LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801
(213) 978-1300; **planning.lacity.org**

LETTER OF DETERMINATION

Mailing Date: MAY 06 2016

CASE NO.: CPC-2015-2209-DB-CDO-SPR
CEQA: ENV-2015-2210-MND

Location: 11916 – 11936 W. Pico Blvd.
Council District: 11 – Bonin
Plan Area: Palms-Mar Vista-Del Rey
Requests: Density Bonus, Community Design Overlay, Site Plan Review

Applicant: South Gate Investors, III
Representative: Jonathan Lonner, Burns & Bouchard, Inc.

At its meeting of April 14, 2016, the Los Angeles City Planning Commission took the following action:

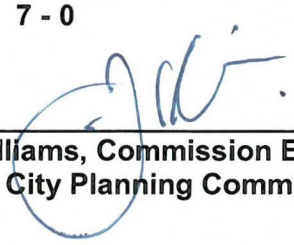
1. **Approved** a 35% **Density Bonus** (with a set aside of 11%, nine (9) units, for Very Low Income households); a Density Bonus Parking Incentive (Parking Option 1) to allow one (1) parking space for the 0-1 bedroom units and two (2) parking spaces for the 2-3 bedroom units; and one (1) On-Menu Incentive and four (4) Off-Menu Waivers as follows:
   a. An **On-Menu Incentive** to allow a building height of 56 feet in lieu of the otherwise permitted 45 feet on the portion of the building fronting Pico Boulevard.
   b. An **Off-Menu Waiver** to allow Floor Area Ratio of 3 to 1, in lieu of the otherwise permitted 1.5 to 1.
   c. An **Off-Menu Waiver** to waive transitional height limitations for the back portion of the building within 50-feet from the nearest R-1 zoned property.
   d. An **Off-Menu Waiver** to allow five (5) stories in lieu of the permitted three (3) stories.
   e. An **Off-Menu Waiver** to allow a side yard setback of 2'0" in lieu of the otherwise required 8'0" adjacent to a "Pedestrian Walk Street".
2. **Approved** a **Director's Determination** for the West Pico Boulevard Community Design Overlay Plan.
3. **Approved** a **Site Plan Review** for a development project which creates or results in an increase of 50 or more dwelling units.
4. **Adopted** the attached modified **Conditions of Approval**.
5. **Adopted** the attached **Findings**.
6. **Adopted** Mitigated Negative Declaration No. **ENV-2015-2210-MND** for the above-referenced project.
7. **Adopted** the **Mitigation Monitoring Program** for Mitigated Negative Declaration No. ENV-2015-2210-MND.
8. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
9. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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: Katz
Seconded: Millman
Ayes: Ambroz, Choe, Padilla-Campos, Perlman, Dake-Wilson
Absent: Ahn, Mack

Vote: **7 - 0**



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

Effective Date/Appeals: **The Los Angeles City Planning Commission's determination is appealable to the Los Angeles City Council within 15 days after the mailing date of this determination. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.**

Final Appeal Date: MAY 2 3 2016

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.

Attachment: Modified Conditions of Approval, Findings
City Planning Associate: Oliver Netburn

CONDITIONS OF APPROVAL

Pursuant to Sections 12.22-A,25, 13.08-E and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Density Bonus Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.

2. **Commercial Uses.** The total commercial floor area shall not exceed 2,850 square feet. Per LADOT Technical Traffic Memorandum (WLA14-102594) the commercial component of this development has been reviewed and approved at a trip generation factor equivalent to that of Restaurant (High-Turnover). Any commercial use identified to have a trip generation factor equivalent to "Restaurant (High-Turnover)" or below (as referenced in the WLA TIMP and/or 2015 ITE Trip Generation Manual) is allowed. The applicant shall submit final plans to LADOT to determine if the project conforms to LADOT Case No. WLA14-102594, or if additional review and analysis is required.

3. **Residential Density**. The project shall be limited to a maximum density of 100 residential units including Density Bonus Units.

4. **Affordable Units.** A minimum of nine (9) units shall be reserved as affordable units for Very Low Income Households, as defined by the State Density Bonus Law 65915(C)(2).

5. **Changes in Restricted Units**. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with L.A.M.C. Section 12.22-A,25.

6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make nine (9) units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file and to the Council Office and Neighborhood Council. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.

7. **Automobile Parking**. All commercial automobile parking shall be provided in conformance with LAMC Section 12.21-A,4. Electronic vehicle-ready conduits shall be installed for a minimum of 20% of the residential and commercial parking spaces.

8. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the

Department of Building and Safety based upon the ratios set forth pursuant to L.A.M.C. Section 12.22-A,25.

9. **Solar Rooftop.** The applicant shall submit revised plans showing a minimum of 50% the rooftop (not including the 4th floor rooftop deck, mechanical structures, fire access and clearance areas) to be installed with solar photovoltaics.

10. **Bicycle Parking.** Bicycle parking shall be provided consistent with L.A.M.C. Section 12.21-A,16.

11. **Height.** The building height shall not exceed 56 feet, as measured pursuant to L.A.M.C. Section 12.03, or five (5) stories, as requested under the Density Bonus On-Menu Incentive and Off-Menu Waiver.

12. **Floor Area Ratio.** The total floor area shall not exceed three (3) times the buildable area, as requested under the Density Bonus Off-Menu Waiver.

13. **Transitional Height.** The building height within 50 feet of the R1 zoned properties to the south shall not exceed 37 feet to the top of the parapet/railings for the 4th floor outdoor deck and 46 feet for the stairwell, as requested under the Density Bonus Off-Menu Waiver.

