

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2014-756-ZC-ZAA-SPR	ENV-2014-757-MND	1 – CEDILLO
PROJECT ADDRESS:		
2806-2850 W. 7 TH STREET		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
MAXSUM DEVELOPMENT MILAN GARRISON 3016 E. COLORADO BLVD. #5626 PASADENA, CA 91117 <input type="checkbox"/> New/Changed		
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
JENNA MONTERROSA	(213) 978-1377	jenna.monterrosa@lacity.org
APPROVED PROJECT DESCRIPTION:		
<p>The construction, use and maintenance of a six-story, 78'10" high, mixed-use apartment building, containing 166 residential units, approximately 6,000 square feet of ground floor retail/restaurant space, and a total of 234 on-site parking spaces.</p>		

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

1. Approved a Zone Change from C2-1 to (T)(Q)RAS4-1, consistent with the adopted General Commercial land use designation.
2. Dismissed a Zoning Administrator's Adjustment to permit a 0-foot front yard setback in lieu of the 5 feet required in the RAS4 Zone.
3. Approved a Site Plan Review for a residential development consisting of 50 or more dwelling units.
4. Adopted the attached modified Conditions of Approval.
5. Adopted the attached Findings.
6. Adopted Mitigated Negative Declaration No. ENV-2014-757-MND for the above-referenced project.
7. Adopted a Mitigation Monitoring Program for ENV-2014-757-MND.
8. Recommended that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative Classification are specified in LAMC Section 12.32-G. Conditions must be satisfied prior to the issuance of building permits and that the (T) Tentative classification be removed in the manner indicated on the attached page.
9. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
10. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Recommendations to City Council:

1. Recommend the City Council adopt a Zone Change from C2-1 to (T)(Q)RAS4-1, consistent with the adopted General Commercial land use designation.
2. Recommend the City Council adopt Mitigated Negative Declaration No. ENV-2014-757-MND for the above-referenced project and adopt a Mitigation Monitoring Program for ENV-2015-757-MND.

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

ZC

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:

REVISED:

ENVIRONMENTAL CLEARANCE:

REVISED:

<input checked="" type="checkbox"/> Letter of Determination <input checked="" type="checkbox"/> Findings of Fact <input checked="" type="checkbox"/> Staff Recommendation Report <input checked="" type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Zone Change Map <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A - Site Plan <input checked="" type="checkbox"/> Mailing List <input type="checkbox"/> Land Use <input type="checkbox"/> Other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption <input type="checkbox"/> Negative Declaration <input checked="" type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Mitigation Monitoring Program <input type="checkbox"/> Other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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NOTES / INSTRUCTION(S):

FISCAL IMPACT STATEMENT:

Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission
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PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
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September 10, 2015	7 - 0
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LAST DAY TO APPEAL:	APPEALED:
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October 30, 2015	No
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TRANSMITTED BY:	TRANSMITTAL DATE:
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James K. Williams	NOV 10 2015
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LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
<http://planning.lacity.org/>

Determination Mailing Date: OCT 15 2015

CASE NO.: CPC-2014-756-ZC-ZAA-SPR
CEQA: ENV-2014-757-MND

Location: 2806 – 2850 W. 7th Street

Council Districts: 1 – Cedillo

Plan Area: Wilshire

Requests: General Plan Amendment,
Zone Change, Site Plan Review,
Zoning Administrator's Adjustment

CORRECT TO FILE**

Applicant: Maxsum Development, LLC
Representative: Milan Garrison

At its meeting of September 10, 2015, the Los Angeles City Planning Commission took the following action:

1. **Approved** a **Zone Change** from C2-1 to (T)(Q)RAS4-1, consistent with the adopted General Commercial land use designation.
2. **Dismissed** a Zoning Administrator's Adjustment to permit a 0-foot front yard setback in lieu of the 5 feet required in the RAS4 Zone.
3. **Approved** a **Site Plan Review** for a residential development consisting of 50 or more dwelling units.
4. **Adopted** the attached modified **Conditions of Approval**.
5. **Adopted** the attached **Findings**.
6. **Adopted** Mitigated Negative Declaration No. **ENV-2014-757-MND** for the above-referenced project.
7. **Adopted** a Mitigation Monitoring Program for **ENV-2014-757-MND****.
8. **Recommended** that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative Classification are specified in LAMC Section 12.32-G. Conditions must be satisfied prior to the issuance of building permits and that the (T) Tentative classification be removed in the manner indicated on the attached page.
9. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
10. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

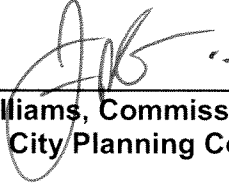
Recommendations to City Council:

1. **Recommend** the City Council **adopt** a **Zone Change** from C2-1 to (T)(Q)RAS4-1, consistent with the adopted General Commercial land use designation.
2. **Recommend** the City Council **adopt** Mitigated Negative Declaration No. **ENV-2014-757-MND** for the above-referenced project and **adopt** a Mitigation Monitoring Program for ENV-2015-757-MND.

This action was taken by the following vote:

Moved: Dake-Wilson
Seconded: Segura
Ayes: Ahn, Ambroz, Choe, Katz, Millman
Absent: Mack, Perlman

Vote: 7 - 0



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

Effective Date/Appeals: The Los Angeles City Planning Commission's determination is appealable. Any aggrieved party may file an appeal within 15-days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the City 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: OCT: 30 2015

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

Attachments: Ordinance, Map, Conditions of Approval, Findings
Hearing Officer: Jenna Monterrosa

**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.

Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

Responsibilities/Guarantees.

1. 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.
2. Bureau of Engineering. Prior to the 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.
 - a. Dedication Required:
 - i. **7th Street** (Avenue II) – A 3-foot wide strip of land along the property frontage to complete a 43-foot wide half right-of-way in accordance with Avenue II standards of Mobility Plan 2035.
 - b. Improvements Required:
 - i. **7th Street** (Avenue II) – Construct additional concrete sidewalk in the dedicated area to provide a 15-foot full sidewalk in accordance with Avenue II standards, repair all broken, off-grade or bad order concrete curb, gutter and existing sidewalk along the property frontage. Close all unused driveway with standard curb height, gutter and sidewalk. Upgrade all driveways to comply with ADA requirements.
 - c. Street Trees. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

- d. Drainage. Roof drainage and surface run-off from the property shall be collected and treated at the site and directed to the streets via drain system constructed under the sidewalk and through curb drains connected to the catch basins.
- e. Sewer. Sewers exist in 7th Street. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewer lines to accommodate the proposed development. Capacity for the development exists at the City's Sewage Treatment Plants. Submit a request to the Central District Office of the Bureau of Engineering at (213)482-7050.

- f. Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
 - g. Submit parking area and driveway plan to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
3. Bureau of Street Lighting. No street lighting improvements if no street widening per Bureau of Engineering improvement conditions. Otherwise relocate and upgrade street lights; three (3) on 7th Street.
 4. Department of Transportation. Satisfactory arrangements shall be made with the Department of Transportation to assure that a parking area and driveway plan 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. Transportation approvals are conducted at 201 N. Figueroa Street suite 400, Station 3.
 5. Fire Department. Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.
 6. Pursuant to Section 12.33 of the Los Angeles Municipal Code, the applicant shall pay the applicable fees for the construction of dwelling units.

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

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

(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.

1. **Use.** The project shall include a combination of residential and commercial uses, pursuant to LAMC. Sections 12.11.5-A,1 and 12.11.5-A,2.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A." Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Ground Floor Uses.**
 - a. Residential uses on the ground floor shall be limited a lobby, office, fitness room, bike servicing and storage room ("bike kitchen"), other common area uses, and parking. This does not preclude the provision of Joint Live Work units located on the ground floor, in which case the exterior walls and doors of the ground floor shall consist of at least 50% transparent windows.
 - b. Commercial uses that are open to the public, such as retail and restaurant uses, shall occupy the ground floor space(s) facing 7th Street.

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.

MAGNOLIA AVE

80

7TH ST

80 85

85

LA FAYETTE PARK PL

155

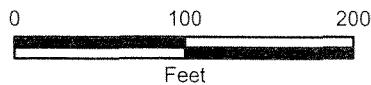
360

(T)(Q)RAS4-1

60

HOOVER ST 80

LEEWARD AVE



C.M. 133.5 A 201	CPC-2014-0756-ZC-ZV-SPR
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AAI *AAI*

000215



CONDITIONS OF APPROVAL

Pursuant to LAMC Section 12.32 and 16.05 of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property.

Entitlement Conditions

1. **Use.** The use and area regulations for the new development shall be developed for commercial and residential uses as permitted in the RAS4 Zone as defined in LAMC Section 12.11.5, except as modified by the conditions herein or subsequent action.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the renderings, site plan, and elevations labeled Exhibit "A" attached to the subject case file. Floor plans shall be consistent with façade setbacks and enhancements. The location, type, and size of signage are not a part of this approval. Minor deviations may be allowed in order to comply with provisions of the Municipal Code and the conditions of approval.
3. **Density.** The project's base density shall be limited to a maximum of 139 residential units, pursuant to the RAS4 Zone. Any density above 139 units shall be based on the provision of Restricted Affordable Units, in conformance with LAMC Section 12.22-A,25, not to exceed a maximum of 166 residential units.
4. **Commercial Floor Area.** The project shall be limited to a maximum of 6,000 square feet of non-residential commercial floor area.
5. **Automobile Parking.**
 - a. Residential automobile parking shall be provided in accordance with the Los Angeles Municipal Code. Any density bonus request filed in accordance with LAMC Section 12.22-A,25 shall be permitted a reduction in parking in accordance with Parking Option One. In the event that no Restricted Affordable Units are provided as part of the project, the number of parking spaces shall be re-calculated by the Department of Building and Safety pursuant to LAMC Section 12.21-A,4.
 - b. Commercial Parking. Parking shall be provided in accordance with the Los Angeles Municipal Code.
 - c. Electronic vehicle-ready conduits shall be installed for a minimum of twenty percent of the residential and commercial parking spaces.
6. **Bicycle Parking.** Residential and commercial bicycle parking shall be provided consistent with LAMC Section 12.21-A,16. Bicycle parking requirement calculations shall exclude the proposed 898 square-foot Bike Kitchen.
7. **Yard.** The front yard setback along 7th Street may observe a zero (0) foot yard setback.
8. **Façade.** The façade of the ground floor space shall be in substantial conformance with the elevations and rendering labeled Exhibit "A."
9. **Side and Rear Walls.** The building's side and rear walls shall be designed with enhanced articulation that eliminates any blank walls.

