

CITY OF LOS ANGELES

CALIFORNIA

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City Clerk



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

CLAUDIA M. DUNN
Chief, Council and Public Services Division

www.cityclerk.lacity.org

When making inquiries
relative to this matter,
please refer to the Council
File No.

08-0454-S1

See attached list for additional notifications

CD 13

October 29, 2008

Councilmember Garcetti
City Planning Department
Attn: Beatrice Pacheco
cc: Director of Planning
cc: Geographic Information Section
Attn: Fae Tsukamoto
cc: David Weintraub
cc: Madhu Kumar
Fire Department

Bureau of Engineering,
Land Development Group
Department of Transportation,
Traffic/Planning Sections
Bureau of Street Lighting,
"B" Permit Section
Department of Building and Safety
c/o Zoning Coordinator
cc: Residential Inspection Unit

RE: APPEALS ON A ZONE AND HEIGHT DISTRICT CHANGE, VARIANCES, ADJUSTMENTS, SITE PLAN REVIEW, AND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION FOR PROPERTY AT 5641-63 WEST MELROSE AVENUE AND 5742-66 WEST CAMERFORD AVENUE

At the meeting of the Council held June 18, 2008, the following action was taken:

Attached report adopted	<u> X </u>
Attached findings adopted	<u> X </u>
Attached resolution adopted	<u> </u>
FORTHWITH	<u> </u>
Mayor concurred	<u> </u>
Ordinance adopted	<u> </u>
Mitigated Negative Declaration adopted.....	<u> X </u>

City Clerk
vcw

TO THE COUNCIL OF THE
CITY OF LOS ANGELESYour **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE relative to appeals on a Zone and Height District Change, Variances, Adjustments, Site Plan Review, and adoption of the Mitigated Negative Declaration for property at 5641-5663 West Melrose Avenue and 5742-5766 West Camerford Avenue.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council File No. 08-0454-S1 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV 2006-6520-MND].
2. ADOPT FINDINGS of the Planning and Land Use Management Committee as prepared by the Director of Planning, to be submitted, as the FINDINGS of the Council.
3. PRESENT and ADOPT the accompanying New ORDINANCE, disapproved by the Director of Planning, effecting a Zone and Height District Change from C4-1D to (T)(Q)RAS3-1 with a height limit of 45 feet (on the Melrose Avenue parcels only) for property at 5641-5663 West Melrose Avenue, subject to modified Conditions of Approval, to be submitted by the Director of Planning.

Applicant: Melrose/Camerford Avenue, LLC - CPC-2006-6519-ZC-ZV-HD-ZAA-SPR-2A
Justin Barth
4. NOT PRESENT and ORDER FILED the accompanying ORDINANCE approved by the City Planning Commission (CPC) on December 13, 2007 effecting a Zone Change from C4-1D to (T)(Q)RAS3-1 for the property at 5641-5663 West Melrose Avenue.
5. RESOLVE TO GRANT IN PART/DENY IN PART APPEAL filed by Melrose/Camerford Avenue, LLC – Justin Barth (Michael Gonzales, Esq., Representative) from part of the decision of the CPC and THEREBY APPROVE the following, subject to Conditions of Approval, relative to the construction of an 85-unit residential condominium with 3,350 square feet of commercial space on a 50,659 net square foot site in the R3-1XL and (T)(Q)RAS3-1 zones with 139 residential parking spaces, including 15 guest parking spaces, and 19 commercial parking spaces for property at 5641-5663 West Melrose Avenue and 5742-5766 West Camerford Avenue:
 - a. A Variance to permit 38 residential units in the RAS3-1 zone in lieu of the otherwise permitted 29 units, or one dwelling unit for every 615 square feet of lot area in lieu of the required 800 square feet.

- b. A Variance to permit a maximum height of 50 feet in lieu of 30 feet in the R3-1XL zone.
 - c. A Variance to permit 47 units in the R3-1XL zone in lieu of the otherwise permitted 33 units, or one dwelling unit for every 574 square feet of lot area in lieu of the required 800 square feet.
 - d. The Site Plan Review of the Applicant's Site Plan.
 - e. Sustain all other CPC actions on December 13, 2007 regarding this case, relative to approved Yard Adjustments in the R3-1XL and RAS3-1 zones.
6. RESOLVE TO DENY APPEAL filed by Douglas Haines on behalf of the La Mirada Neighborhood Association from part of the decision of the CPC and THEREBY APPROVE the action as stated in Recommendation No. 5 of this Committee report.
7. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
8. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
9. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Fiscal Impact Statement: The CPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: Yes

Conditional Support: Hollywood Studio District Neighborhood Council

Against Proposal: Greater Wilshire Neighborhood Council

**2/3 VOTE REQUIRED IF ORDINANCE
IS HELD FOR SECOND READING**

**TIME LIMIT FILE - JUNE 18, 2008
(LAST DAY FOR COUNCIL ACTION - JUNE 18, 2008)**

Summary:

On June 3, 2008, continued from May 20, 2008 and prior meetings, the Planning and Land Use Management (PLUM) Committee conducted a public hearing regarding an appeal filed by Melrose/Camerford Avenue, LLC – Justin Barth (Michael Gonzales, Esq., Representative) from the entire decision of the CPC in approving VTT No. 66997 consisting of the merger of eight lots into two lots to permit the construction of a 85-unit residential condominium with 3,350 square feet of commercial space on a 50,659 net square foot site in the R3-1XL and (T)(Q)RAS3-1 zones with 139 residential parking spaces, including 15 guest parking spaces, and 19 commercial parking spaces for property at 5641-5663 West Melrose Avenue and 5742-5766 West Camerford Avenue, subject to Conditions of Approval.

PLUM Committee considered this item along with a related matter on Council file No. 08-0454. Planning Department staff briefly described the projects on both Council files. The Applicant/Appellant, Melrose/Camerford Avenue LLC, briefly described with visual displays, the proposed project and their appeals. The Applicant/Appellant stated that, at the request of the Council Office, they have been working with the affected Neighborhood Council to reach a compromise relative to this project, which they were able to achieve. The other Appellant, Douglas Haines, also presented testimony relative to his appeal, stating that his concerns include the displacement and possible harsh treatment by the Applicant of residents that previously occupied the apartment building that was on the project site. In addition, Mr. Haines expressed concerns regarding the Mitigated Negative Declaration (MND) not fully describing the impacts of this project and that the MND should not have been certified by the City because it was not made available to the public prior to demolition on the project site.

Testimony was also heard from the public relative to both Council files. Members of the public expressed concerns regarding density and negative impacts on traffic and parking in the area. Supporters of the project spoke stating that the project was well located near shops and jobs. Staff representing Councilmember Eric Garcetti presented modifications agreed upon by the Applicant. Staff of Council District 13 stated that the Council Office supports the efforts of the Applicant to increase the density of the project to 85-units while maintaining the RAS3-1 zone on Melrose Avenue. Staff of Council District 13 further stated that the height of the buildings on Melrose Avenue will be 48 feet, 29 feet on Camerford Avenue, and up to 50 feet over the alley, creating a "wedding cake" design with an upward staircase; and that the project will meet the required setbacks established by the CPC. Staff of Council District 13 also stated that the Applicant will provide up to 10% affordable housing off-site at the Hollywood Community Housing Corp. (HCHC). The Applicant is working with HCHC on two projects to house homeless and at-risk homeless families, which will be restricted as affordable housing for a period of 55 years, with social services being provided for the residents. Additional modifications and recommendations stated by Staff of Council District 13 are included in Recommendation No. 5 listed above.

After careful consideration of the documents on the file and presented in Committee, and of the testimony provided at the hearing, the PLUM Committee recommended that Council grant in part and deny in part the appeal of Melrose/Camerford Avenue LLC., subject to modified Conditions of Approval, and deny the appeal of Douglas Haines. This matter is now forwarded to Council for its consideration.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

Earl P. Reyes * Findings + Rat
ADOPTED
JUN 18 2008

MEMBER VOTE
REYES: YES
HUIZAR: ABSENT
WEISS: YES

PYL
6-10-08
CD 13

Attachment: Ordinance
Conditions of Approval

#080454.1.doc

AM
LOS ANGELES CITY COUNCIL
Att. Neg Dec Adopted
ORD OVER ONE WEEK TO JUNE 25, 2008
JUN 25 2008
Received and Filed
see Substitute Motion
JUN 25 2008 - * Finding Adopted as modified by motion (Garcetti - Weiss)

FINDINGS

1. General Plan Land Use Designation

The subject property is located within the Hollywood Community Plan area, which was adopted by the City Council on December 13, 1988 (pursuant to Council File 86-0695-S1). The Plan Map designates the portion of the subject property, southerly of an alley, fronting on Melrose Avenue for Neighborhood Commercial land use with corresponding zones of C1, C4, C2, RAS3, RAS4 and P, and a "D" limitation of 1:1 FAR. Portion of the property, north of an alley with frontage on Camerford Avenue is designated for Medium Residential with a corresponding zone of R3 within Height District 1XL, a height limit of 30 feet.

