pollutant levels in the immediate area; however, these impacts will be mitigated to a less than significant level by the proposed mitigation measures previously referenced in section IIIb of this document.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project proposes restaurant and cafe uses on the ground floor level. The abutting properties to the east are residential. These uses have the potential to create objectionable odors, but will not have an impact with the following mitigation measure incorporated.	III-60, III-70 Residences to the east of the project will be less likely to be subjected to the smells associated with commercial uses if the trash is enclosed and exhaust vents are placed away from their parcels.
<b>IV. BIOLOGICAL RESOURCES</b>			
a.	NO IMPACT	Currently the site is located in an urbanized area with four commercial buildings on site. No sensitive species are expected to be located on the site. No impact would result.	
b.	NO IMPACT	The site does not contain riparian habitat or sensitive natural communities. No impact would result.	
c.	NO IMPACT	The site does not contain wetlands. No impact would result.	
d.	LESS THAN SIGNIFICANT IMPACT	The project site is developed with commercial structures and limited landscaping. While the site does contain a tall bougainvillea plant, it is not anticipated to provide wildlife corridors or native animal nursery sites. Furthermore, the project proposes several street trees	

Impact?	Explanation	Mitigation Measures
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		and landscaping, enhancing the possible locations for bird populations to use. As such, the impacts are less than significant.	
e.	LESS THAN SIGNIFICANT IMPACT	The site does not contain any of the four species of protected trees for the City of Los Angeles, and does not conflict with any policies or ordinances protecting biological resources. Furthermore, the project proposes several new street trees and landscaping that coincide with City policies and ordinances. As such, impacts are less than significant.	
f.	NO IMPACT	The proposed project will not conflict with any habitat conservation plans. No impact would result.	

**V. CULTURAL RESOURCES**

a.	NO IMPACT	The site does not contain any historic resources. No impact would result.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	No archeological sites or archeological survey areas have been identified on the project site. However, since the proposed project would include necessary excavation for the three subterranean parking levels this does not preclude the potential that unknown archeological resources exist below the surface, and that the resources could be encountered during site preparation. As such, any potential impacts shall be mitigated through the following measure.	V-20 Should archeological resources be found, appropriate actions will be taken.
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project site is currently occupied by four commercial buildings and no unique geological features or paleontological resources have been identified on site. However, since the proposed project would include necessary excavation for the three subterranean parking levels, and there is a possibility that unsuspected paleontological resources could exist below the ground surface, there is a possibility that such resources could be encountered during site preparation. As such, any potential impacts shall be mitigated through the following measure.	V-30 Should paleontological resources be found, appropriate actions will be taken.
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project site is currently occupied by four commercial buildings and no human remains have been identified on site. However, since the proposed project would include necessary excavation for the three subterranean parking levels, and there is a possibility	V-40 Should human remains be uncovered, appropriate actions will be taken.

Impact?	Explanation	Mitigation Measures	
	that unsuspected human remains could exist below the ground surface, there is a possibility that such resources could be encountered during site preparation. As such, any potential impacts shall be mitigated through the following measure.		
<b>VI. GEOLOGY AND SOILS</b>			
a.	LESS THAN SIGNIFICANT IMPACT	The project is not located in Alquist-Priolo Fault Zone and is 1.39 km from the nearest fault, the Hollywood Fault. The project site is located in a seismically active region, but the project will conform to all applicable provisions of the City of Los Angeles Building Code with respect to new construction. As no active faults are located within or adjacent to the project site, impacts from fault rupture would be less than significant.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project site is located in a seismically active region, a little over a mile away from the nearest active fault. As such, the site is susceptible to ground shaking during a seismic event. Potential impacts will be mitigated by the following measure.	VI-10 Following these building standards will help ensure the construction will be as safe as possible during an earthquake.
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	According to the Limited Subsurface Soil and Groundwater Investigation prepared on March 31, 2009, the groundwater beneath the site was encountered 10 to 13.5 feet below ground surface (bgs). With high water levels, the City of Los Angeles has identified the project site to be located in an area prone to liquefaction. As such, the following mitigation measure shall address any potential impacts.	VI-50, VI-70 Building and Safety's review of any geotechnical report will better inform the applicant of construction requirements.
d.	LESS THAN SIGNIFICANT IMPACT	The project is not located on a hillside or bedrock or probable bedrock landslide area as identified by the City of Los Angeles. As such, impacts associated with landslides would be less than significant.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	During construction, excavation, and grading, soil would be exposed for a limited time, resulting in possible erosion. As such, the following mitigation measures shall reduce any potential impacts to a less than significant level.	VI-20 Scheduling grading to be done during the dry season and covering the grading site will reduce erosion impacts.
f.	LESS THAN SIGNIFICANT IMPACT	The project site is stable and is not anticipated to become unstable due to construction of the project. The impact will be less than significant.	

