

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

GARY BOOHER
R. NICOLAS BROWN
ANIK CHARRON
EMILY J. GABEL-LUDDY
DANIEL GREEN
LOURDES GREEN
DAVID KABASHIMA
ALBERT LANDINI
JON PERICA

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

**OFFICE OF
ZONING ADMINISTRATION**

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334

July 29, 2004

Tom Cody (A)(O)
South Park RPO, LLC
1120 NW Couch Street, Suite 600
Portland, OR 97209

Craig Lawson (R)
Craig Lawson & Company, LLC
8758 Venice Boulevard, Suite 200
Los Angeles, CA 90034

Department of Building and Safety

CASE NO. ZA 2003-9146-ZV-ZAA
ZONING ADMINISTRATOR'S
DETERMINATION, ZONE VARIANCE,
ZONING ADMINISTRATOR'S
ADJUSTMENT, SITE PLAN REVIEW

Related Case: VTT 60746
1111 S. Grand Avenue & 1100 S. Hope
Street

Central City Planning Area

Zone : [Q]R5-4D-O

D.M. : 127.5 A 2

C.D. : 9

CEQA : ENV-2003-8301-MND

Fish and Game: Exempt

Legal Description: Lots 7 through 12 and
13 through 17, Block 79, Ord's Survey

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27, I hereby
APPROVE:

a variance from Los Angeles Municipal Code Section 12.21 A 5 (a) (1) (ii) and 12.21 A 5
(b):

to reduce the parking stall width to 8'-2", only at the portion where the structural
columns are located as shown on the parking plan (attached to the case file)
drawing, in lieu of the required 9'-0" stall width plus the 10 inches required on the
side of an obstruction;

to reduce all the drive aisles to 24'-0" in lieu of the required 25'-4" for 9'-0" wide
stalls at a 90 degree angle with both single loaded and double loaded aisles with
two-way traffic;

to reduce the drive aisles at the basement, second and third parking levels to 21'-
8" in lieu of the required 25'-4" drive aisle and to reduce the drive aisles at all
parking levels to 22'-6" in lieu of the required 25'-4" drive aisle at the locations
marked A and B on the attached basement parking plan diagram;



CASE NO. ZA 2003-9146(ZV)(ZAA)

a variance from Los Angeles Municipal Code Section 12.21 A 4 (p) (1) to permit .48 parking spaces per unit (Phase I) and to permit .49 parking spaces per unit (Phase II) for the residential portion of the Joint Live Work Units in lieu of the 1.0 parking spaces per unit (Phase I) and 1.0 parking spaces per unit (Phase II) required;
a variance from Los Angeles Municipal Code Section 12.21 A 4 (c) & (j) to permit .98 parking spaces per unit (Phase I) and .99 parking spaces per unit (Phase II) for the commercial portion of the Joint Live Work Units in lieu of the 1.76 parking spaces per unit (Phase I) and 1.60 parking spaces per unit (Phase II) required. For those ground floor units occupied by retail uses, to permit one parking space per 1,000 s.f. of retail use for those ground floor units which are used for retail purposes instead of Joint Live Work Units;

a variance from Los Angeles Municipal Code Section 12.12 A and Section 12.16 A to permit Joint Live Work Units in the [Q]R5-4D-O Zone;

a variance from [Q] Condition 6 and the D Limitations of Ordinance 164,307 to permit the Associate Zoning Administrator to act for the City Planning Commission in allowing an FAR in excess of 2 to 1 for commercial uses on the site and to allow commercial and residential uses in excess of 6 to 1 FAR; (Such approval is in recognition of the action taken by the CRA Board of Commissioners on April 15, 2004, pursuant to Section 520 of the City Center Redevelopment Plan, to approve a Variation of up to 50,000 square feet of additional floor area each for Phase 1 and Phase 2 of the proposed project.)

a variance from [Q] Conditions 6 and 6A of Ordinance 164,307 to permit commercial uses on the site with a floor area ratio (FAR) up to a maximum of 6 to 1 in lieu of the maximum of 2 to 1 FAR allowed;

a variance from Los Angeles Municipal Code Sections 12.11 C 1, 12.11 C 2, 12.11 C 3, 12.11 C 4, 12.30 and 12.37 to permit the calculation for the Buildable Area of the lots to include the areas of the proposed street and alley dedications, the alley vacation area and the required yard setback areas in lieu of the deduction of these areas from the Buildable Area of the lots;

a variance from Los Angeles Municipal Code Section 17.15 C, to permit construction to commence for the Phase I building located at 1111 South Grand Avenue in conjunction with an approval of Vesting Tentative Tract No. 60746, prior to the recordation of a Final Tract Map, subject to the zone variances, Zoning

Administrator's adjustments and site plan approved herein, and an increase of up to a maximum of 50,000 square feet for the Phase I building through the density variation approved by the Community Redevelopment Agency of the City of Los Angeles (CRA) for the Phase I site; and

Pursuant to Los Angeles Municipal Code Section 12.28, I hereby APPROVE:

an adjustment from Los Angeles Municipal Code Section 12.12 C 4 to permit an increase of residential density from 1 unit per 200 square feet of lot area (181 units) to 1 unit per

CASE NO. ZA 2003-9146(ZV)(ZAA)

187 square feet of lot area (194 units in Phase I) and to permit the increase of residential density from 1 unit per 200 square feet of lot area (217 units) to 1 unit per 194 square feet of lot area (223 units in Phase II);

an adjustment to reduce front yard, side yard and rear yard setbacks in the development of both Phase I and II as follows:

from Los Angeles Municipal Code Section 12.11 C 1 to reduce the front yard setback requirement to 0 feet for the 1st and 2nd floors (Phase I and Phase II), to 11.91 feet on the 3rd through 13th floors (Phase I) and the 3rd through 17th floors (Phase II) in lieu of the 15 feet required;

from Los Angeles Municipal Code Section 12.11 C 2 to reduce the side yard setback requirement to 0 feet for all the floors (Phase I and Phase II) adjacent to the existing alley and for the 1st and 2nd floors fronting on Hope St. and Grand Ave. in lieu of the 16 feet required;

from Los Angeles Municipal Code Section 12.11 C 3 to reduce the rear yard setback requirement to 0 feet for the 1st through 3rd floors (Phase I) and to 10 feet for the 1st through 3rd floors (Phase II) in lieu of the 20 feet required;

an adjustment from Los Angeles Municipal Code Section 12.21 G 2 (a) (1) (i), 12.21 G 2(a) (3) and 12.21 G 2 to deviate from the Open Space requirements as follows:

to reduce the required Open Space to 7,728 s.f. (Phase I) and 12,298 s.f. (Phase II) in lieu of the 21,025 s.f. (Phase I) and 24,150 s.f. (Phase II) required;

to allow 747 s.f. (Phase I) and 1,372 s.f. (Phase II) of planted area in lieu of the required planted area of 2,459 s.f. (Phase I) and 2,994 s.f. (Phase II), which is 25% of the required Common Open Space, and to allow 25 trees for each phase in lieu of the 49 trees (Phase I) and 56 trees required (Phase II);

to allow Common Open Space of 3,168 s.f. (Phase I) and 3,856 s.f. (Phase II) to be located in the required side yards;

Pursuant to Los Angeles Municipal Code Section 16.05 F, I hereby APPROVE:

Site Plan Review for the proposed project.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

CASE NO. ZA 2003-9146(ZV)(ZAA)

3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
4. A copy of the first of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
5. The proposed development shall consist of two phases of development, as follows:
 - a. Phase 1 shall include not more than 194 Joint Live Work Units in a 13 story building with up to 7,500 square feet of ground floor retail/commercial space and 283 parking spaces (or a ratio of 1.46 spaces per unit).
 - b. Phase 2 shall include not more than 223 Joint Live Work Units in a 17 story building with up to 7,500 square feet of ground floor retail/commercial space and 330 parking spaces (or a ratio of 1.48 spaces per unit).
6. The applicant shall provide Phase I and Phase II on-site parking space assignments for the project's residential and/or commercial components satisfactory to the Deputy Advisory Agency, in accordance with the associated Vesting Tentative Tract No. 60746.
7. For purposes of applying yard regulations, the front yards for each phase of the project have been designated by the Advisory Agency along 11th Street, and the side yards have been designated along Hope Street, Grand Avenue, and the (vacated) alley pursuant to VTT No. 60746.
8. The project shall comply with all mitigation measures contained in the associated environmental clearance, Mitigated Negative Declaration No. ENV-2003-8301-MND except as revised in the Letter of Determination for Vesting Tentative Tract No. 60746.
9. 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS – TIME LIMIT – LAPSE OF PRIVILEGE – TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on

CASE NO. ZA 2003-9146(ZV)(ZAA)

appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event that the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD – EFFECTIVE DATE

The applicant's attention is called to the fact that these variances, Adjustments and Zoning Administrator's Determination are not a permit or license, and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after August 13, 2004, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at www.lacity.org/pln.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

CASE NO. ZA 2003-9146(ZV)(ZAA)

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.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Advisory Agency staff thereon, the statements made at the public hearing on April 14, 2004, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27 of the Municipal Code have been established by the following facts:

BACKGROUND

The 82,348 square foot project site consists of 5 parcels located in the [Q]R5-4D-O Zone. The site is located in the South Park community of the Central City Community Plan area and is designated High Density Residential.

The subject site is also located in the South Park Area of the City Center Redevelopment Project and the Central City Community Plan area. The site is zoned [Q] R5-4D-O (high density residential). The site is bounded by 11th Street to the north, Hope Street to the west and Grand Avenue to the east and is divided by a public alley that runs north/south. The eastern portion of the site is currently used as a surface parking lot while the western portion is a vacant lot.

The site has a maximum allowable FAR of 6 to 1 for the entire project site as per the D Limitation and a maximum of a 2 to 1 FAR for the commercial uses as per the [Q] Condition. The Applicant proposes to construct two new residential high-rise buildings with a total of 417 condominium units. The project consists of a 194 unit (13 story) building in Phase I which fronts on Grand Avenue, has an area of 35,932 square feet, and is comprised of five lots along with the area of the alley to be vacated. The project also consists of a 223 unit (17 story) building in Phase II, fronting on Hope Street, consisting of a total of 46,416 square feet and 6 lots.

