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July 24, 2008

Councilman Eric Garcetti, President
Los Angeles City Council
City of Los Angeles - City Hall
200 North Spring Street, Room 395
Los Angeles, CA 90012

**Re: CF 08-1509 – July 25, 2008 Agenda Item 24
Response to Appeals of CUP Approvals, Variances, Zoning Adjustments, Site
Plan Review and Project Permit Compliance for Sunset Gordon Mixed Use
Project (CPC 2007-515-GPA-ZC-HD-CU-PAB-ZV-ZAA-SPR-SPE-SPP – 5929-5945
Sunset Blvd. and 1512-1540 N. Gordon St., Hollywood)**

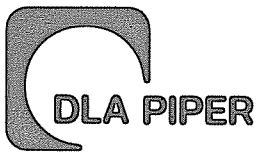
Dear President Garcetti and Honorable Council Members:

We represent the applicant Sunset & Gordon Investors, LLC (Applicant), in opposition to the appeals filed by Doug Haines (on behalf of the La Mirada Neighborhood Association of Hollywood) and Robert Blue (Appellants) of the Planning Commission's May 13, 2008 decision granting several variances and other zoning approvals for the Sunset-Gordon Mixed Use Project (Project). Specifically, we are responding to recent correspondence and claims submitted by the Appellants (a statement from Jon Perica dated June 27, 2008, and a letter submitted by Arthur Kassan dated July 21, 2008). We are also supplementing the evidence in the record regarding the justification for the variances.

I. Response to Perica Statement.

The Appellants submitted a statement dated June 27, 2008 by a former Associate Zoning Administrator, Jon Perica, which claims that the City Planning Department has applied the term "vicinity" in variance findings to mean the immediate nearby property or about the standard 500-ft radius used to notify all affected residents with a hearing notice. This statement is not correct. No such limitation exists and no official policy has been established to so limit the term "vicinity." I contacted Robert Janovici, the former Chief Zoning Administrator who supervised Mr. Perica for many years, and Mr. Janovici confirmed that the meaning of the word "vicinity" as used in the variance finding under Los Angeles Municipal Code (LAMC) Section 12.27 D has never been restricted to the radius used for a public hearing notice or a 500-foot radius, and that the discretion that Zoning Administrators exercise in considering variances is not limited to a set or fixed distance from the property in question. This has been my experience also as a former Deputy City Attorney and land use practitioner in the City for over 20 years.

The other points made in Mr. Perica's statement reflect his personal views and opinions regarding various aspects of the Project, including the number of zoning approvals being



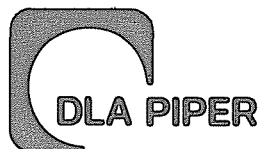
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granted for the Project. The number of zoning actions involved in this Project is more reflective of the effects of LAMC Section 12.36 (Procedures for Multiple Approvals) which require that projects with both quasi-judicial and quasi-legislative approvals be combined for hearing and action before the City Planning Commission. The Office of Zoning Administration, where Mr. Perica worked, does not review general plan amendments and zone and height district changes, and does not act on the range of legislative and quasi-judicial approvals that are contemplated by the LAMC Section 12.36 procedures.

The number of zoning variances being sought in this case is reflective of the land use policy decisions made by several decision-makers over the course of the Project's development approval process. The Community Redevelopment Agency (CRA), acting as Lead Agency, extensively reviewed the potential environmental impacts of the Project through an environmental impact report (EIR). The Hollywood Community Plan specifically provides that the purpose of the Redevelopment Plan is to implement the Community Plan's goals for the revitalization of the Hollywood Center. The CRA applied policies of the Hollywood Redevelopment Plan to the Project and required certain components that affected and fixed the design of the Project, including the retention and incorporation of portions of the existing 1920s Peerless Motor building façade into the Project, the development of a street level open space public park to be developed on top of a portion of an underground parking structure on the Project's northerly three lots, and a LEED Gold certification target for the Project.¹ The CRA process resulted in approval of an Owner Participation Agreement (OPA) in October 2007, that established the basic Project design, which was thereafter approved by the City Council in November 2007.

The City land use approval process followed these actions with three public hearings which considered the Applicant's original proposal for a General Plan Amendment and Zone Change over the entire split-zoned site that would change its designation to Regional Center Commercial under the Hollywood Community Plan and change its zoning from [Q]R4-1VL and C4-1-SN to C2-2-SN. Based on the recommendation of the Hearing Officer, the City Planning Commission decided that changing the General Plan and Zoning to a commercial designation over the entire site was unwarranted and recommended leaving the dual R and C zoning of the site in place. The Commission agreed with the Hearing Officer that this unified development

¹ The Redevelopment Plan includes policies that: encourage the retention and conservation of existing significant structures, allow for commercial uses in residential areas when the residential parcels are adjacent to and support commercial uses on commercially designated parcels not separated by streets or alleys, encourage the development of parks and open space areas, and encourage projects near transportation facilities.



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was one of the few instances where project specific variances could be approved to address the special circumstances of the property and the design of the Project.

Based on its decision to retain the split R/C planning and zoning designation of the property, and in recognition of the constraints existing on the property through physical characteristics such as the size, shape, dimensions, and high water table, and requirements for retention of the existing 1920s Peerless Motor building, the development of an open space public park on approximately 32% of the site, and the LEED Gold certification target, the Planning Commission approved the following variances:

R4 Zone-related Variances

- Allows a portion of the underground parking building to extend into the R4 Zone
- Allows accessory uses of an underground parking building and an open-space park in the R4 Zone and allows circulation and access between the C and R zones
- Allows the public park on a separate condominium lot above the parking building and maintained by the Project's homeowners association in the R4 Zone
- Allows FAR and Density averaging across a unified development site, which includes the R4-zoned lots

Parking-related Variances

- Allows a 19% reduction in required residential parking, from 512 spaces to 416 spaces, based on the number of habitable rooms in the Project
- Allows reduced clear space at structural columns so that 142 parking spaces do not have to provide an extra 10 inches of width where they adjoin columns in the garage
- Allows increased compact parking spaces – instead of one standard sized (8'6" x 18') space for every unit, 41 spaces will have standard width (8'6") but compact length (15'), 59 spaces will have compact width (7'6") but standard length (18'), 142 spaces will have reduced width (8'4") on one side adjoining a column but standard length (18'), and only 22 spaces will have full compact dimensions (7'6" x 15")

Open Space and Area-related Variances

- Allows reduced open space per unit relieving the Project from having to provide an additional 11,500 sf of private or common open space, based the habitable rooms
- Allows the calculation of Density and FAR to be based on pre-dedicated lot area, which permits 3 additional dwelling units and 4,096 sf of additional floor area

The four variances relating to the R4 zone are needed because the property now has and will continue to have, split R and C zoning, with portions of the Project's development (but not any



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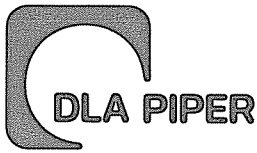
floor area or above ground development) located in the R4-zoned portion of the Site. The three parking related variances have been sought to achieve an efficient parking design needed for LEED Gold certification, to account for dimensional and other site area constraints (including a high water table, setback requirements, required park development, and retention of a portion of an existing structure), and to take advantage of transit opportunities in the area.² The two open space and area variances were sought to maximize the allowable density and floor area and address the fact that limited areas for open space exist on the site.

The variances approved by the Planning Commission in this case are similar and comparable to variances approved for other mixed use and residential projects in the vicinity. In our letter to the PLUM Committee dated July 2, 2008, we provided a chart of comparable mixed use projects and variances. We have supplemented that chart with additional comparable projects, including the mixed use Hollywood project cited by Mr. Perica as a comparable project (1633 La Brea Blvd.) where variances were approved to provide additional floor area and an increased FAR on a split-zoned site and to allow commercial parking uses and circulation on the R4-zoned portion of that site. The additional projects are set forth on the attached updated chart of comparable projects and variances approved. We have also provided copies of the relevant pages from the City approvals for these other projects which describe the variances and adjustments that were granted.

These other approvals show that the City has granted zoning variances and adjustments similar to those before the Council in this case which:

- recognize that unified developments can include properties with both R and C zoning,
- allow commercial parking and circulation uses in the R-zoned portion of such a unified development site,
- allow accessory commercial uses to be located in the R-zoned portion of a unified development site which serve primary uses in the C-zoned portion of the site,
- allow underground parking structures and open space uses in the R-zoned portion of a unified development site,
- allow density and FAR to be averaged and reallocated on a unified development site instead of observing internal zone and lot boundaries,

² The 19% reduction in residential parking is also being approved legislatively, as part of the Project's zone change ordinance, as a minor change in parking requirements under LAMC § 12.32 P, which provides an alternative basis for the parking reduction (other than the variance), based on the number of habitable rooms in the Project.



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- allow residential parking requirements to be reduced based on site constraints,
- allow modifications to parking space dimensions near structural columns and non-standard sized spaces to accommodate a constrained site area,
- allow reductions in the amount of private open space provided and setbacks where on-site areas for such space are limited, and
- allows density and FAR calculations to be based on pre-dedicated lot area.

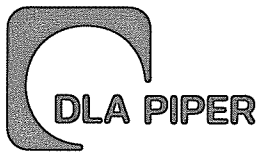
The Appellants have focused their challenges on the variances that have been requested and approved to address the site constraints, practical difficulties and unnecessary hardships that arise under the strict application of the Zoning Code, in order for the Project to fully utilize the zoning entitlements it is being granted and to develop the allowed density and floor area in an energy-efficient and non-wasteful manner. These variances reflect relatively minor design adjustments to accommodate the Project on this particular site.

II. Response to Arthur Kassan Letter.

A letter dated July 21, 2008 was submitted into the record by Arthur Kassan, a traffic engineer, commenting on aspects of the parking analysis contained in the EIR prepared for the Project and making other comments regarding the parking being provided by the Project. We would like to respond to several of the points raised in Mr. Kassan's letter.

- A. Parking Analysis Comments. The Parking Analysis that Mr. Kassan refers to is included in the Final EIR for the Project as Technical Appendix G. Mr. Kassan's comments and questions about the analysis are untimely under CEQA since the Final EIR was certified by the CRA, acting as the Lead Agency under CEQA, in October 2007 and a Notice of Determination was thereafter filed. Nevertheless, we have asked the Project's traffic and parking consultant to respond to Mr. Kassan's comments and questions.
- B. Final EIR Section IV.K.2 Parking Comments. Mr. Kassan estimates that the Project site is a 16 minute walk to the nearest Red Line Station but GBD Architects, who are familiar with the area, have stated that it would be a 10 minute walk.

Based on the development plans submitted, the parking provided for the residential units amounts to 413 parking spaces for individual cars plus three parking spaces for three shared ride vehicles that will be used by the residents. This was a change specifically made by the Planning Commission in its action on the Project and is supported by the February 28, 2008 Addendum to the Final EIR. The resulting parking ratio being provided is 1.36 parking spaces per unit.



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The comment is made that residents of the affluent housing proposed by the Project would not be expected to give up ownership or use of their car. The housing proposed by the Project will be smaller units and include a workforce housing component (60 units) that would be priced at 120% and 150% of area median income per the OPA. It is not targeted for affluent residents. The comment is also made that residents who use transit and leave their cars parked in the building would change the parking use pattern. But residents in the housing will have their own assigned parking space(s), so if they leave their car parked there during the day while they utilize the nearby available transit options to commute to work, there should be no parking impact.

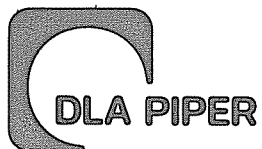
The comment is made that the Planning Commission substituted the use of flex cars as a mitigation in favor of some unidentified TDM program. This is incorrect. The Commission's change is reflected in Q condition No. 8 and specifies that three shared ride vehicles must be provided on site for use by residents on a reservation basis.

The comment is made that a parking ratio of 1.28 spaces per unit is too low. As noted above, the Project's parking ratio will be 1.36 spaces per unit.

- C. Other Materials Comments. Mr. Kassan cites the Advisory Agency parking policy and claims that this Project will set a precedent for departing from that policy. The Advisory Agency has already acted on the tentative map for the project, deviating from its parking policy, and that action has been upheld by the City Planning Commission on appeal in a separate case. It should also be noted that the attached materials regarding other comparable projects show that the Advisory Agency has departed from its policy in the past when circumstances justified such action.

Regarding compact spaces, Mr. Kassan claims that allowing 66% of the residential parking spaces to be compact will establish a precedent and create "chaotic" conditions in the parking structure resulting in spill-over parking in the neighborhood. This is pure speculation. Precedents already exist regarding compact spaces for residential units and the Applicants' similar projects in downtown Los Angeles have been developed with residential compact spaces and have operated without chaos. Moreover, even though the parking variance allows increased compact parking spaces, based on the development plans submitted, only a small percentage of the spaces would be true compact sized spaces. Instead of one standard sized (8'6" x 18') space for every unit, 41 spaces will have standard width (8'6") but compact length (15'), 59 spaces will have compact width (7'6") but standard length (18'), 142 spaces will have reduced width (8'4") on one side adjoining a column but standard length (18'), and only 22 spaces will have full compact dimensions (7'6" x 15").

Finally, Mr. Kassan faults the parking mitigation measure that requires City approval for the reduced parking. That mitigation stems from the nature of the impact (Impact IV.K.2-2) which related to the parking not complying with LAMC parking requirements.



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We urge the City Council to follow the recommendation of the PLUM Committee and deny the appeals and uphold the Planning Commission's decision on the Variances and other zoning approvals.

Very truly yours,

DLA Piper US LLP

A handwritten signature in black ink that reads 'Michael S. Woodward'. The signature is written in a cursive, flowing style.

Michael S. Woodward

Attachments

cc: Tom Cody and Brent Gaulke, Sunset & Gordon Investors, LLC
Craig Lawson, Craig Lawson & Co., LLC
Amy Nefouse, Esq.

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CHART OF COMPARABLE PROJECTS AND VARIANCES APPROVED

Project & Site Location	Case Number(s)	Description	Zone	Parking and Variances/Adjustments Approved
<p>Boulevard 6200 (Clarett)</p> <p>Hollywood Blvd. between Argyle and El Centro Hollywood</p> <p>Clarett Hollywood, LLC</p>	<p>CF 07-1381 CPC 2006-7301-ZC-ZV-YV-SPR Approved 4/09/2007</p> <p>VTT-67429 Approved 5/02/2007</p> <p>Ordinance No. 179026 effective 9/05/2007</p>	<ul style="list-style-type: none"> 1,014 apartment units 28 joint live/work condominiums 175,000 s.f. retail/commercial 	<p>[T][Q]C4-2D & [T][Q]C4-2D-SN [Q]R3-1XL</p>	<p><u>Parking:</u> 2 per 1,000 for retail/commercial and per Code for residential units.</p> <p><u>Variances approved:</u></p> <ul style="list-style-type: none"> Variance from Section 12.21.1 A 1 to permit additional height in the [Q]R3-1XL zone – 55' and 75' in lieu of maximum 2-stories and 30-foot limit Variance from existing "Q" condition No. 3 in Ord. 165,662 that limits density in the [Q]R3-1XL zone to one unit per every 1,200 sf of buildable lot area to permit approx. one unit per every 300 sf of buildable lot area for the entire project site area Variance to permit Joint Living and Work Quarters in the [Q]R3-1XL zone Variance to permit commercial and residential accessory uses that serve adjoining commercial uses in a unified development (including subterranean parking structures and driveway access) in the [Q]R3-1XL zone where the main use is in the C4 zone <p><u>ZA Adjustments approved:</u></p> <ul style="list-style-type: none"> 0-foot side yard setbacks in lieu of required 9-foot setbacks required in the C2-2D and C4-2D-SN zones, and a 0-foot front yard and a 0-foot easterly side yard setbacks in lieu of the required 15-foot front yard setback and 9-foot side yard setbacks in the [Q]R3-1XL zone
<p>Paseo Plaza</p> <p>Santa Monica Blvd. at St. Andrews</p> <p>5661 W. Santa Monica Blvd. 5539-5545 W. Virginia Ave. and 5536-5542 W. Virginia Ave. Hollywood</p>	<p>CF 07-1824</p> <p>CPC 2006-4392-GPA-ZC-ZV-HD-ZAA-ZAI-SPR approved 5/10/07</p> <p>VTT 66044</p>	<ul style="list-style-type: none"> 377,900 s.f. of commercial floor area (FAR of 3.84 to 1) 375 residential units on main site (+62 units on adjacent sites) 1,811 total parking spaces Max. building height 94' (clock tower 113' in height) 	<p>RAS4-2D</p>	<p><u>Parking:</u> 2.25 spaces per condo unit and 2 spaces per 1,000 s.f. of retail + additional parking for Sears</p> <p><u>Variances approved:</u></p> <ul style="list-style-type: none"> Variance permitting vacated alley square footage (11,373 square feet) to be added to the buildable area used to calculate floor area on Site 1 prior to completion of the alley vacation Variance allowing commercial uses below and above the ground floor in the RAS4 zone in lieu of only being permitted on the ground floor on Site 1 <p><u>ZA Adjustments approved:</u></p> <ul style="list-style-type: none"> Adjustment to permit 0-foot yard setbacks along the street frontages of Santa Monica Boulevard, Wilton Place and St. Andrews Place in lieu of the minimum 5-foot required setbacks otherwise required

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Project & Site Location	Case Number(s)	Description	Zone	Parking and Variances/Adjustments Approved
<p>Wilshire Vermont 3150 W. Wilshire Blvd. Mid-Wilshire</p>	<p>ZA 2006-2356-ZV-ZAA-SPR VTT 66283</p>	<ul style="list-style-type: none"> • 464 residential units • 27,000 sf of commercial • 850 parking spaces 	C2-2 and C4-2	<p><u>Parking:</u> 1.35 parking spaces per one-bedroom unit, 2 parking spaces per two-bedroom unit</p> <p><u>Variances approved:</u></p> <ul style="list-style-type: none"> • Variance from Section 12.21 A 4 (a) to permit a parking ratio of 1.35 parking spaces per one-bedroom unit, 2 parking spaces per two-bedroom unit in lieu of the required 1 parking space per unit of less than 3 habitable rooms, 1.5 parking spaces per unit of 3 habitable rooms, and 2 parking spaces per unit of more than 3 habitable rooms • Variance from Section 12.21 A 5 to permit parking stall widths at the required 8'-8" in lieu of the required 10-inch clear space required at each side of an obstruction • Variance from Section 12.14 C 3 and 12.16 C 3 to permit an increase in density from 400 square feet of lot area per unit (215 units) to 185 square feet of lot area per unit (464 units) • Variance from Section 12.21 G 2 to permit a reduction in the required open space to provide 34,000 s.f. (30,000 s.f. of Common Open Space and 4,000 s.f. of Private Open Space) in lieu of the 48,250 s.f. required <p><u>ZA Adjustments approved:</u></p> <ul style="list-style-type: none"> • Adjustment to permit 0-foot side yard setbacks in lieu of the 16-foot required side yards and 0-foot rear yard setbacks in lieu of the 20 foot rear yard required in the C2 and C4 Zones
<p>9th & Figueroa 900 S. Figueroa Street Downtown</p>	<p>VTT-62367 ZA-2005-1673 (ZV) (ZAA) (SPR)</p>	<ul style="list-style-type: none"> • 629 dwelling units • 25,023 sf retail 		<p><u>Variances approved:</u></p> <ul style="list-style-type: none"> • Variance from Sections 12.12 C 1, 12.12 C 2, 12.12 C 3, 12.12 C 4, 12.14 C 1, 12.14 C 2, 12.14 C 3, 12.14 C 4, and 12.37 to permit the calculation of the buildable area of the lots in the C2 zone to include the areas of proposed street dedications and the required yard setbacks in lieu of the deduction of these areas from the buildable area of the lots • Variance from Section 12.21.1 A to permit the reallocation of the project's floor area on the entire site rather than observe internal zone and lot boundaries • Variance from the "D" limitations of Ordinance 164,307 to permit the commercial and residential uses on the subject property a floor area ratio (FAR) of 7.44:1 in lieu of the maximum permitted of 6 to 1 FAR

CHART OF COMPARABLE PROJECTS AND VARIANCES APPROVED

Project & Site Location	Case Number(s)	Description	Zone	Parking and Variances/Adjustments Approved
				<ul style="list-style-type: none"> Variance from Section 12.14 C 3 to permit the 304th unit through the 549th unit located in the C2 portion of the site to be based on zero square feet of lot area in lieu of the required 200 feet of lot area in the C2 zone Variance from Section 12.21 G 2 to permit 39,208 square feet of open space in lieu of the required 62,900 square feet and to permit the open space to be located in a more restrictive zone Variance from Section 12.21 C 5 (h) to permit the residential parking, trash, access (including emergency), and the open space for the C2 zoned uses in the R5 zone Variance from Section 12.21-4 (a) to permit the project's parking to be located on abutting lots within the tract Variance from Section 12.21 A 5 (a) (i) (ii) to permit 7 parking spaces located next to obstructions to provide zero additional inches in lieu of the 10 additional inches required <p><u>ZA Adjustments approved:</u></p> <ul style="list-style-type: none"> Adjustment permitting 0-foot yard along the site's internal zone boundary and internal side yards in lieu of the required 16-foot yards in the R5 zone; 0-foot rear yard in lieu of the required 20-foot rear yard in the R5 zone; 0-foot yards along the site's internal zone boundary and internal side yards in lieu of the required 16-foot yards in the C2 zone and to permit a zero-foot rear yard in lieu of the required 20-foot rear yard required for buildings located in the C2 zone
<p>Evo 1155 S. Grand Avenue / 12th Street Downtown</p>	<p>VTT-62799 ZA-2005-1867 (ZV) (CU) (VV)</p>	<ul style="list-style-type: none"> 311 dwelling units 7,294 sf retail 	<p>[QJR5-4D]</p>	<p><u>Variances approved:</u></p> <ul style="list-style-type: none"> Variance from Sections 12.21 A 5 (c), 12.21 A 5 (a) (1), and 12.21 A 5 (a) (1) (ii) to permit 26 Joint Live Work condominium units of the total proposed 311 Joint Live Work units to have a minimum of 1 compact parking space per unit in lieu of the 1 standard parking space per unit required, a reduction of the standard parking stall width to 8'-3" only at the portion where the structural columns are located as shown on the attached drawings in lieu of the required 9'-0" stall width and the 10-inch clear space required on the side of an obstruction Variance from Sections 12.11 C 1, 12.11 C 2, 12.11 C 3, 12.11 C 4, 12.30, and 12.37 to permit the calculation of the buildable area of the lots to include the areas of the proposed street and

CHART OF COMPARABLE PROJECTS AND VARIANCES APPROVED

Project & Site Location	Case Number(s)	Description	Zone	Parking and Variances/Adjustments Approved
				<p>alley dedications, the required yard setback areas and the area of the portion of the alley to be vacated in lieu of the deduction of these areas from the Buildable Area of the lots</p> <ul style="list-style-type: none"> • Variance from Section 12.21 G 2 to permit a deviation from the Open Space requirements to reduce the required Open Space to 23,874 square feet in lieu of the 36,275 square feet of Open Space required and to allow 4,353 square feet of Private Open Space and 1,781 square feet of Common Open Space in the required side yard <p><u>ZA Adjustments approved</u></p> <ul style="list-style-type: none"> • Adjustment permitting reduction of the front yard setback requirement to 0 feet in lieu of the 15-foot front yard required, to reduce the side yard setback requirement to 0 feet for all the floors in lieu of the 16-foot side yards required, and to reduce the rear yard setback requirement to 0 feet in lieu of the 20-foot rear yard required, respectively <p><u>Conditional Use Approved</u></p> <ul style="list-style-type: none"> • Conditional Use pursuant to Section 12.24 W 19 which allows FAR averaging of 46,734 square feet of floor area from Parcel A-2 and 34,496 square feet of floor area from Gladstone Hollar lot in a Unified Development
<p>8th and Grand Avenue 710 - 798 S. Grand Ave. Downtown</p>	<p>VTT-62522 ZA-2005-7403 (CU) (ZV) (SPR)</p>	<ul style="list-style-type: none"> • 875 dwelling units • 36,349 sf retail 	<p>C2-4D</p>	<p><u>Variances approved:</u></p> <ul style="list-style-type: none"> • Variance from Section 12.14 C3 to permit a reduced lot area per unit of zero square foot for units 325 through 875 in lieu of the required 400 square feet per unit, in conjunction with the construction, use and maintenance of a three-phased 875-unit residential condominium complex • Variance from Section 12.21 A 4 (a) to permit parking spaces to be on a different lot as the dwelling units, as part of a unified development • Variance from Section 12.37 to permit the calculation for the buildable area of the lots to include the areas of the proposed street dedications, buildable line area, and setback areas in lieu of the deduction of these areas from the buildable area of the lot • Variance from Section 12.21 G permitting 61,162 square feet of open space in lieu of the required 101,450 square feet <p><u>Conditional Use Approved</u></p>

CHART OF COMPARABLE PROJECTS AND VARIANCES APPROVED

Project & Site Location	Case Number(s)	Description	Zone	Parking and Variances/Adjustments Approved
<p>Elleven & Luma 1111 S. Grand Ave. and 1100 S. Hope St. Downtown</p>	<p>VTT-60746 ZA-2003-9146 (ZV) (ZAA) ZA-2006-9758 (CUB)</p>	<ul style="list-style-type: none"> • 412 dwelling units • 15,000 sf retail 	<p>[Q]R5-4D</p>	<ul style="list-style-type: none"> • Conditional Use pursuant to Section 12.24 W 19 which allows FAR averaging of the previously approved 134,000 square foot floor area transfer to the site, an additional 149,997 square feet of floor area being requested via the Community Redevelopment Plan's variation process and the pre-dedicated lot area over the site is being requested. When combined approximately 1,065,423 square feet of floor area is permitted, generating an 8.18 to 1 floor area ratio over the project's three phases • Conditional Use pursuant to Section 12.24 F to deviate from the yard requirements from Section 12.14 C 2 to reduce the side yard setback requirement along the internal boundary on Lot 1 abutting Lots 2 and 3 to zero feet in lieu of the required 16 feet <p><u>Variances approved:</u></p> <ul style="list-style-type: none"> • Variance from Section 12.21 A 5 (a)(1)(ii) and Section 12.21 A 5 (b) to permit the parking stall width to be 8'-2", only at the portion where the structural columns are located as shown on the parking plan (attached to the case file) drawing, in lieu of the required 9'-0" stall width plus the 10 inches required on the side of an obstruction • Variance from Section 12.21 A 4 (p) (1) to permit .48 parking spaces per unit (Phase I) and to permit .49 parking spaces per unit (Phase II) for the residential portion of the Joint Live Work Units in lieu of the 1.0 parking spaces per unit (Phase I) and 1.0 parking spaces per unit (Phase II) required • Variance from Sections 12.11 C 1, 12.11 C 2, 12.11 C 3, 12.11 C 4, 12.30 and 12.37 to permit the calculation for the buildable area of the lots to include the areas of the proposed street and alley dedications, the alley vacation area and the required yard setback areas in lieu of the deduction of these areas from the buildable area of the lots <p><u>ZA Adjustments approved:</u></p> <ul style="list-style-type: none"> • Adjustment to deviate from the Open Space requirements as follows: to reduce the required Open Space to 7,728 s.f. (Phase I) and 12,298 s.f. (Phase II) in lieu of the 21,025 s.f. (Phase I) and 24,150 s.f. (Phase II) required
<p>Broadway</p>	<p>ZA-2005-0062-</p>	<ul style="list-style-type: none"> • 96 joint 	<p>C4-2D</p>	<p><u>Variances approved:</u></p>

CHART OF COMPARABLE PROJECTS AND VARIANCES APPROVED

Project & Site Location	Case Number(s)	Description	Zone	Parking and Variances/Adjustments Approved
Building (Hollywood & Vine) (KOR - 1645 N. Vine Street) Hollywood	CUB-CUX-ZV-ZAA-SPR-VTT-62217 Approved with Conditions 7/15/2005	live/work condominiums • 2,340 s.f. ground floor restaurant • 2,016 s.f. ground floor bar • 2,250 s.f. ground floor café/market		<ul style="list-style-type: none"> Variance from Section 12.21 A 5 to permit deviations from the parking space access and design requirements with the use of elevators to move vehicles between the parking levels of the sub-basement, basement, partial first, partial second and partial third floors of the building Variance from Section 12.21 A 5 (c) to permit 61 standard stalls and 40 compact stalls for the 96 residential units instead of 96 standard parking stalls <u>ZA Adjustments approved</u> Adjustment to permit a 0-foot rear yard and 0-foot west side yard for the additional floors/floor area added to the upper portion of the existing building in lieu of the required 20 foot rear yard and 11 feet site yard
The Jefferson at Hollywood JPI - Highland and Yucca, SE corner 6768-6770 West Yucca Street; 1724-1 750 North Highland Avenue; 1727-1 737 North McCadden Place Hollywood	ZA-2006-5927-ZV-ZAA-SPR-SPP Approved 6/14/2007 DIR 2007-1258 SPP Approved 5/03/2007	• 270 apartment units • 8,500 s.f. commercial/retail space • 755 parking spaces (includes 285 replacement parking spaces for off-site users) • Two Supergraphic Signs	C4-2D-SN 3:1 FAR	Parking ratio: 436 spaces for 270 apartment units = 1.6 Variances approved: <ul style="list-style-type: none"> Variance from Section 12.11 C 2, 12.11 C 3, and 12.30 to permit the buildable area to include the required yard setback and north/south alley in the calculation <u>ZA Adjustments approved</u> Adjustment to permit a 0-foot side yard setback on Highland Avenue in lieu of the required 9-foot setback for the residential portion of the structure, a 0-foot side yard setback on the easterly and westerly sides of the north/south alley in lieu of the required 9 feet, a 2-foot side yard on North McCadden Place in lieu of the required 9 feet, and a 2-foot rear yard in lieu of the required 18 feet
Avalon Bay 16352 and 16328 Ventura Blvd. Encino	CF 04-1425 CPC 2003-5411-SPE-ZV-ZAA-SPP-SPR-2A	• 137 dwelling units • 12,500 sf retail	C4-1L, R3-1 and RE9-1	Variances approved: <ul style="list-style-type: none"> Variance from Section 12.21.1 A, to permit the transfer of 45,648 sq. ft. of unused floor area from the RE9-1 zoned portion of the property involved to the C4-1L zoned portion of the same property in lieu of the maximum 1.5:1 FAR permitted in the C4 zone by Height District 1L, including the transfer of one unit from the RE9 to C4/R3 for a total of 137 units Variance from Section 12.22 C5 (h), to allow pedestrian and vehicular access from a less restrictive to a more restrictive zone

CHART OF COMPARABLE PROJECTS AND VARIANCES APPROVED

Project & Site Location	Case Number(s)	Description	Zone	Parking and Variances/Adjustments Approved
1633 La Brea Avenue Hollywood	ZA 2005-1856-CU-ZV-ZAA	<ul style="list-style-type: none"> 180 condo dwelling units 13,700 sf retail 	C4-1VL-SN and R4-1VL	<ul style="list-style-type: none"> Variance from Section 12.10 A to allow subterranean commercial parking in the R3-1 zone which is otherwise not permitted <p><u>ZA Adjustments approved:</u></p> <ul style="list-style-type: none"> Zoning Administrator's Adjustment from Section 12.08 C 2 and 12.10 C 2 to allow 0 feet yards along the boundaries separating the RE9, R3, and C4 zones <p><u>Variances approved:</u></p> <ul style="list-style-type: none"> Variance from Section 12.21.1 A, to permit a height of 98-feet and seven stories in lieu of the maximum permitted height of 45-feet and three stories in the R4-1VL and C4-1VL zones Variance from Section 12.21.1 A 1 to permit a 4.1 to 1 floor area ratio in the C4-1VL-SN zone in lieu of the maximum permitted floor area ratio of 1.5 to 1, and to permit a 3.5 to 1 floor area ratio in the R4-1VL zone in lieu of the maximum permitted floor area ratio of 3 to 1 Variance from Section 12.11 A to permit commercial circulation in the R4-1VL zone <p><u>ZA Adjustments approved:</u></p> <ul style="list-style-type: none"> Zoning Administrator's Adjustment from Section 12.11 C 4 to permit the 180th unit to be based on 160 square feet of lot area in lieu of the required 400 square feet in the R4-1VL and C4-1VL-SN zones Zoning Administrator's Adjustment from Section 12.11 C 3 to permit a zero-foot side yard along Marshfield Way in lieu of the 11-feet in the R4-1VL zone
5555 Hollywood Blvd, 1711, 1717, 1723 Garfield Place Hollywood	APCC 2006-4763-SPE-ZV-ZAA-SPP-SPR VTT 65592	<ul style="list-style-type: none"> 90 residential units 6,000 s.f. commercial 	[Q]R5-2, R3-1	<p><u>Variances approved:</u></p> <ul style="list-style-type: none"> Variance from Section 12.21 A.7(h) to permit approximately 790 square feet of identification sign area, including 190 square feet of building address and identification signage and 600 square feet of retail tenant wall and projecting blade signage in the [Q]R5-1 Zone Variance from Section 12.23.B.1.(c)(2) to permit vehicular, pedestrian, and commercial uses to cross from a [Q]R5 Zone to a R3 Zone <p><u>Adjustments approved:</u></p>

CHART OF COMPARABLE PROJECTS AND VARIANCES APPROVED

Project & Site Location	Case Number(s)	Description	Zone	Parking and Variances/Adjustments Approved
				<ul style="list-style-type: none"> • Zoning Administrator's Adjustment from Section 12.10 C 2 to permit 0-foot side yards for the ground level of the building in lieu of the 8-foot side yard otherwise required by the LAMC for properties in the R3 Zone • Zoning Administrator's Adjustment from Section 12.21 C 5 (h) to permit accessory uses (mechanical and electrical equipment) located in the R3 Zone serving the commercial uses located in the [Q]R5-2 Zone

FRANK E. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 576, City Hall
Los Angeles, CA 90012
Council File Information - (310) 978-1042
General Information - (310) 978-1123
Fax: (310) 978-1040

CLAUDIA M. DUNN
Chief, Council and Public Services Division
www.ci.losangeles.ca.us

Los Angeles County Assessor
500 W. Temple Street, Room 225
Kenneth Hahn Hall of Administration
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1901 Avenue of the Stars, 2nd Floor
Los Angeles, CA 90067

07-1381

CD 13

July 31, 2007

Office of the Mayor
City Planning Department
Attn: Mark Lopez (w/ copy of ordinance)
cc: Director of Planning
cc: Geographic Information Section
Attn: Fae Tsukamoto
Bureau of Engineering,
Land Development Group
Fire Department

Councilmember Garcetti,
Department of Transportation,
Traffic/Planning Sections
Department of Building and Safety
cc: Zoning Coordinator
cc: Residential Inspection Unit
Bureau of Street Lighting,
"B" Permit Section
See attachment for additional notification

RE: ZONE VARIANCE, ZONING ADMINISTRATOR'S ADJUSTMENTS, SITE PLAN REVIEW APPEALS AND
ZONE AND HEIGHT DISTRICT CHANGE AT 1614-1736 ARGYLE AVENUE, 6139-6240 WEST
HOLLYWOOD BOULEVARD, 6140-58 WEST CARLOS AVENUE, 1631-49 NORTH EL CENTRO AVENUE,
AND 1607-31 VISTA DEL MAR AVENUE

At the meeting of the Council held July 17, 2007, the following action was taken:

Attached report adopted	X
Findings adopted	X
Environmental Impact Report certified	X
Ordinance adopted	X
Ordinance number	179028
Date posted	07-27-07
Effective date	09-05-07
Mayor approved	07-25-07

Frank E. Martinez

City Clerk

Jr.

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

7-17

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

FILE NO. 07-1381

Your PLANNING AND LAND USE MANAGEMENT Committee

reports as follows:

ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION
MONITORING PROGRAM, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT AND
ORDINANCE relative to a Zone Variance, Zoning Administrator's Adjustments, Site Plan Review appeals and
Zone and Height District Change at 1614-1736 Argyle Avenue, 6139-6240 West Hollywood Boulevard, 6140-6158
West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1607-1631 Vista Del Mar Avenue.

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

- CERTIFY that the Environmental Impact Report (EIR No. 2005-7118 EIR; State Clearing House No. 2005-121036) has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the lead agency in the City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file 07-1381 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 Environmental Impact Report.
- ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the City Planning Department.
- ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of the Council as well as environmental findings and a Mitigation Monitoring and Reporting Program.
- RESOLVE TO DENY APPEAL filed by James Rojas from part of the determination of City Planning Commission, THEREBY APPROVE: (1) a Variance to permit a 55-foot maximum height over 90 percent of the [Q]R3-1XL parcel at the northeast corner of the site and a 75-foot maximum height along the south and west boundaries of the [Q]R3-1XL parcel in lieu of the maximum two stories and 30-foot height limit in the [Q]R3-1XL zone; (2) a Variance from existing "Q" Condition that limits density to one unit per every 1,200 square feet of buildable lot area to permit approximately one unit per every 300 square feet of lot buildable lot area for the entire project site area; (3) a Variance to permit Joint Living and Work Quarters in the [Q]R3-1XL zone; (4) a Variance to permit accessory uses in the [Q]R3-1XL zone where the main use is in the C4 zone; (5) Zoning Administrator's Adjustments to permit a 0-foot side yard setbacks in lieu of the required 9-foot side yard setback required in the C4-2D and C4-2D-SN zones, and 0-foot front yard and 0-foot easterly side yard setbacks in lieu of the required 15-foot front yard setback and 9-foot side yard setbacks required in the [Q]R3-1XL zone; and (6) a Site Plan, for the proposed construction, use and maintenance of an approximately 1.13 million square foot mixed-use development consisting of 1,014 apartments, 28 joint living work quarter units, and 175,000 square feet of commercial retail uses within eight buildings, and provide 2,697 on-site parking spaces including 652 spaces reserved for Pantages Theater patrons on event days, for property at 1614-1736 Argyle Avenue, 6139-6240 West Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1607-1631 Vista Del Mar Avenue, subject to modified Conditions of Approval.

Applicant: Clarett Hollywood, LLC

CPC 2006-7301 ZC ZV YV ZAA SPR

- PRESENT and ADOPT the accompanying NEW ORDINANCE, approved by the Director of Planning, effecting a Zone Change from C4-2D, C4-2D-SN, and [Q]C4-2D-SN to [T]Q[C]4-2D and [T]Q[C]4-2D-SN; and (2) a Height District Change to modify existing "D" limitations on site to permit a maximum Floor Area Ratio (FAR) of 4.5:1 for property at 1614-1736 Argyle Avenue, 6139-6240 West Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1607-1631 Vista Del Mar Avenue, subject to modified Conditions of Approval to [T] Conditions Nos. 1C and 11; [Q] Conditions Nos. A2, A4, A6, A7 and C27; and "D" Development Limitations, as attached to Committee report.

Said rezoning shall be subject to the [Q] Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.

- REMOVE the [T] Tentative classification as described in detail on the sheet(s) attached to the Committee report.
- ADVISE the applicant of [Q] Qualified classification time limit as described in the Committee report.
- ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.8, 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.
- 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.
- NOT PRESENT and ORDER FILED the ordinance approved by City Planning Commission on February 8, 2007.

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

TIME LIMIT FILE - JULY 30, 2007

(LAST DAY FOR COUNCIL ACTION - JULY 27, 2007)

Summary:

At its meeting held June 26, 2007, the Planning and Land Use Management (PLUM) Committee conducted a public hearing on an appeal filed by James Rojas from part of the determination of City Planning Commission relative to: (1) a Variance to permit a 55-foot maximum height over 90 percent of the [Q]R3-1XL parcel at the northeast corner of the site and a 75-foot maximum height along the south and west boundaries of the [Q]R3-1XL parcel in lieu of the maximum two stories and 30-foot height limit in the [Q]R3-1XL zone; (2) a Variance from existing "Q" Condition that limits density to one unit per every 1,200 square feet of buildable lot area to permit approximately one unit per every 300 square feet of lot buildable lot area for the entire project site area; (3) a Variance to permit Joint Living and Work Quarters in the [Q]R3-1XL zone; (4) a Variance to permit accessory uses in the [Q]R3-1XL zone where the main use is in the C4 zone; (5) Zoning Administrator's Adjustments to permit a 0-foot side yard setbacks in lieu of the required 9-foot side yard setback required in the C4-2D and C4-2D-SN zones, and 0-foot front yard and 0-foot easterly side yard setbacks in lieu of the required 15-foot front yard setback and 9-foot side yard setbacks required in the [Q]R3-1XL zone; and (6) a Site Plan, for the proposed construction, use and maintenance of an approximately 1.13 million square foot mixed-use development consisting of 1,014 apartments, 28 joint living work quarter units, and 175,000 square feet of commercial retail uses within eight buildings, and provide 2,697 on-site parking spaces including 652 spaces reserved for Pantages Theater patrons on event days, for property at 1614-1736 Argyle Avenue, 6139-6240 West Hollywood Boulevard, 6140-6158 West

5. PRESENT and ADOPT the accompanying NEW ORDINANCE, approved by the Director of Planning, effecting a Zone Change from C4-2D, C4-2D-SN, and [Q]C4-2D-SN to [T][Q]C4-2D and [T][Q]C4-2D-SN; and (2) a Height District Change to modify existing "D" limitations on site to permit a maximum Floor Area Ratio (FAR) of 4.5:1 for property at 1614-1736 Argyle Avenue, 6139-6240 West Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1607-1631 Vista Del Mar Avenue, subject to modified Conditions of Approval to [T] Conditions Nos. 1C and 11; [Q] Conditions Nos. A2, A4, A6, A7 and C27; and "D" Development Limitations, as attached to Committee report.

Said rezoning shall be subject to the [Q] Qualified classification zone limitations substantially as shown on the sheet(s) attached to the Committee report.
6. REMOVE the [T] Tentative classification as described in detail on the sheet(s) attached to the 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.
10. NOT PRESENT and ORDER FILED the ordinance approved by City Planning Commission on February 8, 2007.

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

TIME LIMIT FILE - JULY 30, 2007

(LAST DAY FOR COUNCIL ACTION - JULY 27, 2007)

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Carlos Avenue, 1631-1649 North El Centro Avenue, and 1607-1631 Vista Del Mar Avenue, subject to Conditions of Approval.

Testimony in support of the project was provided by many speakers, including representatives for the applicant (one of which requested various modifications to the conditions of approval). Additional testimony in support of the project was provided by representatives of the Hollywood Studio District Neighborhood Council, Hollywood Arts Council, Hollywood Chamber of Commerce and others speakers in attendance. The Council Deputy for Council District 13, speaking on behalf of Councilmember Eric Garcetti, also spoke in support of the project. James Rojas, the appellant was not present at the meeting. One speaker expressed concerns regarding the granting of the variance for this project.

The PLUM Committee recommended denial of the appeal. The PLUM Committee also recommended approval of a Zone and Height District Change from C4-2D, C4-2D-SN, and [Q]C4-2D-SN to [T][Q]C4-2D and [T][Q]C4-2D-SN; (2) a Height District Change to modify existing "D" limitations on site to permit a maximum Floor Area Ratio (FAR) of 4.5:1 for property at 1614-1736 Argyle Avenue, 6139-6240 West Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1607-1631 Vista Del Mar Avenue, subject to modified Conditions of Approval. Modifications were recommended to: "T" Conditions Nos. 1C and 11; "Q" Conditions Nos. A2, A4, A6, A7 and C27; "D" Development Limitations; and a modification to Condition No. 7 of the Zone Variance, Zoning Administrator's Adjustment and Site Plan Review Conditions of Approval. The Conditions as modified are shown in the attachment to this Committee report.

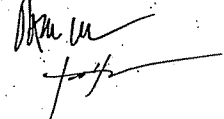
The Director of Planning has reviewed and approved the modified conditions, and the Ordinance.

As indicated in Recommendation No. 7 and pursuant to Section 12.32-G 3 of the Los Angeles Municipal Code (LAMC), the applicant is hereby advised that:

"... the Council may decide to impose a permanent "Q" Condition... identified on the zone change map by the symbol Q in brackets... There shall be no time limit on removal of the brackets around the [Q] Qualified designation nor on removal of the [T] Tentative designation. After the conditions of the permanent [Q] Qualified classification have been fulfilled, the brackets surrounding the Q symbol shall be removed."

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



**REPORT,
FINDINGS
AND
ORDINANCE
ADOPTED**

JUL 17 2007

LOS ANGELES CITY COUNCIL

Environmental Impact Report Certified

MEMBER
REVES:
HUIZAR:
WEISS:

VOTE
HUZAR:
YES
YES

9635
7-16-07
00 13

Attachment: Conditions of Approval as Modified - Zone Variance, Zoning Administrator's Adjustment and Site Plan Review Ordinances
"T" Development Limitations
"Q" and "T" Conditions of Approval



LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: **APR 09 2007**

CITY COUNCIL
Room 395, City Hall
Los Angeles, California

Applicant: Claret Hollywood, LLC

CASE NO. CPC 2006-7301-2C-ZV-YV-ZAA-SPR
Location: 1614-1736 Argyle Avenue, 6139-6240 W. Hollywood Boulevard, 6140-6158 W. Carlos Avenue, 1631-1649 N. El Centro Avenue, and 1615-1631 Vista Del Mar Avenue
Council District: No. 13
Plan Area: Hollywood
Requests: Zone Change, Height District Change, Zone Variance, Yard Variance, Zoning Administrator's Adjustments, Site Plan Review

At its meeting on February 8, 2007 the following action was taken by the City Planning Commission:

1. Approved and Recommended that the City Council adopt a Zone Change from C4-2D, C4-2D-SN, and [Q]C4-2D-SN to [T][Q]C4-2D and [T][Q]C4-2D-SN; subject to attached Conditions of Approval.
2. Approved a Height District Change to modify existing "D" limitations on site to permit a maximum Floor Area Ratio (FAR) of 4.5:1; subject to attached Conditions of Approval.
3. Approved a Zone Variance from Section 12.21.1.A.1 to permit a 55-foot maximum height over 90 percent of the [Q]R3-1XL Parcel at the northeast corner of the site and a 75-foot maximum height along the south and west boundaries of the [Q]R3-1XL Parcel in lieu of the maximum two stories and 30-foot height limit in the [Q]R3-1XL Zone, subject to attached Conditions of Approval.
4. Approved a Zone Variance from existing "Q" Condition No. 3 from Section 2 of Ordinance 165,662 that limits density to one unit per every 1,200 square feet of buildable lot area to permit approximately one unit per every 300 square feet of lot buildable lot area for the entire Project site area, subject to the attached Conditions of Approval.
5. Approved Variance to permit Joint Living and Work Quarters in the [Q]R3-1XL Zone, subject to attached Conditions of Approval.
6. Approved a Variance to permit accessory uses (including parking and driveway access) in the [Q]R3-1XL Zone where the main use is in the C4 Zone, subject to attached Conditions of Approval.
7. Denied a Yard Variance without prejudice to allow 53,000 square feet of open space for the north block and 48,000 square feet of open space for the south block since the Project has been revised and no longer requires this entitlement.
8. Approved Zoning Administrator's Adjustments to permit 0-foot side yard setbacks in lieu of the required 9-foot side yard setback required in the C4-2D and C4-2D-SN zones, and 0-foot front yard and 0-foot easterly side yard setbacks in lieu of the required 15-foot front yard setback and 9-foot side yard setbacks required in the [Q]R3-1XL Zone.
9. Approved the Site Plan.
10. Approved and Recommended that the City Council certify Environmental Impact Report No. ENV-2005-711B-EIR.
11. Adopted the attached Findings.
12. Recommended that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative classification or "Q" Qualified classification are specified in Section

12.32.G of the L.A.M.C. Conditions must be satisfied prior to the issuance of building permits and that the "T" Tentative classification be removed in the manner indicated on the attached page.

13. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the Project and the City may require any necessary fees to cover the cost of such monitoring.
14. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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

This action was taken by the following vote:

Moved: Usher
Seconded: Hughes
Ayes: Cardoso, Freer, Woo
Nay: Roschen
Absent: Kay, Kezios
Vacancy: One
Vote: 5-1


George Williams, Commission Executive Assistant II
City Planning Commission

Effective Date / Appeals:
Appeals: If the Commission has disapproved the Zone Change request, in whole or in part, only the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination.

Any aggrieved party may appeal the Conditional Use, Variance or Site Plan Review to the Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

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

Attachments: Findings/T Conditions/Ordinance/Q Conditions/Map

c: Notification List

7. Variance Findings. Pursuant to Section 12.27-D of the Municipal Code:

- a. *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.*

Height Variance in the [Q]R3-1XL Zone. Most of the site's north block is zoned C4-2D-SN and [Q]C4-2D-SN. These lots have no height restrictions. The northeastern lot is zoned [Q]R3-1XL, with a height limitation of 30 feet and two stories. The [Q]R3-1XL parcel is part of the north block development, which proposes a six-story mixed-use structure on the north block.

The purpose of height districts is to regulate, and restrict height and floor area of buildings to promote a reasonable scale from one building to another. The proposed structure on the north block will have the appearance of four buildings. However, the development is technically one building which shares a common podium at the second level above grade, and will include ground level retail, and subterranean parking. Proposed Building No. 3, found on the northeast portion of the north block, would extend over both the [Q]C4-2D-SN and [Q]R3-1XL parcels.

A practical difficulty would be created as the Project attempts to include the [Q]R3-1XL lot with the remainder of the C4-2D-SN and [Q]C4-2D-SN lots. Proposed Building No. 3 would be disproportionate in height and floor area with the strict application of the "1XL" height district regulations. The portion of proposed Building No. 3 would be limited to a 30-foot height limit and be no higher than two stories, while the majority of the structure would be over twice this height. Uneven portions of this development would cause circulation problems and challenges for future residents to access different areas of the site. Furthermore, providing sufficient floor area and a practical design would cause challenges since the Project attempts to develop one structure on the proposed north block. As such, strict application of the zoning ordinance would be inconsistent with the general purposes of the zoning regulations.

Density Variance in [Q]R3-1XL Zone. Typically, R3 zoned lots have a minimum lot area requirement of 800 square feet for each unit. The intent of the existing "Q" Condition for the [Q]R3-1XL zone is to protect the neighboring northeast residential uses, known as the historic Carlos District. The "Q" Condition limits density to one unit per 1,200 square feet to protect existing low-density apartments from impacts created by higher intensity uses.

The Project proposes to calculate residential density throughout the whole site since the development crosses the zone boundary between the [Q]C4-2D-SN and [Q]R3-1XL lots. Residential density for the entire Project is proposed to be 300 square feet for each unit, which is permitted for lots having a Regional Center Commercial land use designation. The Project proposes to use the lot as part of the north block development. This would not conflict with the intent of the "Q" Condition of Ordinance No. 165,662 to protect residential homes in the historic Carlos District.

- b. *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.*

Height Variance in the [Q]R3-1XL Zone. The site is comprised of 16 parcels zoned C4-2D, C4-2D-SN, and [Q]C4-2D-SN and one parcel zoned [Q]R3-1XL. Since the [Q]R3-1XL lot is subject to the "1XL" Height District limitations of 30 feet or two stories, while there are no height restrictions on the C4-2D, C4-2D-SN, and [Q]C4-2D-SN lots, the Project possesses a circumstance atypical of other properties in the area. Development along Hollywood Boulevard does not have split zoning that restricts height on one portion of the site. Nor do buildings along Hollywood Boulevard have disproportionate building heights as a result of one portion of the site containing a restrictive height limitation and the remainder of the site having none.

Density Variance in [Q]R3-1XL Zone. As discussed previously, the site is comprised of 16 parcels zoned C4-2D, C4-2D-SN, and [Q]C4-2D-SN and one parcel zoned [Q]R3-1XL. Since the existing [Q]R3-1XL lot is subject to "Q" Conditions that restrict density to 1,200 square feet for each unit, while the remainder of the C4-2D, C4-2D-SN, and [Q]C4-2D-SN lots propose a density of 300 square feet for each unit, the Project possesses a circumstance atypical of other properties in the same zone. Development along Hollywood Boulevard does not have a more restrictive density requirement on one portion of their site and a less restrictive density on the remaining portions of the site. Nor do buildings along Hollywood Boulevard have disproportionate densities, which ultimately lead to disproportionate building forms. Therefore, the Project will require a density variance to the site's split density requirements to allow for a unified development on the north block.

Variance to Allow Live/Work Units in [Q]R3-1XL Zone. The site's existing [Q]R3-1XL parcel creates a special circumstance generally not possessed by other properties. The Project proposes the development to be built throughout the entire north block site with the live/work units on the north and northeast portions of the site. The [Q]R3-1XL lot prohibits joint living and work quarters. Uses on the [Q]R3-1XL parcel cannot be determined separately from the entire Project since the intent is to create a unified structure.