Impact?	Explanation	Mitigation Measures	
g.	LESS THAN SIGNIFICANT IMPACT	The project would utilize safe construction practices in compliance with the City of Los Angeles Building Code, which includes building foundation requirements appropriate to the site condition. Therefore, impacts related to expansive soil would be less than significant.	
h.	NO IMPACT	No septic tanks are proposed as part of this project. No impact would result.	
<b>VII. GREEN HOUSE GAS EMISSIONS</b>			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project will directly and indirectly generate additional greenhouse gases in addition to what is otherwise on-site today. The referenced mitigation measures will reduce any negative impacts to less than significant.	VII-10 Using tankless water heaters and paints with less air-quality impacting qualities will aid in reducing greenhouse gas emissions.
b.	NO IMPACT	The proposed project will neither directly or indirectly conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, no impacts would occur.	
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>			
a.	LESS THAN SIGNIFICANT IMPACT	The project would involve the use of minimal amounts of hazardous materials for the routine cleaning typical of restaurants/cafes and residential uses. As such, the proposed project would not pose a substantial risk involving the routine transport, use, and disposal of hazardous materials.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The Phase I Environmental Site Assessment prepared February 19, 2009 identified potential asbestos on site. Although no lead paint has been studied on site and the Phase I analysis did not find evidence of Polychlorinated Biphenyls, the age of the existing structures has the potential to house such materials. Furthermore, the project is located in an identified Methane Zone. Given the proximity to the nearby Maimonides private school, to prevent the exposure of children to any of these hazardous materials, the referenced mitigation measure shall be undertaken.	VIII-10, VIII-20 Appropriate reporting of various hazardous materials will reduce exposure impacts through proper management.
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	Given the proximity to the nearby Maimonides private school, across the street from the project site, to prevent the exposure of children to any of these hazardous materials, the mitigation measure referenced in VIIIb of this document shall be undertaken.	Appropriate reporting of various hazardous materials will reduce exposure impacts through proper management.

Impact?	Explanation	Mitigation Measures	
d.	NO IMPACT	The Phase I analysis dated February 19, 2009 identified that this site is not listed on any environmental database or any list of identified sites where hazardous substances are generated, used, or stored. No impact would result.	
e.	NO IMPACT	The site is not located within an airport land use plan. The proposed mixed-use project would not result in a safety hazard for people residing or working in the area.	
f.	NO IMPACT	The proposed project is not located in the vicinity of a private airstrip. Therefore, no impact would occur.	
g.	LESS THAN SIGNIFICANT IMPACT	A significant impact would occur if a project were to interfere with roadway operations used in conjunction with an emergency response plan or emergency evacuation plan. La Cienega Boulevard and the nearby Beverly Boulevard are identified as Disaster Routes in the Safety Element for the City of Los Angeles General Plan. However, construction of the project would not substantially impede public access or travel upon the public right-of-way for these streets. The access to and from the site has been directed to the alleys adjacent. As such, the proposed project would not interfere with an adopted emergency response or emergency evacuation plan, and the impact would be less than significant.	
h.	NO IMPACT	The project site is located in a highly urbanized part of the City of Los Angeles and is not located in an area of wildland fires. No impact would result.	
<b>IX. HYDROLOGY AND WATER QUALITY</b>			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project will result in the disturbance of soil and the construction of 10 or more dwelling units, resulting in impacts to water quality and stormwater runoff. As such, potential impacts will be subject to the referenced mitigation measure.	IX-40 Minimizing polluted run-off will help reduce waste discharge.
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project proposes subterranean parking that will require excavation of approximately 30 feet below ground surface (bgs). The Geotechnical Engineering Report identified ground water at 10 to 13 1/2 feet below the grade site. It is likely that groundwater will be encountered during excavation activities. As such, the referenced mitigation measure will reduce any potential impacts.	IX-10 Dewatering the site will increase the stability of the construction.