14. **Side Yard.** The building shall be permitted an easterly side yard setback of 2'0" in lieu of the otherwise required 8'0" adjacent to a "Pedestrian Walk Street", as requested under the Density Bonus Off-Menu Waiver.

Community Design Overlay/Site Plan Review Conditions

15. All planters containing trees shall have a minimum depth of 48 inches.

16. Exterior security grilles or permanently affixed security bars, or roll-down grilles that conceal storefront windows, and chain link fences that are visible from Pico Boulevard are prohibited. Interior security grilles, or vandal proof glazing which is resistant to impact may be permitted.

17. The applicant shall submit revised elevations showing a consistent use of architectural and building materials, including glass, wood slats and painted stucco, applied to all building facades and at all levels of the building to avoid creating a "backside" to the site. No façade shall create a blank wall effect.

18. All exterior mechanical equipment, including HVAC equipment, satellite dishes, cellular antennas and air conditioners, shall not be visible from public rights-of-way or adjacent residences or placed in window or door openings.

19. Trash storage bins shall be located within the building or a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and screened with landscaping, so as not to be viewed from public right-of way or adjacent residences.

20. **Signage.** The approval of this application does not constitute approval of a signage plan. The applicant shall submit a detailed signage plan to the Department of City Planning for approval pursuant to the West Pico Boulevard Community Design Overlay Plan prior to the issuance of any signs for the project. No additional signs including, but not limited to, temporary banners or exterior merchandise displays shall be permitted on the street facing facades of the subject property without subsequent approval. Pursuant to this action, final plans shall not show signage.

21. **Street Trees.** Street trees shall be removed and planted as required by the Urban Forestry Division of the Bureau of Street Services. All street tree plantings shall be brought up to current standards. The actual number and location of new trees shall be determined at the time of tree planting.

Environmental Conditions

22. **Aesthetics (Lighting)**

    a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
    b. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

23. **Biological Resources.** Removal of trees in the public right-of-way requires approval by the Board of Public Works.

    The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077).

    The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) trees in the public right-of-way.

    Trees shall be planted in the adjacent public right-of-way at a ratio of one tree for every thirty (30) feet of lot frontage or to the satisfaction of the Urban Forestry Division of the Bureau of Street Services, Department of Public Works.

24. **Geology and Soils.** The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.

    Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:

    a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

    b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

c. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.

d. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.

e. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.

f. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

25. **Green House Gas Emissions**

a. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the Project.

b. Any new construction shall include 20 percent of parking spaces set aside for EV ready parking.

26. **Land Use and Planning (Increased Noise Levels – Mixed Use Development).** Wall and floor-ceiling assemblies separating commercial tenant spaces, residential units, and public places, shall have a Sound Transmission Coefficient (STC) value of at least 50, as determined in accordance with ASTM E90 and ASTM E413.

27. **Land Use and Planning (Increased Noise Levels – Residential within 500 feet of a freeway).** Installing and maintaining air filtration systems with efficiencies equal to or exceeding Minimum Efficiency Reporting Values (MERV) of 13 (MERV 13) as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2 (refer to Appendix D of the IS/MND).

28. **Noise (Demolition, Grading and Construction Activities)**

a. 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.

b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

c. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

d. Noise and groundborne vibration construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.

e. The project developer shall install a temporary noise control barrier around the construction site abutting residential uses. The noise control barrier shall be engineered to reduce construction-related noise levels at the adjacent multifamily residential structures with a goal of a reduction of 10 dBA. The barrier shall be a similar height to the abutting residential buildings. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and paving activities are complete.

29. **Noise (Parking Structure Ramps)**

a. Concrete, not metal, shall be used for construction of parking ramps.

b. The interior ramps shall be textured to prevent tire squeal at turning areas.

30. **Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

31. **Public Services (Police - Construction).** Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

32. **Public Services (Police).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the Project Site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

33. **Transportation/Traffic (Pedestrian Safety)**

a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.

b. Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.

c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.

d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Administrative Conditions of Approval

34. **Use.** The use of the subject property shall be limited to the uses as permitted in the [Q]C2-1VL-CDO Zone as defined in L.A.M.C. Section 12.14, except as modified by the conditions herein or subsequent action.

35. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

36. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.

37. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.

38. **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.

39. **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.

40. **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.

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

42. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

43. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).

e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

FINDINGS

1. General Plan Findings

a. General Plan Land Use Designation. The subject property is located within the Palms - Mar Vista - Del Rey Community Plan area which was updated by the City Council on September 16, 1997. The plan map designates the site for General Commercial land uses, corresponding to the C1.5, C2, C4, RAS3, and RAS4 Zones. The proposed mixed-use building with 100 new residential units and 2,625 square feet of restaurant and retail uses is consistent with other development permitted in the C2 Zone and which sets aside nine (9) units for Very-Low Income Households pursuant to the Density Bonus Ordinance. Therefore, the project is in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Framework Element and Community Plan.

b. Land Use Element.

The proposed project complies with all applicable provisions of the Los Angeles Municipal Code, the Palms - Mar Vista - Del Rey Community Plan, the Los Angeles Coastal Transportation Corridor Specific Plan Area and the West Pico Boulevard Community Design Overlay (CDO).

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

The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the Palms - Mar Vista - Del Rey Community Plan, which designates the site for General Commercial land uses, corresponding to the C1.5, C2, C4, RAS3, and RAS4 Zones.

The proposed project is consistent with the following goals and policies of the Palms - Mar Vista - Del Rey Community Plan:

Goal 2: 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.

