



# CENTRAL LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

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Determination Mailing Date: MAR 24 2010

**CASE NO. APCC-2009-2066-SPE-ZAA-ZAD-SPP**  
CEQA: ENV-2009-2036-MND

Location: 1416 W. Beverly Boulevard  
Council District: 13  
Plan Area: Westlake  
Request(s): Specific Plan Exception, Adjustment,  
Determination, Project Permit Compliance

**Applicant:** Mathew C. Sullivan for Beverly & Lucas, LLC  
Representative: Jim Ries, Craig Lawson Co.

At its meeting on **February 9, 2010**, the following action was taken by the Central Area Planning Commission:

1. **Approved an Exception** from Section 6.F.3.a.2 of the Central City West Specific Plan CCWSP to permit a 68-unit, multiple family residential building without commercial floor area, which is otherwise required within the Specific Plan's RC4(CW) Land Use Category.
2. **Approved a Determination** to deviate from LAMC Section 12.21 C.8. a to provide more than two retaining walls and to build retaining walls in excess of the permitted Height. Permit the following:
  - a. Build up to a maximum of 3 retaining walls in certain areas.
  - b. Build retaining walls that exceed the permitted height by as much as 8 feet. (The first area occurs between the alley and building A (Site Section 17 and 18 as shown on plan no. A1.01). The second area is along Lucas between the two building entrances (Site Section 5 and 6 as shown on plan no. A1.01).
  - c. Build walls and/or fencing on top of these retaining walls that exceed what is permitted by the Code (As shown on Site Section 5, 15, and 18).
3. **Approved an Adjustment** to permit a reduced yard of 6 feet 10 inches, for approximately 15-feet along the Lucas frontage in lieu of the required 15 feet to allow for encroachment of architectural elements.
4. **Approved a Project Permit Compliance and a Director's Alternative Compliance** pursuant to Appendix D Section C 2 of the CCWSP to locate 50% of the required trees off-site.
5. **Adopted** the attached Findings and Conditions of Approval.
6. **Adopted** Mitigated Negative Declaration No. **ENV-2009-2036-MND** and associated Findings.
7. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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

This action was taken by the following vote:

Moved: Y. Kim  
Seconded: Acevedo  
Ayes: Martorell  
Absent: J. Kim  
Vacant: One

Vote: **3-0**

  
James Williams, Commission Executive Assistant I  
Central Los Angeles Area Planning Commission

**Effective Date / Appeals:** The Commission's determination will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

LAST DAY TO APPEAL APR 09 2010

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Conditions of Approval, Findings  
City Planner: Lynda Smith

**CONDITIONS OF APPROVAL****A. Specific Plan Exception Condition(s).**

1. **Mixed Use Requirement.** Building A (as identified on the Plot Plan stamped and dated 2/9/10) which is located within the RC(CW)-U/3.7 zone, shall be permitted without commercial floor area.

**B. Determination Condition(s).**

2. **Walls and Fences.** Development of project walls and fences shall be as follows:

- a. A maximum of 3 retaining walls shall be permitted.
- b. The height and location of retaining walls, fencing and walls located on top of retaining walls shall be in substantial conformance with the Site Wall Sections stamped and dated **February 9, 2010** (EXHIBIT B-3).
- c. All retaining walls located adjacent to or along building frontage(s) shall be buffered from view using an organic plant material such as flowering evergreen or clinging/hanging vines.

- C. **Adjustment Condition.** The following shall be permitted in Lieu of the required 15 foot front yard requirement.

3. **Front Yard.** A minimum front yard of 6 feet 10 inches shall be permitted for a maximum of 15 feet along the Lucas Avenue frontage of building A as indicated on the Site Plan stamped and dated 2/9/10.

**D. Project Permit Compliance Conditions.**

4. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot Plan, Site Plan, Site Wall Sections, Building Elevations, Building Section Plans and Landscape Plans, submitted with the application and marked **Exhibit B1 through B6**, stamped and dated **February 9, 2010**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans which include a comprehensive plant schedule, shall be submitted to the City Planning Department for review.

5. **Demolition Permit for Residential Buildings.** No demolition permit for any building or structure used for residential purposes within the Specific Plan area shall be issued until: (1) the Housing Department has determined, in writing, the number of Low and/or Very Low Income Dwelling Units or guest rooms, if any, contained in the building or structure; and (2) the owner of the building or structure has executed

an acknowledgement of the replacement housing requirement in Section 11 C of the Central City West Specific Plan, if applicable, to the satisfaction of the Housing Department. The acknowledgement shall be recorded with the County Recorder and submitted to the Housing Department and the Department of Building and Safety

**6. Permitted Uses.**

- a. **R4(CW).** All use and area regulations shall apply as pursuant to Section 6.F.1 of the Central City West Specific Plan, except as may be permitted herein.
- b. **RC4(CW).** All use and area regulations shall apply as pursuant to Section 6.F.3 of the Central City West Specific Plan, except as may be permitted herein.

**7. Reserved Affordable Units.** 100% of all Reserved/Restricted Project units (123) shall be maintained as "Affordable", as defined by the State of California and/or the Los Angeles City Housing Department guidelines. Additionally:

- a. Prior to the issuance of any building permits, the applicant shall provide the Planning Department proof of recordation of a covenant and agreement, satisfactory to the Housing Department, assuring compliance with the Affordable Housing Incentive Program (Ordinance No. 170,764) and related Guidelines, including: relevant performance standards and criteria; and, tenant affordability, eligibility and monitoring requirements. The Reserved/Restricted dwelling units to be constructed on the subject property shall be reserved for at least 30 years, from the issuance of a Certificate of Occupancy, as "Affordable".
- b. Prior to the issuance of a Certificate of Occupancy, the applicant shall obtain final clearance from the Housing Department that all conditions of the covenant and agreement per paragraph (a) above have been met. A copy of the final clearance shall be provided to the Planning Department for attachment to the subject City Plan Case file.

**8. Height.** The height of Building A shall not exceed 81 feet 6 inches. The height of Building B shall not exceed 77 feet. The height of all buildings and structures on the subject site shall be subject to the requirements of Section 8.A of the Central City West Specific Plan.