2. General Plan Text

The Framework Element of the General Plan contains a number of policies relating to the promotion of housing in the City's centers and along the transit corridors. The Land Use Chapter of the Framework Element also presents policies relating to the promotion of housing in the City.

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

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

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

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

At its meeting on December 14, 2007, the City Planning Commission made the following changes to the staff recommendation report, and directed staff to revise the Findings and Conditions accordingly.

Approved a height of 45 feet on the RAS3-1 zoned portion of the site.

Denied a Variance to permit the lot area used in calculating density on the RAS3-1 zoned portion of the site to include the area required for a 15-foot street dedication.

Denied an Adjustment to permit the R3-1XL zoned portion of the site to observe a 10-foot front yard in lieu of the required 15 feet.

Required that (T) Condition 2 be revised to include a 15-foot sidewalk instead of 10 feet.

- 3. Zone and Height District Change, L.A.M.C. Sec. 12.32.F:** Pursuant to Section 12.32C7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The requested zone change from C4-1D (Commercial Zone with development limitations) to RAS4-1 (minimum area per dwelling unit of 400 square feet) is inconsistent with public necessity, convenience, general welfare and good zoning practice in that it would permit a development inconsistent with the existing pattern and level of development, densities and intensities of surrounding properties.

The project site is comprised of eight parcels that are separated by a 10-foot alley extending east/west from El Centro Avenue to Gower Street. The alley divides the site into two almost equal parts. Four parcels identified as the 'Camerford Parcels", approximately 27,041 gross square feet in area are located north of the alley, designated Medium Residential and zoned R3-1XL with a height limit of 30 feet. The "Melrose parcels", south of the alley, are approximately 26,693 gross square feet in area, designated Neighborhood Commercial and zoned C4-1D with a FAR limit of 1:1. The total gross site area is approximately 53,734 square feet or 1.23 acres.

The Melrose parcels were developed with seven, two story structures that totaled approximately 20,673 square feet. Only a 4,560 square foot nightclub/restaurant and three multi-family residential structures that contain eight dwelling units remain on the site. The other commercial/retail structures and 40 bungalow units on both the parcels have been demolished.

The proposed project includes the development of approximately 3,350 square feet of restaurant/retail space fronting on Melrose Avenue and 96 dwelling units within five residential levels above a subterranean parking garage containing 237 parking spaces. The site plan proposes to maintain the existing alley which will serve as both a loading area and access for the Melrose parcels, although the alley will be completely covered by the project's structure. The first above-ground level will be developed with a pedestrian bridge and private recreational areas. The remaining three levels will be developed with residential units.

On the Camerford parcels, the project proposes residential uses only. The ground floor includes a residential lobby, an entry driveway accessed via a driveway from El Centro Avenue, 42 residential parking spaces, and six townhouse units, three stories and approximately 45 feet in height that face Camerford Avenue. South of the townhouse units, single-story condominium units on the second through fifth floors are proposed. The fourth and fifth floor units would step back from the townhouse units and be approximately 61'-1" in height. Similar to the Melrose parcels, the second through fifth floors of the Camerford parcels include a centrally located podium deck/courtyard.

To create this unified development across two separate zones, different Height Districts and FARs, the subject request includes a Zone and Height district change from C4-1D to RAS4-1 on the Melrose parcels, and several Variances and Adjustment requests which will be discussed separately.

Melrose Avenue separates two community plan areas with the Wilshire Community Plan area on the south and Hollywood Community Plan area on the north. All the commercial properties within the Wilshire Plan area are within Height District 1VL limited to three stories and 45 feet. Meanwhile, the commercial properties in Hollywood are within Height District 1 with an unlimited height. It is this lack of coordination and cohesiveness between two community plans that affect the planning of complementary commercial frontages along the same street and create problems of scale and symmetry of buildings across from each other on similar size lots. Hence, a height limit of 45 feet is recommended for the Melrose parcels of the subject property.

This part of Melrose Avenue is gradually seeing a steadily increasing level of commercial and residential activity. Over the past few years, several upscale restaurants have opened in the

general vicinity that have attracted a number of boutiques, antique shops, furniture stores, and specialty shops to the street, as an extension of the nearby Larchmont Village shopping area to the south. With its location in proximity to upscale neighborhoods of Hancock Park and Windsor Square, and employment centers of Hollywood, Wilshire and downtown Los Angeles, Melrose Avenue, primarily improved with one and two story commercial buildings, except for two large studio properties on industrial land, is clearly ripe for development at higher density and intensity than that exists.

This is the first request for an RAS4 zone on the street. The purpose of the RAS zones is to provide a mechanism to increase housing opportunities, enhance neighborhoods and revitalize older commercial corridors. Clearly, Melrose Avenue is in need of more upscale housing and revitalized commercial areas. However, not every development, every block or street needs to be developed at the highest density without context to its surroundings to create more housing in the city. Balanced growth requires that housing be placed at densities that are supported by the existing infrastructure. Otherwise, the quality of life is diminished for everyone. The RAS4 zone brings a density and intensity of use not supported by the street. Melrose Avenue is a designated Secondary Highway, dedicated to a varied width of 60 to 73 feet with mostly narrow sidewalks. The most appropriate zone in a mixed use configuration would be the RAS3 zone for the street and the subject property. The subject project which spans two blocks including an alley with almost 62 feet in height could well set the precedent for the type of development that occurs in the future on the street. The street consists of shallow commercial lots separated from residential uses by alleys. The requested zone change would result in a project of a greater scale, density and height than that exists on the street and surrounding area without the supporting infrastructure.

The recommended Zone and Height District Change from C4-1-D to RAS3-1 with a height limit of 45 feet, and a FAR of 3:1 IS CONSISTENT with the existing land use designation of Neighborhood Commercial, and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

The recommended zone change to RAS3-1 will provide for a transition development between the commercial properties on the south fronting Melrose Avenue and the R3 zoned properties on the north. The project will provide the Hollywood community with new housing of the types, sizes, and densities required for the varying needs of all segments of the population, while preserving the existing character and scale of the street and the neighborhood.

- a. The action, as recommended, has been made contingent upon compliance with the "(T)" and "(Q)" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
- b. In addition, the recommended zone change to (T)(Q) RAS3-1, is within the range of zones allowed by the General Plan Land Use designation of Neighborhood Commercial land use with corresponding zones of C1, C4, C2, RAS3, RAS4 and P. It will also permit a development which supports the General Plan Goals, Objectives and Policies to provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the community, and to provide for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area.

(Q) QUALIFIED CONDITIONS OF APPROVAL

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

A. Entitlement Conditions

1. Use. The use and area regulations of the subject property, fronting on the north side of Melrose Avenue, southerly of the alley, shall be limited to the provisions of the RAS3-1 Zone, as defined in Section 12.11.5 of the LAMC, except at least 3,350 square feet of commercial uses shall be provided on the ground floor, and as varied herein, by the Variance, and the Adjustment pursuant to CPC 2006-6519-ZC-HD-ZV-ZAA-SPR.
2. Height. The height on the RAS3-1 zoned portion of the subject property shall be limited to 45 feet, as defined by Municipal Code Sections 12.03 and 12.21.1B 3. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties.
3. Floor Area Ratio (F.A.R.). The total floor area of a structure or structures on the property shall not exceed three (3) times the buildable area of the lot.
4. Density. The number of units shall not exceed the density allowed in the RAS3-1 Zone. A minimum of three dwelling units shall be designated as "Very low-income" residential units.
5. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD. (HD) Covenant and Agreement (Affordable Housing). Prior to the issuance of any building permits, in accordance with the Section 12.22 A 25 (b) of the Municipal Code, the owner shall record a Covenant and Agreement satisfactory to the City of Los Angeles Housing Department or successor agency, to preserve the affordability of the three designated "**Very low-income**" residential units for a minimum of 30 years from issuance of a Certificate of Occupancy. A copy of the Covenant and Agreement shall be submitted to the Planning Department for inclusion into the subject file.
6. Site Plan. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the satisfaction of the Planning Department.
7. Parking. All project related parking shall be provided in compliance with Section 12.21.A.4 of the Municipal Code.
8. Landscape Plan. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.
9. Graffiti. The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by

oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs.