Impact?	Explanation	Mitigation Measures
c.	LESS THAN SIGNIFICANT IMPACT	<p>The site, currently used for commercial purposes, drains into the sewer as will the proposed project. The project will decrease the amount of permeable surface on the lot, which would be expected to decrease the amount of stormwater percolation and increase the amount of stormwater that would enter the City's storm drains. However, the project site is not adjacent to any stream or river, and project run off would continue to drain into the existing City storm drain infrastructure. Furthermore, the project introduces more landscaping and trees on site that can help collect and clean some of the storm water. Therefore, less than significant impacts for substantial erosion or siltation would occur.</p>
d.	LESS THAN SIGNIFICANT IMPACT	<p>The site, currently used for commercial purposes, drains into the sewer as will the proposed project. The project will decrease the amount of permeable surface on the lot, which would be expected to decrease the amount of stormwater percolation and increase the amount of stormwater that would enter the City's storm drains. However, the project site is not adjacent to any stream or river, and project run off would continue to drain into the existing City storm drain infrastructure. Furthermore, the project introduces more landscaping and trees on site that can help collect and clean some of the storm water. Therefore, less than significant impacts resulting in flooding would occur.</p>
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>Because the project involves the demolition of the existing structures and their replacement with a mixed-use building, resulting in an increased footprint compared to the existing uses, the project results in an increase in impervious surfaces. However, this increase is not anticipated to exceed the capacity of the storm drain system. Any impacts from operation would be addressed by the mitigations measures discussed above. Construction impacts, however, may come about in the short term: storm water pollution associated with the handling, storage, and disposal of construction material containing pollutants and the maintenance and operation of any demolition equipment that may leak fuel, oil, anti-freeze, or</p> <p><b>IX-20</b> Best Management Practices will help reduce the amount of runoff pollution.</p>

Impact?	Explanation	Mitigation Measures	
		other fluid into the storm drains surrounding the project site. As such, the following mitigations measures will reduce these potentially significant impacts.	
f.	NO IMPACT	Other than the impacts discussed above, the proposed mixed-use project is not anticipated to substantially degrade water quality.	
g.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project is located within a 100 year flood plain, where the flood level has been recorded as high as one foot. This project proposes residential uses on the upper floors, and commercial uses on the ground floor level. Therefore, the residences are higher than the historically recorded flood height. However, to address any potential significant impacts, the following mitigation measure will be applied.	IX-120 Complying with Flood Hazard plans will help reduce the impacts of future floods.
h.	LESS THAN SIGNIFICANT IMPACT	While the project is located in a 100 year flood zone, the project proposes the demolition of existing structures in order to erect a new mixed-use building; this project is not going into a vacant greenfield area. As such, the project will have a less than significant impact regarding the impediment or redirection of flood flows.	
i.	LESS THAN SIGNIFICANT IMPACT	While the project is located in the 100 year flood zone, the mitigation measures listed above in section IXg of this document should help to minimize losses. Furthermore, the project site is not in an inundation area for a levee or dam. As such, the impacts would be less than significant.	
j.	LESS THAN SIGNIFICANT IMPACT	The project site is not near the Pacific Ocean or any other major body of water; as such, risks of tsunamis and seiches would be low at the project site. Furthermore, the project is not located on or at the base of a hillside area. Therefore, the risk of mudslide would be low. As such, the impacts associated with inundation are less than significant.	
<b>X. LAND USE AND PLANNING</b>			
a.	NO IMPACT	The project is replacing four commercial structures with one mixed-use building. To the north and south are commercial uses; to the direct east and across the alley are residential uses. To the west is the designated Major Highway La Cienega Boulevard. While this building is	

