


**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CEQA APPEAL

ENVIRONMENTAL DOCUMENT:	RELATED CASES:	COUNCIL DISTRICT:
ENV-2014-1094-MND		5-KORETZ
PROJECT ADDRESS:		
611 SOUTH GAYLEY STREET		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
STEPHEN T. COPEN	310-387-7275	stephen.copen@gmail.com
REPRESENTATIVE: KEVIN K. MCDONNELL JEFFER, MANGELS, BUTLER & MITCHELL 1900 AVENUE OF THE STARS, 7 TH FLOOR LOS ANGELES, CA 90067	310-201-3590	KKM@JMBM.COM
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
STEVEN D. SANN, STEPHEN REZNICK 10940 WILSHIRE BLVD. SUITE 1400 LOS ANGELES, CA 90024	213-448-8147	stevesann2001@yahoo.com
REPRESENTATIVE: DEAN WALLRAFF, ESQ ADVOCATES OF THE ENVIRONMENT 10211 SUNLAND BLVD. SHADOW HILLS, CA 91040	818-353-4268	dw@aenv.org
FINAL PROJECT DESCRIPTION:		
Mitigated Negative Declaration (MND) and the related California Environmental Quality Act (CEQA) findings and an appeal filed Steven D. Sann and Stephen Reznick, (Representative: Dean Wallraff, Esq.) brought under California Public Resources Code Section 21151 (c) of CEQA, from the determination of the West Los Angeles Area Planning Commission (WLAAPC) in adopting the Mitigated Negative Declaration ENV-2014-1094-MND for the case number ZA-2014-1095-CU-ZAA-DRB-SPPA-SPP, for the property located at 611 S. Gayley Avenue within the Westwood Community Plan area.		

ATTACHMENTS:	REVISED :	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Other _____	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Other _____	<input type="checkbox"/>		
FISCAL IMPACT STATEMENT:			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No *If determination states administrative costs are recovered through fees, indicate "Yes".			
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:	
JONATHAN HERSHEY	213-978-1337	jonathan.hershey@lacity.org	
PLANNING COMMISSION:			
WEST LOS ANGELES AREA PLANNING COMMISSION			
PLANNING COMMISSION HEARING DATE:		COMMISSION VOTE:	
JULY 6, 2016		3 - 1	
TRANSMITTED BY:		TRANSMITTAL DATE:	
Iris F. Awakuni 		8-29-2016	



WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

Determination Letter mailing date: _____

JUL 12 2016

Case No. ZA-2014-1095-CU-ZAA-DRB-SPPA-SPP-1A
CEQA: ENV-2014-1094-MND

Location: 611 S Gayley Avenue

District: 5 - Koretz

Plan Area: Westwood

Zone: [Q]R4-1VL

APPLICANT: Stephen T. Copen 611 Gayley Los Angeles 90024, LLC
Representative: Kevin K. McDonnell, Jeffer, Mangels, Butler & Mitchell, LLP

APPELLANT: Steven D. Sann

At its meeting on **July 6, 2016**, the following action was taken by the West Los Angeles Area Planning Commission:

1. **Adopted** the Findings of the Zoning Administrator.
2. **Denied** the appeal.
3. **Sustained** the Zoning Administrator's decision to approve:
 - a. a Conditional Use to permit the construction, use and maintenance of a fraternity house in the [Q]R4-1VL Zone.
 - b. an Adjustment to allow front yard setbacks ranging between 0 and 12 feet in lieu of the required 15 feet and a zero-foot side yard setback in lieu of the required 7 feet; Pursuant to Section 16.50-C of the Los Angeles Municipal Code and Section 10. of the Specific Plan, a Director's Design Review Determination.
 - c. a Specific Plan Adjustment to permit an increase in height from the maximum 7 feet to 8 feet 4-3/4 inches of the first subterranean garage level above grade.
 - d. a Project Permit Compliance Review with the North Westwood Village Specific Plan in conjunction with the construction, use and maintenance of a new 15,481 square-foot, 22-room fraternity house and a 31-space subterranean garage on an approximately 8,878 square-foot lot located in the [Q]R4-1VL Zone.
4. **Adopted** modified Conditions of Approval.
5. **Adopted** the Mitigated Negative Declaration No. ENV-2014-1094-MND as the environmental clearance for the project.

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

This action was taken by the following vote:

Moved: Commissioner Merritt
Seconded: Commissioner Margulies
Ayes: Commissioner Donovan
Nays: Commissioner Halper
Absent: Commissioner Waltz Morocco

Vote: 3 - 1

Effective Date

Effective upon the mailing of this notice

Appeal Status

Not Further Appealable

Renée Glasco, Commission Executive Assistant I
West Los Angeles Area Planning Commission

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 the California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Modified Conditions; Findings

cc: Notification List
Jonathan Hershey

Revised Conditions of Approval

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Authorizations.
 - a. The construction, use and maintenance of a four-story, maximum 57-foot in height, maximum 22-guest room, 15,481 square-foot fraternity house over a 31-space subterranean parking garage.
 - b. Front yard setbacks ranging between 0 and 12 feet.
 - c. Side yard setback of zero feet.
 - d. A maximum height of 8 feet 4-3/4 inches above ground level for the subterranean garage.
7. Use of the facility shall be for the housing of collegiate fraternity members, unaffiliated boarders, or a combination of both. The facility shall maintain affiliation with a collegiate fraternity at all times. The boarding of any individual within the facility shall be for terms of not less than 31 days and no longer than four years.
8. No other deviations from any other Municipal Code zoning regulations or from the North Westwood Village Specific Plan have been requested or granted herein. Use and development of the subject property shall comply with all provisions of the [Q]R4-1VL Zone and the North Westwood Village Specific Plan, except as may be permitted herein.