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 2-1.2: Protect commercially planned/zoned areas from encroachment by residential only development.

Policy 2-1.4: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and 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: Require that mixed-use projects and development in pedestrian-oriented areas are developed according to specific design guidelines to achieve a distinctive character and compatibility with surrounding uses.

Policy 2-2.4: Promote mixed use projects along designated transit corridors and in appropriate commercial centers.

Objective 2-3: To enhance the appearance of commercial districts.

Policy 2-3.1: Require that the design of new development be compatible with adjacent development, community character and scale.

The proposed project is a mixed-use building with 100 new residential units and 2,625 square feet of restaurant and retail uses. The project will not only provide opportunities for new commercial uses, it will also strengthen the existing commercial development in the community by adding to the consumer base through the introduction of new residents.

The proposed project is well-designed with commercial uses oriented to the street and the upper levels articulated such that the massing of the building is reduced. In addition, the project is located less than 600 feet from a Big Blue Bus Rapid Route (Rapid 7) bus stop at the intersection of Bundy Avenue and Pico Boulevard.

Lastly, as explained further below, the proposed project is consistent with the West Pico Boulevard CDO, which imposed design standards to ensure that new development is compatible with adjacent development, community character and scale.

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

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1 (Land Use Standards and Typical Development Characteristics).

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

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

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

The proposed project will contribute toward and facilitate the City's long-term fiscal and economic viability by redeveloping an underutilized site with new mixed-use development including 100 dwelling units (nine (9) units which are set aside for Very-Low Income Households) and 2,625 square feet of restaurant and retail uses. The project's proximity to the Big Blue Bus Rapid Route (Rapid 7) and other transit connections will reduce vehicular trips to and from the project, vehicle miles traveled, and reduce air pollution; and its location within an existing, under-utilized commercial district and on an Avenue I will enable the city to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts.

Goal 3: Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.

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

Policy 3.9.1: Accommodate the development of community-serving commercial uses and services and residential dwelling units in areas designated as "Community Center" in accordance with Tables 3-1 and 3-5. The ranges and densities/intensities of uses permitted in any area shall be identified in the community plans.

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

The proposed project will reinforce existing commercial development along Pico Boulevard with 2,625 square feet of new community-serving commercial uses and adding 100 new dwelling units (nine (9) units which are set aside for very-low income households) to further promote daytime and nighttime neighborhood activity.

The proposed project is limited to 37 feet in height within 50 feet of the adjacent to the R1 zoned properties to the south and the building's the southern façade is broken up with large areas of open space. As such, as viewed from the single-family neighborhood to the south, the building's mass and scale is diminished, providing an appropriate transition from the proposed higher density development.

Goal 5A: A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Objective 5.2: Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

Policy 5.2.2: Encourage the development of centers, districts, and selected corridor/boulevard nodes such that the land uses, scale, and built form allowed and/or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime. Additionally, develop these areas so that they are compatible with surrounding neighborhoods.

The proposed project is located in a transit-rich area with numerous transit services in close proximity, including a Big Blue Bus Rapid Route (Rapid 7) bus stop located less than 600 feet from the subject property which provides service from the City of Santa Monica to Koreatown and the Metro Purple Line Station at Western Avenue and Wilshire Boulevard. In addition, the project is less than one (1) mile from the soon-to-be opened Metro Expo Line Station at Sepulveda and Exposition Boulevards. Given the existing and future transit infrastructure in the area, it is appropriate to locate the proposed density at the subject property.

d. The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Pico Boulevard is designated as an Avenue I (Secondary Highway), dedicated to a width of 100 feet and improved with asphalt roadway and concrete curb, gutter and sidewalk. No further widening is required for Pico

Boulevard. Additionally Mobility Plan 2035 identifies Pico Boulevard as a Moderate Plus Transit Enhanced Street.

The project as designed and conditioned will meets the following goals and objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 2.5: Improve the performance and reliability of existing and future bus service.

Policy 2.10: Facilitate the provision of adequate on and off-street loading areas.

The proposed project will maintain the approximately 15-foot wide sidewalk along Pico Boulevard while orienting new commercial uses toward the street providing a high-quality, safe and comfortable walking environment. The project also will activate the existing alley to the east with Live-Work units fronting the right-of-way further improving pedestrian safety and access around the site.

All vehicular ingress and egress to the site will be from the public alley at the back of the building. Curb cuts and driveways along Pico Boulevard were specifically avoided in order to reduce any impact on circulation in the surrounding area, including the performance and reliability of transit services and to avoid crossing the sidewalk.

Similarly, the proposed loading area is located on-site, thereby lessen any impact the project may have on circulation in the surrounding area.

e. The **Housing Element** of the General Plan seeks to meet the variety of housing needs of the City's growing population through the provision of affordable housing and amenity-rich, sustainable neighborhoods for its residents. The proposed project is consistent with the following objectives and policies of the Housing Element:

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

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

Policy 1.1.3 Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

Objective 1.3: Forecast and plan for changing housing needs over time in relation to production and preservation needs.

Policy 1.3.5 Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within the City to meet the projections of housing needs, according to the policies and objectives of the City's Framework Element of the General Plan.

The proposed project will result in the construction of 100 new rental dwelling units, including nine (9) units set aside for Very Low Income Households. The project would be

would be comprised of three (3) live/work units, 58 studio apartments, 25 one-bedroom apartments, and 14 two-bedroom apartments.

The project will expand affordable rental housing through the provision of nine (9) units to be set aside for Very Low Income Households. The proposed 100 new dwelling units are properly located within a transit-rich area, consistent with the City's policies and objectives toward transit-oriented development and the range of different housing types will help meet the particular needs of the city's households.

