

**WEST LOS ANGELES AREA PLANNING COMMISSION
SPECIAL MEETING
WEDNESDAY, MAY 6, 2009, 4:30 P.M.
HENRY MEDINA WEST L.A. PARKING ENFORCEMENT FACILITY
11214 W. EXPOSITION BOULEVARD, SECOND FLOOR, ROLL CALL ROOM
LOS ANGELES, CALIFORNIA, 90064**

Glenda E. Martinez, President
Joyce L. Foster, Vice-President
Sophia Chang, Commissioner
Thomas M. Donovan, Commissioner
Erica Teasley Linnick, Commissioner

CORRECTED AGENDA (*SEE ITEM NO. 4)

Carmen Montgomery, Commission Executive Assistant

POLICY FOR DESIGNATED PUBLIC HEARING ITEM No(s). N/A

Pursuant to the Commission's general operating procedures, the Commission at times must necessarily limit the speaking times of those presenting testimony on either side of an issue that is designated as a public hearing item. In all instances, however, equal time is allowed for presentation of pros and cons of matters to be acted upon. All requests to address the Commission on public hearing items must be submitted prior to the Commission's consideration of the item. EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S REQUEST FORM AND SUBMIT IT TO THE COMMISSION EXECUTIVE ASSISTANT STAFF.

To ensure that the Commission has ample opportunity to review written materials, all concerned parties who wish to submit written materials on agenda items should submit them to the Commission Office, 200 North Spring Street, Room 272, Los Angeles, 90012, **10 days** prior to the meeting at which the item is to be heard, in order to meet the mailing deadline. Note: Materials received after the mailing deadline will be placed in the official case file.

TIME SEGMENTS noted * herein are approximate. Some items may be delayed due to length of discussion of previous items.

The Commission may RECONSIDER and alter its action taken on items listed herein at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case.

AGENDAS are posted for public review in the Main Street lobby of City Hall East, 200 No. Main Street, Los Angeles, California, and are accessible through the Internet World Wide Web at <http://www.lacity.org/pln/index.htm>. Click the "Meetings and Hearings" quick link. APC agenda are available under any of the seven service areas.

If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenda item here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing.

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

GLOSSARY OF ENVIRONMENTAL TERMS:

CEQA - Calif. Environmental Quality Act
EIR - Environmental Impact Report

ND - Negative Declaration
MND - Mitigated Negative Declaration
CE - Categorical Exemption

1. **DIRECTOR'S REPORT**

- A. Council actions and schedule
- B. Other items of interest

2. **COMMISSION BUSINESS**

- A. Advance Calendar
- B. Commission Request
- C. Minutes of April 1, 2009 and April 15, 2009

3. **APCW-2007-2398-ZC-ZAA**

CEQA: ENV-2007-2399-MND
Plan: Westwood

Council District: 5

Expiration Date: 3-07-09 (extended)

Appeal Status: Further Appealable to City Council

CONTINUED FROM APRIL 1, 2009 MEETING

PUBLIC HEARING – Completed on January 26, 2009

Project Location: 2136-2140 S. Westwood Boulevard

Proposed Project:

Demolition of existing commercial buildings and construction of a new 49,620 square foot mixed-use development, four-stories (44-feet in height plus a 42" parapet wall), consisting of approximately 7,950 square feet of ground floor retail space and 45 residential units. The Project will provide 116 parking spaces in a two level subterranean parking garage. The Project site consists of approximately 18,900 square feet of lot area located on three contiguous lots currently classified in the C4-1VL-POD Zone and located within the Westwood/Pico Neighborhood Overlay District.

Requested Actions:

- 1. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from C4-1VL- O-POD (Commercial Zone) to RAS4-1VL-O-POD (Residential/Accessory Services Zone).
- 2. Pursuant to Section 12.28 of the Municipal Code, **Adjustments** from the following Sections of the Municipal Code:
 - a. Section 13.07.E.5.a to permit a residential building with zero setback for that portion exceeding 40-feet height in lieu of the minimum 20-foot setback otherwise required from the front property line for a building in a pedestrian oriented district.
 - b. Section 12.21.G.2 to permit a reduction in open space to 3,820 square feet in lieu of the minimum 4,775 required for this project.

- c. Section 12.22.C.20.f.3 to permit an over in height wall of 8-feet from the lowest adjacent grade in lieu of the maximum 6-feet permitted.
3. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, adopt the Mitigated Negative Declaration for the above project.

Recommended Actions:

1. **Disapprove** the requested **Zone Change** from C4-1VL- POD to RAS4-1VL-POD.
2. **Approve** and **Recommend** that the City Council adopt a Zone Change from C4-1VL-POD to RAS3-1VL-POD.
3. **Approve** a **Director's Determination** in lieu of the requested **Adjustment** to permit a residential building with zero setback for that portion exceeding 40-feet height in lieu of the minimum 20-foot setback otherwise required from the front property line for a building in a pedestrian oriented district.
4. **Approve** the requested **Adjustment** to permit reduced open space of 3,820 square feet in lieu of the minimum 4,775 square feet required for this Project.
5. **Approve** the requested **Adjustment** to permit an over in height wall of 8-feet in lieu of the maximum 6-feet permitted.
6. **Approve** and **Recommend** that the City Council adopt Mitigated Negative Declaration ENV-2007-2399-MND.

Applicant: Westwood 3 LLC / Halco Management Inc.;
Representative: Darryl L. Fisher, Fisher and Associates, Inc.

Staff: David Olivo - (213) 978-1197

4. **ZA-2007-0743-CDP-ZV-ZAA-SPP-MEL-1A** **Council District:** 11
Related Case: AA-2007-0624-PMLA **Expiration Date:** 4/15/09 (extended)
CEQA: ENV-2007-0625-MND **Appeal Status:** *Zone Variance is further appealable
Plan: Venice if approved

PUBLIC HEARING – Completed on May 21, 2008

Project Location: **2812-2818 Grand Canal**

***An appeal** of the Zoning Administrator's decision approving **1)** A Coastal Development Permit to permit the continued use and maintenance of four existing dwelling units in connection with Parcel Map AA-2007-0624-PMLA for the subdivision of two parcels with two existing units to remain on each parcel in lieu of the one permitted by the RW1 Zone; **2)** Zone Variances to: (a) permit two dwelling units in lieu of the one dwelling unit permitted in the RW1 Zone on Parcel A and on Parcel B of Parcel Map AA-2007-0624-PMLA; and (b) permit a reduction in the required parking to allow two enclosed parking spaces for the two dwelling units on Parcel A and two parking spaces for the two dwelling units on Parcel B in lieu of the two parking spaces per dwelling unit required; **3)** A Zoning Administrator Adjustment to permit a reduced side yard of two feet three inches in lieu of the required 3-foot side yard for the attached dwellings on Parcel B; and, **4)** A Project Permit Compliance to the Venice Coastal Specific Plan to permit the continued use and maintenance of the existing dwelling units in conjunction with Parcel Map AA-2007-0624-PMLA.

Recommended Actions:

Deny the appeal, **sustain** the action of the Zoning Administrator in approving ZA 2007-0743-CDP-ZV-ZAA-SPP-MEL; modify the conditions of approval of the Zoning Administrator to include a new Condition No. 11 to require one additional parking space; adopt the findings of the Zoning Administrator; and, ADOPT ENV-2007-0625-Mitigated Negative Declaration.

APPLICANT: Kathy Magee (O)

APPELLANT: Keith Stephenson

Staff: M. Woerschling - (213) 978-3304

5. PUBLIC COMMENT PERIOD

The Commission shall provide an opportunity in open meetings for the public to address it, for a cumulative total of up to thirty (30) minutes, on items of interest to the public that are within the subject matter jurisdiction of the Commission. (This requirement is in addition to any other hearing required or imposed by law.)