9. Maximum occupancy for the building shall be as determined by the Los Angeles Fire Department.
10. Except for necessary repairs and maintenance, no tenant or other person shall be allowed on the roof at any time. The parts of the terrace area on the fourth floor designed for use and occupancy shall not be restricted, but shall be separated from the landscaped areas not designed for use and occupancy by a 6'0" high fence with locked gate(s) as shown on the plans submitted with the application.
11. No active or passive use of the landscaped area on the fourth floor, adjacent to the terrace, shall be permitted, except for landscaping and routine maintenance.
12. Balconies. The following shall apply to all external, street facing balconies:
 - a. No items shall be permitted to be placed or stored on balconies or balcony railings.
 - b. The applicant shall ensure that appropriate restrictions are incorporated into any "Best Practices" documents, by-laws and lease or rental agreements governing the use of the property and that each resident is aware of such restrictions, and that such restrictions are subject to appropriate enforcement measures.
13. Within 12 hours after the end of any recruitment event, party, or social function on the premises, the entire front yard, landscaped area, driveway, front porch, side yards, rear yard, exterior stairwells, garage, public sidewalk, gutter, curb, and street adjacent to the demised premises shall be cleaned and swept of all trash, debris, rubbish, and litter, including, but not limited to, all food wrappers and debris, cups, bottles, broken glass, chewing gum, and cigar and cigarette butts.
14. Maintenance. The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways and exterior walls and areas along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
15. No stickers, decals, posters, fliers, or handbills shall be posted anywhere on the front exterior of the premises, or posted or affixed to any public lampposts, trees, utility boxes, mailboxes, or any other public property.
16. All windows on the front facade of the premises shall be kept free of signs or banners visible from the street.
17. Any broken window, including broken or damaged panes of glass, shall be repaired or replaced within 72 hours of its occurrence.
18. Security. Exterior doors and gates accessible from the public sidewalk shall be kept closed and locked at all times, except as may be required by the Los Angeles Department of Building and Safety, or the Los Angeles Fire Department.
19. Security cameras for the subject property shall not show or record any part of 10918

Strathmore Drive property or its occupants.

20. Emergency contact phone numbers for Los Angeles Fire Department, Los Angeles Police Department, UCLA Police Department, UCLA Hospital, and local ambulance services, shall be posted next to all common area telephones.
21. Pay Phones. Pay phone(s) shall be located within the interior of the site and shall not be accessible from the public right of way.
22. Lighting on the subject property shall not illuminate any part of the 10918 Strathmore Drive property.
23. Community Relations. An authorized representative of the Applicant shall be available to meet with any representative of the Los Angeles Police Department, UCLA Police Department, UCLA Office of Fraternity and Sorority Relations, Los Angeles Fire Department, Housing and Community Investment Department, or the Los Angeles Department of Building and Safety, on an as-needed basis as determined by said Department/Agency and communicated to the Applicant.
24. Complaint Response/Community Relations. A phone number shall be provided by the applicant for the receipt of complaints from the community regarding the subject facility and shall be provided to the immediate neighbors, local neighborhood associations, and the applicable Council Office. The property owner/operator shall designate a community liaison who shall meet with representatives or the neighborhood and/or associations, at their request, to resolve neighborhood compliance regarding the subject property.
25. Best Practices Document. All guidelines, policies and volunteered conditions, related to the maintenance and continued operation of the subject use shall be contained in a Best Practices Document. Said document shall be made available to each resident of the facility and to the applicable Council Office and Neighborhood Council.
26. Site Plan. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning for review. Development of the site shall be in substantial conformance with Exhibit A, attached to the administrative file. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
27. Height. The height of all buildings and structures on the subject property shall not exceed 57 feet, as defined by Section 12.03 of the Los Angeles Municipal Code and as permitted by Sections 12.21.1. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties with single-family dwellings.
28. Open Space. The project shall provide at least 2,200 square feet of open space. Open space calculations showing conformance with the open space requirements of the LAMC shall be included in the Final Plans.