Variance to Allow Commercial Parking and Driveway in [Q]R3-1XL Zone. Vehicular access from a commercial zone to the R3 zone, a more restrictive zone, is prohibited. Since the [Q]R3-1XL parcel is proposed to be part of the one structure on the north block, it would not be practical to require parking or access to parking for the entire project to be limited to the location of the [Q]R3-1XL parcel boundaries when subterranean parking levels are continuous throughout the north block. This circumstance is atypical, where a variance is required to access a more restrictive zone that is part of the same site.

- c. *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 questions.*

Strict application of the "Q" Condition would create practical difficulties and hardship to create a unified project. Shared parking, amenities and interconnection to the second level pedestrian walkway, open space and recreation areas would not be able to be provided on this portion of the site as the "Q" Condition would render the Project to be disproportionate and prevent the Project from efficiently providing its tenants with amenities and adequate circulation. Granting the requested variance would alleviate the difficulties created by strict application of the "Q" Condition, while maintaining the existing character of the historic Carlos District.

Variance to Permit Live/Work Units in the [Q]R3-1XL Zone. The R3 zone permits multi-family housing, and accessory and home occupations subject to certain restrictions. Such restrictions include hours of operation, number of client visits, and maintaining residential character and appearance of the dwelling unit in order to protect multi-family residential zones. The northern boundary of the north block along Carlos Avenue and the private street extension of Carlos Avenue include joint living and work quarters on the ground level and residential units on the upper floors.

The north portion of the north block proposes joint living and work quarters on [Q]C4-2D-SN zoned lots and along the existing [Q]R3-1XL lot. Strict application of the zoning code would permit joint living and work quarters on the [Q]C4-2D-SN lots by-right, but would prohibit such on the [Q]R3-1XL lot. Home occupancy commercial uses would only be permitted on the [Q]R3-1XL lot. One of the goals of the Project is generate employment opportunities to the local area and to bring a mix of office/home units into the development. If home occupancy commercial uses were developed, the unit design would be required to maintain a residential character. The intent of Section 12.10 of the L.A.M.C. is to allow home occupancy uses in a residential neighborhood. It would be impractical to require a more "residential" character for a minor portion of the development, when all joint living and work quarter units along Carlos Avenue and the proposed Niederlander Way have been designed to relate directly to the street, and provide clear individual entries to differentiate these live/work spaces.

Variance to Permit Commercial Parking/Circulation in [Q]R3-1XL Zone. The intent of maintaining residential parking in a residential zone is to protect the more sensitive residential uses from commercial uses. Being more intensive uses, commercial uses tend to a higher level of noise and aesthetic impacts that can affect the privacy of residents.

Since the Project proposes a unified development with subterranean levels running throughout the north block, parking for commercial uses will cross over from the [Q]C4-2D-SN zone, allowing for a less restrictive use, to the [Q]R3-1XL zone, allowing for a more restrictive use. Strict application of zone regulations would lead to practical difficulty and unnecessary hardship as it would separate parking by residential and commercial lots. This would create inefficiencies and inconveniences to residents who wish to access their vehicles. Granting the requested variance will provide ease of access for residents of the [Q]R3-1XL lot, and better utilize parking for this development.

Current zoning regulations for the existing [Q]R3-1XL lot deny the applicant the substantial property right to develop the property in the most economically efficient manner as a unified development with the surrounding parcels zoned C4-2D, C4-2D-SN, and [Q]C4-2D-SN on the north block. Requiring a different use, residential density, parking layout and a drastically different height requirement from the rest of Project would create unnecessary hardships, difficulties, and challenges. Amenities, parking, recreation areas, open space, residential services, and circulation would be separated, and would lead to the development to function inefficiently.

To better utilize the site for what is proposed, providing circulation throughout the development without the physical limitations caused by the existing [Q]R3-1XL regulations would bring efficiencies of scale to the Project. Parking, amenities, open space, and circulation will bring much utility this high-density development. Disallowing this variance that leads to the best use of a unified development would diminish the value of the [Q]R3-1XL lot as well as the Project itself to the point where efficiencies of scale would be lost. It would be economically infeasible to include the [Q]R3-1XL lot within the project site when these practical difficulties prevent the best use for the Project.

- d. *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.*

Height Variance in the [Q]R3-1XL Zone. The Project provides an aesthetic and structural transition from the 85-foot height of the majority of the project to a 75-foot height on the boundary between the [Q]C4-2D-SN and [Q]R3-1XL parcels to a 55-foot height on the private street side of the project. The shade and shadow study referenced in the Final Environmental Impact Report dated August 2006 indicates that shadow is cast primarily by the 85-foot buildings to the west and south of the [Q]R3-1XL parcel. Therefore, the height on the [Q]R3-1XL parcel will have a less than significant impact on shadows casting upon surrounding neighbors. The shadow study mentioned in the Final Environmental Impact Report states that no shadow impacts would occur to shadow-sensitive uses adjacent to the project site. Also, granting the requested height variance will allow for a more proportionate street front along the proposed private street across from the community church, bringing a more proportionate and aesthetic development.

Density Variance in [Q]R3-1XL Zone. Granting the density variance will allow the unified development to extend across the zone boundary between the [Q]R3-1XL and the [Q]C4-2D-SN parcels. As stated above, the unified development requires the [Q]R3-1XL parcel to be calculated at 300 square feet for each unit as part of the entire project. Granting this request will not be materially detrimental to surrounding neighbors. The Project will be conditioned to include several mitigation measures discussed in the Final Environmental Impact Report, including noise and lighting measures, to reduce impacts to residential uses to a less than significant level.

Variance to Allow Joint Living and Work Quarter Units in [Q]R3-1XL Zone. Zoning regulations for R3 lots currently allow home occupancy uses on the [Q]R3-1XL parcel. The C4 zone currently allows live/work uses on the [Q]C4-2D-SN parcels that are lined along the private road on the northern boundary of the project site. Allowing joint living and work quarters instead of home occupancy commercial uses on the [Q]R3-1XL parcel, which are adjacent to live/work uses, proposed on the [Q]C4-2D-SN parcels, will not be materially detrimental to the public welfare since such uses will not increase traffic, noise or cause any other nuisance to adjacent single family homes, as discussed in the Final Environmental Impact Report. The joint living and work quarters proposed on the [Q]R3-1XL lot would not significantly impact the residential uses across Carlos Avenue. These joint living and work quarters would be placed on the first two levels of ground level. The proposed private driveway would buffer potential impacts from these units to the single family homes to the north. A 10-foot buffer with planted trees would buffer these units with the low-density apartments to the northeast of the site.

Variance to Allow Commercial Parking and Driveway in [Q]R3-1XL Zone. Commercial parking and driveway can only be utilized on commercially zoned parcels. Since the Project proposes a unified development with subterranean parking extending throughout the entire site, the Project will require a variance to allow commercial parking to extend onto the [Q]R3-1XL lot. Vehicular access for residents of the north block to subterranean parking will be from the proposed private street to the [Q]C4-2D-SN zoned portion of the development. Vehicular access for commercial uses will be from the northwest corner on Argyle Avenue and from the southeast corner on Hollywood Boulevard on lots zoned [Q]C4-2D-SN.

Providing vehicular access to the development from the [Q]C4-2D-SN lots to the [Q]R3-1XL lot would not be materially detrimental to the public welfare and to the adjacent residential neighbors. There would be no aesthetic/visual impacts since the Project proposes a subterranean garage. Noise impacts from parking and vehicles will be mitigated as the Project has been conditioned to incorporate mitigation measures that include parking ramps being constructed of concrete and interior ramps being textured to prevent tire squealing at turning areas.

Also, on August 29, 2006, the City of Los Angeles Department of City Planning, serving as the lead agency with respect to the Project, distributed a Final Environmental Impact Report (FEIR), and issued a recommendation for Certification of the Final Supplemental Impact Report (State Clearinghouse No. 2005121038). The FEIR includes mitigation measures and a mitigation monitoring program to reduce impacts to a less than significant level. These mitigation measures have been included as part of the "C" Conditions of this report. The Project will be required to comply with these mitigation measures as the Project's conditions of approval.

- e. *That the granting of the variance will not adversely affect any element of the General Plan.*

The Hollywood Community Plan designates the subject property for Regional Center Commercial land use designation with corresponding zones of C2, C4, P, and PB, and the [Q]R3-1XL parcel as having a Medium Residential land use designation with a corresponding zone of R3. The Hollywood Community Plan

states its purpose is intended to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City.

The proposed project would be consistent with the following objectives and policies of the Hollywood Community Plan:

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.

To encourage the preservation and enhancement of the varied and distinctive residential character of the Community, and to protect the lower density housing from the scattered intrusion of apartments.

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 its transit corridors. The Land Use Chapter of the Framework Element also presents policies relating to the promotion of housing in the City. The proposed project would also be consistent with the following objectives and policies of the City's General Plan:

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

Policy 3.2.4: Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.

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

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

Variances are technical issues, which are not specifically addressed in the Community Plan or in other elements of the General Plan. As discussed, the proposed development is consistent with the Housing Element as it encourages the preservation and enhancement of quality residential neighborhoods in the City and increases the housing stock.

The Project will create a high-quality residential development that offers much-needed housing to the neighborhood, promotes safety by deterring crime through architectural features (i.e., windows, balconies and porches), better utilizes the project site by improving the land use and character of the existing neighborhood, provides a 24-hour livehood for the area, ultimately, reinvigorating the area with pedestrian activity, improving urban life, and creating strong interaction and vitality to the existing neighborhood. Furthermore, the project's proximity to the Hollywood and Vine Red Line Station and Hollywood Boulevard create opportunities for its residents and employees to take advantage of transit opportunities while reducing congestion and parking issues in the area. Utilizing available transit will foster pedestrian activity, while reinvigorating the area to create linkages with areas surrounding the neighborhood.

Height Variance in the [Q]R3-1XL Zone. Granting the requested height variance will not adversely affect any element of the General Plan since the [Q]R3-1XL lot has been assembled with the other C4-2D, C4-2D-SN, and [Q] C4-2D-SN lots as a unified development that will meet the goals of the Hollywood Community Plan.

Density Variance in [Q]R3-1XL Zone. Granting the requested density variance will not adversely affect any element of the General Plan since the [Q]R3-1XL lot is included as part of a development that will cover the entire north block. Since the Project proposes to include this residential lot, and since the majority of the site provides for a density that conforms to the L.A.M.C., granting the requested density variance would not be detrimental to the General Plan.

Variance to Allow Joint Living and Work Quarter Units in [Q]R3-1XL Zone. The existing [Q]R3-1XL parcel has a Medium Density Residential land use designation. However, since the Project will be one structure and will be developed over the entire site, where the majority of the site is in the C4-2D, C4-2D-SN, [Q]C4-2D-SN zones, the Project would not be detrimental to General Plan. The [Q]C4-2D-SN zone allows for joint living and work quarters by-right. The Project is merely requesting the variance as a technical matter to include these same uses on the [Q]R3-1XL lot. The Hollywood Community Plan does not specifically prohibit joint living and work quarters. Therefore, a variance to allow joint living and work quarters would not conflict with the Hollywood Community Plan, and would not adversely affect the intent of the General Plan.

Variance to Allow Commercial Parking and Driveway in [Q]R3-1XL Zone. The existing [Q]R3-1XL parcel has a Medium Density Residential land use designation, which allows higher density residential and accessory uses. Granting the requested variance to allow commercial parking uses within the [Q]R3-1XL zone would allow for the development to connect over the [Q]R3-1XL lot by subterranean parking levels. This would lead to a development that would be in conformance with the objectives of the General Plan.

8. Zoning Administrator's Adjustment Findings (for front and side yard setbacks). Pursuant to Section 12.28.C.4 of the Municipal Code: The proposed project is a mixed-use project divided into a north and south block development with ground floor retail, residential units, and joint living and work quarter units. For yard determination, the [Q]R3-1XL zone requires a 15-foot front and rear yard setback, and 6-foot side yard setbacks from the property line to the side of the structure, for a six-story building in the [Q]R3-1XL zone. The C4 zone requires 9-foot side yard setbacks and 18-foot rear yard setbacks from the property line to the side and rear of the structure for a 6-story mixed use and live/work building in the C4 zone. As defined in the L.A.M.C., in the case of an interior lot, the line separating the lot from the street is specified as the front lot line. Any lot line not a front or rear lot line is a side lot line.

- a. The adjustment will result in development compatible and consistent with the surrounding uses.

The Project requires Zoning Administrator's Adjustments to allow for the following: a 0-foot front yard for the [Q]R3-1XL lot, which faces Carlos Avenue; a 0-foot easterly side yard for the [Q]R3-1XL lot; a 0-foot easterly side yard for the C4-2D-SN lot on the north block; and 0-foot side yards for the southerly "U" portion of the south block not fronting a right-of-way.

Granting the requested front and easterly side yard adjustments for the [Q]R3-1XL and requested side yard adjustments for lots in the C4-2D, and C4-2D-SN zones of the north and south blocks, respectively, will allow for a unified development that will bring a high-density, transit-oriented, affordable, green development that provides much needed housing and retail uses. The site is presently developed with surface parking lots and five commercial buildings ranging from one- to two-stories in height.

In general, the Project provides no setback along portions of Hollywood Boulevard, Argyle Avenue, Vista Del Mar Avenue, and El Centro Avenue, which is consistent with the surrounding development. The Project provides a variable westerly side yard setback of 0-feet to 5-feet along Argyle Avenue on the north block. Also, the northeast portion of the building near the apartments would be set back at 10-feet, 10-inches from the property line of the adjoining [Q]R3-1XL zoned lot to the east.

Just west of the project site across Argyle Avenue is the Hollywood/Vine Redline Station. Granting the requested adjustments would allow for development of this size to bring a high-density development to the area. The Planning Department's Community Planning Bureau is currently in the process of updating the Hollywood Community Plan, and has stated the plan will include an objective to encourage high-density development near public transit stations. Also, the amount of retail the Project provides will create even more of a destination point for the Hollywood Community that will help increase ridership for public transit.

Just west of the intersection of Hollywood Boulevard and Vine Street is the historic Hollywood Boulevard's Commercial and Entertainment District. This district includes commercial uses that provide pedestrian friendly elements. Commercial buildings in this district are built up to the property line, and include display windows. These elements promote strong interaction between the commercial uses, the Walk of Fame, and Hollywood Boulevard. New projects between the subject site and the Hollywood and Vine intersection are also

proposed to include similar pedestrian-friendly elements. By granting the adjustment requests for the front yard of the [Q]R3-1XL lot, and the remaining side yards of both the north and south blocks, the Project's unified development will not only help extend pedestrian friendly areas further east on Hollywood Boulevard, but also north and south on Argyle Avenue. Ground level retail uses will extend further east from the historic district. Also, public plazas on both the north and south blocks will extend pedestrian activity into the development and allow for gatherings, public meeting areas, and outdoor dining.

The Project will also be compatible with the Panjages Theater. Granting the requested adjustments will not only lead to development that will provide sufficient parking for on-site uses and for patrons of the Panjages Theater, but will architecturally complement its neighbor. The Project will have a stepped increase in height for proposed Building No. 1, which faces the Panjages Theater. Also, the Project will include a curb cut similar to that found on the northwest corner of Hollywood Boulevard and Argyle Avenue. Finally, proposed Building No. 1 will include details of the Panjages Theater's marquee on the building's façade.

The Project provides mitigation measures to ensure compatibility with surrounding uses. The Project includes a transitional height on the northeast portion of the north block, adjacent to the residential uses. Vehicle entry points are to avoid pedestrian circulation on Argyle Avenue. The Project has been scaled down from previous designs, and provided variation in height and architectural design to avoid the appearance of a "cookie-cutter" development. As such, granting the requested adjustment requests for front, side, and rear yards would lead to development compatible with surrounding uses.

- b. The adjustment will be in conformance with the intent and purpose of the General Plan of the City.

Granting the requested adjustments to the yard setback provisions would be in conformance with the intent and purpose of the General Plan. The Hollywood Community Plan designates the project site as Regional Center Commercial for the C4-2D, C4-2D-SN and [Q]C4-2D-SN zoned lots and Multiple Family, Medium Residential Density for the [Q]R3-1XL lot. These land use designations permit high-density multi-family residential uses by-right.

The Housing Element of the General Plan also states that yard setbacks are required for the public health and safety, such as providing sufficient light and air for residential developments. The Project will provide sufficient light and air without the required setbacks since residential uses located on the second through sixth floors will be able to take advantage of the Project's large interior courtyards. Also, open air pedestrian walkways, a large swimming pool, and deck areas are located at the second level podium.

The project site is surrounded by Argyle Avenue to the west, bisected by Hollywood Boulevard, a proposed private street to the north, El Centro Avenue to the east on the south block, and Vista Del Mar to the south on the south block. Residential units about the northeast portion of the project site, while commercial uses about the project site to the east and to the south. Most of the site abuts public rights-of-way, which allows for sufficient light and air. Transitional height is provided along a 10-foot, 10-inch buffer with trees from the residential units to the

northeast. An adjustment is requested for this portion of the site since the site's grading causes a portion of the subterranean garage to protrude into the required setback.

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

The primary purpose of yard requirements is to provide a buffering distance/compatibility between respective uses or from the public right-of-way and to ensure adequate lighting and air are provided between uses, particularly if one of the uses is considered more sensitive.

Section 12.22-C.18(c) of the L.A.M.C. provides an exception to the setback requirements, and requires no front, side or rear yard for mixed-use projects with ground floor commercial uses in the C zone for the portion of the building that abuts a street, private street or alley.

Granting the requested adjustments for 0-foot front and side adjustments would continue to ensure buffering between uses. The most sensitive uses abutting the site are residential uses north and northeast of the site.

While light and air are not provided traditionally from minimum front, side, and rear yards, sufficient light and air are provided to this high-density development in a different form.

able to better allocate open space within the Project as a larger shared area to allow for a wider range of outdoor and recreational activities.

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

The Project has been designed to minimize potential impacts to neighboring uses. A minimum 10-foot, 10-inch buffer is proposed between the northeast portion of the site and the low-density apartments.

The design of the Project shows residential uses placed on the second level and higher all above grade, except for the joint living and work quarters along Carlos Avenue and the private driveway, El Centro Avenue and on Vista Del Mar Avenue in the south block.

The Final EIR has provided mitigation measures including noise, traffic, air quality, among others, to mitigate impacts created from these adjustments and from the Project.

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

The project site is located on a 7.46 net acre site, bounded by secondary highways and major second class highways, including Argyle Avenue and Hollywood Boulevard, as well as local streets including Carlos Avenue, Vista Del Mar Avenue, and El Centro Avenue.

The project site is one of the largest sites near the Hollywood and Vine Metro Red Line Station. The type of development the Project proposes with its proximity to transit will be in conformance with the objectives of the updated Hollywood Community Plan Update.

Also, the site's slope results in the Project's request for a 0-foot easterly side yard in the [O]R3-1XL lot. The proposed subterranean parking extends into the required setback as a result of the rising slope.

9. Site Plan Review Findings. Pursuant to Section 16.05F of the Municipal Code:

a. That the project complies with all applicable provisions of this Code and any applicable specific plan.

The Project, as proposed, requires a zone change, height district change, adjustments and zone variances from the Los Angeles Municipal Code. With the granting of the requested entitlements, the Project, as conditioned, complies with the applicable regulations, standards, and provisions of the Municipal Code.

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

As stated in Findings Nos. 2, 7e, and 8b, the Project will be consistent with the General Plan.

The Land Use chapter of the Framework Element identifies objectives and supporting policies relevant to the project site. Those objectives and policies seek, in part, to provide for the stability and enhancement of multi-family residential neighborhoods and to encourage the development of commercial uses and structures that integrate housing units with commercial uses.

FRANK T. MARTINEZ
City Clerk
KAREN E. KALFAZAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 304, City Hall
Los Angeles, CA 90012

CLAUDIA AL DINI
Chief, Council and Public Services Division

07-1824

CD 13

September 10, 2007

SEE ATTACHED LIST FOR ADDITIONAL NOTIFICATIONS

City Planning Department
Attn: Mark Lopez (w/copy of ordinance)
cc: Director of Planning
cc: Geographic Information Section
Attn: Fae Tsukamoto
cc: Zoning Administration
Department of Transportation,
Traffic/Planning Sections
Bureau of Street Lighting,
'B' Permit Section
Fire Department

Los Angeles County Assessor
500 West Temple Street
Los Angeles, CA 90012

Councilmember Garcetti
Councilmember Hahn
Councilmember Greuel
Bureau of Engineering,
Land Development Group
Department of Building and Safety
c/o Zoning Coordinator
cc: Residential Inspection Unit
Mail Stop 115

RE: PROPOSED GENERAL PLAN AMENDMENT, ZONE AND HEIGHT DISTRICT CHANGE, VARIANCES, ADJUSTMENT, ZONING ADMINISTRATOR DETERMINATION AND SITE PLAN REVIEW FOR PROPERTY AT 5661 WEST SANTA MONICA BOULEVARD (SITE I), 5445 WEST VIRGINIA AVENUE (SITE II), AND 5542 WEST VIRGINIA AVENUE (SITE III)

At the meeting of the Council held August 17, 2007, the following action was taken:

Table with 2 columns: Action and Status. Rows include Attached motion (Garcetti - Hahn) adopted, Attached resolution adopted, To the Mayor FORTHWITH, Ordinance adopted, Ordinance number 179167, Posted date 09-05-07, Effective date 10-15-07, Mayor approved 08-31-07, Findings adopted, EIR Certified, Attached amending motion (Garcetti - Greuel) adopted.

City Clerk
et

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendations of the City Planning Commission relative to a proposed General Plan Amendment, Zone and Height District Change, Variances, Adjustment, Zoning Administrator Determination and Site Plan Review for property at 5661 West Santa Monica Boulevard (Site I), 5545 West Virginia Avenue (Site II), and 5542 West Virginia Avenue (Site III), SUBJECT TO THE APPROVAL OF THE MAYOR:

Jerry Newman
Allen Madkins Law Firm
515 South Figueroa Street
Los Angeles, CA 90071
Robert Silverstein
The Silverstein Law Firm
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101
Doug Haines
P.O. Box 83588
Los Angeles, CA 90093
St. Andrews - Santa Monica, LLC
Juni Ripinsky
3851 Overland Avenue, #B, 2nd Floor
Culver City, CA 90232
Craig Lawson
Craig Lawson & Co., LLC
8758 Venice Boulevard, #200
Los Angeles, CA 90034

- 1. CERTIFY that the Environmental Impact Report (EIR No. 2005-7720-EIR, State Clearing House No. 2005111018) has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the lead agency City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council File No. 07-1824 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 Environmental Impact Report.
2. ADOPT FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the City Planning Department.
3. ADOPT FINDINGS of the City Planning Commission, as the Findings of the Council.
4. ADOPT the accompanying RESOLUTION as recommended by the Mayor, the City Planning Commission and the Director of Planning APPROVING the proposed General Plan Amendment to the Hollywood Community Plan adding a footnote increasing the maximum floor area ratio permitted in the Neighborhood Commercial designation over the entire site for property (Site I), bounded by Virginia Avenue, St. Andrews Place, Santa Monica Boulevard, and Wilton Place, from the current 1.5:1 to 3.84:1 for the proposed construction of a mixed-use project consisting of up to 375 residential condominium units and 377,900 square feet of commercial space for property located at 5661 West Santa Monica Boulevard, subject to Conditions of Approval, as approved by the City Planning Commission and attached to Council File No. 07-1824.
5. DIRECT City Planning Department staff to revise the Community Plan Map and update the appropriate zoning maps in accordance with this action.
6. PRESENT and ADOPT the accompanying ORDINANCE for a concurrent Zone Change and Height District Change from R4-1VL and C4-1VL to (T)(Q) RAS4-2D on Site 1 for the proposed construction of a mixed-use project consisting of up to 375 residential condominium units and 377,900 square feet of commercial space for property at 5661 West Santa Monica Boulevard, subject to Conditions of Approval as approved by the City Planning Commission and attached to Council File No. 07-1824.
Said rezoning shall be subject to the "Q" Qualified classification zone limitations substantially as shown in the City Planning Commission Determination letter dated May 10, 2007, attached to Council File No. 07-1824.
7. REMOVE the (T) Tentative classification as described in detail in the City Planning Commission Determination letter dated May 10, 2007, attached to Council File No. 07-1824.

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- 8. ADVISE the applicant of "Q" Qualified classification time limit as indicated pursuant to Section 12.32-J of the Los Angeles Municipal Code; the applicant is hereby advised that:
... whenever property remains in a "Q" Qualified classification for six years ... after the effective date of the ordinance creating same without substantial physical development thereof for one or more of the uses first permitted herein having taken place within such time or if the Director of Planning determines that such development is not thereafter continuously and expeditiously carried on to completion, or if no physical development is necessary, without having been used for one or more of the purposes first permitted thereby, such Qualified classification and the authority contained therein shall become null and void, the rezoning proceedings shall be terminated and the property thereafter may only be utilized for those purposes permitted prior to the commencement of such rezoning proceedings.
9. 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.
10. 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.
11. APPROVE, as recommended by the City Planning Commission: (a) a Zone Variance granting early issuance of demolition, grading, and excavation permits prior to the effectuation of the Zone Change Ordinance; (b) a Variance permitting vacated alley square footage (11,373 square feet) to be added to the buildable area used to calculate floor area on Site I prior to completion of the alley vacation; (c) a Variance allowing commercial uses below and above the ground floor in lieu of only being permitted on the ground floor on Site I; (d) an Adjustment to permit zero-foot yard setbacks along the street frontages of Santa Monica Boulevard, Wilton Place and St. Andrews Place in lieu of the minimum five-foot required setbacks otherwise required on Site I; (e) a Determination to permit a department store use or several retail uses below ground on Site I and the continued department store use on the southeast corner of Site I in the RAS4 Zone; and (f) Site Plan Review findings for the proposed construction of a mixed-use project consisting of up to 375 residential condominium units and 377,900 square feet of commercial space on Site I located at 5661 West Santa Monica Boulevard, 24 residential condominium units on Site II located at 5545 West Virginia Avenue, and 38 residential condominium units on Site III located at 5542 West Virginia Avenue, subject to Conditions of Approval, subject to Conditions of Approval as approved by the City Planning Commission and attached to Council File No. 07-1824.

ITEM 60-D

MOTION

I MOVE that the matter of the Continued Consideration of Environmental Impact Report, Statement of Overriding Considerations, Communication from the Mayor, City Planning Commission, Director of Planning, Resolution and Ordinance First Consideration relative to a proposed General Plan Amendment, zone and height district change, variances, adjustment, zoning administrator determination and site plan review for property at 5661 West Santa Monica Boulevard (Site I), 5545 West Virginia Avenue (Site II), and 5542 West Virginia Avenue (Site III), Item 60 on today's Council Agenda (CF 07-1824), BE AMENDED to approve the attached (Q) Condition (16 (f) MM-37 in VTT-66044) in lieu of the (Q) Condition (16 (f) MM-37 in VTT-66044) attached to the file.

PRESENTED BY: ERIC GARCETTI
Councilman, 13th District

SECONDED BY:

PRESENTED BY: ERIC GARCETTI
Councilmember, 13th District

SECONDED BY: JANICE HAHN
Councilmember, 15th District

August 17, 2007

Amendment No. ADOPTED
AUG 17 2007
LOS ANGELES CITY COUNCIL
FORTHWITH

August 17, 2007
CF 07-1824

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Motion, Resol, Ord or Findings
ADOPTED
no amended
AUG 17 2007
LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH
EIR CERTIFIED

W6



Los Angeles City Planning Commission

200 North Spring Street, Room 532, City Hall, Los Angeles, CA 90012
www.cityofla.org/PLN/index.htm

Determination Mailing Date: MAY 10 2007

CITY COUNCIL
Room 395, City Hall

Department of Building and Safety
201 N. Figueroa Street
Counter B, Fourth Floor

Applicant: St. Andrews- Santa Monica, LLC - Jurij
Ripinsky

CASE NO. CPC 2006-4392-GPA-ZC-ZV-HD-ZAA-
ZAI-SPR & CPC2006-4401-GPA-ZC-ZV-ZAI-SPR

Location: 5661 W. Santa Monica Boulevard 5539-
5545-W. Virginia Avenue, and 5536-5542 W.
Virginia Avenue

Council District No. 13
Plan Area: Hollywood
Request(s): General Plan Amendment, Zone and
Height District Change, Zone Variance,
Zone Adjustment, Determination and Site
Plan Review

At the City Planning Commission meeting on March 8, 2007, the Applicant submitted a written request to Withdraw Case No. CPC-2006-4401-GPA-ZC-ZV-ZAI-SPR and the records shall be received and filed with no CPC action. The following action was taken by the City Planning Commission on CPC 2006-4392-GPA-ZC-ZV-HD-ZAA-ZAI-SPR:

1. Approved a General Plan amendment to the Hollywood Community Plan to increase the maximum floor area ratio (FAR) permitted in the Neighborhood commercial designation on Site I (see attached maps) from the current 1.5:1 to 3.84:1, subject to Conditions and Limitations.
2. Denied the requested Zone Change from R4 and C4 to RAS4 on Site I as filed.
3. Approved and Recommended that the City Council Adopt a Zone and Height District Change from R4-1VL and C4-1VL to (T)(Q)RAS4-2D on Site I (see attached maps) subject to the attached Conditions of Approval.
4. Approved the requested Variance to allow commercial uses below and above the ground floor in lieu of only being permitted on the ground floor on Site I.
5. Approved the requested Variance to permit 11,373 square feet of alleys to be vacated to be added to the buildable area used to calculate floor area on Site I prior to completion of the alley vacation.
6. Denied the requested Variance to permit "early start" construction of the mixed-use project on Site I in the existing R4-1VL and C4-1VL Zones. Such denial shall not preclude a finding or condition in the tract map allowing for the issuance of a building permit prior to the recordation of a final map.
7. Approved a Variance per Section 12.27 to permit early issuance of demolition, grading, and excavation permits prior to the effectuation of the zone change ordinance.
8. Approved the requested Adjustment to permit zero-foot yard setbacks along the street frontages of Santa Monica Boulevard, Wilton Place and St. Andrews Place in lieu of the minimum 5 foot required yard setbacks otherwise required on Site I.
9. Approved the requested Determination to permit a department store use or several retail uses below ground on Site I and the continued department store use on the southeast corner of Site I in the RAS4 Zone.
10. Approved the requested Site Plan Review findings.

CPC-2006-4392-GPA-ZC-HD-ZV-ZAA-ZAI-SPR

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Incidental to the request for a Zone Change, the applicant is requesting a Height District Change from -1VL to -2D for Site I. Height District -2D is proposed to limit the maximum number of stories on Site I to 8 stories and the height to a maximum of 113 feet, which includes unoccupied space.

Although the maximum height of the building is proposed to reach 94 feet of occupied space and 19 additional feet (up to a height of 113 feet) of unoccupied architectural features, numerous setbacks minimize the massing of the proposed Project, as it incorporates a "wedding-cake" design with varying setbacks and heights for the commercial and residential uses throughout the Project. Due to the complexity of the proposed project and the intricacy of the design, the Applicant prepared a Height Diagram for Site I with 5 Tiers, which define the proposed height limits of 5 specific areas within the Project (Site I). (See Height Diagram included in the architectural drawings.)

The main pedestrian access to the commercial portion of the Proposed Project is off of Santa Monica Boulevard. Fronting along Virginia Avenue are residential uses, with no commercial uses on the ground floor. Similarly, the front yard setbacks are proposed to be 5 feet for the residential portion of the project and 0 feet for the first and second stories of exclusively commercial uses facing Santa Monica Boulevard.

The floor area and height gained by the requested Zone/Height District Change with D Limitations will be dedicated to residential and neighborhood commercial uses. Without such changes, the combined residential and commercial component of this Project would not be possible; the site is large enough to support the residential density requested or most of the commercial square footage, however the current zoning limits the height and the floor area necessary to support it. The proposed Zone Change and Height District Change are, therefore, necessary to facilitate the transformation of the currently underutilized site into a vibrant mixed-use community.

B. Zone Variance Findings

- 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.

Below and Above Grade Commercial

Strict application of the provisions of the RAS4-2D zone allowing commercial uses only on the ground floor would result in practical difficulties and unnecessary hardships to the property. The site is currently partially zoned C4 which permits commercial uses on multiple levels. The RAS4 zoning designation is intended to enhance neighborhoods and revitalize declined or underutilized commercial corridors. The restriction to first floor commercial development is intended to preserve traditional mixed-use in which most of the structure is residential and only the pedestrian streetscape is commercial. The proposed Project is consistent with this intention because most of the development is residential. However, applying the strict first floor commercial limit to this development may be inappropriate because the existing streetscape along Santa Monica Boulevard is multi-story commercial. Below grade commercial development is consistent with the intent of the RAS4 zone so long as most of the development is residential and the above-grade commercial is compatible with existing adjacent commercial development. Further, below-grade commercial uses would complement and be consistent with the existing subterranean level of the existing department store currently operated by Sears. Below-grade commercial uses will not add to the appearance of bulk or mass of the buildings.

A strict application of the RAS4-2D zoning provisions would result in a Project that is

11. Certified that it has reviewed and considered the information contained in the Draft and Final Environmental Impact Report (EIR) ENV-2005-7720-EIR, SCH No. 2005111018, and Adopted the Statement of Overriding Considerations.
12. Adopted the attached Findings.
13. Recommended that the applicant be advised that time limits for effectuation of a zone in the "T" Tentative classification or "Q" Qualified Classification are specified in Section 12.32.G of the L.A.M.C. Conditions must be satisfied prior to the issuance of building permits and, that the "T" Tentative classification be removed in the manner indicated on the attached pages.
14. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that the mitigation conditions, identified as "IRM" on the condition pages, 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.
15. Advised the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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

This action was taken by the following vote:

Moved: Hughes
 Seconded: Kay
 Ayes: Freer, Kezios, Usher, Woo
 Absent: Cardoso, Rosen
 Vote: 6-0

Gabriel Williams
Gabriel Williams, Commission Executive Assistant II
City Planning Commission

Effective Date / Appeals:

Appeals: If the Commission has disapproved the Zone Change request, in whole or in part, only the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination.

Any aggrieved party may appeal the Zone Variance, Adjustment or Site Plan Review to the Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters, at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

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

Attachments: Findings/ Conditions / Ordinance / Map

FINAL DATE TO APPEAL: MAY 30 2007

cc: Notification

Kevin Jones, Hearing Officer

CPC-2006-4392-GPA-ZC-HD-ZV-ZAA-ZAI-SPR

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incongruous with adjacent commercial structures. The commercial portion of the proposed Project is one level below grade and two levels above grade, and is oriented towards Santa Monica Boulevard to complement the existing commercial uses along that commercial corridor. As contemplated by the RAS4 zone, the Project as proposed will enhance and revitalize the neighborhood by providing commercial services in a contemporary shopping center that blends with the frontage along Santa Monica Boulevard, will maintain the character of the existing commercial corridor, and is compatible with existing subterranean commercial uses. Most of the neighboring commercial properties on Santa Monica Boulevard are commercially zoned C2-1D, C4-1VL, or CM-1VL. There is a five story mixed use commercial and residential center on the southeast corner of Santa Monica Boulevard and Wilton Place, and there are many neighborhood retail stores and shopping centers along Santa Monica Boulevard up to two stories in height above grade. These commercial properties create a consistent multiple-story commercial frontage, and are part of the greater commercial corridor along Santa Monica Boulevard. Surrounding commercial zones on Santa Monica Boulevard do not prohibit multiple level commercial developments.

Area of Alley to be Vacated added to Buildable Area for Floor Area Calculation

The owner requests relief from the regulation that does not allow the addition of alleys to be vacated to the buildable area when calculating floor area. The applicant desires to use the existing alley to be vacated as part of the buildable area in order to develop the project as requested prior to recordation of the tract map which would complete the alley vacation.

The existing alley has an area of 11,373 square feet. If the area of the existing alley to be vacated were included in the buildable area, the allowable floor area would increase by 43,672 square feet (11,373 square feet x 3.84 FAR).

While Vesting Tentative Tract Map No. 66044 proposes to vacate and merge the existing alley, technically, the area cannot be used as buildable area until the Final Map has been recorded. Since the recordation of the Final Map happens after the Tract Map conditions are cleared which is months after the decision letter is issued, the applicant has requested that the area be included in the buildable area rather than waiting for several months. Since the condominiums cannot be sold until the Final Map is recorded, the alley vacation which is part of the Vesting Tract Map application will occur during construction.

The Project site, located in the Hollywood Community Plan area of Los Angeles, is proposed to be zoned RAS4-2D. The zoning as conditioned permits a floor area ratio (FAR) of 3.84:1. If the alley to be vacated is not included in the buildable area when calculating the allowable floor area, the proposed FAR would increase to 4.1:1 and the project would have to be redesigned to keep the existing alley open even though the tract map when recorded would remove them.

- B. That 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.

Below and Above Grade Commercial

There are special circumstances applicable to the subject property that do not apply to other properties in the same zone and vicinity. This Project is an urban infill redevelopment project located in the heart of an emergent commercial district and residential neighborhood. Due to the residential and commercial density in the Project vicinity, there is little space to build a development providing a multitude of services and community benefits. The intent of the Project therefore is to create as many benefits to the community as possible, including much needed housing opportunities, neighborhood commercial services for daily or weekly

use, common open space, and a reduction in traffic through a pedestrian friendly Project design which would reduce traffic due to the residential density of the project and the large scale commercial square footage. The site fronts along a dense commercial corridor - Santa Monica Boulevard, while the rear of the property is primarily residential. The property straddles the transition between larger scale strip commercial uses and high medium residential uses. This necessitates clustering commercial density where it is most appropriate - along Santa Monica Boulevard. The RAS4 zone, however, limits commercial development to the ground level of a mixed-use structure. The special circumstance on site is the location, as the property straddles the transition between commercial uses and residential uses as the entire site is planned for commercial use but is split between residential and commercial uses. The RAS4 zone is the appropriate zone for a commercial/residential transition property, but the first-floor commercial limitation prevents a transition site from appropriately clustering the commercial development along the Santa Monica Boulevard frontage while preserving the residential face of Virginia Avenue, thereby preserving the residential area.

The Project's design incorporates an open-air structure with commercial oriented towards Santa Monica Boulevard, a focal point clock tower for community gathering, and an open-air pedestrian passage between Virginia Avenue and Santa Monica Boulevard for the convenient access of community residents to the Project. In contrast, the existing and neighboring commercial uses do not encourage pedestrian activity, are aging commercial structures, are unrelated uses, and are oriented toward vehicular use to access the commercial uses.

Additionally, the subject site is zoned R4 and C4. The multi-level commercial is substantially proposed over the existing commercially zoned portion of the site. The C4 zone permits commercial levels on multiple levels. The proposed multi-level commercial component of the mixed use project provides the neighborhood serving commercial uses which is encouraged through the RAS zone, and also provides various commercial opportunities much needed in this area. There are various commercial complexes in the area that provide multi-level commercial components most notably the existing Sears store which is included in the zone change but would be made a non-conforming use without the variance.

Area of Alley to be Vacated added to Buildable Area for Floor Area Calculation

The close proximity to the subway, to a number of bus lines and to the other neighborhoods in Los Angeles, and the fact that this is an urban development make the site a prime location to allow the subject request. Approval of this request will increase the total floor area permitted for the site and therefore will encourage the development of additional residential units and large-scale commercial uses in the Hollywood area.

The alley to be vacated is wholly within the project site and will not be needed for access once the project is completed. The design of the project provides a pedestrian walkway from Santa Monica Boulevard to Virginia Avenue and throughout the project. The intent of the mixed-use project is to encourage people to get out of their cars and walk. Maintaining the alleys would not allow the project to be built as currently designed which encourages pedestrian activity and connects the community. The applicant is proposing an alley vacated to achieve a pedestrian friendly, mixed-use environment through the recordation of the tract map which includes the alley vacation. Not allowing the project to add the area of the alley would limit the potential to provide needed housing and commercial facilities in this area of Hollywood because the project would have to be redesigned to account for the alleys even though they are being eliminated.

- C. That such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity,

longer required for access.

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

Below and Above Grade Commercial

The granting of the variance will not adversely affect any element of the Hollywood Community Plan. The Hollywood Community Plan does not restrict commercial uses in mixed use development to the first floor. Rather, the Plan establishes broad policy goals and land use designations which would be served by the proposed Project. The variance requested herein allows for the Project to meet the goals expressly stated in the Community Plan. Commerce policies include ensuring that future development is compatible with existing development and surrounding residential neighborhoods. The requested variance and the proposed Project are consistent with this goal, as the Project is compatible with existing developments along Santa Monica Boulevard while preserving the residential frontage along Virginia Avenue. Most of the neighboring commercial properties on Santa Monica Boulevard are zoned C2-1D, C4-1VL, or CM-1VL. Commercial properties along Santa Monica Boulevard are therefore permitted to provide commercial services to a height of 45 feet or three stories. With commercial services only one story above grade in height, the Project would therefore maintain the integrity of the commercial corridor by providing a consistent frontage along Santa Monica Boulevard.

The Project will also be consistent with the surrounding residential neighborhoods along Virginia Avenue between Wilton Place and Western Avenue, and along St. Andrews Place between Santa Monica Boulevard and Lexington Avenue in development standards. The Project will preserve well defined residential neighborhoods in Hollywood. Further, along Virginia Avenue, the Project will be setback and landscaped to preserve the residential atmosphere of the street. Separate parking for the residential portion of the Project on Virginia Avenue will also maintain the distinct character of the street for residential uses. The Project will maintain the integrity of the surrounding residential community by providing design and development features that blend with adjacent residences.

Area of Alley to be Vacated added to Buildable Area for Floor Area Calculation

Granting the variance will not adversely affect any element of the General Plan as it is consistent with the Hollywood Community Plan and the Housing Element. Alleys are not a part of either the Community Plan or the Circulation element of the General Plan and their vacation will have no effect on circulation as they are no longer needed for access to the site.

9. Zone Variance Findings "Early Start" (Denial). Pursuant to Section 12.27.D of the Municipal Code:

- A. The strict application of the provisions of the zoning ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

The applicant has requested a Zone Variance to start construction on the project with City Planning Commission approval of the zone change and variance (or if appealed by City Council approval), and prior to the recordation of a Final Tract Map (Vesting Tentative Tract Maps No. 66044). The reason for the request is to start construction on the building as soon as possible without the full processing of the zone change ordinance and prior to completing all of the conditions of the tract map (required for a Final Tract Map). Typically the applicant agrees to abide by the conditions of approval by recording a covenant and agreement. However, in this case there is a concurrent zone change being requested as part of the

but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.

The variances requested herein are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zones and vicinity, but which, because of the Property's special circumstances, practical difficulties and unnecessary hardships, is denied to the Property. The right to enjoy full economic use of the property is currently enjoyed by the surrounding properties on Santa Monica Boulevard, which are able to maximize the multi-story commercial use of the properties within their floor area limitations. Unlike those properties, the Project site is a transitional site with a split zone and alleys which preclude its full development to the commercial and residential intensities and densities anticipated by its Plan designation.

Restricting commercial uses to only the ground level of the Project makes it infeasible to develop the mixed-use development with 263,780 square feet of commercial space, on the Santa Monica boulevard commercial frontage and maintaining the Virginia Avenue frontage for residential uses consistent with existing development patterns. It is also therefore difficult to develop a unique and cohesive Project that will serve the neighborhood commercial needs of the community if commercial uses on the property are limited. Providing the proposed commercial uses below and above the ground level will allow the new commercial uses to be consistent with the existing department store, which is currently located below, at and above-ground level. The subject site is an appropriate location for the proposed Project as it is located on an existing commercial corridor near transportation opportunities, a variety of employment centers, and complements adjacent neighborhood serving commercial establishments.

- 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.

Below and Above Grade Commercial

The granting of the requested variance for commercial uses above and below ground level will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. The project is requesting a Zone and Height District change to the RAS4-2D zone in order to accommodate a proper FAR for such a project. The use of basements and upper floors of mixed use buildings is permitted by commercial zones but not the RAS zone. As the entire site is proposed for the RAS zone, without this variance, the existing Sears building would become a non-conforming use and the project could not be built in such a manner as to properly integrate the Sears building into the new development. In addition, other properties proposed for the RAS zone have had variances approved for commercial uses on multiple floors when such projects were proposed over multiple lots with FAR's exceeding the normal 3:1 of the RAS zone. Approval of multiple floors of commercial uses would also result in compressing the commercial portion of the project to the Santa Monica Boulevard frontage while maintaining the residential frontage of Virginia Avenue in conformance with existing development patterns.

Area of Alley to be Vacated added to Buildable Area for Floor Area Calculation

Because the owner is going to build residential units and commercial facilities together, it is obligatory that the Final Map be recorded before any units are sold. The alley vacation is included as a portion of the tract map. Denying the Applicant to ability to include the area of the alleys that will be vacated until after the Map is recorded is would require a redesign of the building to not include the area of the alleys which are being vacated to accommodate the project. This would be injurious to both the project and the property as the alleys are no

overall project entitlement procedures that may alter the final zone change ordinance and the Final Tract Map conditions of approval which may create an inconsistency between the "O" conditions of approval and the tract map conditions.

- B. There are NO 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 or vicinity.

The requested variance is requested by the desire to start early construction prior to the zone change ordinance and recordation of a Final Tract Map and is a self-imposed special circumstance. By waiting for the zone change to become effective, the Final Tract Map can be recorded and the project built without a zone variance. The structures on the site can be demolished prior to completion of the zone change and grading of the site can also occur. There are no special circumstances about the subject property.

- C. The variance is NOT 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.

The requested variance is not a result of special circumstances or practical difficulties encountered on site; rather the variance is a request to jump start a project prior to full processing of Planning Department entitlements. In this respect there is no hardship or taking of property rights since the applicant has applied for the zone change and Tentative Tract Map and the requests are being processed in a timely manner.

- D. The granting of the variance WILL 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.

Allowing a mixed-use structure to be built under the current zoning regulations which do not permit the proposed floor area or height prior to the final recordation of a Tract Map and adoption of a concurrent zone change for the convenience of the property owner negates the purpose of the discretionary review process. Tract Map conditions as well as zone change conditions require compliance with certain public improvements and project conditions of approval that are in place to protect public welfare of both project residents and adjacent residents. Allowing a project to be built without these conditions in place could compromise the ability of the city to enforce the pending zone change conditions of approval.

- E. The granting of the variance WILL adversely affect any element of the General Plan.

Zone variance procedures are established to grant relief when certain hardships and where site impracticality makes compliance with the zoning regulations impossible. The applicant has shown only that the variance is necessary to start early construction on a project. The General Plan has established certain land uses and criteria for implementing zone changes and granting an instant variance for a project that is still being processed could potentially cause conflicts between the other actions. Since the concurrent zone change procedure is a more permanent action implementing the General Plan, this approval requires compliance with the tract map as a condition of the zone change.

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

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

The Applicant is requesting a reduction in setbacks to provide a 0-foot front yard setback along Santa Monica Boulevard, Wilton Place and St. Andrews Place. The RAS4 Zone requires a 5-foot front yard setback or the "average of the adjoining buildings".

The general purpose of the zoning regulations is to provide setbacks in areas with similar setbacks. Other buildings in the area, both existing and new, observe front and other yard setbacks similar to the setbacks proposed by the Project. For example, the existing commercial buildings along Santa Monica Boulevard, located to the east and west of the subject site, observe 0-foot setbacks. Thus, the proposed setback of 0 feet in the yards along Santa Monica Boulevard, Wilton Place, and St. Andrews Place will provide a building footprint consistent with surrounding existing commercial developments.

The northerly side of the project along Virginia Avenue will provide a 5-foot front yard setback (5 feet over what is required) to compliment the adjacent residential buildings across Virginia Avenue. On Santa Monica Boulevard, the Project proposes to provide a 0-foot yard setback along the entire street frontage. However, the Project also proposes a large pedestrian plaza with the primary entrance off of Santa Monica Boulevard, and therefore the entire project will not be built to the property line for a significant portion of the site along Santa Monica Boulevard. Also, the Applicant requests a 0-foot front yard setback along Wilton Place and St. Andrews Place. However, only a portion of the ground floor and second floor commercial along Wilton Place and St. Andrews will provide 0-foot front yard setbacks, while the remainders of those portions, which are residential, are proposed to be setback 5 feet. In addition, the existing department store, currently operated by Sears, located on the southeast corner of Site I currently provides 0-foot setbacks along both Santa Monica Boulevard and St. Andrews Place.

The Project proposes numerous setbacks to minimize the massing of the project with its incorporated "wedding-cake" design, providing varying setbacks for the commercial and residential uses throughout the project. (See the table below.) In addition, the setbacks at the street level will reduce massing. For example, the front yard setbacks are proposed to be 5 feet along Virginia Avenue, Wilton Place and St. Andrews Place for the residential uses. The project proposes a 0-foot setback along Santa Monica Boulevard for the commercial uses (first and second floors) and a 5-foot setback for the residential uses on the 3rd floor. (see table below). The proposed project design is consistent with the community vision of providing urban amenities at the street frontage along Santa Monica Boulevard in order to enhance pedestrian activity and urban experiences.

REQUIRED YARDS		
RAS Zone	Required Setbacks	Proposed Setbacks
Front Yards	5 feet or average of adjoining buildings less than 5 feet	Santa Monica Boulevard: 1 st story (commercial): None 2 nd story (commercial): None 3 rd story (residential): 5 feet Virginia Avenue: 1 st story (residential): 5 feet Wilton Place: 1 st story (commercial): None 2 nd story (commercial): None 3 rd story (residential): 5 feet 1 st story of residential: 5 feet St. Andrews Place: 3 story existing commercial: None 1 st story (residential): 5 feet
Side Yards	5 feet for residential / None for commercial at ground floor.	N/A
Rear Yards	5 feet	N/A

The main pedestrian access to the commercial portion of the Proposed Project is off of Santa Monica Boulevard. Fronting along Virginia Avenue are residential uses, with no commercial on the ground floor. Similarly, the yard setbacks are proposed to be 5 feet for the residential portion of the project and 0 feet for the first and second stories of exclusively commercial uses (see Height Diagram included within the architectural drawings and the below table).

Providing the Code required residential front yard setbacks would further reduce the building footprint area beyond the lot area lost to the probable street dedications; a loss of 9,459 square feet (212,629 square feet - 203,170 square feet). The reduction of buildable area makes it a hardship to build a high-density mixed-use development in an urban area on an existing zone which generally has no building setbacks.

The proposed site's close proximity to public transportation and jobs, the surrounding commercial properties have similar setbacks which are consistent with the development pattern of any urban area in proximity to major transportation routes.

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

The General Plan designates the subject site as Neighborhood commercial with corresponding zones of C1, C4, C2, RAS3, RAS4, P and PB. The requested zone of RAS4 is a relatively recent addition to the zoning categories and is permitted within the commercial designation. The intent of the RAS Zone is to take advantage of the commercial corridors and allow greater floor area for buildings that contain a mix of commercial and residential uses. Because the upper floors are residential uses, setbacks are required to allow project residents some separation from adjacent commercial uses; Considering that the commercial zone would not normally require setbacks for commercial buildings along Santa

Monica Boulevard and that the first two levels are commercial uses, the request to maintain zero-foot setbacks along the yards is in conformance with the intent of the General Plan.

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 requested adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City. The RAS4 zone is a zone created relatively recently by the City to encourage mixed-use development. The subject site is commercially zoned along Santa Monica Boulevard and would not require a front yard setback if the project were proposing a commercial use. The RAS4 setback requirements are citywide and do not take into account the unique characteristics of the urban area which typically has a dense building pattern with reduced yard setbacks. The zoning regulations require certain setbacks from respective property lines in order to provide for buffering distance/compatibility between respective uses as well as to ensure access in the event of an emergency. Such regulations, however, are written on a citywide basis and cannot take into account the unique characteristics of a specific site. The proposed project occupies an entire city block, thus the code requirements for side yard setbacks between buildings to ensure light and air circulation between adjacent buildings is not needed in this case.

The Zoning Code allows adjustments from the Code when special circumstances exist, provided that the development does not result in any adverse impacts. The proposed building will be compatible with adjacent uses and also consistent with surrounding development.

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

The granting of the Adjustment to reduce the yard setbacks along Santa Monica Boulevard, Wilton Place, and St. Andrews Place will not result in adverse impacts to the surrounding properties or to the subject property as the surrounding buildings in the area and many buildings in the Hollywood area have reduced yard setbacks.

There are no adverse impacts from the proposed adjustment to reduce the yard setbacks of the proposed development because doing so conforms to the development and land uses that surround the project site and provides for the habitability needs of the proposed development's residents and commercial patrons. The granting of the request to reduce the yard setbacks will not result in adverse impacts to the surrounding properties or to the subject property.

An Environmental Impact Report (EAF-2005-7720-EIR, State Clearinghouse No. 2005111018) has been prepared for this project. Potential environmental impacts from the proposed Project were identified, analyzed and, mitigated to the extent feasible, as analyzed in the project's EIR. The EIR contains appropriate mitigation measures, monitoring programs, and examination of alternatives that are part of the case file.