10. Lighting. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
11. Tree Removal (Protected Trees). Prior to the issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated oak tree expert as designated by LAMC Ordinance No. 153,478, for approval by the Department of City Planning and the Street Tree Division of the Bureau of Street Services. A minimum of two oak trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed per Ordinance No. 153,478, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency. (Note: All oak tree removals shall be approved by the Board of Public Works on sites more than one acre in size. Contact the Street Tree Division at 213-485-5675).
12. Tree Removal (Non-Protected Trees). Prior to the issuance of a grading permit or building permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site as well as measures to preserve as many trees as possible. The plot plan shall be submitted for approval by the Department of City Planning and Urban Forestry Division of the Bureau of Street Services. Mitigation measures such as replacement by a minimum of 24-inch box trees in a parkway and on the site on a 1:1 basis shall be required for the unavoidable loss of desirable trees. All trees in the public right-of-way shall be provided per the Urban Forestry Division standards. (Note: Removal of trees in the public right-of-way shall require approval of the Board of Public Works. Contact Urban Forestry Division at: 213-485-5675).
13. Air Pollution (Stationary). The applicant shall install air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 8 or better on all residential units and a Minimum Efficiency Rating Value (MERV) of at least 11 or better on all commercial/institutional uses in order to reduce the diminished air quality effects on occupants of the project.
14. Construction (Air Quality).
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
 - b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
 - c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
 - e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.

- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
15. Construction (Noise). The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - a. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
 - b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
 - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.
16. Construction (Grading). Grading, excavations and fills shall comply with Chapter IX, Division 70 of the Municipal Code. All grading activities required shall receive grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within a hillside area. The application of Best Management Practices shall include but not be limited to the following measures:
 - a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
 - b. Appropriate erosion control and drainage devices shall be incorporated to the satisfaction of the Building and Safety Department, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. Install roof runoff systems where site is suitable for installation. Runoff from rooftops is relatively clean, and can provide groundwater recharge and reduce excess runoff into storm drains.
 - c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
17. General Construction.
 - a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

- b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

18. Methane Gas Explosion/Release

- a. All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include a vent system and gas-detection system installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.
- b. All commercial, industrial, institutional and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to approval by the Department of Building and Safety and Fire Department.
- c. All multiple unit residential buildings shall have adequate ventilation, as defined in Section 91.7102 of the Municipal Code, of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

19. Asbestos Containing Materials. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no asbestos containing materials are present in the building. If asbestos containing materials are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

20. Hazards and Hazardous Materials (Lead). Prior to the issuance of the demolition permit, the applicant shall perform a lead-based paint survey to the satisfaction of the Department of Building and Safety. Should lead based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

Liquefaction. A geotechnical report shall be prepared by a registered civil engineer or certified engineering geologist in compliance with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that consider building design. Building design mitigation measures should consider, but not be limited to: ground stabilization, foundation type and depths, and structural systems to accommodate anticipated displacements.

21. Stormwater and Urban Runoff Pollution Control. The project shall comply with the following:
- a. Ordinance Nos. 172,176 and 173,494 (Stormwater and Urban Runoff Pollution Control), which require the application of Best Management Practices (BMPs).
 - b. Chapter IX, Division 70 of the Municipal Code, which addresses grading, excavations, and fills.
 - c. The Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board (A copy of the SUSMP can be downloaded at <http://www.swrcb.ca.gov/rwqcb4/>).
 - d. Applicable requirements associated with the National Pollutant Discharge Elimination System Permit regulations. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to the issuance of any building or grading permits. A General Permit for Stormwater Discharge shall be obtained from the Southern California Regional Water Quality Board in accordance with NOI instructions.
 - e. Stormwater BMPs shall be incorporated to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate shall be required from a California licensed civil engineer or licensed architect that the proposed BMPs comply with this numerical threshold standard.
 - f. A Stormwater Pollution Prevention Plan shall be prepared by a California licensed civil engineer or licensed architect, to the satisfaction of the Stormwater Management Division of the Bureau of Sanitation that shall include the following:
 - 1) Identifies the sources of sediments and other pollutants that affect the quality of storm water discharge;
 - 2) A monitoring program and reporting plan for the construction period.The Stormwater Pollution Prevention Plan shall be retained at the construction site.
 - g. Appropriate erosion control and drainage devices shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code.

- h. Any connection to the sanitary sewer shall be required to receive authorization by the Bureau of Sanitation.
 - i. All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as ANO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
 - j. The owner shall record a covenant and agreement satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer=s instructions.
 - k. Design an efficient irrigation system to minimize runoff including: (1) drip irrigation for shrubs to limit excessive spray; (2) shutoff devices to prevent irrigation after significant precipitation; and (3) flow reducers.
22. Parking Structure Ramps. Concrete, not metal, shall be used for construction of parking ramps. The interior ramps shall be textured to prevent tire squeal at turning areas. Parking lots located adjacent to residential buildings shall have a solid decorative wall adjacent to the residential.
23. Noise (Residential).
- a. All exterior windows shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto.
 - b. The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
24. Solid Waste. The developer shall institute a recycling program to the satisfaction of the Planning Department to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.
25. Haul Routes. Project shall get approval of a haul route from the Department of Building and Safety. The applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

C. Other Conditions

26. Posting of Construction Activities. The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
27. Construction-related Parking. Off-street parking shall be provided for all construction-related parking generated by employees of the proposed project. No employees or subcontractor shall be allowed to park on the surrounding residential streets for the

duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.

28. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period.
29. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
30. **Dust Walls.** Temporary dust walls (e.g., Visqueen plastic screening or other suitable product) not less than 8 feet in height shall be installed and maintained along the property line as necessary to preclude dust dispersion from the project site to adjacent properties. The walls shall be in place during any time period when grading is being conducted within 100 feet of any occupied residence on adjoining lots.

D. Administrative Conditions

31. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
32. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
33. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
34. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
35. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
36. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
37. **Utilization of Concurrent Entitlement.** The subject Zone Change, Zone Variance, Adjustment and Site Plan Review require completion of all applicable conditions of

approval herein to the satisfaction of the Department of City Planning. The applicant/owner shall have a period of six years from the effective date of the subject Zone Change approval to effectuate the terms of the Zone Change; a period of two years from the effective date of the subject approvals to effectuate the terms of the Zone Variance and Adjustment entitlements by either securing a building permit or a Certificate of Occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the grant, the applicant files a written request, and is granted an extension to the termination period for up to one additional year pursuant to applicable provisions of the Municipal Code.

Thereafter, these enumerated entitlements shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.

38. Corrective Conditions. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
39. Idemnification. The applicant shall defend, idemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, idemnify, or hold harmless the City.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

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

Dedication(s) and Improvements. Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies, as may be necessary).

1. Responsibilities/Guarantees.
 - a. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
 - b. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
2. Transportation Dedications. The applicant shall consult with the Bureau of Engineering and the Department of Transportation (DOT) for any dedications. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the Bureau of Engineering, department of Public Works. Any dedication must be completed prior to issuance of any Certificate of Occupancy to the satisfaction of the Bureau of Engineering.

At its meeting on December 13, 2007, the City Planning Commission recommended that the dedication area be improved with a 15-foot sidewalk.

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

- a. Melrose Avenue – Dedicate a 15-foot strip of land along Melrose Avenue adjoining the property to complete a 45-foot wide half right-of-way dedication in accordance with Secondary Highway Standards, including a 20-foot radius property line return at the intersection with El Centro Avenue. Improve Melrose Avenue being dedicated by a concrete curb, gutter and a 15-foot full-width concrete sidewalk with tree wells to the satisfaction of the City Engineer.
- b. Alley – Dedicate a 5-foot wide strip of land above a depth of 10-feet below the finished elevation of the alley to complete a 20-foot wide alley.

3. Street Lighting. To the satisfaction of the Bureau of Street Lighting, if new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the Certificate of Occupancy.
4. Street Trees. If determined necessary, construct tree wells and plant street trees satisfactory to the City Engineer and the Urban Forestry (213) 847-0833 of the Bureau of Street Services.
5. Sewers. If determined necessary, construct sewers to the satisfaction of the City Engineer.
6. Parking/Driveway Plan. Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation, Construction Services Counter (Station 23 at 201 North Figueroa Street, third floor), prior to the issuance of a building permit. A parking area and driveway plan may be submitted to the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Final DOT approval should be accomplished by submitting detailed site/driveway plans at a scale of 1"=40' and proper documentation verifying the existing or previous use, square footage
 - a. A minimum of 40-foot reservoir space be provided between any security gates and the property line.
 - b. Parking stalls shall be designed so that a vehicle is not required to back out onto any public street or sidewalk.
7. Cable Television. The applicant shall make necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05 N, to the satisfaction of the Department of Telecommunications.
8. Prior to issuance of a clearance letter, all engineering fees pertaining to Ordinance 171,502 adopted by the City Council must be paid in full.
9. Fire Safety. The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the issuance of any building permit. The plot plan shall include the following minimum design features:
 - a. Fire lanes, where required, shall be a minimum of 20-feet in width;
 - b. All structures shall be within 300-feet of an approved fire hydrant;
 - c. Entrances to any dwelling unit or guest room shall not be more than 150-feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
10. Police. The requirements of the Police Department relative to public safety and crime prevention shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Police Department either prior to the issuance of any building permit.