2. Density Bonus/Affordable Housing Incentives Compliance Findings

Pursuant to Section 12.22-A,25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

a. The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.

Requested On-Menu Incentive

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25%gross income based on area median income thresholds dependent on affordability levels.

The list of On-Menu Incentives in 12.22-A,25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus On-Menu Incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Height Limit: Height District 1-VL restricts mixed-use buildings in the C2 zone to a height limit of 45 feet. As proposed, the project has a height of 56 feet, which exceeds the height limit by 11 feet. The additional 11 feet will allow for the construction of the 5th story to accommodate 18 dwelling units, which would help alleviate the project's costs of providing the affordable units.

Requested Off-Menu Waiver

The requested Off-Menu Waivers for a Floor Area Ratio of 3:1, a waiver of transitional height limitations, five (5) stories and a reduced side yard setback, are not expressed in the Menu of Incentives per LAMC Section 12.22-A,25(f) and, as such, are subject to LAMC Section 12.22-A,25(g)(3), which requires a pro forma or other documentation to show that the waiver or modification of any development standards are needed in order to make the Restricted Affordable Units economically feasible.

The applicant submitted a pro forma, attached as Exhibit E, along with an independent third-party Feasibility Analysis of the pro forma. The pro forma evaluated three (3) scenarios. Scenario 1 evaluated the project without incentives, Scenario 2 evaluated

the project with only a 35% density bonus and on-menu height incentives that achieves a 2.0 FAR (with on-menu incentives), and Scenario 3 evaluated the project with the all of the requested incentives.

The submitted pro forma has been reviewed by a California Certified General Appraiser who submitted a Feasibility Analysis and found that of the three scenarios, only the third scenario was feasible.

The requested Off-Menu Waivers allow the developer to expand the building envelope to allow for the construction of the density bonus units and increase the overall space dedicated to residential uses. These waivers support the applicant's decision to set aside nine (9) units for Very Low Income Households for a period of 55 years, as described below:

Floor Area Ratio: The proposed project requests an increase in the Floor Area Ratio (FAR) from 1.5:1 to 3:1. The project does not qualify for the On-Menu Incentive which allows for an increase to 3:1 if the site fronts on a Major Highway, qualifies for a 35% Density Bonus, and is located within 1,500 feet of a Transit Stop/Major Employment Center. Subsequent to Mobility Plan 2035, Pico Boulevard was re-designated as an Avenue I and therefore the project is not located on a Major Highway, as required.

The permitted 1.5:1 FAR would restrict the building envelope and limit the ability to construct of a sufficient number of units which are of a sufficient size. The 3:1 FAR would allow for the construction of units which are sufficient in size and allow for the set aside of nine (9) Restricted Affordable units.

Story Limit: Mixed-use buildings in the C2-1VL are limited to three stories, whereas buildings which are 100% residential are not limited in the number of stories, only in feet. While the project proposes to provide 2,625 square feet of commercial floor area, the use of the building is primarily residential. The limitation on the number of stories would restrict the ability to develop the site to its maximum density and provide dwelling units of a sufficient size while also setting aside dwelling units for Restricted Affordable housing. Specifically, the additional two (2) stories will allow for the construction of the 4th and 5th stories, accommodating 36 dwelling units.

Transitional Height: Buildings located in the C or M Zones are subject to Transitional Height limitations when abutting an RW1 or more restrictive zone. As applicable to the proposed project, any portion of a building within 49 feet of an RW1 or more restrictive zone would be limited to 25 feet in height and any portion of a building within between 50 and 99 feet of said zone would be limited to 33 feet in height. Such a limitation on the building height would severely restrict the ability to develop the site to its maximum density and provide dwelling units of a sufficient size while also setting aside dwelling units for Restricted Affordable Housing. Specifically, the Transition Height limits would result in the removal of one floor within 49 feet of an R1 zoned properties to the south and the removal of two floors between 50 and 99 feet of said properties and approximately 17 units.

Side Yard Setback: L.A.M.C. Section 12.22-A,18(c)(3) (Developments Combining Residential and Commercial Uses) provides that within mixed-use buildings no setback is required for the ground floor when abutting an alley and used for commercial or residential purposes. Because the proposed project abuts a "Pedestrian Walk Street" and not an alley, this provisions of the Code does not alley. Nevertheless, while the strict interpretation of the Code draws a distinction between a "Pedestrian Walk Street" and an alley, they are functionally and physically similar.

The requested Off-Menu Waiver to allow a reduced side yard setback will allow for additional floor area, increasing the unit sizes along the eastern edge of the from 1st to the 5th floor. In addition, the reduced side yard will allow for the construction of private patios, enclosed with privacy walls for the Live/Work units at the ground floor adjacent to the "Pedestrian Walk Street". These two allowances resulting from a reduced side yard enable to project to construct the density bonus units, thereby facilitating the set-aside of nine (9) dwelling units for Restricted Affordable Housing

b. **The Incentive <u>will have</u> a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no evidence that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The proposed project and potential impacts were analyzed in accordance with the City's Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed project involved the preparation of a Mitigated Negative Declaration (MND) (ENV-2015-2210-MND), and it was determined that the proposed project may have an impact on the following environmental factors: aesthetics; biological resources; cultural resources; geology and soils; greenhouse gas emissions; land use and planning; noise; public services; and transportation/traffic. However, mitigation measures will reduce impacts to less than significant levels, and are imposed as Conditions of Approval herein (Conditions No. 22 through 33). Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, and on property listed in the California Register of Historic Resources.