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

The subject site is located in a high-density urban area where real estate is at a premium. Setbacks in a mixed-use project on a site that is currently commercially zoned, in addition to street dedications, make it a hardship to build well-design residential projects in urban areas. Furthermore, residential setbacks on the Subject Site would be incongruent with surrounding property, most of which is developed with commercial uses with zero setbacks.

The fact that the project site includes an entire city block make strict adherence to the zoning regulation impractical as there are no other buildings to be set back from except the original Sears building which is being integrated into the whole project.

11. Use Determination. The Applicant requests a Determination to permit a department store use or several retail uses below ground on Site I and the continued department store use on the southeast corner of Site I in the RAS4-2D Zone. The mixed-use Project proposes to provide one level of below-ground retail, and two-levels of above-ground retail with housing above the proposed two-level retail along Santa Monica and housing on the ground level along Virginia Avenue. There is an existing 114,120 square foot department store on-site. The existing department store is four levels, with 3 levels above ground and 1 level below ground. The Project on Site I proposes to provide a new department store use or several retail uses below-grade to compliment and interconnect with the existing department store currently operated by Sears.

The property is currently zoned R4 and C4. The C4 zoned portion of the subject site permits department store uses below-grade and on a second level. The RAS zone is a relatively recent zone created by the City of Los Angeles to encourage mixed-use development. The intent and purpose of the RAS zone is to promote the development of additional housing opportunities near neighborhood retail serving uses within a pedestrian friendly design. The proposed Project meets the purpose and intent of the RAS zone and is a development that is compatible and consistent with the surrounding uses.

The existing retail store on site, currently operated by Sears, is a multi-level department store which has existed on the site since 1928, and has served the community, providing typical retail services of a department store and will be retained as part of this development. Development of the proposed Project involves demolition of the six neighborhood retail buildings on Site I, which consists of 47,430 square feet of retail, and the existing 335 surface parking stalls. The proposed Project will provide neighborhood serving retail uses on the ground floor and the second level of the proposed project and will replace the existing 335 surface parking stalls within a subterranean parking garage.

Providing a below-ground department store use or several retail uses which compliment the existing department store serves the needs of the community, and is hidden from the pedestrian view at the ground level. Since the proposed department store use or several retail uses are proposed below ground, the proposed project will serve the retail needs of the community and maintain a neighborhood feel to the community by providing typical neighborhood serving retail above ground to encourage pedestrian activity. Therefore the proposed department store use or several retail uses below ground are similar to and no more objectionable to the public welfare than those listed in the RAS4 zone.

12. Site Plan Review Findings.

The following Findings can be made for the project and allow for the submittal of updated plans for Site II and Site III that require more detail including: Full elevation detail, Parking configuration, Open Space location, and landscape information. Conditions of Approval have been added as part of this recommendation requiring the applicant to provide updated architectural plans (including elevation detail, parking configuration, open space location, and landscape information) for Site II and Site III which show adequate detail shall be subject to review by the City Planning Department, Council Office, and the Hollywood Studio District Neighborhood Council in order to obtain Site Plan Review Approval of Site II and Site III to the satisfaction of the Director of Planning prior to the issuance of any permits on those sites at a future date. This condition was included because Site II and III are integral parts of the project as they are lots identified in VTT-66044.

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September 28, 2006

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Department of Building and Safety

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

a variance from Section 12.21 A.4(a) of the L.A.M.C. to permit 1.35 parking spaces per one-bedroom unit and 2 parking spaces per two-bedroom or greater unit in lieu of the required 1 parking space per unit of less than 3 habitable rooms, 1.5 parking spaces per unit of 3 habitable rooms and 2 parking spaces per unit of more than 3 habitable rooms.

a variance from Section 12.21 A.5 of the L.A.M.C. to: 1) permit parking stall widths at the required 8'-8" in lieu of the 10-inch clear space required at each side of an obstruction; and 2) permit all the drive aisles to be 25'-6" in width in lieu of the required 26'-8" for 8'-8" wide stalls at a 90 degree angle with double loaded aisles with two-way traffic;

a variance from Sections 12.14 C.3 and 12.16 C.3 of the LAMC to permit an increase in density from 400 SF of lot area per unit to 185 SF of lot area per dwelling unit; a variance from Section LAMC Section 12.21 G.2 to: 1) permit a reduction in the required open space to provide 34,000 s.f. (30,000s.f. of

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ZONE VARIANCE, ZONING
ADMINISTRATOR'S ADJUSTMENT; SITE
PLAN REVIEW
Site Address: 3150 West Wilshire Boulevard
Related Case: Vesting Tentative Tract
66283
Wilshire Planning Area
Zone: C2-2 & C4-2
D.M. 132B197
C.D. 10
CEQA: ENV-2005-8703-EIR
Fish and Game: Exempt
Legal Description: Lot Nos. 5 through 12
and Lot 14 of tract 5011

Common Open Space and 4,000 s.f. of Private Open Space) in lieu of the required 48,250 s.f.; and 2) allow the required side yards along the perimeter of the proposed park (approximately 5,338 square feet) to count towards the required open space; AND,

I hereby **DISMISS**:

a variance from Section 17.15 C of the L.A.M.C. to permit construction to commence (early start) for the proposed mixed-use project in conjunction with an approval of Vesting Tentative Tract No. 66283 prior to the recordation of a Final Map;

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

an adjustment from L.A.M.C. Section 12.21.1 A.2 to permit a 16.2% increase in Floor Area Ratio (FAR) in Height District 2 from the maximum 6:1 (516,906 square feet of floor area) to 6.97:1 (600,000 square feet of floor area) assuming a net lot area of 88,151 square feet.

an adjustment from L.A.M.C. Sections 12.14 C.2 and 12.16 G.2 to permit 0-foot side yards in lieu of the 16-foot required side yards and a 0-foot rear yard in lieu of the 20 foot rear yard required in the C2 and C4 Zones.

an adjustment to permit an encroachment within the building line (established by Ordinance No. 59,577) located along the Wilshire Boulevard frontage of the proposed project to provide a 0-foot Building Line in lieu of the required 3-foot Building Line after the required 2-foot street dedication.

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

Site Plan Review,

upon the following terms and conditions.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. A maximum of 464 dwelling units are permitted on the site.

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

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include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the statements made at the public hearing on August 30, 2006, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27 of the Municipal Code have been established by the following facts:

BACKGROUND

The project site is an irregular "F"-shaped lot located on the south side of Wilshire Boulevard between Vermont Avenue and Shatto Place with approximately 329 feet of frontage on Wilshire Boulevard, approximately 350 feet of frontage on Vermont Avenue and intermittent frontage of approximately 150 feet and 65 feet on Shatto Place. The project site is located directly across the Wilshire/Vermont Red Line Station and is located within the Wilshire Center/Koreatown Redevelopment Project Area.

The site contains approximately 86,151 net square feet after required dedications and is improved with an approximately 54,000 square-foot, two-story commercial building with restaurant and office space and is improved with surface parking lots. The site is zoned C4-2 and C2-2 in Height District 2 and is designated for Regional Center Commercial land uses in the Wilshire Community Plan. The Height District 2 permits a Floor Area Ratio (FAR) of 6:1 with no height limit.

The proposed development is a mixed-use project with approximately 600,000 square feet of floor area consisting of 41,000 square feet of ground floor commercial space and 464 residential condominium units. The project is designed with two residential high-rise towers over a 5-level podium structure consisting of ground floor retail and 4 levels of above grade parking with 700 parking spaces for the residential condominiums and one level of subterranean parking with 150 parking spaces for the commercial condominium.

The residential high-rise towers contain a total of 23-stories and 15-stories including the 5-level podium structure with a maximum height of 285 feet. The 23-story tower is oriented toward Wilshire Boulevard and contains 287 units and the 15-story tower is oriented toward Vermont Avenue and contains 177 units. The unit mix for the residential condominiums consists of 390 one-bedroom units and 74 two bedroom units or greater (note: two units are proposed for three-bedroom units). The commercial condominium consists of retail and restaurant space.

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Vehicle access to the site is provided at two locations. Ingress and egress for the above ground residential parking is provided on Shatto Place, and ingress and egress to the subterranean commercial parking is provided on Vermont Avenue. Access to the commercial parking is limited to a right-turn in and right-turn out only on Vermont Avenue. Access to the loading area is provided on Vermont Avenue and the loading turn-around is completely on-site so that no back-up is required onto Vermont Avenue.

The applicant requested several variances and zoning administrator adjustments from the L.A.M.C. to permit reduced parking; reduced parking stall and parking aisle width; increased F.A.R. and density (minimum lot area per dwelling unit); reduced open space; reduced yards and an encroachment into the 3-foot building line. The applicant also requested a variance from Section 17.15.C to permit early start construction prior to the recordation of related Vesting Tentative Tract No. 66283.

With respect to this latter request, neither the city charter nor the L.A.M.C. establish a procedure to allow relief from any part of Section 17.00 of the L.A.M.C. Moreover, Section 17.15.C pertains in general to vested rights conferred upon the approval of a vesting tentative map and the expiration of such rights if a final map is not recorded prior to the expiration of the vesting tentative map. The existing C4 and C2 zone on the site permits the proposed uses. Condition No. 7 of this Determination requires that the proposed development conform to all conditions contained in related Vesting Tentative Tract No. 66283. However, construction of the proposed development is not contingent on or tied to the recordation of related Vesting Tentative Tract No. 66283. Therefore, the request to permit construction prior to recordation of the final map has been dismissed as part of this action.

MANDATED FINDINGS-VARIANCE

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

Reduced parking, reduced parking stall width, reduced drive aisle width and additional density:

1. 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.

The strict application of the zoning ordinance would result in a practical difficulties inconsistent with the general purposes and intent of the zoning regulations because providing the code required parking and the basic stall width, including the prescriptive design standards for obstructions, would result in adding an additional

parking level and increasing the project's associated environmental impacts, or would result in the displacement of the proposed park in order to accommodate additional parking and eliminating a significant public benefit. In addition, the project density would be less than permitted if the project was constructed as an apartment dwelling, consistent with surrounding multiple-family uses.

The zoning regulations require a minimum of 733 parking spaces for the 464 dwelling units and require the size of standard parking stalls to have an 8'-8" width with an additional 10" for stalls adjacent to structural columns for the corresponding 26'-8" drive aisle for double loaded two-way parking configurations. The applicant proposes to provide 1.35 parking spaces for each 1 bedroom unit and 2 parking spaces for each two-bedroom unit or greater plus 0.05 guest parking spaces per dwelling unit (approximately 700 parking spaces) and proposes to provide 8'-8" wide parking stalls for all the standard stalls, including the stalls adjacent to obstructions, and requests a reduction in drive aisles to 25'-6". The parking area for the proposed project typically would locate three parking spaces between two structural columns so that two-thirds of the parking spaces have only one column on one side. The proposed parking bay width of 81'-6" for double loaded aisles will include 18'-0" long parking spaces.

The construction of the proposed project garage is post-tension concrete, which allows a maximum span of 30 feet from centerline to centerline of each column. If the centers of the columns are more than 30 feet apart, a thicker concrete floor would be necessary in order to provide the further distance. More than 30 feet between the columns would result in a loss of space to provide parking spaces because the columns need to be wider. Additionally, if the columns were further apart than 30 feet, then the columns would need to be thicker and the floor slab would effectively need to be thicker. Therefore, in order to provide a space greater in distance than 30 feet between each column, a greater distance between each floor slab would need to be provided in order to support the building. The proposed 30-foot maximum distance between the columns is a standard for this construction type. A total of three 8'-8" standard parking spaces can fit between each column, spaced 27'-6" from centerline to centerline and two 8'-8" parking stalls can fit between each column spaced 18'-10" from centerline. Therefore, the Applicant has designed three 8'-8" width stalls per bay under the Wilshire Tower and two 8'-8" width stalls per bay under the Vermont Tower in order to maximize the number of parking stalls that the irregularly-shaped parking garage can accommodate.

The intent of the Zoning Code is to provide adequate space for cars to park and maneuver within a parking area and to allow people to enter and exit safely from their vehicles. It is possible to do so within the proposed parking stall and drive aisle widths. To deny the variance would create a practical difficulty due to the aforementioned technical structural design issues.

ability to provide the required parking spaces, parking stall and aisle width. The strict application of the Code would require larger drive aisle widths and larger parking stall widths for stalls located adjacent to structural columns, which would significantly reduce the number of parking spaces that could be provided.

With respect to the density, the granting of the variance permits the same density permitted by-right for apartments. With respect to the reduced parking, the project site is located directly across from the Wilshire/Vermont Red Line Metro Station and has convenient access to public transportation, reducing the project residents dependency on vehicles and need for parking. Moreover, the architectural design of the proposed development promotes good urban design by addressing the street with stepped-back massing and masking the parking from sight, all of which are desirable features but constrain the parking area and create special circumstances particular to the project site. These circumstances warrant deviating from the prescriptive design requirements and allowing an alternative functional design.

- 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.

Denying the request to permit reduced parking, reduced standard stall widths, clear space at structural elements, and drive aisles creates practical difficulties and unnecessary hardships by unnecessarily reducing the amount of parking that can be provided for the project.

As noted above, the proposed project provides convenient access to public transportation and will provide dedication that reduces the site's net area and will provide a public park on-site. In addition, related Vesting Tentative Tract 66283 requires substantial off-site public improvements that will improve pedestrian and vehicular circulation surrounding the project site. While these requirements will result in significant public benefits, these requirements do not apply to existing development on surrounding sites. The granting of the variance provides the subject property parity with surrounding properties and is a reasonable concession in exchange for the substantial public improvements and public benefits to be provided by the project. In addition, the granting of the variance provides the subject property parity similar mid to high-rise developments located adjacent to major transit centers that have been granted relief from the same requirements.

As noted above, the variance requested would permit the same density on the site that is permitted by-right for apartments, prior to dedication requirements, consistent with surrounding multiple-family uses.

The subject site is zoned C4 and C2 and is designated Regional Center Commercial uses by the Wilshire Community Plan. The C4 and C2 zone permit R4 density by-right (400 square feet of lot area per dwelling). However, pursuant to Section 12.22 A.18 of the L.A.M.C., developments located on sites designated Regional Center Commercial that combine residential and commercial uses are permitted an R5 density by-right (200 square feet of lot area per unit).

Prior to dedication, the site is permitted 464 dwelling units. After the required dedications, the site is permitted a maximum density of 431 units (based on the site's area of 86,151 square feet). The Applicant is requesting to be permitted a density of 185 square feet of lot area per dwelling unit to provide 464 units, an increase of slightly more than 7%.

However, because L.A.M.C. Section 12.22 A.18 is an "Exception" in the Code, the Applicant cannot request a variance from an Exception. Therefore, the variance requests relief from the 400 square feet lot area per dwelling unit (215 dwelling units) even though the site is permitted a density of 200 square feet of lot area per dwelling by-right. Because the proposed dwelling units are for-sale condominium units, the maximum permitted density is based on the site's net area, after required dedications.

The project site is located in an area where 97% of residents are renters. The request essentially permits the site a density consistent with an apartment use and allows the project to provide homeownership opportunities in an area where ownership housing is critically needed.

- 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.

The site is an irregular, F-shaped site with intermittent frontage on Shatto Place and wraps around two existing apartment buildings on Shatto Place. Due to the site's irregular shape, developing the portion of the site fronting on Shatto Place is not practical and grading and construction activities on this portion of the site would have significant impacts on the adjoining apartment buildings. Therefore, this portion of the site is not practical for development and instead will be developed with an approximately 10,000 square foot park that will be open to the public.

In addition, under related case Vesting Tentative Tract 66283, the proposed project is required to provide street dedications that substantially reduce the site's buildable area by 17'-0" along Vermont Avenue and 2'-0" along Wilshire Boulevard. The area lost due to the substantial street dedications is approximately 6,798 square feet, resulting in a narrower building footprint. Thus, the site's irregular shape together with the required dedication create a constraint that significantly reduces the site's

- 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.

Granting the requested 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 because the parking garage is not visible from the street and will be used exclusively by the building's residents. The site's design orients one high-rise tower along Wilshire Boulevard and the tower along Vermont Avenue. The approved density and reduction in parking is appropriate for site's location adjacent to a major public transit center/corridor, which reduces the need for parking. Since the parking will be used only by the residents, then the small reductions in parking stall size for stall near obstructions and clearance will have a negligible effect as the residents will be familiar with their parking space and will travel directly to and from their assigned parking spaces. The requested dimensions for parking spaces and access aisles have been proven practical and functional for similar projects that have been approved in the city. The proposed park on Shatto Place provides a transition and a buffer between the proposed project and the existing adjoining apartments and reduces the project's aesthetic impacts as viewed from adjacent residential uses along Shatto Place.

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

Granting the requested Variance will not adversely affect any element of the General Plan. The proposed project is consistent with the Wilshire Community Plan, the Housing Element, and the Transportation Element, all of which aim to promote mixed-use high-density developments close to public transit hubs.

The proposed development is consistent with the following goals and objectives of the Housing Element and the Transportation Element:

- Policy 2.3.1: Encourage and plan for high-intensity residential and commercial development in centers, districts, and along transit corridors, as designated in the Community Plans and the Transportation Element of the General Plan, and provide for the spatial distribution of development, that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled in order to mitigate traffic congestion, air pollution, and urban sprawl.*
- Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.*

- **Policy 1.4-2:** Ensure that new housing opportunities minimize displacement of residents.

• **Policy 1.4-3:** Encourage multiple family residential and mixed-use development in commercial zones.

Reduced open space/localing open space in the required side yard:

6. 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.

The applicant requests a variance to reduce the required open space from the required 48,250 square feet to 34,000 square feet (an approximate decrease of 29.5%), and, to permit the required side yards adjoining the proposed park to be included in the open space calculation. The strict application of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations. The open space provisions in the Zoning Code are a citywide standard that are appropriate for typical three to five story, medium density or high-medium density multiple-family developments, but are not practical for high density, high-rise residential developments where open space is required at the same ratio.

The zoning provisions require a fixed amount of open space per dwelling unit based on the habitable room mix for each unit, regardless of the number of dwelling units. The calculation does not allow for a marginal decrease in the required open space as the density of a project increases. Therefore, in the case of high-density, high-rise projects on sites designated Regional Center Commercial, the site's ability to achieve the high density permitted by the planned land use and to also provide the required open space, in this case 48,250 square feet, is not practical and is inconsistent with the purpose and intent of the zoning provisions.

All open areas not devoted to buildings are landscaped and utilized to provide the required open space. The project provides 34,000 square feet of open space, a deficit of 14,250 square feet from Code requirements. The strict application of the code presents an unnecessary hardship inconsistent with the Regional Center Commercial planned land use that permits and contemplates high residential density for the project site. 40% of site's area is devoted to open space. 62% of the total required open space will be common open space including a 10,840 square foot park along Shatto Place that will be open to the public and an exterior plaza level on the 6th floor podium level between the two towers.

In addition, private open space will be provided within balconies for many of the units with a width of approximately 5 feet, one foot less than the minimum 6 feet

functionally contribute to the useable private open space available to the tenants of the proposed project.

These are all unique circumstances that are not applicable to other sites in the same zone and vicinity. Furthermore, the proposed park provided as part of the required open space will be open and accessible to the public during day-light hours, a unique feature that provides a substantial public benefit. The 34,000 square feet of open space provided is appropriate for the project's design and location in a dense neighborhood and adjacent to public transit.

8. 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.

The LAMC open space requirements are extremely difficult to comply with for the high-rise, mixed-use nature of the proposed project. Wilshire Boulevard is improved with mid to high rise structures similar to the proposed project, however, these structures are commercial office buildings. Existing multi-family uses surrounding the project site are not high-rise or mixed-use projects, similar to the proposed project, or were not subject to the same zoning regulations applicable to the subject property at the time they were constructed.

The proposed project incorporates commercial space along Wilshire Boulevard and Vermont Avenue that utilizes lot area that would otherwise become open space. The high-rise, mixed-use nature of the project's design is consistent with the surrounding area and the site's Regional Commercial planned land use.

However, the project's high density, high-rise design coupled with the required dedications along Wilshire Boulevard and Vermont Avenue create practical difficulties that reduce the project site's ability to provide all of the required open space. Therefore, the granting of the variance permits reasonable development of the site on parity with surrounding properties.

9. 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.

The requested deviation from the open space requirements is not 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. All open space issues are confined to the project site, having no impact whatsoever on surrounding properties in the same zone and vicinity. The project, as proposed, will help fulfill some of the

required per Code in order to be counted towards the required private open space. If the balconies were included in the open space calculation, the project would provide well over the 34,000 square feet of total open space. Moreover, the site is situated nearby existing public spaces and parks, which are located within approximately one mile of the subject site such as MacArthur Park, MacArthur Lake and La Fayette Park.

The portion of the site where the park will be located abuts the side lot lines of two existing apartment buildings on each side of the park. The park will be constructed from lot line to lot line and the required side yards are functionally integrated into the park. The park is designed for passive uses and there will be no structures or active recreation uses located in the park. The required side yard for the proposed project is 16 feet which would exclude approximately 5,338 square feet from the park and from the total open space calculation (16 ft side yard x 166 foot lot length x 2 lot lines). Yet, the required side yards would remain a useable and significant portion of the park and there are no structures proposed on the park.

In view of the project's high density and high-rise design, the project's location in a dense, urban area and its proximity to other parks, the Zoning Administrator determined that the provided open space is appropriate and compatible with surrounding uses and strict application of the zoning code would pose a hardship inconsistent with the general purpose of the Zoning Code.

7. 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.

As discussed above, the site has an irregular F-shape that constrains efficient use of the site. In addition, the proposed project is required to provide considerable street dedications under related case Vesting Tentative Tract 66283 which further reduce the site's area to provide the required open space. In addition, the project's high-rise design and the amount of required open space due to the high density scope of the project are also unique features.

The project will provide 5-foot wide balconies for the majority of the units that provide project residents with private open space. In order to be included as part of the required open space, balconies must have a minimum width of 6 feet. However, balconies with a width of 6 feet or greater are included as floor area and the project would exceed the maximum allowable floor area substantially more than already proposed on the site. Thus, the proposed development is subject to conflicting zoning regulations that are not applicable to surrounding properties most of which were constructed prior to the current zoning regulations. Although the proposed 5-foot balconies are not reflected in the total calculation of Open Space, they

main goals of the Wilshire Center/Koreatown Recovery Redevelopment Project, in which the project site is located.

The proposed park will be located between two existing apartment buildings and is located adjacent to residential properties along Shatto Place. The park is designed for passive uses and does not contain any structures. Therefore, eliminating the required side yards along the perimeter of the park does not generate any physical impacts to the adjoining apartments. Integrating the required yards with the park provides a transition and buffer between the proposed project and the existing apartments. The park also minimizes the project aesthetic impacts and visually enhances the streetscape as viewed from adjacent residential and commercial properties.

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

The granting of the variance will not adversely affect any element of the General Plan. The proposed project is consistent with the following goals of the Wilshire Community Plan:

- Enhancing the positive characteristics of residential neighborhoods while providing a variety of housing opportunities,
- Improving the function, design, and economic vitality of commercial areas,
- Maximizing development opportunities around existing and future transit systems while minimizing adverse impacts.

MANDATED FINDINGS-ADJUSTMENT

11. The granting of an adjustment will result in development compatible and consistent with the surrounding uses. (Increased FAR, Reduced Side and Rear Yards, Encroachment into the building line)

The granting of an adjustment will result in development compatible and consistent with the surrounding uses. The site consists of two zoning designations: C2-2 and C4-2. The site has a General Plan Land Use designation of Regional Center Commercial, which corresponds to the C2, C4, P, and PB zones.

Increase in allowable Floor Area (FAR)

The Height District 2 permits a floor area ratio (FAR) of 6:1. The Applicant requests permission to increase the allowable FAR from 6:1 to 6.97:1, which is only a 16.2% increase. The granting of the adjustment to increase the FAR results in development that is compatible and consistent with the surrounding uses. This request is only a

minor variation from development that is allowed by right on the proposed site and on surrounding sites.

Reduced Side Yards and Rear Yard

Similar to surrounding properties, the project site is zoned C2 and C4. The majority of surrounding properties are improved with commercial or mixed-use developments and do not maintain side or rear yards. The proposed project is mixed-use with ground floor commercial four levels of parking above the commercial and two residential towers above the parking. The C4 and C2 Zone require a 16-foot side yard and a 20-foot rear yard for the proposed buildings. Section 12.22 A.18 provides an exception from the required yard areas for the residential portions of buildings used for combined commercial and residential uses, if such portions used exclusively for residential uses abut a street, private street or alley, and the first floor of such buildings at the ground level is used exclusively for commercial uses. Although the project has three street frontages on all sides, the variance is requested to permit 0 side and rear yards for those portions of the residential use that do not directly abut a street.

A portion of the "F"-shaped site is being proposed as an open space park. Surrounding commercial buildings observe zero yard areas. If the site were developed for retail uses only, no setbacks would be required. There are two existing residential apartment buildings to the east and south of the subject site. The Applicant proposes to provide an open space park in between these two existing apartment buildings. South of the project is an existing surface parking lot. Therefore, the proposed zero side and rear yards will provide a building footprint and design consistent and compatible with surrounding, existing developments.

Surrounding properties consist of a variety of regional commercial center uses (i.e. mid- to high-rise office buildings, retail uses, multiple-family residential structures, institutional uses, and parking lots). The majority of these structures are built to the property lines and do not provide setbacks. The Proposed Project Site is directly across Wilshire Boulevard from the Wilshire/Vermont Metro Red Line Station.

Portions of the residential component of the proposed project abut a street and portions may not. Providing the Code required residential setbacks for only those portions that do not directly abut a street would result in an awkward design and would further reduce the building footprint area beyond the area lost to the required street dedications (a loss of 6,801 s.f.). The reduction of lot area creates a hardship that makes it impractical to construct a high-density residential development in an area where surrounding properties provide zero setbacks.

The design, height and massing of the Wilshire and Vermont towers would be consistent with existing development in the area. The Proposed 15- and 23-story

structures (including ground floor and parking uses) are compatible with the surrounding 2- to 22-story commercial and multi-family residential buildings. Although one of the project's towers would be among the highest structure in its immediate vicinity, it would be appropriate in its location at a prominent intersection at the corner of two major thoroughfares. Furthermore, the Proposed Project's location directly across from the Metro Red Line Station would make it an appropriate place for a high density, mixed-use project. Thus, granting of an adjustment will result in development compatible and consistent with the surrounding uses.

Encroachment into the Building Line

The building line on the subject property was established in 1927 by Ordinance No. 59,577. There is a 2-foot street dedication required along Wilshire Boulevard, and therefore the Building Line requirement is 3-feet (5 feet minus a 2-foot dedication).

The Applicant will dedicate 2-feet of the property as per the Bureau of Engineering's anticipated requirements, however proposes to provide a 0-foot Building Line in lieu of the 3-foot required. The project proposes to provide a mixed-use project with retail uses on the ground floor with pedestrian access to the retail uses along Wilshire Boulevard and Vermont Avenue.

The existing retail building along Wilshire Boulevard has no setback, which represents a 100% encroachment into the building line area. Also, the easterly portion of the site is improved with surface parking. There is currently a wall surrounding the surface parking, including along Wilshire Boulevard, with no setback from the property line.

The proposed encroachments are designed only on the ground floor and the applicant indicates they will be high-quality glass bay-type windows. This bay-type window along the ground floor will bring the neighborhood serving retail uses closer to the street and creates a pedestrian scale and neighborhood retail atmosphere along Wilshire Boulevard that will encourage pedestrian activity. Therefore, permitting an encroachment within the building line area will result in development compatible with surrounding uses and improvements.

12. 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 adjustments to increase the allowable FAR from 6:1 to 6.97:1 and to decrease the required side and rear yards, and permit encroachment into the building line is in conformance with the intent and purpose of the General Plan and the City. The project's location on Wilshire Boulevard, a major transportation corridor, is a suitable location for the proposed project. The granting of the

adjustments is in conformance with the intent and purpose of the General Plan of the City regarding development along Wilshire Boulevard because the proposed project helps meet several of the goals, objectives, and policies set out in the Wilshire Community Plan, such as the following:

- Policy 1-1.4: Provide for housing along mixed-use boulevards where appropriate.
- Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.
- Policy 1.4-2: Ensure that new housing opportunities minimize displacement of residents.

The project site currently consists of retail and commercial uses only, and therefore the proposed project will not displace any residents.

- Policy 1.4-3: Encourage multiple family residential and mixed-use development in commercial zones.

The proposed development is also consistent with the following goals, objectives, and policies contained in Chapter V of the Los Angeles Housing Element of the General Plan of the City:

- Objective 1.1: Encourage production and preservation of an adequate supply of rental and homeownership housing to meet the identified needs of persons of all income levels and special needs.
- Policy 2.1.3: Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours.
- Policy 2.3.1: Encourage and plan for high-intensity residential and commercial development in centers, districts, and along transit corridors, as designated in the Community Plans and the Transportation Element of the General Plan, and provide for the spatial distribution of development, that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled in order to mitigate traffic congestion, air pollution, and urban sprawl.

The Transportation Element of the General Plan designates the project site area as an Urban Complex, which shares many characteristics with Major Urban Centers, such as downtown LA.

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

The site is located within the Wilshire Community Plan Area. The plan designates the subject site for Regional Center Commercial uses with corresponding zones of CR, C1.5, C2, C4, R3 and R4 and Height District No. 2. The granting of the adjustments is not inconsistent with the intent and purpose of the Community Plan. The Wilshire Community Plan does not specifically address adjustments.

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

There are no adverse impacts from the proposed adjustments to reduce the side yards and rear yard setbacks or to increase the allowable FAR by 16%. The proposed development conforms to the development and land uses surrounding the project site and provides for the habitability needs of the proposed development's residents. The granting of the request to reduce the yard setbacks and to encroach into the building line will not result in adverse impacts to the surrounding properties or to the subject property as the surrounding buildings.

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

The subject site's proposed improvements make strict adherence to zoning regulations impractical or infeasible. As previously stated the project site is an "F"-shaped irregular lot that presents constraints that make strict adherence to the zoning regulations impractical.

Increase in Allowable Floor Area

The required street dedications substantially reduces the site's potential floor area.

The site's lot area prior to deducting the anticipated street dedications is 92,952 square feet, and the lot area after deducting the anticipated street dedications is 86,151 square feet, for a loss of 6,801 square feet for street dedications. The allowable floor area would be 557,712 s.f. (92,952 s.f. X 6) if the FAR were calculated based on the lot area prior to dedications. The lot area after dedications would permit 516,906 s.f. of floor area (86,151 s.f. X 6). The applicant proposes a FAR of 6.97:1 based on the lot area after dedications, or 600,000 s.f. of floor area.

Additionally, the proposed project offers a variety of condominium unit sizes for sale, which will benefit the community by providing the housing market with a variety of condominium prices, something made possible only through an increase in FAR. Some of the FAR in the proposed development has also been allocated to create the transit-oriented retail space

on the ground floor of the proposed project. Thus, strict adherence to the commercial objectives of the FAR limitations would make this mixed-use, transit-oriented development infeasible.

Reduction of Side and Rear Yards

Strict adherence to zoning regulations is impractical and infeasible because they reduce the lot's usable space in a manner not applicable to surrounding developments. Located in C4 and C2 Commercial Zones and surrounded by commercial development and residential development, strict adherence to the setback requirements (which are complicated due to the mixed-use nature of the project), would not allow the project to be built in such a beneficial manner for the community as is proposed. The Applicant proposes to provide a 10,840 square foot open space park in between the two existing apartment buildings. If the applicant were required to provide the required side yards, the proposed open space park could decrease by 5,338 square feet. Also, the reduced side yards and rear yard setbacks allows for greater common open space within the mixed-use project. Thus, reducing the side yards and rear yard setbacks necessarily increases the amount of open space that can be provided for the residents of the proposed development and the surrounding community.

Encroachment within the Building Line

The proposed development includes 41,000 square feet of ground floor pedestrian oriented retail use along Wilshire Boulevard and Vermont Avenue. Setting the building back from the public right-of-way by 3 feet along Wilshire Boulevard to coincide with the current location of the Building Line would reduce the space available for the retail portion of the project and detract from direct pedestrian access along the sidewalks. A 0-foot setback from the sidewalk would function as a barrier between the retail use and the pedestrians that the retail spaces are intended to attract. Losing the pedestrian-oriented element of the project would render the mixed-use aspect ineffective and, contradictory to the General Plan, and would make strict adherence to the Building Line both impractical and infeasible.

MANDATORY FINDINGS-SITE PLAN REVIEW

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

The site is located within the Wilshire Community Plan area and within the Wilshire Center/Koreatown Redevelopment Project Area. With the exception of the deviations from the L.A.M.C. granted as part of this action, the project will conform to all applicable provisions of the L.A.M.C. The project is also targeted to meet the Gold level of the US Green Building Council's Leadership in Energy and Environmental Design (LEED) system.

a variance from Section 12.14-C,3 of the Los Angeles Municipal Code to permit the 304th unit through the 549th unit located in the C2 portion of the site to be based on zero square feet of lot area in lieu of the required 200 feet of lot area in the C2 zone;

a variance from Section 12.21-G,2 of the Los Angeles Municipal Code to permit 39,208 square feet of open space in lieu of the required 62,900 square feet and to permit the open space to be located in a more restrictive zone;

a variance from Section 12.21-G,2(a)(3) to permit 20 trees in lieu of the required 157 trees required for 629 residential units;

a variance from Section 12.21-C,5(h) of the Los Angeles Municipal Code to permit the residential parking, trash, access (including emergency), and the open space for the C2 zoned uses in the R5 zone;

a variance from Section 12.21-4 (a) of the Los Angeles Municipal Code to permit the project's parking to be located on abutting lots within the tract;

a variance from Section 12.21-A,5 (a)(1)(ii) of the Los Angeles Municipal Code to permit 7 parking spaces located next to obstructions to provide zero additional inches in lieu of the 10 additional inches required;

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

a Zoning Administrator's Adjustment from Section 12.12-C,2 of the Los Angeles Municipal Code to permit a zero-foot yard along the site's internal zone boundary and internal side yards in lieu of the required 16-foot yards in the R5 zone;

a Zoning Administrator's Adjustment from Section 12.21-C,3 of the Los Angeles Municipal Code to permit a zero-foot rear yard in lieu of the required 20-foot rear yard in the R5 zone.

a Zoning Administrator's Adjustment from Section 12.14-C,2 of the Los Angeles Municipal Code to permit a zero-foot yards along the site's internal zone boundary and internal side yards in lieu of the required 16-foot yards in the C2 zone and to permit a zero-foot rear yard in lieu of the required 20-foot yard required for buildings located in the C2 zone;

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

site plan review for the proposed project;

ROBERT JAHNCOVIC
Chief Zoning Administrator
ASSOCIATE ZONING ADMINISTRATORS
CARY BOONER
PATRICIA BROWN
K. NICOLAS BROWN
ANNE OLIVARSON
EMILY CARRE-LUDY
DANIEL GREEN
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September 26, 2005

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Department of Building and Safety

CASE NO: ZA-2005-1673(ZV)(ZAA)(SPR)
ZONE VARIANCE, ZONING
ADMINISTRATOR'S ADJUSTMENT,
SITE PLAN REVIEW FINDINGS.
Related Cases: Vesting Tentative Tract-
62367
900 South Figueroa Street
Central City Planning Area
Zone : (Q)R5-4D, C2-4D
D. M. : 129A207
C. D. : 0
CEQA : ENV-2005-1674-MND
Fish and Game: Exempt
Legal Description: See Exhibit "A"

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

a variance from Section 12.12-C,1; 12.12-C,2; 12.12-C,3; 12.12-C,4; 12.14-C,1; 12.14-C,2; 12.14-C,3; 12.14-C,4, and 12.37 of the Los Angeles Municipal Code to permit the calculation of the buildable area of the lots in the C2 zone to include the areas of proposed street dedications and the required yard setbacks in lieu of the deduction of these areas from the buildable area of the lots;

a variance from Section 12.21-1A of the Los Angeles Municipal Code to permit the reallocation of the project's floor area on the entire site rather than internal zone and lot boundaries;

a variance from the "D" limitations of Ordinance 164,307 to permit the commercial and residential uses on the subject property a floor area ratio (FAR) of 7.44:1 in lieu of the maximum permitted of 6 to 1 FAR;



AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



Agency approved two variations of 49,999 square feet of floor area for the first two Phases of the project, and on August 4, 2005 approved the third variation of 45,188 square feet for the third Phase.

MANDATED VARIANCE FINDINGS

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

1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships, inconsistent with the general purpose and intent of the zoning regulations.

Density and Floor Area Calculations:

Pursuant to L.A.M.C. Section 17.05-H,9, when calculating the permitted density of a subdivision for condominium purposes, the area contained within public streets shall be deducted from the gross area of the subdivision. The resulting area is considered the net square footage of the subdivision. The buildable area of the lot for floor area calculation purposes excludes those portions of the lot used for yards or building line purposes.

The C2 portion of the subject site is approximately 60,521 gross square feet, and 56,058 net square feet. The R5 portion of the site is both 40,433 gross and net square feet. The required dedications in the C2 portion of the site reduce the lot size by approximately 4,463 square feet. The applicant is requesting to utilize the approximately 4,463 net square feet of lot area lost to street dedications and approximately 3,700 square feet of R5 yard area when calculating the site density and floor area.

If the project were to be built as a rental apartment project instead of condominiums, the density calculation would be based on the gross square footage of the site. The request variances for calculating the density based on the pre-dedication or gross square footage of the project site, and to include the R5 yards in the calculation of the buildable area for floor area purposes will permit the applicant to provide more units on the site.

On June 7, 2005, the City Planning Commission recommended approval of proposed amendment of the Planning and Zoning Code (CPC-2005-361-CA) for residential projects located in the Redevelopment Project Areas of the Central City Area. The proposed amendments eliminate residential setbacks and yards, and

permits the calculation of buildable area to be prior to required dedications. The Central City Area has been targeted for high density residential development because of its proximity to transportation and jobs, and relatively isolated location from single-family residences. The strict application of the Zoning Ordinance would deny the applicant the ability to build more residential units in an area targeted for such redevelopment which would be inconsistent with the general purpose and intent of the zoning regulations.

Floor Area Increase and Reallocation:

With granting of the requested variance to include the yard setbacks in the floor area calculation, the permitted floor area for the R5 portion of the site is 242,598 square feet. The pre-dedication permitted floor area for the C2 portion of the site is 363,126 square feet. The Community Redevelopment Agency approved a variation to permit an additional 145,186 square feet of floor area to be divided between each of the three project phases. The total proposed floor area for the project is 750,910 square feet. The L.A.M.C. requires that the floor area be constructed in the corresponding zone. The applicant is requesting to reallocate the floor area as follows:

Lot 1: 97,934 square feet (R5 zone);

Lot 2: 325,425 square feet (C2 zone);

Lot 3: 327,551 square feet (C2 zone).

The applicant has designed the project's scale, massing, and location of the buildings to respond to the site. The two towers were placed in the higher-density C2 zone and corresponding Regional Center Commercial Land use designation within the block that is bordered by 9th Street and Figueroa Street. The low-rise loft building is located in the R5 portion of the site in response to the scale of the developing residential community on Flower Street. Strict application of Zoning Ordinance would require the applicant to redesign the project, and move more of the project's massing to the R5 portion of the site which would be inconsistent with the general purposes and intent of the zoning regulations.

"D" Limitations:

The property is located in Height District 4 which permits unlimited height and a 13 to 1 maximum floor area ratio (FAR). However, the "D" limitations (Ordinance No. 164,307) placed on the site reduce the maximum allowable FAR to 6 to 1. The maximum floor area permitted under the "D" limitations is based on a pre-dedication and pre-yard lot area is 605,724 square feet. As noted above, the applicant was

granted a variation from the Community Redevelopment Agency to permit an additional 145,186 square feet of floor area divided between the three proposed phases of the development. The applicant cannot utilize this variation without the granting of the variance to increase the FAR. Many buildings in the Downtown have been built to a FAR of 13 to 1, some of which have been converted to residential use under the Adaptive Reuse Ordinance. The scope of the proposed project is consistent with its location in the South Park community of Downtown Los Angeles which is designated for high density residential development. Strict application of the Zoning Ordinance limiting the FAR on the site to 6 to 1 would not permit the project to be developed in as beneficial manner as being proposed.

Density Increase:

The permitted pre-dedication density of the site is 202 units in the R5 portion and 303 units in the C2 portion for a total of 505 units. This is based on one unit per 200 square feet of lot area (pursuant to the Zoning Administrator's Interpretation issued on May 18, 2000.) The applicant is proposing to develop 629 Joint Live/Work condominium units: two towers and one five-story building, with 80 units being located in the R5 portion of the site and the remaining 549 units being located in the C2 portion of the site. With the granting of the variance to permit the density of the C2 portion of the site to be calculated based on the gross or pre-dedication square footage of the site, the first 303 units requested are by-right based on one unit per 200 square feet of lot area. The 304th unit through the 549th unit located in the C2 portion of the site are based on zero square feet of lot area in lieu of the required 200 square feet. The applicant is requesting this variance to maximize the number of units that can be built on the site within the permitted FAR as well as the variation granted by the Community Redevelopment Agency. Strict application of the Zoning Ordinance would require that the applicant redesign the project so that more of the units are located in the R5 portion of the site, and that the project would have a maximum of 505 units instead of the 629 Joint Live/Work condominium units which are proposed which would be inconsistent with the general purpose and intent of the zoning regulations.

Open Space requirements:

The L.A.M.C. requires 100 square feet of open space per unit with less than three habitable rooms, 125 square feet of open space per unit with three habitable rooms, and 175 square feet of open space per unit with more than three habitable rooms. All of the project's proposed 629 Joint Live/Work units will contain less than three habitable rooms. The required open space for those 629 units is 62,900 square feet. The applicant is proposing to provide 39,208 square feet of open space. The L.A.M.C. requires at least one 24-inch box tree for every four dwelling units. The

number of trees may include the required street trees in the parkway. The applicant is requesting a variance to provide 20 trees in lieu of the required 157.

The applicant contends that the open space requirements make it difficult to build a high-density residential project in Downtown. In addition, the development has incorporated unique open landscaped areas that will serve the future residents and existing neighborhoods. The subject site is located in the South Park area of Downtown where real estate is priced at a premium. Providing the required open space will result in a loss of residential units and/or ground floor commercial space which would cause a financial hardship for the applicant. The project is located in close proximity to several existing and proposed future public recreation areas. The Grand Hope Park is located on Hope Street between 9th Street and Olympic Boulevard, approximately two blocks away from the subject property; and the future L.A. Live project will be located across Olympic Boulevard and will include a central plaza designed to provide a place for open space and entertainment to South Park residents and visitors. Other nearby public open spaces include the Gilbert Lindsay Plaza at 12th Street and Figueroa Street and Pershing Square located at Olive Street and 6th Street. Strict application of the zoning ordinance to require 62,900 square feet of open space would result in practical difficulties and unnecessary hardships inconsistent with the general purpose of the zoning regulations.

In addition to recreation facilities, the project site proposes a landscaped pedestrian crossing and passageway traversing the lot from Flower Street to Figueroa Street, thus adding an attractive amenity for the project residents and the community as well. Trees will be located within the pre-dedication property lines along Figueroa Street, 9th Street and Flower Streets, as well as along the pedestrian passageway traversing the lot. In order to provide the required 157 trees on the site, the vast majority of the open space area would need to be dedicated to tree planting. While trees have many aesthetic and environmental benefits, it is unrealistic for a downtown high density project to achieve consistency with a Code provision designed for a more suburban and less dense development. The project's proposed open space maximizes the area available to the residents to enjoy passive recreational uses such as volleyball and croquet. One of the benefits of trees is the shade they produce, but in this environment surrounded by high rise development, the creation of shaded areas is not as critical as creating usable, well-designed open space areas. This tree requirement creates an unnecessary hardship by forcing the project to reduce units in order to achieve a standard design for a different building type.

Accessory Uses:

According to the L.A.M.C., parking, access, open space, trash enclosures and emergency access are required to be on the same zone or a less restrictive zone.

Due to the unique configuration of the site, in terms of dual zoning and the C zone "L" shape, it is impractical to provide these uses within the same zone. For this reason, the project proposes to develop the site as one functionally integrated development site. To achieve this goal the project must utilize the entire site without regard to the zone boundary. There is no public benefit to be gained by requiring dual zoned sites to respect zone boundaries internal to the site.

Once a pedestrian or vehicle enters the site they will be unable to differentiate between the dual zoned areas of the site. Once an automobile enters the site, it is no longer visible to the general public, and when it eventually parks, in the R5 or C2 zone will generate no impact to the community. This is also the case with the location of the open space, trash and access. The L.A.M.C. would require all of the project units located in the C2 zone to have the required parking, trash, access and open space within the boundaries of the C2 zone. The structural cost of building additional subterranean parking in the C2 zone or elimination of units to meet the open space requirements is an unnecessary hardship that would negatively impact the applicant's ability to construct the project.

Much of the open space requirement is generated by the loft units located in the C2 zone, while less than 10% of the open space requirement is generated by the loft units located in the R5 zone. A significant portion of the open space must be provided in the more restrictive zone since the project is being developed as a single site and it would be an unnecessary hardship to provide the open space in the least restrictive zone.

Parking Stalls:

The L.A.M.C. requires that parking stalls provide ten inches clear between the stall and any obstructions. The applicant is requesting a variance to permit seven of the site's 977 parking stalls to deviate from this requirement due to the existence of two structural columns located on the four below grade parking levels. The applicant states that the seven substandard stalls meet the spirit of the L.A.M.C. requirement which is to allow access in and out of vehicles once they are parked. The column is located at the rear of the stall and only takes up one and one half feet of the compact stall's required 15-foot depth. Regardless of whether the car backs in or pulls in head first, the location of the column will not stop the doors from opening and the intent of the L.A.M.C. is achieved. Meeting the strict interpretation of the L.A.M.C. parking stall requirement would mean either losing seven parking stalls or redesigning the structural columns, both of which would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

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

The site's size, dual zoning, and ability to appropriately locate high density housing near transit combine to create a special circumstance not applicable to other property in the same zone or vicinity. The 100,954 square foot site accommodates 629 for-sale units near a job-rich environment without displacing existing units.

Site Size:

At 2.2 net acres, this site encompasses 11 lots and contains significantly more lot area than the vast majority of the surrounding development sites. This large lot generates a special circumstance because it is capable of containing a large amount of dwelling units. Through a series of entitlement requests, the project site can contain 629 condominium units within 755,000 square feet of floor area. The size of the site allows for the design of an integrated site plan that interfaces appropriately with the high rise office to the north and the mid rise South Park area.

The vast majority of the projects in the area will occur on substantially smaller development sites. The Glass Tower project located at 1050 South Grand is proposing 128 units on a 37,789 square foot lot in the [Q]R5-4D-O zone. The Hanover project located at 950 South Figueroa Street proposes 156 units on a 21,623 square foot lot in the C2-4D zone. The Lot 114 project located at 1155 S. Grand Avenue proposes 316 units on a 50,622 square foot lot in the [Q]R5-4D-O. The large size of the site and the development potential creates a special circumstance that is not do not generally apply to other property in the same zone and vicinity.

Dual Zoning:

According to the zoning maps available on the City's Zimas website, there are no other dual-zoned sites on the immediate area. The existing lots were developed in the late 19th century and early 20th century with residential building, which were mostly demolished by 1948 and replaced with surface parking lots. By 1969, the last non-parking use, a gas station, had been demolished. Since then this site has existed in the community's mind as a single surface parking lot, and as such, the applicant would like it to be planned as a single site without regard to the split zoning between the residential and commercial portions. The internal zoning boundaries of the unified site are illogical and arbitrary for the purpose of locating density and floor area. Strict application of the zoning ordinance would result in unnecessary hardship by imposing two sets of regulations that prohibit the

commingling of the project's massing. A special circumstance is generated by imposing two conflicting sets of development standards on one site that does not typically apply to other property in the same zone and vicinity.

High Density Housing:

The special circumstance of the site is its ability to locate high-density condominium units within walking distance of the Downtown's multitude of jobs and transit without eliminating any existing residential units. Most redevelopment projects include the displacement of existing units, many of which are affordable. The conversion of the existing surface parking lot will not result in the displacement of any housing units. By locating the project on the periphery of the office center also provides 629 units for residents to live within walking distance of their jobs. This project provides an opportunity to enhance the jobs to housing balance in the City of Los Angeles. The site is located near a series of mass transit alternatives including the Blue Line Metro Rail Station at 12th Street and Flower Street, and the Red Line Station at 7th Street and Figueroa Street. This proximity to rail stations, to a number of bus lines, and to the other neighborhoods in Downtown Los Angeles makes the subject property a prime location for increased density that can be supported by the public transit, jobs, and services in the area.

According to trip generation data provided by the traffic consultant, The Mobility Group, the proposed mixed-use project would generate fewer trips than other more intense by-right projects that could be constructed at the site. A project could be built on the site containing approximately 302,098 square feet of office and approximately 60,452 square feet of ground floor retail in the C2 portion of the site, and 202 units in the R5 portion of the site. This combination of uses would generate approximately 4,338 daily trips. Another option would be to construct 362,550 square feet of office floor area in the C2 portion and 202 units in the R5 portion of the site. This scenario would generate approximately 3,669 daily trips. The proposed project will generate approximately 2,624 daily trips.

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

Density and Floor Area calculations:

Variance from the calculation of the buildable area to include street dedication areas is necessary for the preservation and enjoyment of a substantial property right

generally possessed by other property in the vicinity. Currently, there is a greater incentive to build apartments in the City than there is to build for-sale condominiums because the Code does not require apartment projects to exclude dedicated lot area from its buildable area. In addition, the parking requirements for apartments are also less than for condominium developments. However this does not improve Los Angeles low homeownership rate, which is more than 36% percent lower than the national average of 66%. This project is one of the first large-scale new construction mixed-use developments in many years to be located in the Central City Community Plan area. Strict Zoning Code requirements relating to FAR and residential density have made it financially infeasible for properties in the South Park area to be developed with high density housing developments. Denying the calculation of the buildable area to include street dedication areas would result in practical difficulties and unnecessary hardships to the property in question.

	Condominiums (Subdivision)	Apartments (No Subdivision)
Lot Area	96,491 s.f. See Note (1)	100,954 s.f. See Note (2)
Buildable Area	96,491 s.f.	100,954 s.f.
Maximum Allowable Floor Area	556,746 s.f. (96,491 s.f. x 6 FAR)	605,724 s.f. (100,954 s.f. x 6 FAR)

Note 1: The street dedication is subtracted from the lot area for subdivisions.
Note 2: The street dedication is included in the lot area for apartments.

If the proposed project were to be developed without a Vesting Tentative Tract Map, the maximum allowable buildable area would be increased by 4,463 square feet. As shown in the table above, the allowable floor area for apartments is much greater without an accompanying subdivision than for apartments with a subdivision. The applicant requests that the calculation of buildable area to be the same for both condominiums and apartments, particularly for an urban site in downtown Los Angeles. The Los Angeles Department of City Planning is currently promoting an ordinance change that would revise the definition of "buildable area" to make it consistent with the definition of "lot area," thereby eliminating the distinction between condominiums and apartments in the calculation of allowable floor area. The proposed Ordinance was approved by the City Planning Commission on June 7, 2005.

Floor Area Increase and Reallocation:

Owners of property in a single zone are not faced with similar impediments to developing their property as property owners with dual zoning. Often dual zoned sites are constrained by conflicting density, floor area, yards and height requirements. It is not logical or practical for one project site to negotiate between multiple code requirements. In this particular case the entire site is governed by the same floor area and density requirements, similar to other sites in the area. Unfortunately, unlike other sites in the area the split zoning prohibits the floor area and density from being planned based on proper site planning techniques. It requires specific amounts of density and floor area within each the R5 and C2 zoned lots within the site. This limitation creates a special circumstance that is not applicable to other area sites and justifies the requested variances to reallocate Density and Floor Area.

Many structures built in the area were built at a time when the Code requirements for density and floor area ratios were not as stringent. Now, many of these older structures are being redeveloped under the Adaptive Reuse Ordinance, which does not subject dwelling units to the lot area requirements of the zone or height district. Further, the underlying zoning on the property permitted the development of buildings with a FAR of 13 to 1, far in excess of the current 6 to 1 FAR in the Code. The Applicant should be able to continue to preserve and enjoy the substantial property right to utilize the land and to address the housing needs of the City and in the area. It would be a hardship on the Applicant and the City if the increase in FAR is not allowed to provide the needed housing within the City.