PERSONS WISHING TO SPEAK MUST SUBMIT A SPEAKER'S REQUEST FORM. ALL REQUESTS TO ADDRESS THE COMMISSION ON NON-PUBLIC HEARING ITEMS AND ITEMS OF INTEREST TO THE PUBLIC THAT ARE WITHIN THE JURISDICTION OF THE COMMISSION MUST BE SUBMITTED PRIOR TO THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD.

Individual testimony within the public comment period shall be limited as follows:

- (a) For non-agendized matters, up to three (3) minutes per person and up to ten (10) minutes per subject.
- (b) For agendized matters, up to two (2) minutes per person and up to ten (10) minutes per subject. PUBLIC COMMENT FOR THESE ITEMS WILL BE DEFERRED UNTIL SUCH TIME AS EACH ITEM IS CALLED FOR CONSIDERATION. The Chair of the Commission may allocate the number of speakers per subject, the time allotted each subject, and the time allotted each speaker.

The next regular meeting of the West Los Angeles Area Planning Commission
will be held at **4:30 p.m. on Wednesday, May 20, 2009** at:

HENRY MEDINA WEST L.A. PARKING ENFORCEMENT FACILITY
11214 W. EXPOSITION BOULEVARD, SECOND FLOOR, ROLL CALL ROOM
LOS ANGELES, CALIFORNIA, 90064

An Equal Employment Opportunity/Affirmative Action employer

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Planning Commission Office at (213) 978-1300 or by e-mail at APCWestLA@lacity.org.



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



CONTINUED FROM MARCH 4, 2009 COMMISSION MEETING

West Los Angeles Area Planning Commission

Date: April 1, 2009 and March 4, 2009
Time: After 4:30 p.m.
Place: Henry Medina West Los Angeles Parking
Enforcement Facility, 2nd Floor, Roll Call Room
11214 W. Exposition Blvd., LA, 90064

Public Hearing: January 26, 2009
Appeal Status: To City Council
Expiration Date: January 26, 2009
Multiple Approval: Zone change is appealable by the
applicant to City Council if
disapproved in whole or in part;
Adjustments are appealable to City
Council per LAMC Sec. 12.36
(Multiple Entitlements)

Case No.: APCW-2007-2398-ZC-ZAA
CEQA No.: ENV-2007-2399-MND

Related Cases:
Council No.: 5
Plan Area: West Los Angeles
Specific Plan: West Los Angeles
Transportation Improvement
and Mitigation
Certified NC: Westside
GPLU: Neighborhood Commercial
Zone: C4-1VL-POD

Applicant: Westwood 3 LLC / Halco
Management Co.
Representative: Darryl L. Fisher, Fisher and
Associates, Inc.

**PROJECT
LOCATION:** 2136-2140 S. Westwood Boulevard

**PROPOSED
PROJECT:** Demolition of existing commercial buildings and construction of a new 49,620 square foot mixed-use development, four-stories (44-feet in height plus a 42" parapet wall), consisting of approximately 7,950 square feet of ground floor retail space and 45 residential units. The Project will provide 116 parking spaces in a two level subterranean parking garage. The Project site consists of approximately 18,900 square feet of lot area located on three contiguous lots currently classified in the C4-1VL-POD Zone and located within the Westwood/Pico Neighborhood Overlay District.

**REQUESTED
ACTIONS:**

1. Pursuant to Section 12.32 of the Municipal Code, a **Zone Change** from C4-1VL-POD (Commercial Zone) to RAS4-1VL-POD (Residential/Accessory Services Zone).
2. Pursuant to Section 12.28 of the Municipal Code, **Adjustments** from the following Sections of the Municipal Code:
 - a. Section 13.07.E.5.a to permit a residential building with zero setback for that portion exceeding 40-feet height in lieu of the minimum 20-foot setback otherwise required from the front property line for a building in a pedestrian oriented district.
 - b. Section 12.21.G.2 to permit a reduction in open space to 3,820 square feet in lieu of the minimum 4,775 required for this Project.
 - c. Section 12.22.C.20.f.3 to permit an over in height wall of 8-feet from the lowest adjacent grade in lieu of the maximum 6-feet permitted.
3. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, Adopt the Mitigated Negative Declaration for the above Project.

RECOMMENDED ACTIONS:

1. **Disapprove** the requested **Zone Change** from C4-1VL- POD to RAS4-1VL-POD.
2. **Approve** and **Recommend** that the City Council adopt a Zone Change from C4-1VL-POD to RAS3-1VL-POD.
3. **Approve** a **Director's Determination** in lieu of the requested **Adjustment** to permit a residential building with zero setback for that portion exceeding 40-feet height in lieu of the minimum 20-foot setback otherwise required from the front property line for a building in a pedestrian oriented district.
4. **Approve** the requested **Adjustment** to permit reduced open space of 3,820 square feet in lieu of the minimum 4,775 square feet required for this Project.
5. **Approve** the requested **Adjustment** to permit an over in height wall of 8-feet in lieu of the maximum 6-feet permitted.
6. **Approve** and **Recommend** that the City Council adopt Mitigated Negative Declaration ENV-2007-2399-MND.

S. GAIL GOLDBERG, AICP
Director of Planning

[ORIGINAL SIGNATURE IN CASE FILE]

Charles J. Rausch; Jr., Senior City Planner
(213) 978-1167

[ORIGINAL SIGNATURE IN CASE FILE]

David Olivo, Hearing Officer
(213) 978-1197

TABLE OF CONTENTS

Project Analysis.....	A-1
Project Summary	
Background	
Issues	
Conclusion	
(T) Tentative Conditions.....	T-1
(Q) Qualified Conditions of Approval.....	Q-1
Conditions of Approval	C-1
Findings.....	F-1
General Plan/Charter Findings	
Entitlement Findings	
CEQA Findings	
Public Hearing and Communications	P-1
Exhibits:	
A – Maps	
A1 – Vicinity Map	
A2 – Radius Map	
B - Plans	
Site Plan	
Elevation Plan	
Landscape Plan	
C – Environment Document – ENV-2007-2398-MND	
D – Building renderings, photos and correspondence	

PROJECT ANALYSIS

Project Summary

This report contains discussions, recommendations, findings, and conditions for the development of an approximate 49,620 square foot, four story, 44 foot high, mixed-use project consisting of ground level retail uses, upper level residential rental apartments, and ground level and subterranean parking (the "Project") on a 18,900 square foot property located on three contiguous lots (the "Property") and located within the Westwood/Pico Neighborhood Overlay District.

Commercial Use. The proposed development contains approximately 7,950 net square feet of ground level retail space. The southern half of the building is set back five feet from the front property line.

Residential Use. The proposed Project would include approximately 45 apartment dwelling units; 34 one-bedroom studio and 11 two-bedroom units, on the second, third and fourth levels. The residential lobby would be located on the first level and accessed directly from Westwood Boulevard. The second residential level would include an open space court that is open to the sky above that would create a light well for the third and fourth residential levels. The residential levels meet the property line at Westwood Boulevard except for three deck areas open to the sky that architecturally distinguish the residential levels from the commercial uses below. Finally, the rooftop level would provide a 1,800 square foot open space roof deck for residents.

Parking. The proposed development would provide 116 parking spaces, 109 of which are located on two subterranean levels that would be used by residents and retail visitors. The subterranean parking levels would be accessed at the back of the property by a ramp connected to a driveway that leads to Westwood Boulevard. In addition, there would be seven ground level retail parking spaces at the back of the property that are also accessed by the driveway. A loading zone would be located on the ground level near the middle of the southern edge of the building,

Demolition. The proposed development requires the demolition of an existing 13, 470 sq. ft. two-story office building and accessory parking lots.

