

FINDINGS

General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located in the Westchester – Playa del Rey Community Plan, which was adopted by the City Council on April 13, 2004 (Case No. CPC-1998-0010-CPU). The Plan Map designates the majority of subject property for General Commercial land uses with the corresponding zones of C2, C4, CR, RAS3, and RAS4. This greater part of subject property is zoned C2-1VL, which is consistent with its land use designation, and permits general commercial and multi-family residential uses. A 10-foot wide buffer of land that spans the entire length of the property on the west side is zoned R1-1. This area of land is designated as Low Residential with the corresponding zones of RE9, RS, R1, RU, RD6, and RD5 and will be maintained as a landscape buffer, not containing any structures. The proposed mixed-use building will be constructed entirely in the C2-1VL Zone.

The site is currently improved with a one-story, 4,315 square-foot commercial/restaurant that has long since been vacated; a one-story, 785 square-foot hair/nail salon that was vacated as of February, 2012; a one-story, 2,850 square foot liquor store that operates as Stewart's Liquor, and an associated surface parking lot.

2. **General Plan Text.** The Westchester – Playa del Rey Community Plan text includes the following relevant land use discussion:

Residential

Goal 1 – Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Westchester – Playa del Rey community.

Objective 1-1 - Provide for the preservation of existing 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 Westchester – Playa del Rey Community Plan Area to the year 2025.

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

Objective 1-2 - Locate housing near commercial centers, public facilities, and bus routes and other transit services, to reduce vehicular trips and congestion and increase access to services and facilities.

Policy 1-3.2: Monitor the impact of new development on residential streets. Locate access to major development projects so as not to encourage spillover traffic on local residential streets.

Program: Incorporate Neighborhood Traffic Mitigation Plans (NTMP) for major development and provide LADOT assistance to neighborhoods in designs of NTMP's.

Policy 1-3.3: Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.

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

Policy 1-4.2: Promote the development of housing for persons of low to moderate income within the community.

Program: There are policies in the Municipal Code, such as Density Bonus, that provide incentives for the development of low to moderate income housing.

Policy 1-4.4 – Encourage multiple family residential and mixed use development in commercial zones, pedestrian oriented areas, and new transit corridors.

Objective 1-5 - Protect established residential neighborhoods from incompatible uses, including multiple family residential uses of substantially higher density, to preserve the residential character of these neighborhoods and protect residents from adverse environmental impacts caused by such uses.

Policy 1-5.1: Where possible, do not locate incompatible land uses, including higher density multiple residential uses, within or in close proximity to lower density residential neighborhoods, except where there are adequate buffers, transitional land uses, etc.

Commercial

Goal 2 – Encourage a strong and competitive commercial sector that promotes economic vitality and serves the needs of the Westchester – Playa del Rey community through safe, accessible, and well-designed commercial districts, while preserving the historic and cultural character of the community.

Objective 2-2 – Strengthen and enhance the major commercial districts of the community into distinctive, pedestrian-friendly areas providing shopping, civic, social, and recreational activities. To locate new housing in a manner which reduces vehicular trips and makes it accessible to services and facilities.

Policy 2-2.3: Encourage mixed-use development in appropriate commercial areas to stimulate pedestrian activity and provide housing near employment, shopping, and other services.

Objective 2-3 – Enhance the land use compatibility, visual appearance, design, and appeal of commercial development.

Objective 2-3.2 – Where possible, mitigate impacts of commercial uses on adjacent residential properties through the use of buffers and/or effective site design of the commercial property.

The development of the mixed use project will satisfy several policies and objectives within the Westchester – Playa del Rey Community Plan by providing new, quality, and affordable housing opportunities that were not otherwise available. The multi-family housing will be located in close proximity to a commercial pocket that currently serves as a buffer between the 405 Freeway and surrounding single-family residential uses. The project site is located immediately adjacent to a single-family neighborhood; however, the project includes over 5,000 square feet of a landscape buffer between the subject property

and the single-family residential units to the west. The mixed use building will activate the underutilized the corner of La Tijera Boulevard and 74th by providing new commercial uses that will stimulate pedestrian activity and provide new housing, including affordable options, which are located near existing local services.