"D" Limitations:

There are a number of existing residential projects in the immediate area which were constructed prior to the enactment of Ordinance No. 164,307 which were able to take advantage of the underlying FAR of up to 13 to 1. Residential projects include the Skyline project located at 600 W. 9th Street and the Metropolitan Apartments located at 950 S. Flower Street. Numerous office buildings constructed in the Downtown area are being converted to residential use via the Adaptive Reuse Ordinance which waives lot area and density requirements for qualifying projects. These projects include the Eastern Columbia building located at 849 S. Broadway, the Library Court building located at 648 W. 6th Street, the Pegasus building located at 612 S. Flower Street, and the Packard Lofts building located at 1000 South Hope Street to name a few.

Strict application of the zoning ordinance, in particular the "D" limitation of Ordinance No. 164,307, would result in practical difficulties and unnecessary hardships for the project inconsistent with the general purpose of the zoning regulations. An unnecessary burden is imposed on the project if it is denied the right to utilize the floor area. The "D" limitations of Ordinance No. 164,307, limits the site's floor area to 6 to 1 instead of 13 to 1. While the same Ordinance also states

that increased FAR is permitted through the Community Redevelopment Agency (CRA) variation and Transfer of Development Approvals. The applicant was granted three variations from the CRA totalling 145,186 square feet of floor area. Approval of these variations created a FAR on the site of 7.44 to 1. Case number ZA-2003-9146-ZV-ZAA is an example of a project in the area that was granted the right to build utilizing the additional floor area granted by the CRA. A denial of these requests, contradicts City goals to achieve in the South Park area "high and medium density housing which compatible with existing and proposed development" and does not allow the applicant to enjoy a property right possessed by others in the area.

Density Increase:

Recently, the City has acknowledged that controlling the scale of the project is more appropriate in the downtown urban environments via the use of the site floor area ratio than through density limitations. Two recent approvals (ZA-2003-9146-ZV-ZAA located at 1111 Grand Avenue and ZA-2004-7070-ZV-YV-ZAA-SPR located at 950 S. Figueroa Street) are examples of new construction projects which were granted density increases above the Code requirements. More importantly, the City is currently considering CPC-2005-0362-CA which would eliminate the density requirement within the Central City area. In the Staff Report prepared to update standards for residential development in the Central City Area, the Department of City Planning recognizes that existing zoning regulations that are applicable to the City as a whole are designed for densities and development standards of a more suburban city even in the higher density zones. Understanding that the Central City area is "particularly suitable for high density residential development," the Director of Planning has initiated amendments to the zoning code which will "both recognize the unique nature of downtown and incentivize the production of new housing units in the Central City." By eliminating the lot area provision, the remaining control of the intensity of development is the Floor Area Ratio regulation. The effect of this change would increase the number of dwelling units allowed on each site. The Department notes that bulk regulations are a "common" means of controlling "the intensity of development in the downtown area of other large metropolitan areas across the nation and are suitable here to ensure development consistent in size with that of other buildings in the area." Thus, the proposed increased density in the proposed project would result in development of buildings that are consistent in size with that of other buildings in the South Park area.

Open Space Requirements:

The subject site is located in the South Park area of downtown, an urban area planned for high density uses. The L.A.M.C. was written for primarily suburban type developments and is not responsive to the issues facing high-rise urban development. Providing L.A.M.C. required open space, including one tree per four dwelling units would result in a loss of residential units which is contrary to the City's goal of achieving a better jobs to housing balance in the City and in the downtown in particular.

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

The granting of these variances will permit the construction of a project materially beneficial to the public welfare. The project helps create a critical mass of residents required to create the urban environment envisioned by the City for the South Park area. By focusing the majority of its square footage on housing it addresses one of the City's urgent needs, the creation of housing. It also creates less traffic than many by-right alternatives. The high quality architectural design includes many sustainable ("Green") design aspects including two separate public open spaces which further promotes the public welfare.

Critical Mass

The proposed project will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity because the project is designed to achieve a synergy for both residents of the project and neighbors in the community. The creation of the two high-rise residential towers on Figueroa and 9th Streets is designed to achieve the critical mass residents in the area. The increased residential population in the area will in turn spur more retail uses in the area. The combination of the two will increase the street activation and the goal of creating a walkable community. By providing for ground floor retail opportunities in each building the project further promotes the City's desire to create a high density urban environment where individuals can walk from their home to the job and then to buy goods and services. To make the streets of Figueroa and Flower more accessible to the general neighborhood population, the project proposes a pedestrian walkway, designed as an attractive landscaped open space, to connect both streets mid-block at the southern end of the project site. The site plan of this project is designed to achieve a critical mass of residents who can activate the streets and promote the ground floor retail uses. As currently designed, the project should prove beneficial to the neighborhood.

Fulfilling Housing Needs

South Park is an area particularly in need of additional and newly constructed housing units. The proposed project will provide a total of 629 residential units, which is a desired land use consistent with the Community Plan and good planning principles. The City's Housing Element identifies an urgent need to provide more housing on a citywide basis. The downtown area is an area that can sustain more growth in housing units because the area is rich in jobs and mass transit opportunities. Residents of the area are more likely to use public transit or to walk to their jobs in the Downtown area. The project proposes to add a significant amount of new retail uses on the ground floor of four separate buildings, and the availability of these shopping opportunities will be beneficial to both new residents of the project and those already residing in the South Park area. The new residents of this project will be homeowners, and thus their interest in maintaining the property

The L.A.M.C. requires the project to provide 62,900 square feet of open space, which is approximately 65% of the lot area. The L.A.M.C. also requires the planting of 157 trees. Both the required open space and the number of required trees are triggered by the proposed number of residential units. These L.A.M.C. open space requirements are extremely difficult to comply with on properties located downtown, which permit R5 density. It forces developers to either, request a variance to deviate from the standards, build below the permitted residential density, or build commercial uses which do not have these open space requirements. Existing building being converted to residential uses downtown under the Adaptive Reuse Ordinance are not required to comply with open space requirements. Recently the Grand Avenue Lofts, located at 1100 S. Grand Avenue received approval to provide zero open space for their new construction units (ZA-2003-2656-ZV-ZAA-ZAD). The applicant is not requesting to provide zero open space or zero trees, as has been granted to other developments in the same zone and vicinity, but rather a reduction in both requirements. The granting of this variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone or vicinity.

Accessory Uses:

The applicant states that he needs the approval of this request to design a well-coordinated, functional project. Requiring the project design to abide by internal zone boundary lines provides no added protection to the community. It instead imposes an unnecessary hardship that constrains project design in a way that is not applicable to many of the single zoned sites in the area. The project parking, trash enclosures, accesses and open space will be concealed within the design of the project and will not be visible to the community. Once constructed, this project will appear to be one integrated development site.

Parking Stalls:

Denying the applicant's request to permit seven of the sites 977 parking stalls to be sub-standard creates an unnecessary hardship in that it reduces the amount of parking that can be provided for the project. More importantly, these seven stalls are designed to meet the spirit of the L.A.M.C. The obstruction is located in the first one and one half feet of the stall's depth. The obstruction should not affect the opening and closing of car doors. The vast majority of Adaptive Reuse projects in the area don't meet the spirit of the L.A.M.C. and have been extremely successful, while at least one of the recently approved new construction projects (The Eleven located at 1111 Grand Avenue) was approved with narrower than required parking stalls (ZA-2003-9146-ZV-ZAA). The denial of this request will prevent the applicant from enjoying a property right possessed by others in the surrounding area.

values of the area will lead to greater interest in combating blight and crime, leading to a safer community for the area residents. By locating housing in this area, the project will not be materially detrimental to the public welfare.

Traffic Congestion

The proposed project offers both residential units and ground floor retail uses. As illustrated in Variance finding 3, mixed-use projects generate less trips than 100% commercial projects. The residents of these new buildings will be attracted to the Downtown area because of easy access to jobs in the area. Residents are more likely to be walking to their jobs, thus reducing traffic congestion. Likewise, residents will find many shopping and entertainment opportunities within easy walking distance. Residents who need transportation will find that their adjacency to a wide array of public transit options will include MTA buses and subway lines, rail lines, DASH, and other shuttle services. The proximity to public transit will increase the use of public transportation, resulting in much less traffic congestion. Easy access to jobs and shopping either by walking or public transit is the type of development that will be materially beneficial to the public welfare.

Parking Stalls

According to the L.A.M.C., parking and other accessory uses are required to be on the same or a less restrictive zone. Additionally, the Code requires that the parking spaces must be on the same lot as the dwelling units. Granting a variance to deviate from these requirements will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. The dual zoning of this site does not generally apply to other integrated developments that create separate residential buildings with a separate parking structure. As a fully integrated development site, the property in question is not materially detrimental to a public that will be unaware of the irregular lot line boundaries that create artificial divisions. Nor will this integrated site prove injurious to other property in the same vicinity, particularly when other neighboring residential projects have not faced the limitations of similar irregular configuration of internal lot line boundaries. Accessory uses in the R5 zone instead of the C2 zone as well as parking spaces on a lot different than that with dwelling units are not apparent to a general public that will view this development as one integrated unit without visible divisions of lots and zones.

Urban Open Space

The granting of the variance will not adversely affect the residents of the proposed project or the surrounding property as the applicant plans to provide 39,208 square feet of open space instead of the 69,700 square feet required. This amount of open space is more than adequate on this particular site to provide a number of recreational amenities for the residents. While it is true a majority of the open space is internal to the site, the project does provide two key open space elements that available to the general public during the day. An urban park on Flower Street near

the corner of 9th Street will serve as a buffer between the Loft Building on Flower and the high-rise building located on 9th Street. Additionally, the project proposes a landscaped pedestrian walkway crossing the lot mid-block from Flower Street to Figueroa Street that will be open to residents and the community alike. This amenity will prove beneficial to the public welfare in creating an open space corridor that will allow easier access to the community for public amenities in the vicinity. The landscaping provided by the applicant will be in conformance with an adopted streetscape plan and appropriate for this type of downtown development.

High Quality Design

The mixed-use development will consist of two high-rise residential buildings and one mid-rise residential building located over street level retail space. The parking structure will exist four levels below grade and will also extend three levels above grade between the three residential buildings. A central courtyard is created on the roof of the parking structure providing amenities to the residential uses. The site will include 27,000 square feet of retail space in total. The scale, massing and location of the buildings on the site respond to the unique shape of this site, the site zoning and the urban context. The two towers are placed on the higher density zoning within the block that is bordered by 9th Street and Figueroa Street. The low-rise loft building is located on Flower Street in the R5 zone and responds in scale to the developing residential community of Flower Street. The mass of the project is consistent with surrounding properties and uses, with the site's location in a transitional zone between high-rise office buildings to the north and mid-rise residential buildings to the south. The two high-rise 28-story residential buildings will be located on the northern portion of the site in the C2 zone, which is an appropriate location for a higher intensity use. The mid-rise residential building with loft units will be a less intensive use located in the R5 zone.

While the project is primarily residential, the design recognizes that by providing complimentary facilities to the 629 Joint Live/Work units including shops, restaurants and open space, the quality of life for the residents and the neighbors would be enhanced.

By giving the ground floor to retail, the street and the adjacent shops become public spaces. The glass front is set back from the street, providing overhangs to afford protection from the sun and rain. The ground floors become visually transparent, blurring the lines between indoors and outdoors. In the way of open space, the site provides two open spaces for the residences and the community: a small urban park on Flower Street and a mid-block passage at the south end of the site. The mid-block passage will connect Flower Street to Figueroa Street by way of a public green space. This pedestrian friendly space will include benches and a walking path. The balanced urban environment will be desirable and economically feasible.

The mid-rise building on Flower Street has street level retail and five floors of one and two bedroom condominiums. The facade will be characterized by a strong color and large bay windows, with an architectural design that is appropriate for the

emerging residential properties on Flower Street. The 28-story towers will have a facade constructed of modern materials affording the residences large windows to take advantage of the local and long distant views, and the ground level spaces will be built of traditional materials, which will have the texture and color of the existing historical buildings in the neighborhood.

The towers take advantage of the existing 9th Street offset and are juxtaposed to create an urban scale entry into downtown from the freeway. The signature buildings, which are simple geometric shapes, turn and bend gently as they rise up to respond both to the site and to the market conditions by providing larger floors at the top of the building. The subtle movement at the top and bottom create an open space at the corner and are scaled to create views beyond and to be seen against the backdrop of the city. The ground floor corner is anchored by a retail building, which is properly scaled for the street and serves as an introduction to the great space created between the towers above. The twin high-rise towers and the neighborhood facilities will establish a significant place at a prominent intersection of downtown Los Angeles.

With ground floor retail spaces located in all four buildings, the project is designed to attract pedestrian activity at the street level of Figueroa, 9th Street and Flower Street. Additionally, the project includes a pedestrian walkway, landscaped as an attractive open space, that serves as a mid-block corridor between Figueroa and Flower Streets, encouraging residents and neighbors alike to easily access other public amenities in the community.

The overall design of the project brings significant architectural innovations to the area that serve to enhance the livability of the expanding residential community in the South Park area. As a result, the design of the project will not be materially detrimental to the public welfare.

Sustainability

The design team brought together local, regional, and national expertise to identify and evaluate numerous whole-system sustainability strategies for minimizing the environmental impact of the proposed residential high-rise building. In the context of conditions and issues that are especially relevant to Los Angeles, the team focused on reducing energy consumption, minimizing water and sewer loads, minimizing storm run-off, diverting waste from the landfill, and producing a healthy indoor environment for the tenants. This sustainability strategies for enhancing the project's suitability for the neighborhood will not be materially detrimental to the public welfare or injurious to the property and improvements in the same zone or vicinity.

Density

The South Park area as a whole is a mixed-use community with residential, medical, commercial and retail uses. Other nearby high density projects have

requested and been granted variances to exceed the density limitations without proving materially detrimental to the public welfare or injurious to other property or improvements in the same zone or vicinity. The dual zoned nature of the subject site is unique to developments in the area, and a variance allowing for flexibility in the allocation of floor area and for increased density will not be detrimental to other properties or improvements in the South Park area, but rather should prove complimentary to the development of the high density residential development that is contemplated by the Community Plan.

While the subject development is a new construction project and is not limited by existing conditions, as are existing buildings, the property is located within the same area of downtown Los Angeles which can support high density development. The Downtown Adaptive Reuse Ordinance allows existing buildings to exceed the allowable floor area because the City has determined that high density development is not materially detrimental to this part of the City. Current City code allows greater density for apartment developments as opposed to condominium projects. This distinction fails to address the issue as to whether one type of multi-family development is more detrimental to the public welfare than the other. On the contrary, the development of ownership units should be encouraged for the downtown area for the very reason that homeowners will become stakeholders in the community and invested in the betterment of the neighborhood by having a vested interest in more crime prevention and safety programs for the area. Homeownership brings many benefits to a community, and thus a variance to allow greater density for condominium units will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. Due to the high cost of real estate in suburban areas, the development of condominium units in the downtown area will be more affordable and will assist to raise the number of ownership units. Los Angeles lags behind other cities across the nation in the percentage of homeownership units.

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

The South Park area is a dense urban area rich in public transit, jobs, and cultural and entertainment uses which can accommodate and will demand an increase in residential density. Therefore, the granting of the requested adjustment will result in development compatible and consistent with the surrounding uses and 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.

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

The General Plan will not be adversely affected by the granting of these variances. In fact, this project promotes many of the goals and policies of the General Plan. The following will discuss the project's consistency with various elements of the General Plan, including the Central City Community Plan, Central City Community Plan, the Housing Element and the transportation element.

Central City Community Plan

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

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

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

With the development of 629 Joint Live/Work units in a high density area, the proposed project fulfills the primary residential land use objective of the Community Plan, which designates much of the South Park area as High Density Residential with corresponding residential zoning. The Community Plan's Policy in support of this objective seeks to "maintain zoning standards that clearly promote housing and limit ancillary commercial to that which meets the needs of neighborhood residents or is compatible with residential uses." A program of this policy seeks to "designate the Land Use for South Park for residential in all future redevelopment plans." Another program seeks to implement policies as appropriate that "encourage residential development and promote transit-oriented, mixed-income and mixed-use neighborhoods downtown..." The Plan also seeks to increase the range of housing choices available to Downtown employees and residents. The proposed project offers homeownership opportunities to residents of the area. The proposed project clearly strives to meet the objectives, programs and policies of the Plan by expanding the number of residential units in an area that is already oriented to public transit and mixed-use projects.

The Community Plan also identifies several significant community residential land use issues that are addressed by the proposed project:

- Create a significant increase in housing for all incomes, particularly of middle income households.
- Lack of sufficient housing investment to achieve a "critical mass" in some underserved areas like South Park.
- Lack of neighborhood-oriented businesses to support residential uses.

d) Lack of a strong sense of neighborhood identity.

The project is designed to assist in resolving these many issues. The provision of 629 Joint Live/Work units creates a significant increase in housing for middle income households in the area. Critical mass is achieved in the South Park area by the project's site plan that emphasizes the placement of the two 28-story high-rise towers in a transitional area between high-rise office buildings and mid-rise apartment buildings. The positioning of the two high-rise tower residential buildings on Figueroa and 9th Streets is designed to allow residents and neighbors to use the retail uses on the ground floor that will be provided in both high rise buildings that are easily accessible on major thoroughfares. In addition, the residentially-oriented building on Flower Street will provide ground floor retail that will increase shopping opportunities for the primarily residential area developing on Flower Street. Not only will new residents in the project's 629 units have available to them many retail options on the ground floor of each building, the residential population in the South Park area will have more shopping opportunities within easy walking distance. To make the streets of Figueroa and Flower more accessible to the general neighborhood population, the project proposes a pedestrian walkway, designed as an attractive landscaped open space, to connect both streets mid-block at the southern end of the project site. The site plan of this project is designed to achieve a critical mass of residents who can activate the streets and promote the ground floor retail uses. The retail uses on the ground floor of the four buildings will address the lack of neighborhood-oriented businesses as these retail uses will serve the community as well as residents. The development of a large vacant parcel of land into housing and retail uses will help to establish a neighborhood identity where none exists now.

Redevelopment Plan

Section 105 – Project Objectives

The following City Center Redevelopment Plan land use objectives are consistent with the proposed development:

Objective 6: To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.

Objective 13: To provide high and medium density housing close to employment and available to all ethnic, social and economic groups, and to make an appropriate share of the City's low- and moderate-income housing available to residents of the area.

The important goal of the City Center Redevelopment Plan to provide high and medium density housing close to employment is achieved with the proposed project's provision of 629 Joint Live/Work units in a high density area. The

Redevelopment Plan allows for an increase in floor area on a property pursuant to Section 520. In granting a floor area variation of a maximum of 50,000 square feet for each of the proposed Condominium Projects located at 1111 S. Grand Avenue and 1100 S. Hope Street, the Community Redevelopment Agency noted that permitting a variation will not be contrary to the objectives of the Redevelopment Plan in that the Plan seeks to increase the supply of housing in the Project Area, and is aimed at "creating ownership opportunities in the Project Area." Further, the South Park area is "designated and zoned for high-density residential development," and the area can accommodate the proposed higher densities of the Condominium Projects approved by the Agency because the sites are "in close proximity to public transit and because they are within a jobs-rich area."

The proposed project creates a modern, efficient and balanced urban environment for people by providing residential units in an area that is proximate to many of the City's recreation, sports and entertainment venues. Residents of the project will have easy access to the neighboring Los Angeles Sports and Entertainment District as well as to the Music Center, Disney Hall and other cultural venues located in the Downtown area.

Housing Element

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

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

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

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

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

The proposed project will provide current and future downtown employees with housing at a premium location. The proposed project will add a total of 629 Joint

Live/Work units to the City's downtown housing stock. The project will be part of an emerging pedestrian-oriented district encouraging the use of mass transit. The project will be developed in close proximity to the MTA Blue Line Station at 12th and Flower Streets, the Red Line Station at 7th and Figueroa Streets as well as the DASH and other MTA bus lines. Additionally, the project will essentially be part of the proposed L.A. Live project which will bring new hotels, live theater, night clubs, restaurants, retail, and commercial office space to the South Park community.

In allowing higher density than permitted by Code for the condominium projects located at 1111 S. Grand Avenue and 1100 S. Hope Street, the Community Redevelopment Agency found that permitting a density variation will not be contrary to "the objectives of this Plan or the applicable Community Plan." The Agency found that "this type of high-density live/work residential development is the optimal land use for the site as it is near public transit and it promotes pedestrian activity which will create a safe and vibrant mixed-use community."

Transportation Element

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

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

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

The project proposes a pedestrian-oriented environment by locating high density residential and retail uses in proximity to public transit and the jobs rich environment of Downtown. The project encourages pedestrian activity with its development of a pedestrian walkway mid-block between Figueroa and Flower Streets that will be used by residents and the community alike. With new residents most likely to work downtown and to avail themselves of the recreational and cultural opportunities of the area, the need for automobile transportation is greatly reduced, because residents will either walk or use one of the many forms of public transportation available in the area. In any event, the project provides a significant number of parking spaces, which necessitates a variance to allow for parking and other accessory uses on a more restrictive zone and to allow for parking spaces on a lot other than one with dwelling units.

The Open Space and Recreation Section of Chapter III, Land Use Policies and Programs in the Central City Community Plan states the following:

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

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

The proposed project will provide a significant portion of the required 69,700 square feet of open space. By providing 39,208 square feet of open space in recreational amenities, the project goes a long way in attempting to achieve a requirement that is difficult to fulfill in a dense urban site. This open space includes a fitness center, pool, deck and terracé all located in a central courtyard created by the buildings' massing.

Beyond the amenities for the benefit of the residents' only, the project proposes a landscaped pedestrian crossing and passageway traversing the lot from Flower Street to Figueroa Street that will be open to residents and the community alike. This landscaped corridor fosters a physical and visual link between a variety of public spaces in the downtown area, making it easier for area residents and visitors to enjoy a pedestrian activity in a community that is developing more public parks and plazas. Additionally, the nearby Grand Hope Park and the future Central Plaza of the L.A. Live project will only add to the open space provided as it is a short walk from the project site. The close proximity of an existing public park and future plaza, as well as other parks and public open spaces within reasonable walking distance, are all mitigating factors that provide nearby public open space for future residents. The granting of this variance will not have any adverse effects on any element of the General Plan.

ADJUSTMENT MANDATED FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The R5-zoned portion of this property requires a rear yard of not less than 20-feet, and side yards of not less than 16-feet. The C2-zoned portion of the site requires a rear yard of not less than 20-feet, and side yards of not less than 16-feet. The applicant is requesting to provide zero-foot side yards and rear yards including along the site's internal zone boundary and internal side yards. The applicant states

that strict adherence to the L.A.M.C. requirements for side and rear yards prohibits the creation of an integrated mixed-use development. Strict adherence to the L.A.M.C. would require side yards along the site's internal zone boundary.

The general purpose of the zoning regulations is to provide residential setbacks in areas with similar setbacks and to protect adjacent properties. The location of the subject property in downtown Los Angeles is unique when compared to similarly zoned properties in suburban areas such as the San Fernando Valley. Surrounding properties in this urban area have zero setbacks, which is consistent with the development pattern of most downtown areas. Other buildings in the area, both previously existing and newly approved and proposed, observe zero front, side and rear setbacks. For example, the Metropolitan Lofts and Eleven projects; both currently under construction, were each granted discretionary approval to allow a residential project with no setbacks. Additionally, the project located on the same block at 948-950 S. Figueroa Street (ZA-2004-7070 ZV-YV-ZAA) was recently granted similar adjustments. Therefore, the granting of the adjustment will result in a development that is compatible and consistent with the surrounding uses.

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

The applicant is proposing to construct a mixed-use project with 629 Joint Live/Work units and 25,023 square feet of retail space with adjustments for zero-foot side and rear yard setbacks. The project is consistent with the following objectives of the Central City Community Plan:

Objective 1.1: To promote development of residential units in South Park.

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

The project is compatible with the Community Plan objectives listed above. As evidenced in other mixed-use projects approved for similar adjustments, the City has made it clear that in order to provide needed jobs and housing in the South Park area of Downtown, housing and commercial uses are more important than requiring setbacks which are incompatible with surrounding development.

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

Objective 2.1: Promote housing strategies which enhance neighborhood safety and sustainability and provide for adequate population, development, and infrastructure and service capabilities within the City and each Community Plan area, or other pertinent service area.

Objective 2.3: Encourage the localizing of housing, jobs, and services in mutual

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

The site is comprised of 11 lots zoned [Q]R5-4D and C2-4D. The L.A.M.C. requires yards on both sides of the zone boundary. Complying with this requirement would require building breaks which would affect the building massing, function, and density of the project. The project achieves the L.A.M.C.'s intent of creating buffers between adjacent sites while providing much needed housing in the Downtown. The dual zoning of the site makes strict adherence to the zoning regulations impractical.

SITE PLAN REVIEW FINDINGS

Pursuant to L.A.M.C. Section 16.05, I have reviewed the subject development project and make the following Site Plan Review findings based on the information contained in the application, reports received from other departments, supplemental written documents submitted and review of environmental impacts associated with the project.

11. The subject development project complies with all applicable provisions of the Los Angeles Municipal Code and with any applicable Specific Plan.

The proposed project is a mixed-use building comprised of 25,023 square feet of ground floor retail and 629 Joint Live/Work condominium units totaling 755,724 square feet. The D limitation on the site (Ordinance No. 164,307) limit the maximum floor area to a FAR of 6 to 1 for the entire site. The proposed development is not allowable under the current adopted zone. However, with approval of the requested entitlements filed under ZA-2005-1673-ZV-ZAA-SPR, VTT-62367, and the variation for an additional 145,186 square feet of floor area from the Community Redevelopment Agency, the project will be in compliance with all of the applicable provisions of the L.A.M.C..

The property is not located within a specific plan area.

12. The subject development project is consistent with the adopted General Plan.

The adopted Central City Community Plan designates the subject property for Regional Center Commercial with the corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, RAS4 and High Density Residential land use with the corresponding zone R5. The property contains approximately 2.2 net acres after required dedication and is presently zoned C2-4D and [Q]R5-4D. The proposed development of 629 Joint Live/Work condominium units and 25,023 square feet of retail space is not allowable under the current adopted land use designation. However, with approval of the requested entitlements filed under ZA-2005-1673-ZV-ZAA-SPR, VTT-62367, and the variation for an additional 145,186 square feet of floor area granted by the Community Redevelopment Agency, the proposed project is considered consistent with the General Plan.

proximity. Accommodate a diversity of uses that support the needs of the City's existing and future residents.

The objectives from the Housing Element stated above, can be met by reducing the yard setback requirements which will make the project feasible and consistent with surrounding developments.

Finally, the Transportation Element of the General Plan encourages the location of higher density housing near transit portals. This project is less than three blocks away from the MTA 12th and Flower Street Station, a major transit portal for the Metro Blue Line. The project is consistent with the Central City Community Plan and the Housing Element of the City of Los Angeles. Therefore, the granting of the adjustments will be in conformance with the intent and purpose of the General Plan.

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

The proposed site plan is consistent with the intent of the Zoning Code, in that it adheres to all of the required yards along its external property boundaries. It is only along the site's internal zone boundary where the project is out of compliance with the L.A.M.C. requirements. The zoning regulations require setbacks from respective property lines in order to provide for buffering distance and compatibility between respective uses as well as to ensure access in the event of an emergency. However, the regulations are written on a citywide basis and do not take into account the unique characteristics of the downtown area, which typically has a high density of buildings with zero yard setbacks. In addition, the subject property encompasses 2.2 net acres of land and requires that special considerations be granted to allow for a unified development.

The Zoning Code permits adjustments from the Code when special circumstances exist, provided that the development does not result in any adverse impacts. As demonstrated in the previous findings, the proposed building will be compatible with adjacent uses and also consistent with surrounding development and does not result in any adverse impacts.

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

A Mitigated Negative Declaration (ENV-2005-1674-MND) was prepared for the proposed project. The granting of the adjustments to reduce the yard setbacks will not result in adverse impacts to the surrounding properties or to the subject property as they relate to yards internal to the project. The project as designed will be consistent with the surrounding development, both existing and proposed, and will result in an aesthetic improvement from the current surface parking lot located at the site. All of the project's environmental impacts will be mitigated to a less than significant level.

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—
ASSOCIATE ZONING ADMINISTRATORS
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November 22, 2005

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Portland, OR 97209

Angle Adame (R)
Craig Lawson & Co., LLC
8758 Venice Boulevard, #200
Los Angeles, CA 90034

Department of Building and Safety

CASE NO. ZA-2005-1667 (ZV)(CU)(YV)
(ZAA)(SPR)
ZONE VARIANCE, CONDITIONAL USE,
YARD VARIANCE, ZONING
ADMINISTRATOR ADJUSTMENT AND
SITE PLAN REVIEW
Site Address: 1155 South Grand Avenue
Related Case: VTT-62799
Central City Planning Area
Zone : [Q]R5-4D-O
D. M. : 126A207
C. D. : 9
CEQA : ENV-2005-1812-MND
Fish and Game: Exempt
Legal Description: Lots A, B, 18, 19, 20 and
Southerly 10 feet of Lot 17, Block 79 of
Ords Survey, Tract Campbell

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

a Zone Variance from Sections 12.21-A 5 (c), 12.21-A 5 (a) (1), and 12.21-A 5 (a) (1) (ii) permitting 26 Joint Live Work condominium units of the total proposed 311 Joint Live Work units to have a minimum of 1 compact parking space per unit in lieu of the 1 standard parking space per unit required, a reduction of the standard parking stall width to 8'-3" only at the portion where the structural columns are located as shown on the attached drawings in lieu of the required 9'-0" stall width and the 10-inch clear space required on the side of an obstruction.

a Zone Variance from Sections 12.11-C 1, 12.11-C 2, 12.11-C 3, 12.11-C 4, 12.30 and 12.37 to permit the calculation for the Buildable Area of the lots to include the



areas of the proposed street and alley dedications, the required yard setback areas and the area of the portion of the alley to be vacated in lieu of the deduction of these areas from the Buildable Area of the lots;

a Zone Variance Section 12.21-G 2 to deviate from the Open Space requirements to reduce the required Open Space to 23,874 square feet in lieu of the 36,275 square feet of Open Space required and to allow 4,353 square feet of Private Open Space and 1,781 square feet of Common Open Space in the required side yard;

a Zone Variance from [Q] Condition 6 and 6A and the D Limitations of Ordinance 184,307 to permit the Associate Zoning Administrator to act for the City Planning Commission in allowing an FAR in excess of 2 to 1 for commercial uses on the site and to allow commercial and residential uses in excess of 6 to 1 FAR (such approval is in recognition of the action taken by the Community Redevelopment Agency [CRA] Board of Commissioners on July 21, 2005, pursuant to Sections 512.4, 512.6 and 520 of the City Center Redevelopment Plan, to approve a Density Variation of 49,999 square feet of additional floor area and a transfer of floor area by variation of 34,496 square feet from 1130 South Hope Street, subject to the acquisition by the City of Los Angeles through eminent domain for the proposed mixed-use project located at 1155 South Grand Avenue);

a Zone Variance from Section 12.21-A 6 (d) & (e) to permit no wall enclosure in lieu of the required wall enclosing the parking area located on Parcel A-2; and

a Zone Variance from Section 12.21-C 1 (g) to allow more than 50% of the required front yard to be designated as a driveway on Parcel A-2.

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

a Zoning Administrator Adjustment from Sections 12.11-C 1, 12.11-C 2, and 12.11-C 3 to reduce the front yard setback requirement to 0 feet in lieu of the 15-foot front yard required, to reduce the side yard setback requirement to 0 feet for all the floors in lieu of the 16-foot side yards required, and to reduce the rear yard setback requirement to 0 feet in lieu of the 20-foot rear yard required; respectively;

Pursuant to Los Angeles Municipal Section 12.24-W, I hereby **APPROVE**:

Conditional Use pursuant to Section 12.24-W 19 which allows FAR (floor area ratio) averaging of 46,734 square feet of floor area from Parcel A-2 (1136 South Hope Street) and 34,496 square feet of floor area from Gladstone Hollar lot (1130 South Hope Street) to be averaged onto Lot 114 (1155 South Grand Avenue) in a Unified Development. [On July 21, 2005, the CRA Board of Commissioners approved a

Density Variation of 49,999 square feet of additional floor area and a transfer of floor area by variation of 34,496 square feet from the Gladstone Hollar parcel.]

Conditional Use pursuant to Section 12.24-W 37 to allow a parking use in the R5 Zone.

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

a Site Plan Review permitting the construction, use and maintenance of 311 joint living and work units with 427 on-site parking spaces in the [Q]R5-4D-O Zone, upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. Prior to the issuance of the Certificate of Occupancy, final clearance shall be obtained from the Community Redevelopment Agency with regards to the land acquisition of 1130 S. Hope Street (Gladstone-Hollar parcel) and transfer of floor area by variation of 34,496 square feet.
6. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.

seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

NOTICE

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

FINDINGS OF FACT

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

BACKGROUND

The proposed project is a new construction 24-story, mixed-use high-rise building comprised of 311 joint live/work condominium units and 2 commercial condominium units with 427 on-site parking spaces totaling 7,294 square feet ground floor retail/restaurant uses on the northwest corner of Grand Avenue and 12th Street in Downtown Los Angeles. The project totals 464,626 square feet of floor area and 263 feet in height.

The subject Zoning Administrator entitlement is an incidental case to Vesting Tentative Tract No. 62799. At the public hearing on September 8, 2005, the City Planning Commission approved the appeal of the Vesting Tentative Tract to permit the merger and re-subdivision of the subject property into two lots for 311 joint live/work condominium units and 2 commercial condominium units with a parking ratio of 1.37 parking spaces per joint live/work unit.

The subject site consists of three level, rectangular-shaped lots totaling 62,755 net square feet (1.44 net acres) in the [Q]R5-4D-O Zone and designated as High Density Residential land use in the Central City Community Plan area.

The Applicant proposes to construct a new mixed-use high-rise building with a total of 311 Joint Live Work condominium units and 2 commercial condominium units at 1155 S. Grand Avenue in downtown Los Angeles. The proposed development will have a floor area of 464,626 square feet (with the approvals of the discretionary requests) and will be constructed on Lot 114 which is located at the northwest corner of Grand Avenue and 12th Street and is comprised of Lots A, B, 18 through 21, and 10 feet of Lot 17.

A Conditional Use (per LAMC 12.24 W 19) allows the averaging of floor area ratios among the properties which are part of a unified development. The Unified Development (subject site) consists of the following lots:

- "Lot 114" located at 1155 S. Grand Avenue (APN: 5139-021-018) has a lot area of 54,966 square feet;
- "Parcel A-2" located at 1136 S. Hope Street (APN: 5139-021-003) has a lot area of 7,789 square feet; and
- "Gladstone Hollar" located at 1130 S. Hope Street (APN: 5139-021-004) has a lot area of 7,820 square feet.

Through the Unified Development, the floor area from Parcel A-2 and the Gladstone Hollar lot will be averaged onto Lot 114. On July 21, 2005, the Community Redevelopment Agency [CRA] Board of Commissioners, pursuant to Sections 512.4, 512.6 and 520 of the City Center Redevelopment Plan, approved a Density Variation of 49,999 square feet of additional floor area and a transfer of floor area by variation of 34,496 square feet from 1130 South Hope Street, subject to the acquisition by the City of Los Angeles through eminent domain for the proposed mixed-use project located at 1155 South Grand Avenue.

The Gladstone Hollar lot is proposed to be a public park. The CRA has granted a 34,496 square foot transfer of floor area by variation from the Gladstone Hollar lot to the Lot 114 site.

The proposed 24-story mixed-use building with Joint Live Work condominium units and retail uses will be located on Lot 114. The first 4 to 5 floors of the 24-story building are housed in a rectangular shaped volume. The remaining floors, from the 6th floor to the 24th floor, are located in the tower portion of the building. Additionally, there is a 2-story building located at the northern property line which will house 3 of the Joint Live Work Units and will have front door access to the Open Space/Park area. The Open Space/Park area is located at grade between the 24-story building and the 2-story building and has frontage on Grand Avenue and the alley. This area is to be open to the public during daytime hours and is to be secured at night with gates, and is to remain as private property.

Parcel A-2 will be the vehicular access driveway from Hope Street through the public alley and into Lot 114's primary parking entrance near the northwest corner of the 24-story

building which provides access to the 3 subterranean levels of parking. The secondary driveway, providing access only to the parking spaces on the ground floor area, is located near the southeast portion of the building. A total of 2 guest parking spaces for the proposed development are proposed to be located adjacent to the public alley to the west of the 2-story Joint Live Work building at the northern end of the site. Additionally, 2 guest parking spaces will be provided on the Lot 114 site for the Phase I site (1111 S. Grand Avenue) and 2 guest parking spaces are to be provided for the Phase II site (1100 S. Hope Street).

The project site is located within the densely developed urban area of the South Park District of Downtown Los Angeles. The site is also located within the CRA's Center City Redevelopment Project area and located several blocks east of the Staples Center Sports and Entertainment District. The South Park District is experiencing a transitional period where many of the lots with are either under construction or proposed for high-density residential lots.

The subject site of Lot 114 and Parcel A-2 are currently both improved with surface parking lots and are separated by an alley running generally north-south. Properties surrounding the subject property are zoned [Q]R5-4D-O, designated as High Density Residential land use and developed with either being developed with similar condominium high-rise buildings, light industrial uses, vacant buildings, older commercial buildings, or surface parking lots or structures. This 24-story condominium project is being pursued as Phase 3 of the "South" projects, which consists of two high-rise condominium towers immediately abutting the subject property to the north.

The properties to the west, across the alley, are zoned [Q] R5-4D-O and developed as 1-story commercial buildings. To the northwest, at the southeast corner of 11th Street and Hope Street, is the Phase II site (1100 S. Hope Street) that is proposed to be a 19-story building with 236 Joint Live Work Units and 7,394 square feet of retail/commercial uses. The building is currently under construction and is known as the "Luma" building. The property immediately north of Lot 114, 1111 S. Grand Avenue, is zoned [Q] R5-4D-O and is currently being developed as the "Eleven" project as a 13-story building with 176 residential condominium units and 5,245 square feet of retail/commercial uses. The property to the east across Grand Avenue is zoned [Q] R5-4D-O and is developed as a surface parking lot. The property to the south across 12th Street is developed as a 3-story commercial building.

The applicant has provided the following information:

AREA & FLOOR AREA CALCULATIONS	
Lot Area Before Dedications (Lot 114, Parcel A-2)	54,966.12 s.f.
Parcel A-2	7,789 s.f.
Portion of Alley to be Vacated	600 s.f.
Total	63,355.12 s.f.
FAR: 6 to 1	380,131 s.f.
	(63,355 s.f. x 6 FAR)
Floor Area from Gladstone Hollar Lot (Through Transfer of Floor Area by Variation)	34,496 s.f.
Maximum Allowable Floor Area (if CUP is Approved)	414,627 s.f.
49,999 Square Foot (CRA Density Variation)	49,999 s.f.
Final Total Proposed Floor Area	464,626 s.f.

RESIDENTIAL DENSITY CALCULATION	
Lot Area (Lot 114 and Parcel A-2 Street Dedications Removed)	58,617 s.f.
Area of 1/2 the Alley Adjacent to Lot 114 and Parcel A-2	4,056 s.f.
Allowable Residential Density at R5 Standard	313 Units
	(62,673 s.f. / 200 s.f. per unit)
Proposed Residential Density	311 Units

ZONE VARIANCE FINDINGS

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

1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

Compact Spaces and Reduced Parking Stall Width

The strict application of the provisions of the zoning ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purpose of the zoning regulations. The Applicant requests relief from the Zoning Code regulation that requires a minimum of 1 standard parking space for each residential unit. The Applicant proposes a total of 26 units to have a minimum of 1 compact parking space and 285 units with at least 1 standard parking space per unit.

The Applicant requests relief from this requirement because of the relatively small urban site and because the Applicant proposes to provide the required drive aisle widths and turning radii and associated clear dimensions which greatly reduces the remaining area that accommodates the parking stalls. The Applicant is proposing a total of 3 subterranean parking levels and one parking level on the ground level within the building footprint. The footprint of the 3 subterranean levels extends over the entire Lot 114 site. Nonetheless, the 3 levels of parking along with the smaller parking area on the ground level are not large enough to accommodate both the very large drive aisle widths and turning radii and associated clear dimension as well as the required number of standard parking stalls. Since the size of the parking spaces provided, whether standard or compact, does not negatively affect the future residents, the Applicant is providing the required drive aisles and turning radii and requests relief from the required minimum of 1 standard parking space per unit.

The zoning regulations require the size of parking stalls to have a 9'-0" width for 25'-4" wide drive aisles for both single and double loaded two-way parking configurations. The Code also requires an additional 10-inch clear space at obstructions such as columns. The Applicant proposes to provide 8'-3" wide stalls adjacent to all columns as shown on the parking plans (see attached Exhibits A through C). The proposed project's parking floors typically locates two and three parking spaces between the columns, so that each space adjacent to a column only has the condition on one side.

The request for a reduction in the width of parking spaces adjacent to columns and the elimination of the 10-inch clear space adjacent to obstructions is necessitated due to the area lost to the street dedications which will reduce the Lot 114 of area by 7'-0" on Grand Avenue and by 2'-0" on 12th Street and a small portion of the alley to be dedicated (10 feet by 128.6 feet). The area lost due to the street and alley dedications for Lot 114 is approximately 3,889 square feet, resulting in a narrower site footprint. The underground parking extends over the entire Lot 114 site and does not encroach in the street and alley dedication areas, except for the encroachment underneath the corner cut dedication area.

The strict application of the Code would require larger parking stalls adjacent to all columns with the required 10-inch clear space at all columns which would mean the loss of standard parking spaces and the increase of compact spaces.

The intent of the Zoning Code is to provide adequate space for cars to park and maneuver within a parking area and for people to enter and exit safely from their vehicles. The applicant has provided a diagram of the proposed drive aisle widths and parking stall width at the column bays as well as photos of a Portland, Oregon

project with an enclosed parking area constructed according the smaller parking stall dimensions with no 10 inch clearance at columns.

Buildable Area

The Applicant requests relief from the regulations that deduct alley vacation areas, street and alley dedication areas and required yard setback areas from buildable area when calculating floor area for the Joint Live Work condominium project.

The Applicant is willing to provide the required street dedications, but when computing buildable area, the Applicant desires to include the proposed 600 square foot portion of the alley to be vacated as shown on Vesting Tentative Tract Map No. 62799 in the calculation of floor area in order to develop a project of this architectural design and quality of construction. Inclusion of the 600 square-foot portion of the alley to be dedicated as part of the Buildable Area would allow an additional floor area of 3,600 square feet to be developed on the subject site. When the Final Tract Map is recorded, the vacation of the 600 square feet will be finalized and will be allowed to be used to calculate floor area as it will become part of the site. However, since the Applicant will submit building plans to the Department of Building and Safety to permit the construction of "apartments" prior to the recording of the Final Map, as it takes time to clear the Tract Map conditions and to process the paperwork with the Department of Real Estate, the Applicant requests that this area be allowed to be included in the Buildable Area. The Applicant cannot sell the residential condominium units until the Final Map is recorded which ensures that the Applicant will carry out the necessary work to record the Final Map.

The Applicant also requests that the street and alley dedication areas be included in the Buildable Area in the floor area calculation. The proposed project has a 7-foot dedication on Grand Avenue, a 2-foot street dedication on 12th Street (3,889 square feet), and a 10 foot by 128.6 foot alley dedication. Parcel A-2 has a 5-foot street dedication (approximately 250 square feet). If the street dedications were not removed from the buildable area, then the allowable floor area for the Project would increase by 24,834 square feet (4,139 square feet x 6 FAR).

The strict application of the provisions of the zoning ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purpose of the zoning regulations. Since the Applicant is requesting zero yard setbacks on the front, side and rear yards to build the 24-story tower, the Applicant is also requesting that the required yard setback areas be used in the calculation of buildable area. The total yard setbacks for Lot 114 and Parcel A-2, which are normally deducted from the buildable area figure when calculating floor area, are

10,167 square feet which would increase the base allowable floor area by 61,002 square feet (10,167 square feet x 6 FAR). Strict application of the Code would limit the base allowable floor area allowed and would result in either much smaller units or fewer total units, making the project infeasible to build.

The Project site, located in the South Park area of Downtown Los Angeles, is zoned [Q]R5-4D-O. The underlying zoning, R5-4, permits a floor area ratio (FAR) of 13:1. However, Ordinance 164,307, which imposed Development "D" Limitations on this site as well as others in the surrounding area, limited the FAR contained in all buildings on a lot to a maximum of six times the buildable area of a lot, or a 6:1 FAR. As a result, the "D" Limitation reduced the site's permitted FAR from what is allowed by its underlying zoning, which today, contradicts the goals of the Community Redevelopment Agency for the project area. According to Section 508.3 of the Redevelopment Plan, one of the major goals for the South Park area is to achieve a mixed-use live/work community. The proposed project is precisely the type of project the Community Redevelopment Agency hopes to realize in this area.

Strict application of the zoning ordinance would not permit the project to be developed as it would be financially infeasible for the Applicant. Furthermore, if the Applicant is not allowed to build the development in its current form, it would cause an unnecessary hardship on the community as it would delay or unduly restrict construction of the mixed-use development, with 311 Joint Live Work condominium units and 7,294 square feet of neighborhood retail/commercial uses.

The intent of the [Q] Condition (Ordinance 164,307) is to encourage residential mixed-use development in the South Park area. The intent of this [Q] Condition was to primarily encourage residential uses and to allow traditional commercial uses up to a 2 to 1 FAR. Strict application of the Code would constrain the total floor area the owner would be able to develop, both making it financially infeasible to build the project, and withholding 311 potential housing units from the South Park community. The permitted 6:1 FAR is not sufficient to allow the proposed 311 Joint Live Work condominium units and the 7,294 square foot retail/commercial uses. Denial of the request to use the proposed street and alley dedication areas and the yard setbacks to be added to the buildable area to calculate the allowable building floor area would deny the South Park community a significant number of critically needed home ownership opportunities.

Open Space

Strict application of the zoning ordinance requires the Applicant to provide a total of 36,275 square feet of Open Space and does not allow any of the Common or

Private Open Space to be located within side yards. The Applicant is proposing to provide a total of 23,874 square feet, a 35% decrease. Of the total Open Space proposed, 4,353 square feet of Private Open Space and 1,781 square feet of the Common Open Space are to be located within the required side yards.

The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations as it is a citywide standard that is suitable for large parcels of land in low density suburban areas, but not on dense urban sites. The Open Space regulations support the suburban model of development and is counterproductive to "smart growth" development which tend to be dense mixed-use developments near public transit in more urbanized areas.

The Lot 114 site has an area, after street dedications are removed, of approximately 51,077 square feet and the Open Space requirement is a total of 36,275 square feet which is 71% of the site area. The requirement of such a large amount of Open Space is physically impossible on this particular lot because of lot size. Further, the limitation of Open Space which prohibits Open Space to be located in front and side yards also favors the suburban model which takes life away from the street and places it in "private" rear yards.

A densely developed downtown area requires the creative use of space which means that front and in this case, side yards are appropriate places to locate Open Space. The location of Open Space in the side yards is appropriate because the Open Space/Park area should not be setback from the side yard which fronts on Grand Ave. This type of space is extremely valuable in this part of town and every square foot must be used which includes the side yard. The Open Space on balconies and on the 6th floor deck will not negatively affect neighboring sites as they front on the streets and alley which provide a buffer to nearby developments. Allowing Open Space to be located in the required side yards will activate the streets and will make the neighborhood safer because of the increased pedestrian activity.

A reduction in the Open Space provided and the location of the Open Space in required side yards is necessary and appropriate in this part of the City as downtown residents choose to live in the city center because of its high density and proximity to cultural and entertainment options. By allowing for creative open space solutions and an overall reduction in open space the development will be providing a unique housing choice for residents of the City.

Q Conditions and D Limitations

The "D" Limitation, part of Ordinance 164,307 (Subarea 2925), limits the maximum floor area for this site to a 6 to 1 FAR and provides various mechanisms to increase the FAR including a Density Variation of 50,000 square feet or less from the CRA. The applicant obtained an approval for a 49,999 square foot Density Variation from the CRA as part of the discretionary approval requests for the subject site. The [Q] Condition allows C4 uses but limits this use to a 2 to 1 FAR.

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

The Applicant is proposing a 24-story mixed-use development with 311 Joint Live Work condominium units and 2 commercial condominium units. The proposed total floor area is 464,626 square feet. In addition to the Variances, Adjustments and Conditional Uses requested, the Applicant is requesting a 49,999 square foot Density Variation which will add to the allowable floor area of the project site above the maximum 6 to 1 FAR allowed. The "D" Limitation (Ordinance 164,307) lists the CRA Density Variation as an exception that allows a property with this "D" Limitation to exceed the 6 to 1 FAR. The additional floor area is needed to provide the 311 units allowed by right on the project site.

No Wall Enclosure

The Applicant requests relief from the regulation that requires the construction of a wall enclosing the parking area of a public or private parking area for Parcel A-2 as the site conditions do not necessitate a wall enclosure.

Lot 114, Parcel A-2 and Gladstone-Hollar are part of a Unified Development including a 25-story building with 311 Joint Live Work Condominiums and 2 ground level retail spaces. The proposed development is to be built on Lot 114, which is located at the northwest corner of 12th Street and Grand Avenue. Parcel A-2 is located to the northwest of Lot 114 across the public alley. Parcel A-2 has street frontage on Hope Street and is proposed to be used as the main vehicular entrance for the subterranean parking and parking on the ground level with the main building on Lot 114. Parcel A-2 will also have a total of 4 parallel parking spaces located

along the northern property line. The Parcel A-2 driveway is proposed to be the main vehicular entry for the Phase I (The "Eleven" building) and Phase II (the "Luma" building) projects as well. Additionally, vehicles will have access to the parking areas from the public alley at 12th Street.

Strict application of the regulation to provide a wall when applied to this driveway and parking area would result in an unnecessary and superfluous enclosure with little to no benefit and would not further the intent of zoning regulations. Not granting the variance would diminish the applicant's ability to provide a well designed, safe, main access way and to optimally use the subject site for its intended purpose.

To the north of Parcel A-2 is an abandoned 2-story residential building (Gladstone-Hollar lot) and to the south is a one-story commercial building. The two adjacent buildings provide an enclosure at the north and south sides of Parcel A-2 eliminating the need for a wall to enclose the parking area on these sides. The west side of the driveway is the proposed main entryway and to the east is an alley. The Applicant proposes that the Parcel A-2 parking and driveway areas be completely open and without any type of enclosing wall or fence. A wall or gate at the westerly property line fronting Hope Street would not allow an adequate reservoir for vehicles to stack while they are entering the driveway. Typically, LADOT requests an approximately 30-foot reservoir for cars to stack at vehicular entry gates. The Parcel A-2 site has an approximate 156 feet depth from the front property line to the rear property line. By not placing a gate at the driveway, vehicles can easily enter and exit quickly without having to wait for an automatic gate to open.

The Applicant wants to keep the Parcel A-2 driveway and parking spaces open and easily accessible by the project's residents so that accessing a vehicle on foot can occur quickly. Of the 4 proposed parking spaces on Parcel A-2, 3 are to be designated as short-term parking and 1 of the spaces is to be designated for a Flexcar to be shared by the project's residents (see Finding #1, Attachment "K"). Since 3 of the parking spaces are short-term parking for residents to drop someone or something off, the quick turnover rate of vehicles will provide the type of foot traffic necessary to make the space safe. The Applicant also does not want to provide a wall at the side property lines (north and south property lines).

A wall at the front (west side) of the site is not gratuitous as it does not serve for security purposes. It actually would hinder safety precautions as it would create an opaque barrier for someone to hide behind. Allowing the Applicant not to provide the wall enclosure around the subject site will allow the project to maintain a visually open and safe transition from the public space to the project site. If the applicant were required to provide the required wall at Hope Street, the small dark niche

behind the wall could have the potential to become an area vandalized with graffiti or a homeless enclave. A wall on the side property line would also hold no benefit as the existing building surrounding Parcel A-2 will serve as barriers. In addition, landscaping is proposed to soften the transition buffer between the parking spaces and the sidewalk.

Driveway in Front Yard

The Applicant requests relief from the regulation that requires that not more than 50% of the required front yard be designed, improved or used for an access driveway.

Lot 114, Parcel A-2, and Phase I (as shown on Exhibit A and B) are part of a "Unified Development" as per a Conditional Use request as part of this project application. The proposed mixed-use development with 311 Joint Live Work condominiums and 2 commercial condominiums is to be built on Lot 114, which is located at the northwest corner of Grande Avenue and 12th Street. The Lot 114 site is immediately south of the Phase I site. The "Unified Development" also includes Phase I, located at 1111 S. Grand Avenue.

Parcel A-2 (APN: 5139-021-003), which is also part of the "Unified Development", has a lot area of approximately 7,789 square feet, and approximately 50 feet of street frontage on Hope Street. The driveway entrance off of Hope Street onto Parcel A-2, which will be used by the proposed mixed-use building on Lot 114 (subject site), the "Eleven" building located at 1111 S. Grand Avenue (currently under construction), and the "Luma" building located at 1100 S. Hope Street (soon to start construction), is located roughly mid-block between 11th Street and 12th Street.