The applicant proposes provide a total of 417 residential condominium units, 14 of which will be 2-story retail or Joint Live Work Units located on the ground floor level (7 on the western site and 7 on the eastern site). The remainder of the Phase I units will be multi-story Joint Live Work Loft units and the Phase II units above the first floor are presently unspecified. All of the units in the development will be Joint Live Work Units.

CASE NO. ZA 2003-9146(ZV)(ZAA)

The applicant is proposing to provide 7,500 square feet of retail space in both Phase I and Phase II, or as an alternative, to use these ground level units as Joint Live Work Units. The retail use will be located on the ground level and the tenants are presently unspecified.

The proposed project will include a total of 613 parking spaces for the two buildings, 283 parking spaces will be provided for the 194 units for Phase I (1.46 spaces per unit), and 330 parking spaces will be provided for the 223 units on the Phase II site (1.48 spaces per unit) for an overall parking ratio of 1.47 parking spaces per unit. In both buildings, the parking will be located on the basement, ground, second and third floor levels.

As part of the companion subdivision application (Vesting Tentative Tract 60743) the applicant has requested the vacation of the northerly portion of the alley between the eastern and western sites. The applicant has proposed to provide a new alley turnout at Hope Street as indicated on the plot plan.

The applicant has provided the following table of calculations of lot area, FAR and density:

Area, FAR & Density Calculations

	Phase I	Phase II
Lot Area Before Dedications	35,929 s.f. (Including alley to be vacated: 4,694 s.f.)	46,416 s.f.
Lot Area After Dedications	33,981 s.f.	41,203 s.f.
Buildable Area	27,589 s.f.	35,625 s.f.
Maximum Allowable Floor Area	165,534 s.f. (27,589 s.f. x 6 FAR)	213,750 s.f. (35,625 s.f. x 6 FAR)
Proposed Floor Area	254,004 s.f.	265,338 s.f.
Maximum Allowable Residential Density (Based on R5 Zone Lot Area of 200 square feet of lot area per unit)	181 units (36,328 s.f./200) (33,981 s.f. + 2,347 s.f. [½ of existing alley to be vacated])	206 units (41,203 s.f./200)
Proposed Residential Density	194 units	223 units

The applicant has provided the following table showing areas proposed to be added to the Buildable Area:

CASE NO. ZA 2003-9146(ZV)(ZAA)

Areas of Alleys, Setbacks, & Dedications Added to Buildable Area

	Phase I	Phase II
Area of Existing Alley to be Vacated	4,694 s.f	N/A
Area of New Alley to be Dedicated	N/A	3,428 s.f
Area of Required Setbacks	6,392 s.f.	5,578 s.f
Area of Street Dedications	1,948 s.f.	1,785 s.f.
Total Area of Alleys, Setbacks, & Dedications Added to Buildable Area	13,034 s.f.	10,791
Increase in FAR By Adding Areas of Alleys, Setbacks, & Dedications Added to Buildable Area	78,204 s.f. (13,034 s.f. x 6 FAR)	64,746 s.f. (10,791 s.f. x 6 FAR)

The applicant has provided the following tables of Open Space required and Open Space proposed to be provided:

Open Space Required

	Phase I	Phase II
100 s.f. for Units with <3 Habitable Rooms	15,300 s.f (153 units x 100 s.f.)	15,500 s.f (155 units x 100 s.f.)
125 s.f. for Units of 3 Habitable Rooms	3,625 s.f (29 units x 125 s.f.)	8,125 s.f (65 units x 125 s.f.)
175 s.f. for Units <3 Habitable Rooms	2,100 s.f (12 units x 175 s.f.)	525 s.f (3 units x 175 s.f.)
Total	21,025 s.f.	24,150 s.f.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Open Space Provided

	Phase I	Phase II
Private Open Space	2,750 s.f.	3,150 s.f.
Common Open Space	4,978 s.f.	9,148 s.f.
Total	7,728 s.f.	12,298 s.f.

Proposed Parking Summary If All Units are Joint Live Work Condominiums

	Phase I	Phase II
Number of Units Proposed	194 Units	223 Units
Parking Required for Commercial Portion of Joint Live Work Units	341 Parking Spaces (Parking Ratio of 1.76)	356 Parking Spaces (Parking Ratio of 1.60)
Parking Required for Residential Portion of Joint Live Work Units	194 Parking Spaces (Parking Ratio of 1.0)	223 Parking Spaces (Parking Ratio of 1.0)
Total Parking Required	535 Parking Spaces	579 Parking Spaces
Parking Provided for Commercial Portion of Joint Live Work Units	190 Parking Spaces (Parking Ratio of .98)	221 Parking Spaces (Parking Ratio of .99)
Parking Provided for Residential Portion of Joint Live Work Units	93 Parking Spaces (Parking Ratio of .48)	109 Parking Spaces (Parking Ratio of .49)
Total Parking Provided	283 Parking Spaces (Parking Ratio of 1.46)	330 Parking Spaces (Parking Ratio of 1.48)

CASE NO. ZA 2003-9146(ZV)(ZAA)

Proposed Parking Summary Assuming 7,500 s.f. of Ground Floor Retail Space in Each Phase

	Phase I	Phase II
Number of Units Proposed	194 Units	223 Units
Number of Units if Retail Use is Included (Three Joint Live Work Units are lost if a retail space is added.)	191 Units	220 Units
Number of Parking Required for Joint Live Work Units	278.86 Parking Spaces (191 Units x 1.46)	325.6 Parking Spaces (220 Units x 1.48)
Parking Required for 7,500 s.f. Retail Use	7.5 Parking Spaces (1 Parking Space/ 1,000 s.f. of Retail)	7.5 Parking Spaces (1 Parking Space/ 1,000 s.f. of Retail)
Total Parking Required	286 Parking Spaces	333 Parking Spaces

Surrounding Properties

The subject site is approximately 3 blocks east of Staples Center, is less than 2 blocks away from the MTA Blue Line Station at 12th St. and Flower St., and is within walking distance of approximately 40 bus lines.

West: The property across Hope Street to the west of the site is zoned [Q]R5-4D-O and is occupied by a 5-story parking structure adjacent to a restaurant and office building.

North: The properties across 11th Street to the north of the site are zoned [Q]R5-4D-O and are used as a 5-story building and a surface parking lot.

East: The property across Grand Avenue is an older building which is in being developed into a 66-unit loft style condominium project.

South: The properties adjacent to the south are zoned [Q]R5-4D-O and are used as surface parking on the east side and a 3-story building on the west.

Surrounding Streets

Hope Street, adjoining the property is designated a Modified Secondary Highway, dedicated to a width of 80 feet and is improved with curb, gutter and sidewalk.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Grand Avenue, adjoining the property is designated a Major Highway, dedicated to a width of 90 feet and is improved with curb, gutter and sidewalk.

11th Street adjoining the property is designated as a Collector Street, dedicated to a width of 60 feet and is improved with curb, gutter and sidewalk.

Alley bisecting the property is to be partially vacated under the companion Tract Map action. Previous related zoning actions on the site and in the area include:

Subject Property:

Ordinance 164,307 – This Ordinance, approved in 1988, imposed D and [Q] conditions on the subject site. The site falls in sub-area 2930 and 2925. The D Limitation sets a density limit of 6 to 1 FAR, unless the CRA approves additional floor area through one of several available options. The [Q] Condition restricts the types of development on the site to all R5 uses (up to an FAR of 6 to 1) and C4 uses (up to an FAR of 2 to 1 FAR), except that the CPC and the CRA may grant additional FAR up to 6 to 1 for commercial uses under specified conditions.

CPC 86-0606 (GPC) – City Planning Commission (CPC) approval of zoning actions enacted in Ordinance 164,307, above.

CPC 17168 – In 1964 the CPC recommended the creation of an urbanized Oil Drilling District under this case number. In November 1966 the CPC recommended the approval of eight additional wells in addition to the six existing wells in accordance with Ordinance # 128,690.

ZA 17518 – On July 26, 1965, the Zoning Administrator denied an application to permit a church on the subject site. (The case appears to be incorrectly located on this site. The decision letter gives a site address of 11003 Penrose Street in the Sun Valley District)

ZA 17939 – Could not be located in City records.

AF 91-1320215 (ZA) - Could not be located in City records

AF 7643 – Signed Jan. 1947 certifying that the parking lot at 1121-1123 South Grand (Lots 15, 16, 17) has existed since Feb. 1937.

Surrounding Properties:

Vesting Tract Map 54309 and ZA-2003-2656-ZV-ZAA-ZAD - On September 11, 2003, the Advisory Agency approved the subdivision and zoning actions for the Grand Avenue Lofts project on the southeast corner of 11th and Grand. The project will include 66 loft condos and 66 parking spaces (Adaptive Re Use Project).

ZA 2003-5986-ZV-ZAA – On December 22, 2003, the Associate Zoning Administrator approved various zoning actions for the Metropolitan Lofts project at 1050 South Flower Street. This project will include 274 multi-family units and 11 joint live work units with 376 parking spaces.

CASE NO. ZA 2003-9146(ZV)(ZAA)

CPC 94-0225 CPU (Ordinance 174,995) – On January 8, 2003 the City Council adopted a resolution approving a revision to the Central City Community Plan to include the incorporation of the Los Angeles Sports and Entertainment District Specific Plan for the area near Staples Center and the L.A. Convention Center. The Specific Plan permits a maximum of 3.75 million square feet of entertainment/mixed-use development, requires a minimum of 500 dwelling units and 1,400 hotel rooms, and includes a variety of other uses.