- a. In the event a mural is proposed along the side and rear façade, a green wall treatment with creeping figs or the like shall be planted until a mural is approved by the City.
10. **Open Space.** Open space shall be provided pursuant to LAMC Section 12.21-G. A landscape plan, prepared by a landscape practitioner, shall be submitted prior to the issuance of any building permits to the satisfaction of the Planning Department. The landscape plan shall provide detailed information regarding the location and number of trees, species of plants, soft- and hardscaping areas, walkways and outdoor features/furniture. Any required trees that are located on the rooftop shall be planted in a minimum three (3) foot planter.

Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining approval from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.
 11. **Solar-ready Building.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.04.211.4, to the satisfaction of the Department of Building and Safety.
 12. **Roof Structures.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view by any abutting properties.
 13. **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.

Environmental Conditions

14. **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 licensed Landscape Architect and to the satisfaction of the decision maker.
15. **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, nor from above.
16. **Air Quality (Operational).** The construction contractor shall choose low- or no-VOC indoor paints. VOC concentrations (grams/liters) of interior paints should equal to or be less than those specified by the EPA's Environmentally Preferable Purchasing Program as follows:
 - a. Interior latex coatings:
 - a. Flat, 100grams/liter; Non-flat, 150 grams/liter
 - b. Interior oil based paints: 380 grams/liter
17. **Air Quality (Objectionable Odors).**

- a. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - b. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
18. **Geology and Soils (Erosion/Grading/Short-Term Construction Impacts).** 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.
19. **Land Use and Planning.** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 10, to the satisfaction of the Department of Building and Safety.
20. **Noise (Increased Noise Levels from Parking Structure Ramps).**
- a. Concrete, not metal, shall be used for construction of parking ramps.
 - b. The interior ramps shall be textured to prevent tire squeal at turning areas.
 - c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
21. **Noise (Increased Noise Levels within Mixed-Use Developments).** 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.
22. **Noise (Severe Noise Levels from a Residential Use Fronting on a Major or Secondary Highway, or adjacent to a Freeway).**
- a. Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
 - 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
23. **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.
24. **Public Services (Police Demolition/Construction Site).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of

the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.

25. **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.
26. **Public Services (Construction Activity near Schools).**
 - a. The developer and contractors shall maintain ongoing contact with administrator of Robert F. Kennedy Community Schools and Hoover Street Elementary School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
 - b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
 - c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
 - d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours

Administrative Conditions

27. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
28. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
29. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.

30. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
31. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
32. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
33. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect 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 & 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.
34. **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.
35. **Expiration.** The subject (T)(Q)RAS4-1 Zone and the Project Conditions of Approval shall become null and void, and the rezoning proceeding shall be terminated, (a) if the applicant fails to remove the T Tentative classification within the six year time period provided in LAMC Section 12.32-G(h) including any extension or (b) upon applicant's delivering to the Director of City Planning of written notice terminating the (T)(Q)RAS4-1 rezoning.
36. **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.
37. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
38. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - a. Defend and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify of annul

- the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgment or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
 - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
 - e. If the City determines it necessary to protect the City's interests, execute the indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event that Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

The applicant additionally proposes to utilize Section 12.22-A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC) to seek a Ministerial Density Bonus request, with no additional on- or off-menu incentives. The project will set aside 5% of the project's base density (7 dwelling units) for Very Low Income households for a period of 55 years. By doing so the project is eligible for a 20% density bonus increase (27 additional units). The project is additionally eligible for Parking Option One, which requires one parking space for each zero- to one-bedroom dwelling unit and two parking spaces for each two- and three-bedroom dwelling unit. The project will result in the provision of 159 market rate residential units, 7 very low income residential units, and 221 residential parking spaces.

1. **General Plan Land Use Designation.** The subject property is located in the Wilshire Community Plan, which was adopted by the City Council on September 19, 2001. The Plan designates the subject property for General Commercial land uses with the following corresponding zones: C1.5, C2, C4, RAS3, and RAS4. The site consists of six rectangular, westerly sloping, interior parcels with a combined area of 55,800 square feet and an underlying zoning designation of C2-1. The current C2-1 Zone and the proposed RAS4 Zone are consistent with the General Commercial land use designation.

The site is presently vacant, with the last known structure on the site having been demolished in 2009. The site's existing C2 Zone limits floor area to 1.5:1, which restricts the site from being able to be developed to the highest and best use. The proposed RAS4-1 Zone will allow the applicant to develop the site with an R4 density and a Floor Area Ratio (FAR) that is three times the Buildable Area of the Lot (3:1), rather than one and one half times the Buildable Area of the Lot per the C2-1 Zone. At a permitted density of one unit per 400 square feet, the proposed lot is permitted up to a maximum of 139 dwelling units. The requested Zone Change to RAS4 is consistent with the land use designation and would allow the Applicant to develop the site to the allowed density permitted in both the C2 and RAS4 Zone.

2. **General Plan Text.** The Wilshire Community Plan text includes the following relevant land use goals, objectives and policies:

Goals:

- Enhancing the positive characteristics of residential neighborhoods while providing a variety of housing opportunities.
- Improving the function, design and economic vitality of commercial areas.
- Improving the quality of the built environment through design guidelines, streetscape improvements, and other physical improvements which enhance the appearance of the community.

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

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

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

By introducing new housing, the proposed project will be consistent with the objectives and goals of the Wilshire Community Plan. The project site is located on 7th Street, between Hoover Street and Magnolia Avenue, one block south of Wilshire Avenue. The site is located at the eastern edge of the community plan, bordering the western edge of the Westlake Community Plan, in an area that improved with small scale commercial uses and is adjacent to residentially zoned multi-family development. As proposed, the project will introduce new housing along 7th Street and will promote mixed-use development along an existing commercial corridor. The project will also place housing one block south of Wilshire Boulevard, which is designated as a Regional Center Commercial, allowing for easy access to commercial uses and public transit.

The project site is currently unimproved, with the last known structures on the site having been demolished in 2009. The site is presently used to park cars for surrounding businesses and little has been done to maintain the visual appearance of the site. The proposed project will improve the subject site by reactivating uses on the commercial corridor to include residential and commercial uses.

Framework Element. The Framework Element of the General Plan was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. It also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the current request:

HOUSING

Objective 4.2 Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

Objective 4.3 Conserve scale and character of residential neighborhoods.

The requested Zone Change will allow the development of the residential density that is currently allowed per the C2-1 Zone. The RAS4-1 Zone will allow for an increase in floor area to allow for the development of a mixed-use development that is consistent with the surrounding zoning pattern and the Wilshire Community Plan. The additional housing will meet the objectives of the Housing Element by providing additional housing within one block of Wilshire Boulevard, which is a major commercial corridor and has accessible public transit.

3. The **Transportation Element** of the General Plan is not likely to be affected by the recommended action herein. Seventh Street (7th Street) is a newly re-designated Avenue II, previously a Secondary Highway, dedicated to a width of 80-feet at the project's street frontage. The project is required a 3-foot dedication on 7th Street to allow for the widening of the sidewalk, only, as the existing roadway is currently 56 feet wide. The proposed project has been designed with widened sidewalks that include an outdoor dining area located on the subject property.

In January of 2014, a traffic study analyzing the impacts of the proposed project was prepared. At this time, the proposed project entailed a total of 206 apartment units and

7,500 square feet of commercial space. The study analyzed the impacts the proposed project would have on 8 intersections surrounding the project site and was submitted to the Los Angeles Department of Transportation (LADOT). On March 19, 2014, LADOT approved of the traffic study analysis which had determined that none of the studied intersections would be significantly impacted by project-related traffic. LADOT comments included a request that a parking and driveway plan be submitted to LADOT for review and approval; this has been incorporated into the conditions of approval.

4. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. However, requirements for construction of sewer line facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element. The City's Hyperion Sewage Treatment facility has adequate capacity for the proposed project.

Entitlement Findings

5. Zone Change Findings

- a. **Pursuant to Section 12.32-C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The granting of the proposed Zone Change will result in a project that is in conformance with the public necessity and convenience by developing housing within the close proximity of commercial development and public transit. The proposed use and density of the project is allowed with the existing C2-1 Zone; however, the site is underutilized due to its limited FAR. The proposed RAS4-1 Zone would allow for the site to be fully developed and provide the additional housing. The project will place housing along a commercial corridor and within close proximity of a major commercial corridor and public transit located at the corner of Wilshire Boulevard and Vermont Avenue.

The granting of the proposed Zone Change will promote the general welfare by updating and creating an aesthetically pleasing mixed use building on a 1.28-acre site that has been vacant since 2009. Entry ways to the parking structure and the commercial spaces will be clearly defined and accessible. In conformance with Citywide Design Guidelines, the proposed project will promote a more pedestrian friendly commercial development on the ground floor.