29. Trash and Storage Area(s). Solid masonry block walls, a minimum of 6 feet in height, shall enclose trash and other storage areas. There shall be no openings except for gates. The areas shall be buffered so as not to result in noise, odor or debris impacts on any adjacent uses. All outside trash containers on the subject property shall be enclosed and shall be located so as not to result in noise or odor impacts on any adjacent residential use. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
30. Parking/Driveway Plan. Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval.
31. Parking. The project shall feature 31 on-site vehicular parking spaces and 44 on-site bicycle parking spaces (42 long-term parking and 2 short-term parking).
- a. Parking/Garage Access. A minimum of 31 paved, striped parking spaces shall be provided and maintained on site, pursuant to LAMC Section 12.21-A,4. In addition, a remote electronic gate opening system shall be installed and the security gate shall be set back from the public right-of-way so as to provide a waiting area for vehicles and to prohibit blockage or interference with the public right-of way by waiting vehicles. The garage entrance shall be kept closed and locked at all times, except when a vehicle is entering or exiting the garage, or when immediate loading or unloading into the garage is taking place, including when the trash dumpster or recycling bin is being hauled out for removal.
 - b. Parking Attendant. Pursuant to LAMC Section 12.21 A 5 (h)(l), there shall be a parking attendant available at all times (24 hours per day) to park vehicles. In addition:
 - 1) Residents and guests shall not be permitted to park vehicles.
 - 2) A sign shall be posted at the garage entrance, which identifies that a parking attendant is on duty and must park all vehicles.
 - 3) Prior to the issuance of a Certificate of Occupancy, a plan or procedure shall be prepared for managing the use of tandem parking facilities by residents and guests, such as a parking pass or validated parking plan, and a copy shall be provided to the Department of City Planning for placement in the subject case file.
 - c. Vehicle Access/Storage. Residents and guests shall not block or obstruct the public right-of-way with vehicles or any other obstructions, including the public sidewalk, the driveway curb cut, and driveway apron, at any time. Motorcycles, mopeds, motor scooters, and any other motorized vehicles shall not be parked or left on the sidewalk, in the driveway apron, or in the front yard at any time, but shall be parked only in designated parking stalls inside the garage. Bicycles shall not be left abandoned on the sidewalk, in the

driveway apron, or in the front yard at any time, but shall be left in designated bicycle racks or other appropriate storage locations maintained on the premises.

32. Prior to any sign-off of plans by the Department of City Planning, the applicant shall submit the plot plan for review and approval to the Bureau of Engineering and Department of Transportation. Said Departments' approval shall be included in the form of a stamp on the plans submitted to the Department of City Planning.
- a. Any changes or improvements made within the public right-of-way shall be approved by the Bureau of Engineering (BOE) or in compliance with BOE's requirements. This includes new landscape along Gayley Avenue.
 - d. The project shall provide street trees as permitted by and in accordance with the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. Pursuant to Ordinance No. 163,202, the project shall provide at least thirteen street trees, of which new street trees shall be at least 12 feet in height and not less than 3 inches in caliper at the time of planting. Deviation from this requirement shall only be to satisfy requirements set forth by the Bureau of Street Services to the contrary.
33. Public Right-of-Way Improvements. Prior to the issuance of any building permits, public improvements 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). 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 improvements are specifically acknowledged by the applicant/developer. In addition:
- a. The Applicant shall coordinate with Department of Public Works to install decorative red brick pavers in the parkway adjacent to the premises, in a design and pattern that matches the existing red brick pavers located in the parkway along Gayley Avenue.
34. Landscape Plan. The applicant shall submit landscape and irrigation plans to the Department of City Planning. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning.
35. North Westwood Village Specific Plan Conditions of Approval:
- a. Use: The project shall comply with Section 5.A. of the Specific Plan. The use of the property shall be limited to that of a fraternity home.
 - b. Floor Area and Building Height: The project shall comply with Section 5.B. The project shall be limited to a maximum of 15,481 square feet and shall not exceed a height of 57 feet.

- c. **Parking Standards:** The project shall comply with Section 5.C. and maintain no less than 28 vehicle parking spaces on-site.
- d. **Open Space:** The project shall comply with Section 8A. and provide no less than 2,200 square feet of open space.
- e. **Yard Requirements:** The project shall comply with Section 8.D. as more than 50% each of the front, rear and side yard shall be landscaped. The landscaping shall be distributed as required by the North Westwood Village Specific Plan.
- f. **Garages:** The highest elevation of the subterranean garage level, above the natural existing grade, shall not exceed 8 feet 4-3/4 inches in height, as measured to the floor elevation of the level immediately above the parking garage.
- g. **Bicycle Racks:** The project shall comply with Section 8.F. and provide on-site bicycle parking for 44 bicycles.
- h. **Screening:** The project shall comply with Section 8G. Any structures on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any adjacent residential properties as seen from the grade.
- i. **Landscape Standards - General Requirements:** The proposed project shall comply with Section 9.A. A landscape plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review and approval.
- j. **Street Trees:** The project shall comply with Section 9.B. Street trees shall be planted at a minimum ratio of at least one for every 30 lineal feet of street frontage abutting the project and shall be approved by the Urban Forestry Division of the Bureau of Street Maintenance. Planted street trees are to be at least 12 feet in height and 3 inches in caliper at the time of planting.
- k. **Design Review and Project Permit Compliance.** The proposed project shall comply with Section 10, Design Review Procedures. The building shall be in substantial conformance with those exhibits approved by the Westwood Community Design Review Board on January 7, 2015. Minor modifications will be accepted at the discretion of the City Planning Department Design Review Board staff.
 - 1) At roof level, a 6-foot high fence shall be provided in-between the terrace and landscape planter.
 - 2) Proposed sign(s) shall come back before the DRB as a separate application.
 - 3) At the second, third, and fourth balconies facing the street, the center

wall panel which is not a window or door shall be treated as a solid metal panel to be finished to match the surrounding windows or door.