**9. Parking.** Parking for all Restricted Affordable Units shall be provided Pursuant to LAMC Section 12.22 A 25. All other parking shall be provided as Pursuant to LAMC 12.21A 4.

**10. Signs.** Prior to the issuance of any sign permit(s), a Project Permit Compliance review and approval shall be required.

**11. Underground Utilities.** In compliance with Section 15 of the Specific Plan, all new utility lines which directly service the site shall be installed underground. Provisions

for future underground service shall be as determined by the Department of Water and Power.

12. **Dedications and Improvements:** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering and the Department of Transportation. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. If required dedications and improvements necessitate redesign of the project, any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department. Notice: The Certificate(s) of Occupancy for the subject project will not be issued by the City until the construction of all public improvements required herein are completed to the satisfaction of the City Engineer.
  13. **Public Requirements.** The applicant shall provide the following, or assurance of suitable guarantees without expense to the City of Los Angeles:
    - a. Construction of sewers to the satisfaction of the City Engineer.
    - b. Construction of drainage facilities to the satisfaction of the City Engineer.
    - c. Installation of street lights to the satisfaction of the Bureau of Street Lighting.
    - d. Installation of tree wells to the satisfaction of the City Engineer and the Urban Forestry Division of the Bureau of Street Services.
  14. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
  15. **Aesthetics (Graffiti).** Every building, structure, or portion thereof shall be maintained in a safe and sanitary condition and in good repair. The premises of every building or structure shall be maintained in good repair and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Sections 91.8104. The exterior of all privately owned 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.
- E. **Directors Alternative Compliance.** Pursuant to Appendix D Section C 2 of the Central City West Specific Plan, the proposed Project shall be permitted to locate a maximum of 50% of the required trees off-site. The placement of these trees shall be approved by the Director of City Planning and sited as follows: First, at locations

within the Specific Plan Area, or second, at locations within the Westlake Community Plan Area.

F. **Environmental Conditions.**

16. **Glare.** The exterior of the proposed building shall be constructed of materials, such as, high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.
17. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties. Security lighting shall be required along the alley and all street frontages
18. **Cultural Resources (Archaeological).** If any archaeological materials are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas until the Planning Department of the City of Los Angeles is contacted and agrees upon a qualified archaeologist to be brought onto the Project site to properly assess the resources and make recommendations for their disposition. Construction activities could continue in other areas. If any find were determined to be significant by the archeologist, they shall be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.
19. **Cultural Resources (Paleontological).** A qualified paleontologist, as determined by the Planning Department of the City of Los Angeles, shall monitor future ground-disturbing activities in native soil. In the event that paleontologist resources are discovered during grading and/or excavation, the monitor shall be empowered to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance. Construction activities could continue in other areas. If any find were determined to be significant by the paleontologist, they shall be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.
20. **Seismic.** The proposed Project shall implement all recommendations for building design features included in the Geotechnical Study prepared for the project.
21. **Explosion/Release (Asbestos Containing Materials).** 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.

22. **Methane.** The Applicant shall abide by Design Level II Standards as presented in the City of Los Angeles Methane Code, which would require the Project to incorporate a passive methane mitigation system, a horizontal membrane and venting system, trench dams and utility seal-offs. Additionally, at the design level phase, the Project shall implement the engineer's design recommendations subject to the approval of the Department of Building and Safety, and the City of Los Angeles Fire Department.
23. **Construction Noise.** The following shall apply:
- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
  - b. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
  - c. Noise construction activities whose specific location on the site may be flexible shall be conducted as far as possible from the nearest noise-sensitive land uses, and natural and/or manmade barriers shall be used to screen propagation of noise from such activities toward these land uses to the maximum extent possible.
  - d. Equipment warm-up areas, water tanks and equipment storage areas shall be located as far as possible from the surrounding residential uses.
  - e. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
  - f. Flexible sound control curtains shall be placed around drilling apparatuses and drill rigs used within the Project site, if sensitive receptors are located at or within 50 feet.
  - g. All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent possible.
  - h. The project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.
24. **Construction Related Groundborne Vibration.** The following shall apply:
- a. Existing structure demolition and site excavation located within 75 feet of the multiple-family uses shall only occur between 9 a.m. and 5 p.m. Monday through Friday.
  - b. Groundborne vibration construction activities whose specific location on the site may be flexible shall be conducted as far as possible from the nearest noise and vibration-sensitive land uses, and natural and/or manmade barriers shall be used to screen propagation of noise from such activities toward these land uses to the maximum extent possible.

25. **Hydrology and Water Quality.** The Applicant shall comply with the following:

Section 402 (p) of the federal Water Pollution Control Act, or Clean Water Act; Order No. 01-182 of the Los Angeles Regional Water Quality Control Board; The requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board; The Los Angeles Municipal Code; and The State Water Resources Control Board, Storm Water Pollution Prevention Plan which shall incorporate Best Management Practices (BMPs). The owner of the project site shall maintain all structural or treatment control BMP's for the life of the project.

24. **Public Services (Police General).** The Applicant shall contact the Crime Prevention Unit of the Los Angeles Police Department of advice with respect to crime prevention features and shall incorporate any feasible features into the design of the proposed project. The Applicant shall provide the Rampart Area Commanding Officer with the diagram of each portion of the property. The diagram shall include the access routes and any additional information that might facilitate police response as requested by the Rampart Area Commanding Officer.

25. **Public Services (Schools).** The Applicant shall comply with the California Education Code Section 17620(a)(1) and shall be obligated to pay any required developer impact fees as established at the time of project development.

26. **Public Services (Parks).** The Applicant shall comply with Los Angeles Municipal Code Section 17.12 and pay applicable Quimby Fees and Los Angeles Municipal Code Section 21.10.3(a)(1) and pay applicable Parkland Fees.

27. **Public Services (Libraries).** The Applicant shall pay a mitigation fee of \$200 per capita or \$87,600, based upon projected residential population generated as a result of the buildout of the project.

28. **Utilities and Service Systems.** The following shall apply:

- a. Prior to the issuance of any demolition or construction permit, the Applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
- b. The contractor shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- c. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.



- d. A recyclables collection room shall be maintained and available for residential use at all time.