3. **<u>Community Design Overlay Findings</u>**

a. **The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.**

<u>SITE PLANNING:</u>

STANDARD 1: BUILDING ORIENTATION - COMMERCIAL PROJECTS *- All Buildings should have a ground floor and the primary ground floor building and entrances should be oriented towards Pico Boulevard. All Projects should provide a convenient pedestrian entrance directly accessible from the sidewalk at the ground floor for each business which fronts on Pico Boulevard, even when rear public entrances are provided.*

The proposed project orientates the ground floor retail/restaurant uses toward Pico Boulevard with all three (3) entrances to the commercial tenants located along the Pico Boulevard sidewalk, thereby enhancing the pedestrian experience along the

commercial corridor. No access from the parking garage to the commercial tenants is available without first using the Pico Boulevard sidewalk.

STANDARD 2: BUILDING SETBACK/PEDESTRIAN ORIENTATION - COMMERCIAL PROJECTS *- The exterior wall of any new construction or addition of floor area should be located not more than five (5) feet from any lot line adjoining Pico Boulevard, except that building setbacks from the front lot line may exceed five feet when used for landscaping, plazas, courtyards, outdoor dining, seating, kiosks, paseos, or for other active public uses.*

The proposed project is designed to be oriented to the street by locating the most of the building within two (2) feet of the front property line. Those portions of the building which are recessed further back from the front property line are used for landscaping, outdoor dinner, bicycle parking and building entrances. In addition, the residential leasing office, proposed gym and community room are located at the ground floor along the Pico Boulevard frontage further activating the street.

ARCHITECTURE:

STANDARD 4: ARTICULATION – MIXED-USE PROJECTS COMBINING RESIDENTIAL WITH COMMERCIAL, AND RESIDENTIAL ONLY PROJECTS *- Mixed use projects should be designed vertically as part of an overall site plan and be oriented to the street. The residential portion of the building should be differentiated from the ground floor commercial by upper level step-backs, change in color, texture, or materials, recessed balconies or other offsets in the plane of the facade or variations.*

The proposed project establishes a clear differentiation between the ground floor commercial uses and the upper level residential uses by setting the upper levels forward creating an overhang which then provides for open areas used for landscaping, outdoor dining and building entrances at the ground floor. In addition, the ground floor commercial uses primarily use wood and glazing for the exterior façade treatment, whereas the residential uses above use primarily a stucco treatment.

Buildings should have consistent materials and details, such as, recessed doors and windows emphasized through the use of sills, lintels, mullions, muntins, pediments, or other scale providing features, and eaves, similar on all sides of the building, and they should be reflective of the style utilized. In a Spanish Colonial/ Mediterranean style, buildings should be designed with thick plaster walls, red terra cotta tile roofs, steel filigree and tile work, and windows should not have frames flush with the outside plane of the wall. In traditional buildings, multi-pane wood casement windows and french doors could be used. Metal or wood sliding windows and doors should be used only on modern buildings.

The proposed project uses a consistent color and material palette for the northern, eastern and southern facades at the ground floor levels and has been conditioned to provide a similar color or material palette for the eastern façade. Above the ground floor level, the project uses a combination of stucco and glazing to be compatible with the project's modern architecture.

In a mixed-use building, there should be less glass-to-wall ratio for residential uses than for commercial uses. Windows with clear glass and balconies or terraces should face the street so that there is a visual connection with the street.

At the ground floor level, the project includes 60% or more of glazing for the exterior façade facing Pico Boulevard. As well, in addition to the 2,625 square feet of new commercial uses along Pico Boulevard, the ground floor contains the residential leasing office, proposed gym and community room further activating the street. Above the ground floor level, the project reduces the amount of glazing used, but instead incorporates more breaks in the building creating open-air bridges and decks that allow for greater connectivity between the street and the building.

Storefronts in mixed-use buildings should reflect the dimensions and proportions of the building, subdivided by columns, piers or wall areas that visually carry the mass and proportion of upper floors to the ground. Each commercial use on the street should have an individual public entry directly accessible from the public sidewalk on Pico Boulevard. For mixed-use projects with 125 feet or more of building frontage on Pico Boulevard, there should be at least one primary entry at the same elevation as the public sidewalk, oriented and directly accessed from Pico Boulevard for the residential use.

The proposed project is designed with architectural elements, such as building recesses and façade treatments, that tie the ground floor uses to the residential levels above, but that nevertheless maintain a clear distinction between the various uses, as discussed above. Each commercial tenant space, as well as the main residential lobby, has a primary entrance directly from Pico Boulevard, which will activate the public sidewalk in front of the development.

In mixed-use developments, signage should be located and illuminated in such a way as to avoid adverse impacts such as light or glare into residential units.

The proposed project does not include any signage which is either located or illuminated in a way as shine light or glare into residential units.

STANDARD 7: WINDOW SECURITY GRILLES AND CHAIN LINK FENCES – ALL PROJECTS - *Exterior security grilles or permanently affixed security bars, or roll down grilles that conceal storefront windows, and chain link fences that are visible from Pico Boulevard are prohibited. Stores should use alternatives such as interior security grilles, or vandal proof glazing which is resistant to impact. Industrial Projects should not have any security grilles or chain link fences on the Pico Boulevard/ Southern Pacific Railroad Right-of-Way frontage.*

No exterior security grilles are proposed. Nonetheless, a condition has been imposed to ensure that security grilles or permanently affixed security bars, or roll-down grilles are not visible from Pico Boulevard.