- 4) The cantilever parapet surrounding the fourth floor terrace shall be detailed to achieve the look of the deep overhang as shown in the rendering.
36. The proposed project shall comply with the mitigation measures as determined by the Mitigated Negative Declaration ENV 2014-1094-MND and listed as follows:
- a. Aesthetics. The project shall conform to the design recommendations of the Design Review Board.
 - b. 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.
 - c. Green House Gas Emissions. Low- and non-VOC-containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be utilized in the construction of the project to reduce VOC emissions to the maximum extent practicable.
 - d. Increased Noise Levels (Demolition, Grading, and Construction Activities)
 - 1) Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
 - 2) Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - 3) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - e. Transportation (Haul Route)
 - 1) The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
 - 2) (Non-Hillside): Projects involving the import/export of 20,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
 - f. Inadequate Emergency Access. The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

37. Applicant Volunteered Conditions:

- a. The subject property owner shall construct and maintain in good condition, on its property, a chain link fence built to the maximum height permitted by the Municipal Code, above the level of the back yard at 10918 Strathmore Drive.
- b. All trash, debris, rubbish and litter shall be picked up and removed from the front yard, landscaped area, front porch, driveway and public sidewalk within 15 feet of the demised premises, and both front stairwells no less frequently than at least three times per week during the regular UCLA academic year school year (generally mid-September through mid-June), and no less frequently than at least twice weekly during UCLA Summer Sessions (generally mid-June through mid-September).
- c. ~~**[Deleted.] Any exterior sign or banner on the premises, or interior sign which can be viewed from the street, which contains the name or logo of any alcoholic beverage, including any beer, wine, or spirits, shall be prohibited at all times.**~~
- d. ~~**[Deleted.] Any exterior sign or banner on the premises, or interior sign which can be viewed from the street, which contains any lewd, indecent, offensive, or profane language or graphic image, or which contains any language or graphic image that is deemed offensive or degrading toward a person based on race, color, creed, national origin, religion, gender, sexual orientation, or disability shall be prohibited at all times.**~~
- e. At all times, any furniture located or used on the exterior front porch shall be appropriate weather-proofed outdoor patio or garden furniture designed for outdoor use and made of an appropriate all-weather material (i.e., wood, aluminum, wicker, rattan, heavy-duty plastic, resin, etc.) Such outdoor patio furniture shall be maintained in a neat, clean, and attractive condition. At no time shall any upholstered or other furniture designed for interior use be maintained or located on the exterior front porch.
- f. Following the issuance of a Certificate of Occupancy, the Applicant shall, no less frequently than three times each year, coordinate with the Fifth District Council Office, the UCLA Office of Fraternity and Sorority Relations, and the UCLA Office of Community and Local Government Relations to organize, staff, and operate a volunteer-based "Operation Clean Sweep" program (OCS) in the North Village Specific Plan Area and/or the Westwood Village Specific Plan Area, to remove litter, trash, stickers, flyers, graffiti, rubbish, food wrappers, debris, cups, bottles, broken glass, chewing gum, cigar and cigarette butts, and bulky trash items from the public right of way, streets, gutters, curbs, alleys, sidewalks, lampposts, mailboxes, utility boxes, and other public property. This OCS project shall be conducted once each Fall, Winter, and Spring Quarter during the regular UCLA academic school year (mid-September through mid-June). The minimum commitment by the Applicant shall be to provide fifteen (15) volunteers each time, providing a minimum of four (4) hours per volunteer. Additionally, the Applicant shall

invite and encourage other UCLA fraternity and sorority members, other UCLA students, North Village residents, Westwood neighbors, Westwood business and property owners, and other community volunteers to participate in this project.

38. All residents of the premises, all non-resident members of the fraternity who make use of the premises, and all guests, shall be knowledgeable of these conditions and shall be held responsible for abiding by them at all times.
39. A complete copy of this Conditional Use Permit shall be retained on the premises at all times, and be immediately produced upon request by any representative of the Los Angeles Police Department, Los Angeles Fire Department or the Los Angeles Department of Building and Safety or the applicable Neighborhood Council and Council Office.
40. Approval, Verification and Submittal(s). Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
41. Code Compliance. Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
42. 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.
43. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
44. Review of Compliance and Project Impact (Compliance Report). Within one year after the issuance of the Certificate of Occupancy for the building, and each subsequent year for a period of 3 years, the applicant/owner shall file a Plan Approval. The Plan Approval application shall be subject to filing fees established by the Los Angeles Municipal Code Section 19.01-E. In conjunction with the Plan Approval application, the applicant shall submit a Compliance Report detailing the applicant's compliance, or lack thereof, with each of the conditions of approval. A copy of this report shall be forwarded to the Director of Planning, the applicable Council District Office and Neighborhood Council. It shall be at the discretion of the Zoning Administrator to determine if a public hearing is to be conducted or not. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

45. Project Plan Modifications. Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, design or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Zoning Administrator, Director of Planning, City Planning Commission, Area Planning Commission, or Design Review Board.
46. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
47. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, 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 or 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, in whole or in part, 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 judgments 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 (b).
- e. If the City determines it necessary to protect the City's interests, execute an 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 the 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes 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

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

The applicant is seeking a Conditional Use pursuant to the provisions of Section 12.24-W,21 of the Los Angeles Municipal Code to permit the construction, use and maintenance of a fraternity house in the [Q]R4-1VL Zone. The project was described on June 8, 2015 as being a 57-foot high residential structure, having 15,481 square feet to be used as a fraternity house with 22 guest rooms and 31 parking spaces.