PROJECT SITE DISCUSSION

The proposed Project site is located within the West Los Angeles Community Plan area of the City of Los Angeles and encompasses the following addresses: 2136-2140 S. Westwood Boulevard. The West Los Angeles Community Plan was adopted on July 27, 1999 (pursuant to Council File 98-2024). The West Los Angeles Community Plan land use designation for the site is Neighborhood Commercial and the current zoning is C4-1VL-POD. The site is located within the Westwood/Pico Neighborhood Oriented District. The Project site consists of approximately 18,900 square feet of lot area located on three contiguous lots that contain 140 feet of street frontage and is currently developed with a two-story office building and parking lots. Vehicular access is along the southern side of the subject site off Westwood Boulevard.

The Project would provide a mixed-use development with a variety of new housing and commercial opportunities for the community. The site is adjacent to Santa Monica Big Blue Bus Line transit lines on Westwood Boulevard.

Zone Change

The Zone Change request is to change from C4-1VL-POD to RAS4-1VL-POD. The land use designation for the site is Neighborhood Commercial. The proposed Project is located along a commercial corridor that is served by several transit lines.

Zone Adjustments

Three Adjustments are requested for the Project:

- 1) To permit a 25 foot, 3 inch setback (additional 10 feet) from the rear property line to the fourth floor (only portion of the building exceeding 40 feet in height) in lieu of a minimum 20 foot setback from the rear property line to the fourth floor in a pedestrian oriented district pursuant to LAMC § 13.07.E.5.a (this request has been responded to in the form of a Director's Determination in lieu of an Adjustment since this a request to deviate from the Westwood/Pico Neighborhood Oriented District);
- 2) To permit reduced open space of 3,820 feet in lieu of 4,775 feet required in RAS-1VL-POD pursuant to LAMC § 12.21.G.2; and
- 3) To permit an over-in height wall of 8 feet in lieu of 6 feet in the rear yard required in RAS4-1VL-POD pursuant to LAMC § 12.22.C.20.f.3

Parking

Required parking would be provided in an enclosed two-level subterranean garage, with the exception of seven ground level parking spaces located towards the rear of the property. The total number of parking spaces proposed is 116. The Project's parking is based on the combination of multiple parking requirements. The proposed uses are subject to the parking requirements of the Los Angeles Municipal Code (L.A.M.C.) for commercial and residential uses.

Residential Parking Uses

The Project proposes 73 residential parking spaces per the LAMC. The Project would include two full levels of subterranean parking. Vehicular access to and from the residential parking garage of the Project would be from a driveway that leads to Westwood Boulevard.

Commercial Parking Uses

The Project would include 33 parking spaces for retail uses in the two-level subterranean garage and 7 parking spaces at the rear of the property on the ground level. Vehicular access to and from the commercial parking garage of the Project would be from a driveway that leads to Westwood Boulevard.

Background

Existing Uses

The site is developed with an office building of approximately 13,470 sq. ft. of floor area with 31 parking spaces; 9 and 22 parking spaces are on the lot south and north of the building, respectively. The existing building would be demolished and the proposed Project would be developed in its place.

Public Transportation Opportunities

The Santa Monica Big Blue Bus provides transit opportunities within walking distance of the site. Santa Monica Big Blue Bus Lines 8 and 12 provide service along Westwood Boulevard to UCLA and Santa Monica, and provide a connection to Metro Rapid Bus Line 704 along Santa Monica Boulevard located approximately .4 miles north of the Project. In addition, Santa Monica Big Blue Bus Line 5 provides east/west transit service along Olympic Boulevard which is located 200 feet to the south.

Surrounding Zones and Uses

The surrounding commercial uses on this block of Westwood Boulevard have been developed at various times over the last 70 years. Many of the single-family residences adjacent to commercial properties along Westwood Boulevard were built in the 1920s. The heights of the surrounding structures are varied from one to two stories.

North: C4-1VL-POD – Properties along Westwood Boulevard are zoned C4-1VL-POD and are fully developed with a variety of commercial uses including retail sales, offices, restaurants and an automobile shop.

East: R1-1 – Both sides of Glendon Avenue are zoned R1-1 and are improved with single-family homes.

South: C4-1VL-POD – Properties along Westwood Boulevard are zoned C4-1VL-POD and are fully developed with a variety of commercial uses including retail sales, offices, restaurants.

West: Properties along Westwood Boulevard are zoned C4-1VL-POD and are fully developed with a variety of commercial uses including retail sales, offices, restaurants and a gasoline station.

Streets and Circulation

Westwood Boulevard: adjacent to the west side of the Project site is a designated Secondary Highway.

Olympic Avenue: approximately 240 feet south of the Project site is a designated Major Highway Class II.

Mississippi Avenue: approximately 150 feet north of the Project site is a Local Street.

Glendon Avenue: 135 east of the Project site is a designated Local Street.

Midvale Avenue: 350 feet west of the Project site is a designated Local Street.

Issues

REQUESTED ZONE CHANGE

Per the LAMC, “The purpose of the RAS Zone is to provide a mechanism to increase housing opportunities, enhance neighborhoods, and revitalize older commercial corridors. The zone is intended to provide a tool to accommodate projected population growth in mixed use and residential projects that is compatible with existing residential neighborhoods.”

The requested RAS4 zone has a corresponding density of 1DU/400 sq. ft. of lot area. The proposed Project, which would provide rental units, could accommodate up to 48 dwelling units on the 18,900 sq. ft. site; however, the applicant has requested 45 units. It should be noted that the applicant did not request and the Project does not utilize a density bonus.

A zone change to RAS3 is another option for the site. This zone has a corresponding density of 1DU/800 sq. ft. of lot area and could accommodate 23 dwelling units on the site. Any change in zoning designation will set a precedent for this stretch of Westwood Boulevard, thus impacts to the single-family neighborhood to the east need to be considered along with how this type of project would fit into the West Los Angeles Community Plan, which is currently being updated.

HEIGHT AND STEP BACK

After a number of pre-application meetings, the applicant agreed to redesign the building to a maximum height of 44 feet (plus a 42-inch parapet wall), where the RAS4 zone designation allows up to 50 feet in height. The applicant has also agreed to step back the fourth floor of the building from the rear property line to satisfy privacy concerns of neighbors whose properties abut the rear property line. In addition to the 15 feet required rear yard setback, the fourth floor would be stepped back an additional ten feet for a total of 25 feet. To further alleviate privacy issues, a no roof access zone would be implemented towards the rear of the building and an open space deck on the roof top would be placed towards the front of the building.

PARKING

Much of the surrounding area was developed over 50 years ago and given the intensity/density of the area it is likely that parking supplies are limited. This was mentioned as an issue by both residential and commercial neighbors at the public hearing and can be confirmed by the fact that some of the local residential streets in the neighborhood allow parking by permit only. The proposed project and the recommended project will be developed with parking as required at a minimum as required by Municipal Code.

NOISE

The driveway to access the subterranean parking levels is currently designed to be located at the rear of the property. There is potential for noise emanating from cars that would access the parking. Given this, the applicant has agreed to work with neighbors and a noise consultant to determine the best option to reduce noise from the driveway, including investigating the proper height of the rear wall and location of the driveway.

WESTWOOD BOULEVARD

The site is located on Westwood Boulevard in the Westwood/Pico Neighborhood Overlay District and there is an established pattern of neighborhood commercial uses along this street. The street is designated a Secondary Highway in the West Los Angeles Community Plan and the purpose is to supplement the through-traffic carrying characteristics of Major Highways. Major Highways typically carry twice as much traffic during peak hours as do Secondary Highways. As such, land uses assigned to these streets should reflect the difference in function and width, with Major Highways typically having greater density.