Framework Element. The Framework Element for 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 issues such as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The subject site is an under-improved parcel designated for General Commercial land uses. The project is located along La Tijera Boulevard, a Major Highway, and adjacent to a Metro Local Line bus corridor, and will provide an infill development in an area comprised of single-family and commercial land uses. If constructed, the proposed mixed use building will be higher in height and density than what exists in the adjacent single-family neighborhoods; however, the project has provided appropriate transitions and buffers between the two uses in an effort to conserve the integrity of the existing neighborhood. By permitting the construction a mixed use project that contains very affordable housing options in close proximity to existing commercial and residential uses, the proposed project will be consistent with several goals, objectives, and policies of the Framework Element, including:

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

Objective 3.9: Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.

Policy 3.9.6: Require that commercial and mixed-use buildings located adjacent to residential zones be designed and limited in height and scale to provide a transition with these uses, where appropriate.

Policy 3.9.7: Provide for the development of public streetscape improvements, where appropriate.

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.

Policy 4.2.1: Offer incentives to include housing for very low- and low-income households in mixed-use developments.

Objective 5.5: Enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

Policy 5.5.3: Formulate and adopt building and site design standards and guidelines to raise the quality of design Citywide.

Objective 5.7: Provide a transition between conservation neighborhoods and their centers.

Policy 5.7.1: Establish standards for transitions in building height and for on-site landscape buffers.

3. **The Transportation Element** of the General Plan will not be affected by the recommended action herein as the proposed project is not specifically designed to improve long-term mobility or accessibility within the City of Los Angeles. The proposed project is consistent with the Element's objectives to "support development in regional centers, community centers, major economic activity areas and along mixed-use boulevards as designated in the Community Plans" and to "make the street system accessible, safe, and convenient for bicycle, pedestrian, and school child travel." The project is located in a small commercial node that is immediately adjacent to the 405 Freeway, located on La Tijera Boulevard, a Major Highway – Class II dedicated to a 104-foot width, and 74th Street, a Collector Street dedicated to a 64-foot width. The project has been designed with ground floor commercial uses, available bicycle parking, and contains public sidewalks that will foster an accessible and convenient system for pedestrians.

A traffic study was prepared to examine the effects of the proposed project on the existing circulation of the intersection of La Tijera Boulevard and 74th Street as well as five other intersections in the immediate vicinity of the project area. The study found that the project will not result in significant traffic impacts at any of the examined intersections analyzed under the near-term "Existing (2012) With Project" or forecast "Future (2015) With Project" scenarios, nor will it produce significant impacts along any of the nearby local/residential streets. Potential transit use by project residents and/or visitors is anticipated to be nominal, and will not adversely affect bus capacity or transit operations. Additionally, the project will exceed the applicable parking requirements for its uses, and therefore, no on-site parking shortages or parking "overflow" onto the nearby residential streets or adjacent commercial areas are anticipated. As a result, no off-site traffic impact or parking or access-related mitigation were warranted for the Project. The completed traffic study received conditional approval from the Department of Transportation on November 8, 2012.

Bike Plan. The 2010 Bicycle Plan, a component of the Transportation Element, was adopted on March 1, 2011. The three goals that have been established by the Plan are to: increase the number of types of bicyclists who bicycle in the City; make every street a safe place to ride a bicycle, and make the City of Los Angeles a bicycle friendly community. These goals will be realized by the implementation of policies, programs, and objectives. Policy 1.2.7 of the Plan is to "develop and implement citywide bicycling parking standards," by increasing the supply of secure bicycle parking. The proposed project aligns with a

major objective of the Bike Plan to "encourage and facilitate bicycle riding as an important mode of personal transportation as well as a pleasant source of outdoor exercise. According to the Bike Plan, La Tijera Boulevard is designated as a future Bike Lane and 74th Street is a Bicycle-Friendly Street. Recognizing these designations, the project includes the provision of secured bicycle parking facilities that will be located on the same level of the proposed commercial parking.