Good Zoning Practices. The C2-1 Zone restricts the ability to develop the site to its highest and best use due to the limited floor area that is allowed. The RAS Zones were adopted as a new planning tool that would increase housing opportunities and revitalize older commercial corridors. While the minimum lot area calculation remains the same as the commercial zones, the RAS Zone allows for increased housing through a greater floor area allowance. The proposed RAS4-1 Zone will allow for the development of 139 apartment units, which is consistent with the allowed density per the existing C2-1 Zone, and the maintenance of the existing commercial uses. A 3:1 Floor Area Ratio allows for proper transitioning of building size and density in the area. Properties located directly north of 7th Street and immediately east of Hoover Street are zoned C2-2, which would allow for a project of the same density, but with a 6:1 Floor Area Ratio. Given that Height District No. 1 is noted in the Wilshire Community Plan's footnote, a height district change has not been pursued by the applicant because it would have required a General Plan Amendment. A zone change request to RAS4 was deemed appropriate because it would allow for the

permitted base density to be fully developed, while setting an appropriate limit on FAR that would allow for a continued buffer between the multiple-family residential units located south of the project on Leeward Avenue.

- b. The current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

b. Site Plan Review Findings

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

The subject site is located within the Wilshire Community Plan, which designates the site as General Commercial land use designation with the following corresponding zones: C1.5, C2, C4, RAS3, and RAS4. The site is not located within any specific plan, community design overlays, or interim control ordinance areas; however, it is located within a Los Angeles State Enterprise zone.

The existing C2 Zone permits a maximum of 139 dwelling units; however, it is restricted to a floor area of one-and-one-half times the Buildable Area of the Lot (1.5:1 FAR). The proposed RAS4 Zone, which is consistent with the Plan's General Commercial land use designation, would also permit a maximum base density of 139 dwelling units and would additionally allow a floor area of three times the Buildable Area of the Lot (3:1 FAR). Neither the C2 nor RAS4 Zone is restricted by a height limitation. The project's proposed maximum density of 166 dwelling units has been calculated to include a proposed ministerial Density Bonus request that would allow a 20% density bonus increase by setting aside 5% of the units for Very Low Income households.

The Wilshire Community Plan, as a component of the General Plan Land Use Element, cites various issues within the Wilshire Community in relation to the cohesiveness of overall urban design. The proposed development is consistent with many of these issues, including the following:

- The need for plan for better cohesiveness, diversity, and continuity of complementary uses along commercial frontages.
- Improved appearance of commercial developments is needed, with concise clear signage, better visual identity, adequate parking, and convenient access.
- New commercial development needs to be compatible with existing buildings in terms of architectural design, bulk, and building heights.
- Improved land use transitions are needed between commercial uses and single family and multiple family neighborhoods.
- New development needs to be coordinated with availability of public infrastructure.

In response to such issues, the proposed project will further the following goals, objectives, and policies set forth in the Wilshire Community Plan.

Goal 1: Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire Community.

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

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

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

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

Objective 1-4: Provide affordable housing and increase accessibility to more population segments, especially students, the handicapped, and senior citizens.

Policy 1.4-3: Encourage multiple family residential and mixed use development in commercial zones.

With its location on the easterly edge of the Wilshire Plan which directly abuts the Westlake Community Plan, the surrounding area is characterized by an older commercial and housing stock that is in need of rehabilitation. The project is in line with the goal of plan to provide a high quality residential environment for all segments of the community because it will encompass various amenities that appeal to different segments of the existing population and will also contain an affordable housing component to ensure added accessibility.

With regards to the proposed commercial uses, Goal 2 and Policy 2-1.3 of the Community Plan encourage that established commercial sectors promote economic vitality while serving the needs of the Wilshire Community through well-designed, safe, and accessible areas. The proposed mixed use development will accomplish this by providing needed new local businesses that are well designed to encourage pedestrian activity and will provide an additional source of employment for local residents of the community.

The project's proposed RAS (Residential Accessory Services) Zone was initially created in an effort of the City to encourage mixed use development along underutilized or underperforming commercial and transportation corridors. Projects in-line with the RAS zone ideally provide residential units along with neighborhood serving non-residential, commercial uses. The project, as designed, will conform to all development standards expressed in the RAS4 zoning regulations.

Citywide Design Guidelines

Residential and Commercial:

Objective 1: Consider Neighborhood Context and Linkages in Building and Site Design – With its location on a longstanding vacant site, the proposed project was designed with the intention to spark new interest in area and create a connection between newer developments to the west and older development located east of the project site. In addition, the project has been designed with many amenities and non-residential uses that aim to serve the growing needs of the community and encourage new pedestrian activity along 7th Street. Commercial uses fronting on 7th Street will be articulated with an architectural treatment that will vary from the rest of the elevation and the entrances for such ground floor uses will be off of 7th Street, which is consistent with the existing commercial uses within the vicinity.

Objective 4: Minimize the Appearance of Driveways and Parking Areas - The site proposes two points of vehicular entry along 7th Street. The parking garage openings have been recessed in order to reduce their appearance at the street level. In addition, where the project previously included a blank wall that screened ground floor parking, the project has been modified to eliminate parking from the north end of the building and now provide an enlarged lobby and ground floor fitness room that faces the street.

Commercial:

Objective 2: Employ High Quality Architecture to Define the Character of Commercial Districts – The project site is located in a part of the City that is largely characterized by development established between 1910 and mid 1930's. Such development, however, has not always been properly maintained and. As a result, the area that surrounds the project site does not contain a strong defining character. Rather than designing a building that appears to have been constructed in the early 1900's, the proposed building is modern, yet still contains some color elements that complements nearby brick structures.

Objective 3: Augment the Streetscape Environment with Pedestrian Amenities – In addition to breaking up the ground floor commercial and residential amenity spaces, the applicant has utilized a reduction in parking to create a negative space between the east and west ends of the building. Located within this negative space, the applicant has designed a seating area for proposed patrons of the commercial space which will be an added amenity for pedestrians.

Objective 5: Include Open Space to Create Opportunities for Public Gathering – The provision of an outdoor dining area as well as a bike kitchen located along 7th Street will encourage pedestrian activity and will provide a welcoming space for public gathering.

Residential

Objective 2: Employ Distinguishable and Attractive Building Design – The façade of the building will utilize varying finishes and colors to avoid a monotonous building façade. To respond to the project locations large size and sloping topography, the project has divided the ground floor uses to create a residential lobby entrance located on the east end, along with an accessory commercial

space and a proposed bike kitchen located east of the garage entrance. On the westerly end, the project contains six (6) commercial tenant spaces, all with ground floor entrances, including one located west of the parking garage entrance. In addition to breaking up the ground floor commercial and residential amenity uses, the applicant has utilized a reduction in parking to create a negative space between the east and west ends of the building. Located within this negative space, the applicant has designed a seating area for proposed patrons of the commercial space which provides for a strong street presence that is distinguishable and welcoming.

Objective 3: Provide Pedestrian Connections Within and Around the Project – The building has been designed with multiple elevators, stairwells, and walkways to allow residents to easily access all areas, including the proposed commercial components. The main lobby entrance for the development, which connects to the ground floor fitness room, will be located along 7th Street; however, residents will additionally be able to access this area from a secured residential portion of the parking garage.

Objective 5: Utilize Open Areas and Landscape Opportunities to their Full Potential – The project proposes to create an interior landscaped pool deck area that will be located on the proposed podium level of the building. The courtyard will be landscaped as required by the Los Angeles Municipal Code and will be required to submit a landscape plan prepared by a landscape practitioner prior to the issuance of a building permit. In addition to the pool deck area, the project will provide a rooftop deck area that will be complete with greened lounge areas, viewing deck, and raised planters.

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

The project site is located on West 7th Street, approximately 1.5 miles west of the 110 Freeway. The site consists of six rectangular, westerly sloping, interior parcels with a combined area of 55,800 square feet. The project location is surrounded by 7th Street to the north, Leeward Avenue to the south, Hoover Street to the east, and Magnolia Avenue to the west. The subject site has a frontage of 360 feet along the south side of 7th Street, a designated Avenue II (formally Secondary Highway) and is currently unimproved. The last known structure on site was a two-story apartment building that was demolished in 2009.

The proposed project will involve the construction of a six-story, 78'10" high, mixed-use apartment building, containing 166 residential units, permitted through a ministerial Density Bonus request, and approximately 6,000 square feet of ground floor retail/restaurant space. Residential parking will total 221 spaces, 3 spaces in excess of what is required by the Density Bonus Ordinance's Parking Option 1 and commercial space will be parked at a ratio of 1 space per 500 square feet of floor area, for a total of 12 required and 13 provided spaces. Ample bicycle parking will be located along the project's street front as well as within the ground level and 1st basement level of the garage. Residential amenities include a lobby, fitness room, and bike kitchen located on the ground floor level facing 7th Street; a podium level pool deck, multipurpose room, and landscaped area located on the second level; and two rooftop deck areas located on the east and south ends of the building. At the

ground floor level, the project will provide commercial retail and dining spaces that are accessible from 7th Street. The building has been partially recessed at the ground floor level to allow for wider sidewalks and outdoor dining. The project proposes a maximum floor area of approximately 157,000 square feet, approximately 19,800 square feet of open space and is located on a 55,800 square-foot site in the C2-1 Zone.