ZONE VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations.**

Parking Area Design Deviations

Strict application of the zoning ordinance would not permit the project to be developed in as beneficial a manner to the community as is proposed in its current configuration which provides a total of 194 units in Phase I and 223 units in Phase II. The zoning regulations require the size of parking stalls to have a 9'-0" width with a corresponding 25'-4" drive aisle for both single and double loaded two-way parking configurations. The Code also requires that an additional 10-inch clear space be provided at obstructions such as columns. The applicant proposes to provide 9'-0" wide parking stalls and requests a reduction in drive aisles to 24'-0" in general and a reduction to 21'-8" and 22'-6" at specific locations as seen on the attached diagram. Additionally, the applicant requests that the clear space between the columns be reduced to a width of 8'-2". The parking area for the proposed project typically would locate two parking spaces between two structural columns so that each parking space has only one column on one side. The proposed parking bay width of 60'-0" for double loaded aisles and 42'-0" for single loaded aisles will include 18'-0" long parking spaces and a 24'-0" back up space.

The applicant presented testimony regarding similar projects in the Portland, Oregon area which have small loft-style units, with no walls enclosing the sleeping area, with high ceilings and glazing on the perimeter wall. In order to provide smaller units for entry-level buyers, the column bays are a total of 18'-0" apart from the column centerlines in Phase I. The structural columns go all the way down to the basement garage level and cannot accommodate the required 9'-0" stall plus the 10" additional space which would be required for the majority of the parking spaces.

The applicant stated that the request for a reduction in the proposed parking bay width is further necessitated due to the street level area lost to the street dedications which would reduce the lot area by 5'-0" on Hope Street, 2'-0" on 11th Street and 7'-0" on Grand Avenue. The area lost due to the street dedications is approximately 1,948 square feet for Phase I

CASE NO. ZA 2003-9146(ZV)(ZAA)

and 5,213 feet for Phase II, resulting in a narrower building footprint. Additionally, the 2-story units with street access creates a base for the building which then steps back and continues with the towers which include the rest of the residential units. The 2-story units on the street level provide a human scale volumetric element which is a good transition to the upper floors.

The intent of the Zoning Code is to provide adequate space for cars to park and maneuver within a parking area and for people to enter and exit safely from their vehicles. The applicant provided a diagram of the proposed drive aisle widths and parking stall width at the column bays as well as photos of a project with an enclosed parking area constructed according to the drive aisle and stall dimensions proposed for the subject property. Standard cars and sport utility vehicles are shown in the photos to demonstrate that the requested parking stall and drive aisle widths can work because the structural columns close to the back part of the parking stall do not interfere with the operation of the driver or passenger doors whether the vehicle is parked head in first or not. The intent of the Code is to ensure that residents and guests within the parked vehicles can safely enter and exit their vehicles which is illustrated by the photos and diagrams.

Reduced Parking for the Uses on Site

The project is within the Central City Community Plan area which is eligible for the Downtown Business District Parking Exception (LAMC 12.21 A 4 (i)) provision in the Code which allows 1 parking space per 1,000 s.f. of gross floor area and the Exception for Central City Area [LAMC 12.21 A 4 (p)] which allows 1 parking space for units with 3 or less habitable rooms and 1.25 parking spaces for units with more than 3 habitable rooms. However, since these two Code sections are exceptions from the Code standard parking requirement, and a Variance cannot be requested from an exception in the Code, the citywide commercial and residential parking requirements technically apply. LAMC Section 12.21 A 4 (j) requires that when there is a combination of uses in a building that the sum of the parking requirement for each use be provided. As per LAMC 12.21 A 4 (c), two parking spaces are required for every 1,000 s.f. of commercial use and as per LAMC 12.21 A 4 (a), 1 parking space is required for units with less than 3 habitable rooms.

Parking Calculation for the Commercial Portion of the Joint Live Work Units Per LAMC Section 12.21 A 4 (c)

	Phase I	Phase II
Floor Area Proposed	254,004 s.f.	265,338 s.f.
Commercial Portion of Jot Live Work Units	170,183 s.f. (254,004 s.f. x .67)	177,776 s.f. (265,338 s.f. x .67)
Parking Spaces Required for the Commercial Portion of the Joint Live Work Units	341 parking spaces (170,183 s.f./500)	356 parking spaces (177,776 s.f./500)
Parking Spaces Proposed	190 parking spaces	221 parking spaces

CASE NO. ZA 2003-9146(ZV)(ZAA)

Parking Calculation for the Residential Portion of the Joint Live Work Units Per LAMC Section 12.21 A 4 (a)

	Phase I	Phase II
Number of Units	194	223
Number of Parking Spaces Required for the Residential Portion of the Joint Live Work Units	194 parking spaces (1 space/unit)	223 parking spaces (1 space/unit)
Number of parking spaces Proposed for the Residential Portion of the Joint Live Work Units	193 parking spaces	109 parking spaces

A total of 341 parking spaces (Phase I) and 356 parking spaces (Phase II) would be required for the commercial portion of the Joint Live Work units as per the table above. Additionally, as per the Code's parking requirement for dwelling units (LAMC 12.21 A 4 (a)) the required parking for the residential portion is 194 parking spaces (Phase I) and 223 parking spaces (Phase II). The total parking required for both the commercial portion and the residential portion of the Joint Live Work units totals to 535 parking spaces (Phase I) and 579 parking spaces (Phase II).

The strict application of the parking standards in the LAMC would require a ratio of 2.76 parking spaces per unit (Phase I) and 2.60 parking spaces per unit (Phase II) which is more parking than necessary for an urban project in downtown Los Angeles. The site is located in a transit rich dense urban area less than 2 blocks from the Metro Blue Line station and has approximately 40 bus lines within walking distance. The application of the citywide commercial parking requirement may be appropriate in a suburban area which is less dense and has limited access to public transit. For an urban development in the downtown area with available rail and bus transit, a more appropriate parking requirement for a residential use would be the amount proposed by the applicant.

The parking requirement for the commercial portion of the Joint Live Work Units is not necessary as the Joint Live Work Units are primarily residential spaces where people also conduct their work. The Zoning Code definition which implicitly designates 2/3 of the space to the commercial use was intended for artists who may use a large portion of their Joint Live Work unit to produce their artwork. However, the list of occupations specified in the LAMC 12.13 A 2 (27) such as attorneys; engineers; insurance, real estate and travel agents would not generally require 2/3 of the total Joint Live Work unit to be dedicated to the commercial use. In fact, many of the residents will have no staff members who work (or park cars) on site.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Joint Live Work Units in the [Q]R5-4D-O Zone

Section 508.3 of the Redevelopment Plan for the City Center Redevelopment Project (April 10, 2002) indicates that a goal for the development in the South Park area is to achieve a mixed-use live/work community.

The project site has a zoning designation of [Q] R5-4D-O. LAMC 12.13 A 2 (a) 27 first allows Joint Live Work units by right in the C1 Zone, thus Joint Live Work units are not allowed by right in the R5 Zone. Because such units are allowed in the C1 zone, they are also allowed by right in the following less restrictive zones: C1.5, C2, C4, C5. Because the [Q] Condition allows C4 uses on this property, it is likely that Joint Live Work units are allowed. However, in order to avoid any confusion as this project moves through the Plan Check process, the Zoning Administrator hereby finds that Joint Live Work Units are permitted in the [Q] R5-4D-O Zone as it applies to the project site.

Additional Density in the [Q]R5-4D-O Zone

In addition to the zone for this site, Ordinance 164,307 imposed [Q] Condition 5 which limits the FAR of any use permitted in the C4 zone to a maximum 2 to 1 FAR.

The applicant has proposed an FAR of [Q] Condition 6 of the same Ordinance allows an FAR for C4 uses of between 2 to 1 up to a maximum of 6 to 1 FAR provided that the City Planning Commission, together with the Community Redevelopment Agency, approve the development plan through a public hearing process.

Strict application of the zoning ordinance would not permit the project to be developed in as beneficial a manner to the community as is proposed in its current configuration which provides a 13-story building with 194 Joint Live Work units in Phase I and a 17-story building with 223 Joint Live Work units in Phase II.

Variance from the "D" Limitation and [Q] Conditions in Ordinance 164,307

The "D" Limitation, part of Ordinance 164,307 (Subareas 2925 and 2930), limits the maximum floor area for this site to 6 to 1 and provides various mechanisms to increase the FAR including a Density Variation of 50,000 square feet or less from the CRA. The applicant has indicated, and the CRA staff has confirmed, that on April 15, 2004 the CRA Board of Directors approved a Density Variation of up to 50,000 square feet for each of the two phases of this project.

The Project site, located in the South Park area of Downtown Los Angeles, is zoned [Q]R5-4D-O. The underlying zoning, R5-4, permits a floor area ratio (FAR) of 13 to 1. However, Ordinance 164,307, which imposed Development "D" Limitations on this site as well as others in the surrounding area, limited the FAR contained in all buildings on a lot to a maximum of six times the buildable area of a lot, or a 6 to 1 FAR. As a result, the "D" Limitation reduced the sites permitted FAR from what is allowed by its underlying zoning, which today, contradicts the goals of the Community Redevelopment Agency for the project area.

CASE NO. ZA 2003-9146(ZV)(ZAA)

While the project roughly meets the density (in terms of number of units) under the R5 zone, the 6 to 1 FAR limit will not allow the applicant build the average size units common to urban-style developments, e.g. 1150 to 1200 square feet per unit.

Calculations of the Buildable Area of the Site

Street Dedication Areas:

The applicant has requested relief from the LAMC Section which requires that street dedication areas be deducted from the buildable area of a lot when calculating floor area for condominium projects. The applicant will provide the required street dedications, but when computing buildable area, the applicant has requested the right to include the street dedication area in the buildable area calculation in order to develop this project .

Phase I has a 2 foot dedication on Hope Street and a 7 foot street dedication on Grand Avenue (1,984 s.f) and Phase II has a 2 foot dedication on 11th Street and a 5 foot dedication on Hope Street (1,785 s.f.) If the street dedications were not required, then the allowable floor area for the Project would increase by 11,688 square feet (1,948 s.f. x 6 FAR) for Phase I and by 10,170 square feet (1,785 s.f. x 6 FAR) for Phase II.