STANDARD 9: MECHANICAL EQUIPMENT SCREENING AND TRASH CONTAINERS – ALL PROJECTS - *Equipment should be enclosed or screened through use of building parapets, masonry walls or other architectural treatments that are integral to the building's form. All exterior mechanical equipment, including HVAC equipment, satellite dishes, cellular antennas, should not be visible from public rights-of-way. Trash storage bins should be located within a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and screened with landscaping, so as not to be viewed from public right-of way or adjacent residences. No mechanical equipment (e.g., air conditioners) should be placed in window or door openings.*

No mechanical equipment, including HVAC equipment, satellite dishes, cellular antennas are shown on the plans. The first floor plan indicates that the trash and

recycling bins would be located by the ground floor level parking spaces adjacent to the elevators. Nonetheless, conditions has been imposed to ensure that all exterior mechanical equipment and trash storage bins be located so as to not to be viewed from public right-of way or adjacent residences. A transformer pad is proposed for the southeast side of this building and shown behind the Graphic Mural Wall.

STANDARD 10: EXTERIOR SURFACE MATERIALS – ALL PROJECTS - *The exterior facade of buildings should incorporate no more than three complementary building materials and colors each, including but not limited to glass, tile, terracotta, brick, stucco or stone. Bright or intense colors and stark colors such as white or black should not be utilized for large areas. Bright colors on architectural detailing, trim, window sashes, doors and frames, or awnings may be used if they are compatible with the color scheme of the building.*

The proposed project uses a combination of three materials, including wood siding, stucco and glass to create a modern building. The colors used for the stucco include a variety of light greys and greens and a complimentary yellow, which will enhance the aesthetic quality of the building.

PARKING:

STANDARD 13: SURFACE PARKING – ALL PROJECTS - *Surface parking lots should not be located between the front property line and the primary building/ storefront on Pico Boulevard. Surface parking should be located to the rear of all structures if vehicular access is available to the rear of the parcel either from an alley or a public street.*

The proposed project does not include and surface parking, however access to the parking and loading areas are at the rear of the subject site through the adjacent alley.

LANDSCAPING:

STANDARD 14: LANDSCAPING AND STREET TREES – ALL PROJECTS - *All areas of a site not occupied by buildings or driveways, should be landscaped at site entrances and along walkways. Landscaping consisting of small trees, planter boxes or tubs of flowers should be provided, where feasible. Plants should not obstruct the pedestrian right-of-way nor create inappropriate visual or physical barriers for vehicles or pedestrians. Landscaping should consist of plant materials, such as trees and shrubs or ground cover.*

The proposed project includes various courtyards and decks starting at the ground level and up to the fourth-floor level which are open to the sky and provide for the planter boxes with trees, shrubs and ground cover. In addition, at the perimeter of the ground floor along Pico Boulevard, the "Pedestrian Walk Street" and the rear alley, landscaping has been included to create a buffer better the building and the public rights-of-way.

Trees should be planted in the adjacent public right-of-way at a ratio of one tree for every thirty (30) feet of lot frontage or to the satisfaction of the Street Tree Division, Bureau of Street Services, Department of Public Works.

The project has been conditioned to plant trees to the satisfaction of the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, including at a ratio of one (1) tree for every thirty (30) feet of lot frontage.

STANDARD 15: LANDSCAPING FOR SURFACE PARKING LOTS – ALL PROJECTS *- Wherever a surface parking lot abuts a public street or public sidewalk, screening and buffering of the parking lot should be provided by a five (5) foot landscaped buffer to be located between the property line and the parking area. Landscaping should consist of plant materials, such as trees, shrubs and planted ground cover.*

The subject project does not propose a surface parking lot. Thus, these provisions do not apply.

STANDARD 16: LANDSCAPING FOR PARKING STRUCTURES – ALL PROJECTS - *Parking structures should be visually screened from frontage streets and adjoining uses by a landscape buffer consisting of trees, planters and vegetation around their perimeters. The landscaped area should contain one 24-inch box tree minimum trunk diameter of two (2) inches and a height of ten (10) feet at the time of planting, and should be planted at a ratio of one for every twenty (20) lineal feet. The landscaped setback should contain clinging vines or similar vegetation capable of covering or screening the length of the wall up to a height of at least nine feet along a street frontage. Planter boxes associated with the screening should not be used to add to the height of the structure. An automatic irrigation system should be installed within the landscaped area.*

The subject project does not include a parking structure. Thus, these provisions do not apply.

SIGNAGE:

STANDARD 17: BUILDING IDENTIFICATION (WALL) SIGNS – ALL PROJECTS - *Each building or premise is allowed one sign containing the name, and/or address, or logo of the building on the site. The sign area of a building identification sign should not be more than four (4) square feet.*

STANDARD 18: BUSINESS IDENTIFICATION (WALL) SIGNS – ALL PROJECTS - *Any business is permitted one wall sign for each face of each building on an exterior wall that has frontage on a public street and has a public entrance from the street frontage containing the name of the business and logo.*

STANDARD 19: SIZE AND TYPE OF WALL SIGNS – ALL PROJECTS - *The total sign area of a wall sign should not exceed 1.5 square feet for each foot of store or building frontage. No sign should exceed a maximum of 75 square feet. For wall signs that are made up of channel or individual letters/ logos, the overall composition of the height of signs should not exceed two (2) feet, or height of letters more than eighteen (18) inches.*

Wall signs should not project more than twelve (12) inches from a wall. No portion of a wall sign should extend above a building wall or above a roofline. Signs in a multi-tenant building should be placed at the same uniform elevation to create visual continuity (applicable to each level of a multi-tenant retail/office building).