**G. Administrative Conditions of Approval.**

29. **Approval, Verification and Submittal(s).** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
30. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
31. **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 Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
32. **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.
33. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
34. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
35. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, walls and fences, building separations, design or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
36. **Utilization of Entitlement.** The applicant/owner shall have a period of two years from the effective date of the subject grant to effectuate the terms of this 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 privileges, the applicant files a written request and is granted an extension to the termination period for up to one additional year pursuant to Section 12.24 J of the Municipal code. Thereafter, the entitlement shall be deemed terminated and the property owner shall be required to secure a new authorization for the use.

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

## FINDINGS

- A. **Specific Plan Exception Findings.** *From Section 6.F.3.a.2 of the Central City West Specific Plan to permit a 68 unit, multiple-family residential building without commercial floor area, which is otherwise required within the Specific Plan's RC4(CW) Land Use Category.*

***The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.***

Section 6.F.3.a.2 of the Central City West Specific Plan requires that new uses in the RC4(CW) zone be mixed-use with residential and commercial. The Applicant has requested an exception to build a 100% residential project. A primary purpose of the mixed-use zoning is to create a pedestrian environment by locating housing near shopping and jobs thereby reducing vehicle trips.

The subject site is located at the intersection of Beverly Boulevard, Lucas Avenue and Glendale Boulevard. Beverly Boulevard which is the primary frontage for the subject site, contains a bridge overpass which carries over Glendale Boulevard. The surrounding uses which include a city maintenance yard, light manufacturing uses, auto body repair shops and parcels to the south which are currently being built out as LAUSD school sites, are not pedestrian oriented. The bridge overpass creates a significant barrier between the uses on the south and the existing commercial uses on the north side of Beverly Boulevard. The streets adjoining the Project site and existing commercial uses are designed for and geared towards the automobile, and because of the bridge overpass, pedestrian activity would be unlikely to increase with one new commercial use at the subject site. Because there are no existing commercial uses immediately adjacent to the Project site and because of the design of the surrounding streets, a new commercial use, which would depend upon and be oriented toward pedestrian traffic would not be viable at the Project site.

The proposed project is located on an irregularly "L" shaped site which is dual zoned, RC4(CW) and R4(CW). Mixed Use development is only required on that portion of the site zoned RC4(CW), The R4(CW) zoned portion of the site, which fronts Beverly Boulevard, is on the north side of the east-west alley that abuts the site and the RC4(CW) zoned portion of the site is on the east side of a north-south alley which runs along the rear of the site. The site is comprised of land that is both relatively flat and experiences a steep grade difference. The top of the site is relatively level, but site elevations vary from 393 feet to 347 feet for a total elevation difference of 46 feet across the entire site. A very steep, 20-foot high slope is located along Beverly Boulevard. This is the portion of the site that requires a commercial component. The site's natural grade coupled with the presence of the Beverly Boulevard bridge, makes it difficult to incorporate a pedestrian oriented design or viable commercial uses along this frontage.

The requirement to provide a commercial use within the proposed residential Project results in an unnecessary hardship that is inconsistent with the general purpose and the intent of the Specific Plan to 'Ensure that ...mixed use Projects mitigate the impact of their development on the supply of affordable housing stock through the...construction of

affordable housing within the areas designated by this Specific Plan.' The proposed project is the development of a 100 percent affordable housing project, providing 123 affordable dwelling units for families and seniors. Requiring the Applicant to include commercial space as a part of the Project would result in a reduction of needed affordable housing. It would be inconsistent with the intent of the Specific Plan to have a portion of the Project devoted to commercial space at a location where mixed use development would not likely be viable due to the unique site characteristics and surrounding land use and street grid patterns, and when there is a greater need for affordable housing in the community.

***There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.***

The site is unique and special circumstances exist that do not generally apply to other properties within the specific plan area. The subject site is an irregularly "L" shaped site that is dual zoned. Only a portion of the site requires that the Project provide a mixed use, where the remaining portion of the site is zoned R4(CW) and permits a residential only project. This special circumstance makes providing a unified, cohesive project on the site complex. The area surrounding the Project site is characterized by a combination of light industrial, Institutional, commercial, open space (a new park) and market-rate, high-density, multiple-family residential uses.

The subject site has several exceptional circumstances that make the specific plan exception necessary. They include slope, shape and the proximity to the bridge overpass north of the site. The subject parcel is situated at a complex intersection with very little pedestrian activity. Directly in front of the site is a street overpass, which discourages pedestrian activity at the subject site and would make a commercial use at the site less viable. The site is also located on a steeply sloping site, which also prevents pedestrian activity. Pedestrian activity is hindered in front of the Project site because the slope of the site makes it infeasible to design the building without the use of various retaining walls. The Applicant will provide retaining walls that create a terracing effect for the landscaping. While the inclusion of the retaining walls will make the site more aesthetically pleasing and to a degree, more pedestrian friendly, this will not likely encourage a significant increase in pedestrian activity within the area.

Commercial potential as part of a mixed-use development is not viable since there is very little commercial or pedestrian activity in the immediate vicinity because of the physical barrier along the Beverly frontage. The site's specific location adjacent to a street overpass creates a special circumstance which would severely restrict a vibrant pedestrian friendly mixed-use project. The site's location at this intersection on the steep slope coupled with the Citywide need for affordable housing units makes the request to provide a 100% affordable residential project without a commercial component the highest and best use for the subject site.

***The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.***

The requested exception is necessary for the preservation and enjoyment of a substantial property right generally possessed by other property within the specific plan due to the site's location near a complex intersection with very little pedestrian activity, the site's significant and varying slope and the site's dual zoning. There are no other mixed-use projects in the immediate vicinity, and although there are apartments along Lucas Avenue, there is not a sizeable enough residential population in the immediate area to support commercial uses on the site. The bridge overpass that is located directly in front of the subject site, along the Beverly Boulevard frontage, creates a barrier between the uses on the north side of Beverly and hinders pedestrian access in and around the immediate area. Commercial potential on the subject dual zoned site is not viable since there is very little pedestrian activity in the immediate vicinity and the purpose of the proposed project is to provide much needed affordable housing, not commercial development.