While this is an unusual request, it is being granted here because of the overriding need for additional for sale housing units in the South Park area of Downtown Los Angeles. According to Section 508.3 of the City Center Redevelopment Plan, one of the major goals for the South Park area is to achieve a mixed-use live/work community. The proposed project is precisely the type of project the Community Redevelopment Agency hopes to realize in this area.

Alley Dedication Areas:

The strict application of the provisions of the zoning ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purpose of the zoning regulations. The applicant has requested relief from the regulation which deducts the area of alleys to be vacated and alleys to be dedicated from the buildable area when calculating floor area.

The existing alley off 11th Street has an area of 4,694 s.f. and is proposed to be vacated as part of the companion Tract action (Vesting Tentative Tract Map 60746). The proposed new alley turnout toward Hope Street has an area of 3,428 s.f., which is also included in the companion Tract action.

If the area of the existing alley to be vacated is included in the buildable area, the allowable floor area would increase by 28,164 square feet (4,694 s.f. x 6 FAR) for Phase I. If the proposed new alley turnout to be dedicated is included in the buildable area, the allowable floor area would increase by 20,568 square feet (3,428 s.f. x 6 FAR) for Phase II.

CASE NO. ZA 2003-9146(ZV)(ZAA)

While Vesting Tentative Tract Map 60746 will vacate and merge the existing alley within Phase I, technically, the area of the alley cannot be used as buildable area until the Final Map has been recorded. Since the recordation of the Final Map happens after all the Tract Map conditions are cleared, which will occur after construction has commenced, the applicant has requested that the area be included in the buildable area now rather than waiting for several months. Since the condominiums cannot be sold until the Final Map is recorded, the alley vacation which is part of the Vesting Tract Map application will occur prior to the sale of any condominium units.

The proposed new alley turnout toward Hope Street will be created when the Final Map is recorded. The applicant has requested that the proposed new alley turnout area be included as part of the buildable area in order to develop a project of this size, architectural design and quality of construction. Denial of the request to use the areas of the alley to be vacated and the alley to be dedicated as part of the buildable area to calculate the allowable building floor area would create a practical difficulty inconsistent with the zoning regulations.

Yard Setback areas:

The strict application of the provisions of the zoning ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purpose of the zoning regulations. Because the Applicant is requesting zero yard setbacks on the front, side and rear yards to build the first through third floors, the Applicant has also requested that the yard setback areas be used in the calculation of buildable area. The total yard setbacks for Phase I total 6,392 s.f. and for Phase II total 5,578 s.f. which would increase the base allowable floor area by 38,352 s.f. (6,392 s.f. x 6 FAR) for Phase I and by 33,468 s.f. (5,578 s.f. x 6 FAR) for Phase II.

Construction Permit

The strict application of the Code requires that the Final Tract Map be completed before construction of the condominiums can begin. The Applicant has requested permission to begin construction prior to the recordation of the Final Tract Map. The purpose of this early start is to expedite the construction of the new condominium units, so they can be completed and occupied as soon as possible.

The Advisory Agency utilizes a standard condition of approval which allows construction of condominium projects to begin prior to the recordation of the Final Map, as long as the applicant agrees to abide by the conditions of approval for the Tentative Tract Map. This standard condition will be included in the companion action on Vesting Tentative Tract Map 60746. To deny the applicant the right to begin construction would create an unnecessary hardship which is inconsistent with the intent of the zoning regulations.

For the aforementioned reasons, I find that the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations

CASE NO. ZA 2003-9146(ZV)(ZAA)

2. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

Parking Area Design Deviations

The site is currently undeveloped with the Phase I property used as a surface parking lot and the Phase II property as a vacant lot. The proposed condominium project includes parking spaces which are located on one basement level and the first three floors of the buildings.

In order to conceal the parking from the view, the first two floors are comprised of units that are accessible from the street, affording increased street-level pedestrian activity and with additional "eyes on the street." The 3rd floor parking area is masked from view by a parapet on the perimeter of the ground-level 2-story units accessible from the street level and the exterior treatment of the fenestration, as seen in the elevations, which blends into the rest of the building and does not look like a parking structure. Aesthetically, the exterior facades will improve the area as an upscale residential neighborhood which employs good architectural design to make the three levels of parking above grade virtually unnoticeable. The planning goal of creating a neighborhood by locating units on the ground level with access to the street will build a sense of neighborhood and increase the level of safety for pedestrians in an area with many new residential developments.

The size of the comparatively site in an urban area constitutes a special circumstance for which the parking area design deviations are appropriate.

Reduced Parking for the Uses on Site

The project site is less than two blocks away from the MTA Blue Line Station at 12th Flower Streets and is within close walking distance of 40 bus stops for local, regular and express buses. The subject site is also within both walking distance and a short commute on public transit to other neighborhoods which are rich in jobs and are cultural and entertainment destinations. Again, additional parking for the commercial portion of the Joint Live Work units is not necessary because of the location of the site near transit lines, job centers, and entertainment destinations.

Joint Live Work Units in the [Q]R5-4D-O Zone

The site is located in the South Park area which the Community Plan and the Redevelopment Plan for the City Center Redevelopment Project have identified as a location where Joint Live Work units are deemed a desirable development topology. The location of the MTA Blue Line Station at 12th Street and Flower Street, approximately 2 blocks away, affords an opportunity to increase public transit use and pedestrian activity.

Therefore, the location of the site within South Park and the close proximity to the rail station and multiple bus stops make the site particularly appropriate for the proposed project.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Additional Density in the [Q]R5-4D-O Zone and Variance from the "D" Limitation and [Q] Conditions in Ordinance 164,307

The site is located in the South Park area which the Community Plan has identified as a location where residential and Joint Live-Work units are deemed a desirable development topology. The site is located approximately 2 blocks away from the Blue Line Metro Rail Station at 12th Street and Flower Street. The close proximity to the rail station, to a number of bus lines and to the other neighborhoods in downtown Los Angeles, make it a prime location for increased floor area that can be supported by the public transit, jobs and services in the area.

Additionally, the project site is located in the South Park area of downtown Los Angeles in which a new construction condominium development has not been built in approximately 20 years due to the zoning regulations. The long list of discretionary approvals illustrates the number of elements of the project which require relief from the Code. The Advisory Agency and the Zoning Administrator have conditioned the project in a manner that mitigates any impact on the environment which means that another level of approvals by the Planning Commission or the CRA will unnecessarily prolong the process and waste valuable City staff resources.

Calculations of the Buildable Area of the Site

Street Dedication Areas:

The lot area, otherwise lost due to street dedications should be included in the buildable area of the lot. Approval of this request will increase the total base floor area permitted for the site and therefore, will increase the development in the South Park area.

Alley Dedication Areas:

The site location and surroundings constitute special circumstances. "D" zoning limitations, adopted by City Council 17 years ago for the subject site limit the FAR to 6 to 1. Since 1987, however, there have been significant changes to the transportation systems in the downtown area — an area for which higher densities are now appropriate.

Since the alley to be vacated is a portion of an existing alley that connects 11th St. and 12th St., and the City requires that either a continuation of the alley or a turnaround area be provided, the replacement of the alley connection to a public street results in a loss of lot area which affects the buildable area and allowable floor area of the Phase II site. The new alley turnout that connects the alley with Hope St. will allow traffic through the alley but results in not much of a net gain of land for the applicant (4,694 s.f. alley to be vacated - 3,428 s.f. alley to be dedicated = 1,266 s.f.). The applicant will provide a new alley turnout. The request to reclaim "lost" lot area for the purpose of calculating density is reasonable at this specific location in the urban core.

The location of high density urban development can be supported only in this part of the City because rail and bus transportation is less than 2 blocks away.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Yard Setback areas:

The site is located in the South Park area of downtown Los Angeles. The location of the proposed high density project, in what is supposed to be the densest part of the City, is appropriate on the subject property. Downtown are typically comprised primarily of high-rise buildings with zero yard setbacks. The proposed project is consistent with development in downtown areas of major cities in the U.S. and is consistent with the existing urban fabric of downtown Los Angeles. Subtracting the required yard setbacks to determine the buildable area of a lot is the same for all projects citywide regardless of the site's geographical location. Reducing the buildable area which is used to calculate the allowable floor area may be appropriate in the outlying suburban areas of the City but not in downtown Los Angeles. The downtown area of the City should have more flexible standards (or should be allowed to deviate from the citywide standard on a case by case basis) through a discretionary review process such as is the case with the subject project. High-rise high density buildings are not only appropriate on the subject site but are also expected and desired under the South Park Plan, and the allowance of yard setbacks to calculate buildable area for this project will continue the orderly development of downtown Los Angeles.

Due to the complexity of the project development and , further, that the tentative tract map approval has been granted by separate letter and not appealed, denial of construction would create practical difficulties inconsistent with the zoning regulations and this request is therefore approved.

For the aforementioned reasons, I find that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

Parking Area Design Deviations

This project is one of the first new construction condominium developments in many years to be located in the Central City Community Plan Area in South Park.

The Zoning Administrator has issued a variance for aisle and ramps width reductions in another project in the vicinity (ZA2002-4041-ZAD-ZV-YV). While the other project is an Adaptive Re Use project, the prior approval nonetheless acknowledges the special circumstances of completing urban mid- high-rise infill construction. Structural support columns for this proposed type of construction may limit distances otherwise permitted by the Zoning Code.

Reduced Parking for the Uses on Site

The variance from the Code required spaces for the commercial portion and the residential portion of the Joint Live Work units is necessary for the preservation and enjoyment of a

CASE NO. ZA 2003-9146(ZV)(ZAA)

substantial property right generally possessed by other property in the vicinity. The Flower Street Lofts project (ZA-2001-4689-ZV-ZAD-ZAA), located approximately 1 ½ blocks away and in the same zone as the subject site, was not required to provide parking spaces for the commercial portion of the Joint Live Work units and was allowed to provide a total of 91 off-site parking spaces for 91 Joint Live Work condominium units.