CONCLUSION

The Planning Department is currently in the process of updating the West Los Angeles Community Plan and this stretch of Westwood Boulevard has been identified as an area of

further study. There is a recognized need to address zoning designations along this commercial corridor to allow for increased housing opportunities in certain areas while addressing the needs of the abutting residential neighborhoods.

For this particular case, the Department recommends disapproval of the requested zone change to RAS4; however, a zone change to RAS3 is recommended with the attached Tentative T and Q Qualified conditions. RAS3 density will contribute to the expansion of housing opportunities in the neighborhood while increasing density along this stretch of Westwood Boulevard in a manner that is consistent with its designation as a Secondary Highway and the land use designation of Neighborhood Commercial, and compatible with the single-family residences to the east. As a general rule, RAS4 density within the West Los Angeles Community Plan area should be confined to Major Highways and/or designated centers, which is in agreement with draft recommendations of the Community Plan update.

The RAS3 designation is consistent with the General Plan category of Neighborhood Commercial in the West Los Angeles Community Plan. A mixed-use project, at RAS3 density, at this site will introduce new commercial space designed to comply with the intent of the Westwood/Pico Neighborhood Overlay District and be in close proximity to local public transit options. This action will allow proper residential density that will not overwhelm the single-family neighborhood to the east, including exacerbating existing parking issues.

Staff's evaluation of the proposed Project is that revised plans must be prepared to produce a project that is more complementary with the neighborhood. Staff recommends conditions that require submittal of revised plans to this effect.

Development in older urban areas usually presents challenges for the developer and the community, who become accustomed to existing surroundings and conditions. The Project as conditioned fulfills several of the Community Plan's goals and objectives including providing additional opportunities for new mixed-use development within designated commercial areas. The intent of the RAS3 zone could be fully realized with this project given the proximity to commercial services.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

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

1. Responsibilities/Guarantees.

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

2. Transportation Dedications and Improvements. The applicant shall consult with the Bureau of Engineering and the Department of Transportation (DOT) for any dedications or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, department of Public Works. They must be constructed and completed prior to issuance of any Certificate of Occupancy to the satisfaction of DOT and the Bureau of Engineering.

The dedications and improvements shall include, but not be limited to, the following:

- a. **Westwood Boulevard** (Secondary Highway) – A 5 foot wide strip of land along the property frontage to complete a 45-foot half right of way in accordance with Secondary Highway Street Standards.
- b. **Westwood Boulevard** – Construct additional surfacing to join the existing improvements to complete a 35-foot half roadway in accordance with Secondary Highway Street standards, including asphalt pavement, integral concrete curb, 2-foot gutter and a 10-foot wide full width concrete sidewalk. These improvements should suitably transition offsite to join the existing improvements to the satisfaction of the City Engineer.

3. Power Facilities - Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The developer must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05N of the Los Angeles Municipal Code.
4. Street Lighting. Street lighting and street light relocation may be required to the satisfaction of the Bureau of Street Lighting.
5. Street Trees. If determined necessary, install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division (213) 847-3077 of the Bureau of Street Services. Some tree removal in conjunction with the street improvement project may require Board of Public Works approval.

Board of Public Works approval shall be obtained prior to the issuance of the Certificate of Occupancy of the development project, for the removal of any tree in the existing or proposed public right-of-way area associated with the improvement requirements outlined herein. The Bureau of Street Services Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for the removal of such trees.

6. Sewers. Sewer lines in Westwood Boulevard. Extension of the 6-inch house connection laterals to the new property line will be required. All sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
7. Parking Area and Driveway Plans. Submit a parking area and driveway plan to the West Los Angeles District Office of the Department of Transportation for review and approval (310) 482-7030.
8. Fire Department. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: Fire lanes, where required, shall be a minimum of 20 feet in width; All structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane
9. Police Department. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits. (MM).
10. Cable Television. The applicant shall make any necessary arrangements with the appropriate cable television franchise holder to assure that cable televisions facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05 N, to the satisfaction of the Information Technology Agency (ITA).

11. Recreation (Increase Demand for Parks or Recreational Facilities) - Per Section 17.12-A of the LA Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings. (MM)
12. School District Fees. The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area. (MM)
13. Covenant: Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

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

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

Notice: Prior to the issuance of highway dedication and a clearance memo to the Department of City Planning, all engineering fees pertaining to Ordinance 178,131 adopted by the Los Angeles City Council must be paid in full to the Bureau of Engineering.

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

A. Entitlement Conditions

1. **Use.** Use of the subject property shall be limited to the use and area provisions of the RAS3-1VL-POD zone as defined in Sections 12.10.5 and 13.07 of the Municipal Code.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, elevations, and floor plans labeled "Exhibit B," stamped and dated October 24, 2008, as modified by the Area Planning Commission, attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions and the intent of the subject permit authorization.

The following project is approved: The construction of a 4-story mixed use project with approximately 7,950 square feet of commercial/retail use on the ground floor level, and 23 dwelling units above. The height shall be a maximum of 44 feet plus a 42 inch parapet wall. No 100% residential structures may be permitted.

Prior to the issuance of any building permits for the subject project, detailed development site and elevation plans including complete landscape and irrigation plan by a licensed landscape architect or architect, shall be submitted for review by the Department of City Planning for verification of compliance with the imposed conditions.

3. **Density.** No more than 23 dwelling units shall be permitted.
4. **Noise.** The applicant shall retain an acoustical engineer to submit evidence of any additional means of sound attenuation sufficient to reduce parking ramp noise levels below a CNEL of 45 dBA.
5. **Height.** The project shall not exceed 44 feet in height plus a 42 inch parapet wall, as defined by Section 12.21.1 B.3 of the Los Angeles Municipal Code. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any single family uses.
6. **Parking.** The project shall provide a minimum number of parking spaces in accordance with Section 12.21.A.4 of the Los Angeles Municipal Code.
7. **Hours of Operation.** Hours of operation for the rooftop deck shall be limited to the following:
 - a. Sunday through Thursday, 7:00 a.m. to 10:00 p.m.
 - b. Friday and Saturday, 7:00 a.m. to 11:00 p.m.
8. **Balconies.** Residential units facing east (to the rear of the building) shall have no balconies. All other balconies shall be in conformance with the Los Angeles Municipal Code to the satisfaction of the Building and Safety Department.

External facing balcony walls shall be constructed of opaque or solid materials so as to be enclosed from adjacent off-site residential uses and street traffic.

No items shall be permitted to be placed or stored on balconies or balcony railings. The applicant shall ensure that appropriate restrictions are incorporated into the Declaration of Covenants, Conditions and Restrictions, and lease or rental agreements governing the use of the property that each tenant is aware of such restrictions, and that such restrictions are subject to appropriate enforcement measures.

B. Environmental Conditions (MM)

9. Aesthetics (Landscaping)

- a. 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 Director of Planning (Westwood-Pico Neighborhood Oriented District) and the decision maker. (MM)

10. Aesthetics (Graffiti)

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

11. Aesthetics (Signage)

- a. The applicant shall prepare and submit a unified signage program, to the satisfaction of the Director of Planning (Westwood-Pico Neighborhood Oriented District).
- b. On-site signs shall be limited to the maximum allowable under the Code and the Westwood/Pico Neighborhood Oriented District.
- c. Multiple temporary signs in the store windows and along the building walls are not permitted.

12. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

13. Air Pollution (Stationary)

- a. RESIDENTIAL - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency

Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.