The subject property is a sloping, irregular-shaped interior lot consisting of approximately 8,887 square feet and having a frontage on the west side of Gayley Avenue. The property is currently vacant. The applicant seeks a conditional use to permit the construction, use and maintenance of a fraternity house within the [Q]R4-1VL Zone. Such a use is typically by-right within this zone designation, but the North Westwood Village Specific Plan requires a conditional use approval.

The project is an in-fill development of a vacant lot previously the site of a fraternity house located on "fraternity row" in the North Westwood Village area directly across the street from the UCLA campus. The applicant has stated that UCLA is currently experiencing a shortage of fraternity housing and is in support of expanding the fraternity housing opportunities on "Fraternity Row." In light of this the Zoning Administrator is able to determine that the addition of a new fraternity house on the property will enhance the built environment of the surrounding neighborhood on Fraternity Row. Further, such additional fraternity housing will perform a function and provide a service essential to promoting the fraternity community at UCLA and the North Westwood Village Area.

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

The subject property is a sloping, irregular-shaped interior lot consisting of approximately 8,887 square feet and having a frontage on the west side of Gayley Avenue. The property is currently vacant.

The subject property is located within the North Westwood Village Specific Plan Area, West Los Angeles Transportation Improvement and Mitigation Specific Plan Area, Westwood Community Design Review Board, Special Grading Area, and within the Santa Monica Fault Zone.

Adjoining properties are within the [Q]R4-1VL and PF-1XL Zones and improved with fraternity housing, church property and University of California public facilities. North, south and west adjoining properties are zoned [Q]R4-1VL and developed with fraternity housing. East adjoining properties are zoned PF-1XL and developed with University of California public facilities.

The subject Conditional Use Permit will result in a new 57-foot high, four-story, 15,481 square-foot fraternity house with 22 guest rooms above a subterranean garage with 31 vehicular parking spaces and 44 bicycle parking spaces.

The project's size and height are allowed as a matter of right on the property. The deviations requested from the current zoning regulations are limited to minor Specific Plan Adjustment for the height of the subterranean garage and front and side yard. These Zoning Administrator Adjustments are nearly identical to those approved next door at 613 Gayley Avenue. Numerous conditions have been imposed as a part of this grant to ensure that the fraternity house use will not become a nuisance to the surrounding uses. Conditions Nos. 10, 11, and 12 have been imposed to ensure safety of both occupants and visitors on the balconies and terrace areas. Condition Nos. 13 through 17 requires that the property be maintained in a state of cleanliness and good repair. Condition Nos. 18 through 22 are imposed to ensure the safety and security on residents and the privacy of an adjacent property. Condition Nos. 23, 24, 25, and 38 are imposed to ensure that any problems arising from the use of the property are appropriately addressed and that occupants are knowledgeable about the limitations and restrictions of the approved use. Condition No. 44 is imposed so that the on-going operation of the fraternity house can be evaluated, and these conditions of approval can be modified to reflect the needs of the community to protect them from nuisance activities that result from the approved fraternity house.

The project considered is compatible with adjacent properties also occupied by fraternity houses. As such, the project will not adversely affect or degrade the adjacent properties. Rather, the project will support and reinforce the fraternity lifestyle on Fraternity Row and within the surrounding neighborhood and promote public health, welfare and safety.

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

The purpose, intent, and provisions of the General Plan, Community Plan, and related Specific Plans all seek to ensure compatibility with surrounding uses, both in development and use.

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of

Los Angeles Municipal Code. Except for the conditional use and minor deviations described herein, the project does not propose to deviate from the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Westwood Community Plan Map designates the property for High Medium density Multiple Family residential land uses with a corresponding zone of R4 and Height District No. 1VL.

The Westwood Community Plan contains the following Goals, Objectives and Policies:

GOAL 1: A Safe, Secure And High Quality Residential Environment For All Economic, Age And Ethnic Segments Of The Community.

Objective 1-1: To provide for the preservation of existing housing and for development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.

Policy 1-1.2: Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.

Objective 1-3: To preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

A fraternity house use is typically permitted by-right within the R4 Zone; however, the property is also located within the North Westwood Village Specific Plan area, which only allows establishment of the use upon approval of a Conditional Use permit.

The property had been previously developed and used as a fraternity house, but had been damaged and demolished in recent years. The redevelopment of the property with a new fraternity house, in an area containing a concentration of such uses is appropriate. The project will provide a housing option for those students who wish to live off-campus and engage more with their fraternity lifestyle. In addition, the design of the project has been reviewed by the local Design Review Board to ensure a high quality of design and compatibility with the surroundings. Numerous conditions have been adopted as a part of this determination to minimize the potential of this use from becoming incompatible with its surroundings. Therefore, as conditioned, the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

ZONING ADMINISTRATOR'S ADJUSTMENT FINDINGS

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

The applicant seeks a Zoning Administrator's Adjustment pursuant to Municipal Code Section 12.28 to allow front yard setbacks ranging between 0 and 12 feet in lieu of the required 15 feet and to permit a 0-foot side yard setback in lieu of the required 7 feet.