Additionally, the Grand Avenue Lofts project (ZA-2003-2656-ZV-ZAA-ZAD), located immediately across the street from the subject site, is a 66-unit Joint Live Work condominium development which has been approved with only 66 off-site parking spaces. Of the 66 units, a total of 21 units are new construction units while the remaining units are Adaptive Reuse units.

The proposed project will provide approximately 1.5 parking spaces per residential loft unit, which is a higher ratio than the projects mentioned above.

Joint Live Work Units in the [Q]R5-4D-O Zone

There are 3 nearby recently built or approved developments which have been granted approval to build Joint Live Work units in the [Q]R5-4D-O Zone. They are as follows:

Metropolitan Lofts ZA-2003-59-86 (ZV)(ZAA) A total of 10 Joint Live Work apartments, as part of a 263 unit apartment building, was approved on 12/22/03. The site address is 1050 S. Flower St.

Flower Street Lofts ZA-2001-4689 (ZAA)(ZV)(ZAD) A total of 91 Joint Live Work condominiums were approved on 4/4/02. The site address is 1140 S. Flower St.

Grand Ave. Lofts ZA-2003-2656 (ZV)(ZAA)(ZAD) A total of 66 Joint Live Work condominiums were approved on 10/15/03. The site address is 1100 S. Grand Ave.

The three projects described above are within a 2-block radius of the project site and are all in the [Q]R5-4D-O Zone. Given that Joint Live Work units have been approved on 3 nearby sites, this type of use is beneficial and compatible within this area and zone.

Additional Density in the [Q]R5-4D-O Zone and Variance from the "D" Limitation and [Q]Conditions in Ordinance 164,307

As new construction, the proposed project is not able to take advantage of the same incentives as adaptive reuse projects in existing buildings. However, the policy of encouraging new housing opportunities in downtown Los Angeles is the same.

There are a number of existing residential projects in Central City that were constructed prior to the enactment of Ordinance 164,307 which were able to take advantage of the underlying FAR of up to 13 to 1. Examples include the Skyline project and the Metropolitan Apartments.

Calculations of the Buildable Area of the SiteStreet Dedication Areas:

CASE NO. ZA 2003-9146(ZV)(ZAA)

Currently, there is a greater incentive to build apartments in the City than there is to build for-sale condominiums because the Code does not require apartment projects to exclude dedicated lot area from its buildable area. The fact that there is a high-density apartment development, the

Metropolitan Lofts project on 1050 S. Flower St., implies that the Zoning Code's less stringent requirements when calculating FAR encourages the development of apartments rather than for-sale residential condominiums. Below is a table which compares the FAR of the proposed condominium project with the FAR of an apartment development on the same property:

11th St. & Grand Ave. Condominium and By-Right Apartments**FAR Calculations**

	Phase I Condominiums	Phase I Apartments	Phase II Condominiums	Phase II Apartments
Lot Area	33,984 s.f. See Note (1)	35,924 s.f. See Note (2)	41,203 s.f. See Note (1)	46,416 s.f. See Note (2)
Buildable Area	27,592 s.f.	29,303 s.f.	35,625 s.f.	39,055 s.f.
Maximum Allowable Floor Area	165,552 s.f. (27,592 s.f. x 6 FAR)	175,818 s.f. (29,303 s.f. x 6 FAR)	213,750 s.f. (35,625 s.f. x 6 FAR)	234,330 s.f. (39,055 s.f. x 6 FAR)

Note 1: The street dedication is subtracted from the lot area for condominiums.

Note 2: The street dedication is included in the lot area for apartments.

If the Phase I property were to be developed as apartments, the maximum allowable buildable area would be increased by 10,266 square feet and the Phase II property's allowable floor area would increase by 20,580 square feet. As shown in the table above, the allowable floor area for apartments is much greater than for residential condominium units because of the exclusion of dedication areas when calculating the buildable area for condominiums. The Applicant does not contest the actual dedication of 1,948 s.f. for Phase I and 1,785 s.f. for Phase II, but rather request that the calculation of buildable area to be the same for both condominiums and apartments.

Alley Dedication Areas

LAMC Section 12.22 C 16 allows ½ of an abutting alley to be included in the lot area used to calculate residential density. If the location of an alley allows the base residential density to increase, then the same should apply when calculating the allowable floor area ratio.

Yard Setback areas:

This part of downtown is within the Downtown Adaptive Reuse area which grants non-conforming rights to existing buildings existing prior to July 1, 1974 that are converted to

CASE NO. ZA 2003-9146(ZV)(ZAA)

residential uses. Adaptive Reuse projects may continue to physically encroach on required residential yard setbacks and to maintain any non-conforming floor area consistent with the urban character of housing development in downtown areas. LAMC Section 12.22 A 26 (b) states that the Adaptive Reuse Ordinance (ARO) supersedes any "D" Limitation or "Q" Condition adopted before the effective date of the ARO which became effective on 12/20/01. The Adaptive Reuse Ordinance provides a number of non-conforming rights such as allowing the existing building's FAR to remain even if it exceeds the maximum allowable by Code, allows the maintenance of the existing number or parking spaces (which may be zero in some cases), allows the building to encroach in required yard setbacks all of which are incentives that are not available to new construction projects such as the subject development.

The nearby proposed project, Grand Ave. Lofts located at 1100 S. Grand Avenue across the street from the subject site [ZA-2003-2656(ZV)(ZAA)(ZAD), VTT-54309], was granted an increase in FAR to allow an FAR of 7.3 to 1 in lieu of the maximum 6:1 FAR allowed under the "D" Limitation of Ordinance 1654307. The Grand Avenue Lofts project description indicates that the existing building is a four-story concrete building comprised of 84,334 square feet and is considered an Adaptive Reuse building under Ordinance No. 164,307 and Ordinance No. 174,315. The Grand Ave. Loft project also includes an addition of 42,031 square feet of new construction consisting of 3 additional new stories to be added to the existing building. A total of 39 units are housed in the existing Adaptive Reuse building and 27 units are housed in the additional 3 stories of new construction, resulting in a total square footage of 126,365 square feet.

In order to be on par with Adaptive Reuse projects which can maintain floor areas and in this case add new floor area outside the existing building envelope exceeding the allowable FAR limit, the applicant is requesting that the required yard setbacks be used to calculate the buildable area which will increase the base floor area allowed. The net effect of both the Applicant's request and the Adaptive Reuse Ordinance is to increase the floor area and number of units provide which is not materially detrimental to the surrounding uses located in downtown Los Angeles.

Construction Permit

There are many condominium projects in the City of Los Angeles that have receive permits to begin construction before the Final Tract Map is recorded and the applicant is merely seeking parity with other such developments.

The variances are necessary for the preservation and enjoyment of a substantial property right generally possessed by other property in the vicinity.

4. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

Parking Area Design Deviations

As shown on the enclosures, the reduced drive aisle widths and stall widths adjacent to structural columns do work and are used successfully in Portland, Oregon, even for large sport utility vehicles. The use of these drive aisle widths and parking stall dimensions would

CASE NO. ZA 2003-9146(ZV)(ZAA)

not be used over and over again if they were not successful. In addition, since the parking structure is to be used only by residents, they will be very familiar with the parking layout and the location of the structural columns as opposed to high turnover parking structures that typically have a majority of first time visitors.

Reduced Parking for the Uses on Site

Reduced parking is appropriate for an urban development in downtown Los Angeles. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. The units are to be upscale Joint Live Work units with quality finishes and are geared towards the cleaner professions listed in LAMC 12.13 A 2 (27) which will not require many visitors or clients to come to the project site. The public transit within walking distance will provide access from other areas in downtown and citywide.

Joint Live Work Units in the [Q]R5-4D-O Zone

Joint Live Work condominiums are desirable and appropriate according to both the Community Plan and Redevelopment Plan as described in Finding # 1.

Joint Live Work units are consistent with other nearby recent developments as listed in Finding #3. Allowing residents to live and work within their residential units will be an asset to the area by creating a 24-hour downtown, promoting pedestrian activity to and from the nearby transit station and by creating a jobs-housing balance.

Additional Density in the [Q]R5-4D-O Zone and variance from the "D" Limitation Ordinance 164,307

Other recent residential developments in the South Park area, such as the Flower St. Lofts and the Grand Avenue Lofts, did not require review and approval by the City Planning Commission and therefore, the project site should also enjoy a similar review process. The Community Redevelopment Agency, the lead agency for downtown development acknowledged the request for a "Q" deviation in their April 14, 2004 action. The proposed project has received environmental review in addition to CRA review.

Calculations of the Buildable Area of the SiteStreet Dedication Areas:

Utilizing the street dedication areas towards the total FAR for the proposed project will result in a comparatively small, but important increase. The result of this variance is negligible and will not be materially detrimental or injurious to any surrounding development.

Alley Dedication Areas:

Because the owner is going to build and sell condominiums, it is obligatory that the Final Map be recorded before any units are sold. This means that the existing alley will be vacated and that the new alley turnout will be dedicated as part of the recordation of the Final Map. This area can accommodate higher densities particularly because of its proximity to public transit and a jobs rich area.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Yard Setback areas:

Using the yard setback areas to calculate the buildable area which is used to calculate the allowable floor area will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity.

While the subject development is a new construction project and is not limited by existing conditions, as are existing buildings, the property is located within the same area of downtown Los Angeles which can support high density development. The Downtown Adaptive Reuse Ordinance allows existing buildings to exceed the allowable floor area because the City has determined that high density development is not materially detrimental to this part of the City.

Therefore, the Applicant's request to add the required yard setbacks to the buildable area will have the net effect of permitting a high density project that is consistent with the character of development in the surrounding area.

Construction Permit

An early construction permit will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located because granting this request permits construction during the same period of time the Final Map is recorded.

5. The granting of the variance will not adversely affect any element of the General Plan.

Parking Area Design Deviations

The project is consistent with the following objectives of the Central City Community Plan:

Objective 1-1: To promote development of residential units in South Park.

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

The project is consistent with the following objectives of the Housing Element:

Objective 1.1: Encourage production and preservation of an adequate supply of rental and ownership housing to meet the identified needs of persons of all income levels and special needs.