Parcel A-2 is proposed to serve as the main entry driveway for the Lot 114 development and also serve the Phase I and Phase II site parking garage which has an entry at the alley. This 50-foot wide lot that fronts on Hope Street is currently designed with an approximately 40-foot, two-way access driveway and a 10-foot wide parking area for four automobiles. The outgoing portion of the driveway has a right turn lane and a left turn lane as Hope Street is a two-way street.

Residents will be able to access the primary driveway from Hope Street, traverse the Parcel A-2 site and then cross over the public alley before entering the Lot 114 parking area. The subject site, Parcel A-2, is separate from the Lot 114 site by a 20-foot public alley which is proposed to be a secondary entrance to the proposed project on the Lot 114 site. While it is critical to maintain the public alley as a secondary entry point into the proposed project, it is also eminent to provide a

wider, more easily accessible primary entrance/exit for the project. Providing only one 20-foot wide entry into the project would likely cause enormous amounts of traffic congestion at the 12th street entrance and around the project in general. The 40-foot driveway on Parcel A-2, roughly mid-block between 11th Street and 12th Street is a good location for the main access as it will minimize any kind of conflict with the intersections.

Strict application of the regulation to limit the width of a driveway to 50% of the front yard would not allow enough space to provide the left turn lane which would cause traffic congestion of vehicles leaving one of the three properties. Not granting the variance would diminish the Applicant's ability to provide a well planned circulation path that moves vehicles through in an efficient and safe manner.

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

The three requests to allow less than the required 1 standard parking space per unit, the request to allow standard spaces to be 8'-3" wide only where they are adjacent to columns, and the request to eliminate the 10-inch clearance required at obstructions is due to the special circumstance of the lot size constraints in a dense urban area. Downtown Los Angeles is known as a high-density urban area with many high-rise buildings. Due to the rising cost of land values in the South Park area the lot area of property in downtown is relatively small in comparison with property in suburban and outlying areas. The parking lot standards were adopted in 1972 and are now 33 years old and in great need of updating. The Citywide parking lot design regulations are the same for suburban areas of Los Angeles such as the Sunland-Tujunga area which has a rural nature as it is for the South Park area of Downtown.

Compact Spaces and Reduced Parking Stall Width

The parking lot design standards in the Zoning Code in addition to those requirements found only in Information Bulletin's, policy papers on the Los Angeles Department of Building and Safety's website, are numerous and difficult to comply with on smaller urban properties. Because of the relatively small site area of 51,077 square feet after street dedications are removed, the large drive aisles and turning radii and associated clear dimensions take up most of the area of each parking level, leaving a small amount of space for the parking stalls. Therefore, a total of 26 units, only 8.4% of the total units proposed, cannot meet the 1 standard parking space per unit required.

The special circumstance that applies to the parking lot design Variances is the small size of the site and the provision of workforce units which are smaller units and have an 18'-0" and 27'-0" column bay dimensions. The reduction of the standard parking stall width to 8'-3" and the elimination of the 10-inch clearance at obstructions are conditions that proposed adjacent to structural columns. The relatively small size of the site coupled with the provision of smaller workforce units, limit the size between the columns and require the reduced stall width and the elimination of the 10-inch clearance.

Approval of these requests will allow the construction of a much needed mixed-use project including 311 for-sale Joint Live Work condominiums and neighborhood serving retail in the South Park area. Providing another level of parking to provide the required number of standard spaces and clear dimensions at obstructions would be economically unfeasible and would jeopardize the production of these residential units.

Buildable Area

The site is located in the South Park area, which the Community Plan has designated as an area where it hopes to achieve increased residential development. The site is located approximately 2 1/2 blocks away from the Blue Line Metro Rail Station at 12th Street and Flower Street. The close proximity to the rail station, to a number of bus lines (approximately 40 bus lines) and to the other neighborhoods in downtown Los Angeles, make the site a prime location to allow the subject request, permitting that lot area which will be lost due to street and alley dedications and yard setbacks to be included in the buildable area of the lot. Approval of this request will increase the total base floor area permitted for the site and therefore, will increase the development of a much needed mixed-use project including 311 for-sale Joint Live Work condominiums and neighborhood serving retail in the South Park area.

Open Space

The special circumstances applicable to the subject property that do not apply generally to other property in the same zone and vicinity, is the proposed Open Space/Park area at the ground level. Instead of placing the Open Space/Park at grade and allowing the general public to use the space during the day, as currently proposed, the Applicant could have designed the building to completely privatize all of Open Space and locate it on a roof deck. But the Applicant wants to provide this space for public use during daytime hours in order to create a neighborhood.

building, makes the site's use as an access driveway and a parking area with 4 parking spaces, to be used by the Lot 114 residents, one of the only viable uses for this lot. The narrow lot dimensions of Parcel A-2 preclude it from being developed as part of the mixed-use building or with any other use that would compliment the proposed project or surrounding community more than a safe and inviting entry point of a well-designed mixed use project. The small A-2 lot leg of the Unified Development is a great location for an entry driveway with parking spaces, as Hope Street is a two-way street and is not as busy of a street as Grand Avenue which feeds into the 10 Freeway onramps.

The Applicant, Lot 114 Investors, is an entity which is part of the South Group the same developer of the "Eleven" building (Phase I) and the "Luma" building (Phase II), who is working toward creating a 24-hour, safe and welcoming neighborhood and a community downtown. By providing the shared use of the access driveway, which is to be used by the three developments (Lot 114, the "Eleven" building Phase I, and the "Luma" building Phase II), a wide, well designed entry can be used as a main entry point. Additionally, vehicular access to the Lot 114 site will be from the public alley which is accessed on 12th Street. The "Eleven" building (Phase I) and the "Luma" building (Phase II) will also have vehicular access from a driveway on 11th Street.

Therefore, the shape of the site, the use of the site and the site's relationship to the two nearby buildings (the "Eleven" building under construction and the "Luma" building soon to be under construction) is the special circumstance that does not apply generally to other property in the same zone and vicinity.

Driveway in Front Yard

The site is located in the South Park area, which the Community Plan has designated as an area where it hopes to achieve increased residential development and precisely the type of development the Applicant is proposing in this area. The irregular shape of the "Unified Development" project area creates a special circumstance applicable to the subject property that does not apply general to other property in the same zone and vicinity. Generally the lots in the South Park area are large, regularly shaped parcels. However, the subject site is a T-shape site. Most of the "Unified Development" is bounded by 12th Street, 14th Street, Grand Avenue, and the north/south public alley. The bottom portion of the T-shape is Parcel A-2 which has 50-feet of street frontage along Hope Street and is separated from the rest of the "Unified Development" by the north/south public alley. This parcel is currently a barren surface parking lot, similar to stark, surface lots in the surrounding area. This 50-foot wide lot creates an optimal parcel to provide a primary access driveway to the proposed project. By designating Parcel A-2 as a

In addition to the Open Space/Park proposed on-site, there are nearby public parks such as the Grand Hope Park, located on Hope Street between 9th Street and Olympic Boulevard, approximately 3 1/2 blocks away. The short walking distance to the Grand Hope Park makes the park easily accessible to the project's residents. Other nearby public open spaces include, Pershing Square (located at Olive Street and 6th Street) and Exposition Park (located at Figueroa Street and Exposition Blvd.).

Q Conditions and D Limitations

The site is located in the South Park area, which the Community Plan has been designated as an area where it hopes to achieve increased residential development. The site is located approximately 2 1/2 blocks away from the Blue Line Metro Rail Station at 12th Street and Flower Street. The close proximity to the rail station, to a number of bus lines (approximately 40 bus lines) and to the other neighborhoods in downtown Los Angeles, make the site a prime location to allow additional FAR above the maximum 6 to 1 allowed.

The special circumstance is the small size of the Unified Development (63,355 square feet after street dedications) which will allow a total of 414,627 square feet without going over the 6 to 1 FAR through the CRA Density Variation. To build a mixed-use residential and retail/commercial development of this caliber requires additional floor area in order to make this project feasible to construct.

The Advisory Agency and Zoning Administrator will appropriately condition the project in a manner that mitigates any impact on the environment. Another level of approvals by the Planning Commission or the CRA if the commercial FAR exceeds a 2 to 1 FAR and if the commercial and residential FAR exceeds the 6 to 1 FAR will unnecessarily prolong the process and waste valuable City staff resources.

No Wall Enclosure

The Unified Development which includes the Lot 114, Gladstone Hollar and Parcel A-2 sites has an unusual T-shape which includes all of the lots between 11th Street, 12th Street, the public alley and Grand Avenue. Additionally, Parcel A-2 is the vertical portion of the offset T-shape and is located to the west of the alley approximately mid-block between 11th Street and 12th Street and fronts on Hope Street. Gladstone Hollar is located directly to the northeast of Parcel A-2 and also makes up part of the offset T-shape. Gladstone Hollar fronts along Hope Street.

Parcel A-2 is approximately a 50-foot by 156-foot lot. The shape of Parcel A-2 and its relationship to the Lot 114 site, which will house the new 25-story mixed-use

primary access point, the Applicant is creating an easily accessible entry to the site which will decrease the traffic congestion and confusion around the project area.

If the variance to allow greater than 50% of the required front yard as driveway is not approved, the Applicant would need to resort to reducing the width of the driveway from approximately 40 feet to 25 feet wide. This reduced driveway width would only allow one lane in each direction and would not allow vehicles exiting the Parcel A-2 site, to choose either a right turn lane or a left turn lane and would increase traffic congestion that could potentially create a bottleneck at the public alley.

Additionally, the location of the subject site in the South Park area of downtown Los Angeles is another special circumstance as it is meant to be a high density urban area which is zoned to have dense high-rise buildings. The subject site has an R5 Zone designation which makes it a residential zone. However, the R5 Zone is the residential zone with the highest density allowed. The underlying zone allowed a 13 to 1 FAR and now allows a 6 to 1 FAR as per the "D" Limitation of Ordinance 164,307.

The regulation which prohibits that driveways be more than 50% of the required front yard is meant to limit the amount of hardscape in front yards and from having entire front yards improved as driveways. This regulation makes sense in single family areas and in multi-family dwelling developments out in the suburban areas of Los Angeles, however, this regulation doesn't make sense in downtown Los Angeles. Downtown is a unique part of the City which should either have separate regulations or should be allowed to vary from the Code on a case by case basis. Zero front yard setbacks make sense in both residential and commercial development in downtown Los Angeles because street activity and the relationship between the pedestrian and the buildings is often diminished by having large setbacks. Similarly, mixed-use developments in this R5 Zone area of downtown do not need the large landscaped front yard areas necessary in suburban neighborhoods because most buildings in Downtown have zero front yard setbacks. Again, the Zoning Code regulations are meant to provide a means for the orderly and consistent development of property. The proposed 40-foot driveway with some landscaping throughout the Parcel A-2 site is a much more attractive design than the surrounding properties which are currently improved with either a building using the entire area of the lot or surface parking lots entirely covered with asphalt.

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

Compact Spaces and Reduced Parking Stall Width

The two-phase development located at 1111 S. Grand Avenue and 1100 S. Hope Street (ZA-2003-9146-ZV-ZAA, Approved July 29, 2004) was granted Variances regarding parking lot design issues as follows:

- Reduce the parking stall width to 8'-3", only at the portion where the structural columns are located in lieu of the required 9'-0" stall width plus the 10 inches required on this side of an obstruction.
- To reduce the drive aisles to 24'-0" in lieu of the 25'-4" required width for 9'-0" wide parking stalls at a 90-degree angle.

The development located at 1111 S. Grand Avenue (Phase I) and 1100 S. Hope Street (Phase II) is currently under construction and the Phase I portion is now part of the subject site's Unified Development. The Applicant would like to be on par with the development in the general vicinity. The Applicant's requests to allow the reduction of the required standard spaces per unit, the reduction of clearances at obstructions is similar and consistent with the above referenced Determination Letter.

The Zoning Administrator has also issued a Variance for aisle and ramp width reductions in a project in the vicinity (ZA 2002-4041-ZAD-AV-YV). The 130-unit Joint Live Work apartment development is located in an existing industrial building. While this project is an Adaptive Reuse project, the approval nonetheless acknowledges the special circumstances of completing urban high-rise infill construction.

Buildable Area

Currently, there is a greater incentive to build apartments in the City than there is to build for-sale condominiums because the Code does not require apartment projects to exclude dedicated lot area from its buildable area. The fact that there is a high-density apartment development, the Metropolitan Lofts project on 1050 S. Flower Street, implies that the Zoning Code's less stringent requirements when calculating FAR encourages the development of apartments rather than for-sale residential condominiums. Below is a table which compares the FAR of the proposed condominium project with the FAR of an apartment development:

	Proposed Condominium Project	If Project Were Developed As Apartments
Lot Area (Lot 114 & Parcel A-2)	63,355 s.f. See Note (1)	63,355 s.f. See Note (1)
Buildable Area	48,449 s.f. See Note (2)	52,530 s.f. See Note (3) (63,355 s.f. - 10,285 s.f.)
Maximum Allowable Floor Area	290,694 s.f. (48,449 s.f. x 6 FAR)	315,180 s.f. (52,520 s.f. x 6 FAR)

1155 S. Grand Ave. and By-Right Apartments FAR Calculations

Note 1: Area includes the 600 s.f. portion of the alley to be vacated.

Note 2: The alley vacation, street dedication and the yard setback areas of a 1-story building are subtracted from the lot area to calculate Buildable Area for condominiums.

Note 3: The street dedication is included in the lot area for apartments. Only yard setback areas of a 1-story building are subtracted from the lot area to calculate Buildable Area for apartments. Setbacks for a 1-story building Lot 114: approximately 8,067 s.f. and for Parcel A-2: approximately 2,738 s.f.

If the proposed project were to be developed as apartments, the maximum allowable buildable area would be increased by 4,081 square feet (52,530 square feet - 48,449 square feet). As shown in the table above, the allowable floor area for apartments is greater than for residential condominium units because of the exclusion of dedication areas when calculating the buildable area for condominiums. The Applicant does not contest the actual street dedication of 4,139 square feet, but rather requests that the calculation of buildable area to be the same for both condominiums and apartments, particularly for an urban site in downtown Los Angeles.

Additionally, the approval of a Variance to include the proposed alley vacation area, the street dedication areas and the required yard setbacks of a 1-story building was granted to the development referred to as "Phase I", now part of the subject site's Unified Development, located at 1111 S. Grand Avenue (ZA-2003-9146, Approved July 29, 2004.) A 4,694 square foot portion of the adjacent alley was allowed to be included in the Buildable Area to calculate floor area.

Open Space

Granting this request is compatible with other projects in the area which provide reduced Open Space and the location of Open Space in side yards. For example, projects which qualify under the Zoning Code's Adaptive Reuse regulations are not required to comply with the Open Space requirements as they are constrained by the conditions of the existing building that is being converted. The Grand Avenue Lofts, located at 1100 S. Grand Avenue, received discretionary approval (Case No. ZA-2003-2656-ZV-ZAA-ZAD) to permit zero Open Space for the new-construction units. A portion of the units are Adaptive Reuse units in the existing building and a portion of the units are new construction units in the new floors added to the existing building.

A new construction project, the two-phase development at 1111 S. Grand Avenue and 1100 S. Hope Street (ZA-2003-9146-ZV-ZAA approved on July 29, 2004), was granted approval of an Adjustment to reduce the amount of Open Space provided from 21,025 square feet (Phase I) and 24,150 square feet (Phase II) to 7,728 square feet (Phase I) and 12,298 square feet (Phase II). The location of 3,168 square feet (Phase I) and 3,856 square feet (Phase II) of Open Space in side yards was also approved.

Because the Open Space requirement is difficult to provide in large multi-family developments located in dense urban areas, the Applicant's requests the same type of relief granted to other nearby similar projects in order to enjoy the same property rights which will allow the development of much needed housing during a housing shortage.

Q. Conditions and D. Limitations

Currently, there is a greater incentive to build apartments in the City than there is to build for-sale condominiums because the Code does not require apartment projects to exclude dedicated lot area from its buildable area. Additionally, as new construction, the proposed project is not able to take advantage of the same incentives as Adaptive Reuse projects in existing buildings. However, the policy of encouraging new housing opportunities in downtown Los Angeles is the same.

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

No Wall Enclosure

The requested variance to deviate from the requirement to provide a wall enclosure around the subject site (Parcel A-2) is necessary for the preservation and visual security of a substantial property right possessed by other property in the same zone and vicinity, but which because of special circumstances and practical difficulties is denied to the property in question. There is, however, very little to compare the subject site's proposed use and the surface parking lots in the surrounding vicinity.

Many of the lots within proximity to the subject site are used as barren surface parking lots. Since many of these surface parking lots are used mainly by attendees of evening downtown events, these lots are vacant or significantly underutilized during day time hours. Many of these are located on multiple adjacent lots, comprising, often times, the majority of a downtown city block. These surface parking lots are also often times located on a corner of a major intersection. Many of these surface parking lots have a chain link fence that surrounds their property. These fences do not meet the intent of the code requirement to protect the property and provide safety precautions for the users of the parking lots, however, the unattractive chain link fence and the lack of any landscape are an eyesore and detract from the overall appearance of the neighborhood. The chain link fences provided on surrounding surface parking lots do nothing to visually shield the cars from the view of people walking on the sidewalk or people traveling in vehicles. The fact that the first parking space is setback from the front property line on Hope Street along with the provision of landscaping in the front yard area will provide a planting buffer which is more attractive than chain link fence or a wall while at the same time offering partial views through the landscaping. The landscaping will not provide a completely opaque barrier which hinders the view into the Parcel A-2 Lot and will not create a hiding place for illicit activity.

Although the subject site's proposed use is a driveway and parking area, it is not comparable to the surrounding barren surface lots. The proposed driveway will act as the main access point to the proposed Unified Development. It will be used and open to the residents 24 hours a day, 7 days a week. Although the proposed driveway and parking area will provide space for vehicles, it's main use is an ingress/egress to the Unified Development and is dissimilar from the surface parking lots in the area. The parking area will provide space for merely 4 automobiles; 3 short-term parking spaces to be used for quick pick-up or drop-off parking, and one space for a Flexcar that can be utilized by the project's residents. Because the driveway and parking areas will be accessed and open for use by the project residents, a fence or wall enclosing the project will hamper the circulation and cause an increase in traffic congestion as automobiles stop and wait for the

fence to open. The proposed driveway and parking area is also dissimilar from the surrounding stark parking lots in that it proposes to landscape the median Isle between the two way lanes and will also landscape the areas between the 4 parking spaces and the front yard area.

The proposed project is surrounded on the north and south side by existing structures that already act as an enclosure, and take the place of the intent of the required wall. Also, to the west is the proposed entry into the driveway that the Applicant would like to keep open in order to maintain safety by not creating a niche where illicit activity can easily occur, and to create an environment that is easily and quickly accessible. Again, the required wall enclosure around the property is completely unnecessary and actually would impede the proposed Unified Development from designing a project that encourages a safe and residential and commercial (mixed-use) neighborhood atmosphere in downtown Los Angeles.

Driveway In Front Yard

Approval of the variance to allow greater than 50% of the lot to be used as a driveway is more of a request to be allowed to provide a benefit which is designed in the best manner possible. Permission to provide 40-feet of the 50-foot wide parcel to be used and maintain as the primary access to the project will enable the Applicant to provide a clear and easily accessible two-way driveway.

It is important to note that the Applicant proposes to provide an entire lot as a primary access driveway as part of the proposed mixed-use development in the downtown area. As currently configured, the existing 20-foot standard alley is the only access to Lot 114. The proposed 40-foot wide driveway, plus the 10-foot wide parking area, would serve as an optimal location or an inviting and easily accessible ingress and egress for the project. The Applicant is requesting to provide more than 50% of the lot as a driveway in order to incorporate good urban design practice into the project. This driveway will serve as the primary entrance/exit for the project and as a result decrease traffic congestion and increase functional circulation throughout the project and the surrounding area. The Applicant is proposing to use the entire downtown plot as a main access driveway to be able to provide a public benefit which will be safer and will have a better urban design.

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

Downtown Adaptive Reuse Ordinance allows existing buildings to exceed the allowable floor area because the City has determined that high-density development is not materially detrimental to this part of the City. Therefore, the Applicant's request to add the required yard setbacks to the buildable area which increases the base allowable floor area should also be deemed as not materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity because the net effect is to allow a high density project in downtown Los Angeles.

Open Space

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.

The Applicant plans to provide 23,874 square feet of Open Space. Of the Open Space proposed, a total of 4,353 square feet of Private Open Space and 1,781 square feet of Common Open Space are to be located within the required side yards. One of the side yards on the Lot 114 property fronts on Grand Avenue which will have a 97-foot public right of way after the 7-foot street dedication is taken upon recordation of the Final Map. The other required side yard fronts on the public alley which will have a 20-foot width after the alley dedication is taken. Both right of way areas will provide a buffer between the proposed location of the Open Space and the adjacent developments and any future developments.

Allowing a reduced amount of Open Space and locating some of the Open Space in the required side yards will not have adverse impacts on the surrounding properties as the building to the north of the site is the Phase I site which is a 13-story building with 176 Joint Live Work units currently under construction have been granted the same type of relief. The building across Grand Avenue and to the north are the Grand Avenue Lofts, an Adaptive Reuse and new construction development with 66 Joint Live Work Units. Grand Avenue Lofts are currently under construction and will be a residential condominium development which will have no Open Space on-site and will greatly benefit from the subject site's open space/park area.

Q. Conditions and D. Limitations

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 because other recent residential developments in the South Park area, such as the Flower St. Lofts and the Grand Avenue Lofts, and the two-phase project at 1111 S. Grand Ave. and 1100 S. Hope St. did not require review and approval by the City Planning

Compact Spaces and Reduced Parking Stall Width

The granting of such variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity because the parking garage will be used exclusively by the buildings residents. Because the parking garage area will be used only by the residents, then the small reductions in parking stall size and clearances will have a negligible effect as the residents will be familiar with their parking spaces and will travel directly to and from their assigned parking spaces. The variance request to allow 26 units to provide a minimum of 1 compact space in lieu of the minimum 1 standard space required will also not have a detrimental affect on the building's residents as the size of the parking stall, whether it is a standard size or a compact size stall, should not negatively affect the residents as they are aware that urban sites are smaller than large suburban sites. Additionally, the location of the project site in a jobs and transit rich area will reduce the need for residents to have as many cars as do people who live in the suburbs.

Buildable Area

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 because the inclusion of street dedication areas in the buildable area is allowed for apartment buildings. The Metropolitan Lofts located at 1050 S. Flower Street is a new construction apartment development which has been able to use the street dedication areas in calculating the site's buildable area. Since the use of the street dedication areas have been allowed in the Metropolitan Loft project and in any future apartment development in the vicinity and citywide, the granting of this variance will not be materially detrimental or injurious to any surrounding development.

Using the yard setback areas to calculate the buildable area which is used to calculate the allowable floor area will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located because of the site's location in downtown Los Angeles and within the Downtown Adaptive Reuse Ordinance area. Since this area of the City allows existing buildings to exceed the allowable floor area then allowing this project to add the required yard setbacks to the buildable area should not be materially detrimental to the surrounding area.

While the subject development is a new construction project and is not limited by existing conditions, as are existing buildings, the property is located within the same area of downtown Los Angeles which can support high-density development. The

Commission and therefore, the project site should also enjoy a similar review process. On July 21, 2005, the CRA approved a Density Variation of 49,999 square feet of additional floor area and a transfer of floor area by variation of 34,496 square feet from 1130 South Hope Street, and the project underwent an environmental review by the City Planning Department.

The Downtown Adaptive Reuse Ordinance allows existing buildings to exceed the allowable floor area because the City has determined that high-density development is not materially detrimental to this part of the City. While the subject development is a new construction project and is not limited by existing conditions, as are existing buildings, the property is located within the same area of downtown Los Angeles which can support high-density development. Therefore, the Applicant's request to have a floor area that exceeds the 6 to 1 FAR limit by a CRA 49,999 square foot Density Variation and that no further review be necessary by the City Planning Commission or the CRA should be deemed as not materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity.

No Wall Enclosure

The granting of the requested variance to permit no enclosure wall to be built around the Parcel A-2 property 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. Having a driveway access with 4 parking spaces on Parcel A-2 will not negatively affect the adjacent properties. To the north of Parcel A-2 is an abandoned 3 story residential building. Since there are no residents living there, the parking and driveway use will not negatively affect this property. To the south of Parcel A-2 is a one-story commercial use and there are additional commercial uses on the corner of Hope Street and 12 Street. These commercial uses appear to be open primarily during weekday business hours which mean that there is minimal impact from a driveway and parking use to the surrounding businesses.

The intention of the Code is to enclose parking lots and driveways to protect the automobiles from vandalism and to visually separate the parking lot from the public. As Parcel A-2 is surrounded by high walls from existing buildings on the north and south side, the wall enclosure is not necessary here. Also, the west side of the lot is the main entry point. The frontage of the lot is only approximately 50 feet wide, and the driveway is proposed to be approximately 40 feet wide. The additional ten foot width is proposed for vehicular parking space. The 40 foot driveway should be open at all times to create an easily accessed driveway to encourage vehicular traffic to enter the proposed Unified Development on this main access point. Also,

the parking area should remain open in order to provide easy access to the short-term parking spaces and the Flexcar.

Additionally, the well designed hardscape and landscape on Parcel A-2 will improve the appearance of the uses on this portion of Hope Street. Currently, the existing 2-story residential abandoned building is dilapidated with broken windows covered with plywood. The existing 1-story commercial buildings have simple facades with no front yard setbacks, however, other than the existing street trees, there is no visible landscaping in the vicinity. The proposed well-designed and well-maintained public parking and access driveway on Parcel A-2 will not be materially detrimental to the character of development in the immediate neighborhood, but, will in fact, be a significant improvement to the appearance of the neighborhood.

Driveway in Front Yard

The granting of the requested variance to provide more than 50% of a required front yard to be designed, improved or used for an access driveway will not be materially detrimental to the public welfare or injurious to the property or improvement in the same zone or vicinity because of the site's location in downtown Los Angeles. The approval will result in a project that is unified and integrated and better designed, will achieve community plan urban planning objectives and be compatible with the variety of surrounding uses (i.e. surface parking lots and multi-unit mixed-use projects currently in construction or proposed), which creates a project that conforms with the spirit and intent of the zoning ordinance.

Since this area of the City is significantly improved with many surface parking lots, the proposed access driveway is in conformance with surrounding development and will therefore 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. Also, the driveway will provide a clear and easy entry and exit for the project which will decrease traffic congestion at the entrance into the alley off of 12th Street. Furthermore, of the 4 parking spaces, 3 spaces are reserved for short-term parking and 1 space is reserved for the Flex car discussed in Finding # 1 of Attachment "K" of the Conditional Use request to allow a parking use in the RS Zone on Parcel A-2. These short-term parking spaces will facilitate quick pick-up and drop-off of residents or serve as a short term parking space for residents and their visitors.

The subject "Unified Development" is a new construction project and is located within the same area of downtown Los Angeles which can support high density development, and the City has determined that high density development is not materially detrimental to this part of the City. Along with the proposed high density

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

Buildable Area

Granting the variance will not adversely affect any element of the General Plan. Approval of the variance is consistent with the Central City Community Plan and the Housing Element which aim to promote mixed use, high density condominiums units and neighborhood retail, and a wide variety of housing types, particularly for-sale housing.

Adding the alley vacation area, the street and alley dedication areas and the required yard set back areas to the buildable area when calculating the floor area (increasing the Buildable Area by 14,906 square feet) will not adversely affect any element of the General Plan and will allow for the production of 311 Joint Live Work condominium units and 7,294 square of retail (2 commercial units), which is consistent with the objectives of the Community Plan, Housing Element and the Transportation Element.

Open Space

The granting of this variance will be in conformance with the intent and purpose of the General Plan. The applicant proposes to provide a substantial portion of the Open Space required, a total of 80% of the requirement which is more than enough in the densely developed Downtown Los Angeles. The provision of the Open Space in the side yards will not adversely affect any element of the General Plan as the exclusion of this area to be counted as Open Space would further reduce the amount of Open Space provide.

The Open Space and Recreation Section of Chapter III, Land Use Policies and Programs in the Central City Community Plan states the following:

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

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

The proposed project will provide various types of Open Space: 1) on private balconies, 2) on the 6th floor recreation deck for residents, and 3) in the Open

development, the applicant also proposes to provide an access driveway that can support such a highly dense design. The increase number of vehicles entering the site will require a well-designed access driveway. Relying solely on the existing 20-foot standard alley would not be a sufficient means to mitigate traffic congestion and will ultimately be a dysfunctional design. The opportunity to provide the 40-foot wide driveway along Parcel A-2 is the optimal solution to minimize traffic congestion at the site. In doing so, granting the variance will actually be beneficial to the public welfare and harmless to the property or improvements in the area.

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

Compact Spaces and Reduced Parking Stall Width

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

The Applicant's requests to allow the reduction of required standard spaces per unit; the reduction of the width of standard parking spaces at obstructions to 8'-3" without the 10-inch clear space at obstructions, will not adversely affect any element of the General Plan as the general public will have no access to the parking garage area and the building's residents will be familiar with the parking garage and their assigned parking spaces. The granting of this variance will allow for the development of 311 Joint Live Work condominium units and 7,294 square of retail (2 retail spaces), which is consistent with the objectives of the Community Plan, Housing Element and the Transportation Element.

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

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

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

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

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

Space/Park area on grade for the general public during daytime hours. The variety of Open Space proposed on the subject site is unusual since most developers do not provide Open Space at ground level which is proposed to be used by the public. The amount of Open Space is substantial for this part of the City and the public benefit of the Open Space/Park is an amenity that will benefit surrounding residents and businesses.

The location of the Open Space will also provide a visual link between the three different locations of Open Space. The mid-block location of the Open Space/Park may provide the opportunity for a mid-block connection between Grand Avenue and Hope Street in the future as the property on the block is developed.

O Conditions and D Limitations

Granting the variance will not adversely affect any element of the General Plan. Increasing the allowable FAR to the proposed levels will allow the productions of 311 residential condominium units and 2 ground-level retail spaces which is consistent with the objectives of the Community Plan and the Housing Element. Allowing the Advisory Agency and the Zoning Administrator to be the decision makers for the Vesting Tentative Tract No. 62459 and the discretionary approvals which includes the increase of FAR above the allowable 6 to 1 makes sense in that the review by staff and public hearing process is not duplicated which will require additional staff hours and time to process the additional approval by the City Planning Commission. Additionally, the project will also be reviewed and approved by the CRA which is a second review process. The production of the 311 residential condominium units is dependent on the streamlined entitlement process. Any additional entitlement processing could jeopardize the project and eliminate a total of 311 proposed residential condominium units.

No Wall Enclosure

The proposed driveway and parking use on Parcel A-2 will not adversely affect any element of the General Plan. It will provide a considerable improvement from its current configuration and will improve the character of development in the neighborhood. Many of the lots in the South Park area are barren surface asphalt covered parking lots. The applicant proposes to improve Parcel A-2 with a hardscape that will aesthetically improve the appearance of the property and will raise the general design standards of surface parking lots in the area. The driveway will also incorporate attractive landscaping throughout the median of the two-way driveway. This is a dramatic improvement from the character of the existing surface parking lots in the general vicinity and an essential design feature to the proposed project as a whole.

The proposed infill mixed-use development will provide much needed for-sale Joint Live Work units which will allow residents to both live and work in their condominium units. The retail spaces on the ground level will provide neighborhood services to the building's homeowners as well as to the newly emerging neighborhood.

The proposed Unified Development and specifically, the proposed driveway and parking area on Parcel A-2 will be in harmony with the various elements and objectives of the General Plan. The Central City Community Plan states the following:

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

Additionally, the proposed access driveway and parking area meet the goals of the Community Plan. Parcel A-2 provides access from Hope Street into the approximately 40-foot wide driveway. There is also an existing access point to the proposed project from the existing standard 20-foot alley off of 12th Street. Allowing the proposed 40-foot driveway access from Hope Street will lessen congestion near both access points (i.e. to the alley from 12th Street and to the proposed driveway from Hope Street). The 40-foot proposed driveway will be attractively designed and physically easier to access, being wider, and easier to see. Creating two access points to the project decreases traffic congestion around the entire project. Furthermore, the proposed parking area on Parcel A-2 will provide 4 parking spaces, 3 allocated to short-term parking for residents, and a parking space for a Flexcar.

Flexcar is a provider of car-sharing programs where participants pay an hourly rate, and Flexcar pays for the car, insurance, gas and a reserved parking spot on Parcel A-2. Flexcar offers members of the Los Angeles program a brand new Honda Civic Hybrid, which burns one third less fuel than a comparable non-hybrid car. Hybrids also emit significantly less pollution than conventional low emission vehicles. Also, the short-term parking will likely decrease traffic congestion around the project and therefore decrease gas consumption and air pollution. Overall, Joint Live Work units and the proposed driveway access and parking area on this site are exceptionally beneficial to the surrounding community and its residents, and are consistent with the General Plan.

This convenient short term parking location will mitigate vehicular congestion at the intersection of the 20-foot wide public alley and the Parcel A-2 driveway.

ZONING ADMINISTRATOR ADJUSTMENT FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The project is a mixed-use residential and commercial development with 311 Joint Live Work condominium units in a 24-story building. For the R5 Zone, the Code requires a 15-foot front yard setback, a 16-foot side yard setback and a 20-foot rear yard setback for the proposed building.

The proposed setback of zero feet in the front yard, side yards and rear yards will provide a building footprint consistent with surrounding existing developments. The building has a 5-story rectangular shaped base with the residential lobby, two retail spaces, trash/recycling area and parking spaces on the ground floor with Joint Live Work units on the 2nd through 5th floors. Above the podium are 19 more stories which comprise the 24-story building. The footprint of the tower is smaller than that of the rectangular building base component which creates a recreation deck for the residents on the 6th floor. At the north end of the site is a separate 2-story building which houses three 2-story Joint Live Work units and has front door access to the ground level open space/public park area. The rear portion of the 2-story building is flush with the required rear yard of the site.

The building footprint of the proposed 24-story building is proposed to be built out to the property lines at a portion of the frontage on 12th Street. Since the parking, retail and lobby uses are not residential uses, they are allowed to have zero yard front, side and rear yard setbacks, however, the 2-story Joint Live Work units which have ground floor access from the open space/park area at the northern portion of the site must conform to the required yard setbacks for the R5 Zone.

Both the podium and lower portions of the building area also built out to the property lines at 12th Street and Grand Avenue and in some areas protrude over the public right of way after the dedications are removed through the subdivision process.

Driveway in Front Yard

The proposed public parking and access driveway on Parcel A-2 will not adversely affect any element of the General Plan. The proposed Unified Development will transform what is now a surface parking lot on the Lot 114 site into an architecturally prominent building which will demonstrate the civic pride that more buildings in a world class city like Los Angeles should possess.

The proposed driveway and parking on Parcel A-2 will provide a considerable improvement from its current configuration and will improve the character of development in the neighborhood. Many of the lots in the South Park area are improved with barren surface parking lots. The applicant proposes to improve Parcel A-2 with a hardscape that will enhance the general design of surface parking lots in the area. The driveway will also incorporate attractive landscaping throughout the median of the two-way driveway and between the parking spaces. This is a dramatic improvement from the character of the existing surface parking lots in the general vicinity and an essential design feature to the proposed project as a whole.

Additionally, the proposed access driveway and parking area meet the goals of the Community Plan. Parcel A-2 provides access from Hope Street into the approximately 40-foot wide driveway. There is also an access point to the proposed project from the existing standard 20-foot alley off of 12th Street. Approval of the variance will allow the proposed 40-foot driveway access from Hope Street to lessen congestion near both access points (i.e. to the alley from 12th Street and to the proposed driveway from Hope Street). The proposed driveway also allows a separate left turn and right turn lane exiting the Parcel A-2 site which will help ease traffic congestion on the site.

The proposed 40-foot driveway will be attractively designed and physically easier to access being wider, and easier to see. Creating two access points to the project decreases traffic congestion around the entire project. Furthermore, the proposed parking area on Parcel A-2 will provide 4 parking spaces, 3 allocated to short-term parking for residents and visitors, and one parking space for a Flexcar. Flexcar is a provider of car-sharing programs where participants pay an hourly rate, and Flexcar pays for the car, insurance, gas and reserved parking spot on Parcel A-2. Flexcar offers members of the Los Angeles program a brand new Honda Civic Hybrid, which burns one third less fuel than a comparable non-hybrid car. Hybrids also emit significantly less pollution than conventional low emission vehicles. Also, the short-term parking spaces are a convenient amenity for use by the project residents and their guests to facilitate pick-up and drop-off and to allow residents to temporarily park their automobile without the need to enter the parking garage.

The general purpose of the zoning regulations is to provide residential setbacks in areas with similar setbacks. Other residential buildings in the area, both existing and new, observe zero front, side and rear setbacks. For example, the two phase development at 1111 S. Grand Avenue and 1100 S. Hope Street (ZA-2003-9146-ZV-ZAA approved on July 29, 2004), currently under construction to the southwest of the proposed project, was granted numerous discretionary approvals, one of which was an Adjustment to reduce the required front yard, side yard and rear yard setback areas to zero. Also, the Metropolitan Lofts, currently under construction (ZA-2003-5986), requested discretionary approvals, including a deviation from the Code to allow a mixed-used project with no setbacks in the R5 Zone.

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

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

Reducing the required front, side and rear yard setbacks will not adversely impact any part of the General Plan. The project is consistent with the following objectives of the Central City Community Plan:

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

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

The project is compatible with the Community Plan objectives listed above and the provision of the reduced yard setbacks result in the provision of much needed for-sale housing in downtown Los Angeles.

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

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

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

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

The objectives from the Housing Element above can be met by reducing the yard setback requirements which will make the project feasible and consistent with the surrounding developments.

The Transportation Element of the General Plan encourages the location of higher density housing near transit portals. This project is approximately 2 1/2 short blocks away from the MTA-12th and Flower Street station, a major transit portal for the Metro Blue Line.

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

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

For example, the two phase development at 1111 S. Grand Avenue and 1100 S. Hope Street (ZA-2003-9146-ZV-ZAA approved on July 29, 2004), currently under construction to the northwest of the proposed project, was granted numerous discretionary approvals, one of which was an adjustment to reduce required front yard, side yard and rear yard setback areas. The Metropolitan Lofts, currently under construction (ZA-2003-5986), requested a few discretionary approvals, including the deviation from the Code to allow a mixed-used project with no setbacks in the R5 Zone which is an example of a new construction residential development with no yard setbacks. The Zoning Code allows adjustments from the Code when special circumstances exist, provided that the development does not result in any adverse impacts. This project is an example of that type of project as it is located in the South Park area of downtown Los Angeles and that reduced yard setbacks are consistent with the surrounding development.

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

There are no adverse impacts from the proposed adjustment because there are existing commercial buildings in the immediate vicinity, some of which are being converted into residential uses, that are built to the property lot lines. The loft developments at 1100 S. Grand Avenue and 1000 S. Hope Street have been approved and are completing construction of the residential conversions without

observing the yard setback and triangle visibility regulations of the Zoning Code. The Applicant is requesting zero yard setbacks on the front, side, and rear yards.

On July 13, 2005, the Department of City Planning issued Mitigated Negative Declaration No. ENV-2005-1812.MND, and determined that by imposing conditions the impacts could be reduced to a less than significant level.

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

The Applicant is requesting zero yard setbacks on the front, side, and rear yards. The R5 setback requirements are citywide and do not take into account the unique characteristics of the downtown area which typically has a dense building pattern with zero yard setbacks. As commercial uses are not required yard setbacks, the ground floor retail spaces facing the public streets that are built to the property lines are in conformance with the zoning regulations. There are existing commercial buildings in the immediate vicinity, some of which are being converted into residential uses, that are built to the property lot lines.

Furthermore, on March 31, 2005, the City Planning Commission recommended approval of an ordinance to the City Council to eliminate the required setbacks for residential buildings on streets and alleys for project in the Redevelopment Project Areas of the Central City Community Plan area for lots zoned R4, RAS4, R5, CR, C2, C4 and C5. The subject property is zoned R5, and the proposed project is consistent with the proposed ordinance.

CONDITIONAL USE FINDINGS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for a Conditional Use Permit to be authorized, certain designated findings have to be made. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

11. The proposed location will be desirable to the public convenience or welfare.

Unified Development

The Unified Development (subject site) is comprised of the following lots: Lot 114 (APN: 5139-021-018; 1155 S. Grand Ave.) which has a lot area of 54,966 square

feet; Parcel A-2 (APN: 5139-021-003; 1136 S. Hope St.) which has a 7,789 square foot lot area; and the Gladstone Hollar lot (APN: 5139-021-004; 1130 S. Hope Street) which has a lot area of 7,820 S.F. (See Revised Exhibit A-Unified Development-Table).

Lot 114 is located at the northwest corner of Grand Avenue and 12th Street. Parcel A-2 is the fifth lot north of the northeast corner of 12th Street and Hope Street. The site known as the Gladstone Hollar property is located immediately to the north of Parcel A-2. The public alley that runs north from 12th Street separates Lot 114 from Parcel A-2.

Gladstone Hollar has a lot area of 7,820 square feet. The Applicant proposes to create a pocket park on the Gladstone Hollar property which is currently being acquired by the City of Los Angeles Department of Recreation and Parks through eminent domain. The design of the proposed pocket park is to be integrated with the ground level open space on the Lot 114 site and would create a mid-block paved. The Lot 114 Open Space/Park area will be maintained as private property and the Gladstone Hollar lot is proposed to be a pocket park. On July 21, 2005, the CRA granted a transfer of floor area by variation of 34,496 square feet of floor area from 1130 S. Hope Street ("Gladstone Hollar Parcel") to the Lot 114 site.

Parcel A-2 has a lot area of 7,789 square feet. The Applicant has requested a Variance to allow the entire lot area, including street and alley dedication areas, the yard setback areas of a 1-story building, and the alley vacation area to be included in the buildable area in order to calculate the floor area. Upon the approval of the Variance described above, a total of 46,734 square feet of floor area from Parcel A-2 will be available for averaging onto Lot 114.

Parcel A-2 is to serve as the main access driveway entry for Lot 114 as residents will be able to access the driveway from Hope Street. Vehicles will traverse the Parcel A-2 site and then cross the public alley before entering the Lot 114 parking area. The landscaping and the hardscape materials on Parcel A-2 and the Gladstone Hollar lot will be consistent with those provided in the ground level Open Space/Park area on Lot 114.

Lot 114 has a lot area of 54,966 square feet. Upon the approval of a Variance to allow the street and alley dedications, alley vacation and yard setback areas of a 1-story building, a total of 464,625 square feet of floor area will be allowed on Lot 114. With the floor area averaging of the Unified Development described above, a total of 414,627 square feet of floor area will be allowed on the Lot 114 site.

The Unified Development of the three sites is beneficial to the public convenience and welfare because it will provide a total of 311 Joint Live Work condominiums, open space at the ground level and it will provide a mixed-use development on the Lot 114 property.

The addition of 311 for-sale units during a housing shortage will be beneficial to individuals who plan to purchase their first home or who plan to live closer to their workplace. South Park is part of the greater Downtown area which is rich in jobs and transit. Therefore, the individuals who choose to live in the proposed development may work in Downtown and would be able to use public transit. The increase in transit use would decrease traffic congestion and would decrease the amount of pollution emitted by the use of vehicles. Since the condominium units are Joint Live Work units, certain professionals such as architects, lawyers, accountants, artists and artisans, consultants, designers, etc. will be able to both live and work from their unit. This will also decrease the dependency on automobiles and will allow more residents to work from home and create the 24-hour community which will enliven the streets and will support the neighborhood retail spaces proposed for the subject site.

The Lot 114 Open Space/Park area at grade is a public benefit for the residents as well as for the surrounding residential and business community. The Lot 114 Open Space/Park area, which is to remain as private property and is to be open to the public during daylight hours, is proposed to have both hardscape and landscaped areas with trees.

The Gladstone Hollar lot is proposed to be developed as a pocket park. The location of the Gladstone Hollar lot and the Lot 114 Open Space/Park area will allow a mid-block crossing from Grand Avenue to Hope Street. The creation of two open space areas will be a benefit not only to the Lot 114 residents but to the residents of nearby developments listed in Nearby Developments (Table 1) below. Residents and neighbors with small children will benefit from a large, clean and safe open space. Businesses nearby will also benefit as they will be able to enjoy the space during their lunch break. From an urban design perspective, the mid-block crossing will provide a much needed pedestrian shortcut from Grand Avenue to Hope Street as downtown Los Angeles city blocks are very long in the north/south direction.

The development of this well designed modern building on Lot 114 which is to have two retail spaces on the ground level will also help encourage pedestrian activity and will help create a 24-hour community. The ground level neighborhood retail spaces will serve as a desirable amenity to the residents of the 311 Joint Live Work units in the proposed building as well as the neighboring 417 Joint Live Work units on the two sites on 11th Street between Grand Avenue and Hope Street.

The development of the Lot 114 site into a mixed-use development with an Open Space/Park area is putting the land to a much better use than the current surface parking lot. The proposed pocket park on the Gladstone Hollar lot is a much better land use than the current dilapidated and vacant residential building. The proposed development, which is the third property to be developed with for-sale Joint Live Work units, will help anchor the neighborhood known as South Park.

Parking in R5 Zone

Lot 114, Parcel A-2, and Gladstone Hollar (as shown on Revised Exhibits "A" and "B") are part of a "Unified Development" as per a Conditional Use requested as part of this project application. The proposed mixed-used development with 311 Joint Live Work condominiums and 2 commercial uses is to be built on Lot 114. Parcel A-2 is to serve as the main access driveway for the Lot 114 development. The Parcel A-2 site is separated from the Lot 114 site by an alley. The Parcel A-2 is proposed to serve as an entry drive for Lot 114 and also serve the Phase I and Phase II site parking garage which has an entry at the alley. The Gladstone Hollar lot is located immediately north of Parcel A-2 and is proposed to be improved and maintained as a public park.

Residents will be able to access the driveway from Hope Street, traverse the Parcel A-2 site and then cross over the public alley before entering the Lot 114 parking area. The residents of the Elleven building to be located at 1111 S. Grand Ave (currently under construction) and the residents of the Luma building to be located at 1100 S. Hope St (soon to begin construction), will also use the Parcel A-2 driveway as an access point to the vehicular entry to the parking area at the northern terminus of the public alley. Although there is vehicular access to the proposed project through the 20-foot public alley from 12th Street, the approximately 40-foot wide access driveway on Parcel A-2 will be the primary vehicular entrance for Lot 114 residents and guests.

Parcel A-2 will provide space for four automobiles to park along the northern side of Parcel A-2. Since the parking spaces proposed to be located on Parcel A-2 which is an R5 Zone, a conditional use is required to allow a parking use as the primary use on a residential zone.

The proposed parking spaces are provided along the north side of the vehicular access driveway on Parcel A-2 in the R5 zone. South Park is part of the greater Downtown area which is rich in jobs and transit. Individuals who choose to live in the proposed development may work in Downtown and easily access public transit, decreasing automobile dependency. The proposed public parking spaces are beneficial to the public convenience and welfare because they will provide three

short term parking spaces and a Flexcar space available for use by Lot 114 residents and visitors.

The short term parking spaces are a convenient amenity for use by the project residents and their guests to facilitate pick-up and drop-off and to allow residents to temporarily park their automobile without the need to enter the parking garage. This convenient short term parking location will mitigate vehicular congestion at the intersection of the 20-foot wide public alley and the Parcel A-2 driveway.

The Applicant plans to enter a two-year purchase agreement with Flexcar to provide an automobile for residents' use which will allow residents who do not own a vehicle or during times the household vehicle(s) are being used by someone else to have temporary access to a car. The Applicant will enter into a partnership with Flexcar to help expand car-sharing in the metropolitan Los Angeles area.

Flexcar is the nation's largest and oldest provider of car-sharing programs. Participants pay an hourly rate, and Flexcar pays for the car, insurance, gas and a reserved parking spot on Parcel A-2. Flexcar's Los Angeles program offers members a fleet comprised entirely of brand new Honda Civic Hybrids, a car powered by a combination of gas and electricity. A hybrid car like the new Honda Civic burns one third less fuel than a comparable non-hybrid car. Hybrids also emit significantly less pollution than conventional low emission vehicles - about 50% less carbon monoxide and 50% less nitrogen oxide going into the air and creating smog.

The parking space allocated to the Flexcar on Parcel A-2 is desirable to the public convenience and welfare as residents living in the proposed development will have less of a reliance on the automobile, but at times, may need quick and simple access to a car. Since the proposed parking space on Parcel A-2 is easily accessible to the project's residents, they will likely utilize this amenity. If this parking space were located in the garage or if it were less accessible, it will likely be used less often.

The driveway entrance on Parcel A-2, which will be used by the residents of Lot 114, the Elleven building and the Luma building, is a good location for a main access as it is roughly mid-block between 11th Street and 12th Street which will minimize any kind of conflict with the intersections.

Also, the proposed driveway will be approximately 40 feet wide, with parking space for four automobiles on the northern side. It will be designed with attractive

¹ <http://www.flexcarnetwork.com/losangeles>

hardscape details and will be landscaped in the median of the two-way driveway. This aesthetically appealing driveway will provide a significantly more attractive ingress and egress to the project than the 20-foot standard alley off of 12th Street.

- 12. The location is proper in relation to adjacent uses or the development of the community.

Unified Development

The location is in proper relation to adjacent uses and developments. The site is located in the South Park area of Central City Community Plan area and in the City Center Redevelopment Project area. South Park is recognized as a "mixed-use" community with both commercial and residential uses co-existing. The [Q] Condition from Ordinance 164,307 has been imposed on many sites in the South Park area surrounding the subject site. The [Q] Condition allows C4 Commercial uses in the R5 Zone. The proposed mixed-use development is consistent with the intent of the [Q] Condition, the Community Plan and the Redevelopment Plan.

Additionally, the proposed development is very similar to other nearby developments listed in the table below.

Nearby Developments (Table 1)

Name of Development	Address	Number of Units	Status
Phase I "Elleven" (ZA-2003-9146-ZV-ZAA)	1111 S. Grand Ave	176 Joint Live Work Units	Under Construction
Phase II "Luma" (ZA-2003-9146-ZV-ZAA)	1100 S. Hope St.	236 Joint Live Work Units	Under Construction
Grand Avenue Lofts (ZA-2003-2656-ZA-ZAA-ZAD)	1100 S. Grand Ave.	66 Joint Live Work Units	Under Construction
The Flower Street Lofts (ZA 2001-4689-ZAA-ZV-ZAD)	1140 S. Flower St.	91 Joint Live Work Units	Complete
Metropolitan Lofts (ZA-2003-5986-ZV-ZAA)	1050 S. Flower St.	10 Joint Live Work Units and 253 Apartment Units	Under Construction

Immediately to the north of the Lot 114 site is the two-phase development approved by ZA-2003-9146-ZV-ZA. Phase I is a 13-story 176 Joint Live Work unit condominium development with a total of 7,500 square feet of retail space. Phase II is a 19-story 236 Joint Live Work unit condominium development with a total of 7,394 square feet of retail space. The property across Grand Avenue and to the north of the subject site is occupied by the Grand Avenue Lofts (the old UCLA

Extension building). The entitlements for this 66-unit Joint Live Work condominium project were granted by the Advisory Agency on September 11, 2003 (Vesting Tentative Tract Map No. 54309, ZA-2003-2656-ZV-ZAA-ZAD).

The proposed Unified Development which includes Lot 114, Parcel A-2 and the Gladstone Hollar lot is in proper relation to adjacent uses. The driveway entry on Parcel A-2 will provide an aesthetically appealing vehicular entrance to be used primarily by the Lot 114 site, and can also be used by the Elleven (1111 S. Grand Ave.) and Luma (1100 S. Hope St.) buildings. The proposed mid-block crossing, which is comprised of the Lot 114 Open Space/Park area and the proposed pocket park on the Gladstone Hollar lot, will also provide a much needed local park and open space area as well as a pedestrian crossing from east to west. The proposed residential projects listed in Nearby Developments (Table 1) includes a list of nearby projects with future residents and employees in the retail spaces who will benefit from the location of the proposed mid-block crossing and the attractive and safe park and open space areas.

As illustrated above, the proposed 24-story mixed use development is in proper relation to the adjacent and future uses of the community.

Parking in R5 Zone

The proposed public parking in the R5 Zone is in proper relation to adjacent uses and development of the community. The property directly to the north of Parcel A-2 is currently developed with a 2 story abandoned residential apartment building and is also known as the Gladstone Hollar lot. The properties to the south of Parcel A-2 are developed with 1-story commercial buildings. Across Hope Street, there are multiple lots developed as a surface parking. Also across Hope Street is a large 5 to 6 story parking structure. These lots are zoned [Q]R5-4D-O, the same designation as the subject site.