- b. COMMERCIAL/INSTITUTIONAL - An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 12, to the satisfaction of the Department of Building and Safety.

14. Seismic

The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

15. Haul Routes

- a. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.

16. Erosion/Grading/Short-Term Construction Impacts

General Construction

- a. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
- b. Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- c. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- d. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- e. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- g. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- h. During construction activities, driveways adjoining the property to the north and south shall be kept open.

Noise

- i. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- j. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- k. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
- l. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- m. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

Air Quality

- n. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
- o. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- p. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- q. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
- r. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
- s. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

17. Explosion/Release (Methane Gas)

- a. All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.
- b. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to

automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.

18. Explosion/Release (Asbestos Containing Materials)

- a. Prior to issuance of any demolition permit, a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- b. Prior to the issuance of any demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other State and Federal rules and regulations.

19. Stormwater Runoff (10+ Home Subdivision/Multi Family)

- a. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- b. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase in peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- d. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- e. Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- f. Install roof runoff systems where site is suitable for installation.
- g. Design an efficient irrigation system to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- h. The storage area must be paved and sufficiently impervious to contain leaks and spills, and must have a roof or awning to minimize collection of stormwater within the secondary containment area.

- i. Promote natural vegetation by using parking lot islands and other landscaped areas.
- j. Paint messages that prohibits the dumping of improper materials into the storm drain system adjacent to storm drain inlets. Prefabricated stencils can be obtained from the Dept. of Public Works, Stormwater Management Division.
- k. Legibility of stencils and signs must be maintained.
- l. Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- m. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- n. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

20. Land Use

Project plans are required to be submitted to the Community Planning Bureau for review and approval as to conformance with the Westwood/Pico Neighborhood Pedestrian-Oriented District

21. Increased Noise Levels (Parking Structure Ramps)

- a. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
- b. Concrete, not metal, shall be used for construction of parking ramps.
- c. The interior ramps shall be textured to prevent tire squeal at turning areas.
- d. The applicant shall retain an acoustical engineer to submit evidence, along with the application for a building permit, of any additional means of sound attenuation sufficient to reduce parking ramp noise levels below a CNEL of 45 dBA as measured in any habitable room on the east abutting residential properties.

22. Severe Noise Levels (Residential Only)

- a. All exterior windows having a line of sight of Westwood Boulevard (noise source) shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto.
- b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means

of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

23. Utilities (Local or Regional Water Supplies)

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

C. Other Conditions

24. Noise (Construction)

The Project developer shall implement measures to reduce the noise levels generated by construction equipment operating at the Project Site during project grading and construction phases. The developer shall include in construction contracts the following requirements or measures shown to be equally effective:

- Stationary construction equipment that generates noise levels in excess of 65 dBA Leq shall be located as far away from existing occupied buildings as possible. If required to minimize potential noise conflicts, the equipment shall be shielded from noise sensitive receptors by using temporary walls, sound curtains, or other similar devices.
- All equipment shall be turned off if not in use for more than five minutes.
- An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels

25. Transportation Demand Management.

Prior to the issuance of any building permit, the owner shall submit a Transportation Demand Management Plan, for approval by the Department of Transportation and the Department of City Planning. The Plan shall be developed in consultation with the Department of Transportation, Department of City Planning, the applicable Council District Office, and the neighborhoods in the project vicinity. The Plan shall be submitted and approved within 6 months following the effective date of this approval. Implementation of the Plan shall be initiated prior to the issuance of any certificate of occupancy.

- a. Commercial Parking shall be provided pursuant to the Los Angeles Municipal code Sections 12.21 A.4.(x)(3), and as follows:
 - 1). The property owner shall require, in all lease or rental agreements with non-residential tenants that free on-site parking be offered to car poolers.
 - 2). A plan or procedure shall be prepared and implemented for use of parking facilities by tenants, and employees that prohibits employee parking on any local residential street within 500 feet of the site. The plan procedures shall be provided to the Department of City Planning prior to issuance of any Certificate of Occupancy and placed in the administrative case file.

- b. Residential Parking shall be provided pursuant to the Los Angeles Municipal code Sections 12.21 A. 5 and as follows:
 - 1). Guest parking signs shall be clearly posted at building entrances. The signs shall be in large, easy to read lettering and shall indicate the general location of guest parking. Sign wording shall be to the satisfaction of the Department of City Planning and shall indicate the number of reserved guest parking spaces.
 - 2). If any guest parking is located behind security gates, the following shall apply:
 - a). A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking.
 - b). An electronic intercommunication system shall be installed. The system shall be readily accessible to the drivers of guest vehicles and to the units served by the secured guest parking.
 - c). The security gate shall be set back at least 40-feet from the public right-of-way so as to provide a waiting area for guest vehicles and to prohibit blockage or interference with the public right-of way by waiting guest vehicles.
 - d). Alternatives to the provisions of this condition may be approved by the Department of City Planning provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.
 - e). No guest parking fees may be charged for guests of residential tenants.
 - f). Parking for the retail component of the project shall be free or validated.
- c. During construction activities, the Project developer shall ensure that all onsite areas of active development, material and equipment storage, and vehicle staging, that are adjacent to existing public roadways, be secured to prevent trespass.

26. Construction

- a. Construction-related Parking. Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractors shall be allowed to park on the surrounding streets for the duration of all construction activities.
- b. Truck Traffic Restricted Hours. Truck traffic directed to the Project site for the purpose of delivering construction materials or construction-machinery shall be limited to the hours beginning at 7:00 AM and ending at 6:00 PM, Monday through Friday. No construction truck deliveries shall occur outside of that time period. No truck queuing related to such construction deliveries to the Project site shall occur on any local or collector street within the Project vicinity outside of that time period.
- c. Construction excavation trucks shall be limited to travel outside of the AM and PM peak hours to reduce truck traffic impacts.
- d. Construction workers shall be encouraged to carpool or vanpool to the Project Site during construction of the recommended Project to reduce vehicle trips.

27. Traffic

The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Loading and unloading activities shall not interfere with traffic on any public street with no vehicles having to back into to the Project site via any of the Project driveways. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.

28. Water

The Project Applicant shall comply with water conservation measures:

- High efficiency toilets (1.28 gallons per flush or less, includes dual flush)
- High efficiency urinals (0.5 gallons per flush or less, includes waterless)
- Restroom faucet flow rate of 1.5 gallons per minute or less
- Public restroom self-closing faucets
- Showerhead flow rate of 2.0 gallons per minute or less
- Limit of one showerhead per shower stall
- High efficiency clothes washers (water factor of 6.0 or less)
- High efficiency dishwashers (Energy Star rated)
- Domestic water heating system located in close proximity to point(s) of use, as feasible
- Cooling towers must be operated at a minimum of 5.5 cycles of concentration
- Strict prohibition of single-pass cooling
- Irrigation system requirements
 - o Weather-based irrigation controller with rain shutoff
 - o Flow sensor and master valve shutoff (large landscapes)
 - o Matched precipitation rates for sprinkler heads
 - o Drip/microspray/subsurface irrigation where appropriate
 - o Minimum irrigation system distribution uniformity of 75 percent
 - o Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials
 - o Use of landscape contouring to minimize precipitation runoff
- Metering
 - o All dwelling units/commercial spaces require individual metering and billing for water use
 - o All landscapes of 5,000 square feet or more require separate metering or submetering
- Mandated use of recycled water (where available) for appropriate end uses (irrigation, cooling towers, sanitary)
- Standard Urban Stormwater Mitigation Plan (SUSMP). Compliance with all City of Los Angeles SUSMP requirements, and encouraging implementation of Best Management Practices that have stormwater recharge or reuse benefits.