The subject property is located in an urbanized setting, within an older part of the City that is largely characterized by buildings constructed in the early 1900's. The surrounding properties to the north of the site, across 7th Street, are zoned C2-2 and are improved with two- and four-story commercial retail and office buildings. The surrounding properties to the south of the site are zoned R4-2 and are improved with two- to four-story residential apartment buildings. Both the northerly and southerly adjoining properties are characterized by zoning that restricts density to one-dwelling per 400 square feet of lot area; Height District No. 2 which allows for an FAR of 6:1, and no height limit. The surrounding properties to the east and west are zoned C2-1 and are improved with one- and two-story retail commercial buildings. Both properties share the existing zone designation of the subject site where density is restricted to one dwelling per 400 square feet of lot area, Height District No. 1 which permits an FAR of up to 1.5:1, and no height limit. Although zoned for high density and large scaled development, the buildings that are directly abutting the subject were constructed in the early 1900s and generally do not reach the capacity of what they are permitted by-right. That being said, the proposed project will be compatible with future development in the area as the area continues to grow and be in line with its underlying zoning and the proposed project is believed to be an aiding catalyst in such growth.

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

The proposed project will provide approximately 19,800 square feet of open space. Common open space will be located on the 2nd floor and rooftop levels and will consist of a podium level pool deck, multipurpose room, and landscaped area and greened rooftop level that will consist of two viewing decks, raised planters, bistro tables and lounge areas. The project will additionally provide nearly 8,000 square feet of private balconies for all residential units and the placement of such balconies have been staggered to increase a sense of privacy for tenants. Additional residential amenities include a lobby, fitness room, and bike kitchen located on the ground floor level facing 7th Street. The ground floor level will additionally contain retail and dining options that will be of an added convenience for proposed residents of the subject building. These uses have been designed to ensure increased interest and usage by recessed entrances to allow for wider sidewalks and an outdoor dining area. A condition of approval has been incorporated to require a full landscape plan prepared by a landscape practitioner prior to the issuance of a building permit. The combination of common and private open space will provide recreational amenities for the residents and will minimize impacts on neighboring properties.

- 6. Environmental.** On April 22, 2015, a Mitigated Negative Declaration, ENV-2014-757-MND, was prepared for the proposed project. Since the publication of the MND, the project description has been modified to remove a previously requested Zone Variance for added density and to disclose the applicant's intent to seek a ministerial Density Bonus request to allow a 20% increase in density through the provision of affordable units. Given that the change has resulted in a 5% increase in density (eight units), it has been

determined that the revised project does not constitute a substantial revision that would create any new environmental impacts. 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.

7. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located within a Flood Zone. The project conforms to both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section 5 of Ordinance No. 172,081)



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



City Planning Commission

Date: September 10, 2015
Time: After 8:30 A.M.*
Place: Los Angeles City Hall
Board of Public Works Hearing Room
200 North Spring Street, Room 350
Los Angeles, CA 90012

Public Hearing: April 29, 2014
Appeal Status: Zone Change appealable by applicant to City Council if disapproved in whole or in part. Zoning Administrator's Adjustment and Site Plan Review appealable by any party.
Expiration Date: October 8, 2015

Case No.: CPC-2014-756-ZC-ZAA-SPR
CEQA No.: ENV-2014-757-MND
Incidental Cases: None
Related Cases: None
Council No.: 1 – Cedillo
Plan Area: Wilshire
Specific Plan: N/A
Certified NC: MacArthur Park
GPLU: General Commercial
Existing Zone: C2-1
Proposed Zone: RAS4-1
Applicant: Maxsum Development, LLC
Representative: Maxsum Development, LLC

PROJECT LOCATION: 2806 – 2850 West 7th Street

PROPOSED PROJECT: The construction, use and maintenance of a six-story, 78'10" high, mixed-use apartment building, containing 166 residential units, approximately 6,000 square feet of ground floor retail/restaurant space, and a total of 234 on-site parking spaces.

- REQUESTED ACTIONS:**
1. Pursuant to L.A.M.C. Section 12.32-F, a Zone Change from C2-1 to RAS4-1.
 2. Pursuant to L.A.M.C. Section 12.28, a Zoning Administrator's Adjustment to permit a 0-foot front yard setback in lieu of 5 feet required in the RAS4 Zone.
 3. Pursuant to L.A.M.C. Section 16.05-C,1(b), Site Plan Review for the construction of 50 or more dwelling units.
 4. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, the adoption of a Mitigated Negative Declaration and required findings for the above-referenced project.
 5. Pursuant to Sections 21081.6 and 15097, the adoption of a Mitigation Monitoring Program for ENV-2014-757-MND.

RECOMMENDED ACTIONS:

1. **Approve and Recommend** that the City Council adopt a Zone Change from C2-1 to (T)(Q)RAS4-1, consistent with the adopted General Commercial land use designation.
2. **Dismiss** without prejudice a Zoning Administrator's Adjustment to permit a 0-foot front yard setback in lieu of the 5 feet required in the RAS4 Zone.
3. **Approve a Site Plan Review** for a residential development consisting of 50 or more dwelling units.
4. **Adopt** the attached Findings.

5. **Adopt** Mitigated Negative Declaration No. ENV-2014-757-MND.
6. **Adopt** a Mitigation Monitoring Program for ENV-2014-757-MND.
7. **Recommend** that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative Classification are specified in LAMC Section 12.32-G. Conditions must be satisfied prior to the issuance of building permits and that the (T) Tentative classification be removed in the manner indicated on the attached page.
8. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
9. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

MICHAEL J. LOGRANDE
Director of Planning

Charles J. Rausch, Jr., Associate Zoning Administrator

Jae H. Kim, Senior City Planner
(213) 978-1383

Jordann Turner, City Planner
(213) 978-1365

Jenna Monterrosa, Hearing Officer
(213) 978-1377

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1295.

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PROJECT ANALYSIS

Project Summary

The project will involve the construction of a mixed use building containing 166 residential units and approximately 6,000 square feet of ground floor commercial space. Residential amenities include a lobby, fitness room, and “bike kitchen” intended for residents to allow for the servicing and storage of bikes, located on the ground floor level facing 7th Street; a pool deck, multipurpose room, and landscaped area located on second floor podium level; and a rooftop garden space that contains two viewing decks, raised planters, and lounge areas located on the east and south ends of the building. Ground floor commercial uses will include retail and dining options that are directly accessible from 7th Street, as well as a large, recessed, outdoor seating area for patrons. Parking will be provided in an at-grade and partially subterranean parking garage containing 221 residential and 13 commercial spaces and 170 long-term bicycle parking spaces. A total of 20 short-term bicycle spaces will be located along 7th Street near the main lobby entrance. The building will total six stories, with a maximum building height of 78 feet, 10 inches. The project proposes a maximum floor area of approximately 156,600 square feet, approximately 19,800 square feet of open space and is located on a 55,800 gross square-foot lot in the C2-1 Zone.

Background

Subject Property

The project site is located on West 7th Street, approximately 1.5 miles west of the 110 Freeway. The site consists of six rectangular, westerly sloping, interior parcels with a combined area of 55,800 square feet. The project location is surrounded by 7th Street to the north, Leeward Avenue to the south, Hoover Street to the east, and Magnolia Avenue to the west. The subject site has a frontage of 360 feet along the south side of 7th Street, a designated Avenue II (formally Secondary Highway) and is currently vacant. The last known structure on site was a two-story apartment building that was demolished in 2009.

The subject site is located within the Wilshire Community Plan, which designates the site for the General Commercial land use designation with the following corresponding zones: C1.5, C2, C4, RAS3, and RAS4. The site is not located within any specific plan, community design overlays, or interim control ordinance areas; however, it is located within a Los Angeles State Enterprise zone. In addition, the site is located within a Methane Buffer Zone and it is located within 500 feet of Lafayette Multipurpose Community Center.

The project site is currently zoned C2-1, which permits the R4 density of one-dwelling unit per 400 square feet of lot area, with Height District No. 1 that restricts the floor area of the site to one-and-one-half times the Buildable Area of the Lot (1.5:1) but contains no height limit.

Surrounding Properties

The surrounding properties to the north of the site, across 7th Street, are zoned C2-2 and are improved with two- and four story commercial retail and office buildings. The surrounding properties to the south of the site are zoned R4-2 and are improved with two- to four-story residential apartment buildings. The zoning of the northerly and southerly adjoining properties permits a density calculation of one-dwelling unit per 400 square feet of lot area and additional allows, under Height District No. 2, a Floor Area Ratio (FAR) of 6:1, with no height limit.

The surrounding properties to the east and west are zoned C2-1 and are improved with one- and two--story retail commercial buildings. Both properties share the existing zone designation of the subject site where density is restricted to one dwelling per 400 square feet of lot area with Height District No. 1 which permits an FAR of up to 1.5:1, with no height limit.

Streets:

7th Street is a designated Avenue II and is dedicated to a variable right-of-way width of 80 to 85 feet at the project's street frontage. The newly adopted Mobility Element has downgraded the street from its previous Secondary Highway designation.

In addition to its street designation, 7th Street has been a dedicated bike lane since 2010 and is currently striped for bicyclists travelling east and west along 7th Street, which begins downtown at Main Street and ends where 7th Street terminates at Catalina Street.

Transit:

Public transit in the immediate proximity of the subject site is limited to the Metro Local and Limited Bus Lines 51, 52, 352 located along 7th Street. In addition, the project site is located within walking distance to the Metro Purple and Red rail lines that contain a stop at Wilshire/Vermont Station, ½ mile northwest of the subject site, and a stop at the Westlake/MacArthur Park Station, ½ mile southeast of the subject site.