***The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.***

The lack of a commercial component as part of the proposed Project will not be detrimental to the public welfare. There are no existing mixed-use projects in the vicinity and a project that is all residential does not introduce an obnoxious or otherwise incompatible use to the surrounding properties. Not providing a commercial use in conjunction with the proposed Project does not pose any detriment to the community. The property located just across Lucas Avenue, at 1304 West 2<sup>nd</sup> Street, establishes precedence for the exception to not be required to provide commercial uses at the subject site. This site was approved on October 15, 2004 (APCC-2003-9929-SPE-SPP) permitting a 276-unit, market-rate, multiple family residential project without commercial floor area, which was otherwise required within the Specific Plan's RC5(CW) Land Use Category. The public welfare and benefit is greater served by the subject project as an affordable, residential only use.

***The granting of the exception is consistent with the principles, intent and goals of the specific plan.***

The proposed residential only Project and the granting of the requested exception to not provide a commercial component, is consistent with the purposes of the Central City West Specific Plan to ensure that affordable housing projects are viable and that affordable dwelling units are replaced and constructed within the community. While the Central City West Specific Plan sets forth regulations to encourage development that is pedestrian oriented and reduces vehicle trips, a use that is all residential is still consistent with the Central City West Specific Plan in that constructing new affordable residential uses is a primary objective of the specific plan.

The proposed Project is consistent with the following goals contained in the "Purposes" section of the Central City West Specific Plan:

***Section 2.C. Regulate all development including use, location, height and density to ensure compatibility of uses, and to provide for the consideration of transportation and***

*public facilities, aesthetics, historic preservation, open space and the economic and social well-being of area residents.*

The Project consists of residential units that are compatible with existing uses in the community. By constructing new residential uses on property that is currently under-utilized the Project will assist in the elimination of blight and further deterioration by upgrading the subject property with a well designed, affordable housing project that is physically compatible with other new development in the area. In turn, rehabilitating a property in decline will enhance the physical character of the area and stimulate economic activity and investment in the surrounding neighborhood. The availability of public transportation and proximity to central downtown will support the social well-being of area residents because they will have easy access to the jobs, culture and entertainment opportunities available in the Downtown area.

***Section 2.D. Protect the existing residential community from further displacement, replace dwelling units previously removed from the Specific Plan area, and provide new housing in proportion to the need, by household size and income, associated with the existing community and new jobs generated in the Plan area.***

The property is currently improved with one occupied multi-family residential building with 12 apartments, one occupied single-family residential unit, unoccupied residential buildings, vacant land, and an industrial building, all of which will be demolished to accommodate the proposed Project. Most of the newly constructed residential units in the vicinity tend to be at the mid- to high-end of the price spectrum. The 125 residential unit Project includes 100% affordable units (68 affordable units and 57 senior affordable units) all on-site. There is high demand for the type of units proposed in this Project. The greater availability of a wide range of housing types will have a positive impact on and directly support balancing jobs and housing in the Plan area.

***Section 2.G. Provide for an improved jobs/housing ratio over that which would otherwise have occurred, through the requirement that housing be constructed commensurate with commercial Projects.***

By converting vacant, mostly unoccupied residential units and commercial to affordable housing, the proposed residential Project will improve the jobs/housing balance within the greater vicinity as a greater range of housing types will be created. The Downtown commercial core, which is proximate to the subject site, is a major source of jobs in Los Angeles. However, the Downtown area lacks an adequate supply of quality, affordable residential units in close proximity to these jobs.

#### Westlake Community Plan

The Westlake Community Plan also contains applicable principles and goals for residential development embodied in the "Community Issues and Opportunities" section:

*To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population.*

The Applicant proposes to build 125 affordable residential units of various sizes, satisfying the needs of low-income families and senior citizens in the community's population. The unit mix is composed of 56 one-bedroom senior units, 30 units with more than three habitable rooms, 13 units with three habitable rooms, 24 units with less than three habitable rooms and 2 manager's units. The project will provide housing to two segments of the population that are not usually targeted for most new residential projects in the area. New construction built in the downtown area has been geared towards high-income earning patrons and market-rate units.

The proposed Project will provide current and future Downtown employees with housing at a premium location. The Project will add a total of 125 affordable dwelling units to the City's downtown-adjacent housing stock. Additionally, as currently designed, it will provide 68 affordable units within the Specific Plan area, so that low-income families will also have easy access to the Downtown job market. The proposed Project is very close to many bus transit lines. The Project area is currently served by five Metro (Los Angeles County Metropolitan Transportation Authority) and two DASH routes (the City of Los Angeles DASH service) making access to local jobs and services easier for project residents.

The Project is consistent with the four Goals of the Housing Element:

**Goal 1:** *A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, sanitary and affordable to people of all income levels, races, ages, and suitable for their needs.*

**Goal 2:** *A City in which housing helps to create safe, livable and sustainable neighborhoods,*

**Goal 3:** *A City where there are housing opportunities for all without discrimination.*

**Goal 4:** *A City committed to ending and preventing homelessness.*

The proposed Project is also consistent with a number of the objectives and policies of the Housing Element.

**Policy 1.1.2:** *Promote affordable rental housing for all income groups that need assistance.*

**Policy 1.1.3:** *Facilitate new construction of a variety of housing types that address current and projected needs of the city's households.*

**Policy 1.2.3:** *Rehabilitate and/or replace substandard housing with housing that is decent, safe, healthy, sanitary and affordable and of appropriate size to meet the city's current and future household needs.*

**Policy 1.4.2:** *Promote the development of new affordable housing units citywide and within each Community Plan area.*

**Policy 2.2.6:** *To accommodate projected growth to 2014 in a sustainable way, encourage housing in centers and near transit, in accordance with the General Plan Framework Element, as reflected in Map ES.1.*

**Policy 2.4.4:** *Promote residential development that meets the needs of current residents as well as new residents.*

**Policy 3.1.1:** *Promote and facilitate equal opportunity practices in the sale and rental of housing.*

The construction of the proposed 125 affordable residential units is consistent with the

principles, intent and goals of the Central City West Specific Plan, the Westlake Community Plan, the City of Los Angeles General Plan Housing Element.

- B. **Zoning Administrator Determination.** Pursuant to LAMC Section 12.24 X 26 (ZAD), to provide more than two retaining walls and to build retaining walls in excess of that permitted.