The project site is irregularly shaped and is significantly sloping, rising more than 20 feet from front to back. The sloping condition creates challenges for developing the lot, especially with the excavation requirements for the two-level subterranean garage, making strict adherence to the zoning regulations impractical.

Despite the yard reduction requests, the project conforms with intent of the front and side yard regulations because it blends in with its surroundings on "Fraternity Row" and incorporates all the design features essential to the success of the building.

Because of the location of the first floor porch/trellis, it is necessary to have the main access stairs serving it to project into the front yard. The stair descending to the grade level at the front property completes the necessary interface between pedestrians and occupants of the house. Finally, the front yard adjustment for the disabled access lift is necessary to comply with disabled access legal requirements providing disabled individuals independent access to the building from the street.

The side yard reductions are limited to stairs on either side of the building placed on the sloping grade and providing required exits from the rear of the building to the street. Despite the yard reduction requests, the project conforms with the intent of the side yard regulations because the entire building above grade observes the required 7-foot side yard.

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

Granting the adjustment will not be detrimental to the public health, safety or welfare, because by implementing the proposed design, the project will engage the neighborhood socially and architecturally. The latest fraternity house on Fraternity Row was approved in 2008 and is located next door at 613 Gayley Avenue. It was approved with almost identical front yard encroachments for the same reasons advanced for this subject case. No adverse impacts due to granting

of a front yard adjustment in that neighboring case were noted at the public hearing held on this current matter.

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

The applicant seeks Adjustments to encroach into the required front and side yard setbacks in order to provide for access stairways, porches, trellis, balconies, terraces, and disables access lift on an upward-sloping lot.

The purpose, intent, and provisions of the General Plan, Community Plan, and related Specific Plans all seek to ensure compatibility with surrounding uses, both in development and use.

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code. Except for the conditional use and minor deviations described herein, the project does not propose to deviate from the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Westwood Community Plan Map designates the property for High Medium density Multiple Family residential land uses with a corresponding zone of R4 and Height District No. 1VL. The property is also located within the North Westwood Village Specific Plan.

Both plans are silent with regard to setbacks.

The property had been previously developed and used as a fraternity house, but had been damaged and demolished in recent years. The redevelopment of the property with a new fraternity house, in an area containing a concentration of such uses is appropriate. The design of the project has been reviewed by the local Design Review Board to ensure a high quality of design and compatibility with the surroundings. The adjacent fraternity house building to the south made similar requests in conjunction with their design, and was granted. Numerous conditions have been adopted as a part of this determination to minimize the potential of this use from becoming incompatible with its surroundings. Therefore, as conditioned, the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

The project entails the construction of a new 57-foot high, four-story, 15,481 square-foot fraternity house with 22 guest rooms above a subterranean garage with 31 vehicular parking spaces and 44 bicycle parking spaces.

DIRECTOR'S DESIGN REVIEW DETERMINATION FINDINGS

7. The applicant is seeking a Director's Design Review Determination pursuant to Section 16.50-C of the Municipal Code and Section 10 of the Specific Plan. A recommendation was made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50.

The Design Review Board (DRB) met on January 7, 2015. The DRB recommended approval of the project with conditions so that the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Specific Plan. The recommended conditions include:

- a. At roof level, a six foot high fence shall be provided in-between the terrace and landscape planter.
- b. Proposed sign shall come back before the DRB as a separate application.
- c. DRB would support a modification from landscape requirements that would normally require 50 percent of the side and rear yard, if all trees in the front of the property and in the parkway in front of the property are 60 inch box size minimum.
- d. At the second, third, and fourth balconies facing the street, the DRB recommends that the center wall panel which is not a window or door be treated as a solid metal panel to be finished to match the surrounding windows or door.
- e. The cantilever parapet surrounding the fourth floor terrace shall be detailed to achieve the look of the deep overhang as shown in the rendering.

Recommended conditions a., b., d., and e., have been incorporated into the conditions of approval (Condition No. 35.k.); recommended condition c. was not adopted because the project does not propose to modify their landscaping requirements.

PROJECT PERMIT ADJUSTMENT FINDINGS

8. **There are special circumstances applicable to the project or project site, which make the strict application of the Specific Plan regulation impractical.**

The applicant is requesting, pursuant to the provisions of Municipal Code Section 11.5.7.E, a Specific Plan Adjustment to permit an increase in height from the maximum 7 feet to 8 feet 4-3/4 inches for the subterranean garage as limited by

Section 8. E of the North Westwood Village Specific Plan; and Project Permit Compliance with the Specific Plan.

The Zoning Administrator has determined that strict application of the Specific Plan's limitation of requiring the top of the subterranean parking level to be no more than 7 feet above the natural grade level is impractical (and physically impossible) in this case due to a combination of local topography, the location of the front porch terrace area, and the need for adequate driveway clearance. The front porch terrace area is a key design element resulting from input from community members and is critically important to the building's success. If the project's subterranean parking height is limited to 7 feet in height, the projection of the terrace at the garage entry would not allow for the necessary clearance for the ingress and egress of cars to and from the garage. The applicant is requesting a height increase to reflect 8 feet 4-3/4 inches. The adjustment is minor when viewed in the light of the overall project.