11. Recreation and Parks. Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes and/or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
12. School District Fees. The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area.
13. Covenant: Prior to the issuance of any permits relative to this matter, an agreement concerning off the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

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

ZONE VARIANCE AND ADJUSTMENT CONDITIONS OF APPROVAL

1. Entitlement: The use and development of the property shall be in substantial conformance with the plot plan which shall be submitted, stamped and dated by Planning Department staff, and attached to the subject Case file, CPC 2006-6519-ZC-HD-ZV-ZAA-SPR.
2. The R3-1XL zoned portion of the site fronting Camerford Avenue shall be allowed to observe a reduced rear yard of zero feet in lieu of the minimum 15 feet required.
3. The RAS3-1 zoned portion of the project fronting Melrose Avenue shall be allowed to observe (a) a reduced front yard of zero feet in lieu of the minimum required five feet, and (b) a reduced rear yard of zero feet in lieu of the required minimum five feet.
4. The RAS3-1 zoned portion of the site shall be allowed 38 residential units in lieu of the otherwise permitted 29 units, or one dwelling unit for every 615 square feet of lot area in lieu of the required 800 square feet.
5. The R3-1XL zoned portion of the site shall be allowed 47 units in lieu of the otherwise permitted 33 units, or one dwelling unit for every 574 square feet of lot area in lieu of the required 800 square feet.
6. The R3-1XL zoned portion of the site shall be allowed a maximum height of 50 feet in lieu of the maximum 30 feet allowed.
7. The RAS3-1 zoned portion of the project fronting Melrose Avenue shall be allowed to include the area required for a 15 foot street dedication to be used in calculating residential density.

FINDINGS

1. General Plan Land Use Designation

The subject property is located within the Hollywood Community Plan area, which was adopted by the City Council on December 13, 1988 (pursuant to Council File 86-0695-S1). The Plan Map designates the portion of the subject property, southerly of an alley, fronting on Melrose Avenue for Neighborhood Commercial land use with corresponding zones of C1, C4, C2, RAS3, RAS4 and P, and a "D" limitation of 1:1 FAR. Portion of the property, north of an alley with frontage on Camerford Avenue is designated for Medium Residential with a corresponding zone of R3 within Height District 1XL, a height limit of 30 feet.

2. General Plan Text

The Framework Element of the General Plan contains a number of policies relating to the promotion of housing in the City's centers and along the transit corridors. The Land Use Chapter of the Framework Element also presents policies relating to the promotion of housing in the City.

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

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

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

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

At its meeting on December 14, 2007, the City Planning Commission made the following changes to the staff recommendation report, and directed staff to revise the Findings and Conditions accordingly.

Approved a height of 45 feet on the RAS3-1 zoned portion of the site.

Denied a Variance to permit the lot area used in calculating density on the RAS3-1 zoned portion of the site to include the area required for a 15-foot street dedication.

Denied an Adjustment to permit the R3-1XL zoned portion of the site to observe a 10-foot front yard in lieu of the required 15 feet.

Required that (T) Condition 2 be revised to include a 15-foot sidewalk instead of 10 feet.

Notwithstanding the above, on June 3, 2008, continued from May 20, 2008 and prior meetings, the Planning and Land Use Management (PLUM) Committee conducted a public hearing and GRANTED IN PART/DENIED IN PART APPEAL filed by Melrose/Camerford Avenue, LLC –

Justin Barth (Michael Gonzales, Esq., Representative) from part of the decision of the CPC and APPROVED the following, subject to Conditions of Approval, relative to the construction of an 85-unit residential condominium with 3,350 square feet of commercial space on a 50,659 net square foot site in the R3-1XL and (T)(Q)RAS3-1 zones with 139 residential parking spaces, including 15 guest parking spaces, and 19 commercial parking spaces for property at 5641-5663 West Melrose Avenue and 5742-5766 West Camerford Avenue:

- a. A Variance to permit 38 residential units in the RAS3-1 zone in lieu of the otherwise permitted 29 units, or one dwelling unit for every 615 square feet of lot area in lieu of the required 800 square feet.
- b. A Variance to permit a maximum height of 50 feet in lieu of 30 feet in the R3-1XL zone.
- c. A Variance to permit 47 units in the R3-1XL zone in lieu of the otherwise permitted 33 units, or one dwelling unit for every 574 square feet of lot area in lieu of the required 800 square feet.
- d. The Site Plan Review of the Applicant's Site Plan.
- e. Sustain all other CPC actions on December 13, 2007 regarding this case, relative to approved Yard Adjustments in the R3-1XL and RAS3-1 zones.

3. **Zone and Height District Change, L.A.M.C. Sec. 12.32.F:** *Pursuant to Section 12.32C7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.*

The requested zone change from C4-1D (Commercial Zone with development limitations) to RAS4-1 (minimum area per dwelling unit of 400 square feet) is inconsistent with public necessity, convenience, general welfare and good zoning practice in that it would permit a development inconsistent with the existing pattern and level of development, densities and intensities of surrounding properties.

The project site is comprised of eight parcels that are separated by a 10-foot alley extending east/west from El Centro Avenue to Gower Street. The alley divides the site into two almost equal parts. Four parcels identified as the "Camerford Parcels", approximately 27,041 gross square feet in area are located north of the alley, designated Medium Residential and zoned R3-1XL with a height limit of 30 feet. The "Melrose parcels", south of the alley, are approximately 26,693 gross square feet in area, designated Neighborhood Commercial and zoned C4-1D with a FAR limit of 1:1. The total gross site area is approximately 53,734 square feet or 1.23 acres.

The Melrose parcels were developed with seven, two story structures that totaled approximately 20,673 square feet. Only a 4,560 square foot nightclub/restaurant and three multi-family residential structures that contain eight dwelling units remain on the site. The other commercial/retail structures and 40 bungalow units on both the parcels have been demolished.

The proposed project includes the development of approximately 3,350 square feet of restaurant/retail space fronting on Melrose Avenue and 96 dwelling units within five residential levels above a subterranean parking garage containing 237 parking spaces. The site plan proposes to maintain the existing alley which will serve as both a loading area and access for the Melrose parcels, although the alley will be completely covered by the project's structure.

The first above-ground level will be developed with a pedestrian bridge and private recreational areas. The remaining three levels will be developed with residential units.

On the Camerford parcels, the project proposes residential uses only. The ground floor includes a residential lobby, an entry driveway accessed via a driveway from El Centro Avenue, 42 residential parking spaces, and six townhouse units, three stories and approximately 45 feet in height that face Camerford Avenue. South of the townhouse units, single-story condominium units on the second through fifth floors are proposed. The fourth and fifth floor units would step back from the townhouse units and be approximately 61'-1" in height. Similar to the Melrose parcels, the second through fifth floors of the Camerford parcels include a centrally located podium deck/courtyard.

To create this unified development across two separate zones, different Height Districts and FARs, the subject request includes a Zone and Height district change from C4-1D to RAS4-1 on the Melrose parcels, and several Variances and Adjustment requests which will be discussed separately.

Melrose Avenue separates two community plan areas with the Wilshire Community Plan area on the south and Hollywood Community Plan area on the north. All the commercial properties within the Wilshire Plan area are within Height District 1VL limited to three stories and 45 feet. Meanwhile, the commercial properties in Hollywood are within Height District 1 with an unlimited height. It is this lack of coordination and cohesiveness between two community plans that affect the planning of complementary commercial frontages along the same street and create problems of scale and symmetry of buildings across from each other on similar size lots. Hence, a height limit of 45 feet is recommended for the Melrose parcels of the subject property.

This part of Melrose Avenue is gradually seeing a steadily increasing level of commercial and residential activity. Over the past few years, several upscale restaurants have opened in the general vicinity that have attracted a number of boutiques, antique shops, furniture stores, and specialty shops to the street, as an extension of the nearby Larchmont Village shopping area to the south. With its location in proximity to upscale neighborhoods of Hancock Park and Windsor Square, and employment centers of Hollywood, Wilshire and downtown Los Angeles, Melrose Avenue, primarily improved with one and two story commercial buildings, except for two large studio properties on industrial land, is clearly ripe for development at higher density and intensity than that exists.