Objective 2.1: Promote housing strategies which enhance neighborhood safety and sustain ability and provide for adequate population, development, and infrastructure and service capacities within the City and each community plan area, or other pertinent service area.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Objective 2.3: Encourage the location of housing, jobs, and services in mutual proximity. Accommodate a diversity of uses that support the needs of the City's existing and future residents.

The three objectives in the Housing Element will enable the production of 417 for-sale residential Joint Live-Work condominiums. More specifically, Objective 2.1 intends to promote neighborhood safety, which is only possible by reducing the drive aisle widths and parking stall dimensions adjacent to structural columns, which in turn allow the 2-story units with street access.

Reduced Parking for the Uses on Site

The project is consistent with the following objectives of the Central City Community Plan:

Objective 1-1: To promote development of residential units in South Park.

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

Objective 1-2.1: Promote the development of neighborhood work/live housing.

The above Community Plan objectives can be met by allowing the reduction of the parking requirement for the commercial and residential portions of the Joint Live Work units to a total of 283 parking spaces for 194 units (Phase I) and 330 parking spaces for 223 units (Phase II) which will make the development of a total of 417 for-sale residential Joint Live-Work condominiums possible.

The project is consistent with the following objectives of the Housing Element:

Objective 1.1: Encourage production and preservation of an adequate supply of rental and ownership housing to meet the identified needs of persons of all income levels and special needs.

Objective 2.1: Promote housing strategies which enhance neighborhood safety and sustain ability and provide for adequate population, development, and infrastructure and service capacities within the City and each community plan area, or other pertinent service area.

Objective 2.3: Encourage the location of housing, jobs, and services in mutual proximity. Accommodate a diversity of uses that support the needs of the City's existing and future residents.

The project is also consistent with the following Land Use/Transportation Policies from the Transportation Element of the General Plan:

Objectives (page 3)

- Focus on future growth of the City around transit stations.
- Increase land use intensity in transit station areas, where appropriate.

CASE NO. ZA 2003-9146(ZV)(ZAA)

- Provide for places of employment.
- Reduce reliance on the automobile.

The reduction of the required parking for the commercial and residential portions of the Joint Live Work units will most importantly reduce the reliance on the automobile which in this specific location is supported by a nearby rail station and a myriad of bus transit stops. Providing more parking spaces will increase the residents reliance and use of automobiles as people with more vehicles will be attracted to the development rather than those individuals who chose to have one vehicle per household which can be supported by the nearby public transit and jobs.

Joint Live Work Units in the [Q]R5-4D-O Zone

The Central City Community Plan states the following:

South Park is recognized to be a mixed-use community with a significant concentration of housing. This thriving residential community includes the proximate siting of auxiliary support services such as retail and commercial developments that provide employment opportunities for area residents. Towards that end, and in the interest of creating a linkage between jobs and housing, the development of substantial, community benefitting commercial projects will be encouraged.

The above description of the South Park area is consistent with proposed Joint Live Work condominium development on the subject site. The proposed Joint Live Work units will address both concerns of needed housing and jobs in the community.

The following Policy and Objective from the Community Plan also supports the need for Joint Live Work units on the subject site:

Policy 1-2.1: Promote the development of neighborhood work/live housing.

Objective 2-4: To encourage a mix of uses which create an active, 24-hour downtown environment for current residents.

The proposed Joint Live Work designation will serve to implement Policy 1-2.1 and will help achieve Objective 2-4 by encouraging a 24-hour downtown where people can both live and work within the same unit which will increase the number of people in South Park after business hours.

Objective 1-1: To promote development of residential units in South Park.

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

Joint Live Work units add to the types of housing available in the South Park area as these units allow the resident to both work and live within his/her unit.

The project is consistent with the following objectives of the Housing Element:

CASE NO. ZA 2003-9146(ZV)(ZAA)

Objective 1.1: Encourage production and preservation of an adequate supply of rental and ownership housing to meet the identified needs of persons of all income levels and special needs.

Objective 2.3: Encourage the location of housing, jobs, and services in mutual proximity. Accommodate a diversity of uses that support the needs of the City's existing and future residents.

Allowing Joint Live Work units to be developed allows people who need to work at home (e.g. people who are raising small children) to do so. Joint Live Work units allow jobs and housing to be located in the same space which has many benefits such as the reduction of traffic congestion during peak travel time and eliminating the need to own a vehicle. Overall, Joint Live Work units on this site is beneficial to the surrounding community and its residents, and are consistent with the General Plan.

Additional Density in the [Q]R5-4D-O Zone and Variance from the "D" Limitation in Ordinance 164,307

Increasing the allowable FAR to the proposed levels will allow the production of 194 residential units (Phase I) and 223 residential units (Phase II) which is consistent with the objectives of the Community Plan and the Housing Element. Allowing the Advisory Agency and the Zoning Administrator to be the decision makers for the Vesting Tentative Tract No. 60746 and the discretionary approvals which includes the increase of FAR above the allowable 6 to 1 makes sense in that the review by staff and public hearing process is not duplicated which will require additional staff hours and time to process the additional approval by the City Planning Commission. Since there is a time constraint that is linked to the funding of the project, the streamlining of the entitlement process is necessary to make the project feasible. Any additional entitlement processing could jeopardize the project and eliminate a total of 417 proposed for-sale residential units.

Calculations of the Buildable Area of the Site

Street Dedication Areas:

Granting the variances will not adversely affect any element of the General Plan. They are consistent with the Central City Community Plan and the Housing Element which aim to promote high density, Joint Live-Work units and a wide variety of housing types, particularly for-sale housing.

Adding the street dedication areas to the buildable area when calculating the floor area (increasing Phase I floor area by 1,984 s.f. and Project II by 1,785 s.f.) will not adversely affect any element of the General Plan and will allow for the production of 194 residential units (Phase I) and 223 residential units (Phase II), which is consistent with the objectives of the Community Plan, Housing Element and the Transportation Element.

Alley Dedication Areas:

Granting the variances will not adversely affect any element of the General Plan, the Central City Community Plan and the Housing Element.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Adding the existing alley to be vacated and the proposed new alley turnout areas to be dedicated to the buildable area when calculating the floor area (increasing Phase I buildable area by 4,693 s.f. and Phase II by 3,428 s.f.) will not adversely affect any element of the General Plan.

Disallowing the applicant to use the areas designated for the alley vacation and dedication when computing the buildable area could imperil the project and eliminate a total of 417 proposed for-sale residential units from Los Angeles' housing stock and specifically the South Park area, which has not accomplished comparable construction of for-sale housing in the past twenty years.

Yard Setback Areas:

Granting the variances will be consistent with the Central City Community Plan and the Housing Element which aim to promote high density, Joint Live-Work units and a wide variety of housing types, particularly for-sale housing.

Adding the required yard setbacks to calculate the buildable area will 6,392 s.f. to the Phase I and 5,578 s.f. to the Phase II buildable area. This will allow the 194 (Phase I) and 223 (Phase II) condominium Joint Live-Work units to be built which will enhance the neighborhood, will provide home ownership opportunities for the workforce and will set a high standard of design and construction for future projects in the South Park area.

Construction Permit

The granting of this variance will not have any adverse affects on any element of the General Plan as starting construction as "apartments" does not conflict with the General Plan.

ZONING ADMINISTRATOR'S ADJUSTMENT FINDINGS

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

Residential Density

The residential density allowed in the [Q] R5-4D-O Zone allows a minimum lot area per dwelling unit of 200 square feet. Under this requirement, a maximum of 181 residential units are allowed for Phase I and 217 units are allowed for Phase II. The Applicant's request for 194 units (Phase I) and 223 units (Phase II) is negligible as it represents only a 7.2 % (Phase I) and a 2.8% (Phase II) deviation from lot area.

The site is unique as it is sited in the South Park area of downtown Los Angeles, in a public transit and jobs rich area. The site is a short walking distance (less than 2 blocks) from the rail transit station and a close walk to the DASH line at the Convention Center which provide transit access within downtown as well as to outlying areas such as Long Beach, Pasadena, North Hollywood, Westchester, and Norwalk. The close proximity to the rail station is compatible with the high-density development necessary to create demand for public transit which in turn justifies the request to increase the allowable floor area and FAR as well as the request to decrease the parking required.

CASE NO. ZA 2003-9146(ZV)(ZAA)

There are other developments nearby which have been subdivided and have been granted discretionary approvals for Joint Live-Work condominium developments. On September 11, 2003, the Grand Avenue Lofts on 1100 S. Grand Avenue was granted an approval of 66 Joint Live-Work condominium units (Vesting Tract Map No. 54309). The Flower Street Lofts were granted an approval on February 27, 2002, for a 91 Joint Live-Work unit condominium Adaptive Reuse development (Tract map No. 53644). Both of these projects were able to use the Adaptive Reuse Ordinance, which grandfathered the buildings' existing FAR and residential density.

The Metropolitan Loft apartment development on 1050 S. Flower St., which is currently under construction, is a 263-unit apartment complex. Although the project did not include an increase in residential density as part of its entitlements, as apartments, the project was allowed more density than condominiums due to no deduction for street dedications.

As noted above, if this project were an apartment project, it would qualify for more units than this condominium project. The proposed project will provide a total of 417 for-sale residential units (194 units in Phase I and 223 units in Phase II) which is a desired land use consistent with the Community Plan and good planning principles.

Reduced Yard Setbacks

The project is a two-phase residential Joint Live-Work Condominium development with 194 units in a 13-story building in Phase I and 223 units in a 17-story building in Phase II. For the R5 Zone, the Code requires a 15-foot front yard setback, a 16-foot side yard setback and a 20-foot rear yard setback for the proposed buildings.

The proposed setback of zero feet in the front yard for the first and second floors will allow the 2-story units with street access to have a building footprint consistent with surrounding existing developments. The upper floors, from the 3rd floor to the 13th floor in Phase I and from the 3rd floor to the 17th floor in Phase II, are proposed to have a 11.91 foot setback which will provide a 2- story human scale volume at the street level which will step back into the tower portion.