Requested Entitlements:

The applicant is requesting the following discretionary entitlements: a **Zone Change** to RAS4-1, which is consistent with the subject site's General Commercial land use designation, a **Zoning Administrator's Adjustment** for a 0-foot front yard setback in lieu of 5 feet required in the RAS4 Zone, and **Site Plan Review** for the construction of 50 or more residential units. The proposed RAS4-1 Zone would allow the Applicant to develop the site with R4 density and would additionally permit an increased Floor Area Ratio (FAR) that is three times the Buildable Area of the Lot (3:1). The maximum density allowed per the existing and proposed zone is 139 dwelling units.

In order to permit the proposed 166 residential units, the applicant has been conditioned to seek a ministerial Density Bonus request to allow for additional density beyond what the RAS4 Zone allows and to allow for a reduction in required residential parking. No on- of off-menu incentives will be sought, thereby making the request a ministerial action that does not require any findings or the submission of a pro forma. Ministerial Density Bonuses are processed during building plan check and are approved by the Department of Building and Safety.

With regards to the Zoning Administrator's Adjustment, the RAS4 Zone requires a minimum 5-foot front yard setback for structures, except where the adjoining building on each side maintains a front yard setback of less than five feet in depth. In such case, the required front yard for a project shall be the average of the front yards of the existing building or buildings. At this time, Planning Staff has recommended that the requested Zoning Administrator's Adjustment be dismissed without prejudice because it has been determined that the buildings located to the east and west of the subject property observe a 0-foot front yard setback.

Related Cases and Permits:

CPC-2009-3401-ZC-HD-CU-CUB-SPR: On October 20, 2009, an application was filed with the Department of City Planning for a new 156,156 square-foot hotel development containing 204 guest rooms, 2,000 square feet of retail space, and 304 on-site parking spaces. The request

included a zone change, height district change, conditional use, and site plan review. The requested entitlements were never acted upon and a letter intending to terminate the case was sent on December 8, 2009.

Public Hearing:

A public hearing on this matter with the Hearing Officer was held at City Hall on Wednesday, April 29, 2015 (see Public Hearing and Communications, Page P-1).

Issues

Scale and Massing

The site encompasses a total of six parcels, totaling over 360 feet along the south side of 7th Street. In addition, the subject site slopes downward from east to west with a grade differential of approximately 17 feet. As a result of the length and slope, the project's initially designed podium level visibly grew in height as one traveled west on 7th Street and the building's massing became disproportionately larger at the westerly, versus the easterly end.

In response to the unique characteristics of the subject site, the project applicant submitted multiple design modifications subsequent to the time of initial filing. While some design changes occurred to the residential units located above the podium level, the focus of the changes were aimed at addressing the building's proposed ground floor commercial component and its relation to the pedestrian experience and location of proposed parking. Consequently, the applicant has made several revisions to reduce and lower the appearance of the podium at the street level.

The ground floor commercial spaces initially had one point of pedestrian street level entrance that then became elevated as one traveled west, which resulted in no direct street entrances on one end of the building. When raised as an issue of concern, the applicant made several revisions to reduce and lower the proposed commercial entrances. Rather than one point of street level entrance, the most recent revisions have resulted in the applicant breaking up the proposed ground floor uses to create a residential lobby entrance located on the east end, along with an accessory commercial space and a proposed bike kitchen located east of the garage entrance. On the westerly end, the project will contain 4,328 square feet of commercial tenant spaces, all with ground floor entrances of 7th Street, including an 800 square-foot space located west of the parking garage entrance.

In addition to breaking up the ground floor commercial and residential amenity spaces, the applicant has utilized a reduction in parking to create a negative space between the east and west ends of the building. Located within this negative space, the applicant has designed the project to allow for a wider sidewalk and an outdoor dining area.

Additional Density Request

The development project's original application included a Zone Variance request, in addition to the Zone Change, to permit a total of 158 units in lieu of 139 units. Since the project's initial hearing officer meeting, the application has been modified to remove the requested Zone Variance. The applicant will now seek a ministerial Density Bonus request to allow for an increase in permitted units beyond what the RAS4 Zone allows. As such, in addition to the requested entitlements to be considered by the City Planning Commission, the applicant will set aside 5 percent (5%) of the project's base number of permitted units (7 units) for Very-Low Income households in order to permit a 20 percent (20%) density bonus increase, thereby allowing a total of 166 units, in lieu of 139.

Parking

In addition to an increase in overall density, the proposed ministerial density bonus request allows for a reduction in required residential parking requirements. In accordance with the Density Bonus Ordinance, the applicant will employ Parking Option One (1), which reduces required parking for all residential units in the development project, inclusive of handicapped and guest parking. Parking Option One (1) requires: one (1) on-site parking space for each residential unit of 0-1 bedroom; Two (2) on-site parking spaces for each residential unit of 2 – 3 bedrooms; and Two and one-half (2 ½) on-site parking spaces for each residential unit of 4 or more bedrooms. Based on the development's proposed unit composition, a total of 218 residential parking spaces are required. In compliance with Parking Option One, the project will provide 221 residential parking spaces and has agreed to allow the three (3) surplus spaces to be shared between guest and additional commercial parking.

The project is located within a Los Angeles State Enterprise Zone which requires commercial uses to provide two parking spaces per 1,000 square feet of floor area. With approximately 6,000 square feet of commercial uses, the project is required to provide 12 spaces. The applicant proposes to provide 13 commercial parking spaces and has agreed to allow the one (1) surplus space to be shared with guest parking.

The project includes two semi-subterranean parking levels. Parking will be accessed via two points of vehicular ingress and egress off of 7th Street. Commercial parking will be located off the westerly parking garage entrance and will be separated by a gate from the residential parking areas. Proposed residential parking spaces may be accessed by both garage openings.

In accordance with the Municipal Code, the development of 166 residential units requires a total of 166 long-term and 17 short-term residential bicycle parking spaces (1 long-term space per unit and 1/10 short-term space for every unit). Additionally, a total of approximately 6,000 square feet of non-residential commercial space requires 3 long-term and 3 short-term bicycle spaces (1 long-term and short-term space per 2,000 square feet). The proposed project will provide 174 long-term and 20 short-term bicycle parking spaces, which surpasses the Municipal Code's requirement. Long term bicycle parking will be located on both proposed garage levels and short term bicycle parking will be provided on the ground floor level in front of the proposed lobby and bike kitchen.

As described, the project proposes the provision of 900 square-foot bike kitchen that will be located on the far east side of the building, with a direct entrance off of 7th Street. The use of bike kitchen is intended to provide space for tenants of the building to service and storage of bikes. The exact programming for the "kitchen" has not yet been finalized. In addition to serving the needs of building tenants, the applicant may design the space to permit use by the general public as well.

Traffic

In January of 2014, a traffic study analyzing the impacts of the proposed project was prepared. At this time, the proposed project entailed a total of 206 apartment units and 7,500 square feet of commercial space. The study analyzed the impacts the project would have on eight (8) intersections surrounding the project site and was submitted to the Los Angeles Department of Transportation (LADOT). On March 19, 2014, LADOT approved the traffic study analysis which had determined that none of the studied intersections would be significantly impacted by project-related traffic. LADOT comments included a request that a parking and driveway plan be submitted to LADOT for review and approval which has been incorporated into the conditions of approval.

Mobility Plan 2035 Impacts on Project

In response to the State's Complete Street mandate, the City's Mobility Plan 2035 established new street designations, re-classified each of the City's arterial streets and laid out a "complete street" policy framework. Whereas previous street designations and their corresponding dimensions, approved as part of the City's 1999 Transportation Element, reflected the former primary focus on moving automobiles, the new expanded list of classifications now acknowledges the multi-modal role and objectives of complete streets. The new street standards are intended to reflect the variety of street dimensions that exist in today's actual physical street cross-sections. Revised standards are intended to lead to an overall preservation of existing roadway widths and widening of sidewalk widths.

Seventh Street (7th Street) was formerly a designated Secondary Highway and has now been re-designated as an Avenue II. The Avenue II designation was established because it was found that the majority of Secondary Highways were not widened to that standard 90-foot right-of-way width, with a 70-foot roadway width, but instead more closely resembled an 86-foot right-of-way width, with a 56-foot roadway. As a result, whereas 7th Street's previous designation would have required five (5) feet of dedication to allow for a 35-foot half roadway and 10 feet of sidewalk, the Avenue II designation now requires a 28-foot half roadway and 15 feet of sidewalk.

Conclusion

Based on the information submitted, the present and surrounding uses, input from the public hearing and the project's proposed compliance with the Wilshire Community Plan, the Department of City Planning recommends that the City Planning Commission approve the Zone Change to (T)(Q)RAS4-1 over the entire site and Site Plan Review for 50 or more units. The Department of City Planning recommends dismissal without prejudice of the requested Zoning Administrator's Adjustment for a reduced front yard setback because it has been deemed unnecessary given the 0-foot front yard setback of the two buildings that adjoin the project to the east and west.

The project will occupy a 1.28 acre site that has been vacant since 2009 and will provide much needed infill housing in an area of the City that contains the highest population per square mile. Neighbors who have inquired about the proposed project have done so out of interest of occupying one of the new units, which speaks to the overall need for housing in the area. The project will provide residential uses in conformance with surrounding C2 Zoned parcels and the 3:1 FAR that the RAS4 Zone permits will allow for a mixed-use project that provides housing and successfully activates the street at the pedestrian level. With its location on the easterly edge of the Wilshire Plan, directly abutting the Westlake Community Plan, the surrounding area is characterized by an older commercial and housing stock that is in need of rehabilitation. The project is in line with the goal of the plan to provide a high quality residential environment for all segments of the community because it will encompass various amenities that appeal to different segments of the existing and growing population. In addition, it will also contain an affordable housing component that will ensure added accessibility for potential residents. New local-serving businesses will be located on the ground floor commercial level that has been designed to encourage and welcome pedestrian activity along 7th Street. The provision of an outdoor dining area as well as a bike kitchen located along 7th Street, ensure that the project will have a successful street presence that will serve as a catalyst for future development along this stretch of 7th Street.