This is the first request for an RAS4 zone on the street. The purpose of the RAS zones is to provide a mechanism to increase housing opportunities, enhance neighborhoods and revitalize older commercial corridors. Clearly, Melrose Avenue is in need of more upscale housing and revitalized commercial areas. However, not every development, every block or street needs to be developed at the highest density without context to its surroundings to create more housing in the city. Balanced growth requires that housing be placed at densities that are supported by the existing infrastructure. Otherwise, the quality of life is diminished for everyone. The RAS4 zone brings a density and intensity of use not supported by the street. Melrose Avenue is a designated Secondary Highway, dedicated to a varied width of 60 to 73 feet with mostly narrow sidewalks. The most appropriate zone in a mixed use configuration would be the RAS3 zone for the street and the subject property. The subject project which spans two blocks including an alley with almost 62 feet in height could well set the precedent for the type of development that occurs in the future on the street. The street consists of shallow commercial lots separated from residential uses by alleys. The requested zone change would result in a project of a greater scale, density and height than that exists on the street and surrounding area without the supporting infrastructure.

The recommended Zone and Height District Change from C4-1-D to RAS3-1 with a height limit of 45 feet, and a FAR of 3:1 IS CONSISTENT with the existing land use designation of Neighborhood Commercial, and IS in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

The recommended zone change to RAS3-1 will provide for a transition development between the commercial properties on the south fronting Melrose Avenue and the R3 zoned properties on the north. The project will provide the Hollywood community with new housing of the types, sizes, and densities required for the varying needs of all segments of the population, while preserving the existing character and scale of the street and the neighborhood.

- a. The action, as recommended, has been made contingent upon compliance with the "(T)" and "(Q)" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.
- b. In addition, the recommended zone change to (T)(Q) RAS3-1, is within the range of zones allowed by the General Plan Land Use designation of Neighborhood Commercial land use with corresponding zones of C1, C4, C2, RAS3, RAS4 and P. It will also permit a development which supports the General Plan Goals, Objectives and Policies to provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the community, and to provide for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area.

4. Zone Variance Findings.

Pursuant to section 12.27(D), of the City's Planning and Zoning Code, "no variance may be granted" unless all the following findings are made:

- (a) Hardship: That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;
- (b) Special Circumstances: 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;
- (c) Denial of Substantial Property Right: That the 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 the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
- (d) No Detriment: That the granting of 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; and
- (e) No Adverse Effect on General Plan: That the granting of the variance will not adversely affect any element of the General Plan.

- a. A Variance to permit 38 residential units in the RAS3-1 zone in lieu of the otherwise permitted 29 units, or one dwelling unit for every 615 square feet of lot area in lieu of the required 800 square feet.

b. A Variance to permit a maximum height of 50 feet in lieu of 30 feet in the R3-1XL zone.

c. A Variance to permit 47 units in the R3-1XL zone in lieu of the otherwise permitted 33 units, or one dwelling unit for every 574 square feet of lot area in lieu of the required 800 square feet.

- a. ***That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.***

The Height Variance

Generally, zoning regulations apply to large areas of land. Variances were created to address unique situations where broadly applicable zoning regulations create results not intended by the zoning code as to certain parcels. (See Gov. Code, § 65906.) In this instance, the R3-1XL zone applies to an area roughly bounded by Vine Street on the west, Gower Street on the east, Santa Monica Boulevard on the north, and Melrose Avenue on the south. Strict application of the R3-1XL height restriction to this Property would result in practical difficulties and unnecessary hardships for at least two reasons.

First, as the City Planning Commission found, with an allowable 3:1 floor area ratio, a height limit of 30 feet and two stories in an R3 Zone unnecessarily restricts the amount of adequate housing that can be built. Indeed, denial of the requested maximum 50 foot height would result in practical difficulties because limiting height to the existing 30-foot restriction would effectively limit the ability to capture the Property's underlying R3-density of one unit per every 800 square feet of lot area. Such a restriction is particularly onerous in light of the City's overriding need for additional housing.

Second, unlike properties deeper within the subject R3-1XL Zone, the subject site occupies a unique location at the northern terminus of Larchmont Boulevard at the intersection with Melrose Avenue, where the requested maximum 50 feet in height would provide a critical transition from taller commercial structures at that intersection. Denial of the requested variance would preclude the ability to construct a project that properly integrates with that unique setting and provides a needed transition between commercial structures on Melrose and the residential units deeper in the residential zone. Finally, the R3-1XL height restriction would unnecessarily preclude construction of an economically viable project. In light of the fact that various other structures in the vicinity exceed the applicable restriction, and the subject property is located near a unique transit corridor, the strict application of the zoning ordinance would result in practical difficulties and unnecessary hardship to the subject property.

Lot Area

The project proposes 47 units on the R3-1XL zoned portion of the subject site, for a lot area of one unit for every 574 square feet of lot area. The Hollywood Community Plan Update proposes to rezone this portion of the subject site to R4, with a lot area of one unit for every 400 square feet of lot area. The proposed density is less than would be permitted on the Property after approval of the Hollywood Community Plan Update.

The project also proposes 38 units on the RAS3-1 zoned portion of the subject site, for a lot area of one unit for every 615 square feet of lot area. The following findings support the City Council's decisions to approve the variances as requested.

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

The Height Variance

As noted above, the subject property is uniquely located at the northern terminus of Larchmont Boulevard. The Property is close to Paramount Studios, which reaches a maximum of 65 feet. Various other tall structures are located near the subject property. Additionally, numerous structures deep within the area's R3-1XL zone exceed the applicable 30-foot height limitation. These structures do not share the Property's unique location, nevertheless, they exceed applicable height restrictions. The Property's unique location is a circumstance that applies to very few other properties in the area. This circumstance presents a unique ability to transition height from the non-height restricted Melrose Avenue to the large residential zone north of the Property. Furthermore, on any set of adjacent parcels with separate zoning designations, height must be compatible and balanced in order to create fluid transitions from more intense to less intense uses. Therefore, there are special circumstances applicable to the Property.

Lot Area

The Melrose Avenue fronting parcels are zoned C4. This zone currently permits a residential density of one unit for every 400 square feet of floor area. Accordingly, this portion of the subject site could support only approximately 66 residential dwelling units. In connection with the project, this portion of the subject site will be rezoned to RAS3, which effectively reduces density on Melrose by half and precludes future redevelopment of the Melrose Portion at a density higher than currently proposed. While the R3-1XL zoned portion currently allows one dwelling unit for every 800 square feet of lot area, the proposed Hollywood Community Plan Update suggests a rezone for that portion to R4. This rezone would permit a density of one dwelling unit for every 400 square feet of lot area. Accordingly, the subject site's aggregate permissible density (pre zone change from C4 to RAS3 or post Community Plan approval) would not be increased, but would be redistributed to accommodate a more balanced development. In fact, after the Hollywood Community Plan Update, the Property could support approximately 130 residential dwelling units. Therefore, the request is consistent with the proposed Hollywood Community Plan Update.

Strict application of the zoning ordinance would result in practical difficulties and unnecessary hardships for the subject site's Melrose Avenue fronting lots. If the project were developed as rental units, the LAMC would permit a density calculation for this portion of the subject site based on pre-dedication lot area. The project is being developed as a for-sale project and must obtain approval of a tentative tract map from the City's Advisory Agency. The City's Advisory Agency, however, does not recognize an interpretation permitting density calculation for rental projects on pre-dedication lot area. Allowing the project to utilize the 3,115 square feet of area lost to street dedication along Melrose Avenue is a more efficient method for the City to meet housing needs, rather than limiting this portion of the subject site to a reduced number of units resulting in the underutilization of scarce land. In this instance, the zoning designation encourages a higher residential density but the City's subdivision regulations reduces that residential density. It is this inconsistent regulatory structure that prevents good land use planning practice from being implemented.

Moreover, the subject site's unique location near the northern terminus of Larchmont Boulevard acts as an appropriate transition area for project's proposed density distribution of 47 units on the Camerford Avenue fronting portion and 38 units on the Melrose Avenue fronting portion. Again, after the Hollywood Community Plan is approved, the Property could be developed with significantly more residential density.

The Property's unique location near transit is ideal to support the proposed density. Melrose Avenue is a denser commercial corridor, and the neighborhood north of the Property is residential in character. While an alley bisects the subject site, it does not serve as a sufficient transition from the Melrose Avenue commercial corridor. The requested variance would permit a more appropriate transition by allowing an equal distribution of density over the Property. The Camerford Avenue fronting portion's existing zoning regulations are too restrictive to allow for the proposed density distribution, and if the project were developed as rental units, the project's density could be calculated on pre-dedication lot area.