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

The granting of the subject adjustment will result in development compatible and consistent with the surrounding uses. The topography of the area surrounding the Project site is characterized by varying and moderately steep terrain. The general area consists of level and some significantly sloping land.

The proposed buildings configuration and orientation on the site is the result of maximizing views on a site with existing topography constraints. The proposed structures sit on a base that breaks down into the site via multiple small planter/retaining walls that will closely mimic the existing vegetation and topography of the site. The topography of the area surrounding the Project site is dominated by varying and moderately steep terrain. The elevations vary from 393 feet to 347 feet for a total elevation difference of 46 feet. A very steep slope is located along West Beverly Boulevard. Due to the slope from both West Beverly Boulevard and South Lucas Avenue, the existing buildings on the Project site are constructed into the hillside. There are existing retaining walls up to eight feet in height throughout the subject site. Due to the slope on the site and intermittently dispersed throughout the area, the proposed Project, as designed, is compatible with other surrounding uses developed on sloped sites.

#### **Number of Retaining Walls**

If the Project were limited to providing only two retaining walls as per the LAMC, these would need to be two very high blank walls out of necessity in order to retain the sloping site. To enhance project design and to support creation of a pedestrian friendly environment, the Applicant is proposing to provide multiple smaller retaining walls which will create a terracing effect. If only two retaining walls were permitted, the Project would appear to be merely large blank walls from the street level which creates a magnet for graffiti and vandalism and does not support pedestrian orientation and elimination of blight. There is already minimal pedestrian activity in front of the site. The existing bridge overpass parallel to Beverly Boulevard coupled with large retaining walls would create a potentially unsafe environment for Pedestrians. Limiting the number of retaining walls would force the Project to provide two large retaining walls rather than the four smaller retaining walls proposed in order to safely retain the site. Large retaining walls located within the front yard would inhibit the potential for terraced landscaping and therefore an inviting building design.

The request to permit more than the two permitted retaining walls is necessary in order for the Project to retain the site and create a visually pleasing, safe and pedestrian-friendly street front. The Applicant is requesting permission to build up to four smaller retaining walls in certain areas as physically needed on the site. Providing more than the permitted



two retaining walls is in keeping with the natural terrain of the existing neighborhood, and therefore consistent and compatible with the surrounding uses. Since the subject property is not a standard rectangular parcel and is located on a severely sloping site, providing more than the permitted two retaining walls is essential to the development of a Project that is compatible with the surrounding uses and with the intent of Central City West Specific Plan.

### **Height of Retaining Walls**

Granting of an adjustment to permit some of the retaining walls to be over the maximum permitted height will result in development compatible and consistent with the surrounding uses. The topography of the area surrounding the Project site is dominated by varying and moderately steep terrain. The proposed retaining walls are essential to retain the site and therefore necessary for the project to succeed. There are no detrimental effects of the proposed fences or walls on any existing views otherwise affected by the proposed Project or on the views enjoyed by the occupants of the adjoining properties. The proposed fences and walls take into account any possible detrimental effect. Limiting the height of the proposed retaining walls would be detrimental to the surrounding area as the project would be unsafe and move the walls closer to the sidewalk. By eliminating the necessary 10 foot high walls in order to retain the Project on the site and by providing more typically shorter walls, the Project is able to more closely mimic the existing natural grade. This provides a benefit to the occupants of the adjoining properties as well.

The height of the proposed fences and retaining walls are measured on a steeply sloping site. Due to the slope of the site, the perception of the height of the walls differs from their actual height. Further, the Project proposes to provide an over-in-height fence in the rear yard for security purposes. This fence will not affect any views currently enjoyed by occupants of the adjoining building or other adjacent uses. Providing fences and walls higher than permitted on the site will help to create a more human scale at the sidewalk. They take into account the unique steep terrain of the site, its irregular "L"-shaped design, and the surrounding neighbors.

### ***That the granting of an adjustment will be in conformance with the intent and purpose of the General plan of the City.***

This Project promotes many of the goals and policies of the General Plan. The following will discuss the Project's consistency with various elements of the General Plan, including the Central City West Specific Plan, the Westlake Community Plan, the Housing Element and the Transportation Element. The granting of the requested Adjustment to provide more than the permitted walls in certain areas and to provide over-in-height walls and fences in the side and rear yard is consistent with the principles, intent and goals of the Specific Plan. The granting of the subject Adjustment will support the construction of new affordable residential units within an area of the Central City West Specific Plan that has varied and severe changes in topography. As previously indicated, the proposed 100 percent residential only project is consistent with the intent of the Central City West Specific Plan, The Westlake Community Plan and the City of Los Angeles General Plan Housing Element to provide safe, affordable housing for all segments of the population, while supporting bringing housing nearer to downtown Los Angeles, a major job generator.

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

The spirit and intent of the Planning and Zoning Code with regard to Adjustments is to provide relief from requirements of the Zoning Code while ensuring public safety, project/land use compatibility/consistency and good zoning practice. Most importantly, the intent and spirit of the zoning code is land use control. The intent of the zoning regulations is to allow property owners the reasonable use of their property as long as the use is not detrimental to adjacent properties or to the surrounding community and neighborhood.

The subject Project is in conformance with this spirit and intent as it is situated on a site which is an irregularly "L"-shaped parcel with both a dual zone (RC4(CW)-U/3.7 and R4(CW)-75.3), and a very severe change in slope where the subject Determination request for increased height and number of retaining walls is essential to the design and overall safety of the Project. The design, height, number, and placement of the proposed retaining walls are in strategic locations, in order to minimize any unsightly and expansive blank walls or uncovered and unsupported earth which will ensure the public safety, project compatibility/consistency while supporting development of a project that is consistent and in substantial conformance with the Goals and Objectives of the Central City West Specific Plan.

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

The granting of the subject Determination request to provide more than the permitted retaining walls and over-height fences and walls will not result in adverse impacts to the surrounding properties or to the subject property. There are no adverse impacts from the proposed requests because the walls will be staggered, terraced and landscaped. The proposed walls are designed to mimic the existing natural grade.