There are also multiple surface parking lots across Grand Avenue that have the same zone designation. There are a significantly large number of barren surface parking lots in the area. The majority, if not all, of some blocks are used as surface parking. The existing surface parking lots in the area are stark and completely covered with asphalt and are typically surrounded by chain-link or unattractive wrought iron fences, creating a repellent and unfriendly community experience. The proposed parking and access driveway on Parcel A-2 is proposed to be attractively landscaped and decoratively paved. The subject site, Parcel A-2, is proposed to have a landscaping median and landscaping in the areas not occupied by the 4 parking spaces and the access driveway, which will be a significant improvement from its current state, a treeless, barren surface parking lot. The parking/driveway

lighting used to illuminate the parking area will be designed, located and arranged so as to reflect the light away from any street and adjacent premises. The lighting will be well-designed and well-maintained at the entry access points for the three Joint Live Work mixed-use buildings as well.

The site is located in the South Park area of the Central City Community Plan area and in the City Center Redevelopment Project area. South Park is recognized as a "mixed-use" community with both commercial and residential uses co-existing. This proposed project is precisely the type of project that is encouraged in this area. The proposed driveway access on Parcel A-2 is proper in relation to the adjacent and potentially future uses of the community. The parking spaces on the lot are allocated for short-term parking and a Flexcar. The short term parking spaces will facilitate quick pick-up and drop-off of residents or serve as a short term parking spaces for residents. Again, this parking area is proper in relation to surrounding uses, as a large portion of improvements in the area are currently surface parking spaces. Furthermore, the proposed parking area and driveway on Parcel A-2 is a significant improvement from the existing surface lot and a significant improvement from surrounding surface lots; as the proposed driveway/parking area will be designed with decorative hardscape and landscape in the median of the two-way driveway and between the proposed parking spaces.

13. The use will not be materially detrimental to the character of the development in the immediate neighborhood.

Unified Development

The project will not be materially detrimental to the character of development in the immediate neighborhood. The proposed development will transform what is now a surface parking lot on the Lot 114 site into an architecturally prominent building which will demonstrate the civic pride that more buildings in a world class city like Los Angeles should possess. The infill mixed-use development will provide much needed for-sale Joint Live Work units which will allow residents to both live and work in their condominium units. The retail spaces on the ground level will provide neighborhood services to the building's homeowners as well as to the newly emerging neighborhood. The ground level Open Space/Park area on Lot 114 and the proposed pocket park on the Gladstone Hollar lot will provide open space and a mid-block crossing to the public during daylight hours.

The proposed development will be in harmony with the various elements and objectives of the General Plan. The Central City Community Plan states the following:

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

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

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

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

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

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

Joint Live Work units add to the types of housing available in the South Park area as these units allow the resident to both work and live within his/her unit. The project is consistent with the following objectives of the Housing Element:

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

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

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

The following goals of the Central City Community Plan are consistent with providing the open space and mid-block crossing at the Lot 114 Open Space/Park area and the pocket park on the Gladstone Hollar lot:

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

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

Parking in R5 Zone

The proposed public parking and access driveway on Parcel A-2 will not be materially detrimental to the character of development in the immediate neighborhood, but will in fact, be a significant improvement. The proposed Unified Development will transform what is now a surface parking lot on the Lot 114 site into an architecturally prominent building which will demonstrate the civic pride that more buildings in a world class city like Los Angeles should possess.

The proposed driveway and parking use on Parcel A-2 will provide a considerable improvement from its current configuration and will improve the character of development in the neighborhood. Many of the lots in the South Park area are improved with barren surface parking lots. The applicant proposes to improve Parcel A-2 with a hardscape that will enhance the general design of surface parking lots in the area. The driveway will also incorporate attractive landscaping throughout the median of the two-way driveway and between the parking spaces. This is a dramatic improvement from the character of the existing surface parking lots in the general vicinity and an essential design feature to the proposed project as a whole.

The proposed infill mixed-use development will provide much needed for-sale Joint Live Work units which will allow residents to both live and work in their condominium units. The retail spaces on the ground level will provide neighborhood services to the building's homeowners as well as to the newly emerging neighborhood.

14. The proposed location will be in harmony with the various elements and objectives of the General Plan.

Goal 4: To create modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation and housing.

Goal 7: To achieve excellence in design, based on how Central City is to be used by people, giving emphasis to parks, green spaces, street trees, and places designed for walking and sitting.

The City Center Redevelopment Plan has similar project objectives as follows:

Project Objective 6: To create modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.

Project Objective 9: To achieve excellence in design, based on how the Central City is to be used by people, giving emphasis to parks, green spaces, streetscapes, street trees, and places designed for walking and sitting, and to develop an open space infrastructure that will aid in the creation of a cohesive social fabric.

The Central City Community Plan specifically encourages outdoor open space areas particularly in the South Park area as follows:

It is essential that specialized facilities and amenities, such as day care centers, playgrounds, and recreation areas designed for various age groups be developed in conjunction with the new housing. Another important feature is the provision of large quantities of open space – a regional park, park system or multiple use open space within the planning area. This vital amenity is the key to the success of the new housing as well as an important addition to the open space inventory of Central City.

Approval of the Unified Development will allow the provision of the ground level open space at the north end of the Lot 114 site and will allow the development of a pocket park at the Gladstone Hollar lot. The proposed open spaces are consistent and in harmony with the Central City Community Plan and the City Center Redevelopment Plan. The provision of the open spaces will benefit the character of development in the immediate neighborhood.

a) A combination of functional linkages, such as pedestrian or vehicular connections; the A-2 site which will serve as an entry drive for Lot 114. The Open Space/Park area at the ground level of Lot 114 will be physically linked to the Gladstone Hollar proposed pocket park, creating a mid-block crossing. The material and texture of the paving patterns at the public sidewalk will be the same at the

perimeter of Lot 114 and Parcel A-2. There will be a visual linkage between the three open spaces provided in the Unified Development. The Lot 114 recreation deck on the 6th floor will have a view to the Lot 114 Open Space/Park area and to the proposed Gladstone Holler pocket park both located at the ground level.

b) In conjunction with common architectural and landscape features, which constitute distinctive design elements of the development, parcel A-2, Lot 114 Open Space/Park area, and the proposed pocket park at the Gladstone Holler lot will have the same types of trees, landscape and design elements which will visually tie the three areas together. The same landscape architect is designing the landscape for the three lots within the Unified Development.

c) Is composed of two or more contiguous parcels, or lots of record separated only by a street or alley; the Lot 114 site is located at the northwest corner of 12th Street and Grand Avenue. The Parcel A-2 site is separated from the Lot 114 site by an alley. The Gladstone Holler property is contiguous and is located immediately to the north of Parcel A-2.

d) And when the development is viewed from adjoining streets appears to be a consolidated whole. The landscape and design elements at the pedestrian level both on-site and on the public right of way will visually tie Lot 114, Parcel A-2, and Gladstone Holler properties together as a consolidated whole.

SITE PLAN REVIEW FINDINGS

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

The site is zoned [C]R5-4D-O and the applicant proposes to construct a mixed-use building with 464,626 square feet of proposed floor area (upon approval of the variances requested), 311 Joint Live Work condominium units and 7,294 square feet of retail. The related Vesting Tentative Tract No. 62799 will create two proposed lots. The Lot 114 site will be merged to form Lot 1 and the Parcel A-2 site will be Lot 2. Both Lot 114 and Parcel A-2 will be part of the Unified Development along with the Gladstone Holler site (1130 S. Hope Street). Exhibit A- Unified Development Table outlines the three sites that are part of the Unified Development along with their respective lot areas and floor area allowed. The Unified Development is in Height District No. 4 which allows a 13 to 1 FAR; however, the site has a maximum allowable FAR of 6 to 1 for the entire project site as per the D Limitation and a maximum of a 2 to 1 FAR for the commercial uses as



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Acting Chief Executive Officer
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CASE NO. ZA 2005-7403(CU)(ZV)(SPR)-
CONDITIONAL USE, ZONE VARIANCE
AND SITE PLAN REVIEW
Related Case: VTT-62522
Project Address: 710-798 South Grand
Avenue
Planning Area: Central City
Zone: C2-4D
D. M.: 128A209
C. D.: 9
CEQA: ENV-2005-7367-MND
Fish and Game: Exempt
Legal Description: See Tentative Tract
Map

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

a Variance from Section 12.14 C3 to permit a reduced lot area per unit of zero square foot for units 325 through 875 in lieu of the required 400 square feet per unit, in conjunction with the construction, use and maintenance of a three-phased 875-unit residential condominium complex;

a Variance from "D" limitations of Ordinance 164,307 to permit the Associate Zoning Administrator to act for the City Planning Commission in allowing an FAR in excess of 6 to 1 floor area ratio (FAR). [such approval is in recognition of the action taken by the Community Redevelopment Agency (CRA) Board of Commissioners as approved by the City Council on June 2, 2006, pursuant to Sections 512.4, 512.6 and 520 of the City Center Redevelopment Plan, to utilize a previously approved TFAR granting 134,000 square feet of floor area and to approve a floor area variation (49,999 square feet) from the Community Redevelopment Agency on each of the project's three phases (for a total of 149,997 square feet) for a combined FAR of 8.18 to 1];

a Variance from Section 12.21 A 4 (a) to permit parking spaces to be on a different lot as the dwelling units, as part of a unified development;

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

a Variance from Section 12.37 to permit the calculation for the buildable area of the lots to include the areas of the proposed street dedications, building line area, and setback areas in lieu of the deduction of these areas from the buildable area of the lot.

a Variance from Section 12.21 G to deviate from the following open space requirements to permit 61,162 square feet of open space in lieu of the required 101,450 square feet and to allow 89 trees in lieu of the required 218 trees required.

Pursuant to Los Angeles Municipal Section 12.24-W, I hereby **APPROVE**:

a Conditional Use pursuant to Section 12.24-W 19 which allows FAR (floor area ratio) averaging of the previously approved 134,000 square foot floor area transfer to the site, an additional 149,997 square feet of floor area being requested via the Community Redevelopment Plan's variation process and the pre-dedicated lot area over the site is being requested. When combined, approximately 1,065,423 square feet of floor area is permitted, generating an 8.18 to 1 floor area ratio over the project's three phases.

a Conditional Use pursuant to Section 12.24 F to deviate from the yard requirements from Section 12.14 C 2 to reduce the side yard setback requirement along the internal boundary on Lot 1 abutting Lots 2 and 3 to zero feet in lieu of the required 16 feet.

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

a Site Plan Review permitting the construction, use and maintenance of 875 residential condominium units with 1,435 on-site parking spaces in the C2-4D Zone.

upon the following additional terms and Conditions:

- All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
- The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- 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 Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

CPC 2005-0361-CA: Proposes the elimination of the lot area provisions of the C2 zone, among others, thereby eliminating the zoning regulation that only one dwelling unit is allowed for every 400 square feet of lot area. The remaining control on intensity of development would be the Floor Area Ratio regulation, which currently is limited to a maximum of 6 to 1 FAR.

VTT 62387: On July 15, 2005, Deputy Advisory Agency approved 629 Joint Live/Work condominium units and 26,187 square feet of retail space in three phases and in the C2-4D and the [C]R5-4D Zones located at 900 S. Figueroa Street.

ZA-2005-1673-ZV-ZAA-SPR: On September 26, 2005, the Zoning Administrator approved a series of discretionary approvals that permitted the construction of 629 Joint Live/Work condominium units and 26,187 square feet of retail space located at 900 S. Figueroa Street.

ZONE VARIANCE FINDINGS

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

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

The strict application of the provisions of the zoning ordinance, as applicable to this site, would result in practical difficulties or unnecessary hardships by prohibiting the development of a high density urban scaled mixed-use project near major job markets and transit centers. It also prohibits the creation of a site plan that responds to the site's unique location in a transition area and within the boundaries of a Redevelopment Plan area. This project's site is unique due to its location on the periphery of Central City's business district as it transitions to South Park's mid-rise mixed-use projects. The project's massing relates to these surrounding uses by providing variable building heights ranging from 15 to 38 stories, mimicking the massing of surrounding buildings. The strict adherence of the provisions of the Code will not permit this proposal without the approval of these variances. In order to approve the Smart Growth objectives of the development, special consideration must be granted.

Density Increase

By virtue of the project's location in the Regional Center land use category it is entitled to an exception from the LAMC which increases its permitted density from the R4 density standard (one unit per 400 square feet) to the R5 density standard (one unit per 200 square feet of lot area). This exception is an acknowledgment that the City understands increased density is appropriate in specific areas. Because it is an exception from the LAMC, it cannot be utilized as the base density when

requesting a variance to increase the density. The goal of the applicant is to request a variance permitting as many units that can be appropriately sited within the project's permitted floor area. The Code creates an arbitrary standard, which in turn results in unit sizes, and densities that are impractical, especially for development located high-density areas of Downtown Los Angeles.

Once the full potential of the site's floor area is realized, the strict adherence to the site's density limitations of 1 unit per 400 square feet of lot area creates an unnecessary hardship. It does so by creating average unit sizes (3,271 SF) large enough for a comfortable suburban five bedroom home. Market research indicates this average unit size is too large for the downtown housing market. Increasing the size of the units also limits the pool of potential buyers by increasing the cost of each unit. The City is in desperate need to create a diverse housing stock and the applicant is requesting permission to provide 875 comfortably sized (1,168 square foot average) units based on what fits within the permitted floor area. It is an unnecessary hardship to strictly impose the site's density regulations when the requested increase permits the site's density within the same building floor area.

Note: The Los Angeles City Planning Department is considering the adoption of development standards in the planned residential and commercial areas of the Central City Area to conform with the area's urban character and to create incentives for the production of housing. CPC 2005-0361-CA proposes the elimination of the lot area provisions of the C2 zone, among others, thereby eliminating the zoning regulation that only one dwelling unit is allowed for every 400 square feet of lot area. The remaining control on intensity of development would be the Floor Area Ratio regulation, which currently is limited to a maximum of 6 to 1 FAR. The adoption of this proposed ordinance would render unnecessary the request herein to permit greater density in order to achieve 875 residential units.

Variance from the "D" Limitation Imposed by Ordinance No. 164,307

Strict application of the zoning ordinance regulating floor area on the subject property would result in practical difficulties and unnecessary hardships for the proposed project inconsistent with the general purpose of the zoning regulations. An unnecessary burden is imposed on the project if it is denied the right to utilize floor area by the same Ordinance that permits its use. The "D" limitation of Ordinance 164,307 limits the site's floor area to 6 to 1, instead of 13 to 1. While the same Ordinance also states that increased FAR is permitted through the CRA Variation and Transfer of Development approvals. The applicant proposes to request three, 49,999 square foot floor area variations from the CRA, one for each phase of development, which will be combined with the previously approved TFAR of 134,000 square feet and the site's permitted floor area to create a project that is in scale with the surrounding community which was developed prior to the 6 to 1 FAR cap. A denial of these requests contradicts goals of the Central City Community Plan. To provide high and medium density housing close to employment... Most importantly, it is inconsistent with the intent of the zoning regulations, which specifically enumerate permitted floor area increases.

Reduced Open Space Requirements

Strict application of the provisions of the zoning ordinance to provide 101,450 square feet of open space would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations. The open space standard is based on a suburban development model, which creates practical difficulties on high-rise/high-density urban development.

The applicant is proposing to provide over 1.4 acres (61,162 square feet) of open space on this three-acre site. The zoning ordinance requires 100 square feet of open space for units with less than three habitable rooms, 125 square feet of open space for units with three habitable rooms and 175 square feet of open space for units with more than three habitable rooms generating the need to provide 101,975 square feet of open space. The majority of the 61,162 square feet of open space provided will mainly be common open space provided in a fitness center, pool, deck and terrace all located in a central courtyard created by the buildings' massing.

Open space requirements (in addition to street dedications and residential setbacks) make it a hardship to build a high-density residential development in a downtown area. The subject site is located in the Central Commercial Core, just bordering the South Park area of downtown, which is also an urban area planned for high-density uses and where real estate is at a premium. Providing additional open space on site would result in a loss of residential units and/or ground floor commercial space, which would pose a hardship on both the applicant and the community.

Such a hardship is unnecessary in this case because the subject property is located on a site in close proximity to several existing and future public recreation areas within walking distance. The Grand Hope Park is located on Hope Street between 9th Street and Olympic Boulevard, approximately two blocks away from the subject property; and the future L.A. Live project will include a Central Plaza designed to provide a place for open space and entertainment to South Park residents and visitors. Other nearby public open spaces include the Gilbert Lindsay Plaza at 12th and Figueroa Streets and Pershing Square located at Olive Street and 6th Street.

In addition to recreational facilities, the project site proposes a landscaped pedestrian crossing and passageway traversing Lots 2 and 3 from Grand Avenue to Olive Street, thus adding an approximately 22,225 square foot attractively designed amenity not only benefiting the project site but also the community. The project will provide as many trees as appropriate for the site, but cannot achieve the suburban standard of one per four units. These trees will be located along the street frontages, the pedestrian passageway and the residents' only open space area. Furthermore, with the site developed as a single, uniform site as a matter of good site planning and design, it is possible to provide a far more substantial amount of open space than is found on comparable high density residential projects in the neighboring community. Like other downtown projects, past and present, meeting the strict interpretation of the Code's requirement would be impractical and would make the project infeasible. Thus, for the reasons stated above, strict application of the provisions of the zoning

The scope of the proposed project is consistent with its location in the Central Commercial Core and bordering the South Park community of Downtown Los Angeles, which is designated for and demands high-density development. Strict application of the zoning ordinance limiting density on this site would therefore not permit the project to be developed in a beneficial manner to the community, as is proposed.

Many existing buildings in the downtown area, built to an FAR of 13 to 1, are allowed to be converted to residential units under the Adaptive Reuse Ordinance. Among the incentives for maximizing residential units under the Adaptive Reuse Ordinance is a provision specifying that dwelling units are not subject to the lot area requirements of the zone or height district. This ordinance was adopted specifically to create compatible development in the downtown area, so as to encourage high-density housing in an area most suitable for this type of development. Hence, the strict application of regulations on density at this subject site would result in an unnecessary hardship inconsistent with the general purpose of the zoning regulations.

Parking space on an adjacent lot

The integrated site plan of the subterranean parking structure permits connection to each building phase without visible notice above ground. Therefore, the use of the subterranean parking has no identifiable impact on the community.

Use of Pre-dedicated lot areas in Density and Floor Area Calculations

The applicant is requesting permission to utilize the approximately 861 square feet of lot area lost to street dedications when calculating the site's density and floor area. Based on the requested per unit lot area of 149 square feet 6 units are lost from the site's density. It also reduces the over all floor area of the project by 5,172 square feet. According to the Municipal Code, lot area lost to dedications in conjunction with a subdivision cannot be applied to a project's density calculation; however, if the project were to be built as a rental apartment project, the portion could be used. Currently according to information contained in the application, the City lags far behind (at > 40%) the County (68%) in terms of homeownership opportunities. There is no logical reason for this distinction between apartments and condominiums and consequently it creates an unnecessary hardship on an applicant proposing to generate as many market rate for sale units as possible in order to address the current housing crisis. The additional floor area allows these units to achieve a livable average size.

The proposed project is precisely the type of project the Community Redevelopment Agency hopes to realize in this area. According to Section 508.3 of the City Center Redevelopment Plan, one of the major goals for the South Park area is to achieve a "mixed-use live/work community." Altogether, the project's 875 new dwelling units are a significant boost to the local housing stock. Denial of the request to use the proposed street dedication to be added to the buildable area to calculate the permitted floor area and/or density would deny the downtown community critically needed housing opportunities needed to create a self supporting residential density.

ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations.

2. 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.

The site's size, ability to appropriately locate high density housing and traffic reduction potential combine to create a special circumstance not applicable to other property in the same zone and vicinity. The 130,275 square foot site accommodates 875 urgently needed home ownership units near a jobs rich environment without displacing existing residential units. Developing this high-density mixed-use project also has the potential to significantly reduce the area's future traffic.

Site's Sizes

At three acres this site encompasses 17 existing lots and contains significantly more lot area than the vast majority of the surrounding development sites in the general area. This large lot area generates a special circumstance because it generates a significant amount of dwelling units. As presented in Finding #5 below, under the Housing Element discussion, the City is facing significant housing shortages. Through a series of reasonable requests the project site generates 875 condominium units within 1,065,423 square feet of floor area. The size of the site allows for the design of an integrated site plan that interfaces appropriately with the high-rise office buildings to the north and the mid-rise South Park area.

The vast majority of the new ground up construction projects in the area have occurred on substantially smaller development sites, as exemplified by the following: the Glass Tower project located at 1050 South Grand is proposing 128 units on a 37,789 square foot lot; The Hanover project located at 950 South Figueroa Street proposes 156 units on 21,623 square foot lot; and the Lot 114 project which proposes 316 units on a 50,622 square foot lot.

The size and scale of this site and the development potential of the site is unique to this area.

Ability to appropriately locate high density housing

A special circumstance is created by the site's ability to locate housing without eliminating existing units within walking distance of downtown's multitude of jobs and proximity to transit. Equally important is the site's ability to provide this many new net units without displacing any existing residential units. Existing units typically provide an affordable level difficult to replicate. The conversion of a surface parking lot into housing ensures that no residential units will be demolished. By locating the project on the periphery of the downtown office center, it provides 875 opportunities for residents to live within walking distance of their jobs. This single project provides a great opportunity to enhance the jobs to housing balance in the City of Los Angeles. The site is also proximately located near a series of mass transit

alternatives including the Blue Line Metro Rail Station at 7th Street and Flower Street and the Red Line Station at 7th and Hope Street, which are between two and three blocks away. This proximity to rail stations, to a number of bus lines, and to the other neighborhoods in downtown Los Angeles makes the subject property a prime location for increased density that can be supported by the public transit, jobs, and services in the area.

Traffic reduction potential

The proposed use of the site creates a special circumstance justifying approval of this project. The creation of a mixed-use project at the site helps to reduce future traffic potential in the area. By right the project could be designed with approximately 781,650 square feet of office generating 5,163 net daily trips. Another by right option could contain approximately 130,275 square feet of ground level retail built below 651,375 square feet office space that would generate approximately 7,239 daily trips. The proposed mixed-use project at the site generates substantially less traffic than a straight commercial project. To illustrate this fact, the project's traffic consultant, The Mobility Group, provided the following trip generation comparison for traditional commercial uses and a mixed-use project over the entire site:

Use	Lot area and Floor area	Trips generated
Office & Ground Floor Retail	Lot area = 130,275 SF Permitted Floor area = 781,650 SF FAR of 6 to 1 Retail = 130,275 SF Office = 651,375 SF	7,239 daily trips, with 870 AM trips and 840 PM trips
Office	Lot area = 130,275 SF Permitted Floor area = 781,650 SF FAR of 6 to 1 Office Floor area = 781,650 SF	5,163 daily trips, with 727 AM trips and 699 PM trips
Proposed Mixed Use	Lot area = 130,275 SF Floor Area = 1,066,423 FAR of 8.18 to 1 Retail 30,248 875 Units	4,162 daily trips, with 257 AM trips and 237 PM trips

As discussed above, several special circumstances exist on the site, which combine to justify the granting of the requested variances. The applicant respectfully requests that the variances be granted.

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

recognize the unique nature of downtown and incentivizes the production of new housing units in the Central City. By eliminating the lot area provision, the remaining control on intensity of development is the Floor Area Ratio regulation. The effect of this change would increase the number of dwelling units allowed on each site. The Department notes that bulk regulations are a "common" means of controlling "the intensity of development in downtown areas of other large metropolitan areas across the nation and are suitable here to ensure development consistent in size with that of other buildings in the area." Thus, the proposed increased density in the proposed project, to 1 unit per 148 square feet of floor area, would result in the development of buildings that are consistent in size with that of other buildings in the Central Commercial Core, just bordering the South Park area. As the staff report indicates, the Central City Area has a "large number of high and medium rise commercial buildings, however, it is only now emerging as a place where people live."

Strict application of the zoning ordinance, and particularly the "D" limitation of Ordinance 164,307, would result in practical difficulties and unnecessary hardships for the proposed project that are inconsistent with the general purpose of the zoning regulations of the City of Los Angeles. An unnecessary burden is imposed on the project if it is denied the right to utilize floor area by the same Ordinance that permits its use. The "D" limitation of Ordinance 164,307, limits the site's floor area to 6 to 1 instead of 13 to 1. Meanwhile the same Ordinance also states that increased FARs are permitted through the CRA Variation and Transfer of Development approvals. The applicant proposes to request three, 50,000 square foot floor area variations from the CRA, one for each phase of development. Approval of these variations would create an FAR on the site closer to 8.18 to 1. Case number ZA-2003-9146-ZV-ZAA, is an example of a project in the area that was granted the right to build a project utilizing the additional floor area granted by the CRA. An additional 134,000 square feet of floor area is permitted on the site via a 1999 TFAR approval. A denial of this request would contradict the City's goal in the Central City Community Plan, "To provide high and medium density housing close to employment..." and does not allow the applicant to enjoy a property right possessed by others in the area.

Additional density on the subject property is both necessary for the success of the proposed project and appropriate for the site's location among the surrounding high-rise residential developments. It is also necessary to preserve a right afforded to previous construction projects, current approvals and future by right projects.

Accessory Use

The Applicant needs the approval of this request to design a well-coordinated, functional project. Requiring the project design to abide by internal lot lines when designing an integrated project such as this is impractical. It instead imposes an unnecessary hardship that constrains project design. The project parking, trash enclosures, accesses and open space will be concealed within the design of the project and will not be visible to the community. Consequently, no one will know if a unit's parking space is on the same lot as the unit. Once constructed, this project will appear to be one integrated development site similar to other single uniform, area developments.

As described in the previous finding, the project site is subject to a series of unique traits that combine to generate a special circumstance not applicable to other area sites. These circumstances justify the approval of the requested variances to preserve the applicant's property rights.

Density and Floor Area Increases

Many structures in the area were built at a time when the Code requirements for density and floor area ratios were not as stringent. Now, many of these older structures are being redeveloped under the Adaptive Reuse Ordinance, which does not subject dwelling units to the lot area requirements of the zone or height district. Further, the underlying zoning on the property of these previously constructed buildings permitted the development of buildings with a FAR of 13 to 1, far in excess of the current 6 to 1 FAR in the Code. The City has recently approved projects and is proposing to amend the Code to permit applicants to enjoy this property right. Until those changes are enacted, applicants will be required to request variances allowing enjoyment of this right. It would be a hardship on the Applicant and the City if the increase in FAR is not allowed to provide the needed housing within the City.

Additional Density in the C2-4D Zone and Variance from the "D" Limitation Imposed by Ordinance No. 164,307

As new construction, the proposed project is not able to take advantage of the same incentives offered other property owners in the area. The denial of this request conflicts with the City's desire to create a high-density urban area in South Park.

There are a number of existing residential projects in the immediate area that were constructed prior to the enactment of Ordinance 164,307, which were able to take advantage of the underlying FAR of up to 13 to 1. Residential examples include the Skyline project and the Metropolitan Apartments. Numerous buildings originally constructed as office buildings are currently being converted to residential via the Adaptive Reuse Ordinance, which ignores the site's underlying density. These projects include the Eastern Columbia building, the Library Court building, the Pegasus Building and the Packard Lofts building, to name a few.

Recently, the City has acknowledged that controlling the scale of a project is more appropriate in downtown urban environments via the use of the site's floor area ratio than through density limitations. Two recent approvals, the ZA-2003-9146-ZV-ZAA and ZA-2004-7070 (ZV) (YV) (ZAA) (SPR), are examples of new construction projects that were granted density increases above the LAMC Code requirements. More importantly, the City is currently considering in CPC 2005-0361 the elimination of the density requirement within the Central City area. In the Staff Report prepared to update standards for residential development in the Central City Area, the Planning Department recognizes that existing zoning regulations that are applicable to the City as a whole are designed for densities and development standards of a more suburban city even in the higher density zones. Understanding that the Central City Area is "particularly suitable for high density residential development," the Director of Planning is initiating amendments to the zoning code that will both

Calculation of the Buildable Area to Include Street Dedication:

Variance from the calculation of the buildable area to include street dedication areas is necessary for the preservation and enjoyment of a substantial property right generally possessed by other properties in the vicinity. Currently, there is a greater incentive to build apartments in the City than there is to build for-sale condominiums because the Code does not require apartment projects to exclude dedicated lot area from its buildable area. The extent of this disincentive is illustrated by the City's low homeownership rate, which is more than 36% percent lower than the national average of 66%. This project is one of the first new construction mixed-use developments in many years to be located in the Central City Community Plan area; however, strict Zoning Code requirements relating to FAR and residential density have made it financially infeasible for properties in the Central City/South Park area to be developed with high density housing developments. Denying the calculation of the buildable area to include street dedication areas would result in practical difficulties and unnecessary hardships to the property in question.

	Condominiums (Subdivision)	Apartments (No Subdivision)
Lot Area	129,413 s.f.(1)	130,275 s.f.(2)
Buildable Area	129,413 s.f.	130,275 s.f.
Density (3)	869	875
Maximum Floor Area Allowable	776,478 s.f. (129,413 s.f. x 6 FAR)	781,650 s.f. (130,275 s.f. x 6 FAR)

Note 1: The street dedication is subtracted from the lot area for subdivisions.
 Note 2: The street dedication is included in the lot area for apartments.
 Note 3: Based on the base density of 1 unit per 148 square feet of lot area

If the proposed project were to be developed without a Vesting Tentative Tract Map, the maximum allowable buildable area would be increased by six units and 5,172 square feet. As shown in the table above, the allowable floor area for apartments is greater than for condominiums. The applicant requests that the calculation of buildable area to be the same for both condominiums and apartments, particularly for an urban site in downtown Los Angeles. The Los Angeles City Planning Department is currently promoting an ordinance change that would revise the definition of "buildable area" to make it consistent with the definition of "lot area," thereby eliminating the distinction between condominiums and apartments in the calculation of allowable floor area.

Reduced Open Space Requirements

The subject site is located in the Central Commercial Core, just bordering the South Park area of downtown, which is an urban area planned for high-density uses. Unfortunately the LAMC is written for suburban type development. Providing Code required open space on site would result in a loss of residential units and/or ground

floor commercial space, which would pose a hardship on both the applicant and the community.

According to the strict interpretation of the Code, this site is required to provide 101,450 square feet of open space, a number equal to more than 73% of the lot area. Due to the permitted density of the project, the Code's open space requirements are unrealistic and impractical. Empirical evidence proves this to be a true statement as none of the existing or proposed projects in the area come close to achieving this standard.

Existing buildings being converted to residential units in the downtown area are typically built from property line to property line with no room for open space. The Adaptive Reuse Ordinance is one example that allows property owners to ignore the open space Code Sections. These projects have been hugely successful to a point that they have pushed land prices so high that it is impractical to reduce a project density and achieve these open space standards.

New projects are unable to achieve these suburban style development standards and are requesting variances from the open space requirement. Developments downtown, similar to that proposed for the subject site, have been granted deviations from the City's open space requirements. Recently, the Grand Avenue Lofts, located at 1100 S. Grand Avenue, received discretionary approval (Case No. ZA-2003-2656) to permit zero open space for the new construction units, thereby providing a precedent for zero open space for new construction. Additional projects such as the Metropolitan Lofts (ZA-2003-5986) and Eleven at 11th Street and Grand Avenue (ZA-2003-9146) have received approvals for similar requests for reduced open space requirements.

Notwithstanding the request for reduced open space, the Applicant proposes a generous amount of open space for recreational amenities that are often missing completely from other residential projects developed downtown under the Adaptive Reuse Ordinance.

Accessory Use

The Applicant needs the approval of this request to design a well-coordinated, functional project. Requiring the project design to abide by internal lot lines when designing an integrated project such as this is impractical. It instead imposes an unnecessary hardship that constrains project design. The project parking, trash enclosures, accesses and open space will be concealed within the design of the project and not visible to the community. Consequently, no one will know if a unit's parking space is on the same lot as the unit. Once constructed, this project will appear to be one integrated development site similar to other single uniform area developments.

As described above, the requested variances are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity; however, because of special circumstances

and practical difficulties or unnecessary hardships, the property in question is denied this right.

4. 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.

The granting of these variances will permit the construction of a project materially beneficial to the public welfare. The project helps create a critical mass of residents required to create the urban environment envisioned by the City for the project area. By focusing the majority of its square footage on residential dwelling area, the project addresses the City's urgent need to create housing. The residential project also generates less traffic than many by-right alternatives. The construction type of this project is more predictable and less expensive, thereby allowing units to be affordable as work force housing.

Critical Mass

The proposed project will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity because the project is designed to achieve a synergy for both residents of the project and neighbors in the community. The creation of this mixed-use project is designed to achieve the critical mass of placing residential development in an area near the abundant job market. The increased residential population in the area will promote more pedestrian travel to work, which in turn will promote more retail uses in the area. The combination of the two will increase the street activation and the goal of creating a walkable community. By providing for ground floor retail opportunities in each building the project further promotes the City's desire to create a high density urban environment where individuals can walk from their home to the job and then to buy goods and services. To make the streets of Olive and Grand more accessible to the general neighborhood population, the project proposes a pedestrian walkway, designed as an attractive landscaped open space, to connect both streets mid-block at the southern end of proposed Lots 2 & 3. The site plan of this project is designed to achieve a critical mass of residents who can activate the streets and promote the ground floor retail uses. As currently designed, the project should prove beneficial to the neighborhood, and the variance should be granted.

Fulfilling Housing Needs

The project site is located in the Central Commercial Core, just bordering South Park, which is an area particularly in need of additional and newly constructed housing units. The proposed project will provide a total of 875 residential dwelling units, which is a desired land use consistent with the Community Plan and good planning principles. The City's Housing Element identifies an urgent need to provide more housing on a citywide basis. The Downtown area can sustain more growth in housing units because the area is rich in jobs and mass transit opportunities. The project proposes to add 875 residential units in an area most suitable to a growth in population. Residents of the area are more likely to use public transit or to walk to their jobs in the Downtown area. The project proposes to add a significant amount

of new retail uses on the ground floor of three separate buildings, and the availability of these shopping opportunities will be beneficial to both new residents of the project and those already residing in the Central Commercial Core/South Park area. The new residents of this project will be homeowners, and thus their interest in maintaining the property values of the area will lead to greater interest in combating blight and crime, resulting in a safer community for the area residents. By locating housing at this site, the project will not be materially detrimental to the public welfare.

Traffic Congestion

The proposed project offers both residential units and ground floor retail uses. As illustrated in Variance Finding #2 above, mixed-use projects always generate less traffic. The residents of these new buildings will be attracted to the Downtown area because of easy access to jobs in the area. Residents are more likely to walk to their jobs, thus reducing traffic congestion. Likewise, residents will find many shopping and entertainment opportunities within easy walking distance. Residents who need transportation will find that their adjacency to a wide array of public transit options will include MTA buses and subway lines, rail lines, DASH, and other shuttle services. The proximity to public transit will increase the use of public transportation, resulting in much less traffic congestion. Easy access to jobs and shopping either by walking or public transit is the type of development that will be materially beneficial to the public welfare.

Urban Open Space

The granting of the variance will not adversely affect the residents of the proposed project or the surrounding property as the applicant plans to provide 1.4 acres of open space instead of the 2.3 acres required. This amount of open space is more than adequate on this particular site to provide a number of recreational amenities for the residents. Furthermore, this project provides far more open space than many other downtown projects of a similar nature. While it is true a majority of the open space is internal to the site, the project does propose to provide a landscaped pedestrian walkway crossing the Southern portions of Lots 2 & 3. This amenity will prove beneficial to the public welfare in creating an open space corridor that will allow easier access to the community for public amenities in the vicinity. The landscaping provided by the applicant will be in conformance with an adopted streetscape plan and appropriate for this type of downtown development.

High Quality Design

The mixed-use development will consist of three residential buildings with ground floor retail space ranging in height from 15 stories to 38 stories. Phase I is a 15-story building that fronts on Olive Street, 8th Street and Grand Avenue, wrapping around an aboveground parking structure on top of which is a one-acre open space improved as an amenity space for the residents with recreational facilities including a swimming pool, a spa, pool deck, and a community room. The Phase I building also contains ground floor retail and two residential lobbies, while the basement area

contains a fitness center. Phase II is a 22-story building that fronts on Olive Street and contains ground floor retail and a residential lobby. Phase III is a 38-story high-rise residential tower that fronts on Grand Avenue and contains ground floor and second floor retail, with a residential lobby open to the second floor.

The scale, massing and location of the buildings on the site respond to the site's nearly full-block size and the urban context. The lower-rise 15-story Phase I building fronts on three streets and responds in scale to the developing residential community in close proximity to 8th Street and Grand Avenue. While the project is primarily residential, the design recognizes that by providing complimentary facilities to the 875 joint livework units including shops and open space, the quality of life for the residents and the neighbors will be enhanced. By giving the ground floor of all three phases to retail uses, the street and the adjacent shops become public spaces. In the way of open space, the site provides a recreational area for the residents, while both the community and residents benefit from a mid-block passage located between the Phase I building and the Phase II and III buildings. This mid-block "Paseo" serves to break down the scale of the block into a more pedestrian friendly scale and will connect Grand Avenue to Olive Street. The Paseo is a pedestrian oriented open space that will include landscaping, enhanced paving, awnings and a water feature.

The building facade for Phase I is broken down in scale by a composition of corner and planer elements, which creates interest and a dynamic facade. The exterior materials include concrete, low-reflective glass, metal panels, louvered panels and exterior shading devices. Large windows allow residents to take advantage of the local views. The 38-story high-rise residential tower becomes the signature building for the site and has an undulating facade of white concrete railings, which lends a sense of movement to the structure. The height of the tower affords skyline and long distance views.

The project area is a dense urban area rich in public transit, jobs, cultural, and entertainment uses, which not only accommodates but also demands an increase in residential density. Therefore, the granting of the requested conditional use will result in development compatible and consistent with the City's vision with the area.

Density

The South Park area as a whole is a mixed-use community with residential, medical, commercial and retail uses. Other nearby high-density projects have requested and been granted variances to exceed the density limitations without proving materially detrimental to the public welfare or injurious to other property or improvements in the same zone or vicinity. The variance increasing the site's floor area and density will not be detrimental to other properties or improvements in the project area, but rather should prove complimentary to the development of the high density residential development that is contemplated by the Community Plan.

While the subject development is a new construction project and is not limited by existing conditions, as are existing buildings, the property is located within the same area of downtown Los Angeles which can support high-density development. The

Downtown Adaptive Reuse Ordinance allows existing buildings to exceed the allowable floor area because the City has determined that high-density development is not materially detrimental to this part of the City. Current City code allows greater density for apartment developments as opposed to condominium projects. This distinction fails to address the issue as to whether one type of multi-family development is more detrimental to the public welfare than the other. On the contrary, the development of ownership units should be encouraged for the downtown area for the very reason that homeowners will become stakeholders in the community and invested in the betterment of the neighborhood by having a vested interest in more crime prevention and safety programs for the area. Homeownership brings many benefits to a community, and thus a variance to allow greater density for condominium units will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. Due to the high cost of real estate in suburban areas, the development of condominium units in the downtown area will be more affordable and will assist to raise the number of ownership units. Los Angeles lags behind other cities across the nation in the percentage of homeownership units, and the ability to provide more ownership units should be encouraged in Citywide planning policies.

This site is unique as it is situated in downtown Los Angeles, a public transit and jobs rich area. The site is a short walking distance from the rail transit stations, the major MTA bus lines and the DASH line at the Convention Center, all of which provide transit access within downtown as well as to outlying areas such as Long Beach, Pasadena, North Hollywood, Westchester, and Norwalk. The close proximity to the rail stations is compatible with the high-density development necessary to create demand for public transit which in turn justifies the request to increase the allowable floor area and FAR.

The project area is a dense urban area rich in public transit, jobs, cultural, and entertainment uses, which not only accommodates but also demands an increase in residential density. Therefore, the granting of the requested adjustment will result in development compatible and consistent with the surrounding uses and 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.

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

The General Plan will not be adversely affected by the granting of these variances. In fact, this project promotes many of the goals and policies of the General Plan. The following will discuss the project's consistency with various elements of the General Plan, including the Central City Community Plan, City Center Redevelopment Plan, the Housing Element and the Transportation Element.

Central City Community Plan

use establishes a much needed neighborhood identity in an area that is currently lost to the idea.

To enhance the pedestrian access in the area, the project proposes a pedestrian walkway, designed as an attractive landscaped open space, as a mid-block connection at the southern end of the project site between Olive Street and Grand Avenue.

Redevelopment Plan

Section 105 – Project Objectives

The following City Center Redevelopment Plan land use objectives are consistent with the proposed development:

Objective 6: To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.

Objective 13: To provide high and medium density housing close to employment and available to all ethnic, social and economic groups, and to make an appropriate share of the City's low- and moderate-income housing available to residents of the area.

The important goal of the City Center Redevelopment Plan to provide high and medium density housing close to employment is achieved with the proposed project's provision of 875 residential units in a high-density area. The Redevelopment Plan allows for an increase in floor area on a property pursuant to Section 520. In granting a floor area variation of a maximum of 50,000 square feet for each of the proposed Condominium Projects located at 1111 S. Grand Avenue and 1100 S. Hope Street, the Community Redevelopment Agency noted that "permitting a variation will not be contrary to the objectives of the Redevelopment Plan in that the Plan seeks to increase the supply of housing in the Project Area," and is aimed at "creating ownership opportunities in the Project Area." Further, the bordering South Park area is "designated and zoned for high-density residential development," and the area can accommodate the proposed higher densities of the Condominium Projects approved by the Agency because the sites are "in close proximity to public transit and because they are within a jobs-rich area."

The proposed project creates a modern, efficient and balanced urban environment for people by providing residential units in an area that is proximate to many of the City's business, recreation, sports and entertainment venues. Residents of the project will have easy access to the neighboring Los Angeles Sports and Entertainment District as well as to the Music Center, Disney Hall, the Artist District and other cultural venues located in the Downtown area.

Housing Element

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

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

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

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

With the development of 875 residential units in a high-density area, the proposed project fulfills the primary residential land use objective of the Community Plan. Although it designates much of the South Park area as High Density Residential with corresponding residential zoning due to its proximity to jobs and housing, this project site is located on its border within the jobs and transit rich Financial Core portion of the Community Plan. The Community Plan's Policy in support of this objective seeks to "maintain zoning standards that clearly promote housing and limit ancillary commercial to that which meets the needs of neighborhood residents or is compatible with residential uses." A program of this policy seeks to "designate the Land Use for South Park for residential in all future redevelopment plans." Another program seeks to implement policies as appropriate that "encourage residential development and promote...transit-oriented, mixed-income and mixed-use neighborhoods downtown..." The Plan also seeks to increase the range of housing choices available to Downtown employees and residents. The proposed project offers homeownership opportunities to residents of the area. The proposed project clearly strives to meet the objectives, programs and policies of the Plan by expanding the number of residential units in an area that is already oriented to public transit and mixed-use projects.

The Community Plan also identifies several significant community residential land use issues that are addressed by the proposed project:

- ii) Create a significant increase in housing for all incomes, particularly of middle-income households.
- iii) Lack of sufficient housing investment to achieve a "critical mass" in some underserved areas like South Park.
- iv) Lack of neighborhood-oriented businesses to support residential uses.
- v) Lack of a strong sense of neighborhood identity.

The project is designed to assist in resolving these many issues. The provision of 875 homeownership residential units creates a significant increase in housing for a range of workers in the City. At 875 units the project demonstrates a substantial investment in the community that moves the City closer to achieving that "critical mass" of residents.

The site plan of this project is designed to achieve a critical mass of residents who can activate the streets and promote the ground floor retail uses. The project's ground floor retail uses will address the lack of neighborhood-oriented businesses providing retail opportunities serving the residents and community. The development of a large vacant parcel of land into an integrated high density mixed

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

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

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

The proposed project will provide current and future downtown employees with housing at a premium location. The proposed project will add a total of 875 dwelling units to the City's downtown housing stock. The project will be part of an emerging pedestrian-oriented district encouraging the use of mass transit. The project will be developed in close proximity to the MTA Blue Line Station at 12th and Flower Streets, the Red Line Station at 7th and Figueroa Streets as well as the DASH and other MTA bus lines. Additionally, the project will essentially be part of the proposed L.A. Live project, which will bring new hotels, live theater, nightclubs, restaurants, retail, and commercial office space to the South Park community.

In allowing higher density than permitted by Code for the Condominium Projects at 1111 S. Grand Avenue and 1100 S. Hope Street, the Community Redevelopment Agency found that permitting a density variation will not be contrary to "the objectives of this Plan or the applicable Community Plan." The Agency found that "this type of high-density livework residential development is the optimal land use for the site as it is near public transit and it promotes pedestrian activity which will create a safe and vibrant mixed-use community."

Transportation Element

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

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

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

The project proposes a pedestrian-oriented environment by locating high density residential and retail uses in proximity to public transit and the jobs rich environment of Downtown. The project encourages pedestrian activity with its development of a pedestrian walkway mid-block between Olive Street and Grand Avenue that will be used by residents and the community alike. With new residents most likely to work downtown and to avail themselves of the recreational and cultural opportunities of the area, the need for automobile transportation is greatly reduced, because residents will either walk or use one of the many forms of public transportation available in the area. In any event, the project provides a significant number of parking spaces, which necessitates a variance, to allow for parking and other accessory uses on a more restrictive zone and to allow for parking spaces on a lot other than one with dwelling units.

The granting of this conditional use will not have any adverse effects on any element of the General Plan.

CONDITIONAL USE FINDINGS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for a Conditional Use Permit to be authorized, certain designated findings have to be made. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 6. The proposed location of the project will be desirable to the public convenience or welfare.

Locating a high density mixed use project in Downtown Los Angeles near thousands of jobs and access to the region's best transit promotes the public convenience and welfare. The City desires to create an active pedestrian friendly downtown where residents walk or take public transit to work, to shop, and to dine. The proposed project moves the City closer to this vision by providing urgently needed housing near jobs and transit. Another benefit to the public is that the combination of the uses proposed generates substantially less traffic than many uses permitted by right.

Critical Mass

The proposed project will not be materially detrimental to the public welfare or convenience because the project is designed to achieve a synergy for the residents of the project and its community. The creation of this mixed-use project is designed to foster a critical mass of residents near jobs and transit. The increased residential population walking to work or transit promotes pedestrian activity that facilitates the expansion of ground floor retail uses in the area. As the residential population expands so do the commercial opportunities. This project offers an additional feature that promotes pedestrian accessibility in the general neighborhood; it

traffic consultant, The Mobility Group, provided the following trip generation comparison for traditional commercial uses and a mixed-use project over the entire site:

Use	Lot area and Floor area	Trips generated
Office & Ground Floor Retail	Lot area = 130,275 SF Permitted Floor area = 781,650 SF FAR of 6 to 1 Retail = 130,275 SF Office = 651,375 SF	7,239 daily trips, with 676 AM trips and 840 PM trips
Office	Lot area = 130,275 SF Permitted Floor area = 781,650 SF FAR of 6 to 1 Office Floor area = 781,650 SF	5,163 daily trips, with 727 AM trips and 699 PM trips
Proposed Mixed Use	Lot area = 130,275 SF Floor Area = 1,065,423 FAR of 8.18 to 1 Retail 35,349 SF 875 Units	4,162 daily trips, with 257 AM trips and 237 PM trips

These numbers provide graphic evidence that the proposed mixed-use project promotes the public welfare by reducing the overall number of daily trips, while even more drastically reducing trips during peak hours.

High Quality Design

The mixed-use development will consist of three residential buildings with ground floor retail space ranging in height from 15 stories to 38 stories. Phase I is a 15-story building that fronts on Olive Street, 8th Street and Grand Avenue, wrapping around an aboveground parking structure on top of which is a one-acre open space improved as an amenity space for the residents with recreational facilities including a swimming pool, a spa, pool deck, and a community room. The Phase I building also contains ground floor retail and two residential lobbies, while the basement area contains a fitness center. Phase II is a 22-story building that fronts on Olive Street and contains ground floor retail and a residential lobby. Phase III is a 38-story high-rise residential tower that fronts on Grand Avenue and contains ground floor and second floor retail, with a residential lobby open to the second floor.

The scale, massing and location of the buildings on the site respond to the site's nearly full-block size and the urban context. The lower-rise 15-story Phase I building fronts on three streets and responds in scale to the developing residential community in close proximity to 8th Street and Grand Avenue. While the project is primarily residential, the design recognizes that by providing complimentary facilities to the 875 joint live/work units including shops and open space, the quality of life for the residents and the neighbors will be enhanced. By giving the ground floor of all

proposes a pedestrian walkway, designed as an attractive landscaped open space, to connect both streets mid-block at the southern end proposed Lots 2 & 3.

The site plan of this project is designed to achieve a critical mass of residents who can activate the streets and enhance the greater use of ground floor retail uses. As currently designed, the project should prove beneficial to the neighborhood, and the conditional uses should be granted.

Transit Adjacent

This site is unique as it is situated in downtown Los Angeles, benefiting from the widely available public transit which serves the jobs rich environment. The site is a short walk from the rail transit stations, which provide transit access within downtown as well as to outlying areas such as Long Beach, Pasadena, North Hollywood, the Valley, Westchester, and Norwalk. Locating high-density residential developments in the vicinity of public transit promotes the public welfare by providing realistic opportunities for residents to leave their cars at home.

Fulfilling Housing Needs

The project site is located in the Central Commercial Core, just bordering South Park, which is an area particularly in need of additional and newly constructed housing units. The proposed project will provide a total of 875 dwelling residential units, which is a desired land use consistent with the Community Plan and an example of smart growth. The City's Housing Element identifies an urgent need to provide more housing on a citywide basis. The Downtown area is an area that can sustain more growth in housing units because the area is rich in jobs and mass transit opportunities. The project proposes to add 875 residential units in an area most suitable to a growth in population. Residents of the area are more likely to use public transit or to walk to their jobs in the Downtown area. The project proposes to add a significant amount of new retail uses on the ground floor of the three phases, and the availability of these shopping opportunities will be beneficial to both new residents of the project and those already residing in the Central Commercial Core/South Park area. The new residents of this project will be homeowners; and thus their interest in maintaining the property values of the area will lead to greater interest in combating blight and crime, leading to a safer community for the area residents. By locating housing in this area without displacing existing residents, the project will not be materially detrimental to the public welfare.

Traffic Congestion

The proposed use of the site creates a public benefit justifying approval of this project. The creation of a mixed-use project at the site helps to reduce future traffic potential in the area. By right the project could be designed with approximately 781,650 square feet of office space, generating 5,163 net daily trips. Another by right option could contain approximately 130,275 square feet of ground level retail built below 651,375 square feet of office space that would generate approximately 7,239 daily trips. The proposed mixed-use project at the site generates substantially less traffic than a straight commercial project. To illustrate this fact, the project's

three phases to retail uses, the street and the adjacent shops become public spaces. In the way of open space, the site provides a recreational area for the residents, while both the community and residents benefit from a mid-block passage located between the Phase I building and the Phase II and III buildings. This mid-block "paseo" serves to break down the scale of the block into a more pedestrian friendly scale and will connect Grand Avenue to Olive Street. The paseo is a pedestrian oriented open space that will include landscaping, enhanced paving, awnings and a water feature.

The building facade for Phase I is broken down in scale by a composition of corner and planer elements, which creates interest and a dynamic facade. The exterior materials include concrete, low-reflective glass, metal panels, louvered panels and exterior shading devices. Large windows allow residents to take advantage of the local views. The 38-story high-rise residential tower becomes the signature building for the site and has an undulating facade of white concrete railings, which lends a sense of movement to the structure. The height of the tower affords skyline and long distance views.

The project area is a dense urban area rich in public transit, jobs, cultural, and entertainment uses, which not only accommodates but also demands an increase in residential density. Therefore, the granting of the requested conditional use will result in development compatible and consistent with City's vision with the area.

- 7. The proposed project will be in proper in relation to adjacent uses or the development of the community.

The granting of this approval permits the creation of an integrated mixed-use development compatible and consistent with the surrounding uses. It also approves a project consistent with the City's goal to create a vibrant mixed-use community in Downtown's job and transit rich environment. Nurtured by the Adaptive Reuse Ordinance, the residential housing supply in this area is expanding rapidly and this project serves to promote that effort.

By example of the approvals of the Elleven, Luma, Evo, 9th and Figueroa Mixed Use, the Glass Tower and the Hanover projects to name a few, it is apparent that the City's desire to locate brand new ground-up high density housing near jobs and transit is quickly becoming a reality. The first of these two projects are under construction and the others are slated to break ground soon. According to City Staff there are approximately 25 high-rise residential towers in Building and Safety's plan check process currently and 19 are fully financed. The proximity of these projects to each other and the existing jobs and transit helps to create the critical mass of residents needed to transform the area to the vibrant 24-hour environment envisioned by the City.