Signs should be constructed of channel or individual letters/ logos or metal, stone, wood or other non illuminated, non-plastic material. Canister wall signs may be permitted only if they have opaque, or translucent, non-illuminated face panels with only individual letters and/ or logos back-lit, and not the entire surface of the sign. Internally illuminated letters (routed/ stenciled/ embossed) may be plastic, but the face panels should not have glossy reflective surfaces.

STANDARD 20: MONUMENT SIGNS – ALL PROJECTS - *There shall be only one monument sign per multi-tenant business or building. The maximum size of a monument sign should be twenty four (24) square feet per side. Signs should be constructed of metal, stone, wood or other non-illuminated, non-plastic material. If a plastic Canister is utilized, the sign should have opaque, or translucent, non-illuminated face panels with only individual letters and/ or logos back-lit, and not the entire surface of the sign. Internally illuminated letters (routed/stenciled/embossed) may be plastic, but the face panels should not have glossy reflective surfaces.*

STANDARD 21: PROJECTING SIGNS – ALL PROJECTS - *The number of projecting signs should not exceed one per business. The area of such sign should be limited to four (4) square feet per sign face. Signs should be constructed of metal, stone, wood or other nonilluminated, non-plastic material. If a plastic Canister is utilized, the sign should have opaque, or translucent, non-illuminated face panels with only individual letters and/ or logos back-lit, and not the entire surface of the sign. Internally illuminated letters (routed/ stenciled/ embossed) may be plastic, but the face panels should not have glossy reflective surfaces. No sign should project more than thirty (30) inches from the building wall to where it is attached or extend above parapet line of the roof.*

STANDARD 22: AWNING SIGNS – ALL PROJECTS - *In addition to wall signs, each building/business is allowed one awning sign to be located on the awning over the building/business entrance. Awning valences may have letters, numbers, or symbols not to exceed ten (10) inches in height and covering no more than seventy (70) percent of the valence area. The name, occupation, and/or address of the business is permitted on the awning signs. Telephone numbers or services offered are not to be included on any part of the awning.*

STANDARD 23: WINDOW SIGNS – ALL PROJECTS - *Only one window sign per business is allowed. Window signs, consisting of text, graphics or images, either permanent or temporary, should not exceed four (4) square feet or ten (10) percent of the total window area, whichever is less.*

STANDARD 24: INFORMATION SIGNS – ALL PROJECTS - *Signs which direct vehicular and pedestrian traffic to parking areas or other onsite destinations or explain parking fees should not exceed nine (9) square feet or a vertical or horizontal dimension of thirty six (36) inches, and should be consistent in design with the signage for the rest of the project. These are to be used for on-site directional information only and not for advertising. Signs should be constructed of metal, stone, wood or other non-illuminated, non-plastic material. If a plastic Canister is utilized, the sign should have opaque, or translucent, non illuminated face panels with only individual letters and/ or logos back-lit, and not the entire surface of the sign. Internally illuminated letters (routed/ stenciled/ embossed) may be plastic, but the face panels should not have glossy reflective surfaces.*

The proposed project does not include the approval on any signage and any future signage would be reviewed for compliance with the Community Design Overlay.

b. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and the vicinity.

There are no identified cultural, scenic or environmental resources in the vicinity. The proposed subject project is harmonious in scale and design, structure, site plan and landscaping with the existing development with the surrounding area.

4. Site Plan Review Findings

In order for the site plan review to be granted, all three of the legally mandated findings delineated in Section 16.05-F of the Los Angeles Municipal Code must be made in the affirmative:

a. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.

The proposed project complies with all applicable provisions of the Los Angeles Municipal Code, the Palms - Mar Vista - Del Rey Community Plan, the Los Angeles Coastal Transportation Corridor Specific Plan Area and the West Pico Boulevard Community Design Overlay (CDO).

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

The Land Use Element of the City's General Plan is divided into 35 Community Plans. The subject property is located within the Palms - Mar Vista - Del Rey Community Plan, which designates the site for General Commercial land uses, corresponding to the C1.5, C2, C4, RAS3, and RAS4 Zones.

The proposed project is consistent with the following goals and policies of the Palms - Mar Vista - Del Rey Community Plan:

Goal 2: 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.

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 2-1.2: Protect commercially planned/zoned areas from encroachment by residential only development.

Policy 2-1.4: Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and 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: Require that mixed-use projects and development in pedestrian-oriented areas are developed according to specific design guidelines to achieve a distinctive character and compatibility with surrounding uses.

Policy 2-2.4: Promote mixed use projects along designated transit corridors and in appropriate commercial centers.

Objective 2-3: To enhance the appearance of commercial districts.

Policy 2-3.1: Require that the design of new development be compatible with adjacent development, community character and scale.

The proposed project is a mixed-use building with 100 new residential units with nine (9) units for Very Low Income Households and 2,625 square feet of restaurant and retail uses. The project will not only provide opportunities for new commercial uses, it will also strengthen the existing commercial development in the community by adding to the consumer base through the introduction of new residents.

The proposed project is well-designed with commercial uses oriented to the street and the upper levels are articulated such that the massing of the building is reduced. Within 50 feet of the R1 zoned properties the south the building has a maximum height of 37 feet, with the exception of one (1) stairwell.

In addition, the project is located in a transit-rich area with numerous transit services in close proximity, including a Big Blue Bus Rapid Route (Rapid 7) bus stop located less than 600 feet from the subject property which provides service from the City of Santa Monica to Koreatown and the Metro Purple Line Station at Western Avenue and Wilshire Boulevard. The soon-to-be opened Metro Expo Line Station at Sepulveda and Exposition Boulevards is less than one (1) mile from subject property which will further expand transit opportunities in the area.