The proposed Project has undergone an analysis of potential environmental impacts through the completion of an Initial Study and a Mitigated Negative Declaration (MND). Any potential environmental impacts from the proposed Project have been identified, analyzed and mitigation measures have been incorporated as required Conditions of Approval.

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

The subject site has several exceptional circumstances, for example it is dual zoned, an irregular "L" shape, is on a severe slope, and is adjacent to a bridge overpass parallel to Beverly Boulevard that make the subject Adjustments necessary. The Project site is located at 1416 Beverly Boulevard in the Westlake Community Plan area within the Central City West Specific Plan. The L-shaped Project site fronts West Beverly Boulevard and South Lucas Avenue, and is generally located between West Beverly Boulevard to the northeast, West 2nd Street to the south, Lucas Avenue to the southeast, and Witmer Street to the northwest. Two alleys run adjacent to the Project site. The east-west alley runs adjacent to the portion of the Project site that fronts Beverly Boulevard, while the north-south alley runs adjacent to the Project site that fronts on South Lucas Avenue.

The site is unique with special circumstances which make strict adherence to the zoning

regulations impractical and infeasible. The subject site is situated at a complex intersection with very little pedestrian activity. Directly in front of the site along Beverly Boulevard is a bridge overpass, which impedes pedestrian activity. The site is also located on a steeply sloping site, shaped in an irregular "L"-shape. The site's location at this intersection, dual zoning, its irregular "L" shape, and the 46 foot gradient difference on the steep slope makes the request to provide more than the permitted retaining walls and walls higher than permitted essential to the site design and safety of the Project. The over-in-height fences and walls are essential to provide terracing for optimal landscaping to support a more pedestrian friendly environment and to provide safety and security for the future tenants.

- C. **Zoning Administrator Adjustment.** *Pursuant to LAMC Section 12.28 A reduction in the front yard of Building A along Lucas Avenue to permit a reduced yard of 6'-10" for approximately 15-feet to allow for series of architectural projects which begin at the second level and extend to the roof.*

***That the granting of such Adjustment will result in development compatible and consistent with the surrounding uses.***

The granting of the adjustment to reduce the front yard for a distance of approximately 15 feet along Lucas Avenue to allow for architectural features will result in development compatible and consistent with the surrounding uses. The topography of the area surrounding the Project site is dominated by varying and moderately steep terrain. The area surrounding the Project site is characterized by a dense combination of light industrial, educational, commercial, and residential uses.

Adjacent zoning designations include C2-1-O (Commercial, Height District 1, Oil Drilling District) to the north. One- and two- story commercial buildings, interspersed with surface parking lots are located directly north and across the street from the Project site. Also north, across Beverly Boulevard, is property improved with office uses, parking and a preschool. There are also storage, theater, and light industrial uses across Beverly Boulevard towards the northeast. At the corner of Beverly Boulevard and Toluca Street is a relatively new park called Vista Hermosa Park. Directly in front of the site and parallel to Beverly Boulevard is a bridge overpass. This bridge overpass restricts access to the site and creates a barrier to the north side of Beverly Boulevard.

South of the subject site is property zoned R4(CW)-75/3. Single- and multi-family residential buildings are located adjacent and to the south of the Project site, including a five-story apartment building located along South Witmer Street. This apartment building is located at 116 South Witmer Street, and is a 49-unit, 100% affordable housing apartment building. A little further south, along Witmer, is New Mark High School.

The property to the west of the subject site is zoned PF-1XL and is improved with Belmont High School. An existing two-story residential building is located adjacent to the west of the Project site which fronts Witmer Street. Directly east of the Project site across South Lucas Avenue is property zoned RC5(CW) – U/7.5 and is improved with a two- to three- story residential development. A little further east, located at 1304 2<sup>nd</sup> Street, is a 5-story, 220 market rate and 55 affordable housing unit apartment building.

The Project proposes to provide all of the required yards except for a minimal area above the first level at the corner of Beverly Boulevard and Lucas Avenue. This minimal area where the Adjustment is being requesting for a reduced yard allows architectural features which benefit the design by creating breaks in the vertical elements of the project and therefore supports the construction of a residential building with greater architectural interest. This area is also located abutting a public right-of-way which ensures that the Project will not impact the light and area of any abutting residential use. The proposed architectural element helps break up the mass and scale of the building at three elevations.

The architectural features are designed to break up the scale of the building which will ensure that it does not dominate the area and is more compatible with existing development.

The subject parcel is situated at a complex intersection with very little pedestrian activity. Directly in front of the site is a street overpass, which impedes pedestrian activity at the subject site. The site is located on a steeply sloping site. The site's location at this intersection with limited pedestrian activity, on the steep slope makes the request to provide a 100 percent residential project the best use for the site. The subject site is an irregularly "L" shaped site that is dual zoned. These special circumstances make providing a unified, cohesive project on the site complex. Given the sloping site and its dual zoning, an adjustment to permit less than the Code required side yard is consistent with surrounding uses.

***That the granting of such Adjustment will be in conformance with the intent and purpose of the General Plan of the City.***

The granting of the requested Adjustment is consistent with the principles, intent and purpose of the Specific Plan and any applicable element of the General Plan. Setbacks are required to provide adequate light and air to residents and to provide a separation between residential uses. The construction of affordable residential units is a major emphasis of the Central City West Specific Plan, an objective of the Westlake Community Plan and a fulfillment of the objectives of the City's Housing Element.

#### **Central City West Specific Plan**

The proposed Project is consistent with the following goals contained in the "Purposes" section of the Specific Plan:

***Section 2.B. Establish a complete 24-hour community for all segments of the population, with jobs and housing, needed public facilities, recreation/entertainment and amenities, open spaces and pedestrian oriented places.***

The proposed development of 125 affordable residential units will provide much needed housing opportunities for those who work in the adjacent Downtown area, the commercial core of the City. Housing typically is the catalyst in creating and expanding commercial and retail services in a given area as there is a new market (of residents) that is as yet untapped. Because "residential" is a 24-hour use, businesses usually extend their hours in order to accommodate those that live in the area, thus giving rise to a more vibrant and a safer community. The jobs environment of Downtown will prove attractive to potential new

residents, and in turn more recreational, entertainment and shopping opportunities should arise for a growing community. It is anticipated that residents of the Project will walk or use public transit, thereby creating a more pedestrian oriented neighborhood.