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.

Dedications and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies as may be necessary).

Responsibilities/Guarantees.

1. 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.
2. Bureau of Engineering. Prior to the 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.
 - a. Dedication Required:
 - i. **7th Street** (Avenue II) – Dedication along 7th street shall be in accordance with Avenue II Street Standards that require a 28-foot wide half roadway and a 15-foot wide sidewalk.
 - b. Improvements Required:
 - i. **7th Street** – Repair all broken, off-grade or bad order concrete curb, gutter and sidewalk.
 - c. Street Trees. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

- d. Drainage. Roof drainage and surface run-off from the property shall be collected and treated at the site and directed to the streets via drain system constructed under the sidewalk and through curb drains connected to the catch basin.
- e. Sewer. Sewer lines exist in 7th Street. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewer lines to accommodate the proposed development. Capacity for the development exists at the City's Sewage Treatment Plants. Submit a request to the Central District Office of the Bureau of Engineering at (213)482-7050.

- f. Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
 - g. Submit parking area and driveway plan to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.
- 3. Bureau of Street Lighting. No street lighting improvements if no street widening per Bureau of Engineering improvement conditions. Otherwise relocate and upgrade street lights; three (3) on 7th Street.
 - 4. Department of Transportation. Satisfactory arrangements shall be made with the Department of Transportation to assure that a parking area and driveway plan 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. Transportation approvals are conducted at 201 N. Figueroa Street suite 400, Station 3.
 - 5. Fire Department. Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.

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

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

(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.

1. **Use.** The project shall include a combination of residential and commercial uses, pursuant to LAMC. Sections 12.11.5-A,1 and 12.11.5-A,2.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit “C.” Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Ground Floor Uses.**
 - a. Residential uses on the ground floor shall be limited a lobby, office, fitness room, bike servicing and storage room (“bike kitchen”), other common area uses, and parking. This does not preclude the provision of Joint Live Work units located on the ground floor, in which case the exterior walls and doors of the ground floor shall consist of at least 50% transparent windows.
 - b. Commercial uses that are open to the public, such as retail and restaurant uses, shall occupy the ground floor space(s) facing 7th Street.

CONDITIONS OF APPROVAL

Pursuant to LAMC Section 12.32 and 16.05 of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property.

Entitlement Conditions

1. **Use.** The use and area regulations for the new development shall be developed for commercial and residential uses as permitted in the RAS4 Zone as defined in LAMC Section 12.11.5, except as modified by the conditions herein or subsequent action.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, and elevations labeled Exhibit "C" attached to the subject case file. The location, type, and size of signage is not a part of this approval. Minor deviations may be allowed in order to comply with provisions of the Municipal Code and the conditions of approval.
3. **Density.** The project's base density shall be limited to a maximum of 139 residential units, pursuant to the RAS4 Zone. Any density above 139 units shall be based on the provision of Restricted Affordable Units, in conformance with LAMC Section 12.22-A,25, not to exceed a maximum of 166 residential units.
4. **Commercial Floor Area.** The project shall be limited to a maximum of 6,000 square feet of non-residential commercial floor area.
5. **Automobile Parking.**
 - a. Residential automobile parking shall be provided in accordance with the Los Angeles Municipal Code. Any density bonus request filed in accordance with LAMC Section 12.22-A,25 shall be permitted a reduction in parking in accordance with Parking Option One. In the event that no Restricted Affordable Units are provided as part of the project, the number of parking spaces shall be re-calculated by the Department of Building and Safety pursuant to LAMC Section 12.21-A,4.
 - b. Commercial Parking. Parking shall be provided in accordance with the Los Angeles Municipal Code.
 - c. Electronic vehicle-ready conduits shall be installed for a minimum of twenty percent of the residential and commercial parking spaces.
6. **Bicycle Parking.** Residential and commercial bicycle parking shall be provided consistent with LAMC Section 12.21-A,16. Bicycle parking requirement calculations shall exclude the proposed 898 square-foot Bike Kitchen.
7. **Yard.** The front yard setback along 7th Street may observe a zero (0) foot yard setback.
8. **Façade.** The façade of the ground floor space shall be in substantial conformance with the elevations and rendering labeled Exhibit "C."
9. **Open Space.** Open space shall be provided pursuant to LAMC Section 12.21-G. A landscape plan, prepared by a landscape practitioner, shall be submitted prior to the issuance of any building permits to the satisfaction of the Planning Department. The

landscape plan shall provide detailed information regarding the location and number of trees, species of plants, soft- and hardscaping areas, walkways and outdoor features/furniture. Any required trees that are located on the rooftop shall be planted in a minimum three (3) foot planter.

Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining approval from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.

10. **Solar-ready Building.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.04.211.4, to the satisfaction of the Department of Building and Safety.
11. **Roof Structures.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view by any abutting properties.
12. **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.

Environmental Conditions

13. **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 licensed Landscape Architect and to the satisfaction of the decision maker.
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, nor from above.
15. **Air Quality (Operational).** The construction contractor shall choose low- or no-VOC indoor paints. VOC concentrations (grams/liters) of interior paints should equal to or be less than those specified by the EPA's Environmentally Preferable Purchasing Program as follows:
 - a. Interior latex coatings:
 - a. Flat, 100grams/liter; Non-flat, 150 grams/liter
 - b. Interior oil based paints: 380 grams/liter
16. **Air Quality (Objectionable Odors).**
 - a. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
 - b. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.
17. **Geology and Soils (Erosion/Grading/Short-Term Construction Impacts).** 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.

18. **Land Use and Planning.** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 10, to the satisfaction of the Department of Building and Safety.
19. **Noise (Increased Noise Levels from Parking Structure Ramps).**
 - a. Concrete, not metal, shall be used for construction of parking ramps.
 - b. The interior ramps shall be textured to prevent tire squeal at turning areas.
 - c. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
20. **Noise (Increased Noise Levels within Mixed-Use Developments).** 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.
21. **Noise (Severe Noise Levels from a Residential Use Fronting on a Major or Secondary Highway, or adjacent to a Freeway).**
 - a. Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
 - 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
22. **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.
23. **Public Services (Police Demolition/Construction Site).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area.
24. **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.

25. **Public Services (Construction Activity Near Schools).**

- a. The developer and contractors shall maintain ongoing contact with administrator of Robert F. Kennedy Community Schools and Hoover Street Elementary School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (323)342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
- b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on these streets during school hours

Administrative Conditions

26. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
27. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
28. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
29. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
30. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

31. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
32. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect 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 & 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.
33. **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.
34. **Expiration.** The subject (T)(Q)RAS4-1 Zone and the Project Conditions of Approval shall become null and void, and the rezoning proceeding shall be terminated, (a) if the applicant fails to remove the T Tentative classification within the six year time period provided in LAMC Section 12.32-G(h) including any extension or (b) upon applicant's delivering to the Director of City Planning of written notice terminating the (T)(Q)RAS4-1 rezoning.
35. **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.
36. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
37. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - a. Defend and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify of annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgment or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interests, execute the indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event that Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

The applicant additionally proposes to utilize Section 12.22-A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC) to seek a Ministerial Density Bonus request, with no additional on- or off-menu incentives. The project will set aside 5% of the project's base density (7 dwelling units) for Very Low Income households for a period of 55 years. By doing so the project is eligible for a 20% density bonus increase (27 additional units). The project is additionally eligible for Parking Option One, which requires one parking space for each zero- to one-bedroom dwelling unit and two parking spaces for each two- and three-bedroom dwelling unit. The project will result in the provision of 159 market rate residential units, 7 very low income residential units, and 221 residential parking spaces.

1. **General Plan Land Use Designation.** The subject property is located in the Wilshire Community Plan, which was adopted by the City Council on September 19, 2001. The Plan designates the subject property for General Commercial land uses with the following corresponding zones: C1.5, C2, C4, RAS3, and RAS4. The site consists of six rectangular, westerly sloping, interior parcels with a combined area of 55,800 square feet and an underlying zoning designation of C2-1. The current C2-1 Zone and the proposed RAS4 Zone are consistent with the General Commercial land use designation.

The site is presently vacant, with the last known structure on the site having been demolished in 2009. The site's existing C2 Zone limits floor area to 1.5:1, which restricts the site from being able to be developed to the highest and best use. The proposed RAS4-1 Zone will allow the applicant to develop the site with an R4 density and a Floor Area Ratio (FAR) that is three times the Buildable Area of the Lot (3:1), rather than one and one half times the Buildable Area of the Lot per the C2-1 Zone. At a permitted density of one unit per 400 square feet, the proposed lot is permitted up to a maximum of 139 dwelling units. The requested Zone Change to RAS4 is consistent with the land use designation and would allow the Applicant to develop the site to the allowed density permitted in both the C2 and RAS4 Zone.

2. **General Plan Text.** The Wilshire Community Plan text includes the following relevant land use goals, objectives and policies:

Goals:

- Enhancing the positive characteristics of residential neighborhoods while providing a variety of housing opportunities.
- Improving the function, design and economic vitality of commercial areas.
- Improving the quality of the built environment through design guidelines, streetscape improvements, and other physical improvements which enhance the appearance of the community.