29. Energy Conservation

The Project Applicant shall comply with Title 24 of the California Administrative Code with regard to potential energy conservation measures for the Project. Examples of such energy conservation measures include:

- Install windows (i.e., tinting, double pane glass, etc.) to reduce thermal gain and loss, thus cooling loads during warm weather and heating loads during cool weather.
- Install thermal insulation in walls and ceilings.
- Install time control exterior lighting. These systems should be programmed to account for variations in seasonal daylight times.
- Limit outdoor lighting while still maintaining minimum security and safety standards.
- Install built-in appliances, refrigerators, and space-conditioning equipment.
- Use natural ventilation wherever possible.

30. Rooftop Screening.

Any structure on the roof, such as air conditioning units, antennae, and other equipment, except solar panels, shall be fully screened from view from any existing adjacent residential uses and from Westwood Boulevard as seen from grade.

D. Administrative Conditions

31. Approval, Verification and Submittals.

Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

32. Code Compliance.

Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.

33. Covenant.

Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

34. 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.

35. 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.

36. Building Plans.

Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.

37. Project Plan Modifications.

Any correction 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, yard or setbacks, building separations, 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 Director of Planning, City Planning Commission, Area Planning Commission or Board.

38. Utilization of Concurrent Entitlement.

The subject Zone Change, Zone Variance, Area Adjustment, Zone Interpretation and Site Plan Review requires completion of all applicable conditions of approval herein to the satisfaction of the Department of City Planning and the effective date of the Zone Change, Zone Variance, Area Adjustment, Project Zone Interpretation and Site Plan Review shall coincide with that of the associated Zone Change on the property involved. The applicant/owner shall have a period of two years from the effective date of the subject Zone Change to effectuate the terms of for the Zone Variance entitlement by either securing a building permit or a Certificate of Occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the grant, the applicant files a written request, and is granted an extension to the termination period for up to one additional year pursuant to applicable provisions of the Municipal Code.

The applicant/owner shall have a period of three years from the effective date of the subject grant for the Site Plan Review to effectuate the terms of this entitlement by securing a building permit.

Thereafter, the entitlements, except for the zone change shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this concurrent entitlement determination but not the zone change shall expire with the building permit.

39. Corrective Conditions.

The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

40. Indemnification.

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

CONDITIONS OF APPROVAL

1. **Director's Determination.** The Project may observe zero foot setback for that portion exceeding 40-foot height in lieu of the minimum 20-foot setback otherwise required from the front property line for a building in a pedestrian oriented district.
2. **Adjustment.** The Project shall be permitted a reduction of open space to 3,820 square feet in lieu of the minimum 4,775 required for this Project.
3. **Adjustment.** The Project shall be permitted an over in height wall of 8-feet as measured from the lowest adjacent grade in lieu of the maximum 6-feet permitted in a Hillside Grading area.

Other Conditions

4. **Construction** – During construction activities, adjacent property owners and tenants using the existing shared driveway shall be allowed vehicular access to their respective properties.
5. **Landscaping** – The applicant shall consult with a certified arborist as to how to protect significant tree plantings during construction at the rear of the property at 2127 Glendon Avenue
6. **Truck deliveries** - Truck deliveries and loading for the commercial uses shall be limited to the hours of 8 am to 4 pm, Monday through Saturday. No truck deliveries shall occur outside of that time period or on Sunday.
7. **Design** – The façade of the building shall have three 13-foot 6-inch wide indentations to articulate the building from the base of the second floor to the sky as shown in the renderings in Exhibit D.

FINDINGS

General Plan Findings

1. **General Plan Land Use Designation.** The subject property is located within the West Los Angeles Community Plan area, adopted on July 27, 1999 (pursuant to Council File 98-2024). The West Los Angeles Community Plan land use designation for the site is Neighborhood Commercial with corresponding zones of with C1, C1.5, C2, C4, RAS3, RAS4 and P. Thus, the requested RAS4 and recommended RAS3 zones are consistent with the Plan's range of zones.
2. **General Plan Text.** The following West Los Angeles Community Plan land use objectives are consistent with the proposed development:

Objective 1-1: *To 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 projected population of the Plan area to the year 2010.*

Policy 1-1.1 *Protect existing single family residential neighborhoods from new out-of scale development and other incompatible uses.*

Policy 1-1.3: *To provide for adequate multi-family residential development.*

The recommended Project will meet the above goal, policies, and objectives of the West Los Angeles Community Plan by providing much needed housing. The proposal will add apartments to supply additional rental opportunities providing for a better diversified housing stock for the City's growing population and improve the balance of housing to jobs in the vicinity.

With the recommended zone change and conditions by staff, the Project should be designed to respect the existing single-family neighborhood to the east and scaled so as to not overwhelm the surrounding buildings along Westwood Boulevard. Currently, Westwood Boulevard is developed mainly with 1 to 2 story commercial structures. While this street is expected to transition in the future, such a transition should be gradual and scaled to be consistent with the fact that single-family uses directly abut the commercially zoned properties along Westwood Boulevard without the buffer of an alley. The transition should also respect the fact that smaller businesses along Westwood Boulevard need street parking for their patrons and any new development should not create competition for street parking to the point that it is deleterious for existing business in the area. Given this, the density allowed in the RAS3 zone is more compatible with the neighborhood compared to RAS4, particularly since an RAS project at this site has the potential to be precedent setting and any impacts created here could be multiplied as other, similar projects are developed in the future.

Objective 1-2: *To reduce vehicular trips and congestion by developing new housing in proximity to adequate services and facilities.*

Policy 1-2.1: *Locate higher residential densities near commercial centers and major bus routes where public service facilities and infrastructure will support this development.*

As a general rule, RAS4 projects should be located near larger commercial centers and mixed-use boulevards that have been identified in the vicinity and provide major transit options to a variety of destinations. These centers and streets, which include Century City, Westwood Village, and Santa Monica and Wilshire Boulevards, provide a high degree of shopping, services and employment options along with convenient transit options for local and regional mobility. There should be a compelling reason to recommend an RAS4 project outside such centers and mixed-use boulevards.

On the other hand, Westwood Boulevard is a mixed-use street with a “neighborhood district” scale, as identified in the City’s General Plan Framework, and any residential density recommended for this street should consider this context versus the scale of centers and boulevards that have been developed with more intensity. The recommended RAS3 zone Project will locate new housing directly above neighborhood-serving commercial uses and within walking distance to neighborhood oriented restaurants, services, and retail shops along Westwood Boulevard, creating opportunities for residents to walk to these services, thereby reducing vehicular trips and congestion. Transit does exist at this location but not at the concentration that it does at the aforementioned centers and boulevards. As such, transit is more convenient for local travel where transferring to another bus line is not necessary.

Objective 1-4: *To promote adequate and affordable housing and increase its accessibility to more segments of the population, especially students and senior citizens.*

Policy 1-4.1: *Promote greater individual choice in type, quality, price and location of housing.*

Policy 1-4.2: *Ensure that new housing opportunities minimize displacement of residents.*

The recommended Project will contribute to the production of new housing to meet the diverse economic needs of existing residents and the projected population of the Plan area. The recommended Project replaces a commercial development with a mixed use (commercial/residential) Project, which will provide new housing opportunities without displacing any existing residents.