***Section 2.C. Regulate all development including use, location, height and density to ensure compatibility of uses, and to provide for the consideration of transportation and public facilities, aesthetics, historic preservation, open space and the economic and social well-being of area residents.***

The Project consists of affordable residential units that are compatible with existing uses in the community. By constructing a new building on property now under-utilized as occupied and unoccupied multi-family residential, single-family residential unit, vacant land, and an industrial building, the Project will assist in the prevention of blight and deterioration by upgrading the subject property. In turn, the rehabilitation of a property in decline will enhance the physical character of the area and stimulate economic activity and investment in the surrounding neighborhood. The availability of public transportation and the pedestrian friendly nature of the general community will support the social well-being of area residents because they will have easy access to the jobs, culture and entertainment opportunities widely available in the Downtown area. Granting the request for a reduced side yard is consistent with the intent of the Specific Plan and any applicable element of the General Plan in that it supports the development of the proposed project.

***Section 2.D. Protect the existing residential community from further displacement, replace dwelling units previously removed from the Specific Plan area, and provide new housing in proportion to the need, by household size and income, associated with the existing community and new jobs generated in the Plan area.***

The property is currently improved with one occupied multi-family residential building with 12 apartments, one occupied single-family residential unit, unoccupied residential buildings, vacant land, and an industrial building. Not all of the jobs generated in the Downtown area are high-paying professional jobs; however, most of the newly constructed residential units in the vicinity tend to be at the mid- to high-end of the price spectrum. The Project is proposing to provide 125 residential units, 100% percent of which will be affordable. There is high demand for the type of units contemplated in this Project. The greater availability of a mix of housing opportunities in the area is certain to have a positive impact on jobs generated in the Plan area.

***Section 2.G. Provide for an improved jobs/housing ratio over that which would otherwise have occurred, through the requirement that housing be constructed commensurate with commercial Projects.***

The Project proposes to improve the jobs/housing balance within the greater vicinity. The Downtown commercial core, which is proximate to the subject site, is a major source of jobs in Los Angeles. However, the Downtown area lacks the appropriate jobs/housing ratio due to the presence of many high-rise office buildings that lack residential facilities in close proximity. Providing 125 residential units at this location is helpful to constructing housing that is commensurate with commercial projects in the area.

Westlake Community Plan

The Westlake Community Plan also contains applicable principles and goals for residential development embodied in the "Community Issues and Opportunities" section:

*Access and proximity to employment for community residents;*

The Project will reduce vehicle miles traveled and will improve air quality by providing housing in close proximity to Downtown employment opportunities. The Land Use Plan Policies and Programs section of the Westlake Community Plan contains several Objectives and Policies for which the Project is also consistent:

*To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population.*

The Applicant proposes to build 125 affordable residential units of various sizes. These affordable units will provide housing to a varied income group of workers and families as well as for young professionals and empty-nesters not usually targeted for most new residential projects in the area. The experience of recent years has shown that new construction trends towards high-income earning patrons. At the other end of the spectrum are projects devoted solely to low-income residents. This Project proposes housing on-site for the most underserved segment of the community.

*Housing Element*

The Project is consistent with the four Goals of the Housing Element:

**Goal 1**

*A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, sanitary and affordable to people of all income levels, races, ages, and suitable for their needs.*

**Goal 2**

*A City in which housing helps to create safe, livable and sustainable neighborhoods,*

**Goal 3**

*A City where there are housing opportunities for all without discrimination.*

**Goal 4**

*A City committed to ending and preventing homelessness.*

The proposed Project will promote the general welfare by meeting area needs for housing and increasing the sense of community in the area. By locating residential development close to major transit, and job centers, the proposed Project will facilitate residents' interaction with the community, bringing more people onto the street. The proposed Project will provide current and future Downtown employees with housing at a premium location. The Project will add a total of 125 affordable dwelling units to the City's downtown-adjacent housing stock. The Project will be part of an emerging pedestrian oriented district encouraging the use of mass transit.

***That the granting of such Adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.***

Granting the requested adjustment is in conformance with the spirit and intent of the Zoning Code. The intent of the Zoning Code is to provide for orderly development throughout the City. Setbacks are required to provide adequate light and air to residents and to provide a separation between residential uses. The proposed Project is consistent with the uses permitted in the zone, the intent of the development standards imposed by the zoning code and the existing development of the area. The proposed site plan is consistent with the intent of the Zoning Code, in that, it adheres to all the required yards except for a small area along Lucas Avenue to allow for a canopy and stairway and landing at the pedestrian entry. In this circumstance, the Code requirements are too rigid to respond to the uniqueness of dual zoned, steeply graded, irregularly shaped sites which have side yard fronting the street such as the subject site. The intent of the Code is also to maintain compatibility between projects and to promote high quality projects with functional site plans. This Project utilizes an architecturally significant building and building massing to create a well integrated and compatible project. The proposed canopy is an architectural element that helps break up the mass of the building at three elevations. The granting of these adjustments help create a project that compatible with existing development and that best utilizes its unique site characteristics, which is in the spirit of the Code.

***That there are no adverse impacts from the proposed Adjustment or that any adverse impacts have been mitigated.***

No adverse impacts will be created from the small reduction of the side yard along Lucas Avenue. The proposed Project provides all required yards along its property line except for the 15-foot area, fronting Lucas Avenue near its intersection with Beverly Blvd, ensuring that its neighbors are appropriately buffered from the development. The proposed site plan proposes a well-integrated functional site plan that is respectful of the adjacent properties. Yards are provided to buffer uses adjacent to the site, not to disrupt the flow of the site plan. Any potential adverse impacts have been identified as a part of the environmental review. A Mitigated Negative Declaration has been adopted for the proposed project and all mitigation measures identified have been incorporated as Conditions of Approval.