Bicycle Ordinance No. 182,386. The proposed project is not subject to the provision of the newly adopted Ordinance, effective March 13, 2013, because the project was submitted on December 13, 2012. The applicant will, however, provide a minimum of 60 long term and 14 short term bicycle parking spaces for the residential component and 2 short-term and 2 long-term bicycle parking spaces for the commercial component. The new code requirement would have entailed 140 long term and 14 short term spaces for residents and 2 short-term and 2 long-term for the commercial uses. With the exception to the long-term bicycle parking for residents, the project proposed bicycle parking that meets the current Code requirements.

4. **The Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. The completed Mitigated Negative Declaration states that if the public sewer at the project site has insufficient capacity, then the project applicant shall be required to build sewer lines to a point in the sewer system with sufficient capacity. The project applicant shall implement any upgrade to the wastewater system serving the Project Site that is needed to accommodate the Project's wastewater generation. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

Entitlement Findings

5. **Density Bonus Compliance Findings.** After thorough consideration of the information, statements, and plans contained in the application; the California State Government Code Section 65915 (State Density Bonus Program), the requirements for issuing a Density Bonus Compliance Review approval have been established by the following:
 - a. **The project substantially complies with the applicable regulations, standards and provisions of the State Density Bonus Program.**

As conditioned by this approval, the proposed project complies with all applicable provisions of Government Code 65915-65918 and LAMC Section 12.22-A,25. The Code allows projects that provide the minimum number of set aside units be granted an increase in density and reduction in parking requirements.

Density. The subject property is approximately 47,540 square feet in area and located within the C2-1VL Zone. This does not include an approximately 4,500 square-foot portion of land zoned R1-1 and located along the westerly property line. The Municipal Code permits a multiple-family residential density of one dwelling unit per 400 square feet of lot area in the C2 Zone. This would permit a total of 118 dwelling units on the subject site. By setting aside 11% of these 118 units for Very Low Income Households, the project qualifies for a density bonus of 35%, or an increase in 42 units. The project will, however, utilize an 18% density bonus, or an increase in 22 units for a total of 140 units. Of the total 140 units, 13 will be set aside for Very Low Income Households. The remaining 127 units will be market-rate units. Therefore, based on the Findings herein, the proposed density of 140 dwelling units on the

subject site substantially complies with the applicable regulations, standards and provisions of the Municipal Code and the State Density Bonus Program.

Parking. The applicant is utilizing Parking Option 1, which permits one on-site parking space per unit with 0-1 bedrooms and two on-site parking spaces per unit with 2-3 bedrooms. The proposed project will provide 47 studio (0 bedroom) units, 77 one-bedroom units, and 16 two-bedroom units, which require a minimum of 156 parking spaces. The project will provide 71 additional residential parking spaces, for a total of 227 residential parking spaces. The residential parking will be composed of 133 standard, 19 compact, and 72 tandem spaces.

With a parking requirement of 1 per 250 square feet, the 2,600 square-foot commercial component is required to provide 10 parking spaces. The applicant will be providing four spaces in excess of the requirement for a total of 14 commercial spaces that will all be located separate from the residential parking. The commercial parking will be composed of 1 ADA accessible, 9 standard, and 4 compact spaces.

By providing a minimum of 10% of the base unit count for Very Low Income Households, the project has requested one on-menu incentive and two-off menu incentives/modifications of development standards that are not on the menu.

"On-Menu" Affordable Housing Incentive.

Floor Area Ratio (FAR). The project qualifies for an FAR increase of up to three times the buildable lot area due to the fact that it qualifies for a 35% density bonus increase and is located within a Major Employment Center (Los Angeles International Airport). The increase in FAR allows for the otherwise permitted floor area of 69,586.5 square feet to be increased up to 139,713 square feet. The proposed floor area for the project, as it is depicted on the submitted site plans, will be approximately 128,072 square feet, which equals to an approximate floor area ratio of 2.75:1, which is less than 3:1.

"Off-Menu" Waivers and Modifications to Development Standards.

The Applicant is seeking two waivers/modifications from development standards that are not listed as on-menu incentives. These modifications are identified as "off-menu" incentives that are required by the project in order to accommodate the proposed development of 140 residential units. Submitted documentation indicates that the elimination of the off-menu height requests would eliminate 26 residential units, reducing the total residential component to 114 units.