The commercial needs of the community are set forth in Goal 2 of the Plan, which states: “A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.” The recommended development promotes economic vitality by replacing an existing office building with a mix of neighborhood serving uses while providing a residential population to support local businesses. The condition requiring no 100% residential uses was placed on this case in support of Goal 2. The site is in a Pedestrian Oriented District which under Section 13.07.E.2 of the Municipal Code requires neighborhood retail on service uses on the ground floor of a structure. The proposed development will also implement the following related commercial Objectives and Policies:

Objective 2-1: *To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*

Policy 2-1.1: *New commercial uses should be located in existing established commercial areas or shopping centers.*

- Policy 2-1.2: Protect commercially planned/zoned areas from encroachment by residential only development.*
- Objective 2-2:** *To promote distinctive commercial districts and pedestrian-oriented areas.*
- Policy 2-2.1: Encourage Pedestrian-oriented design in designated areas and in new development.*
- Policy 2-2.2: Promote mixed use projects along designated transit corridors and in appropriate commercial centers.*
- Policy 2-2.3 Require that mixed-use projects and development in pedestrian oriented districts be designated and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.*
- Policy 2-2.5 Require that first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses.*

The subject property is within an existing commercial area that is designated for Neighborhood Commercial land uses. The recommended development mixes ground floor commercial uses with residential uses above providing a new customer base to support on-site and nearby businesses. The quality of architectural design and distinctive character of the building will be achieved by a unique and varied building footprint that consists of a front ground-level setback, a fourth-story rear step back and recesses in the building façade above the ground floor at the front of the building. Therefore, the recommended Project will contribute to an aesthetic enhancement of the commercial area and will set the tone for future mixed-use developments along this section of Westwood Boulevard for scale, massing and design.

The recommended development will provide new housing in this area of the City and activate the sidewalk with pedestrian oriented uses on the ground floor along a stretch of Westwood Boulevard that lies within the Westwood/Pico Neighborhood Overlay District. The commercial uses will complement the pedestrian oriented nature of the street. The mix of residential and commercial uses will contribute to a reduced need for private vehicular use for residents who will be in close proximity to commercial services and public transportation.

3. The **Transportation Element** of the General Plan will not be affected by the recommended action herein. However, any necessary dedication and/or improvements of Westwood Boulevard to designated Secondary Highway street standards will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.
4. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
5. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoin the subject property.

6. Zone Change Findings

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

This segment of Westwood Boulevard, within the Westwood/Pico Neighborhood Oriented District, is an ideal area for the application of the RAS zone. The street provides pedestrians with local transit options as well as inviting ground level neighborhood retail and uses. The City has adopted policies (see Finding 2 for more details) to encourage mixed-use development in this district.

However, determining the appropriate RAS zone is contextual and factors such as adjacent land uses and street typology must be considered. In this case, the site is directly adjacent to single-family residential uses to the east without an alley in between to provide additional setback between larger buildings along Westwood Boulevard and the residential uses. Any development that is recommended must be compatible with the single-family neighborhood to minimize impacts. An RAS3 zone affords less intense density as compared to the RAS4 zone because there are fewer units thus, by reason, it would have less impact on the surrounding neighborhood. An RAS4 zone would be better suited in identified centers or nodes in the West Los Angeles Community Plan that have the physical capacity to handle the density.

Another factor to consider is the street designation of Westwood Boulevard, designated a Secondary Highway in the West Los Angeles Community Plan. By nature, this street does not have the same physical capacity to handle density and traffic compared to a Major Highway. As a general rule, the more intense RAS4 zone should be confined to streets that have a Major Highway designation unless there is a compelling reason to recommend otherwise, such as policies in the Community Plan that guide higher density development to specific locations. No such reason exists in this case. Therefore, staff disapproves the requested RAS4-1VL-POD zone and recommends a zone change to RAS3-1VL-POD.

The recommended RAS3-1VL-POD zone is consistent with the existing Neighborhood Commercial Community Plan Land Use designation. The RAS3 zone contemplates a mixed-use project with ground floor commercial use and upper level residential units, and the recommended Project conforms with this configuration. There is a necessity for housing in all income levels. The recommended Project will create more opportunity for multi-family rental housing in the vicinity.

The recommended zone change from C4-1VL-POD to RAS3-1VL-POD will permit the construction, use, and maintenance of a mixed-use development containing up to 23 residential apartments and approximately 7,950 square feet of neighborhood serving commercial uses. The intent of the RAS3 zone is to increase housing opportunities in commercial areas, especially along commercial corridors where integrated residential and commercial uses can benefit from existing infrastructure. The RAS3-1VL zone provides twice the project intensity of C4-1VL zone by increasing the FAR from 1.5:1 to 3:1. This additional intensity supports development of upper level residential units that would afford additional housing capacity and provide benefits such as neighborhood uses in close proximity to residences without disrupting the neighborhood character.

According to the adopted City of Los Angeles Housing Element, the City is in need of new dwelling units to serve both the current population and the projected population. The recommended project and the Zone Change to the RAS3 zone, which will provide the

required FAR to permit R3 density to be built, will provide the community with 23 new residential units for the rental market.

One of the objectives of the West Los Angeles Community Plan is, "To promote distinctive commercial districts and pedestrian-oriented areas". Changing the existing zone to an RAS3 zone and allowing the height to the recommended 44 feet is consistent with the objectives of the Community Plan. Through the development of mixed-use (residential and commercial), the project envisions a mix of compatible uses that will complement the existing residential uses in the area and provide expanded modern retail opportunities to existing residents and users of the commercial corridor along Westwood Boulevard.

The floor area gained (from 1.5:1 to 3:1) by the recommended Zone Change will permit the residential portion of the project to be built. Without such a change, the combined residential and commercial component of this Project would be difficult, if not impossible, to build because of the larger floor areas required for residential development; the site is large enough to support the recommended mixed-use project, however the current zoning limits the floor area necessary to support it. The recommended Zone Change is, therefore, necessary to facilitate the transformation of the currently underutilized site into a vibrant mixed-use development.

7. Director's Determination Findings Pursuant to Section 13.07

The applicant has requested an Adjustment from the Municipal Code to permit a residential building with zero setback for that portion exceeding 40-feet height in lieu of the minimum 20-foot setback otherwise required from the front property line for a building in a pedestrian oriented district. Staff subsequently determined that Findings for this request should be prepared through a Director's Determination.

A. If adjacent to a cultural resource that the project will be compatible in scale to that resource.

The site is not adjacent to any cultural resources, thus there are no issues of compatibility with regard to scale to any resources.

B. The project conforms to with the intent of the development regulations contained in Subsection E of Section 13.07.

The purpose of the stepback requirement for that portion of the building exceeding 40-feet in height in the Westwood/Pico Neighborhood Oriented District is to break up the mass along the facades of buildings in a pedestrian area. The applicant has designed the building in such a way that there are three 13-foot wide indentations that run from the top of the building to the base of the second story along the facade. In lieu of the stepback along the portion of the building above 40 feet, these indentations shall provide visual relief along the façade of the building. This is consistent with the intent of the regulations contained in Subsection E of Section 13.07. Moreover, Condition No. 7 in the Condition of Approval section of this report was included to maintain the intent of the development regulations in the District.

C. The project is compatible with the architectural character of the Pedestrian Oriented District where the character is defined pursuant to the ordinance establishing that district.

A majority of structures in the Westwood/Pico Neighborhood Oriented District are defined architecturally as having such similar details as the location of windows, building

walls and pedestrian entrances. The recommended project would continue these architectural details which would encourage people in the surrounding neighborhood to walk to and shop at this location. Therefore, this project is compatible with the architectural character of the district.

- D. The project complies with theme requirements or other special provisions when required in the individual Pedestrian Oriented District.*

There are no theme requirements in the Westwood/Pico Neighborhood Oriented District thus a Finding is not necessary.

- E. The project is consistent with the General Plan.*

The purpose of the Pedestrian Oriented District is to preserve and enhance existing areas or create new areas where pedestrian activities are common, to encourage people to walk and shop in areas near their workplaces and/or residences thereby reducing multiple automobile trips, and to stimulate high quality future development compatible with pedestrian uses.