8. **In granting the Project Permit Adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with all applicable Specific Plan regulations.**

All other applicable Specific Plan requirements, with the exception of the height of the subterranean garage, are to be complied with. Numerous conditions have been imposed upon the development, use and maintenance of the project to mitigate potentially adverse impacts associated with the Adjustments, based on community input and discussion. Those conditions have been deemed appropriate by the Zoning Administrator and have been incorporated into the project.

9. **In granting the Project Permit Adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way.**

Granting the Adjustment would allow for a functional garage design that will add parking spaces to "Fraternity Row" which is deficient in parking. In fact, the proposed project would be of the only parking-compliant fraternity house on the Row. Rather than causing any detrimental effects due to the increase in height, the Adjustment would facilitate mitigating a known parking problem in the immediate area, improving conditions for all.

Aesthetic impacts associated with the increased height are effectively mitigated through the project's design review and approval by the local Design Review Board. As a part of the design, a prominent terrace along the front of the building creates the appearance of a smaller and shorter garage opening.

10. **The project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

As a part of this determination, a Mitigated Negative Declaration has been adopted, and recommended mitigation measures have been incorporated into the conditions of approval (Condition No. 36) to reduce identified environmental impacts to a less than significant level.

PROJECT PERMIT COMPLIANCE FINDINGS

11. The project substantially complies with the applicable regulations, findings, standards, and provisions of the Specific Plan.

- a. Use: The proposed project substantially complies with Section 5.A. Use, of the Specific Plan. Prohibited uses include new hotels, apartment hotels, boarding houses and motels. Fraternity houses are not among the list of prohibited uses per the Specific Plan. As depicted on Exhibit A, the proposed project is a fraternity house which is not permitted by-right in the R4 zone. Therefore, the applicant is applying for a Conditional Use in order to permit the construction, use and maintenance of a fraternity house.
- b. Floor Area and Building Height: Proposed project substantially complies with Section 5.B. The Property consists of approximately 8,878.4 square feet of lot area. Density for fraternity houses is limited to one guest room for every 400 square feet of lot area (8,878.4 square feet /400 square feet = 22)
- c. Parking Standards: Proposed project substantially complies with Section 5.C. 1-1/2 parking spaces are required for each guest room. Of those spaces, 1/4 guest parking spaces per guest room must be provided. Up to 15 percent of the required parking spaces are replaced with bicycle parking spaces. The Project is compliant with these requirements by providing a total of 31 parking spaces, more than the 28 parking spaces required.
- d. University Housing Bonus: Section 6 is not applicable as the applicant did not request a university housing bonus.
- e. University Units: Section 7 is not applicable as the units will be occupied by members of fraternities only.
- f. Open Space: Proposed project substantially complies with Section 8.A. as the project is providing approximately 2,902 square feet of open space, which exceeds the 100 square feet of open space required for each guest room or a total of 2,200 square feet. The Design Review Board has

determined that the design standards for open space have been satisfied. The landscaping meets the landscape requirements established by the North Westwood Village Specific Plan.

- g. Walkway: Section 8.B. is not applicable as the width of the subject site is 90 feet. Minimum lot width for the requirement of a walkway is 150 feet.
- h. Veteran Avenue between Galley and Levering Avenues: Section 8.C. is not applicable as the project site is not located in this area.
- i. Yard Requirements: Proposed project substantially complies with Section 8.D. as more than 50% each of the front, rear and side yard will be landscaped. The landscaping is distributed precisely as required by the North Westwood Village Specific Plan.
- j. Garages: Proposed project does not comply with Section 8.E. as the highest elevation of the subterranean garage level will measure 8 feet 3/4 inches tall which exceeds the Specific Plan limitation of 7 feet in height. Therefore, a Specific Plan Adjustment is included with this application.
- k. Bicycle Racks: Proposed project substantially complies with Section 8.F. as 44 bicycle racks are provided, far more than one bicycle rack for each of the 22 guest rooms as required by the North Westwood Village Specific Plan.
- l. Screening: Proposed project substantially complies with Section 8.G. as all roof equipment (except solar panels) will be fully screened from view.
- m. Landscape Standards-General Requirements: The proposed project substantially complies with Section 9.A., General Requirements of the Landscape Standards, of the Specific Plan, which requires that a landscape plan be prepared by a licensed architect or landscape architect and submitted to the Westwood Community Design Review Board (DRB) for review and approval. In addition, the landscape plan is required to illustrate details of the plants and plant material (i.e., names, size, locations, irrigation plan) and to involve a variety of plant materials. As depicted in Exhibit A, the landscape plan has been prepared by a landscape architect, and includes a variety of plant material from groundcover to shrubs and trees, along with clear identification of plant material locations, size at maturity and number of years to reach maturity. No artificial plants are proposed or will be used for exterior landscaping, which is prohibited by the Specific Plan. Planter boxes and landscaped areas will be featured along the front of the proposed fraternity house, first floor rear yard and second floor terrace. An irrigation plan was not included in Exhibit A which clearly identifies irrigation methods within all yards. The DRB reviewed and recommended approval of the landscape plans at its regular meeting on January 7, 2015.