As noted above, zoning regulations are intended to apply to a large area or even on a City wide basis. The City's R3 zoning regulations permit the same density regardless of where a property is located within the City and, if developed as apartments, the Melrose could be developed with density based on pre-dedication of lot area. Zoning regulations are intended to regulate land use in this manner, and provide the variance process to allow for relief when warranted. In this case, the Property's unique location at the northern terminus of Larchmont Boulevard makes the Property more appropriate for higher density, consistent with the Project. Accordingly, imposing the existing zoning regulations in light of these facts would create practical difficulties and unnecessary hardships not intended by the zoning regulations.

Lot Area

The subject site's location at the northern terminus of Larchmont Boulevard creates a special circumstance not applicable to other property in the same zone or vicinity. This fact is recognized by the Community Plan Update's proposed rezone for the Camerford Avenue fronting portion R4, doubling the that portion's density. The requested variances would thus permit a residential density on the consistent with that contemplated by the upcoming Hollywood Community Plan Update. In fact, the variance would result in approximately 20 less residential units than could be supported on that portion after the Community Plan Update is approved. Therefore, the subject site's Camerford Avenue fronting lots are uniquely located and support granting the variance.

The subject site is also located in close proximity to the heavily commercial Melrose Avenue and is ideally located to support more dense residential development. The subject site's Melrose Avenue fronting lots are uniquely situated along a transportation corridor capable of supporting higher density. While the Applicant's request comes prior to the adoption of the Hollywood Community Plan Update, the proposed density distribution (across the site) is consistent with the Update's proposal for the subject site. Again, the Update recognizes that the Property is located in a unique location which can support more residential density. Accordingly, granting the requested density variances to permit 38 residential dwelling units or one unit for every 615 square feet of lot area on the Melrose fronting lots, and to permit 47 residential dwelling units or one unit for every 574 square feet of lot area on the Camerford Avenue fronting lots is appropriate for this location. Therefore, there are special circumstances applicable to the subject site to support granting the requested variance.

- c. ***The 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 such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.***

The Height Variance

The variance is necessary to preserve a property right enjoyed by other properties within the subject site's vicinity. While the LAMC does not define "zone and vicinity," the

Merriam-Webster's Collegiate Dict. (1995 ed.) p. 1377 defines the term broadly, noting that the term "zone" means "one of the sections of an area or territory created for a particular purpose." The term "vicinity" means "1: the quality or state of being near[;] proximity[;] 2: a surrounding area or district[;] neighborhood." In this case, "zone and vicinity" therefore means that area in the project vicinity falling under the R3-1XL zone.

A review of that geographic area reveals that, with the exception of commercially zoned properties fronting Vine Street, and portions of Gower Avenue, all property between the south side of Camerford Avenue and the north side of Eleanor Avenue to the north is zoned R3-1XL. According to the City's Zimas website, the south side of Camerford Avenue and the north side of Eleanor Avenue are approximately 2,298 linear feet apart. The total lot area (including public streets) located within this R3-1XL zone is approximately 2.45 million square feet. The City's Zimas database also reveals that significant expanses of property south of Melrose also are zoned R3-1XL.

Directly adjacent to the subject site's eastern boundary is an approximately 32 foot multi-story residential structure, and an approximately 35 foot multi-story residential structure is located directly across Camerford Avenue. These two adjacent structures enjoy a property right not granted to the Camerford Portion. Various structures located within the R3-1XL neighborhood bounded by Camerford Avenue, Eleanor Avenue, Gower Street and Vine Street, exceed the applicable 30-foot height restriction. In fact, a large parking structure approximately 45 feet in height is located on the south side of Waring Avenue between Gower Street and El Centro. These structures all enjoy a property right permitting height in excess of the XL designation's allowable 30 feet. Denial of the requested height variance would deprive the subject site of the enjoyment of a substantial property right enjoyed by numerous other properties in the same zone and vicinity. Therefore, the 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 such special circumstances and practical hardships, is denied to the Camerford Portion.

Lot Area

The variances are necessary to preserve a substantial property right on the Camerford Avenue fronting portion that is generally possessed by other property in the same zone and vicinity. Various other properties within the surrounding R3-1XL zoning designation appear to be developed with density closer to that requested by the project for this portion of the subject site. Such density is consistent with the Hollywood Community Plan Update's proposal for the subject portion of the site. In light of the fact that properties within this portion's vicinity are developed with a higher density than currently permitted, and the fact that the upcoming Community Plan Update would allow more density than currently requested, the variance should be approved.

The variance is necessary to preserve a substantial property right on the Melrose Avenue fronting portion that is generally possessed by other property in the same zone and vicinity. The Property's location along Melrose Avenue is ideal for the project's proposed residential density. The project's proposed 85 residential dwelling units are far less than could be developed on the Property after the Hollywood Community Plan Update is approved. Furthermore, permitting 38 residential units on the Melrose Avenue fronting portion, or a density of one dwelling unit for every 615 square feet of lot area, makes efficient and balanced use of the subject site. Therefore, the project's density is consistent with the Hollywood Community Plan Update and the lot area variances are also consistent.

- d. ***That 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.***

Height Variance

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 subject property is located because the community will be benefited by the redevelopment of a once blighted site occupied by older structures. The Project will provide a unique opportunity to create a contemporary, architecturally pleasing, development along a transit-oriented corridor, creating walkability and the ability to capture multi-modal transportation opportunities. Granting the requested height variance therefore, would not materially detriment the community, but would be materially beneficial to the community.

Moreover, the proposed Hollywood Community Plan Update reflects that permissible height for the subject site will be increased to 45 feet. The majority the structure is approximately 50 feet in height, and approximately 29 feet along the Camerford Avenue frontage. Therefore, the proposed height is consistent with the Hollywood Community Plan Update. Accordingly, the structure largely complies with applicable and proposed regulations for the subject site.

Lot area

Granting the requested density variances 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 Camerford fronting lots are located because the project will not increase residential density over what is currently permitted on both portion fo the subject site, but would only transfer density from the Melrose Avenue fronting lots (pre-zone change to RAS3 in connection herewith) to the Camerford Avenue fronting lots. Under existing zoning regulations, the subject site would support approximately 99 residential dwelling units (33 on the Camerford Avenue fronting portion and 66 on the Melrose Avenue fronting portion pre-dedication). In fact, the Hollywood Community Plan Update contemplates a significant density increase for the Camerford Avenue fronting lots, and allow approximately 67 units on that portion.

Granting the lot area variance for the Melrose Portion would permit development of 38 residential dwelling units, which is less than permitted under existing C4 zoning regulations, but an increase post zone change to RAS3. Nevertheless, because this portions zone will be changed to RAS3, density will never exceed more than 38 units on the site. Granting the variance would allow the project to benefit from an LAMC provision permitting density calculations based on pre-dedication lot area for rental projects. The project, however, will offer ownership opportunities and is being denied a right otherwise possessed by multi-family rental projects. Granting the variance would also allow the project to provide badly needed housing in a City experiencing a housing crises. Because the density variance would not permit more dwelling units on the site than under existing conditions, granting the variance would not be materially detrimental.

Again, the proposed Community Plan Update contemplates a significantly increased residential density for the Camerford Avenue fronting lots. The Update's proposed increase would permit up to 67 residential dwelling units on that portion of the subject site, greatly increasing the Property's aggregate density. The project's proposed 85 units, 38 residential units on the Melrose Avenue fronting lots and 47 residential units on

the Camerford Avenue fronting lots would not be materially detrimental because this proposed density and distribution is far less than would be allowed by the Hollywood Community Plan Update. Moreover, the variances are not requesting an increase in the aggregate density currently permitted on the entire subject site. Therefore, granting the requested density variances 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 subject site is located.

e. *The granting of the variance will not adversely affect the General Plan*

Granting the variances would not adversely affect the General Plan. The project promotes many of the General Plan's goals and polices. The General Plan's Framework Element contains a number of policies relating to the promotion of housing in the City's centers and along the City's transit corridors. The Land Use chapter of the Framework Element also presents policies relating to the promoting the creation of housing within the City. Those policies are as follows:

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

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

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

Objective 3.7: Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

Policy 3.7.4 Improve the quality of new multi-family dwelling units

The project promotes each of the above policies by providing a mixed-use multi-family residential and commercial retail development adjacent to the Melrose Avenue transit corridor. The project promotes pedestrian activity and walkability to enhance neighborhood security with townhome entries along Camerford Avenue. The proposed project also provides commercial uses fronting on Melrose Avenue with commercial retail on the ground floor. These commercial uses will stimulate pedestrian activity along Melrose. The project also provides a well-designed, quality development to replace older structures on an underutilized lot.

The variance to permit a maximum height of 50 feet will not adversely affect the General Plan because the City's proposed Hollywood Community Plan Update contemplates a height of up to 45 feet on the Camerford Portion. Moreover, the existing height restriction is unnecessarily restrictive because many other residential structures in the

vicinity of the Project are above 30 feet in height. Granting of the height variance will not adversely affect the Hollywood Community Plan.