The recommended project is consistent with this purpose in that it adds residents to the neighborhood that can walk to neighborhood retail serving uses and it also adds retail space that is compatible with the existing commercial/retail space.

8. Adjustment Findings Pursuant to Section 12.28 of the Municipal Code

The applicant has requested Adjustments from the Municipal Code: 1) to permit reduced open space of 3,820 square feet in lieu of the minimum 4,775 required for this Project; and 2) to permit an over in height wall of 8-feet in lieu of the maximum 6-feet permitted.

- A. That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.*

Balconies will not be located along the rear side of the building which will reduce the amount of open space within the building. These units will have the façade of a French balcony, but will not be accessible to allow privacy for the single-family properties directly to the east. The reduction of open space will be consistent with commercial properties to the north and south since they do not contain open space and compatible with single-family properties to the east due to increased privacy.

The request to build an over-in-height wall of 8 feet in lieu of 6 feet in the rear yard is a technical issue to help attenuate vehicular noise from the driveway leading to the subterranean parking of the proposed development. This wall will be decorated with trees and not be visible from Westwood Boulevard.

The granting of these adjustments will help make the Project more compatible with the surrounding residential properties to the east.

- B. That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.*

The General Plan designates the subject site as Neighborhood Commercial. The requested zone of RAS3 is a relatively recent addition to the zoning categories and is permitted within the Neighborhood Commercial land use designation. The intent of the

RAS3 zone is to take advantage of neighborhood commercial corridors and allow greater floor area for buildings that contain a mix of commercial and residential uses.

The request to permit reduced open space of 3,820 square feet in lieu of the minimum 4,775 required would help ensure that the Project is not detrimental to properties directly east of the site, and allows for compatible housing to be built along this corridor. This was done at the request of the neighbors who reside directly to the east to help alleviate privacy concerns.

An increase in wall height to 8 feet would allow the site to be more effectively developed with a mixed-use building without being detrimental to the abutting single-family residential properties. The reduction in noise by the higher wall is consistent with Objective 3 of the Noise Element of the City's General Plan to "reduce or eliminate noise impacts associated with proposed development of land and changes in land use. "

Granting these adjustments promote a project that is consistent with the intent of the City's General Plan and furthers many General Plan goals (see Finding 6 for more details).

C. That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

The granting of the Adjustment for reduced open space by excluding rear facing balconies is conformance with the spirit and intent of the Planning and Zoning Code of the City. The Zoning Code allows adjustments from the Code when special circumstances exist, provided that the development does not result in any adverse impacts.

With regard to the reduced open space, granting this request would allow for a sense of separation and privacy with the adjacent single-family residences directly to the east. The applicant has agreed to provide 1,800 sq. ft. of open space on the rooftop that future residents of the building can enjoy. Thus, the granting of this Adjustment is in conformance with the spirit and intent of the Planning and Zoning Code.

An Adjustment to allow an over in height 8-foot rear yard wall as measured by the nearest adjacent grade would help to mitigate impacts that would be created by the proposed development by providing increased privacy and reduced noise. This height in wall is typically allowed in the RAS3 zone; however, this property is located in a Hillside Grading area and Section 12.22 C.20.f(3) limits the height of a fence in the rear yard to six feet unless an Adjustment is granted. Since the slope of the subject property and surrounding properties is essentially flat, the granting of this Adjustment is in conformance with the spirit and intent of the Planning and Zoning Code.

D. That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.

There are no adverse impacts from the recommended Adjustments. The Adjustments enable the applicant to develop an infill residential project in close proximity to shopping services while promoting General Plan goals to encourage a variety of housing types in locations where infrastructure and services support such development. Development of the site with a use and design that is sensitive to the location will result in a Project that will ultimately have much less impact on its surroundings than alternative, commercial uses that are currently permitted on the site by-right.

Eliminating rear facing balconies will not create any adverse impacts on adjacent neighbors. In fact, granting this Adjustment will help to eliminate impacts by reducing privacy concerns of the neighbors directly to the east, particularly since there is no alley in between properties to act as a buffer.

A similar argument can be made with regard to granting an Adjustment for a wall 8 feet in height. Since there is no alley separation to help buffer noise impacts from the recommended property, a higher wall is necessary to keep noise from spilling over to the adjacent single-family properties directly to the east.

A Mitigated Negative Declaration, ENV-2007-2399-MND, has been prepared for this Project in full compliance with the California Environmental Quality Act. There are no adverse impacts, or the adverse impacts will be mitigated, for the rear yard at ground level. The environmental review provides appropriate mitigation measures necessary to reduce any potentially significant environmental effects to a level less than significant. The Project will comply with all mitigation measures.

E. The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.

The site is in an urban area with properties to the east improved with single-family uses. Flexibility for open space requirements is necessary to allow a project that is feasible in this environment while protecting surrounding uses. The request to permit reduced open space of 3,820 square feet in lieu of the minimum 4,775 required would help ensure that a Project is not detrimental to properties directly east of the site, and allows for compatible housing to be built along this corridor. This was done at the request of the neighbors who reside directly to the east to help alleviate privacy concerns.

In addition, potential noise impacts to the adjacent single-family properties directly to the east make a 6-foot high wall impractical since the objective of the wall is to attenuate sound from vehicles parking along the rear of the property or in the subterranean garage. An 8-foot high wall is necessary to attenuate spillover noise radiating from the property to the single-family residences to the east.

9. Environmental Findings (CEQA) - For the reasons set forth in the proposed Mitigated Negative Declaration number ENV-2007-2399-MND, the Project will not have a significant effect on the environment.

PUBLIC HEARING AND COMMUNICATIONS

Summary of Public Hearing Testimony and Communications Received

The Public Hearing on this matter was held at West Los Angeles Municipal Building, Second Floor Hearing Room, 1645 Corinth Avenue, Los Angeles, CA 90025 on Monday, January 26, 2009, at 10:00 AM.

1. Present: Approximately 50 people attended.
2. Speakers: 24 people provided testimony. 9 supported, 6 opposed, and the remaining took no position
3. A representative of Councilmember Jack Weiss, Council District 5, was present and provided testimony that supported conditional approval of the Project.

Public Hearing Testimony Notes

Representative from CD 5

1. The representative provided testimony that the Council office has worked with stakeholders for 2 years to craft a better Project. In principal, CD 5 supports mixed-use projects along boulevards that provide transit options but have concerns with RAS4 density at this location, although a lot of progress has been made with respect to the height and rear setback of the fourth floor.
2. CD 5 is committed to a dialogue towards working on construction impacts, appropriate landscaping, saving trees of the properties to the east, and making sure that the applicant hires a sound consultant to identify the appropriate height of the rear property wall and to mitigate noise from the driveway. There are many details that need to be worked out.

Testimony for supporting the Project:

- There is currently limited multi-family housing in the area
- The Project will create employment opportunities and tax revenues
- The Project will create more pedestrian activity along Westwood Boulevard
- The location is along a transportation corridor
- This Project will provide affordable apartment units
- To mitigate congestion, infill mixed-use projects are superior to housing built in far-away suburbs

Testimony given to oppose the Project:

- Increased traffic and its impacts on the community
- Excessive housing density proposed
- Scale is not compatible with surrounding community
- This Project is precedent setting with respect to the density
- Will create parking problems for adjacent businesses and residential neighborhood

Communications Received

Letters - Opposition:

The Department received three letters opposing the Project and provided the following reasons:

- Not willing to support an RAS4 density project along this stretch of Westwood Boulevard.
- Westwood Boulevard is traffic-choked during most hours of the day
- The Project will change the character of the neighborhood.
- See Exhibit D