Impact?	Explanation	Mitigation Measures
	taller than what is currently on site, the ground-floor commercial and upper-floor residential uses are aligned with the nearby uses. The project does not consist of replacing any roadways or creating other physical barriers. As such, the project would not divide an established community, no impact would occur.	
b. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The proposed mixed-use development is not consistent with the maximum permitted floor area of the Residential Accessory Services (RAS) Zone but is consistent with the Neighborhood Office Commercial Land Use Category for the Wilshire Community Plan. As proposed, the structure will not comply with the proposed zone, so a zoning adjustment request has been filed and upon approval, the project will be in compliance with the zoning code.	X-60 Complying with the mitigation measures of this document will reduce the project's impacts on the environment.
c. NO IMPACT	The proposed project will not conflict with any applicable conservation or natural community conservation plans due to its location in a developed urban area.	
<b>XI. MINERAL RESOURCES</b>		
a. NO IMPACT	The project site is located in a Commercial zone and is not known to contain any significant mineral resources. In addition, the project site is not located within a Surface Mining District ("G" zone) as designated in the Los Angeles Municipal Code. Furthermore, the project site is not located within a Mineral Resource Zone 2 (MRZ-2) Area or any other area that would indicate the presence of regionally-important mineral resources. The project site is located within an Oil Drilling District ("O" zone). However, the project site which is currently occupied with four commercial buildings contains no oil wells and is not used for oil extraction. Therefore, no impacts with the loss of availability of a known regionally-important mineral resource would occur.	
b. NO IMPACT	The project site is located in a Commercial zone and is not known to contain any significant mineral resources. In addition, the project site is not located within a Surface Mining District ("G" zone) as designated in the Los Angeles Municipal Code. Furthermore, the project site is not located within a Mineral Resource Zone 2 (MRZ-2) Area or any other area that would indicate the	

Impact?	Explanation	Mitigation Measures
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	<p>presence of locally-important mineral resources. The project site is located within an Oil Drilling District ("O" zone). However, the project site which is currently occupied with four commercial buildings contains no oil wells and is not used for oil extraction. Therefore, no impacts with the loss of availability of a known locally-important mineral resource would occur.</p>	
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**XII. NOISE**

a.	<p>POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>Due to the use of heavy equipment during the construction phase, the proposed project would expose the surrounding off-site sensitive receptors to increased ambient exterior noise levels. Because some of the off-site noise-sensitive receptors are located such a short distance from the project site (residences are located across the eastern alley), potentially significant short-term noise impacts could occur. This noise disruption would be temporary and end with the completion of construction, although occasional single-event disturbances from grading and construction are possible. On-site operational noise would be generated by heating, ventilation, and air conditioning (HVAC) equipment. However, the operation of this and any other on-site stationary sources of noise would be required to comply with the LAMC, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding ambient noise levels on the premises of other occupied properties by more than five decibels. On this basis, a significant noise impact from on-site operation of equipment is not anticipated and as such, no mitigation measures are necessary. Other operational noise impacts are discussed in section XIIc of this document.</p>	<p>XII-20 The restrictions of construction activities will reduce construction noise impacts.</p>
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b.	<p>POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>Due to the use of heavy equipment during the construction phase, the proposed project would expose the surrounding off-site sensitive receptors to increased groundborne vibration or noise levels. Because some of the off-site noise-sensitive receptors are located such a short distance from the project site (residences are located across the</p>	<p>The measures from section XII a of this document that restrict construction activities will reduce the impacts of groundborne vibrations as well as construction noise.</p>
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Impact?	Explanation	Mitigation Measures
	<p>eastern alley), potentially significant groundborne vibration or noise impacts could occur. This disruption would be temporary and end with the completion of construction, although occasional single-event disturbances from grading and construction are possible. On-site operational uses are not anticipated to generate high-vibration levels as the finished project will be commercial and residential uses. As such, operational impacts would be less than significant.</p>	
<p>c. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>Noise levels would increase from the operation from: traffic, the parking areas, HVAC equipment, and residents. While the project is expected to generate a net increase 602 daily trips, the traffic will be concentrated on the alley that runs east-west along the southern edge of the property; the entrance to the parking is located on this alley. Therefore, the impact of this noise will not have as strong of an effect to the sensitive residential uses to the east of the north-south alley as they would otherwise. Furthermore, the parking entrance and much of the noise that would exit the garage also faces the east-west alley. The ground level rear of the property is going to be landscaped in an infiltration planter; trees are proposed in this location, which should also help to minimize the sound that could emanate from the garage. Still, the sound from the parking areas might carry to the residential uses to the east. As discussed in section XIIa of this document, the HVAC equipment is not anticipated to have a significant noise impact. The project proposes a building that is 45 feet in height abutting the alley, across which are low two-story duplex residential buildings. The noise from residents in the upper-story windows and roof-top balcony, since these residents will be at a higher elevation than the duplexes to the east, are could create an impact for these nearby residences. However, the referenced mitigation measures should further reduce any of these impacts.</p>	<p>XII-10, XII-40, XII-50, XII-60, XII-170 The landscape, parking structure and ramp, wall and window standards will reduce noise impacts.</p>