The new building includes the development of 140 residential units. Fifteen of these units are proposed to be located on the upper garage level and all (with exception to one unit on the south side) will face either La Tijera Boulevard or 74th Street. These units are identified as atrium units and will contain light wells that allow for light to enter. Given the proposed configuration, with below grade units having direct access to the sky, the Department of Building and Safety has determined that the height of the building shall be measured from the bottom of the light wells, where the fifteen atrium units are located. As such, the height of the building will measure at least 10 feet higher than what it measures from grade level. In addition, the existence of the R1-1 Zoned portion of the subject property has further impacted the need for transitional height relief, as the R1 Zone is located 10 feet closer than if the project had requested

a zone change over the entire property. As a result of this measuring, the following off-menu items are needed to develop the property with the proposed density.

Transitional Height – The project seeks to permit:

- A maximum height of 35 feet in lieu of 25 feet permitted for the portion of the proposed building located between 0 and 49 feet of the R1 Zone; and
- A maximum height of 55 feet in lieu of 33 feet permitted for the portion of the proposed building located between 50 to 99 feet of the R1 Zone.

If measured at grade level, the building's height would be 25 feet for the portion of the building located between 0 and 49 feet of the R1 Zone, which meets the transitional height limit.

If measured at grade level, the building's height would be 44 feet for the portion of the building located between 50 and 99 feet of the R1 Zone, which is 11 feet higher than what the transitional height limit permits.

Overall Height – The project is seeking to permit an overall maximum height of 56 feet (five stories) in lieu of 45 feet, or three-stories permitted in the C2-1VL Zone. As described above, the Los Angeles Department of Building and Safety has determined that the height of the proposed building will be measured from the bottom of the proposed light wells where 15 atrium residential units will be located. If the building was measured at the grade level, however, the maximum building height will be 45 feet (four stories) high, rather than 56 feet high.

- b. The incentives are required in order to provide for the affordable housing costs as defined in the California Health and Safety Code Section 50052.5, or Section 50053 for rents of the affordable units.**

It is not the intent of the incentives to increase unit rental values for profit but to allow the project to be configured in such a manner that makes it functionally feasible and most compatible with neighboring land uses. The applicant's representative has submitted documentation indicating that the elimination of the off-menu height requests would eliminate 26 residential units, reducing the total residential component to 114 units, and disallowing for the provision of the density bonus and affordable units.

- c. The project incorporates mitigation measures, monitoring 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.**

In compliance with the requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV-2012-3437-MND). The project is subject to specific measures during both construction and operation phases of the project. The project would not cause adverse impacts on fish or wildlife resources as far as earth, air, water, plant life, and animal life, or risk of upset to these resources are concerned. Furthermore, the project site, as well as the surrounding area is presently developed with urban structures and residential and commercial land uses which do not provide a natural habitat for fish or wildlife.

Any impacts that have been identified as "Potentially Significant Unless Mitigation Incorporated" in the Mitigated Negative Declaration have attached Mitigation Measures to remedy potentially significant impacts to less than significant or no impact levels. These measures are required and have been incorporated into the project's conditions of approval. Mitigation Monitoring has also been identified to ensure the implementation of all required mitigation measures. Therefore, in light of the whole record, the proposed project would not cause substantial impacts on the environment.

The proposed project will not be constructed over a designated hazardous materials site, flood zone, liquefaction area, hillside grading area, Methane gas zone or dam inundation zone. The project would not place any occupants or residents near a hazardous materials site or involve the regular use or transport of hazardous materials or substances. The site fronts on a Major Highway and is within 1,000 feet of a freeway. As a result, the conditions of approval have required that the project to install an air filtration system shall be installed that is maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting value (MERV) of 11, to the satisfaction of the Department of Building and Safety. The proposed use is consistent with the site's existing zoning and land use designation, and will result in a development that is compatible with the surrounding uses and improvements in the same zone and vicinity.