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

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

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

By introducing new housing, the proposed project will be consistent with the objectives and goals of the Wilshire Community Plan. The project site is located on 7th Street, between Hoover Street and Magnolia Avenue, one block south of Wilshire Avenue. The site is located at the eastern edge of the community plan, bordering the western edge of the Westlake Community Plan, in an area that improved with small scale commercial uses and is adjacent to residentially zoned multi-family development. As proposed, the project will introduce new housing along 7th Street and will promote mixed-use development along an existing commercial corridor. The project will also place housing one block south of Wilshire Boulevard, which is designated as a Regional Center Commercial, allowing for easy access to commercial uses and public transit.

The project site is currently unimproved, with the last known structures on the site having been demolished in 2009. The site is presently used to park cars for surrounding businesses and little has been done to maintain the visual appearance of the site. The proposed project will improve the subject site by reactivating uses on the commercial corridor to include residential and commercial uses.

Framework Element. The Framework Element of the General Plan was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. It also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following provisions, objectives and policies relevant to the current request:

HOUSING

Objective 4.2 Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

Objective 4.3 Conserve scale and character of residential neighborhoods.

The requested Zone Change will allow the development of the residential density that is currently allowed per the C2-1 Zone. The RAS4-1 Zone will allow for an increase in floor area to allow for the development of a mixed-use development that is consistent with the surrounding zoning pattern and the Wilshire Community Plan. The additional housing will meet the objectives of the Housing Element by providing additional housing within one block of Wilshire Boulevard, which is a major commercial corridor and has accessible public transit.

3. The **Transportation Element** of the General Plan is not likely to be affected by the recommended action herein. Seventh Street (7th Street) is a newly re-designated Avenue II, previously a Secondary Highway, dedicated to a width of 80-feet at the project's street frontage. The project is required a 3-foot dedication on 7th Street to allow for the widening of the sidewalk, only, as the existing roadway is currently 56 feet wide. The proposed project has been designed with widened sidewalks that include an outdoor dining area located on the subject property.

In January of 2014, a traffic study analyzing the impacts of the proposed project was prepared. At this time, the proposed project entailed a total of 206 apartment units and

7,500 square feet of commercial space. The study analyzed the impacts the proposed project would have on 8 intersections surrounding the project site and was submitted to the Los Angeles Department of Transportation (LADOT). On March 19, 2014, LADOT approved of the traffic study analysis which had determined that none of the studied intersections would be significantly impacted by project-related traffic. LADOT comments included a request that a parking and driveway plan be submitted to LADOT for review and approval; this has been incorporated into the conditions of approval.

4. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. However, requirements for construction of sewer line facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element. The City's Hyperion Sewage Treatment facility has adequate capacity for the proposed project.

Entitlement Findings

5. Zone Change Findings

- a. **Pursuant to Section 12.32-C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The granting of the proposed Zone Change will result in a project that is in conformance with the public necessity and convenience by developing housing within the close proximity of commercial development and public transit. The proposed use and density of the project is allowed with the existing C2-1 Zone; however, the site is underutilized due to its limited FAR. The proposed RAS4-1 Zone would allow for the site to be fully developed and provide the additional housing. The project will place housing along a commercial corridor and within close proximity of a major commercial corridor and public transit located at the corner of Wilshire Boulevard and Vermont Avenue.

The granting of the proposed Zone Change will promote the general welfare by updating and creating an aesthetically pleasing mixed use building on a 1.28-acre site that has been vacant since 2009. Entry ways to the parking structure and the commercial spaces will be clearly defined and accessible. In conformance with Citywide Design Guidelines, the proposed project will promote a more pedestrian friendly commercial development on the ground floor.

Good Zoning Practices. The C2-1 Zone restricts the ability to develop the site to its highest and best use due to the limited floor area that is allowed. The RAS Zones were adopted as a new planning tool that would increase housing opportunities and revitalize older commercial corridors. While the minimum lot area calculation remains the same as the commercial zones, the RAS Zone allows for increased housing through a greater floor area allowance. The proposed RAS4-1 Zone will allow for the development of 139 apartment units, which is consistent with the allowed density per the existing C2-1 Zone, and the maintenance of the existing commercial uses. A 3:1 Floor Area Ratio allows for proper transitioning of building size and density in the area. Properties located directly north of 7th Street and immediately east of Hoover Street are zoned C2-2, which would allow for a project of the same density, but with a 6:1 Floor Area Ratio. Given that Height District No. 1 is noted in the Wilshire Community Plan's footnote, a height district change has not been pursued by the applicant because it would have required a General Plan Amendment. A zone change request to RAS4 was deemed appropriate because it would allow for the

permitted base density to be fully developed, while setting an appropriate limit on FAR that would allow for a continued buffer between the multiple-family residential units located south of the project on Leeward Avenue.

- b. The current action, as recommended, has been made contingent upon compliance with new “T” and “Q” conditions of approval imposed herein for the proposed project. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

b. Site Plan Review Findings

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

The subject site is located within the Wilshire Community Plan, which designates the site as General Commercial land use designation with the following corresponding zones: C1.5, C2, C4, RAS3, and RAS4. The site is not located within any specific plan, community design overlays, or interim control ordinance areas; however, it is located within a Los Angeles State Enterprise zone.

The existing C2 Zone permits a maximum of 139 dwelling units; however, it is restricted to a floor area of one-and-one-half times the Buildable Area of the Lot (1.5:1 FAR). The proposed RAS4 Zone, which is consistent with the Plan’s General Commercial land use designation, would also permit a maximum base density of 139 dwelling units and would additionally allow a floor area of three times the Buildable Area of the Lot (3:1 FAR). Neither the C2 nor RAS4 Zone is restricted by a height limitation. The project’s proposed maximum density of 166 dwelling units has been calculated to include a proposed ministerial Density Bonus request that would allow a 20% density bonus increase by setting aside 5% of the units for Very Low Income households.

The Wilshire Community Plan, as a component of the General Plan Land Use Element, cites various issues within the Wilshire Community in relation to the cohesiveness of overall urban design. The proposed development is consistent with many of these issues, including the following:

- The need for plan for better cohesiveness, diversity, and continuity of complementary uses along commercial frontages.
- Improved appearance of commercial developments is needed, with concise clear signage, better visual identity, adequate parking, and convenient access.
- New commercial development needs to be compatible with existing buildings in terms of architectural design, bulk, and building heights.
- Improved land use transitions are needed between commercial uses and single family and multiple family neighborhoods.
- New development needs to be coordinated with availability of public infrastructure.

In response to such issues, the proposed project will further the following goals, objectives, and policies set forth in the Wilshire Community Plan.

Goal 1: Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire Community.

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

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

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

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

Objective 1-4: Provide affordable housing and increase accessibility to more population segments, especially students, the handicapped, and senior citizens.

Policy 1.4-3: Encourage multiple family residential and mixed use development in commercial zones.

With its location on the easterly edge of the Wilshire Plan which directly abuts the Westlake Community Plan, the surrounding area is characterized by an older commercial and housing stock that is in need of rehabilitation. The project is in line with the goal of plan to provide a high quality residential environment for all segments of the community because it will encompass various amenities that appeal to different segments of the existing population and will also contain an affordable housing component to ensure added accessibility.

With regards to the proposed commercial uses, Goal 2 and Policy 2-1.3 of the Community Plan encourage that established commercial sectors promote economic vitality while serving the needs of the Wilshire Community through well-designed, safe, and accessible areas. The proposed mixed use development will accomplish this by providing needed new local businesses that are well designed to encourage pedestrian activity and will provide an additional source of employment for local residents of the community.

The project's proposed RAS (Residential Accessory Services) Zone was initially created in an effort of the City to encourage mixed use development along underutilized or underperforming commercial and transportation corridors. Projects in-line with the RAS zone ideally provide residential units along with neighborhood serving non-residential, commercial uses. The project, as designed, will conform to all development standards expressed in the RAS4 zoning regulations.

Citywide Design Guidelines

Residential and Commercial:

Objective 1: Consider Neighborhood Context and Linkages in Building and Site Design – With its location on a longstanding vacant site, the proposed project was designed with the intention to spark new interest in area and create a connection between newer developments to the west and older development located east of the project site. In addition, the project has been designed with many amenities and non-residential uses that aim to serve the growing needs of the community and encourage new pedestrian activity along 7th Street. Commercial uses fronting on 7th Street will be articulated with an architectural treatment that will vary from the rest of the elevation and the entrances for such ground floor uses will be off of 7th Street, which is consistent with the existing commercial uses within the vicinity.

Objective 4: Minimize the Appearance of Driveways and Parking Areas - The site proposes two points of vehicular entry along 7th Street. The parking garage openings have been recessed in order to reduce their appearance at the street level. In addition, where the project previously included a blank wall that screened ground floor parking, the project has been modified to eliminate parking from the north end of the building and now provide an enlarged lobby and ground floor fitness room that faces the street.

Commercial:

Objective 2: Employ High Quality Architecture to Define the Character of Commercial Districts – The project site is located in a part of the City that is largely characterized by development established between 1910 and mid 1930's. Such development, however, has not always been properly maintained and. As a result, the area that surrounds the project site does not contain a strong defining character. Rather than designing a building that appears to have been constructed in the early 1900's, the proposed building is modern, yet still contains some color elements that complements nearby brick structures.

Objective 3: Augment the Streetscape Environment with Pedestrian Amenities – In addition to breaking up the ground floor commercial and residential amenity spaces, the applicant has utilized a reduction in parking to create a negative space between the east and west ends of the building. Located within this negative space, the applicant has designed a seating area for proposed patrons of the commercial space which will be an added amenity for pedestrians.

Objective 5: Include Open Space to Create Opportunities for Public Gathering – The provision of an outdoor dining area as well as a bike kitchen located along 7th Street will encourage pedestrian activity and will provide a welcoming space for public gathering.