Impact?	Explanation	Mitigation Measures	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	Construction activities would primarily affect the single-family and multi-family uses directly to the east of the site, and could create a substantial increase in noise levels that would be temporary in nature. Single-event disturbances from grading and construction are also possible. However, the referenced mitigation measure would reduce this impact.	The measures from section XII a of this document that restrict construction activities will reduce the impacts of the temporary noise increase from construction noise.
e.	NO IMPACT	There are no airports within a two-mile radius of the project site, and the project is not within any airport land use plan or airport hazard zones. The project would not expose people to excessive noise levels associated with airport uses. No impact would occur.	
f.	NO IMPACT	The project site is not located within the vicinity of a private airstrip. Therefore, no impact would occur.	
<b>XIII. POPULATION AND HOUSING</b>			
a.	LESS THAN SIGNIFICANT IMPACT	The project would replace four commercial buildings on site with one 45-unit mixed-use development with commercial uses on the ground floor level that would directly contribute to the residential population of the Wilshire Community Plan area. The project would generate a marginal number of employees for administrative and maintenance needs and commercial uses. The amount of new residents in the area would not be considered a substantial increase in population. As such, the project has a less than significant impact on the population growth.	
b.	NO IMPACT	The project site currently does not include any occupied residences. Therefore, no housing would be displaced as a result of the proposed project and no impact would occur.	
c.	NO IMPACT	The project site currently does not include any occupied residences. Therefore, a substantial amount of people would not be displaced as a result of the proposed project and no impact would occur.	
<b>XIV. PUBLIC SERVICES</b>			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project is located approximately 2.0 miles from Fire Station 61 at 5821 West Third Street, the fire station designated to serve the project site according to ZIMAS. In accordance with the LAMC, the response distance	XIV-10 A review of the proposed project by the LAFD and will ensure that the proposed project will be mitigated to a less-than-significant level.

Impact?	Explanation	Mitigation Measures
	<p>from the project site to the nearest fire stations would not meet the desired response distance standards of the LAFD of 1.50 miles. As such, the references mitigation measures will address this potential impact.</p>	
<p>b. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>The project site is currently served by the Los Angeles Police Department (LAPD) Wilshire Community Police Station, located at 4861 West Venice Boulevard, approximately 3.7 miles to the southeast of the project site. The proposed project would be expected to result in an increase in the number of police service calls due to the increase of residents and commercial uses (149 people by the police service population conversion factors in the Los Angeles CEQA Thresholds Guide) at the project site. The number of additional residents is not anticipated to require an additional officer in order to maintain the current officer-to-civilian ratio (1:754). However, the referenced mitigation measures can help alleviate the impact on police protection.</p>	<p>XIV-20, XIV-30 A review of the proposed project by the LAPD and recommended temporary fencing during the construction phase will ensure that the proposed project will be mitigated to a less-than-significant level.</p>
<p>c. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>The project site is currently served with the following schools within the Los Angeles Unified School District (LAUSD): Rosewood Elementary School (grades k-5), located at 503 N Croft Ave; Burroughs Middle School (grades 6-8), located at 600 S MacCadden Place; and Fairfax Senior High (grades 9-12), located at 7850 Melrose Ave. The project will increase population density within the Wilshire Community Plan area and will result in increased population for LAUSD schools. However, it will not significantly increase density from the current Plan and will not create the need for the construction of new schools. Mitigation measures outlined in the General Framework EIR and proposed in this document would reduce the impact to a less-than-significant level.</p>	<p>XIV-60 Payment of the required school fees to the LAUSD is expected to offset the impact of additional student enrollment at schools in the area.</p>
<p>d. POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED</p>	<p>The project will increase population density within the Wilshire Community Plan area, but will not require any major acquisition or expansion of existing open space or parkland. However, payment of the City's recreation and park fees/dwelling unit construction tax are expected to</p>	<p>Payment of the City's dwelling unit tax is required in Section XVa of this document, and is expected to mitigate any increased demand on parkland and open space.</p>