In addition to Finding No. 5 (height variance) set forth above, granting the variances will not adversely affect any element of the General Plan because the proposed Hollywood Community Plan Update contemplates a greater density for the Camerford Avenue fronting lots than requested by the project. Similarly, 38 units on the Melrose Avenue fronting lots is less than would be permitted under existing C4 zoning regulations. Furthermore, the subject site's unique location near transportation can support the proposed residential density. New urbanist and smart growth concepts focus residential density along and close to transportation corridors. The subject site is located along Melrose Avenue and close to Vine Street, both of which have numerous bus lines. Vine Street also offers convenient DASH access to the Hollywood and Vine metro station.

While dwelling units will be developed over the alley bisecting the site, granting the variance alone, however, would not impede the alley in any manner. The project actually enhances the alley by increasing width from the existing 10 feet to approximately 26 feet. Such enhancements will assist with the preservation of the alley and may spur other in-fill projects to creatively incorporate alley-ways into future projects. Therefore, the variance is not only consistent with the General Plan, but will also help and enhance the alley in a manner contemplated by the upcoming Hollywood Community Plan Update.

5. ADJUSTMENT FINDINGS

LAMC Section 12.28 requires all of the following mandated findings to support the granting of an adjustment. The applicant has made the following requests:

a reduced rear yard of zero feet in lieu of the required 15 feet.

(a) to permit proposed RAS4-1 zoned portion of the project fronting Melrose Avenue to observe a reduced front yard of zero feet in lieu of the minimum required five feet, and (b) a reduced rear yard of zero feet in lieu of the required minimum 5 feet.

At its meeting on December 14, 2007, the City Planning Commission denied the R3-1XL zoned portion of the project fronting Camerford Avenue to observe a reduced front yard of 10 feet in lieu of the required 15 feet.

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

The granting of the requested front and rear yard adjustments on the Melrose parcel and the rear yard adjustment on the Camerford Parcels will result in development compatible and consistent with the surrounding uses in which the property is located. Even though the requested adjustment to the required setbacks was based on the requested unified project, they are still applicable to the recommended split project between the Melrose and Camerford sides of the property.

The RAS4 and RAS3 zones have similar required setbacks: 5-foot front and rear yards and 0-foot side yards. The R3 zone requires 15 foot front and rear yards and 5-foot side yards, except for buildings with more than two stories in height where one foot is added to the width of such side yard for each additional story.

As stated, the property is located in a community consisting of commercial uses and higher density multi-family housing. Consistent with the street, the project provides multi-family development with ground-floor retail space located on the commercial street-front of Melrose Avenue. The property lines of both the parcels abut open and dedicated public streets along three of its four sides, directly abutting another use only on the eastern side. The eight-foot side yard setbacks required by the LAMC in the R3 zone will be maintained along the eastern property line.

Commercial properties do not require front yard setbacks, and maintaining 15-foot rear yards along the alley serves no purpose either for buffering other uses or landscaping. The request respects the intent of the setback requirements set forth in the LAMC and thus, the granting of the yard adjustments will result in a development compatible and consistent with the surrounding uses

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

The granting of the requested yard adjustments conform to the intent and purpose of the City's General Plan. Although the property is located in two zones with different yard requirements, the parcels will be developed as distinct projects based on the recommended denial of the variance to allow a unified development. The parcels will be developed based on the allowable Plan designations, except as modified herein. The Medium Residential designation on the Camerford Parcels permits R3 zone uses, and the Neighborhood Commercial designation of the Melrose Parcels permits RAS zone uses. The granting of the yard setback adjustments will not adversely affect the General Plan because the request would not change the bulk, density or intensity of the proposed structure in a manner inconsistent with the land use designations or goals set forth under the General Plan.

More specifically, granting the yard adjustments will conform to the intent and purpose of the General Plan as it pertains to the transportation and circulation needs of the City. The Applicant intends to fully comply with the Transportation Element of the General Plan by completing the required 15-foot right-of-way dedication along Melrose Avenue, which will allow for widening of the street and a turnout in front of the Project.

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

The granting of the requested yard adjustments is in conformance with the spirit and intent of the City's planning and zoning code in that the Zoning Code seeks to ensure adequate setbacks between uses for light, air and buffering. Yard setbacks are not required for projects in commercial zones, however, residential projects must comply with the RAS zones standards. The proposed mixed use project maintains a commercial ground floor on the Melrose Parcels and the requested setback would be consistent with the existing Melrose Avenue ground floor street-fronts. Neither are front yard setbacks desirable on a commercial street since they break the continuity of the street walls which should be located close to the sidewalk to attract pedestrian activity. The project's residential floors will meet LAMC setback requirements.

The requested 0-foot rear yard setbacks along the abutting alley of the Camerford and Melrose Parcels are unnecessary. The existing 10-foot alley will be widened to 20 feet, and would provide an adequate buffer between the commercial and residential uses on the two parcels.

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

There are no adverse impacts from the proposed yard adjustments. Parking for the project will be hidden from view inside the subterranean and ground levels of the structure, and driveway access for the Project is located along the western property line, where setbacks meet LAMC requirements. Elimination of the rear setbacks on the Camerford and Melrose Parcels will not adversely affect the surrounding properties or on the subject property where a 20-foot wide alley would separate and buffer residential uses from commercial uses.

Melrose Avenue, a four-lane public street, sufficiently separates the property from properties to the south. Other neighboring commercial uses along Melrose Avenue also do not observe front yard setbacks. The requested elimination of a front yard setback allows the Project to continue the pedestrian-friendly street frontage along Melrose Avenue that has become a popular shopping and entertainment destination. Thus, there will be no adverse impact from the proposed adjustment.

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

Strict application of the yard regulations is impractical and results in unnecessary hardships because the Project is a mixed-use development which is located on a commercial street. A street dedication of 15-feet reduces the size of the property. An additional 5-foot setback would break the continuity of commercial uses on the street and reduce the size of the lot to provide housing. The surrounding Melrose properties are commercially zoned which generally do not require front yard setbacks, and the project would retain that feature on the Melrose Parcels, despite the zone change to RAS. Rear yard setbacks abutting an alley also do not serve any meaningful purpose other than reducing the lot size which can be used for the provision of additional housing without affecting the allowable density.

a. That the granting of an adjustment will NOT result in development compatible and consistent with the surrounding uses.

The applicant has requested to allow the R3-1XL zoned portion of the project fronting Camerford Avenue to observe a reduced front yard of 10 feet in lieu of the minimum 15 feet required. The R3 zone requires 15-foot front and rear yard setbacks. The applicant has been granted a 0-foot rear yard, since it abuts an alley. However, granting of a 10-foot front yard would result in a development incompatible with other R3 zoned properties on the street and the neighborhood. The proposed project which consists of 33 residential condominium units is a residential use and setbacks are necessary to buffer the resident(s) from pedestrian and automobile traffic. In addition, without the setback, there is no room on-site for adequate landscape buffer, and the resulting 45-foot in height residential building may be out of character with other existing and future residential projects in maintaining an open space landscaped perimeter around the structure.

b. That the granting of an adjustment will NOT be in conformance with the intent and purpose of the General Plan of the City.

The General Plan designates the property for Medium density Residential with a corresponding zone of R3. The Hollywood Community Plan encourages the preservation and enhancement of well defined residential neighborhoods and standards which are in accord with the neighborhood character. Allowing the subject property a deviation from the front yard setback would be out of character with other properties in the neighborhood.

c. That the granting of an adjustment is NOT in conformance with the spirit and intent of the Planning and Zoning Code of the City.

The Zoning Code requires setbacks to ensure adequacy between uses for purposes of light, air and buffering. Setbacks for residential projects are also needed in order to offer separation between the dwelling unit(s) and the public right-of-way. A 15-foot front yard is required of all R3 zoned properties. The adjustment request is a result of self imposed project design and site layout and not a result of the setback regulations. The project site is flat and there are no constraints on-site which would not allow a project design to meet the R3 front yard setback regulations. The neighborhood is zoned with R3 properties and allowing this property to observe a reduced front yard setback would set an undesirable precedent.

d. That there ARE adverse impacts from the proposed adjustment or any adverse impacts have NOT been mitigated.

The subject property is located within a dense urban area which does not have adequate parks or open space. Within the subject Neighborhood Council District area consisting of approximately 40,000 residents there are only about 4 acres of parkland rather than the 150 acres based on a park standard of 4 acres per 1,000 residents. In most instances the front yard is the only space available for the residents' children to play. Granting an adjustment to allow a residential project with less setbacks along public streets can adversely impact the residents of the units, especially those on the ground level where there would be no buffer from the street and/or sidewalk traffic. A setback allows enough room for landscape buffering or a short wall that can serve to shield the residential occupants from public view (for privacy), buffer from noise, dirt and debris, and building vandalism (graffiti).

e. That the site and/or existing improvements DO NOT make strict adherence to zoning regulations impractical or infeasible.