***That the site and/or improvements make strict adherence to zoning and regulations impractical and infeasible.***

The subject site is located in the Westlake Community Plan and in the Central City West Specific Plan. The Project is proposing to meet all of the required yards except for the 15-foot area fronting Lucas Avenue near its intersection with Beverly Blvd. The proposed canopy is an architectural feature which greatly enhances the design of the Project. The stairway and landing are also critical to the design at the entryway of the building. Due to the sloping nature of the site and the complex adjacent intersection, it is necessary to be creative at the entryway in order to provide a integrated residential building with pedestrian supporting and high-quality architecture that is both compatible with existing development and the goals of the Central City West Specific Plan.

There are several special circumstances that exist on the site which make it difficult to provide the yard requirements along Lucas Avenue. The site has a significant slope which in many areas is greater than 40 feet. It is an irregularly-upside down "L" shaped site and is dual zoned RC(CW)-U/3.7 and R4(CW)-75/3 (which have different site requirements-

ie. density and height). These circumstances make the site a very complex site in which to design an affordable housing residential project that is both architecturally compatible and meets the intent of the design guidelines for the Central City West Specific Plan.

Meeting the strict interpretation of the Code's requirement would be impractical and would make the Project infeasible. The granting of the adjustment request will allow for a uniform development consistent with others in the area. As mentioned previously, this Project's site plan achieves the Zoning Code's intent of creating buffers between adjacent sites. Because this Project provides its required yards along all of its external property lines except for a small area at the entry to the Project, the granting of the subject adjustment will not impede the health, safety and welfare of the project residents or adjacent properties. The approval of these adjustments will permit the construction of much needed, affordable, rental housing units with an architecturally significant integrated project that meets both the intent of the Central City West Specific Plan and the Municipal Code.

#### **B. Project Permit Compliance.**

***The project substantially complies with the applicable regulations, standards and provisions of the Central City West Specific Plan.***

The Project substantially complies with the following applicable standards:

##### Uses.

The proposed redevelopment of an underutilized site into a residential project includes uses that are all permitted by right within the Specific Plan's RC4 (CW) - U/3.7 and R4 (CW) - 75/3 land use designations and in the Witmer/Lucas Residential District and Highway Oriented Commercial - High Med Residential land use designations of the Westlake Community Plan. The Project consists of a 120,691 square foot development in two separate buildings on two separate building sites - Building A, a 6-story building with 68 affordable units, and Building B, a 5-story building with 57 senior affordable units. Approximately 97 parking spaces will be provided, which is permitted pursuant to LAMC Section 12.22 A 25 Parking Option 2 and LAMC Section 12.21. The Applicant, is requesting permission to provide an all residential project on the RC4 (CW) - U/3.7 zoned portion of the site, which otherwise requires a mixed-use project.

##### Yards.

The yards for the Project site were determined based on its fronting three streets as well as its irregular configuration. Building A: Front yard along Lucas Street, Side yards along Beverly Boulevard and Alley with the western boundary of the site as the rear yard. Building B: Front yard along Lucas Street, side yards along the southern and northern boundaries and a rear yard along the alley. The following are yard requirements for proposed project: Front Yard: 15 feet; Side Yard: 8/9 feet depending on the building; Rear Yard: 18/17 feet depending on the building. The Applicant is required to provide all of the required setbacks on the dual zoned site except for a small area along 15 feet of Lucas



Avenue.

Driveways.

Pedestrian access to the proposed structure would be provided via a ground floor lobby entrance in each building, as well as stairways and an elevator that would extend from the parking level to the residential levels. In addition, internal pathways connecting the various residential units to the stairways and elevator would be provided on the first through fifth and sixth floor, respectively.

Primary vehicular access would be provided on the north side of the Project via West Beverly Boulevard. The Project would consist of two entrances, off West Beverly Boulevard and the east-west alley along the southwest portion of the Project, which would provide access to the parking structure. The driveway on West Beverly Boulevard eastbound off-ramp is a right-in right-out only driveway and the driveway on the east-west alley would be a full access driveway.

Landscaping.

Under the LAMC and the CCWSP, a total of 15,100 square feet of open space for the Project would be required, based on the requirements of 100 square feet of open space per dwelling unit with less than three habitable rooms, 125 square feet per dwelling unit with three habitable rooms, and 175 square feet per dwelling unit with more than three habitable rooms. However, the Specific Plan adds an additional requirement that 100 square feet of open space per unit be common area open to all residents. This requires the Project to provide a minimum of 12,500 square feet of common open space area. There is also a requirement that 1 tree be provided for every dwelling unit resulting in a requirement of 125 on-site trees, where 50% of the required trees are permitted to be provided off-site and within the Specific or Community Plan area. The Applicant is proposing to provide approximately 63 trees on the site and in the parkway itself the location of off-site trees will be determined in conjunction with the Department of City Planning.

Height.

The subject site is dual zoned RC4(CW)-U/3.7 and R4(CW)-75/3. The site's "U" designation permits a maximum building height of 1,218 feet above mean sea level. The "75" designation permits a maximum height of 75 feet on the R4 zoned portion of the site. The subject site has a slope greater than 20-feet. Pursuant to LAMC Section 12.21.1B.2, the proposed project qualifies for the Exception for sites located on slopes greater than 20 feet which permits an additional 12 feet in height for the proposed project. This exception would allow up to a maximum of 87 feet. The Project will be 437.69 feet above mean sea level in the RC4 zoned portion of the site and is proposing to be a maximum of 78 feet in the R4 zoned portion of the site. The subject site will comply with the height restriction in the RC4 and R4 zoned portions of the site and the Height Exception permitted in the LAMC 12.21.1B2.

Parking.

The Applicant is proposing 97 spaces for the 125 units, as required and permitted by the LAMC. The proposed 68-unit affordable building (Building A) is permitted to provide 1 parking space per affordable unit (67 parking spaces) and the proposed 57-unit senior affordable building (Building B) is allowed to provide 0.5 parking spaces per affordable senior unit (28 parking spaces) pursuant to LAMC Section 12.22 A. 25 (d). This total number of parking spaces is determined with the Parking Option 2. Parking for the non-restricted manager's units will be provided pursuant to Section 12.21 of the LAMC.

Transportation Mitigation.

The Department of Transportation has reviewed and approved the traffic study prepared for the Project. All required mitigation has been made a requirement under Conditions of Approval.

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

For the reasons set forth in Proposed Mitigated Negative Declaration No. ENV 2009-2036 MND, the project will not have a significant effect on the environment.