- 8. The proposed project will not be materially detrimental to the character of development in the immediate neighborhood, and will be in harmony with the various elements and objectives of the General Plan.

This project is harmonious with the General Plan, in that it locates urgently needed housing near jobs and transit without impacting existing communities. The following will discuss the project's consistency with various elements of the General Plan, including the Central City Community Plan, City Center Redevelopment Plan, the Housing Element and the Transportation Element.

Central City Community Plan

The Community Plan recognizes that the Central City is overwhelmingly a governmental, commercial and manufacturing center, and that residentially zoned land accounts for less than 5% of the total land area. However, the Plan also recognizes that the "continued economic and social viability of the Central City depends on the contributions of a stable population and vibrant, cohesive neighborhoods." One of the Plan's primary objectives is to facilitate the expansion of housing choices. This project, indeed, promotes new housing opportunities for the area.

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

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

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

With the development of 875 residential units in a high-density area, the proposed project fulfills the primary residential land use objective of the Community Plan. Although it designates much of the South Park area as High Density Residential with corresponding residential zoning due to its proximity to jobs and housing, this project site is located on its border within the jobs and transit rich Financial Core portion of the Community Plan. The Community Plan's Policy in support of this objective seeks to "maintain zoning standards that clearly promote housing and limit ancillary commercial to that which meets the needs of neighborhood residents or is compatible with residential uses." A program of this policy seeks to "designate the Land Use for South Park for residential in all future redevelopment plans." Another program seeks to implement policies "as appropriate" that "encourage residential development and promote transit-oriented, mixed-income and mixed-use neighborhoods downtown." The Plan also seeks to increase the range of housing choices available to Downtown employees and residents. The proposed project offers homeownership opportunities to residents of the area. The proposed project clearly strives to meet the objectives, programs and policies of the Plan by expanding the number of residential units in an area that is already oriented to public transit and mixed-use projects.

The Community Plan also identifies several significant community residential land use issues that are addressed by the proposed project:

- a) Create a significant increase in housing for all incomes, particularly of middle-income households.
- b) Lack of sufficient housing investment to achieve a "critical mass" in some underserved areas like South Park.
- c) Lack of neighborhood-oriented businesses to support residential uses.
- d) Lack of a strong sense of neighborhood identity.

The project is designed to assist in resolving these many issues. The provision of 875 homeownership residential units creates a significant increase in housing for a range of workers in the City. At 875 units, the project demonstrates a substantial investment in the community that moves the City closer to achieving that "critical mass" of residents.

The site plan of this project is designed to achieve a critical mass of residents who can activate the streets and promote the ground floor retail uses. The project's ground floor retail uses will address the lack of neighborhood-oriented businesses providing retail opportunities serving the residents and community. The development of a large vacant parcel of land into an integrated high-density mixed use establishes a much needed neighborhood identity in an area that is currently lost to the idea.

To enhance the pedestrian access in the area, the project proposes a pedestrian walkway, designed as an attractive landscaped open space, to connect both streets mid-block at the southern end of the project site.

Redevelopment Plan

Section 105 - Project Objectives

The following City Center Redevelopment Plan land use objectives are consistent with the proposed development:

Objective 6: To create a modern, efficient and balanced urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing.

Objective 13: To provide high and medium density housing close to employment and available to all ethnic, social and economic groups, and to make an appropriate share of the City's low- and moderate-income housing available to residents of the area.

The important goal of the City Center Redevelopment Plan to provide high and medium density housing close to employment is achieved with the proposed project's provision of 875 residential units in a high-density area. The Redevelopment Plan allows for an increase in floor area on a property pursuant to Section 520. In granting a floor area variation of a maximum of 50,000 square feet for each of the proposed Condominium Projects located at 1111 S. Grand Avenue and 1100 S. Hope Street, the Community Redevelopment Agency noted that "permitting a variation will not be contrary to the objectives of the Redevelopment

Plan in that the Plan seeks to increase the supply of housing in the Project Area, and is aimed at "creating ownership opportunities in the Project Area." Further, the bordering South Park area is "designated and zoned for high-density residential development," and the area can accommodate the proposed higher densities of the Condominium Projects approved by the Agency because the sites are "in close proximity to public transit and because they are within a jobs-rich area."

The proposed project creates a modern, efficient and balanced urban environment for people by providing residential units in an area that is proximate to many of the City's business, recreation, sports and entertainment venues. Residents of the project will have easy access to the neighboring Los Angeles Sports and Entertainment District as well as to the Music Center, Disney Hall, the Artist District and other cultural venues located in the Downtown area.

Housing Element

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

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

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

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

The proposed project will provide current and future downtown employees with rental housing at a premium location. The proposed project will add a total of 875 dwelling units to the City's downtown housing stock. The project will be part of an emerging pedestrian-oriented district encouraging the use of mass transit. The project will be developed in close proximity to the MTA Blue Line Station at 12th and Flower Streets, the Red Line Station at 7th and Figueroa Streets as well as the DASH and other MTA bus lines. Additionally, the project will essentially be part of the proposed L.A. Live project, which will bring new hotels, live theater, nightclubs, restaurants, retail, and commercial office space to the South Park community.

In allowing higher density than permitted by Code for the Condominium Projects at 1111 S. Grand Avenue and 1100 S. Hope Street, the Community Redevelopment Agency found that permitting a density variation will not be contrary to "the objectives of this Plan or the applicable Community Plan." The Agency found that "this type of high-density live/work residential development is the optimal land use for the site as it is near public transit and it promotes pedestrian activity which will

create a safe and vibrant mixed-use community." The proposed project is consistent with these findings of the Community Redevelopment Agency as applied to other similar projects in the downtown area.

Transportation Element

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

5. To focus future growth of the City around transit stations.
6. Increase land use intensity in transit station areas.
7. Reduce reliance on the automobile, and
8. Create a pedestrian friendly oriented environment.

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

The project proposes a pedestrian-oriented environment by locating high density residential and retail uses in proximity to public transit and the jobs rich environment of Downtown. The project encourages pedestrian activity with its development of a pedestrian walkway mid-block between Olive Street and Grand Avenue that will be used by residents and the community alike. With new residents most likely to work downtown and to avail themselves of the recreational and cultural opportunities of the area, the need for automobile transportation is greatly reduced, because residents will either walk or use one of the many forms of public transportation available in the area. In any event, the project provides a significant number of parking spaces, which necessitates a variance, to allow for parking and other accessory uses on a more restrictive zone and to allow for parking spaces on a lot other than one with dwelling units.

The granting of this conditional use will not have any adverse effects on any element of the General Plan.

9. A combination of functional linkages, such as pedestrian or vehicular connections;

This three-phased project is design as a single integrated site. Functional linkages exist between the three phases providing pedestrian and vehicular access for residents to each project phase. The large internal open space will provide a central gathering place for the residents of the project.

10. In conjunction with common architectural and landscape features, which constitute distinctive design elements of the development;

The mid and high rise residential buildings are designed with common architectural and landscape features that are compatible with other similar mid and high rise residential buildings that have been and are being constructed in the vicinity, most

particularly with the adjacent South Park community. The project's distinctive design features create a synergy with other projects that provide open spaces, pedestrian friendly environments and ground floor retail spaces to attract community residents as well as downtown workers and visitors.

11. Is composed of two or more contiguous parcels, or lots of record separated only by a street or alley;

The project proposes to merge the sites approximately 17 lots and resubdivide them into three legal lots, one for each phase of development. The three proposed contiguous lots will continue to be bound by 8th street, Grand Avenue and Olive Street.

12. And when the development is viewed from adjoining streets appears to be a consolidated whole.

The project will integrate the uses, architectural details, landscaping, signage and colors to create the appearance of a uniformed highly integrated developed.

SITE PLAN REVIEW FINDINGS:

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

The project site is zoned C2-4D, and the proposal is for mixed-use buildings comprised of ground floor retail (approximately 35,349 square feet) and multi-family residential uses (maximum of 875 units), totaling 1,065,423 square feet on a lot with a net area of 130,275 square feet and 129,413 square feet after street dedications are removed. The Height District No. 4 allows a 13 to 1 FAR; however, the D Limitation limits the maximum allowable floor area to a FAR of 6 to 1 for the entire site (per Ordinance 164307).

If approved, the decisions rendered for Tentative Tract No. 62522 and the incidental Zoning Administrator actions will bring the project into compliance with all of the applicable provisions of the Los Angeles Municipal Code and the Planning and Zoning Section.

Though, the project site is not within a specific plan area, the site is subject to the Central City Redevelopment Project Area of the Community Redevelopment Agency (CRA). The proposed project is in substantial conformance with these guidelines. Project design has been reviewed by the CRA and approved.

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

The property is located in the Financial Core/South Park area of the Central City Community Plan, which was updated and adopted on January 28, 2003. The property's zoning is consistent with the land use designations, Regional Center

a variance from Los Angeles Municipal Code Section 12.21 A 4 (p) (1) to permit .48 parking spaces per unit (Phase I) and to permit .48 parking spaces per unit (Phase II) for the residential portion of the Joint Live Work Units in lieu of the 1.0 parking spaces per unit (Phase I) and 1.0 parking spaces per unit (Phase II) required;

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

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

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

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

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

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

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

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

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

ROBERT JANKOVIC
CALIFORNIA ZONING ADMINISTRATOR
ASSOCIATE ZONING ADMINISTRATOR

CARY BOONER
RICHARD BROWN
ANNE CLIBURN
TAMMY COVATTO
DANIEL CHEN
LOUIS GIBBY
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JAMES J. HAHN
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July 29, 2004

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

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

Department of Building and Safety

CASE NO. ZA 2003-9146-ZV-ZAA
ZONING ADMINISTRATOR'S
DETERMINATION, ZONE VARIANCE,
ZONING ADMINISTRATOR'S
ADJUSTMENT, SITE PLAN REVIEW
Related Case: VTT 60746
1141 S. Grand Avenue & 1100 S. Hope
Street
Central City Planning Area
Zone: [Q]R5-4D-O
D.M.: 127.5 A 2
C.D.: 9
CEQA: ENV-2003-8301-MND
Fish and Game: Exempt
Legal Description: Lots 7 through 12 and
13 through 17, Block 79, Ord's Survey

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Site Plan Review for the proposed project.

Upon the following additional terms and conditions:

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

CPC 94-0225 CPU (Ordinance 174 985) - On January 8, 2003 the City Council adopted a resolution approving a revision to the Central City Community Plan to include the incorporation of the Los Angeles Sports and Entertainment District Specific Plan for the area near Staples Center and the L.A. Convention Center. The Specific Plan permits a maximum of 3.75 million square feet of entertainment/mixed-use development, requires a minimum of 500 dwelling units and 1,400 hotel rooms, and includes a variety of other uses.

ZONE VARIANCE FINDINGS

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

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

Parking Area Design Deviations

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

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

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

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

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

Reduced Parking for the Uses on Site

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

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

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

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

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

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

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

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

Joint Live Work Units in the IQR5-4D-O Zone

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

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

Additional Density in the IQR5-4D-O Zone

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

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

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

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

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

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

While the project roughly meets the density (in terms of number of units) under the R5 zone, the 8 to 1 FAR limit will not allow the applicant build the average size units common to urban-style developments, e.g. 1,150 to 3,200 square feet per unit.

Calculations of the Buildable Area of the Site

Street Dedication Areas:

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

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

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

Alley Dedication Areas:

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

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

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

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

Parking Area Design Deviations

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

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

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

Reduced Parking for the Uses on Site

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

Joint Live Work Units in the IQR5-4D-O Zone

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

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

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

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

Yard Setback Areas:

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

Construction Permit

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

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

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

Additional Density in the IQR5-4D-O Zone and Variance from the "D" Limitation and IQR Conditions in Ordinance 184.307.

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

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

Calculations of the Buildable Area of the Site

Street Dedication Areas:

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

Alley Dedication Areas:

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

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

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

Yard Setback areas:

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

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

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

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

Parking Area Design Deviations

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

The Zoning Administrator has issued a variance for aisle and ramps with reductions in another project in the vicinity (ZA2002-4044-ZAD-ZV-YV). While the other project is an Adaptive Re Use project, the prior approval nonetheless acknowledges the special circumstances of completing urban mid-high-rise infill construction. Structural support columns for this proposed type of construction may limit distances otherwise permitted by the Zoning Code.

Reduced Parking for the Uses on Site

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

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

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

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

FAR Calculations

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

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

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

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

Alley Dedication Areas

LAMC Section 12.22 C 16 allows 1/4 of an abutting alley to be included in the lot area used to calculate residential density. If the location of an alley allows the base residential density to increase, then the same should apply when calculating the allowable floor area ratio.

Yard Setback areas:

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

substantial property right generally possessed by other property in the vicinity. The Flower Street Lofts project (ZA-2001-4689-ZV-ZAD-ZAA), located approximately 1 1/2 blocks away and in the same zone as the subject site, was not required to provide parking spaces for the commercial portion of the Joint Live Work units and was allowed to provide a total of 91 off-site parking spaces for 91 Joint Live Work condominium units.

Additionally, the Grand Avenue Lofts project (ZA-2003-2656-ZV-ZAA-ZAD), located 1 block away across the street from the subject site, is a 66-unit Joint Live Work condominium development which has been approved with only 66 off-site parking spaces. Of the 68 units, a total of 21 units are new construction units while the remaining units are Adaptive Reuse units.

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

Joint Live Work Units in the [QR]5-4D-O Zone

There are 3 nearby recently built or approved developments which have been granted approval to build Joint Live Work units in the [QR]5-4D-O Zone. They are as follows:

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

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

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

The three projects described above are within a 2-block radius of the project site and are all in the [QR]5-4D-O Zone. Given that Joint Live Work units have been approved on 3 nearby sites, this type of use is beneficial and compatible within this area and zone.

Additional Density in the [QR]5-4D-O Zone and Variance from the "D" Limitation and [Q] Conditions in Ordinance 164,307

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

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

Calculations of the Buildable Area of the Site

Street Dedication Areas:

residential uses. Adaptive Reuse projects may continue to physically encroach on required residential yard setbacks and to maintain any non-conforming floor area consistent with the urban character of housing development in downtown areas. LAMC Section 12.22 A 28 (b) states that the Adaptive Reuse Ordinance (ARO) supersedes any "D" Limitation or "Q" Condition adopted before the effective date of the ARO which became effective on 12/20/01. The Adaptive Reuse Ordinance provides a number of non-conforming rights such as allowing the existing building's FAR to remain even if it exceeds the maximum allowable by Code, allows the maintenance of the existing number or parking spaces (which may be zero in some cases), allows the building to encroach in required yard setbacks all of which are incentives that are not available to new construction projects such as the subject development.

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

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

Construction Permit

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

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

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

Parking Area Design Deviations

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

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

Reduced Parking for the Uses on Site

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

Joint Live Work Units in the [QR]5-4D-O Zone

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

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

Additional Density in the [QR]5-4D-O Zone and variance from the "D" Limitation Ordinance 164.307

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

Calculations of the Buildable Area of the Site

Street Dedication Areas:

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

Alley Dedication Areas:

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

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

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

Reduced Parking for the Uses on Site

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

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

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

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

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

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

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

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

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

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

Objectives (page 3)

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

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

Yard Setback areas:

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

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

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

Construction Permit

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

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

Parking Area Design Deviations

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

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

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

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

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

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

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

Provide for places of employment.

Reduce reliance on the automobile.

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

Joint Live-Work Units in the [QR]5-4D-O Zone

The Central City Community Plan states the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional Density in the IQR5-4D-O Zone and Variance from the "D" Limitation in Ordinance 184-307

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

Calculations of the Buildable Area of the Site

Street Dedication Areas:

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

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

Alley Dedication Areas:

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

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

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

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

Reduced Yard Setbacks

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

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

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

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

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

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

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

Yard Setback Areas:

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

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

Construction Permit

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

ZONING ADMINISTRATOR'S ADJUSTMENT FINDINGS

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

Residential Density

The residential density allowed in the [Q] R5-4D-O Zone allows a minimum lot area per dwelling unit of 200 square feet. Under this requirement, a maximum of 181 residential units are allowed for Phase I and 217 units are allowed for Phase II. The Applicant's request for 194 units (Phase I) and 223 units (Phase II) is negligible as it represents only a 7.2 % (Phase I) and a 2.6% (Phase II) deviation from lot area.

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

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

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

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

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

Open Space Table

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

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

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

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

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

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

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

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

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

The housing report also discussed the need to promote home ownership in the City, noting that at 38%, the City's home ownership rate is far less than the nation's 66% home ownership rate. As a result, the Commission suggested that the City should review the zoning code with a view to increasing opportunities for "for sale" residential development. The project proposes a total of 417 residential Joint Live-Work condominiums (194 units in Phase I and 223 units in Phase II), and while these condominiums alone will not solve the housing crisis, they go a long way towards helping to address not only the housing shortage but the home ownership opportunities as well.

Transportation Element

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

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

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

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

Reduced Yard Setbacks

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

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

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

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

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

Residential Density

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

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

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

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

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

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

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

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

Housing Element

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

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

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

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

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

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

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

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

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

Residential Density

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

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

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



ANTONIO VILLARIGOSA
MAYOR

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LISA WATTE

July 15, 2005

Kate Bartolo / Laura Doerges (A),(O)
The KOR Group, Inc.
1645 Vine Real Estate, LLC.
5750 Wilshire Boulevard, Suite 500
Los Angeles, CA 90036

Kathy King (R)
Psomias
11444 W. Olympic Blvd., Suite 750
Los Angeles, CA 90064

Department of Building and Safety

CASE NO. ZA 2005-0062 (CUB)(CUX)
(ZV)(ZAA)(SPR)
CONDITIONAL USE, VARIANCE,
ZONING ADMINISTRATOR'S
ADJUSTMENT, AND SITE PLAN
REVIEW.

Related Case: Vesting Tentative Tract
No. 62217
1645 North Vine Street
6300 - 6312 Hollywood Boulevard
Hollywood Planning Area
Zone : C4-2D
D.M. : 148-5A187
C.D. : 13
CEQA : ENV-2005-0063-MND
Fish and Game: Exempt
Legal Description: See Exhibit "A"

Pursuant to Los Angeles Municipal Code Sections 12.24-W, 1 and 18, I hereby APPROVE:

Conditional Use Permits authorizing the sale and dispensing of alcoholic beverages and public dancing as follows:

- 1) approximately 2,340 square-foot ground floor 148 seat restaurant with a full line of alcoholic beverages for on-site consumption including live entertainment with incidental public dancing and an outdoor patio dining area;
- 2) approximately 2,016 square-foot ground floor 87 seat bar and lounge with a full line of alcoholic beverages for on-site consumption including live entertainment with incidental public dancing and an outdoor patio dining area;
- 3) approximately 2,250 square-foot ground floor 166 seat café/gourmet market restaurant with a full line of alcoholic beverages for on-site consumption including live entertainment with incidental public dancing, a

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

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

Reduced Yard Setbacks

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

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

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

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

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

Residential Density

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

Reduced Yard Setbacks

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

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

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

outdoor patio dining area and the sale and dispensing of beer and wine for off-site consumption in conjunction with the gourmet market;

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

- 1) a Variance from Section 12.21-A,5 of the Los Angeles Municipal Code to permit deviations from the parking space access and design requirements with the use of elevators to move vehicles between the parking levels of the sub-basement, basement, partial first, partial second and partial third floors of the building;
- 2) a Variance from Section 12.21-A,5(d) of the Los Angeles Municipal Code, to permit "Attended Commercial Parking Lots" for the proposed residential units in lieu of any required parking;
- 3) a Variance from Section 12.21-A,5(c) of the Los Angeles Municipal Code to permit 61 standard stalls and 40 compact stalls for the 96 residential units in lieu of 96 standard parking stalls;
- 4) a Variance from Section 12.21-A,5(f) of the Los Angeles Municipal Code to permit the aisle/ramp width to be a minimum of 16 feet in lieu of the required 19 feet;

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

a Zoning Administrator's Adjustment from Section 12.16-C,2 of the Los Angeles Municipal Code to permit a zero foot rear yard and zero foot west side yard for the additional floors/floor area added to the upper portion of the existing building in lieu of the required 20 feet rear yard and 11 feet side yard; and

Pursuant to Los Angeles Municipal Code Sections 16.05-E, and F, I hereby APPROVE:

an exemption from Site Plan Review,

upon the following additional terms and conditions:

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

live and movie theaters, restaurants and commercial retail shops, making the request logical. Furthermore, it would provide amenities to compliment the surrounding high density commercial uses.

The Hollywood community has long served as an "Entertainment Center" drawing customers from all over the world, and as such can be allowed to have additional licenses to serve this larger "population" of regional residents and out of State visitors. The re-birth of Hollywood with new projects such as the "TrizecHahn Project" the "Hollywood Market" and the "Cinerama Dome Project". All of these projects and the applicant's project will help bring more visitors and business to the area.

6. The proposed use will not detrimentally affect nearby residential zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The approval of the conditional use will not detrimentally affect nearby residentially zoned properties. The surrounding Land Use developments in the area are zoned C4-2D. The applicant will work with the Los Angeles Police Department and Office of Zoning Administration to determine and execute a security plan that will mitigate any possible problems associated with the projects. Additional conditions have been added, specific terms for verification of compliance are required, and a review in one year. The condition regarding review in one year is in order to ensure that the set of conditions continue to protect the area from potential adverse impacts. If there are problems during the year of operation, the review will evaluate them and mitigate the impacts by modifying existing conditions, adding additional conditions, or by not renewing the conditional use.

VARIANCE FINDINGS

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

7. 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 existing building on the project site was first constructed in 1927 and was not designed to accommodate parking. No on-site parking was required when the building was constructed. The current project does not require any on-site automobile parking spaces to be provided. The general purpose of the parking

design requirements is to assure that code required parking spaces will be used on a regular basis. The basic parking design requirements are intended to assure that adequate room and maneuvering area is available for vehicle parking with the requirement of valet operations. The Adaptive Reuse Incentive Area Specific Plan (ARSP) allows the conversion and reuse of existing floor area and the added area described in the project description without requiring any additional parking as a valuable incentive to motivate the conversion of older (once deemed obsolete) buildings. If forced to comply with the strict parking space design requirement of LAMC § 12.21 A.5, the Project would suffer from the unnecessary hardship of preventing the addition of parking spaces as an added amenity to both the occupants of the building and the public at community. This area of the City is deficient in available parking.

Therefore, denying the Applicant the opportunity to respond to the parking need by employing a creative, innovative and practically functional design alternative is inconsistent with the purpose and intent of the parking design requirements of LAMC § 12.21 A.5.

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

Special circumstances set permanently in the physical limitations associated with the historic building on the property make strict adherence to the parking design requirements impossible. The existing building occupies the entire project lot area. Thus, there is no open surface area on the property to place conventional surface parking spaces as could be incorporated in the design of a new building site in the vicinity. Similarly, there is insufficient space available within the existing structure to provide for conventional parking stalls that are individually accessible and meet the strict requirements for length and width. There is also insufficient area and reduced head room to provide conventional ramps to maneuver vehicles through the various parking levels.

Unlike newly developed project sites in the vicinity, the existing physical constraints of the historic building on the property require a creative alternative design. Instead of individually accessible parking spaces, attendants will maneuver the cars throughout the parking area within the existing buildings structure. Instead of ramps for individuals to drive up and down through the different parking levels, attendants will drive the vehicles in and out of elevators to get from level to level. Additionally, to maximize the use of the available headroom at the basement level, five mechanical car lifts are proposed for the future stacking of two cars in a space that otherwise could only fit one car. This method allows for 61 spaces to be provided at the basement level instead of just 56.

9. Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the

same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

The variance is necessary in recognition of the practical constraints of supplying a modern amenity to an existing historic building. Properties in the vicinity do not have the practical physical difficulties described above amenable to construct conventional parking. Allowing parking to be provided on site for use of individuals visiting the building is a substantial property right possessed by other properties in the vicinity enabling them to respond to market demand. Not only is on-site parking valuable as a convenience to individuals visiting the property, but it is also a recognized as necessary in a region with a high dependence on individually owned automobiles.

10. 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.

Granting of the requested variance allows the Applicant to contribute to the reduction of congested street parking as volunteered and is not required by the Los Angeles Municipal Code. As important as on-site parking is in the City today, in order to provide the necessary incentive for adaptive reuse of existing older buildings into less intensive uses, the Adaptive Reuse Incentive Area Specific Plan (ARSP) addressed the issue of the activation of the allowed commercial uses on the site would not require parking and be a more intensive use of the property. The City, through the implementation of the adaptive reuse, is providing for the of the public welfare to revitalize critical areas in the City.

Granting the variance would not be materially detrimental to the public welfare or injurious to other properties in the area. Granting the variance would have the opposite effect. The ARSP requires that existing parking be maintained. Further, this parking may be used for on-site and off-site uses for the general benefit of the surrounding businesses. The Hollywood redevelopment plan calls for "creative solutions such as the shared use of parking areas" (Section 518.2, Parking and Loading, The Hollywood Redevelopment Plan). The proposed project furthers the accomplishment of this goal by providing parking for a mix of uses within the property as well as for other commercial and entertainment uses within the Hollywood Boulevard district as a whole.

The proposed project will advance the objectives of the ARSP, the Hollywood Redevelopment Plan and the Hollywood Community Plan by creating the benefit of the adaptive reuse of a historic building with additional parking and aide in the revitalization of the Hollywood area.

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

No element of the Hollywood Community Plan or the General Plan Framework expressly denies the benefit of providing innovative attended parking.

ADJUSTMENT FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The project is an adaptive reuse of an existing variable height building. The building is of variable height with portions being 8 and 10 stories and is proposed to be converted to 96 joint live/work condominium units with ground floor commercial uses. The request is for zero rear and side yards for the expanded floor area on the eight story portion. It will allow the new addition to observe the same zero yards for the existing building in the side and rear. Also a zero setback is requested to allow for continuity in the building design. The original building roofline was 10 stories and is higher than the eight story building addition built in the 1940's. The new floor area addition to the existing building roofdeck, combined with the zero rear and side yards, will create a more uniform roofline. The Cultural Heritage Commission, responsible for reviewing project conformity with the Secretary of the Interior standards for historic renovation, has indicated that the zero yard setback helps create an architecturally integrated design consistent with the Secretary of Interior standards. Other buildings in the area observe zero setbacks at the rear and side yards.

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

The site is zoned C4-2D within the Regional Center Commercial Land Use designation of the Hollywood Community Plan. The property is located in the high-density Hollywood area of Los Angeles. Surrounding properties to the north are zoned C4-2D and designated as Regional Commercial land uses, and developed with commercial uses in a variety of different sized and height buildings. Other similar properties in the vicinity observe zero setbacks typical for commercial or manufacturing buildings. No other existing building in the same zone and vicinity observe residential setbacks. The zero setbacks will help to maintain the urban streetscape of buildings on property lines.

The granting of the adjustment reflects General Plan objectives, by enabling the creation of housing choices. The granting of the adjustments will help to promote residential uses and increase the supply of housing in the Hollywood area. These are goals of the City of Los Angeles General Plan and a goal of the Hollywood

Redevelopment Plan. The proposed project will be one of the early achievements in offering for sale live-work condominiums in the Hollywood area.

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

The general purpose and intent of the regulations are to provide compatibility between respective properties. Such regulations, however, are written on a citywide basis and cannot take into account individual unique characteristics of an addition to a specific property as well as consider dynamic changes in the economy and the use of land. As noted in the previous findings, the project is the adaptive reuse of an existing historic building. The project is located in the Adaptive Reuse Incentive Area Specific Plan Ordinance Nos. 175,038 and 175,587, which allows conversion of older, economically distressed, and historically significant buildings built prior to July 1, 1974, located in the commercial zones and R5 into viable residential uses. As such, the Adaptive Reuse Incentive Area Specific Plan Ordinance (ARSP) provides incentives that exempts these projects from Commercial Corner/Mini-shopping Center, Site Plan Review, loading space, lot area and the parking requirements for new buildings required in the zoning regulations. The existing building observes zero setbacks which is typical for commercial buildings and is entirely in keeping with the intentions of the ARSP's incentives and exceptions. As mentioned, the other buildings in the area also observe zero setbacks.

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

The granting of the adjustment will not impose any adverse impacts on the adjoining properties. The project was issued a Mitigated Negative Declaration ENV-2005-63-MND. This Mitigated Negative Declaration reflects the independent judgement of the lead agency and determined by imposing conditions the potential impacts are mitigated to a less than significant level and therefore this project would not have an adverse impacts. Any new or existing commercial building in the vicinity is permitted to observe zero side and rear yards as a matter of right in the C4 Zone. The proposed additions impose no new or different impacts associated with yard restrictions that would not be expected from any other commercial building and, indeed, have been observed by this commercial building since 1927. The new construction will not impact the light, air or privacy of any surrounding uses since it continues the existing predominant roofline of the original building.

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

The strict application of the zoning regulations would be impractical. The building that is the subject of the requests for yard adjustments has existed in its present location and configuration since 1938 and is a designated Los Angeles Cultural

Historical Monument. Adhering to the yard and setback requirements would require the reduction of number of joint live work units, structural reconfiguration and elevations that may not comply with the requirements of the Secretary of the Interior Standards.

SITE PLAN REVIEW FINDINGS

17. The project complies with all applicable provisions of the Los Angeles Zoning Municipal Code and any applicable specific plan.

Any required discretionary actions related to zoning regulations have been reviewed in compliance with the Municipal Code and approved with conditions. The project is located in the Adaptive Reuse Incentive Area Specific Plan Ordinance Nos. 175,038 and 175,587, which allows conversion of older, economically distressed, and historically significant buildings built prior to July 1, 1974, located in the commercial zones and R5 into viable residential uses. As such, the Adaptive Reuse Incentive Area Specific Plan Ordinance (ASRP) provides incentives that exempts these projects from certain requirements for new buildings required in the zoning regulations. The project is in conformance with the specific plan.

18. The project is consistent with the General Plan.

The project is consistent with the General Plan. The site is currently developed with a historic Broadway Department Store Building. The building is of variable height with portions being 8 and 10 stories and is proposed to be converted to 96 joint live/work condominium units, attended parking and ground floor commercial uses.

19. The project is consistent with any applicable adopted Redevelopment Plan

The project site is within the Hollywood Redevelopment Area. The project is located in the Adaptive Reuse Incentive Area Specific Plan Ordinance Nos. 175,038 and 175,587, which allows conversion of older, economically distressed, and historically significant buildings built prior to July 1, 1974, located in the commercial zones and R5 into viable residential uses. The specific plan was developed within the redevelopment area to allow for the adaptive reuse of the existing builds within the redevelopment area.

20. The project consists of an arrangement of buildings and structures (include 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 neighboring properties.

The Adaptive Reuse Incentive Area Specific Plan Ordinance (ASRP) provides incentives that exempts these projects from certain requirements for new buildings

an adjustment to permit a 2-foot side yard on North McCadden Place in lieu of the required 9 feet; and

an adjustment to permit a 2-foot rear yard in lieu of the required 18 feet; and

Site Plan Review approval, pursuant to Section 16.05,

upon the following additional terms and conditions:

1. All other-use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Development on the site shall not exceed 270 residential apartment units and 8,500 square feet of ground floor retail. A minimum of 755 parking spaces including 285 public parking spaces shall be provided.
7. The height of all buildings on the site shall not exceed a maximum height of 65 feet.
8. The 2-foot rear yard setback shall be limited to the podium through 5th floor levels of the structure.
9. Volunteered Conditions
 - a. The owner shall execute and record a covenant to the satisfaction of the Los Angeles Housing Department setting aside 27 units in the development as affordable units.
 - b. The units shall be set aside as follows:
 - 1) Nine (9) of the affordable units shall be available for rent to Very-Low Income households at a rental rate determined to be affordable to

ANJEWEL LOCKMERE
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

GARY BOOHER
PATRICIA BROWN
R. NICOLAS BROWN
SUE CHANG
JANE CHARDEN
LARRY FRIEDMAN
DANIEL GREEN
LOUISE GREEN
ERIC HETTER
MICHAEL S.Y. YOUNG

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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June 14, 2007

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CASE NO. ZA 2006-5927(ZV)(ZAA)
(SPR)(SPP)
ZONING VARIANCE, ZONING
ADMINISTRATOR'S ADJUSTMENT,
SITE PLAN REVIEW AND SPECIFIC
PLAN PROJECT PERMIT
6768 6770 West Viced Street
1724-1750 North Highland Avenue;
1727-1737 North McCadden Place
Hollywood Planning Area
Zone C4-2D-SN
D. M. 148.5A185
C. D. 13
CEQA ENV-2006-4132-MND
Fish and Game Exempt
Legal Description: Lots 5-10, Block 4,
Hollywood Ocean View Tract; and
Lots 1 and 2, Block "A", La Brea Tract

Department of Building and Safety

Pursuant to Sections 13.11 and 11.5.7 of the Los Angeles Municipal Code, I hereby **DISMISS**:

a request for Project Permit Compliance; and

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

variance from Sections 12.11-C2 and 12.11-C,3 and 12.30 to permit the buildable area to include the required yard setback and north/south alley in the calculation; and

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

an adjustment to permit a zero foot side yard setback on Highland Avenue in lieu of the required 9-foot setback for the residential portion of the structure; and

an adjustment to permit a zero foot side yard setback on the easterly and westerly sides of the north/south alley in lieu of the required 9 feet; and

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

- The alley on the south side has been used as a service alley by properties on Hollywood Boulevard. How can the 2 foot setback in lieu of the 18 feet be justified? This would affect the adjacent businesses especially the proposed dead end alley
- What is the trade off for the vacation of the north/south alley?
- What is the impact on the bus station adjacent to the Hollywood First National Bank on Highland?
- Would the proposed 285 parking spaces be sufficient for the Hollywood First National Bank with full occupancy and growth of other surrounding businesses
- Where will the surrounding businesses park during construction?

The representative for the applicant submitted comments in response to the concerns raised by the adjacent property owner addressing building mass, views, alley access, setbacks, and parking. Specifically, the letter states that parking will be provided on-site - 755 parking spaces of which 285 spaces will be for public parking, but will not be available during the construction period.

The Community Redevelopment Agency, (CRA) submitted a letter with the following comments:

- The proposed project supports the goals, objectives and policies of the redevelopment plan and is transit oriented
- Housing will be provided at market and affordable levels
- Project conforms to the Hollywood Boulevard District Urban Design Plan and is compatible with the existing scale of development in the immediate area
- Project will improve the pedestrian environment by including pedestrian-oriented retail uses along the sidewalk and pedestrian-scaled design features along the frontage

A letter was received from the Hollywood Hills West Neighborhood Council with the following comments:

- On January 31st, the Board of Directors voted to support the project
- The project will greatly benefit the community by improving residential life and adding to the supply of parking

Two additional letters of support were received from businesses in the area and included the following comments:

- The redevelopment of the site will greatly improve the northern gateway into Hollywood
- The addition of a residential component will help balance the mix of uses
- I have owned this property for many years operating a parking facility serving historic buildings along Hollywood Boulevard. I have rejected other offers to purchase the property because I was adamant that any new development on the site include replacement parking.
- The replacement parking will provide the parking necessary to keep the small businesses along Hollywood Boulevard viable.

VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the

affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

The applicant has requested a variance to permit the calculation of the buildable area to include the setback areas and the north/south alley, the latter of which is proposed for vacation.

The subject site, located on the easterly side of Highland Avenue and northerly of Hollywood Boulevard is zoned C4-2D-SN and developed with a surface parking lot and fast food restaurant. The proposed project consists of a mixed use development of 270 residential apartment units, 8,500 square feet of ground-floor retail and subterranean parking for 755 vehicles.

The request is to permit the setbacks applicable to the residential portion of the project to be included in the calculations for the buildable area. While the commercial zone does not require setbacks for commercial developments the residential portion must observe setbacks as required by the R4 Zone. The residential portion of the property will consist of 270 residential units including 27 affordable units and 8 live work units.

The alley running in a north/south direction for a distance of approximately 300 feet is proposed for vacation and the subject development will be constructed over the north/south alley. On March 20, 2007, the City Council instructed the City Engineer to proceed with the alley vacation. The applicant has requested that the alley be included in the calculation prior to the final vacation.

Granting the request to utilize the setbacks and alley in the calculations would permit the construction of the development with this additional area. The design and siting of the development will consist of separation of buildings above grade level designed around interior courtyards. Along the Highland Avenue exterior, retail uses will be located at the ground level with residential above. The maximum height of the structure will be 65 feet at the southerly side of the structure and two supergraphic signs will be installed on the Highland facade at northerly and southerly portions of the building.

The utilization of the required setbacks and alley will provide for additional units on the site including affordable units which are a public benefit. These units will be provided at the Very-Low, Low and Moderate Income levels. In addition, replacement public parking will be provided on the site for a minimum of 285 vehicles. Permitting the calculation of the alley will permit the start of construction prior to the finalization of the alley vacation.

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

The Community Redevelopment Agency sent correspondence stating that the proposed project supports the goals, objectives and policies of the redevelopment plan and conforms to the Hollywood Boulevard District Urban Design Plan.

ADJUSTMENT FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The applicant has requested adjustments for the residential portion of the project to permit a zero foot side yard on North Highland Avenue; zero foot setbacks along the north/south alley; and reduced side yard of 2 feet on North McCadden Place and a 2-foot rear yard setback adjacent to the southerly alley.

The request to permit the zero foot setback along the Highland frontage will permit the residential levels of the development to observe the same zero foot setback as the ground level commercial retail. As designed balconies would extend into the setback areas, thereby providing for open space within individual units. In addition, the reduction in setback along this side of the structure with the proposed balconies will provide visual interest along the Highland Avenue frontage.

The north/south alley is proposed for vacation and the City Council on March 20, 2007 instructed the City Engineer to proceed with the vacation of the alley. Finalizing the alley vacation will require additional time. The applicant has requested the reduction in setback to permit the commencement of construction prior to the completion of the alley vacation. There will be no impact to any adjacent property as the alley proposed for vacation is on the interior of the subject ownership.

Requested in addition to the side yard reduction on Highland and adjacent to the alley are reductions in the side yard along McCadden Place to 2 feet and a reduction in the rear yard of 2 feet. Properties to the east along McCadden are zoned C4-2D-SN and developed with surface parking. Proposed uses on the ground floor of the subject structure are live/work units and the public parking entry at the south side of the structure. The granting of the reduced side yard will not have an impact upon the parking lot to the east.

The adjacent property owner to the south has expressed objection to the requests because of concerns regarding the impact on the alley to the south of the project site; impact of the reduced setback along Highland Avenue; the loss of surface parking during construction and replacement parking. Specifically, the concerns were that (1) the alley would no longer be able to accommodate cranes used for maintenance of the adjacent Bank Building, (2) the reduced setback would impede views of the Bank Building from southbound traffic on Highland; (3) parking provided by the existing surface parking would not be available during construction; and will the public parking to be provided in the structure be sufficient to accommodate present and future tenants of the Bank Building?

The special circumstance applicable to this property is that the ownership is located on both sides of an alley, running north/south and extending for a distance of approximately 300 feet. The subject property is bounded by Yucca Street on the north, McCadden Place on the east, an alley on the southeast and Highland Avenue on the west. The subject alley is located on the interior of the property and is proposed for vacation. The affordable units provided within the development and as conditioned herein also are a special circumstance not applicable to the surrounding properties in the same zone.

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

The proposed development will result in the development of a mixed-use retail and residential development within the Highland and Hollywood Boulevard corridor. The Highland Avenue frontage will extend the commercial revitalization on the westerly side of the street to the easterly side while also encouraging pedestrian activity on the easterly side of Highland Avenue. The granting of the variance will provide for the early inclusion of an alley and the required setbacks for the residential in the calculations of buildable area.

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

The granting of the variance will allow for development on the site to utilize the alley dividing the property and setbacks in the calculation of the building. The inclusion of 27 affordable housing units will be permitted by the inclusion of the alley and setbacks. The building will not be adjacent to another residential uses as it will be separated by Yucca Street from the residential under construction to the north. The commercial uses to the south will be separated from the development by an alley, which will be improved to 20 feet in width.

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

The Hollywood Plan Map designates the property for Regional Center Commercial land uses with corresponding zones of C4, C2, P and PB and Height District No. 2D-SN. The property is located within the Hollywood Redevelopment Project Area and the Hollywood Signage Supplemental Use District. The site is located in the Hollywood Center and the plan includes language encouraging developments combining residential and commercial uses within the Center.

On May 3, 2007, the Director of Planning approved a Project Permit in accordance with the provisions of the Hollywood Signage Supplemental Use District to permit two Supergraphic Signs and Sign Reduction Plan.

The alley along the south side of the property is improved to a width of 14 feet from Highland Boulevard to approximately 145 feet to the east. The City Engineer is requiring the applicant to improve the alley which will according to the applicant will result in an alley 20 feet in width or 6 feet wider than currently improved. The construction of the building on the site will impede views of the Bank Building from northerly of the site, however, the building immediately south of the alley is low in height, and does not include windows on that portion adjacent to the alley. The proposed building will have a height varying from approximately 62 feet but not exceeding 65 feet on the south and will be below the height of the tower of the Bank Building. During construction, the surface parking will be removed and therefore parking will not be available on the site. Public parking provided by the lot will be replaced with 285 parking spaces on the lower levels. While the provision of public parking is a benefit of the project which will be provided on the site, it is not required that the property owner provide parking for off-site uses. While parking is limited in the Hollywood area, many older buildings do not have parking on-site and are dependent on public parking lots in the area. This parking will, after construction be available to businesses in the area.

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

The Hollywood Plan Map designates the property for Regional Center Commercial land uses with corresponding zones of C4, C2, P and PB and Height District No. 2D-SN. The property is located within the Hollywood Redevelopment Project Area and the Hollywood Signage Supplemental Use District. The site is located in the Hollywood Center and the plan includes language encouraging developments combining residential and commercial uses within the Center.

The reduction in side and rear yards will permit the residential levels within the structure to extend within the required side yard and rear yards. The reduction will provide for the addition of a development of residential and commercial uses within the Hollywood Center. The development will include live/work units at the ground (pedestrian) level along McCadden and affordable units as well as market rate residential units in the Hollywood core area.

The Community Redevelopment Agency has determined that the proposed project supports the goals, objectives and policies of the redevelopment plan and conforms to the Hollywood Boulevard District Urban Design Plan.

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

The Planning and Zoning Code seeks to ensure privacy, light, air and emergency access through the separation of uses. The requested reductions along Highland, McCadden and the properties to the south will not be immediately adjacent to another use, but will be separated by streets and an alley. Highland Avenue is 100 feet in width, McCadden is 50 feet in width and an alley improved to 20 feet in width will separate the subject structure from the uses to the south. The 2-foot reduced rear yard setback is only along the westerly portion of the site adjacent to the alley.



Determination Mailing Date: **JUN 30 2004**

Department of Building and Safety
 201 N. Figueroa Street
 Counter B, Fourth Floor

Applicant: Avalon Bay, Inc.

CASE NO. CPC 2003-5411-SPE-ZV-ZAA-SPP-SPR-DA
 Location: 16352 & 16328 Ventura Blvd.
 Council District: 5
 Plan Area: Encino-Tarzana
 Request(s): Specific Plan Exception, Zone Variance,
 Zoning Administrator's Adjustment,
 Project Permit Compliance, Site Plan
 Review and Development Agreement.

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

The setbacks are required for the residential portion of the development. Development surrounding the subject site is commercial on the northwest, east, south and west of the site. Uses to the northeast are developed with multiple residential development. No adjustment in the setback is requested on the north. Development to the west of the site is developed with the Hollywood Highland retail theater complex, property to the east is developed with a surface parking lot, and development to the south is developed with commercial buildings.

The southern portion of the development for which a 2-foot setback is requested is located adjacent to the existing alley which the applicant will improve to 20 feet in width. The 2-foot adjustment granted herein is for that portion above ground level and therefore will result in a separation from the adjacent buildings to the south of 22 feet along the alley. The portion of the building immediately adjacent on the south and just easterly of Highland is low rise with no windows on that portion of the building.

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

In order to provide the number of units proposed including the affordable units, the applicant has requested reduced setbacks. The site-zoned C4-2D-SN does not require setbacks for the commercial uses, however, the inclusion of residential uses requires setbacks. The setbacks granted herein are above the first level beginning with the residential uses on the podium level and levels 2 through 5.

SITE PLAN REVIEW FINDINGS

11. The project complies with all applicable provisions of the Code and applicable Specific Plans.

Variations from the code provisions have been granted herein to permit a development utilizing an internal alley in the building calculations and zero setbacks from that alley and reduced side and rear yards above the ground level. The development will consist of ground floor retail along the Highland Avenue frontage; five work units along the McCadden frontage and residential units above the ground level. Common open space will be provided on the interior around three courtyards and pool area with additional landscaped areas.

The subject site is located within the Hollywood Redevelopment Project Area and the Hollywood Signage Supplemental Use District. The Community Redevelopment Agency has determined that the proposed project supports the goals, objectives and policies of the redevelopment plan and conforms to the Hollywood Boulevard District Urban Design Plan. On May 3, 2007, the Director of Planning approved a Project Permit in accordance with the provisions of the Hollywood Signage Supplemental Use District to permit two Supergraphic Signs and Sign Reduction Plan.

12. Project is consistent with the General Plan and Redevelopment Plans.

At its meeting of May 27, 2004, the following action was taken by the City Planning Commission:

1. Disapproved the request as filed.
2. Approved, pursuant to Section 11.5.7 F of the Municipal Code, an Exception from Section 6.B.1.a. of the Ventura/Cahuenga Boulevard Corridor Specific Plan (Ordinance No. 174,052) to permit the C4-1L commercially zoned portion of the property to be developed at a Floor Area Ratio (FAR) of 2.5:1, in lieu of the otherwise maximum FAR of 1.25:1, permitted by the Specific Plan, subject to the attached Conditions of Approval.
3. Approved a Variance from Section 12.21.1 A, to permit the transfer of 45,648 sq. ft. of unused floor area from the RE9-1 zoned portion of the property involved to the C4-1L zoned portion of the same property in lieu of the maximum 1.5:1 FAR permitted in the C4 zone by Height District No. 1L, subject to the attached conditions of approval. Note: This includes the transfer of one unit from the RE9 to C4/R3 for a total of 137 units.
4. Approved a Variance from Section 12.22 C5 (h) of the Municipal Code to allow pedestrian and vehicular access from a less restrictive to a more restrictive zone, subject to the attached Conditions of Approval.
5. Approved a Variance from Section 12.10A to allow subterranean commercial parking in the R3-1 zone which is otherwise not permitted, subject to the attached Conditions of Approval.
6. Approved a Zoning Administrator's Adjustment from Section 12.08 C 2 and 12.10 C2 to allow 0 feet yards along the boundaries separating the RE9, R3, and C4 zones in lieu of the minimum yard requirements of those zones.
7. Approved the requested Project Permit Compliance with the Ventura/Cahuenga Boulevard Corridor Specific Plan, for the proposed demolition of existing commercial buildings and the proposed construction, use and maintenance of a mixed use project at the subject location.
8. Approved the requested Site Plan Review findings for the project.
9. Disapproved a Variance from Sections 12.10 C 4 and 12.16 C 3 to allow 9 additional dwelling units to be constructed for a total of 145 units in lieu of the maximum 137 units permitted by the C4-1L, R3-1 and RE9-1 zones, and to allow density averaging between the C4-1L and to the R3-1 zoned portions of the site.
10. Disapproved a Variance from Section 12.08 A to allow loading activities in the RE9 zoned portion of the property which is otherwise not permitted.
11. Disapproved the requested Development Agreement between Avalon Bay Communities and the City of Los Angeles.
12. Approved and adopted Mitigated Negative Declaration No. ENV 2003-5412 MND.
13. Adopted the attached Findings.
14. Advised the applicant that pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that any 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.

15. 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 (NOD) filing.

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

This action was taken by the following vote:

Moved: Burg
 Seconded: Menzer
 Ayes: Atkinson, Cardenas, Dominguez, Stiff
 Absent: Klein, Mindlin

Vote: 7-0

Gabriele Williams, Commission Executive Assistant
 City Planning Commission

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

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

Attachment: Findings and Conditions

c: Notification

Conditions of Approval

1. Use: The project shall be a mixed use project containing the following:
 - a. 137 dwelling units.
 - b. Retail/Restaurant: Maximum floor area permitted shall not exceed 12,500 square-feet.
 - c. The maximum overall floor area permitted over the parcels shall not exceed 185,263 square-feet, as indicated on Exhibit E-6, dated May 27, 2004. The R3 zoned parcel shall contain no more than 89,748 square-feet, of the overall maximum floor area permitted.
 - d. Project shall comply with all provisions of the C4, R3 and RE9 zone, except where varied by this approval.
2. The following Specific Plan Exceptions to the Ventura/Cahuenga Boulevard Corridor Specific Plan shall be permitted:
 - a. Section 6.B.3 to permit a total floor area ratio of 2.5:1 in lieu of the maximum 1.25:1 permitted over the C4 zoned parcel.
3. The following Variances shall be permitted:
 - a. Section 12.21.1 A.1 to permit an average 2.5:1 floor area ratio (FAR) over the C4 zoned property.
 - b. Section 12.10 C 4 and 12.16 C 3 to permit a total of 137 dwelling units to be provided over the entire property.
 - c. Sections 12.21 C 5(h) and 12.23 B 1(c)(2) to allow vehicular and pedestrian access from a less restrictive to a more restrictive zone (i.e., from the C4 zone to the R3 zone), which is otherwise not permitted.
 - d. Section 12.10 A to allow subterranean commercial parking in the R3 zone which is otherwise not permitted.
4. The following Zoning Administrator's Adjustment shall be permitted:
 - a. Section 12.08 C 2 and 12.10 C2 to allow 0-foot yards along the boundaries separating the RE9, R3, and C4 zones in lieu of the minimum yard requirements of those zones.
5. Parking: The site shall provide parking spaces for the residential units and commercial uses as required in the L.A.M.C., including 1/4 guest parking space per dwelling unit. The entire parking facility shall operate with the following conditions:
 - a. The residential parking spaces shall not be accessible by vehicles within the commercial parking area.
 - b. A lockable gate is permitted between the commercial and residential parking areas to restrict commercial patrons from parking within the residential parking areas. The lockable gate shall permit

FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the Encino - Tarzana Community Plan, as adopted by the City Council on December 16, 1998 (Council File 98-1823, CPC 97-0042 CPU). The Plan map designates the subject property for Regional Commercial land use, with corresponding zones of C4, C2, P and PB.
2. **General Plan Text.** The Encino - Tarzana Community Plan does not have specific language addressing the proposed request. The requested project would not conflict with the implementation of the goals and objectives of the Community Plan.
3. **Specific Plan Exception-Findings.** Pursuant to Municipal Code Section 11.5.7 H 2:
 - a. *That the strict application of the regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the plan.*

The site consists of 3 different zone classifications, C4-1L, R3-1 and RE9-1. The C4 zone allows a 1.25:1 FAR and the R3 and RE9 zones permit a 3:1 FAR. Requiring the strict application of the FAR distributions could create a structure abutting the existing residential uses. Development in compliance with the by-right provisions of this configuration would result in the bulk of the structure to be located toward the rear of the site and closer to the residential uses. This would adversely impact the privacy of the surrounding homes. The site has been historically used as a commercial development along Ventura Boulevard with parking located at the rear with a landscape buffer adjacent to single-family homes. The applicant is not proposing to increase the overall permitted FAR for the site, but rather to transfer the FAR from the RE9-zoned lot to the C4-zoned lot.
 - b. *That there are exceptional circumstances or conditions that are applicable to the subject property involved or to the intended use or development of the subject property that do not generally apply to other property in the specific plan area.*

See finding "a" above.
 - c. *That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

Similarly requested exceptions from the Specific Plan have been granted to allow other development, particularly those that have residential components. In City Plan Case No. CPC 2002-2879-ZC-ZV-CL-ZAD-SPE-SPR-SPP, exceptions were granted from the Specific Plan for Floor Area Ratio, height of building and yard area requirements in conjunction with 112 unit senior apartments at 18301 Ventura Boulevard. In City Plan Case No. CPC 2001-3231-ZC-GPA-ZV-SPE-SPP-SPR, an exception from the Specific Plan was granted to allow mixed residential and commercial development at 16704-20 Ventura Boulevard. In City Plan Case Nos. CPC 98-0057 ZC and CPC 98-0065 SPE, exceptions from the Specific Plan were approved

and reduce traffic congestion.

5. **Promoting a high level of pedestrian activity in the Pedestrian Oriented Areas** by regulating the placement of buildings and structures to accommodate outdoor dining and other ground level retail activity, as well as provide for attractive landscaping.