Similarly, a zero foot side yard is proposed for the first three levels to include the 2-story residential volume fronting on the Hope St. and Grand Ave. as well as the 3rd floor parking structure at the side yards between the two towers, where the Phase I property is contiguous with the Phase II side yard after the subdivision is complete.

The first two floors of Phase II have a proposed 10-foot rear yard setback as a new alley turnout is proposed to be dedicated for public use for street access to Hope Street from the existing alley, part of which is to be vacated and proposed to be part of the site. The first three floors of Phase I are proposed to have a zero rear yard setbacks.

The general purpose of the zoning regulations is to provide residential setbacks in areas with similar setbacks. Other buildings in the area, both existing and new, observe zero front, side and rear setbacks. For example, the Metropolitan Lofts, currently under construction (ZA-2003-5986), has requested a few discretionary approvals, one of which is the deviation from the Code to allow a mixed-used project with no setbacks in the R5 Zone.

CASE NO. ZA 2003-9146(ZV)(ZAA)

The location of the site in downtown Los Angeles, is unique when compared to similarly zoned properties in suburban areas such as the San Fernando Valley. Aside from the proposed site's close proximity to public transportation and jobs, the surrounding properties have zero setbacks which is consistent with the development pattern of any downtown area.

Reduced Open Space Requirements and the Use of Side Yards As Open Space

The granting of the proposed open space adjustments will result in a development compatible and consistent with the surrounding uses. The subject site is located downtown, in a high-density urban area where real estate is at a premium.

The subject adjustments do not request approval to provide zero Open Space, but rather a reduction in the amount of Open Space required. The zoning ordinance requires 110 square feet of Open Space for units with less than 3 habitable rooms, 125 square feet of Open Space for units with 3 habitable rooms and 175 square feet of Open Space for units with more than 3 habitable rooms. A total of 21,025 s.f. (Phase I) and 24,150 s.f. (Phase II) of Open Space is required and 7,728 s.f. (Phase I) and 12,298 s.f. (Phase II) of Open Space is proposed as per the attached Plot Plan (which shows the breakdown of habitable rooms). The requested reduction averages to a total of 40 s.f. per unit (Phase I) and 55 s.f. per unit (Phase II) of Open Space provided.

Open Space Table

	Phase I Condominiums	Phase II Condominiums
Total Open Space Required	21,025 s.f.	24,150 s.f.
Common Open Space Required	10,513 s.f. (21,025 s.f. x .5)	12,075 s.f. (24,150 s.f. x .5)
Private Open Space Required	10,512 s.f.	11,975 s.f.
Total Open Space Provided	7,728 s.f.	12,075 s.f.
Common Open Space Provided	4,978 s.f. (64%)	9,148 s.f. (74%)
Private Open Space Provided	2,750 s.f. (36%)	3,150 s.f. (26%)

Note: As per LAMC Section 12.21 G 2 (a) (iv), common open space is to be at least 50% of the total open space required for the R5 Zone.

Of the total proposed Open Space provided, 64% (Phase I) and 74% (Phase II) will be Common Open space which will be provided on an exterior plaza level on the third floor between the two towers and will wrap around to the south end of the properties.

The proposed Private Open space will be provided as balconies for some of the units. For many of the units without a balcony, a "Juliet-style" balcony is proposed (see photo and diagram in the case file). The "Juliet-style" balconies proposed are small balconies

CASE NO. ZA 2003-9146(ZV)(ZAA)

protruding about 1'-2" from the facade of the building with a length of approximately 5'-10" as depicted on the attached diagram. Operable full size french-style doors, which open into the unit, would be used to bring a sense of the outdoors into the unit. As seen in the attached photo, more light is allowed into the unit by using glazed french-style doors with "Juliet-style" balconies and such balconies do not block natural light to the unit below. "Juliet-style" balconies are an innovative design solution to limited space and aesthetically, they maintain a strong building mass with few interruptions to the facade.

The Open Space regulations also require that a minimum of 25% of the required Common Space be planted with ground cover, shrubs or trees and that a minimum of 1 tree per 4 units be provided on the site or on the parkway. The applicant proposes to provide a landscaped area which is 15% of the proposed Common Open Space, 747 s.f. (Phase I) and 1,372 s.f. (Phase II), and the applicant proposes to provide 1 tree for every 7.76 units (Phase I) and 1 tree for every 8.92 units (Phase II).

The Code does not allow Open Space in the required side yards. A total of 3,168 s.f. (Phase I) and 3,856 s.f. (Phase II) of Common Open Space is proposed to be located within the required side yards which are comprised of the space in between the two residential towers. Since a total of 7,728 s.f. (Phase I) and 12,298 s.f. (Phase II) of Open Space is proposed, the amount of Common Open Space provided within the side yards is a substantial portion and is the only feasible location for this use. Due to the high-rise, vertical nature of this project, located in a dense downtown area, the provision of Common Open Space in the side yard setbacks is appropriate and compatible with surrounding uses.

The site is comprised of two rectangular properties bisected by a north/south public alley. The site is unique as Phase I and Phase II will be contiguous lots after the Final Map for the merger and re-subdivision of the site and alley vacation is recorded. The front yards of Phase I and Phase II are on 11th Street. The first floor units are accessible on the street level and the tower units are accessible through the lobbies which front on Hope Street and Grand Avenue. Since Phase I and Phase II will share a property line, which is also the area between the two towers, this area is the most feasible location for the Common Open Space. Unifying the Common Open Space of Phase I and Phase II as two parts of a larger whole will bring an economy of scale, providing a continuous large exterior space instead of two small and separate open spaces. Additionally, a zero side yard is also requested and if approved, then the Common Open Space will technically not be located in a required side yard.

The location of the site is unique in that it is in close proximity to the Grand Hope Park, located on Hope Street between 9th Street and Olympic Boulevard, approximately one block away. The short walking distance to the Grand Hope Park makes the park easily accessible to the project's residents. Furthermore, the park provides the benefits of a large green open space to the residents, which cannot be matched by the typical open spaces provided in residential developments (typically consisting of large unprogrammed hardscape areas which remain largely unused). Other nearby public open spaces include, Pershing Square (located at Olive Street and 6th Street) and Exposition Park (located at Figueroa Street and Exposition Blvd.).

CASE NO. ZA 2003-9146(ZV)(ZAA)

7. The granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.

Residential Density

Granting the adjustment will be in conformance with the intent and purpose of the General Plan as the requested increase in residential density is consistent with the Central City Community Plan and the Housing Element.

The following Central City Community Plans residential land use objectives are consistent with the proposed development:

Objective 1-1: To promote development of residential units in South Park.

Objective 1-2: To increase the range of housing choices available to Downtown employees and residents.

The project is consistent with the following objectives of the Housing Element:

Objective 1.1: Encourage production and preservation of an adequate supply of rental and ownership housing to meet the identified needs of persons of all income levels and special needs.

Objective 2.3: Encourage the location of housing, jobs, and services in mutual proximity. Accommodate a diversity of uses that support the needs of the City's existing and future residents.

Additionally, the unit sizes and prices will range in order to offer a variety of choices. The units range in size from roughly 850 s.f. up to 2,500 s.f. and the anticipated sales price will range from \$300,000 up to \$1,000,000, which will provide a good mix of residents from various income levels. The project site's close proximity to the MTA Blue Line Station at 12th St. & Flower St. as well as the close proximity to the DASH and other MTA bus lines is the most compelling reason to allow the increase in residential density.

Housing Element

The City's Housing Element (adopted by the City Council on December 18, 2001 and approved by the State of California Department of Housing and Redevelopment on February 27, 2002) states that the population of Los Angeles will grow by 821,165 persons between 1993 and 2010. The amount of housing needed to accommodate citywide growth is estimated to be 60,280 dwelling units (from 1998-2005) or an annual need of 8,037 dwelling units.

Far from achieving this, according to the report by the City Council's Housing Crisis Task Force, Recommendations to Facilitate Housing Production (September 2000), there is a downward trend in terms of housing production (3,140 fewer units were built in 2000 than in 1999). The report discussed various proposals to spur housing production.

CASE NO. ZA 2003-9146(ZV)(ZAA)

The housing report also discussed the need to promote home ownership in the City, noting that at 39%, the City's home ownership rate is far less than the nation's 66% home ownership rate. As a result, the Commission suggested that the City should review the zoning code "with a view to increasing opportunities for "for sale" residential development." The project proposes a total of 417 residential Joint Live-Work condominiums (194 units in Phase I and 223 units in Phase II), and while these condominiums alone will not solve the housing crisis, they go a long way towards helping to address not only the housing shortage but the home ownership opportunities as well.

Transportation Element

The City's Transportation Element (adopted by the City Council on September 18, 1999 and approved by the City Planning Commission on July 24, 1997) states that, according to the 1990 Census and Department of Motor Vehicles report, the Central City Community Plan area had one of the highest proportions of households with no registered vehicles (70%). For this reason, in addition to multiple others, the amount of parking required to accommodate this community's parking needs can be substantially decreased.

The objectives outlined in the Land Use-Transportation Policy within the Transportation Element are as follows:

1. To focus future growth of the City around transit stations,
2. Increase land use intensity in transit station areas,
3. Reduce reliance on the automobile, and
4. Create a pedestrian friendly oriented environment.

The Land Use-Transportation policy defines a Primary Influence Area as the area within a one-half mile radius of a transit station. These areas are identified as compatible with higher densities and intensities of land use because of their close proximity to public transit. The proposed project is located in such an area.

Reduced Yard Setbacks

Granting the adjustment will be in conformance with the intent and purpose of the General Plan and is consistent with the Central City Community Plan and the Housing Element.

Reducing the required front, side and rear yard setbacks will not adversely impact any part of the General Plan. The project is consistent with Objectives 1-1 and 1-2 of the Central City Community Plan noted above.

The project is consistent with Objectives 1.1, 2.1, and 2.3 of the Housing Element, as noted above.