Impact?	Explanation	Mitigation Measures
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e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>mitigate any increased demand on open space.</p> <p>The project will increase population on site, but at 45 units, this is less than the 75 unit threshold of the 2006 Los Angeles CEQA Guidelines that is anticipated to cause a significant impact to the local library system. Furthermore, the project does not propose any significant increase in population density that would generate the need for new roads, additional infrastructure, or other governmental services. However, the property owner may be required to make dedication(s) and/or improvements to the adjacent right of way as a result of the increased traffic generation. Additionally, damage may be incurred to the roadway adjacent to the property as a result of the construction activity on site.</p>	<p>XIV-70, XIV-80</p> <p>A review of the proposed project by the Department of Public Works, Bureau of Engineering, and the recommended Construction Damage Bond will ensure that the proposed project will be mitigated to a less-than-significant level.</p>
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**XV. RECREATION**

a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>Although the project is anticipated to slightly increase the use of existing neighborhood and regional and recreational facilities, the project is not proposing a significant increase in population density that would cause or accelerate a substantial physical deterioration of these resources. Payment of the City's dwelling unit construction tax should mitigate any increased demand on neighborhood and regional parks or other recreational facilities.</p>	<p>XV-10</p> <p>Payment of the City's dwelling unit construction tax should mitigate any increased demand on neighborhood and regional parks or other recreational facilities.</p>
b.	LESS THAN SIGNIFICANT IMPACT	<p>The proposed project provides on-site open space, including a variety of residential recreational amenities. However, the project is not currently proposing the construction or expansion of public recreational facilities. As such, the project will have a less than significant impact on the environment.</p>	

**XVI. TRANSPORTATION/TRAFFIC**

a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>The traffic report analyzed the 45 unit new apartment building as well as a maximum of 4,480 square feet of commercial including ground floor retail and restaurant use. The project noted a net increase of 602 daily traffic trips, and 93 new AM peak hour and 53 new PM peak hour trips. Nine intersections were also studied: 1) Beverly Boulevard and Robertson Boulevard, 2) Beverly Boulevard and</p>	<p>XVI-10, XVI-30</p> <p>Complying with the Department of Transportation traffic requirements and getting haul route approval will lessen impacts of the project on traffic.</p>
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Impact?	Explanation	Mitigation Measures
	<p>San Vicente Boulevard, 3) La Cienega Boulevard and Melrose Avenue, 4) La Cienega Boulevard and Oakwood Avenue, 5) La Cienega Boulevard and Beverly Boulevard, 6) La Cienega Boulevard and 3rd Street, 7) Beverly Boulevard and Orlando Avenue, 8) Crescent Heights Boulevard and Oakwood Avenue, and 9) Crescent Heights Boulevard and Beverly Boulevard. The traffic study concluded the project would have no impact on the Level of Service (LOS) for these intersections. Furthermore, the project proposes removal of approximately 47,100 cubic yards of earth which would be transported by a haul route; this exceeds a threshold of 20,000 cubic yards from the 2006 Los Angeles CEQA Thresholds Guide and as such requires a haul route approval. As a result of the number of new trips and peak AM and PM trips and haul route, the project could potentially cause significant impacts unless the referenced mitigations are implemented.</p>	
b. LESS THAN SIGNIFICANT IMPACT	<p>The project is expected to generate a net increase of 94 peak AM trips and 53 PM peak hour trips, which exceeds the threshold of 50 trips during AM and PM hours that requires a detailed analysis of Congestion Management Plan monitoring of intersections. The project has provided a detailed study of intersections that indicates the impact on intersections would be less than significant. With the mitigation measures referenced in XVIa of this document and the traffic study provided for the project, these impacts are expected to be less than significant.</p>	
c. NO IMPACT	<p>The proposed project does not include any aviation related uses. Therefore, no impact would occur.</p>	
d. LESS THAN SIGNIFICANT IMPACT	<p>No hazardous design features or uses would be introduced under the proposed project that would create significant hazards to the surrounding roadways. Therefore, impacts related to road design would be less than significant.</p>	
e. LESS THAN SIGNIFICANT IMPACT	<p>The proposed project would provide adequate emergency access in conformance with City requirements. Furthermore, implementation of the Mitigation Measures would require the applicant to consult with LAFD prior to project construction, and follow LAFD</p>	