6. **Site Plan Review Findings.** In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:
- 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 property is within the Westchester – Playa del Rey Community Plan and the Los Angeles Coastal Transportation Corridor Specific Plan. The project site is zoned C2-1VL and is designated for General Commercial uses. A ten-foot wide buffer of land located half way around the property to the west, is zoned R1-1 and designated for Low Residential Uses. This buffer of land separates the proposed mixed use building from single-family residential uses that "front" along Flight Avenue. The proposed residential and commercial uses are consistent with the General Commercial designation and permitted within the underlying zone. The development is consistent with two major goals of the Community Plan to: 1) Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Westchester – Playa del Rey community; and 2) Encourage a strong and competitive commercial sector that promotes economic vitality and serves the needs of the Westchester – Playa del Rey community through safe, accessible, and well-designed commercial districts, while preserving the historic and cultural character of the community.

The project is also consistent with numerous objectives and policies of the Citywide General Plan Framework that seek to "Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts," as well as "Provide a transition between conservation neighborhoods and their centers."

The subject property is located within the Los Angeles Coastal Transportation Corridor Specific Plan, which establishes impact fees for projects in the C, M, and P Zones in order to provide a mechanism to fund specific transportation improvements and implement regulations intended to improve local traffic circulation. The project isn't otherwise affected by the Specific Plan.

As such, the Density Bonus and Site Plan Review requests comply with all applicable provisions of the Los Angeles Municipal Code. The subject building will be located within the C2-1VL Zone, which allows the proposed residential and commercial uses by right. The proposed increase in floor area ratio and height limits are permitted through density bonus approval pursuant to Section 12.22-A,25(g)(3) of the Municipal Code. Therefore, based on the entitlement findings in this case, the proposed project complies with all applicable provisions of the Municipal Code.

- 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 proposed project has been designed with open space, landscaping, outdoor recreation amenities and articulated building elevations. The building is comprised of five stories of residential units, with 2,600 square feet of neighborhood-serving commercial uses and a leasing office located on the ground floor. On-site parking will be located within three subterranean levels. Below is a discussion of the compatibility of the project to the surrounding neighborhood as well as the design of the building and its pertinent features. Planning staff has conducted an assessment of the projects compliance with the Citywide Design Guidelines for residential projects and the Walkability Checklist.

Compatibility. The surrounding area is generally characterized by single family residential uses, with a cluster of low density commercial uses located immediately adjacent to the San Diego (405) Freeway. Residential density levels significantly increase on the north and east sides of the Freeway where there is a strong pattern of multi-family residential developments that are as tall as four stories. Properties to the north and west improved with one- and two-story single-family residences that front along Flight Avenue and 74th Street. The southerly adjoining properties across La Tijera Boulevard are improved with a gas station, a single-story restaurant, and single-family homes that front along Kittyhawk Avenue. Properties to the east and northeast of the property include an additional gas station, located across La Tijera Boulevard and a U.S. Post Office, respectively.

The proposed project will be compatible with the surrounding development as it will replace an underutilized commercial parcel of land with a combination of multi-family housing units, which include affordable options, and commercial space. The site is currently improved with a one-story, 4,315 square-foot commercial/restaurant that has long since been vacated; a one-story, 785 square-foot hair/nail salon that was vacated as of February, 2012; a one-story, 2,850 square foot liquor store that operates as Stewart's Liquor, and an associated surface parking lot. Although the proposed mixed-use development will be the only one of its kind in the vicinity, the new use will serve as an appropriate transition between the commercial uses that front along La Tijera Boulevard, and the westerly lying single-family residential neighborhood. The project will also serve as a buffer between the traffic of La Tijera Boulevard, a designated Major

Highway Class II, and the established neighborhood uses located on local and collector streets. The building has been designed with the nearby single-family residential uses in mind, as proposed tiered transitions have been stepped back away from these adjacent uses with the intention being to shield any direct line-of-site from the proposed multi-family uses.