The proposed project addresses the City wide goal to develop higher density housing and mixed-use projects along major transportation corridors to encourage the use of public transportation and reduce traffic congestion. The proposed retail uses will contribute to the desired pedestrian oriented ambience of Ventura Boulevard. Therefore, the granting of the requested exceptions will be consistent with the principles and goals of the adopted General Plan and Specific Plan.
4. **Project Permit Compliance for the Ventura/Calhuenaga Corridor Specific Plan.** Pursuant to Municipal Code Section 11.5.7.C.
 - a. *The project does substantially comply with the applicable regulations, standards and provisions of the specific plan.*

The project is in substantial compliance with the regulations, standards and provisions of the Ventura Calhuenaga Boulevard Corridor Specific Plan. The Specific Plan sets forth numerous building and operational requirements which address the permitted uses and design standards for new development. The proposed project is fully consistent with the uses permitted, and conforms to such building standards as height limitations, parking, setbacks, building articulation, and landscaping requirements.

The applicant seeks an exception to the 1.25:1 FAR limitation on the C4 zoned lots, as established by the Specific Plan. The Specific Plan and the zoning code provide a process to obtain such an exception, and accordingly, this action is consistent with those provisions. While the project would exceed the 1.25:1 FAR on the C4 portion, the overall site would only result in a 2.18:1 FAR, which is well below the permitted FAR. The project represents an attractive and harmonious development, as set forth in the goals of the Specific Plan. It will create a vibrant streetscape and attractive pedestrian environment along Ventura Boulevard, will include a mature landscaped buffer between the project and adjacent single-family homes, and will provide much-needed housing along a major transit corridor. The project furthers the following purposes of the Specific Plan:

"Promote attractive and harmonious multi-family and commercial development."

"Provide a compatible and harmonious relationship between residential and commercial development where commercial areas are contiguous to residential neighborhoods."

"Promote an attractive pedestrian environment which will encourage pedestrian activity and reduce traffic congestion."
 - b. *That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.*

to permit a 211 guest room, extended stay hotel at 20205-20239 Ventura Boulevard. As stated above, the proposed floor area and uses will not significantly impact traffic in the area.

- d. *That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.*

The development has been designed to be compatible with the surrounding built environment. The landscaping along the northerly, southerly and easterly property boundary lines will be reviewed in context to the Sherman Oaks Streetscape Plan.

The proposed development will provide housing opportunities, and contribute to enhancing a portion of the Specific Plan area through its residential component and ground level retail/restaurant uses located along Ventura Boulevard. The establishment of the proposed mixed use development would replace older commercial buildings, surface parking lots and vacant land providing an appropriate transition between Boulevard uses and the adjacent residential neighborhoods.

The project would not have an adverse affect on existing traffic levels or vehicular circulation in the neighborhood. A Traffic Impact Study and supplemental analysis, has been submitted to and reviewed by LADOT. LADOT has initially determined that the proposed development would not have significant impact at any of the intersections studied and no offsite mitigation measures will be required.

The project will provide more parking spaces than required by the Zoning Code. As proposed, approximately 349 parking spaces are required for both the commercial and residential components of the development. The project will be providing approximately 386 parking spaces minimizing the potential for overflow onto area streets. There will be separate parking areas for the commercial and residential uses. The primary driveway to access parking for the Ventura Boulevard retail and restaurant uses will be from Ventura Boulevard and the residential access will be from Noeline Avenue, limiting the flow of vehicles within the adjacent residential neighborhood.

The proposed building design in combination with the requested FAR transfer would reassign the buildable area to the Ventura Boulevard frontage minimizing potential impacts on the adjacent residential neighborhood.
- e. *That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the General Plan.*

The proposed project meets the goals and purposes of the Specific Plan, including, but not limited to:

 1. That equilibrium is maintained between the transportation infrastructures and land use development in the Corridor and within each separate community of the Ventura/Calhuenaga Boulevard Corridor Specific Plan area.
 2. Promoting attractive and harmonious multi-family and commercial development.
 3. Providing a compatible and harmonious relationship between residential and commercial development where commercial areas are contiguous to residential neighborhoods.
 4. Promoting an attractive pedestrian environment which will encourage pedestrian activity

As set forth in the accompanying Mitigated Negative Declaration, and as required by CEQA, the project shall incorporate all feasible mitigation and monitoring measures in order to lessen any potential environmental impacts to a less than significant level.

5. **Variance Findings for Approval.** Pursuant to Municipal Code Section 12.27 D for the following variance requests:
 - a. *Section 12.21.1 A to permit the transfer of 45,648 square feet of unused floor area from the RE9-1 zoned portion of the property involved to the C4-1L zoned portion of the same property, thereby resulting in a maximum FAR of 2.5:1 over the C4-1L zoned portion of site in lieu of the maximum 1.25:1 FAR permitted in the C4 zone by Height District No. 1L;*

Section 12.10 A to allow subterranean commercial parking in the R3-1 zone which is otherwise not permitted;

Section 12.22 C 5 (h) of the Municipal Code to allow pedestrian and vehicular access from a less restrictive to a more restrictive zone;
 - 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 applicant is not proposing to increase the overall permitted FAR for the site, but rather to transfer the FAR from the RE9-zoned lot to the C4-zoned lot. Requiring the strict application of the FAR distributions could create a structure abutting the existing residential uses. This could negatively impact the privacy of the surrounding homes. Granting the variance to allow a subterranean garage and the ability to have vehicles drive across the zones within the garage will also permit a safe and efficient movement of vehicles within the site.
 - b. *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.*

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

Commercially zoned lots in the area would typically be permitted to use all the lot area to calculate their permitted FAR and then place the building on the site as permitted by the commercial zoning requirements. This site contains an RE9 zoned parcel which is part of the development but cannot be developed with commercial uses, or have commercial structures placed upon it, without a variance request or a plan amendment and zone change request. The proposed project design would maintain the area zoned RE9 as a landscape buffer between the parking area and the homes to the rear. Granting the request to transfer FAR to the C4 zoned lot would permit the applicant to use development rights of the RE9 zoned lot and maintain it as a buffer within the overall design of the commercial site.

- 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.

The transferring of the FAR away from the RE9 zoned parcel to the C4 zoned parcel will not create a detriment to the area. The permitted density or buildable area will not be increased beyond that permitted by the underlying zoning. The physical structures would be located further away from the surrounding single-family homes and a landscape setbacks will be maintained between the homes and the mixed-use development.

- e. That the granting of the variance will not adversely affect the General Plan.

See finding "3e."

6. Variance Findings for Disapproval. Pursuant to Municipal Code Section 12.27 D for the following variance requests;

- b. Sections 12.10 C 4 and 12.16 C 3 to allow 9 additional dwelling units to be constructed for a total of 146 units in lieu of the maximum 137 units.
- e. Section 12.08 A to allow loading activities in the RE9 zoned portion of the property which is otherwise not permitted;

- a. That the strict application of the provisions of the zoning ordinance would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

The applicant has requested to be compensated with 9 additional units to offset the hardship in no longer being able to physically develop the RE9 zoned parcel. This is a self imposed hardship/condition resulting from the applicant's request, and is not a hardship which justifies the approval of a variance for additional density. In addition, the request to designate the RE9 zone portion a loading zone is not feasible. This portion of the site is designated on the project plans as a fire lane, which prohibits it from being blocked at any time.

The site consists of 3 different zone classifications, C4-1L, R3-1 and RE9-1. The C4 zone allows a 1.25:1 FAR and the R3 and RE9 zones permit a 3:1. The applicant has stated that it is infeasible for them to develop the RE9 zoned parcel and relocating the development rights is the only practical way to use the parcel. The applicant has requested to transfer the FAR (development rights) from the RE9 zoned parcel to the C4 zoned parcel. The development entitlement of the RE9 zoned parcel to develop would no longer be available. Approval of the FAR transfer has been recommended herein.

- b. That there are no 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.

See "a" above.

- c. That such variance is not 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.

See "a" above.

- d. That the granting of such variance will 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.

See "a" above.

- e. That the granting of the variance will adversely affect the General Plan.

See "a" above.

7. Zoning Administrator's Adjustment Findings. Pursuant to Municipal Code Section 12.28 C.4: In order for an adjustment to be granted, all five of the findings mandated in Section 12.28C.4 must be made. The adjustment request is to allow the a zero setback between the zones within the development.

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

The site consists of 3 different zone classifications, C4-1L, R3-1 and RE9-1. The project will be built over the three zones as one building. The L.A.M.C. requires that setbacks be observed between zone boundaries. Unfortunately, there is no provision to eliminate the setback requirements when a single structure is being built on a site with multiple zones. Granting the adjustment will allow a single unified structure as opposed to requiring the building to be divided into disconnected segments.

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

As conditioned herein, the recommended adjustments conform with the intent and purposes of the General Plan.

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

See "b" above.

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

The elimination of the internal setbacks between the zones will not preclude the required setbacks along the abutting properties. Granting the adjustments will allow the site to be developed in a unified manner with the structure away from the single-family homes to the south.

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

See "a" above.

8. The following are required Site Plan Review findings per Section 16.05 of the L.A.M.C.:

- a. The subject development as proposed by the applicant complies with all applicable provisions of the Los Angeles Municipal Code and with any applicable Specific Plan, except as permitted herein.

As stated above, this project seeks a specific plan exception to exceed 1.25:1 FAR within the commercial zoned portion of the site. In addition, the project seeks variances to exceed the FAR and to permit additional dwelling units, to permit commercial parking within the R3 zone, to permit the RE9 zoned area to be used for access and/or loading activities and to eliminate the yard requirements between the R3 and RE9 zones. These requested actions are in keeping with procedures established by the zoning code and Specific Plan. The project provides several benefits to the community, including the provision of much needed housing within walking distance to commercial and retail centers, creating an attractive pedestrian experience through ground-floor retail on Ventura Boulevard, and by creating a buffer zone between commercial uses and adjacent single-family residences. As such, the proposed project is in keeping with the spirit and intent of the zoning code and the Specific Plan.

- b. The subject development, as requested by the applicant, is consistent with the adopted General Plan.

As set forth in the above findings, the project is consistent with the General Plan.

- c. The subject development is not within the boundaries of a Redevelopment Plan.

The subject site is not within a Redevelopment Plan.

- d. The subject development consists of an arrangement of buildings and structures, including height, bulk and setbacks, off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements which are compatible with existing and/or future development on neighboring properties.

The project's design is compatible with the existing and future development of neighboring properties. The building height complies with the zoning code and specific plan requirements, and is in keeping with adjacent properties along Ventura Boulevard. The project's parking will be subterranean and, therefore, not visible to the public. The retail elements of the project will front on Ventura Boulevard, providing a pedestrian-friendly street level use and buffering the single-family uses to the south from such commercial activities. Primary commercial vehicular

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO VILLARAIGOSA
MAYOR

ROBERT JANKOVIC
CHIEF ZONING ADMINISTRATOR
ASSOCIATE ZONING ADMINISTRATORS
GARY BOOHR
PATRICIA BROWN
R. NICOLAS BROWN
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July 25, 2005

Phil Simmons (A)
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CASE NO. ZA-2005-1856 (E4)(Z)(ZAA)
CONDITIONAL USE PERMIT, ZONE
VARIANCE, ZONING
ADMINISTRATOR'S ADJUSTMENT,
Related Case: Vesting Tentative, Tract-
62617
1633 La Brea Avenue (1611-1637 N. La
Brea Avenue, 7110-7126 Marshfield Way)
Hollywood Planning Area
Zone : R4-1VL, C4-1VL-SN
D. M. : 147B181
C. D. : 4
CEQA : ENV-2005-1846-MND
Fish and Game: Exempt
Legal Description: See Exhibit "A"

Department of Building and Safety

Pursuant to Los Angeles Municipal Code Section 12.11-A, I hereby APPROVE:

a Conditional Use Permit authorizing commercial parking and circulation in the R4-1VL zone; and

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

a variance from Los Angeles Municipal Code Section 12.21-1-A to permit a height of 98-feet and seven-stories in lieu of the maximum permitted height of 45-feet and three-stories in the R4-1VL and C4-1VL-SN zones; and

a variance from Los Angeles Municipal Code Section 12.21-1-A.1 to permit a 4.1

to 1 floor area ratio in the C4-1VL-SN zone in lieu of the maximum permitted floor area ratio of 1.5 to 1; and to permit a 3.5 to 1 floor area ratio in the R4-1VL zone in lieu of the maximum permitted floor area ratio of 3 to 1; and

a variance from Los Angeles Municipal Code Section 12.11-A to permit commercial circulation in the R4-1VL zone; and

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

an adjustment from Los Angeles Municipal Code Section 12.11-C,4 to permit the 180° unit to be based on 160 square feet of lot area in lieu of the required 400 square feet in the R4-1VL and C4-1VL-SN zones; and

an adjustment from Los Angeles Municipal Code Section 12.11-C,3 to permit a zero-foot side yard along Marshfield Way in lieu of the required 14-feet in the R4-1VL zone;

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "B", except as may be revised as a result of this action.
3. 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 Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. Graffiti removal and deterrence. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of this grant and its conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "Notes" portion of the building plans submitted to the Department of Building and Safety for purposes of obtaining a building permit or Use of Land Permit.

Combining residential and commercial uses are especially encouraged in this Center Area. (The "Center Area" is defined to be included in the Hollywood Redevelopment Project Area.)

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

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

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

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

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

The proposed project will provide 180 condominium units in an area of the city that has been targeted for redevelopment. The proposed location of the project along La Brea Avenue will be in harmony with the various elements and objectives of the General Plan.

VARIANCE FINDINGS

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

5. 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.

Height:

The subject site is zoned C4-1VL-SN and R4-1VL which restricts the height to 45-feet and three-stories. The applicant is requesting a variance to permit a height ranging from five-stories and 74-feet in the southwestern portion of the project site, seven-stories and 98-feet on the northwestern and southeastern portion of the site, and eight-stories and 108-feet on the northeastern and eastern frontage along La Brea Avenue. Numerous community members and the Council Office staff objected to the requested height variance. The applicant stated that the requested height was needed to build the 179 dwelling units that are permitted on the site based on the lot area. The applicant stated that it was infeasible to build 179 units in three-stories. The only way it could be achieved was if all of the units were studio units containing 650 square feet of floor space. Studio units are not as desirable a type of housing as larger units because they cannot be utilized by families. If the height variance was denied, the project would also have to eliminate the commercial component of the project. There are buildings located one block away at 7060 and 7080 Hollywood Boulevard which are located in the C4-2D zone, which are 12-stories in height.

In balancing the developer's need to design and build a viable mixed-use project in an area targeted for redevelopment with the requirements of the subject site's zoning and the objections of some of the community members over the proposed height, it is apparent that a compromise must be reached. As the lot area of the site permits 179 units, but has a height limit of 45-feet and three-stories, the developer is requesting a variance to build to a maximum height of 108-feet and eight stories. The Council Office expressed a desire for the height to be reduced one story, either along the La Brea Avenue frontage or in the southern portion of the project site. As reducing the height along the southern portion of the project site will not reduce the overall height of the project, it is hereby determined that the project shall be granted a maximum height of 98-feet and seven-stories along La Brea Avenue, the other heights of the buildings will remain as proposed. The applicant has determined that reducing the height along La Brea Avenue can be done by reducing some of the unit sizes without reducing the number of units. The strict application of the provisions of the Zoning Ordinance requiring a maximum height of 45-feet and three stories would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

Floor Area Ratio:

The subject site is zoned C4-1VL-SN and R4-1VL. The C4 zone permits a maximum floor area ratio (FAR) of 1.5 to 1, and the R4 zone permits a maximum FAR of 3 to 1. The applicant is requesting a variance to permit a 4.1 to 1 FAR in the C4 portion of the site and to permit a 3.5 to 1 FAR in the R4 portion of the site. The increased floor area is requested to permit the development of the allowable 179 units on the site based on the lot area and under the grant of the height variance. Without the granting of the additional floor area, the project applicant could only achieve the maximum number of units on the site if they were designed as 650 square foot studio units. The Hollywood Redevelopment Plan permits a 3 to 1 FAR on the site and permits the calculation of density to be based on the gross lot area. The strict application of the provisions of the Zoning Ordinance requiring a maximum FAR of 1.5 to 1 in the C4 portion of the site and a maximum FAR of 3 to 1 in the R4 portion of the site would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

Commercial Parking and Circulation:

The subject site is zoned R4-1VL and C4-1VL-SN. The proposed mixed-use project consists of 180 condominium units over 13,700 square feet of ground floor retail. The applicant is requesting to permit the 27 commercial parking spaces to be located at-grade directly behind the commercial uses, in the R4-1VL zone. Commercial circulation and parking are not permitted in residential zones. The variance is requested so that the commercial parking is easily accessible which helps ensure the commercial viability of the retail uses and it is the most efficient use of the lot area. The strict application of the zoning ordinance would require the applicant to redesign the parking layout so that the commercial parking is located in a subterranean parking structure in the C4 zone. Requiring the parking to be contained in the C4 zone would be a hardship inconsistent with the general purpose and intent of the zoning regulations, and an impediment to providing a mixed use development.

6. 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.

Height, FAR and Commercial Parking and Circulation:

There are special circumstances applicable to the subject property when compared to surrounding properties in the same zone and vicinity that necessitate a request for an increase in the maximum height, FAR, and to permit commercial circulation

and parking in the R4 zone. Most properties in the area that could be developed or redeveloped are not located in two different zones, nor do these lots have enough lot area to accommodate 180 units. The large, dual zoned, 1.87 net acre site requires special consideration in order for a development to be successful.

The applicant states that because the proposed project is mixed-use, it would provide a chance for a transition that takes into consideration the scale and intensity of the surrounding commercial (across La Brea Avenue and on Hollywood Boulevard) and residential (on Formosa Avenue) uses. Additionally, the location of the property with the Hollywood Community Plan with a Neighborhood Office Commercial land use designation between the districts of Medium Residential (up to 40 per gross acre) dwelling units and Regional Commercial Center (FAR up to 4.5 to 1) provides the opportunity to transition from the higher density of the Regional Commercial Center to the lower Medium Residential land uses. The design of the proposed project provides height transitions which are sensitive to the two land use designations between which the development is located.

The shape of the property is unique in that it has several angles which restrict the amount of developable area. The optimal development pattern, therefore, is vertical. The most efficient use of the lot area is to provide at-grade parking for the retail uses and subterranean parking for the residential units. Allowing commercial circulation in the R4 zone will provide the best circulation for the site because of its unique shape, zoning and location and mixed-use nature of the project. There are several benefits of mixed-use development, among them maximizing the use of land and public infrastructure and increasing transportation options. In order to most efficiently provide parking for the retail at ground level, a variance is needed for circulation. If all commercial circulation is restricted to be in the C4 zone, it would necessitate many more levels of commercial parking (either subterranean or above grade).

Additionally, the proposed project provides an open courtyard style of design that increase the height necessary to incorporate the permitted number of units. The open courtyard style is the best design for this project because it allows more natural light into all areas of the project, and it also provides the opportunity for the building to have transitional height so that it is sensitive to the surrounding uses. This style is necessary to meet the open space requirements of the L.A.M.C. and to provide a design that relates to the street and the pedestrian activity that it will generate. The slope of the property also creates a unique situation for the proposed project because the height of the project is measured from the lowest natural grade of the site. The slope from the northern portion of the site to the southern portion of the site results in a ten-foot difference in the measured height of the building. If the project was located on a level lot, the height of the building would be ten fewer feet.

be built to a 13 to 1 FAR, while the subject property is limited by the "1VL" designation. The neighboring properties are located in the Height Districts 1, 4, and 2D which permit FAR's of 3 to 1, 13 to 1, and 2 to 1 or 3 to 1. The 179 units permitted by-right on the site exceeds what could be reasonably provided based on the permitted maximum floor area. The increased FAR would permit the applicant to provide larger units with more bedrooms rather than studio units which cannot accommodate families. The FAR 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 the property in question.

Commercial Parking and Circulation:

The variance for commercial circulation in the R4 zone is necessary for the preservation and enjoyment of a substantial property right and use possessed by other properties in the same zone and vicinity. The surrounding properties are primarily developed for the uses allowed by their zoning as is the project site. However, because the project site is made up of two different zones, special circumstances apply that would cause practical difficulties, if the commercial circulation were not permitted in the R4 zone. As previously mentioned, the proposed project is consistent with the uses permitted by its zoning although the circulation is ancillary to the commercial parking.

Section 505.4 of the Hollywood Redevelopment Plan provides for commercial circulation and parking in residential zones. The Hollywood Redevelopment Plan states; "the parcel(s) are adjacent to areas designated for commercial use and support commercial uses in commercially designated areas. This section provides for the expansion of a commercial development into a residential area if no street or alley separates the commercial land use designation from the residential land use designation." The proposed project meets the intent of the Hollywood Redevelopment Plan policy.

8. 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 and FAR:

The applicant states that the proposed project's design qualities and features will make it highly desirable and beneficial to the neighborhood. With the project height reduced to a maximum of 98-feet and seven-stories, the buildings shall fit in with the

Currently, La Brea Avenue is saturated with mini-shopping centers and other lower intensity commercial uses. These low intensity commercial uses do not provide an allowance for dwelling units to be provided which would address both urban sprawl and the critical need for housing in the City of Los Angeles. The mixed-use project will be beneficial to the community and provide much needed for-sale housing within Hollywood. The in-fill development provided by this project is much needed and would be greatly restricted by the strict requirements of the FAR restrictions.

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

Height:

There are several buildings in the vicinity that exceed the proposed height of the project. These buildings, which are within one-half mile radius of the proposed project, are located in the C4-2D and R4-1 zones and are neighboring R3-1 and R4-2 zones. The attached area photos show the buildings in the area which exceed the height requirement imposed on the site (Exhibit "C"). The proposed project is compatible with the existing surrounding buildings (Exhibit "D"). As noted in the photo exhibit, most of the buildings pointed out are over ten stories. Of particular note is the office building located directly across La Brea Avenue from the project site which is 12 stories from the lowest grade and neighbors a R4-2 zone.

As previously mentioned, the density permitted on this site far exceeds what could be reasonably provided in 45-feet or three stories. Given the mix of proposed dwelling units, only about half of these units could be accommodated within the current height limits. The height 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 the property in question.

Floor Area Ratio:

The subject site is zoned C4-1VL-SN and R4-1VL. The C4 zone permits a maximum floor area ratio (FAR) of 1.5 to 1, and the R4 zone permits a maximum FAR of 3 to 1. The applicant is requesting a variance to permit a 4.1 to 1 FAR in the C4 portion of the site and to permit a 3.5 to 1 FAR in the R4 portion of the site. The adjacent property to the south of the subject property is zoned C4-4 and can

majority of the surrounding building's massing, and the height transitions are designed to be sensitive to the surrounding uses. The tallest buildings will be located along La Brea Avenue and along Marshfield Way. La Brea Avenue is designated a Major Highway. The retail uses along the La Brea frontage will define the street and emphasize the pedestrian orientation of the mixed-use project. In terms of floor area distribution, most of the floor area is located along La Brea Avenue. A higher FAR is appropriate on a Major Highway located near public transportation. The project will contribute to the public welfare by providing safe and attractive new housing as well as desirable retail uses in an area targeted for redevelopment. The granting of the height and FAR 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 property is located.

Commercial Parking and Circulation:

The proposed project is not materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. The project exhibits outstanding design qualities and features that will make it highly desirable and beneficial to the neighborhood. Because the project is mixed-use, the most efficient design is to provide parking at-grade for the commercial uses. This design provides more convenient and thus more practical parking for the commercial portion of the project.

In order to meet the anticipated parking demand, the applicant is providing 27 parking spaces as required by the L.A.M.C. Providing retail parking at-grade will enhance the public welfare and convenience. The alternative would require all of the commercial parking to be in the C4 zone. Requiring the commercial parking to be located in the C4 zone would necessitate either subterranean or above-grade retail parking which would be inconvenient for those shopping at the retail stores. The proposed project will be an improvement over the current use of the site, which consists of commercial surface parking lots and a small theater in the site's R4 district. The current use consists primarily of parked moving trucks, cars and vehicles under repair as well as used vehicle sales. These uses are less compatible with the adjacent residential zoning than the proposed project and the commercial circulation proposed in the R4 zone.

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

Height, FAR and Commercial Parking and Circulation:

The project is located in the Hollywood Community Plan Area and the Community

Redevelopment Agency Hollywood Redevelopment Area. The site is designated for Neighborhood Office Commercial land use with a corresponding zone of C4 which permits residential uses allowed in the R4 zone. The proposed location of the project on La Brea Avenue is consistent with the Hollywood Community Plan which states, "Developments combining residential and commercial uses are especially encouraged in this Center area." (The "Center Area" is defined to be included in the Hollywood Redevelopment Project area.)

The fundamental basis of the City's General Plan is to promote housing in the City's centers and along its transit corridors. This policy serves the region by locating residents in close proximity to services and in areas best served by infrastructure. The Framework Element of the General Plan contains a number of policies related to this effort.

Framework Element policies address providing additional capacity for new housing units, encouraging production of housing for households of all income levels, while at the same time preserving residential neighborhood stability and promoting livable neighborhoods by the following measures: (1) concentrating opportunities for 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; (2) providing development opportunities along boulevards along that are located near existing planned major transit facilities and are characterized by low-intensity or marginally viable commercial uses with structures that integrate commercial, housing, and or public service uses; (3) focusing mixed commercial/residential uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

The Land Use Chapter of the Framework addressed housing issues as follows:

The policies of the Land Use Chapter provide adequate amounts of residential land use and density to accommodate the projected need for housing to beyond the year 2010, both citywide and by community plan area, and additionally provide substantial opportunity for new housing to be developed as a part of mixed-use substantial opportunity for new housing to be developed as a part of mixed-use development on land designated for commercial uses. Increasing the availability of land suitable for residential development through measures such as streamlining and minimizing the review process to encourage the location of new multi-family development along commercial corridors and in mixed-use developments in designated targeted growth areas provides an opportunity to build housing with

the property. The applicant is dedicating a 17-foot wide strip along Marshfield Way which will provide an 18-foot half roadway width and nine-foot full-width sidewalks. Currently, Marshfield Way resembles an alley more than a street. There are no sidewalks or curbs and gutters and it is only partially dedicated. The properties to the north of Marshfield Way have five-foot fences built next to the pavement. The street and sidewalk improvements provided by the applicant along Marshfield Way will provide a setback from the properties to the north - Requiring a sideyard setback in the R4 portion along Marshfield Way would result in a reduction in the unit count of the project, and would cause an irregular building massing, as the C4 portion of the project located on Marshfield Way is not required to observe sideyard setbacks. The granting of the adjustments to permit one additional unit and zero-foot sideyard along Marshfield Way will result in development compatible and consistent with the surrounding multifamily and commercial uses.

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

The project is located in the Hollywood Community Plan Area and the Community Redevelopment Agency Hollywood Redevelopment Area. The site is designated for Neighborhood Office Commercial land use. The adjustment is sought to permit the 180th unit of the 180-unit condominium to be based on 160 square feet of lot area in lieu of the required 400 square feet. The 180-unit mixed-use condominium project is consistent with all elements of the General Plan, in particular; the Framework, Housing, and Land Use Elements which address how to meet the demands of the growing population in the City and the provision of housing for all levels of income. The granting of the adjustments to permit one additional condominium unit and a zero-foot sideyard along Marshfield Way will not adversely affect any element of the General Plan and will provide much needed housing.

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

As stated in findings 10 and 11, the applicant is seeking adjustments to permit the density of the 180th unit of the 180-unit condominium development to be based on 160 square feet of lot area in lieu of the required 400 square feet of lot area, and to permit a zero-foot side yard along Marshfield Way in lieu of the required 11-feet in the R4 portion of the property. The zoning regulations establish lot density factors in order to create a balance between lot size and the density of development. In this instance, the applicant would be allowed 179 units under the strict interpretation of the zoning regulations; however, in all other ways, the proposed development conforms with the zoning requirements - e.g., provision of required parking, and open space.

appropriate amenities at less cost.

The proposed height and FAR variances are requested to permit the construction of 180 condominium units and 43,700 square feet of retail space. The proposed location of the mixed-use project along a major highway, near transit, and in an area targeted for redevelopment is consistent with the goals of the Framework Element of the General Plan. The granting of the variances will not adversely affect any element of the General Plan.

ADJUSTMENT-MANDATED FINDINGS

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same.

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

The applicant is requesting two adjustments. The first is an adjustment to permit the 180th unit to be based on 160 square feet of lot area in lieu of the required 400 square feet in the R4 and C4 zones. The subject site is 71,760 net square feet, which permits 179 condominium units based on the net lot area. The proposed 180-unit condominium is 240 square feet of lot area to permit the 180th unit by-right. If the applicant was building apartments, this request would not be necessary because the density of apartments is calculated on the pre-dedication or "gross" lot area of the site not the post-dedication or "net" lot area which the density of condominiums is based on. The surrounding uses within a 500-foot radius of the subject property are zoned R3, R4 and C4. The R3 and R4 properties primarily contain multifamily dwellings containing two to 136 units. There are three properties located near the site that contain single family residences although the zoning is R3. The C4 zoned sites in the surrounding area are developed with a mixture of high-rise office buildings, motels, a single and two-story retail buildings. The subject property is the largest site in the surrounding area and as such, has the greatest development potential as far as the number of units is concerned.

The second requested adjustment is to permit a zero-foot side yard along Marshfield Way in lieu of the required 11-feet in the R4 portion of the property. There is no sideyard required in the C4 portion of the project located on Marshfield Way, just on the R4 portion. The general purpose of the zoning regulations is to provide residential setbacks in areas with similar setbacks and to protect adjacent properties. The applicant is providing all of the required yards on the remainder of

The proposed site plan is consistent with the intent of the Zoning Code, in that it adheres to all of the other required yards. It is only along the site's R4 frontage along Marshfield Way where the project is out of compliance with the L.A.M.C. requirements. The zoning regulations require setbacks from respective property lines in order to provide for buffering distance and compatibility between respective uses as well as to ensure access in the event of an emergency. However, the regulations are written on a citywide basis and do not take into account the unique characteristics of the Hollywood Redevelopment Area. In addition, the subject property encompasses 1.87 net acres of land and requires that special considerations be granted to allow for a unified development.

The Zoning Code permits adjustments from the Code when special circumstances exist, provided that the development does not result in any adverse impacts. As demonstrated in the previous findings, the proposed building will be compatible with adjacent uses and also consistent with surrounding development and does not result in any adverse impacts. The granting of the adjustments would permit the applicant to provide much needed housing in an area designated for multi-family buildings.

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

A Mitigated Negative Declaration (ENV-2005-1846-MND) was prepared for the proposed project. The granting of the adjustments to reduce the yard setback and grant an additional unit will not result in adverse impacts to the surrounding properties. The project as designed will be consistent with the surrounding development, both existing and proposed, and will result in an aesthetic improvement from the current surface parking lot, used car sales and theater located at the site. All of the project's environmental impacts will be mitigated to a less than significant level by incorporation of the proposed mitigation measures.

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

The site's irregular shape, dual zoning, and large dedication requirements make strict adherence to the zoning regulations impractical or infeasible. The shape of the property with large frontages on Marshfield Way and La Brea Avenue and their respective dedication requirements reduce the amount of developable lot area which directly impacts the setbacks that can be provided while maximizing the development of the site. Particularly, the 17-foot dedication required along Marshfield Way reduces both the net area of the lot from which the density is

calculated, and diminishes the possibility of providing a significant setback.

ADDITIONAL MANDATORY FINDINGS

- 15. Flood Hazard- The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in an area of minimal flooding.
- 16. CEQA - On June 15, 2005 the Department of City Planning issued a Mitigated Negative Declaration ENV-2005-1846-MND. This Mitigated Negative Declaration reflects the independent judgement of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street. This approval is tied to VTT-62617 which was heard at a concurrent hearing on June 22, 2005. The applicant shall comply with all mitigation measures and conditions of approval identified in that case.
- 17. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

I concur with the report prepared by Maya Zaitzevsky, Planning Staff for the Office of Zoning Administration, on this application and approve the same.

Emily Gabriel Luddy
 Emily Gabriel Luddy
 Associate Zoning Administrator

EGL:MLMZ

Maya Zaitzevsky
 City Planner
 (213)978-1416

cc: Councilmember Tom LaBonge, Fourth District
 Adjoining Property Owners
 County Assessor

- ii. Roof Lines (Sec. IV.13) - to permit a flat roof in excess of 40-feet in lieu of a roof line broken through the use of gables, dormers, plant-ons, cutouts or other means;
- iii. Privacy (Sec. IV.15) - to permit windows to face other windows across property lines or face private outdoor spaces of other residential units within the development;
- g. Section 9 (Subarea C - Community Center)
 - i. Section 9.A.3 (Mixed Use Regulations), to permit a deviation from the Pedestrian Orientation development standards of Sec. 13.07.E.5(a) of the Zoning Code to permit the building height above 40-feet to not be setback from the front lot line at a 45-degree angle for a horizontal distance of not less than 20-feet;
 - ii. Section 9.C.1 (Transitional Height), to permit a maximum 61-foot in height building (63-foot height for roof top mechanical equipment and screen) in lieu of the maximum 25-foot and 33-foot height otherwise required on Lots 1 and 2 respectively;
 - iii. Section 9.D.1 (Usable Open Space Above Grade), to permit 100% in lieu of 75% of the common and private open space to be located above the grade level;
 - iv. Section 9.E.3 (Commercial Parking), to permit 16 in lieu of the maximum 12 commercial parking spaces otherwise permitted.
- h. Section 9.I (Community Center Development Standards):
 - i. Streetscape Elements - Tree Wall Covers (Sec. V.3) - to permit 4-foot by 6-foot tree well covers in lieu of the 4-foot by 8-foot tree well covers otherwise required;
 - ii. Building Design (Sec. V.6) - to permit a maximum 61-foot in height building in lieu of a maximum 30-foot in height building within a 15-foot setback of the front property line and to allow a zero (0) foot setback of the second floor in lieu of the 10-foot setback otherwise required along Hollywood Boulevard; and to permit a flat roof line in excess of forty feet in lieu of a roof line broken through the use of gables, dormers, plant-ons, cutouts or other means;
 - iii. Privacy (Sec. V.18) - to permit buildings to be arranged with windows facing other windows across property lines or face private outdoor space of other residential units within the development;
 - iv. Required Ground Floor Uses (Sec. V.21) - to permit a residential use on the ground floor for an approximate 35-foot in length portion of the existing 250-foot Garfield Avenue frontage in lieu of the 100% commercial use otherwise required.

- 2. Approved a Zone Variance for the following:
 - a. from Section 12.21.A.7(h) of the LAMC to permit approximately 790 square feet of identification sign area, including 190 square feet of building address and identification signage and 600 square feet of retail tenant wall and projecting blade signage in the [Q]R5-1 Zone;
 - b. from Section 12.23.B.1.c.(2) of the LAMC to permit vehicular, pedestrian, and commercial uses to cross from a [Q]R5 Zone to a R3 Zone;
- 3. Approved an Adjustment to permit:
 - a. 0-foot side yards for the ground level of the building in lieu of the 8-foot side yard otherwise required by the LAMC for properties in the R3 Zone;
 - b. accessory uses (mechanical and electrical equipment) located in the R3 Zone serving the commercial uses located in the [Q]R5-2 Zone.



CENTRAL AREA PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
 www.lacity.org/PLN/index.htm

Determination Mailing Date: JAN 19 2007

CITY COUNCIL
 Room 395, City Hall

Department of Building and Safety
 201 N. Figueroa Street
 Counter B, Fourth Floor

Applicant: Larry Bond

CASE NO. APCC 2006-4763-SPE-ZV-ZAA-
 SPP-SPR

Location: 5555 Hollywood Boulevard,
 1711, 1717, 1723 Garfield Place
 Council District: 4

Plan Area: Hollywood
 Request(s): Specific Plan Exception-Zone
 Variance-Yard Adjustment-Project Permit
 Compliance-Site Plan Review

At its meeting on November 14, 2006, the Central Area Planning Commission:

- 1. Approved Specific Plan Exceptions from the following sections of the Vermont/Western Transit Oriented District Specific Plan (Ordinance 173,749):
 - a. Section 6.J (Public Street Improvements), to not require any roadway widening in conjunction with a 7-foot street dedication requirement along the Hollywood Boulevard frontage;
 - b. Section 7.A (Subarea A-Neighborhood Conversion) to permit a portion of a mixed 90-unit residential and commercial development with 43, in lieu of the 23 dwelling units permitted on Subarea A while providing 47, in lieu of the 69 dwelling units permitted on Subarea C; and to permit 43 dwelling units and accessory commercial mechanical and electrical uses on two lots that when tied together measure approximately 19,022 square feet of lot area in lieu of the maximum 15,000 square feet otherwise permitted;
 - c. Section 7.D (Transitional Height), to permit an approximately 61-foot in height building as measured along Hollywood Boulevard (approximately 44- and 52-foot in height along the northerly property line) in lieu of the 27-foot maximum height allowed (15 feet additional height as measured from the shortest existing building on an adjacent lot, a 12-foot in height garage building) and the 45-foot height limit permitted by Section 12.21.1 of the LAMC;
 - d. Section 7.E (Building Setback), to permit a 3-foot setback from the Garfield Place property line at the ground level and an 11-foot, 8-inch setback of the building face at levels 2-4 (with 6-foot in depth balcony areas), in lieu of the 11-foot, 8-inch setback maintained by the adjacent northerly building;
 - e. Section 7.F.1 (Usable Open Space Above Grade), to permit 100% of the common and private open space to be located above grade level in lieu of the maximum 50% permitted;
 - f. Section 7.I (Neighborhood Conversion Development Standards):
 - i. Street Trees (Sec. IV.4) - to permit the required 24-inch box shade trees to be located at 30-foot intervals in lieu of every 20-feet of street frontage otherwise required;

- 4. Approved Project Permit Compliance Review with the Vermont/Western Transit Oriented District Specific Plan.
- 5. Approved Site Plan Review for a project consisting of more than 50 dwelling units.
- 6. Certified Environmental Impact Report No. ENV 2004-3814-EIR.
- 7. Adopted the attached Findings.
- 8. Advised the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
- 9. Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

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

Moved	Seconded	Central Area Planning Commission	Yes	No	Absent
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Young Kim, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Franklin Acevedo, Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Renee Anderson, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Chanchanit Martorell, Commissioner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Nancy Whang, Commissioner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Vote: 3 - 1

Lourdes Sanchez
 Lourdes Sanchez, Commission Executive Assistant
 Central Area Planning Commission

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

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

Attachments: Conditions, Findings

Establishes a clean, safe, a comfortable and pedestrian oriented community environment for residents to shop in and use the public community services in the neighborhood.

Guides all development, including use, location, height and density, to assure compatibility of uses and to provide of the consideration of transportation and public facilities, aesthetics, landscaping, open space and economic and social well-being of area residents.

Promotes increased flexibility in the regulation of the height and bulk of buildings as well as the design of sites and public streets in order to ensure a well-planned combination of commercial and residential uses with adequate open space.

The proposed project will take a vacant parcel and in its place a new mixed-use project will be developed. The new use will contain residential as well as commercial uses in keeping with the pedestrian oriented objective of the General Plan Framework and the Specific Plan. Hollywood Boulevard is a major thoroughfare and the recent housing shortage has brought renewed demand on utilizing older commercial corridors as infill sites for new housing, especially in a mixed-use design.

8. **Zone Variance.** Pursuant to Section 12.27.D of the Municipal Code Zone Variance approvals are requested to permit: (1) approximately 790 square feet of identification sign area, including approximately 190 square feet of building address and identification signage and approximately 600 square feet of retail tenant wall and projecting blade signage, in the [O]R5-1 Zone, in lieu of the maximum 20 square foot of surface area for any one sign and a total 30 square feet of surface area for all signs otherwise permitted in an R zone pursuant to Sec. 12.21 A 7 (h) of the LAMC (Signage); and (2) vehicular, pedestrian and commercial uses to cross from a [O]R5-2 to the R3-1 Zone which is otherwise not permitted.
- a. *The strict application of the provisions of the zoning ordinance will result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.*

Signage. The proposed building identification signage will be located at the corner of the project above the ground floor at Hollywood Boulevard and Garfield Place, while all the retail tenant signage will be located at the ground floor level in Subarea C. Wall signs with channel letters will be located within a decorative panel above the storefront windows and comply with the SNAP Guidelines. Projecting blade signage will be pedestrian oriented and figurative signs to reflect the silhouette of particular object (e.g. a key a coffee cup, etc.) will be encouraged by the developer.

While the total surface area for all of the signs exceeds the amount of signage otherwise permitted in an R zone, the proposed signs are reasonable to identify the proposed commercial uses of the property since the signs will only be located on a portion of the property that permits commercial uses allowed in the C4 Zone. Any commercial use in the C4 Zone would be permitted approximately 1360 square feet of signage (760 square feet of signage along the Hollywood Boulevard frontage and approximately 600 square feet of signage along the Garfield Place frontage). The proposed wall signs will contain approximately half the square feet that would otherwise be permitted businesses on commercially zoned property. To not permit appropriate signage would create a hardship for the retail uses to identify their location to the general public.

The combination of land use designations, zones, height districts, SNAP Subareas and City agencies that have discretionary authority to review projects on the subject property create complexities that contribute to the special circumstances applicable to the subject property, including size, topography, location and surroundings that do not apply generally to other property in the same zone and vicinity.

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

The proposed project requires a variance for signage similar to other commercial projects that are otherwise permitted in residential zones by either a governing Specific Plan or other discretionary approval. The project also requires a variance similar to that granted in Case No. APCC 2003-2145-ZV-SPE-SPP-SPR for a mixed commercial and residential building at 1516 N. Western Avenue on property classified in a combination of zones and subareas. Such a variance has been granted for other unified projects on property classified in a combination of zones. Therefore, granting the subject requests is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which because of special circumstances and unnecessary hardships as described in Findings a and b above, is denied to the property in question.

- d. *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.*

The proposed development implements the goals and purposes of the Vermont/Western Transit Oriented District Specific Plan to encourage mixed use projects and pedestrian oriented uses along Hollywood Boulevard. The proposed signage will identify the residential building use and the neighborhood serving retail uses along Hollywood Boulevard and a portion of Garfield Place. Such signage is typical for these uses and will ensure a successful operation.

The commercial, vehicular and pedestrian uses crossing the zone lines will be imperceptible to the public. Therefore, the granting of the 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 property is located.

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

The Hollywood Community Plan designates the subject property for High Density Residential land uses corresponding to the R4 and [O]R5 Zones; and the northerly portion of the property is designated for Medium Residential land uses corresponding to the R3 Zone. The Vermont/Western Transit Oriented District Specific Plan permits commercial uses in Subarea C and would generally permit signs. However, the requested R4S4 Zone does not allow signs and the variance is necessary to provide the necessary amount of signs for the commercial component. Inasmuch as the ground floor of the mixed-use project is for commercial uses, the requested variance is appropriate for the use and will not adversely affect the General Plan and its regulations on signs. The variance to permit access within the site from a less restrictive zone to a more restrictive zone does not affect the General Plan since the proposed project is a unified development over the entire site however due to the

Crossing from a less restrictive zone [O]R5-2 to a more restrictive zone R3-1. Granting the requested variance will permit the proposed building to be constructed over a [O]R5-2 and R3-1 Zone boundary line and is reasonable since the project is a unified mixed use commercial and residential development with accessory uses, including parking areas and utility services. While the property is classified in a combination of two zones, the zone boundary line will be imperceptible to the users of the site. Strict application of the zoning ordinance would limit accessibility or restrict the design of the building.

The zoning regulations allow certain uses in respective zones in order to ensure buffering distance/compatibility between respective uses. Such regulations, however, are written on a Citywide basis and cannot take into account individual unique characteristics which a specific parcel and its intended use may have. In the instant situation, the Code's desire to achieve compatibility between respective uses and the establishment of the proposed mixed use development can be accommodated in a manner consistent with the intent and purpose of the zoning regulations because the uses will help stabilize the value of the subject and surrounding property which, fronting along the north and south sides of Hollywood Boulevard, is generally commercial in use. The scale and bulk of the project has been designed to be compatible with the built environment. Denial of the subject requests would compromise the viability of the proposed project and its goal of providing a pedestrian oriented ground floor commercial use along a designated Major Highway that is desired by the local community. In addition, strict compliance with the provisions of the zoning code would result in a development that is inconsistent with the overall goals of the General Plan Framework, Community Plan and the Vermont/Western Transit Oriented District Specific Plan. Therefore, 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.

- b. *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 or vicinity.*

The subject property is an approximately 1.1 acre, sloping, reverse corner, parcel of land, comprised of four record lots, with primary frontage along a designated Major Highway. The property is located in a combination of High Density and Medium Residential land use designations, and classified in a combination of [O]R5 and R3 Zones and a combination of Height District Nos. 1 and 2.

The subject property is also located in a combination of Subarea A and C of the SNAP. The SNAP regulations supersede Zoning Code standards and commercial uses allowed in the C4 Zone are permitted in Subarea C. Additionally, three of the four record lots are located within the adopted Hollywood Redevelopment Plan Area which designates this portion of the property for High Density Residential development.

The subject property is adjacent to a large development site proposed along the north and south sides of Hollywood Boulevard by the Community Redevelopment Agency. A Request for Proposals was issued on March 8, 2004 for a mixed residential and commercial project that also includes the historic St. Francis Hotel at the northeast corner of Hollywood Boulevard and Garfield Place and the Mayer Building at the southwest corner of Hollywood Boulevard and Western Avenue.

technical circumstance of having two different zones on one site requires the variance. The crossing of the zone boundary is not between two separate sites.

9. **Zoning Administrator's Adjustment.** Pursuant to Section 12.28.C.4 of the Municipal Code, Zoning Administrator's Adjustments are requested to permit: (1) a 0-foot side yard for the approximate 14-foot in height ground level and an 8-foot setback of the building face at levels 2-5, in lieu of the 8-foot side yard otherwise required by Sec. 12.10 C 2 of the LAMC along the westerly property boundary lines of Lots 3 and 4 of Grider and Hamilton's Garfield Place Tract, classified in the R3-1 Zone; and (2) accessory uses (mechanical and electrical equipment and parking) located in the R3 Zone serving the commercial uses located in the [O]R5-2 Zone, as not otherwise permitted by Sec. 12.21 C 5 (h) of the LAMC.

- a. *The granting of an adjustment will result in development compatible and consistent with the surrounding area.*

Side Yard. An adjustment is requested to allow a 0-foot westerly side yard setback between the ground and podium slab level for an approximate 14-foot height of the proposed building that is located in Subarea A of the SNAP. The portion of the building above the podium is parking rather than a residential use along this portion of the property; the reduced building setback will allow more parking spaces to be provided within the ground floor of the building; and, an 8-foot setback provided at the residential levels 2-5 will provide light and air to all of the units of the property.

Pursuant to the SNAP, Lots 1 and 2 of the subject property, located in Subarea C, are not required to provide any front, side or rear yards. Lots 3 and 4 of the subject property are located in Subarea A, and since the SNAP is silent regarding the provision of interior side yards, the 8-foot westerly side yard requirement of the R3 Zone is applicable to the subject Project.

The reduced setback between the ground and podium slab levels will be compatible with the adjacent residential use since there is a parking garage located along the common westerly property boundary line. Side yard setbacks in residential zones are imposed to provide natural light and air circulation for the residential uses of the property. In the instant situation, there is a parking rather than a residential use along this portion of the property; the reduced building setback will allow more parking spaces to be provided within the ground floor of the building; and, an 8-foot setback provided at the residential levels 2-5 will provide light and air to all of the units of the property.

The proposed 0-foot building setback along the westerly property line is consistent with the setbacks of other buildings fronting along Hollywood Boulevard. Therefore, the project has been designed to be compatible with the surrounding built environment.

Accessory Uses. The proposed project is a unified mixed commercial and residential development on property classified in a combination of the [O]R5 and R3 Zones. Such mixed use developments are encouraged along major transportation corridors and in proximity to Metro Rail Stations. To achieve an integrated design, accessory uses including mechanical and electrical equipment and parking may be provided on the R3 zoned portion of the property for the uses of the [O]R5 zoned portion of the property. The requirement that prohibits accessory uses on more restrictively zoned property was implemented to limit impact on the use of that portion of the property, and surrounding property. In the instant situation, this proposed building has been

designed to address the goals and purposes of the SNAP and the configuration will be compatible with surrounding uses.

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

The Hollywood Community Plan designates the subject property for High Density Residential land uses corresponding to the R4 and [O]R5 Zones; and the northerly portion of the property is designated for Medium Residential land uses corresponding to the R3 Zone. The request to permit reduced setbacks and permit accessory uses does not directly affect the General Plan. The proposed project overall complies with the land use designation of the site, and adjustments are technical issues, which are not specifically addressed in the Community Plan or other elements of the General Plan.

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

Side Yard. The zoning regulations require certain setbacks from respective property lines in order to provide buffering distance/compatibility between respective uses as well as to ensure access in the event of emergency. Such regulations, however, are written on a citywide basis and cannot take into account individual and unique characteristics that specific parcels may have.

For this site, both the Los Angeles Municipal Code and the SNAP govern the project's required setbacks. The setbacks for Lots 1 and 2 are regulated by Subarea C of the SNAP, which does not require front, side or rear yard setbacks. Subarea C also permits uses allowed in the C4 Zone and the provision requiring no setback is consistent with the regulations for commercial uses in this zone and promotes the SNAP's intent to establish projects that incorporate a pedestrian oriented design.

Subarea A of the SNAP is silent with regard to the requirements for interior side yards and rear yards. Therefore, for Lots 3 and 4, the yards requirements as provided in Sec. 12.10 C 2 of the Los Angeles Municipal Code are utilized and in this case, the requested yards are in conformance with the intent and purpose of the Los Angeles Municipal Code since there are no residential uses at ground level along the westerly property boundary line on the subject property, and, there is a one-story garage structure on the adjacent ownership along the easterly property line at this location. It is not necessary to provide a buffer since the two parking uses are compatible by their similar nature.

Accessory Uses. The Los Angeles Municipal Code limits accessory uses on more restrictive property to protect uses of the property from possible adverse impacts of uses allowed in a less restrictive zone. The proposed project is a unified mixed use development is proposed on a property in a combination of the R3-1 and [O]R5-1 Zones. The accessory uses proposed to be located on the R3 zoned portion of the site, including electrical and other utility services, and parking, would be allowed on the R3 zoned portion of the site in connection with the proposed residential condominium use of the property. Therefore, the granting of an adjustment would be in conformance with the intent and purpose of the Planning and Zoning Code of the City.

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

Side Yard. There are no adverse impacts identified in the EIR associated with the proposed 0-foot setback at ground level for an approximate 14-foot height of building along the westerly property boundary line. The setback for the building face above the podium will be the required 8-foot. There will be no balconies along this façade of the building. Since this portion of the subject site abuts the rear yard of property adjacent westerly, there will be a minimum 23-foot separation between residential uses. No adverse impact will result from a ground level portion of the proposed building to be used for parking, since Lot 3 abuts a surface parking area and Lot 4 abuts a one-story parking garage serving the multi-family residential use of the that property.

Accessory Uses. Adverse impacts as a result of the accessory uses were not identified in the project EIR. Allowing utility services and parking serving both the commercial and residential uses in the less restrictive zone and located on the more restrictively zoned portion of the property will have no adverse impact on future tenants of the proposed development or on the surrounding commercial and residential neighborhood since it will not be noticeable to the public.

- e. *The site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.*

Side Yard. The subject property is classified in a combination of two zones and located in two different subareas of the SNAP. A requirement of the SNAP is that projects also conform to the Vermont/Western Station Neighborhood Area Plan Development Standards and Design Guidelines ("Guidelines").

As stated above, Lots 1 and 2 of the subject property are located in Subarea C and, pursuant to Sec. 9.H of the SNAP, projects located in this subarea are not required to provide front, side or rear yards. Lots 3 and 4 are located in Subarea A, which regulates the setback requirement along the Garfield Place frontage of the property but does not address rear or interior side yard standards. Therefore, the regulations of the R3 Zone govern the setback requirements of the rear and interior side yards. The zoning regulations of the R3 Zone were intended to apply to multiple family developments for the purpose of providing light, air and access at the ground floor for and between residential uses, but there are no residential uses in this area of the building. For portions of the building containing residential uses, the required setback will be provided. Therefore, the strict adherence to the zoning regulations is impractical.

Accessory Uses. As noted above, the development is an integrated, mixed commercial and residential development on property classified in a combination of the [O]R5 and R3 Zones. Since there will be no impact on the tenants or neighbors by providing accessory utility and parking uses on the R3 zoned portion of the site, having to provide separate utilities for differently zoned portions of the site would make strict adherence to the zoning regulations impractical or infeasible.

10. **Specific Plan Project Permit Compliance Review.** Pursuant to Section 11.5.7.C of the Municipal Code and the Vermont/Western Transit Oriented Specific Plan, Ordinance No. 173,749:

1. *That the project substantially complies with the applicable regulations, standards, and provisions of this Specific Plan.*