Impact?	Explanation	Mitigation Measures
	<p>project construction, and follow LAFD standards thereby further reducing any potential impacts related to emergency access for the project. Therefore, impacts associated to emergency access would be less than significant.</p>	
f. LESS THAN SIGNIFICANT IMPACT	<p>The project site is located along La Cienega Boulevard, which provides several bus routes allowing residents and their patrons to access the project site via public transit from locations throughout the City and region. Public transportation in the area is provided by Metro and LADOT. Metro provides routes 105 and 705 Rapid bus along La Cienega Boulevard, and on nearby streets, routes: 13 and 316 on 3rd Street, 14 on Beverly Boulevard, 10 on Melrose Avenue, 220 on Robertson Boulevard, and 305 and 550 on San Vicente Boulevard. LADOT provides the Fairfax Dash bus that provides a service route along the frontage of the project site. Implementation of the project is not anticipated to involve any permanent lane closures or otherwise impact public transit service. Moreover, the project would not conflict with any adopted policies, plans, or programs that support alternative transportation. Therefore, impacts associated with alternative transportation would be less than significant.</p>	
<b>XVII. UTILITIES AND SERVICE SYSTEMS</b>		
a. NO IMPACT	<p>Wastewater from the project site is conveyed via municipal sewage infrastructure maintained by the City of Los Angeles Bureau of Sanitation to the Hyperion Treatment Plant (HTP). The HTP is a public facility and is, therefore, subject to the State's wastewater treatment requirements. Wastewater from the project site is and would continue to be treated according to the wastewater treatment requirements enforced the the Los Angeles Regional Water Quality Control Board. Therefore, no impact would occur.</p>	
b. LESS THAN SIGNIFICANT IMPACT	<p>The proposed new 45 unit apartment and mixed-use commercial building will connect to the City's existing water and wastewater treatment facilities, and is not expected to create a need to expand these facilities. Moreover, the mitigation measures in section XVIII of this document are expected to further reduce the demand on the City's existing facilities.</p>	

Impact?	Explanation	Mitigation Measures	
c.	LESS THAN SIGNIFICANT IMPACT	<p>The project site is currently developed with four commercial buildings and a partially vacant lot and is served by the existing storm drains on La Cienega Boulevard. The proposed project would involve the demolition of all of the existing structures and their replacement with a new mixed-use building and would result in an increase of building footprint/hardscape on the site. As such, the project will decrease the amount of permeable surface area on site, decreasing the amount of stormwater that could percolate into the groundwater system and increasing the amount of stormwater runoff that would enter the City's storm drains. However, the project site is not located adjacent to any stream or river, and project run off would continue to flow into the City's storm drain infrastructure. Moreover, the Hyperion Treatment Plant would have ample capacity to handle wastewater generated by the proposed project. Therefore, the project would not create runoff that would exceed the capacity of existing or planned storm water drainage infrastructure and impacts would be less than significant.</p>	
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<p>The proposed project is a 45 apartment mixed-use commercial building that would replace four smaller commercial buildings. The project is anticipated to create a new demand for water. The construction, use and maintenance of the mixed-use building with an underground parking structure, and multiple landscaped areas are expected to have the potential to make a cumulatively considerable contribution to impacts on existing water supplies on existing water supplies for the area. However, the incorporation of the proposed mitigation measures is expected to reduce the potential impacts to a level that is less-than-significant.</p>	<p>XVII-10, XVII-20, XVII-40, XVII-60 The use of water conservation measures will reduce demand on water and reduce impacts on the water supply to less than significant levels.</p>
e.	LESS THAN SIGNIFICANT IMPACT	<p>The project site is currently serviced by Hyperion Treatment Plant, and is currently developed with four commercial structures that generate an estimated 431 gallons per day (gpd) in wastewater, based on Exhibit M.2-12 of the Los Angeles CEQA Thresholds Guide. The project is expected to result in wastewater generation of 5,020 gpd, for a net increase of 4590 gpd for the project. However, this wastewater generated</p>	