- n. Street Trees: The proposed project substantially complies with Section 9.B., Street Trees, of the Specific Plan which requires that the project provide at a minimum one street tree for every thirty lineal feet of street frontage, and to be approved by the Urban Forestry Division, Bureau of Street Services, Department of Public Works. In addition, the street trees are to be at least twelve feet in height and three inches in caliper at the time of planting, per the Specific Plan. Thus, per the Specific Plan, three trees along Gayley Avenue would be required (90 linear feet divided by 30 feet). Condition No. 35.j. will ensure that the maintenance of existing and/or installation of new street trees will be approved by the Urban Forestry Division and will comply with this Specific Plan provision to the extent feasible.
- o. The proposed project substantially complies with Section 10, Design Review Procedures, which requires that a proposed project be reviewed and approved in accordance with Design Review Board (DRB) procedures of Section 16.50 and the Specific Plan procedures of Section 11.5.7 of the Los Angeles Municipal Code. The proposed project has been reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code. The review and recommendation of the Westwood Community DRB was based upon conformance with the criteria in the Westwood Community Design Review Board Specific Plan (Section 6.B), as described below.
 - i. The proposed building conforms to provisions contained within the Westwood Community Plan and applicable specific plans and design guidelines. The proposed building, therefore, conforms to the density, height and open space standards of the High Medium Residential land use designation, the corresponding R4 zone, and North Westwood Village Specific Plan as modified by the granted changes to increase the height of the first above grade level of the subterranean garage from the maximum 7 feet to 8 feet 3/4 inches through a Specific Plan Adjustment. The design of the proposed building is in keeping with design preferences adopted by the Westwood Community Design Review Board (DRB) regarding architectural style, elements, finishes, materials and colors.
 - ii. The proposed building will not cast shadows on one-third or more of any adjacent residential structure as projected on a plan view for more than two hours between the hours of 9 a.m. and 3 p.m. on December 21. A solar energy feasibility report, prepared by Solargy, Inc., includes shading diagrams that show the shading effect of the proposed building on the roofs of adjacent buildings. The study concludes that the steep sloping topography raised the height of the roofs on the adjacent buildings to the north and west and thereby lessens the impact of shadow upon those buildings. The study further concludes that the proposed building does not cast shadows

on one-third or more on any adjacent residential structure for more than two hours between 9 a.m. and 3 p.m. on December 21.

- iii. The proposed building will not result in equipment (such as ventilation, heating, and air conditioning devices) being visible from public view. The project has been conditioned to required strict compliance with this measure (Condition No. 35.h.).
- iv. The proposed building is compatible with the design, massing and architectural integrity of the surrounding buildings. All four facades include a mix of elements that provides variation and reduces the impact of the scale and massing of the building. These elements include windows of different sizes, balconies, wrought iron balcony enclosures, bay windows, awnings, recessed segments and varied roof line. The main entrance along the east facade includes a decorative staircase from the sidewalk to a covered recessed entry door. The opening for the walkway along the east facade breaks up the massing of the facade and building, and includes lush landscaping. Thus, the entry and courtyard at the ground level enhance the pedestrian access and experience, in keeping with the strong pedestrian orientation of surrounding buildings and the neighborhood. The east, north and south yards include lush landscaping with a mix of shrubs and some trees, further enhancing the pedestrian experience while softening the impact of the building.

The elevations and plans that comprise Exhibit A match the renderings that were presented to the DRB on January 7, 2015. The elevations and plans were reviewed by Department of City Planning staff as well as by one DRB member to confirm consistency with the renderings (the DRB member was selected by the DRB at the January 7, 2015, meeting as the point of contact for staff for assistance in reviewing plans).

- v. As depicted on Exhibit A, the entrance to the parking garage is visible at grade and is architecturally integrated with the design of the proposed building. The driveway is aligned to provide direct access and minimize the length of the driveway. The wrought iron garage entrance gate sits fifteen feet from the property line. Thus, the visual impact of the gate is minimized. The wrought iron design is consistent with that of the balcony railing enclosures. Thus, the garage and entry gate are well integrated with the overall design of the building.
- vi. As depicted in Exhibit A, the landscape design for the proposed building is varied and plant materials are accurately reflected on the detailed landscape plan. A mix of trees, shrubs, vines, and ground

cover will be provided throughout the yards and terraces. A consistent mix and pattern is applied throughout the project. Thus, the landscape design is consistent and compatible with the architecture of the building.

- vii. The proposed building conforms to the LAMC and other applicable laws insofar as zoning and land use are involved. The use, density, height, parking and open space requirements of the LAMC are satisfied. To ensure that open space requirements of the LAMC are satisfied, Condition No. 28 requires that these open space calculations be included in the Final Plans.

ADDITIONAL MANDATORY FINDINGS

- 12. 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 in Zone C, areas of minimal flooding.
- 13. On June 10, 2015, the Department of City Planning Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV-2014-1094-MND and determined that by imposing conditions, project-related impacts could be reduced to less than significant levels (Section 15074, State CEQA Guidelines). I hereby adopt the recommendation of the lead agency, along with the Mitigation Monitoring Program attached thereto. This 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.

Determination Letter for **ZA-2014-1095-CU-ZAA-DRB-SPPA-SPP-1A**

Mailing Date: July 12, 2016

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