Site Planning/Building Orientation/Frontage. The project site is an irregularly-shaped reversed corner lot and is approximately 51,990 square feet. The lot has a right angle at the intersection of La Tijera Boulevard and 74th Street and curves along its westerly property line that adjoins single-family residences. The site has an approximately 300 foot frontage along La Tijera Boulevard and approximately 200 foot frontage along 74th Street. As measured by LADBS, the proposed building is 5 stories in height (56 feet from the bottom of the atrium units to the top of the building), with the residential units located on all levels. The shape of building mirrors the shape of the lot and contains a central courtyard that is open to sky. Nearly all units have a view of either the central courtyard or the rear landscaped buffer area. The primary pedestrian entrances for the commercial and residential components are located at grade along La Tijera Boulevard and 74th Street. Each of the four proposed retail space will have its own entrance at grade level off of La Tijera Boulevard. All entrances to the building will be articulated with a glass door, full-height windows and a metal canopy. With regards to vehicular access, the building proposes a single point of ingress and egress that is located on 74th Street. In an effort to preserve the integrity of the adjoining single-family neighborhood located to the southwest, the project has been conditioned to install a "No Left Turn" sign located on-site, at the point of exit. Vehicles will be encouraged to turn right, heading toward La Tijera Boulevard, rather than turning left and cutting through the streets of established neighborhood. The effort is to ensure that inhabitants of the proposed building are mindful of the neighboring community and make an effort to limit traffic impacts created by the development.

Design. The scale, massing, and location of the proposed mixed-use building appropriately coincide with the shape and topography of the site and with the commercial and residential context of the properties that adjoin the project. The project has tiered its design in order to provide for a transition between the new building and existing residential community. It has additionally provided a landscape buffer ranging from 10 feet to 26 feet in width at the rear of the property, adjoining single-family residences. The proposed project has been designed consistent with the design policies set forth in the Westchester – Playa del Rey Community Plan, the Citywide Design Guidelines and the Walkability Checklist as further discussed below.

Height/Bulk. Fifteen of the total 140 units are proposed to be located on the upper garage level. These units are identified as atrium units and will contain light wells that allow for light to enter. Given the proposed configuration, with units located below grade having direct access to the sky, the Department of Building and Safety has determined that the height of the building shall be measured from the bottom of the light wells, where the fifteen atrium units are located. As such, the height of the building will measure at least 10 feet higher than what it measures from grade level. As it will appear at the grade level, the 45-foot height of the proposed building is taller than all of the existing buildings in the immediate vicinity. The closest buildings that are comparable in height (three- and four-story) are located on the north and east sides of the 405 Freeway. These multi-family residential buildings range from approximately 1,350 and 1,450 feet away from the project site. They are located in the R3-1 Zone and do not contain a ground floor commercial component. The site's C2-VL zoning permits a height limit of three stories, or 45 feet in height. For buildings that are 100%

residential, however, a building is permitted to have a height of 45 feet, regardless of the number of stories. Measured at grade, the mixed-use building will be one-story taller than what would otherwise be permitted in the zone; however, the project has appropriately requested relief in order to provide for the permitted density bonus increase. The total FAR is 128,072 square feet, which is less than 3:1 FAR that has been requested.

The project seeks to be inviting to its residents, patrons, and the surrounding neighborhood, as it will be located within an area characterized by commercial and residential uses. The existing commercial uses include businesses that are neighborhood serving, such as a restaurant and post office. In addition, the development includes the provision of many on-site amenities for proposed residents that make for a walkable development and encourages residents to remain on the property, thereby, reducing impacts on community resources. As a result of the project's design and function, the new building will reactivate the intersection in a manner that is permanent, compatible, and sets a high standard for future development in the community.

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

The proposed project provides a number of recreational and service amenities, including a lobby, community room, gym, pool, a landscaped courtyard, a landscaped rear yard, private laundry facilities, and on-site retail space. The internal courtyard and rear landscape area will include trees and shrubs within planters, and seating. These on-site amenities improve the habitability of residents and minimize impacts on neighboring properties.

Environmental Findings

9. **Environmental Finding.** A Mitigated Negative Declaration (ENV-2012-3437-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.
10. **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 in Flood Zone C, areas identified on the flood map as areas of moderate or minimal hazard from the principal source of flood. Currently, there are no flood zone compliance requirements for construction in these zones.