Impact?	Explanation	Mitigation Measures
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		would be accommodated at the Hyperion Treatment Plant. The impact would be anticipated to be less than significant.	
f.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The proposed project is a 45 apartment mixed-use commercial building, and during operation is estimated to generate approximately 640 pounds of solid waste per day, based on the 2006 LA CEQA Thresholds Guide. Construction work is estimated to generate several tons of solid waste. The Sunshine Canyon Landfill has adequate capacity to accommodate much of the solid waste generated by the project. However, potentially significant impacts may occur during the construction phase of the project, and during operation appropriate actions must be taken into account to ensure that materials are disposed of properly. As such, the referenced mitigations should cause these impacts to be less-than-significant.	XVII-90, XVII-100 The mitigation measures will reduce the impacts to landfill capacity and ensure full compliance with regulations related to solid waste.
g.	LESS THAN SIGNIFICANT IMPACT	Solid waste generated onsite from the project would be disposed of in accordance with all applicable federal, state, and local regulations related to solid waste as per the mitigation measures of XVI f of this document. In addition, as mentioned in XVI f of this document, Sunshine Canyon Landfill would be able to accommodate the non-toxic solid waste. Therefore, a less-than-significant impact would occur.	
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>			
a.	NO IMPACT	Based on the analysis provided in this Environmental Impact Analysis, with the implementation of identified mitigation measures, where applicable, the proposed project would not degrade the quality of the environment and the project does not have the potential for significant environmental impacts. The proposed project would not reduce or threaten any fish or wildlife species (endangered or otherwise). Furthermore, the proposed project would not eliminate important examples of California history or pre-history, nor do the impacts have the potential to degrade the environment. Therefore, no impact would occur.	

Impact?	Explanation	Mitigation Measures	
b.	LESS THAN SIGNIFICANT IMPACT	<p>The proposed project would not combine with other projects to create a significant impact in any of the environmental issues analyzed in the Initial Study. In particular, the proposed project and related projects are anticipated to comply with applicable federal, State, and City regulations that would preclude significant cumulative impacts with regard to geology and soils, cultural resources, hazards and hazardous materials, hydrology and water quality, and transportation and traffic. Compliance with City design standards would ensure that any cumulative impacts related to aesthetics and land use planning would be less than significant. Furthermore, an increase in area populations and employment resulting from the proposed project and related projects are anticipated to be within City forecasts. Therefore, less than significant impacts to population and housing are anticipated. Similarly, the demands on public services, such as fire and police protection, schools, parks, recreation, and solid waste generation resulting from the proposed project and related projects would be less than significant with the application of the standard mitigation measures identified above with regards to the proposed project. Lastly, as service providers conduct ongoing evaluations to ensure facilities are adequate to serve forecasted growth of the community, cumulative impacts on utilities are concluded to be less than significant. Therefore, the proposed projects' incremental contribution to cumulative impacts would be less than significant.</p>	
c.	LESS THAN SIGNIFICANT IMPACT	<p>With the implementation of the recommended mitigation measures, the proposed project would not result in any unmitigated significant impacts. Thus, the project would not have the potential to result in substantial adverse effects on human beings, and impacts would be less than significant.</p>	

Determination Letter  
CPC-2011-2103-VZC-HD-ZAA  
Mailing Date: 4/5/13

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