The subject site is a flat, rectangular shaped parcel where the proposed residential building is not the re-use of an existing building and can easily provide the 15-foot setback of the R3

Zone. All properties within the area are required to provide the front yard setback, and exempting this property from the zoning regulations would not result in a project which is impractical or infeasible to build.

6. Site Plan Review Determination.

Pursuant to Section 16.05 of the Municipal Code, the City Council hereby adopts the following findings in support of the project's site plan review request.

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

The project complies with the applicable provisions of the Planning and Zoning Code by application of the requested zone and height district change, variances, and yard adjustments. The residential and retail uses proposed are allowed in the R3 zone and the proposed RAS3 zone. The entitlements provided by the requested height district change, height variance, density variances, and yard adjustment, will ensure that the Project complies with the provisions of the LAMC as to height, density and FAR. Additionally, the Project parking complies with the applicable provisions of the LAMC.

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

With approval of the requested zone and height district change, the zoning and General Plan will remain consistent with each other. The Melrose Parcels will be zoned RAS3-1, which is consistent with the Neighborhood Commercial General Plan designation. The Camerford Parcels will remain zoned R3-1XL, which is consistent with their Medium Residential General Plan designation. The Project is also consistent with the General Plan under the changes proposed in the Community Plan update.

The project is consistent with the Hollywood Community Plan area of the General Plan as follows:

Objective 1: To further development of Hollywood as a major center of population, employment, retail services and entertainment.

The project proposes a mix of uses and a development intensity much more consistent with an urban area, such as Hollywood. The project, which makes efficient use of space, will provide 85 needed new multi-family residential units as well as desirable neighborhood commercial uses. The residential component consists of market rate units in an area that will provide opportunities for residents to live near employment opportunities in the Hollywood entertainment district. The commercial component may consist of a café and several small retail outlets, all serving the surrounding community. The project's uses, intensity and design highlight the character of the area as a vibrant and active urban district, with ample employment, retail and entertainment opportunities. The project will improve upon the existing uses with a development that provides an attractive and appropriate addition that complements the Melrose Avenue and Larchmont Avenue districts.

Objective 3: To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the community, maximizing the opportunity for individual choice.

The Project will provide 85 multi-family dwelling units. The units are dispersed into studio, one, two and three bedroom units. The project offers market rate units of varying sizes that will provide entry level homeownership opportunities for the area. This combination results in a wide variety of housing choices that satisfy various income levels and household sizes.

Objective 4: To promote economic well being and public convenience through allocating and distributing commercial lands for retail service and office facilities in quantities and patterns based on accepted planning principals and standards.

This Project will serve to meet this goal by developing a mixed-use project on an underutilized parcel adjacent to the major pedestrian-oriented thoroughfare of Melrose Avenue. The major mixed-use corridors of Vine Street and Larchmont Avenue are also within walking distance of the subject property. The proposed project will replace an aging nightclub and existing older bungalow apartments with a modern mixed-use development. The proposed improvements will increase marketability of residential units in the area, thereby encouraging fresh economic growth for the Hollywood community. Further, the targeted retail uses will be a desirable addition that will draw nearby community members and infuse capital into the neighborhood.

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

The project is not located in a redevelopment project area and there are no adopted redevelopment plans that affect the subject property.

4. 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.

a) Bulk, height and setbacks

The structure is designed to be consistent with the maximum permitted 3:1 FAR of the RAS3-1 and R3-1XL zones, assuming approval of the herein requested zone change. Approximately 134,274 square feet of floor area will be permitted by right on the subject property. The Project, however, proposes a significantly less amount of square feet for floor area purposes and thus, would be less dense than the maximum allowed by the zoning code.

There are no maximum heights imposed in the RAS3-1 zone; however, there is a 30 foot and two-story height limit in the R3-1XL zone. Because the portion of the Project in the R3-1XL zone is proposed to consist of only residential uses with associated parking, height is limited as to the number of feet in height, but not as to the number of stories. Under the height limitations imposed by the zoning code, the subject property could potentially be developed with structures of grossly different heights. The project, however, seeks to reduce height that could be built by right on the Melrose Parcels, and increase height allowed on the Camerford Parcels, in order to provide a unified and aesthetically appealing structure. Moreover, the Project site slopes down approximately seven and one-half feet from Camerford Avenue to Melrose Avenue. The maximum height of the Project would be 50 feet (along the Camerford Side and over the alley), and 48 feet along the Melrose side. Height would be graduated from the project's street frontages so that the tallest portions will be located at the center of the project reducing visual impact along Melrose and Camerford Avenues. The visual quality of the design has varied and articulated surfaces consisting of hard surfaces, mixed textures and glass. The roofline is also varied with structural architectural details of angles and shapes that break up the flat surface, creating visual interest.

The project front yards are located at Melrose Avenue and Camerford Avenue. Its side yards to the west at El Centro Avenue and to the east at the eastern boundary of the Project site. The project's rear yards are located at the alley that bisects the two zones. A zero foot front yard is proposed on Melrose Avenue, but a five foot voluntary sidewalk easement (in addition to a required 15 foot dedication) is proposed. The required 15 foot front yard is proposed on the Camerford Parcels. In order to construct a unified development, the rear yards at the alley on the Melrose and Camerford Parcels are proposed to be eliminated. All applicable side yard requirements are satisfied.

The Project is designed such that the bulk, height and setbacks will be compatible with the surrounding uses. It is anticipated that the area adjacent to the Camerford Parcels will remain primarily residential and that the area adjacent to the Melrose Parcels will remain substantially commercial. As such, the project, with residential uses on the Camerford side and a mix of commercial and residential uses on the Melrose side, will remain compatible with any future improvements or changes in the area. As a mixed-use development, the project maintains a level of versatility that will ensure viability of the structure for many years to come.

b) Off-street parking

There are a total of approximately 212 off-street parking spaces in one subterranean level and one partially subterranean level. The Project consists of studios, one, two and three bedroom units. There will be 191 spaces dedicated for 85 units, inclusive of 21 spaces for guest parking. The project provides 2.25 parking spaces per dwelling unit, in accordance with the Advisory Agency's policy to provide 2 parking spaces per each new condominium unit and an additional .25 parking spaces per unit to provide for residential guests in non-parking congested areas. The Project is located in a non-parking congested area. Therefore, the parking provided for the Project complies with the Advisory Agency's policy for new condominium units.

The project also provides 21 parking spaces for the project's commercial component. While the ultimate mix of retail types that will be selected for the commercial space is unknown, it was estimated that only up to 21 additional parking spaces would be required for the proposed commercial component. The commercial parking spaces are located entirely on the Melrose Parcels. This arrangement satisfies all of LAMC's parking requirements.

c) Loading areas

The commercial component of the Project will provide commercial loading off the alley bisecting the project site. This loading area location was chosen because of the minimal opportunity for conflict with pedestrian and vehicle traffic. Melrose Avenue is more heavily traveled due to its pedestrian orientation and access to the public transit routes.

d) Lighting

Security and architectural lighting will be provided to protect the project's commercial customers and residents, and to accent the building's design. All such lighting will be directed onsite to avoid any harsh glare or reflections to surrounding properties.

e) Landscaping

The setbacks and public open space will be landscaped with trees, shrubs and ground cover. Street trees will be provided per City requirements and in conformance with Hollywood street tree types. All landscaping will be designed to compliment the existing vegetation in the area, as well as the design of the Project.

f) Trash collection

The trash collection facilities will be located at the southwest corner of the project on the ground level with access from El Centro Avenue and hidden from view by surrounding property owners. The location of these facilities, again, was chosen for the minimal opportunity for conflicts with traffic and for the optimal distance from residential portions of the subject property. The carefully chosen location will ensure that residents and customers are not impacted by noise, odor or inconvenienced by collection vehicles.

5. That the project incorporates feasible mitigation 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.

All project related mitigation measures are set forth in the project's mitigated negative declaration.

6. 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 incorporates open courtyards with outdoor benches, loungers, and table available for use by the residents. A private deck area is also dispersed amongst the units. These amenities and recreational opportunities surpass the LAMC's open space requirements for the project. In addition to the benefits for residents, the incorporated open space areas will add aesthetic interest to the project that will be visually pleasing to neighborhood residents, customers and passers-by.

7. The Transportation Element of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvement of adjoining streets will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.
8. The Sewerage Facilities Element of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
9. Environmental. For the reasons set forth in Proposed Mitigated Negative Declaration No. ENV 2006-6520-MND, the project will not have a significant effect on the environment.