Lastly, as explained further below, the proposed project is consistent with the West Pico Boulevard CDO, which imposed design standards to ensure that new development is compatible with adjacent development, community character and scale.

Therefore, the project is in substantial conformance with the purposes, intent and provisions of the Palms - Mar Vista - Del Rey Community Plan and does not conflict with any applicable regulations or standards.

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

The proposed project includes the construction of 100 apartment units with nine (9) units for Very Low Income Households and 2,625 square feet of restaurant and retail uses within a 78,484 square-foot (with an FAR of approximately 2.9 to 1), five-story (56-foot tall) building above two (2) levels of subterranean parking and one (1) level of at-grade parking. The project provides a total of 124 vehicle parking spaces: 113 residential parking spaces at the subterranean levels and 11 commercial parking spaces at-grade level. The project will also provide 122 bicycle parking spaces, including short-term bicycle parking spaces along Pico Boulevard.

The subject property is a flat, interior lot with approximately 27,493 square feet of lot area. The property is developed with an existing surface parking lot, three one-story commercial structures, and a vacant two-story four-unit multi-family building. Currently access to the property is obtained through a two-way driveway along Pico Boulevard and alley at the rear. The proposed project will result in the removal of the existing driveway along Pico Boulevard.

The surrounding land uses consist of mixture of commercial and residential uses. Properties to the north (across Pico Boulevard), east and west are zoned [Q]C2-1VL-CDO and are primarily developed with one-story commercial uses and associated surface parking. Properties to the south, across the alley, are zoned R1 and are primarily developed with one-story single-family dwellings.

Height, Bulk and Setbacks

The proposed project located across a 20-foot wide public alley from the adjacent R1 zoned properties to the south. As such, the 37-foot height limit allows the building to be more compatible with the adjacent to the R1 zoned properties. Furthermore, the southern façade is broken up with large areas of open space, further reducing the building's bulk as viewed from the south.

The majority of the building's mass is located along the Pico Boulevard frontage and while the proposed project is unlike existing development along Pico Boulevard, it is compatible with future development, as evidenced by the recent approval and construction of a 56-foot tall residential development located at 12301-12333 Pico Boulevard, approximately 1,000 feet to the west of the subject property.

The proposed setbacks are consistent with other commercial and mixed-use developments which typically not required any setback.

Therefore, the height, bulk and setbacks of the mixed-use building will be compatible with the existing and future developments in the neighborhood.

Off-Street Parking Facilities

The proposed project will provide a total of 124 vehicle parking spaces: 113 residential parking spaces at the subterranean levels and 11 commercial parking spaces at-grade level, with separate entrances to each. The project will also provide 122 bicycle parking spaces.

The at-grade commercial parking is located behind the commercial tenant spaces and as such will not be visible from the public right-of-way. Additionally, all ingress and egress will be from the public alley at the back of the building. Curb cuts and driveways along Pico Boulevard (designated Avenue I (Secondary Highway) and a Moderate Plus Transit Enhanced Street as shown in Mobility Plan 2035) were specifically avoided in order to reduce any impact on circulation in the surrounding area.

Therefore, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Loading Areas

The proposed project will include a loading area for pick-up and deliveries for the commercial uses at the back of the building along the alley, in conformance with the

L.A.M.C. Compliance with these regulations will allow the project to be compatible with existing and future development.

Lighting

Lighting for the proposed project has been conditioned through a mitigation measure to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The project will provide a minimum of 10,325 square feet of open space, including, but not limited to, a 1,128 square-foot landscaped courtyard on the first floor, a 1,507 square-foot landscaped courtyard on the second floor and a 4,665 square-foot deck on the 4th floor that will contain a pool, a spa, seating areas and landscaping. Notably, the landscaping for the 4th floor deck will include medium-sized trees, further reducing the mass and bulk of the building as viewed from the south. A condition imposed requiring all planters containing trees to have a minimum depth of 48 inches to ensure adequate room for root growth and healthy trees.

Furthermore, the project will provide street trees as required by the Urban Forestry Division, Board of Public Works.

Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.
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Trash Collection

The project will include centralized on-site trash collection for both refuse and recyclable materials, in conformance with the L.A.M.C. Compliance with these regulations will allow the project to be compatible with existing and future development.

Therefore, as proposed and conditioned, the project is compatible with existing and future development on neighboring properties.

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

The proposed project will include 100 residential units and a minimum of 10,325 square feet of open space. The project will include three (3) Live/Work units, 58 studio apartments, 25 one-bedroom apartments, and 14 two-bedroom apartments.

The project, as proposed, will provide a minimum of 10,325 square feet of open space, including, but not limited to, a 1,128 square-foot courtyard, a 657 square-foot gym and a 877 square-foot recreation room on the first floor, a 1,507 square-foot courtyard on the second floor and a 4,665 square-foot deck on the 4th floor which will contain a pool, a spa, seating areas, a dog-wash station, a fire pit and landscaping, which will enhance habitability for the residents.

The project could reduce the amount of parking by 17, consistent with the bicycle parking reduction allowance, however has elected not to, thereby ensuring more than adequate on-site parking and relieving the burden on on-street parking in the surrounding area.

Therefore, as proposed, the project is compatible with existing and future development on neighboring properties.

5. **Environmental Findings**

a. **Environmental Finding.** On October 1, 2015, a Mitigated Negative Declaration (ENV-2015-2210-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Department of City Planning in Room 750, 200 North Spring Street.

b. **Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of a Flood Zone.