The Transportation Element of the General Plan encourages the location of higher density housing near transit portals. This project is less 2 blocks away from the MTA 12th and Flower St. station, a major transit portal for the Metro Blue Line.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Reduced Open Space Requirements and the Use of Side Yards As Open Space

The granting of this adjustment will be in conformance with the intent and purpose of the General Plan. The applicant proposes to provide 7,728 s.f. (Phase I) and 12,298 s.f. (Phase II) of Open Space for the project by providing a landscaped exterior deck on the third level between the residential towers. This exterior space will have a spectacular view during the day and especially at night with all of the night lighting of the surrounding buildings. Additionally, the nearby Grand Hope Park will only add to the Open Space provided as it is a short walk from the project site.

The close proximity to an existing public park is the mitigating factor that provides nearby public open space for the future residents. The granting of the adjustment to allow 3,168 s.f. (Phase I) and 3,856 s.f. (Phase II) of Common Open Space within the side yard setbacks will be in conformance with the General Plan. The Open Space and Recreation Section of Chapter III, Land Use Policies and Programs in the Central City Community Plan states the following:

Objective 4-1: To encourage the expansion and additions of open spaces as opportunities arise.

Objective 4-2.1 To foster physical and visual links between a variety of open spaces and public spaces in Downtown.

Allowing the Common Open Space in the required side yard setbacks will not only provide Common Open Space rather than requesting that the proposed Common Open Space be reduced further, but it will also provide a link between the two open space areas, which will make the total area a larger uninterrupted exterior space.

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

Residential Density

The requested increase in allowable residential density is in conformance with the spirit and intent of the Planning and Zoning Code as the applicant is requesting a modest density increase of 7.2 % (Phase I) and 2.8% (Phase II). If the applicant requested an increase in residential density of 20% or more, then the discretionary request would be a variance request. Since the proposed request is below a 10% increase it is considered a slight modification, which is considered a small deviation from the Code requirement.

The zoning regulations for density require a minimum square footage of lot area to be used in calculating the total number of units permitted on a site in order to protect against developments which may result in overcrowding a site, or community, by building too many units on a site incapable of supporting such a development. However, these regulations are written on a citywide basis and cannot take into account individual unique characteristics of a specific site and/or community.

These standards do not accommodate sites that are located in the urban context of downtown Los Angeles where space is limited and real estate is at a premium. Downtown residents do not choose to live in the city center because of its open space and low-scale

CASE NO. ZA 2003-9146(ZV)(ZAA)

development; rather, residents locate themselves downtown because of its high density and urban amenities. The requested increase in density is in conformance with the intent of the Code as it will provide an appropriate number of units on a site capable of supporting them.

Reduced Yard Setbacks

The granting of the adjustment is in conformance with spirit and intent of the Planning and Zoning Code. The R5 setback requirements are citywide and do not take into account the unique characteristics of the downtown area which typically has dense buildings with zero yard setbacks.

Reduced Open Space Requirements and the Use of Side Yards As Open Space

The granting of the requested adjustments in conformance with the spirit and intent of the Planning and Zoning Code of the City.

The applicant is proposing to provide Common Open Space to be located within the required side yards. The proposed Common Open Space will be an attractive outdoor space which will be used by the residents of both buildings on the site. Additionally, the nearby Grand Hope Park will add to the Open Space provided as it is a short walk from the project site.

9. **There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

Residential Density

The percent increase of the residential density request is small and would not result in adverse impacts particularly in the dense downtown area. The additional units will provide more home ownership opportunities and will help create a safe 24-hour downtown that the Community Plan has identified as a high priority.

Reduced Yard Setbacks

The granting of the variance to reduce the yard setbacks will not result in adverse impacts to the surrounding properties or to the subject property as the surrounding buildings in the area and most buildings in the greater downtown area have zero yard setbacks. The yard setbacks requested are zero only at the first 2 levels on the street and up to 3 levels at the rear of the property and at the common property line between Phase I and Phase II. At the ground level units the building steps back which provides a human scale street front for pedestrians and is a good transition to the towers which are set back from the property line.

Reduced Open Space Requirements and the Use of Side Yards As Open Space

The granting of the variance will not adversely affect the residents of the proposed project or the surrounding property as the applicant plans to provide 7,728 s.f. (Phase I) and 12,298 s.f. (Phase II) of Open Space. This amount of Open Space is adequate on this particular site as it is in close proximity to the Grand Hope Park and because downtown residents do not choose to live there for the low density and open space but rather to be in a high density City center with many cultural and entertainment options nearby.

CASE NO. ZA 2003-9146(ZV)(ZAA)

Additionally, the project which fronts on Hope St. has been designated as "The Hope Street Promenade" and is "designed to function as a focal point for housing, open space, pedestrian circulation and neighborhood shopping in South Park." (Central City Community Plan, page 5). The larger sidewalks on Hope St., due to its new designation as a "Proposed Modified Secondary Highway", will also provide more outdoor space for the residents and a link to the Grand Hope Park.

SITE PLAN REVIEW FINDINGS

10. The project complies with all applicable provisions of the Los Angeles Municipal Code, Planning and Zoning Section and any applicable specific plan.

The site is zoned [Q]R5-4D-O and the proposal is for a two-phase project comprised of two buildings, 254,004 s.f. (194 units - Phase I) and 265,338 s.f. (223 units - Phase II), on two proposed lots with a net area of 33,984 s.f. (Phase I) and 41,203 s.f. (Phase II) after street dedications are removed. The Height District No. 4 allows a 13 to 1 FAR. However, the site has a maximum allowable FAR of 6 to 1 for the entire project site as per the D Limitation and a maximum of a 2 to 1 FAR for the commercial uses as per the [Q] Condition (Ordinance 164307).

The LAMC requires 535 parking spaces for 194 dwelling units in Phase I (341 parking spaces for the commercial portion of the Joint Live Work (JLW) units and 194 parking spaces for the residential portion of the JLW units) and 579 parking spaces for 223 dwelling units in Phase II (356 parking spaces for the commercial portion of the JWL units and 223 parking spaces for the residential portion of the JLW units). Because the residential dwelling units are condominiums, the Advisory Agency's Parking Policy No. AA 2000-1 would be imposed through the subdivision of Tentative Tract No. 60581.

If approved, the decisions rendered for Tentative Tract No. 60581 and the incidental Zoning Administrator actions will bring the project into compliance with all of the applicable provisions of the Los Angeles Municipal Code and the Planning and zoning Section.

The project site is not within a Specific Plan area.

1. That the project is consistent with the General Plan.

The property is located in the South Park area of the Central City Community Plan, which was updated and adopted on January 28, 2003. The property has a High Density Multiple Family land use designation which allows 218 units per acre and is consistent with the property's zone [Q]R5-4D-O. The proposed 417 Joint Live Work condominium development on 2.7 acres (gross acres) is consistent with the Community Plan's vision for the South Park area.

1. That the project is consistent with any applicable adopted redevelopment plan.

The property is located in the City Center Redevelopment Project area (South Park) and is consistent with the objectives of Section 508.3 South Park Development Area which "...is to achieve a mixed-use live/work community..."

CASE NO. ZA 2003-9146(ZV)(ZAA)

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

The proposed arrangement of the buildings is consistent and compatible with existing and future development on the neighboring properties and are as follows:

Height of Buildings: 160 feet (Phase I) and 205 feet (Phase II),

- FAR: 9.2 to 1 FAR (Phase I) and the 7.5 to 1 FAR (Phase II)
- Yards: zero and reduced front, side and rear side yard setbacks as listed in the List of Approvals (Attachment "A"),
- Off-Street Parking Facilities: 283 parking spaces (Phase I) and 330 parking spaces (Phase II),
- Landscaping: 747 s.f. (Phase I) and 1,372 s.f. (Phase II)
- and the proposed loading areas, lighting, and trash collection areas.

As stated in the application, there are surrounding properties which have obtained relief from the LAMC requirements for building height, FAR, yards, parking, etc. through various mechanisms such as Variances, Adjustments, and through the Adaptive Reuse Ordinance. For example, the Metropolitan Loft apartment development on 1050 S. Flower St. (ZA-2003-5986-ZV-YV-ZAA approved on 12/22/03), currently under construction immediately to the northwest of the subject site, is a 263-unit apartment complex which has been granted zero front, side and rear yard setbacks and an 18% reduction in open space required.

Therefore, since surrounding projects with similar requests have been granted, the proposed development on the subject property is consistent and compatible with the existing and future development on the neighboring properties.

4. That the project incorporates feasible measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.

Except for some typical construction related environmental impacts which the applicant plans to mitigate, the project is expected to create no environmental impacts. Case number ENV-2003-8301-MND has been issued for the subject project.

5. That any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate (For Residential Projects Only.)

The project includes specific dedicated areas for community based social and recreation functions. The Open Space proposed, 7,728 s.f. (Phase I) and 12,298 s.f. (Phase II), will provide both private and common outdoor space for the residents.

CASE NO. ZA 2003-9146(ZV)(ZAA)

The Common Open Space

Additionally, the Grand Hope Park is located 1 block away from the project site and provides a public green space in close proximity to the proposed project. Therefore, the open space and recreation rooms provided on-site and the nearby public park provide appropriate amenities and recreational facilities for the project's residents and are expected to minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

11. 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. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
12. On February 25, 2004 the L.A. City Planning Department issued a draft Mitigated Negative Declaration (ENV-2003-8301-MND) for the proposed project. I hereby concur and adopt the draft Mitigated Negative Declaration, and concur in the amendments to selected Mitigation Measures as determined under the companion action by the Advisory Agency on Vesting Tentative Tract Map 60746. The records upon which this decision is based are in the L.A. City Planning Department.
13. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



EMILY GABEL-LUDDY

Associate Zoning Administrator

Direct Telephone No. (213) 978-1327

EGL:jh

cc: Councilmember Jan Perry, Ninth District
Adjoining Property Owners
County Assessor
Karen Yamamoto, CRA
354 South Spring Street
Mail Stop 1820