Residential

Objective 2: Employ Distinguishable and Attractive Building Design – The façade of the building will utilize varying finishes and colors to avoid a monotonous building façade. To respond to the project locations large size and sloping topography, the project has divided the ground floor uses to create a residential lobby entrance located on the east end, along with an accessory commercial space and a proposed bike kitchen located east of the garage entrance. On the westerly end, the project contains six (6) commercial tenant spaces, all with ground floor entrances, including one located west of the parking garage entrance. In addition to breaking up the ground floor commercial and residential

amenity uses, the applicant has utilized a reduction in parking to create a negative space between the east and west ends of the building. Located within this negative space, the applicant has designed a seating area for proposed patrons of the commercial space which provides for a strong street presence that is distinguishable and welcoming.

Objective 3: Provide Pedestrian Connections Within and Around the Project – The building has been designed with multiple elevators, stairwells, and walkways to allow residents to easily access all areas, including the proposed commercial components. The main lobby entrance for the development, which connects to the ground floor fitness room, will be located along 7th Street; however, residents will additionally be able to access this area from a secured residential portion of the parking garage.

Objective 5: Utilize Open Areas and Landscape Opportunities to their Full Potential – The project proposes to create an interior landscaped pool deck area that will be located on the proposed podium level of the building. The courtyard will be landscaped as required by the Los Angeles Municipal Code and will be required to submit a landscape plan prepared by a landscape practitioner prior to the issuance of a building permit. In addition to the pool deck area, the project will provide a rooftop deck area that will be complete with greened lounge areas, viewing deck, and raised planters.

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

The project site is located on West 7th Street, approximately 1.5 miles west of the 110 Freeway. The site consists of six rectangular, westerly sloping, interior parcels with a combined area of 55,800 square feet. The project location is surrounded by 7th Street to the north, Leeward Avenue to the south, Hoover Street to the east, and Magnolia Avenue to the west. The subject site has a frontage of 360 feet along the south side of 7th Street, a designated Avenue II (formally Secondary Highway) and is currently unimproved. The last known structure on site was a two-story apartment building that was demolished in 2009.

The proposed project will involve the construction of a six-story, 78'10" high, mixed-use apartment building, containing 166 residential units, permitted through a ministerial Density Bonus request, and approximately 6,000 square feet of ground floor retail/restaurant space. Residential parking will total 221 spaces, 3 spaces in excess of what is required by the Density Bonus Ordinance's Parking Option 1 and commercial space will be parked at a ratio of 1 space per 500 square feet of floor area, for a total of 12 required and 13 provided spaces. Ample bicycle parking will be located along the project's street front as well as within the ground level and 1st basement level of the garage. Residential amenities include a lobby, fitness room, and bike kitchen located on the ground floor level facing 7th Street; a podium level pool deck, multipurpose room, and landscaped area located on the second level; and two rooftop deck areas located on the east and south ends of the building. At the ground floor level, the project will provide commercial retail and dining spaces that are accessible from 7th Street. The building has been partially recessed at the ground floor level to allow for wider sidewalks and outdoor dining. The project proposes a maximum floor area of approximately 157,000 square feet, approximately 19,800

square feet of open space and is located on a 55,800 square-foot site in the C2-1 Zone.

The subject property is located in an urbanized setting, within an older part of the City that is largely characterized by buildings constructed in the early 1900's. The surrounding properties to the north of the site, across 7th Street, are zoned C2-2 and are improved with two- and four-story commercial retail and office buildings. The surrounding properties to the south of the site are zoned R4-2 and are improved with two- to four-story residential apartment buildings. Both the northerly and southerly adjoining properties are characterized by zoning that restricts density to one-dwelling per 400 square feet of lot area; Height District No. 2 which allows for an FAR of 6:1, and no height limit. The surrounding properties to the east and west are zoned C2-1 and are improved with one- and two-story retail commercial buildings. Both properties share the existing zone designation of the subject site where density is restricted to one dwelling per 400 square feet of lot area, Height District No. 1 which permits an FAR of up to 1.5:1, and no height limit. Although zoned for high density and large scaled development, the buildings that are directly abutting the subject were constructed in the early 1900s and generally do not reach the capacity of what they are permitted by-right. That being said, the proposed project will be compatible with future development in the area as the area continues to grow and be in line with its underlying zoning and the proposed project is believed to be an aiding catalyst in such growth.

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

The proposed project will provide approximately 19,800 square feet of open space. Common open space will be located on the 2nd floor and rooftop levels and will consist of a podium level pool deck, multipurpose room, and landscaped area and greened rooftop level that will consist of two viewing decks, raised planters, bistro tables and lounge areas. The project will additionally provide nearly 8,000 square feet of private balconies for all residential units and the placement of such balconies have been staggered to increase a sense of privacy for tenants. Additional residential amenities include a lobby, fitness room, and bike kitchen located on the ground floor level facing 7th Street. The ground floor level will additionally contain retail and dining options that will be of an added convenience for proposed residents of the subject building. These uses have been designed to ensure increased interest and usage by recessed entrances to allow for wider sidewalks and an outdoor dining area. A condition of approval has been incorporated to require a full landscape plan prepared by a landscape practitioner prior to the issuance of a building permit. The combination of common and private open space will provide recreational amenities for the residents and will minimize impacts on neighboring properties.

6. Environmental. On April 22, 2015, a Mitigated Negative Declaration, ENV-2014-757-MND, was prepared for the proposed project. Since the publication of the MND, the project description has been modified to remove a previously requested Zone Variance for added density and to disclose the applicant's intent to seek a ministerial Density Bonus request to allow a 20% increase in density through the provision of affordable units. Given that the change has resulted in a 5% increase in density (eight units), it has been determined that the revised project does not constitute a substantial revision that would create any new environmental impacts. 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.

7. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located within a Flood Zone. The project conforms to both the specific provisions and the intent of the Specific Plan for the Management of Flood Hazards (Section 5 of Ordinance No. 172,081).

PUBLIC HEARING AND COMMUNICATIONS

A public hearing conducted by the Hearing Officer on this matter was held on the 10th Floor of City Hall on Wednesday, April 29, 2015.

1. Attendance:

Present at the hearing were: the project representatives (Milan Garrison, Maxsum Development, LLC), the project architect (Steve Kim, EWAI), Representative of Council District 1 (Gerald Gubaton), property owners of nearby properties, and nearby residents of the subject site.

2. Initial Indication and Testimony:

The project representative, Milan Garrison, made the following comments:

The proposed project meets all applicable code requirements for the RAS4 Zone. Existing site constraints have necessitated the Zone Variance request for additional density. (This request was subsequently withdrawn and replaced with a ministerial Density Bonus request that will not involve any on- or off-menu incentive requests.)

Allen Bernstein – 301 S. Rimpau

- Owner of 2819 Leward Avenue, LLC
- Has been a property owner in the area for 15 years
- Concerned with the MND publication timing and asked about remaining time to allow for the submission of comments
- Had concerns with proposed construction based on previous negative experience that occurred with the demolition of buildings on the subject site.
- The project is out of character with the existing neighborhood, especially given the request for a Zone Variance.
- The building height should be lowered by providing all subterranean parking.
- Would like additional parking for commercial uses because parking is difficult to find in the area. Two parking spaces per 1,000 square feet is not enough.
- The completed Phase I study did not consider possible contamination of nearby properties that have had auto mechanic uses conducted on-site.
- The traffic study is not complete.

Robert Kiminecz – Property Owner of 2857, 2859, 2861 7th Street

- In favor of more density in the area
- Supports the proposed architecture of the building

A representative for Council District 1, Gerald Gubatan, stated that the Council Office supports the project's proposed zone change and made the following additional comments:

- The project plans are an improvement from what was on the site before.
- Their Office's preference would be to include a Density Bonus.
- The project is located within a transitional area, with the Southwestern Law School and new housing located near the Red Line.
- Their Office is in favor of directing higher density around transit corridors.
- The project site is a longstanding vacant lot that needs to be improved.

- If the Zone Variance moves forward, the Council Office would like to see a strong balance between proposed benefits and improvements with the requested variance.
- The project proposes a good balance of old and new in design.

After Public Comments, the Hearing Officer raised the following issues and questions:

- What is the hardship that warrants the requested Zone Variance for additional density beyond what the RAS4 Zone allows?
- Has the applicant considered the provision of affordable housing in order to allow for additional density?
- Can you respond to the question about the Phase I study?

Milan Garrison, the project representatives, responded to questions and made the following comments:

- The existing slope causes the project to lose available construction space and requires that the density be increased counteract added construction costs.
- The applicant does not propose to provide any affordable units at this time as it is believed that it would throw off the project's pro forma.
- The Phase I study only examines that proposed site, not adjacent sites that are not under the same ownership or not part of the proposed project.
- The project will meet all code and construction requirements.
- The proposed height is within what is permitted in the RAS4 Zone.
- A traffic study has been previously approved by the Department of Transportation.
- Additional parking beyond what the code requires has been provided to reduce impacts on the neighboring community.

At the conclusion of the public hearing, the Hearing Officer announced the date of the Commission meeting and informed attendees that they were welcome to submit additional comments for the record.

3. Communications Received

Prior to the public hearing, three phone calls were received from neighboring residents who were concerned that the project would involve the demolition of their own residences. Once assured that the project was not in conjunction with any demolition, individuals asked about the proposed apartment units and expressed interest in possibly renting a unit. Individuals additionally asked if the project involved the provision of affordable units.

Following the hearing, one e-mail was received from a neighboring resident that described how additional parking beyond what would be required under Parking Option One is needed in the neighborhood.